

## SENATE COMMITTEE SUBSTITUTE

FOR

## HOUSE COMMITTEE SUBSTITUTE NO. 2

FOR

## HOUSE BILL NO. 495

AN ACT

To repeal sections 43.505, 84.020, 84.030, 84.100, 84.150, 84.160, 84.170, 84.175, 84.240, 84.341, 84.342, 84.343, 84.344, 84.345, 84.346, 84.347, 105.726, 211.141, 300.100, 302.304, 302.440, 302.525, 302.574, 304.012, 455.095, 513.605, 531.050, 556.061, 566.210, 566.211, 568.045, 569.170, 570.030, 574.050, 575.133, 575.150, 576.030, and 577.150, RSMo, and section 304.022 as enacted by house bill no. 1606, one hundred first general assembly, second regular session, and section 304.022 as enacted by senate bill no. 26 merged with senate bills nos. 53 & 60, one hundred first general assembly, first regular session, and to enact in lieu thereof forty new sections relating to public safety, with penalty provisions.

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

Section A. Sections 43.505, 84.020, 84.030, 84.100, 84.150, 84.160, 84.170, 84.175, 84.240, 84.341, 84.342, 84.343, 84.344, 84.345, 84.346, 84.347, 105.726, 211.141, 300.100, 302.304, 302.440, 302.525, 302.574, 304.012, 455.095, 513.605, 531.050, 556.061, 566.210, 566.211, 568.045, 569.170, 570.030, 574.050, 575.133, 575.150, 576.030, and 577.150, RSMo, and section 304.022 as enacted by house bill no. 1606, one hundred first general assembly, second regular session, and section 304.022 as enacted by senate bill no. 26 merged with senate bills nos. 53 & 60, one hundred first general assembly, first regular session, are repealed and forty new sections enacted in

lieu thereof, to be known as sections 43.505, 44.087, 84.012, 84.020, 84.030, 84.100, 84.150, 84.160, 84.170, 84.225, 84.325, 105.726, 191.1005, 211.141, 300.100, 302.304, 302.440, 302.525, 302.574, 304.012, 304.022, 304.145, 455.095, 513.605, 531.050, 556.061, 566.210, 566.211, 568.045, 569.151, 569.170, 569.175, 570.030, 574.045, 574.050, 575.133, 575.150, 576.030, 577.150, and 590.208, to read as follows:

43.505. 1. The department of public safety is hereby designated as the central repository for the collection, maintenance, analysis and reporting of crime incident activity generated by law enforcement agencies in this state. The department shall develop and operate a uniform crime reporting system that is compatible with the national uniform crime reporting system operated by the Federal Bureau of Investigation.

2. The department of public safety shall:

(1) Develop, operate and maintain an information system for the collection, storage, maintenance, analysis and retrieval of crime incident and arrest reports from Missouri law enforcement agencies;

(2) Compile the statistical data and forward such data as required to the Federal Bureau of Investigation or the appropriate Department of Justice agency in accordance with the standards and procedures of the national system;

(3) Provide the forms, formats, procedures, standards and related training or training assistance to all law enforcement agencies in the state as necessary for such agencies to report incident and arrest activity for timely inclusion into the statewide system;

(4) Annually publish a report on the nature and extent of crime and submit such report to the governor and the general assembly. Such report and other statistical reports shall be made available to state and local law enforcement

agencies and the general public through an electronic or manual medium;

(5) Maintain the privacy and security of information in accordance with applicable state and federal laws, regulations and orders; and

(6) Establish such rules and regulations as are necessary for implementing the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.

3. Every law enforcement agency in the state shall:

(1) Submit crime incident reports to the department of public safety on forms or in the format prescribed by the department; and

(2) Submit any other crime incident information which may be required by the department of public safety, including information pertaining to the immigration status of any criminal offender, indicating whether the offender is a citizen of the United States, is a lawfully present immigrant, or does not possess the information to show that he or she is a citizen of the United States or a lawfully present immigrant.

4. Any law enforcement agency that violates this section after December 31, 2021, may be ineligible to receive state or federal funds which would otherwise be paid

to such agency for law enforcement, safety or criminal justice purposes.

44.087. 1. The chief law enforcement executive for any law enforcement agency, or such executive's designee, may request assistance from a law enforcement agency of another jurisdiction, including a jurisdiction outside the state of Missouri but within the United States.

2. If a law enforcement officer makes an arrest or apprehension outside such officer's jurisdiction, the offender shall be delivered to the first available law enforcement officer who is commissioned in the jurisdiction in which the arrest was made. The officer making the initial arrest or apprehension shall assist in the preparation of any affidavits filed with the complaint or based on other evidence that there is probable cause to believe that both a crime has been committed and the defendant has committed such crime.

3. For the purpose of liability, workers' compensation, and any other employment-related matter, law enforcement officers remain employees of their respective law enforcement agency throughout any request for assistance. Qualified immunity, sovereign immunity, official immunity, and the public duty rule shall apply to the provisions of this section as interpreted by the federal and state courts of the responding agency.

4. Nothing in this section shall be construed to limit the actions of law enforcement officers or agencies conducted in accordance with section 44.095 or 44.098, or any other mutual aid agreement made under this chapter.

5. The provisions of chapter 544 are applicable to any law enforcement officers from jurisdictions located outside the state of Missouri, but within the United States, who are acting pursuant to a request made under this section.

84.012. In all cities of this state not within a county, the common council or municipal assembly of such cities may pass ordinances for preserving order; securing property and persons from violence, danger, or destruction; protecting public and private property; and promoting the interests and ensuring the good governance of the cities, but no ordinances heretofore passed, or that may hereafter be passed, by the common council or municipal assembly of the cities shall, in any manner, conflict or interfere with the powers or the exercise of the powers of the boards of police commissioners of the cities as created by section 84.020, nor shall the cities or any officer or agent of the corporation of the cities, or the mayor thereof, in any manner impede, obstruct, hinder, or interfere with the boards of police, any officer, agent, or servant thereof or thereunder.

84.020. 1. In all cities [of this state that now have, or may hereafter attain, a population of five hundred thousand inhabitants or over] not within a county, there shall be, and is hereby established, within and for said cities, a board of police commissioners, to consist of four citizen commissioners, as provided in sections 84.040 to 84.080, to be the governing body of the permanent police force pursuant to section 84.100, together with the mayor of said cities for the time being, or whosoever may be officially acting in that capacity, and said board shall annually appoint one of its members as president, [and] one member who shall act as vice president [during the absence of the president], and one member who shall act as board secretary; and such president or vice president shall be the executive officer of the board and shall act for it when the board is not in session.

2. The board shall consist of five commissioners, one of whom is the mayor of a city not within a county, one citizen commissioner appointed at the sole discretion of the governor, and three citizen commissioners appointed as provided in subdivision (2) of this subsection. Each citizen commissioner shall be a resident of a city not within a county or shall be an owner of a business that is located within a city not within a county and registered with the secretary of state, and such owner shall be a resident of this state whose primary residence is located within fifty miles of the city limits of a city not within a county. Except for the mayor, no commissioner shall be nominated for or hold any other elective or appointed political office. If any citizen commissioner is nominated for or elected to any elective or appointed political office, such commissioner shall forfeit the appointment and shall immediately vacate his or her office. The mayor of a city not within a county shall automatically be a member of the board, while the remaining inaugural commissioners shall be appointed as follows:

(1) One citizen commissioner to be appointed at the sole discretion of the governor; and

(2) The remaining three citizen commissioners may be appointed by the governor from three separate panels of candidates submitted to the governor, which shall include one candidate submitted by the mayor of a city not within a county and up to four candidates submitted by the local fraternal organizations representing the rank of police officer within the city not within a county. The number of candidates submitted by the local fraternal organizations shall be based on one selection per two hundred fifty total active members of which they represent from the St. Louis Metropolitan Police Department, not to exceed a total of

three selections per local fraternal organization. If the governor elects not to select a candidate from a panel, then the governor may appoint any resident of a city not within a county or business owner who meets the requirements provided in this subsection. As used in this subdivision, the term "local fraternal organization" means the St. Louis Police Officers' Association and the Ethical Society of Police, or any successor organization thereof.

3. Any member of the board may be removed for cause with the approval of a majority of the other board members, but such member shall first be presented with a written statement of the reasons for removal and shall have the opportunity for a hearing by the board to establish cause for removal. The decision for removal of a board member is final. However, the removed member may appeal their removal to the twenty-second judicial circuit court.

4. A majority of the board shall constitute a quorum for the transaction of business, but no action shall be taken by the board or deemed valid unless three concurring votes are cast.

5. The board shall have the power to summon and compel the attendance of witnesses before the board and to compel the production of documents and other evidence, whenever necessary in the discharge of its duties, and shall have the power to administer oaths or affirmations to any person appearing or called before it.

6. The board shall have the following powers and duties:

(1) To receive input from the chief of police, in order to formulate and approve policies governing the operation and conduct of the permanent police force pursuant to section 84.100;

(2) To appoint as a chief of police any person who shall be responsible to the board for proper execution of the policies, duties, and responsibilities established by the board for the administration of the police department, and to remove the chief pursuant to section 106.273;

(3) To hear and determine appeals from the decisions of the chief of police on disciplinary matters arising in the department, pursuant to section 590.502; however, at the time of the effective date of this act and until such time as the board adopts other investigative and disciplinary policies and procedures not inconsistent with section 590.502, discipline and investigative procedures for commissioned and civilian employees of the police force shall be regulated by rule 7 of the police manual of the police department in effect as of November 4, 2013; except that, where rule 7 is in conflict with section 590.502, the board shall comply with the requirements of section 590.502. Under no circumstances shall the board initially or hereafter adopt investigative and disciplinary procedures that do not include the summary hearing board procedures provided for in rule 7 of the police manual of the police department in effect as of November 4, 2013;

(4) To promulgate a manual of rules and regulations for the qualifications and conduct of personnel of the police department and its operation;

(5) To have such other powers and duties with respect to police administration and law enforcement as provided by statute;

(6) To regulate and license all private watchmen, private detectives, and private police serving or acting in the city and no person shall act as such without first having obtained such license. Penalties for the violation

of regulations promulgated by the board under this subsection shall be prescribed by ordinance.

84.030. 1. Beginning on [January 9, 1989, the governor of the state of Missouri, by and with the advice and consent of the senate, shall appoint the four commissioners provided for in section 84.020, and one commissioner shall be appointed for a term of one year; one commissioner shall be appointed for a term of two years; one commissioner shall be appointed for a term of three years; one commissioner shall be appointed for a term of four years] August 28, 2025, and no later than September 28, 2025, the four citizen commissioners shall be appointed as provided under section 84.020 and shall serve as follows:

(1) One citizen commissioner appointed by the governor shall serve for a term of one year; and

(2) Of the three remaining citizen commissioners selected by the governor: one shall serve for a term of two years, one shall serve for a term of three years, and one shall serve for a term of four years.

Their successors shall each be appointed for a term of four years, and said commissioners shall hold office for their term of appointment and until their successors shall have been appointed and qualified. [In case of a vacancy in said board for any cause whatsoever, it shall be filled by appointment for the unexpired term, in the same manner as in the case of original appointments. The governor shall issue commissions to the persons so appointed, designating the time for which they are appointed in case the appointment is to fill an unexpired term occasioned by death, resignation or any other cause, and whenever the term of office of any commissioner expires, the appointment of his successor shall be for four years. The commissioners now holding offices under existing laws in any city of this state to which

sections 84.010 to 84.340 apply are to hold their offices until the expiration of their terms, and their successors are duly appointed and qualified.]

2. With the exception of the citizen commissioner appointed at the sole discretion of the governor, whenever a vacancy occurs on the commission, the governor may fill the vacancy for the unexpired term from a panel of names determined by the formula established under subsection 2 of section 84.020.

84.100. To enable the boards to perform the duties imposed upon them, they are hereby authorized and required to appoint, enroll and employ [a] only one permanent police force for the cities which they shall equip and arm as they may judge necessary. [Except as provided below,] The number of patrolmen to be appointed shall [not be more than one thousand six hundred eighty-three of which number not more than two hundred fifty are to be probationary patrolmen. Any increase in the number of patrolmen authorized, in addition to that provided for above, shall be permitted upon recommendation] be determined by the board of police commissioners[, with the approval of the municipal board of estimate and apportionment. The number of turnkeys to be appointed shall be sixty-five, except that for each patrolman hereafter promoted, demoted, removed, resigned or otherwise separated from the force, an additional turnkey may be appointed, but under no circumstances shall more than one hundred fifty turnkeys be appointed. As each additional turnkey is appointed, the maximum number of patrolmen to be appointed shall be reduced accordingly so that when one hundred fifty turnkeys have been appointed, the number of patrolmen to be appointed shall not be more than one thousand five hundred ninety-eight]. The board may continue to employ as many noncommissioned police civilians, which

shall include city marshals and park rangers, as it deems necessary in order to perform the duties imposed upon it.

84.150. The total number of officers and the number of officers at each rank of the police force in each such city shall be [as follows: one chief of police with the rank of colonel; lieutenant colonels, not to exceed five in number and other such ranks and number of members within such ranks as the board from time to time deems necessary] determined by the board of police commissioners. The officers of the police force shall have commissions issued to them by the boards of police commissioners, and those heretofore and those hereafter commissioned shall serve so long as they shall faithfully perform their duties and possess the necessary mental and physical ability, and be subject to removal only for cause after a hearing by the board, who are hereby invested with exclusive jurisdiction in the premises.

84.160. 1. As of August 28, [2006] 2025, the board of police commissioners shall have the authority to compute and establish the annual salary of each member of the police force without receiving prior authorization from the general assembly, which shall not be less than the annual salary paid to any member at the time of the enactment of this act.

2. Each officer of police and patrolman whose regular assignment requires nonuniformed attire may receive, in addition to his or her salary, an allowance not to exceed three hundred sixty dollars per annum payable biweekly. Notwithstanding the provisions of subsection 1 of this section to the contrary, no additional compensation or compensatory time off for overtime, court time, or standby court time shall be paid or allowed to any officer of the rank of [sergeant] lieutenant or above. Notwithstanding any other provision of law to the contrary, nothing in this section shall prohibit the payment of additional

compensation pursuant to this subsection to officers of the ranks of sergeants and above, provided that funding for such compensation shall not:

- (1) Be paid from the general funds of either the city or the board of police commissioners of the city; or
- (2) Be violative of any federal law or other state law.

3. It is the duty of the municipal assembly or common council of the cities to make the necessary appropriation for the expenses of the maintenance of the police force governed by the board of police commissioners in the manner herein and hereafter provided[; provided, that in no event shall such municipal assembly or common council be required to appropriate for such purposes (including, but not limited to, costs of funding pensions or retirement plans) for any fiscal year a sum in excess of any limitation imposed by] for in section 84.210, except that, pursuant to subsection 2 of article X[,] of section 21[,] of the Missouri Constitution[; and provided further, that], such municipal assembly or common council [may] shall appropriate a minimum sum [in excess of such limitation for any fiscal year by an appropriations ordinance enacted in conformity with the provisions of the charter of such cities] equal to twenty-five percent of the city's general revenue to fund the police force governed by the board of police commissioners. Pension and retirement costs are excluded from the calculation of expenses for maintenance of the police force for purposes of the minimum funding requirement.

4. Notwithstanding the provisions of subsection 1 of this section to the contrary, the board of police commissioners shall pay additional compensation for all hours of service rendered by probationary patrolmen [and], patrolmen, and sergeants in excess of the established regular working period, and the rate of compensation shall

be one and one-half times the regular hourly rate of pay to which each member shall normally be entitled; except that, the court time and court standby time shall be paid at the regular hourly rate of pay to which each member shall normally be entitled. No credit shall be given or deductions made from payments for overtime for the purpose of retirement benefits.

5. Notwithstanding the provisions of subsection 1 of this section to the contrary, probationary patrolmen [and], patrolmen, and sergeants shall receive additional compensation for authorized overtime, court time and court standby time whenever the total accumulated time exceeds forty hours. The accumulated forty hours shall be taken as compensatory time off at the officer's discretion with the approval of his supervisor.

6. The allowance of compensation or compensatory time off for court standby time shall be computed at the rate of one-third of one hour for each hour spent on court standby time.

7. The board of police commissioners [may] shall effect programs to provide additional compensation to its employees for successful completion of academic work at an accredited college or university, in amounts not to exceed ten percent of their yearly salaries or for field training officer and lead officer responsibilities in amounts not to exceed three percent of their yearly salaries for field training officer responsibilities and an additional three percent of their yearly salaries for lead officer responsibilities. The board may designate up to one hundred fifty employees as field training officers and up to fifty employees as lead officers.

8. The board of police commissioners:

(1) Shall provide or contract for life insurance coverage and for insurance benefits providing health, medical and disability coverage for officers and employees of the department;

(2) Shall provide or contract for insurance coverage providing salary continuation coverage for officers and employees of the police department;

(3) Shall provide health, medical, and life insurance coverage for retired officers and employees of the police department. Health, medical and life insurance coverage shall be made available for purchase to the spouses or dependents of deceased retired officers and employees of the police department who receive pension benefits pursuant to sections 86.200 to 86.364 at the rate that such dependent's or spouse's coverage would cost under the appropriate plan if the deceased were living;

(4) May pay an additional shift differential compensation to members of the police force for evening and night tour of duty in an amount not to exceed ten percent of the officer's base hourly rate.

9. Notwithstanding the provisions of subsection 1 of this section to the contrary, the board of police commissioners shall pay additional compensation to members of the police force up to and including the rank of police officer for any full hour worked between the hours of 11:00 p.m. and 7:00 a.m., in amounts equal to [five] ten percent of the officer's base hourly pay.

10. The board of police commissioners, from time to time and in its discretion, may pay additional compensation to police officers, sergeants and lieutenants by paying commissioned officers in the aforesaid ranks for accumulated, unused vacation time. Any such payments shall be made in increments of not less than forty hours, and at

rates equivalent to the base straight-time rates being earned by said officers at the time of payment; except that, no such officer shall be required to accept payment for accumulated unused vacation time.

84.170. 1. When any vacancy shall take place in any grade of officers, it shall be filled from the next lowest grade; provided, however, that probationary patrolmen shall serve at least six months as such before being promoted to the rank of patrolman; patrolmen shall serve at least three years as such before being promoted to the rank of sergeant; sergeants shall serve at least one year as such before being promoted to the rank of lieutenant; lieutenants shall serve at least one year as such before being promoted to the rank of captain; and in no case shall the chief or assistant chief be selected from men not members of the force or below the grade of captain. Patrolmen shall serve at least three years as such before promotion to the rank of detective; the inspector shall be taken from men in the rank not below the grade of lieutenant.

2. The boards of police are hereby authorized to make all such rules and regulations, not inconsistent with sections 84.010 to 84.340, or other laws of the state, as they may judge necessary, for the appointment, employment, uniforming, discipline, trial and government of the police.

At the time of the effective date of this act and until such time as the board adopts other investigative and disciplinary policies and procedures not inconsistent with section 590.502, discipline and investigative procedures for commissioned and civilian employees of the police force shall be regulated by rule 7 of the police manual of the police department in effect as of November 4, 2013; except that, where rule 7 is in conflict with section 590.502, the board shall comply with the requirements of section

590.502. Under no circumstances shall the board initially or hereafter adopt investigative and disciplinary procedures that do not include the summary hearing board procedures provided for in rule 7 of the police manual of the police department in effect as of November 4, 2013. The said boards shall also have power to require of any officer or policeman bond with sureties when they may consider it demanded by the public interests. All lawful rules and regulations of the board shall be obeyed by the police force on pain of dismissal or such lighter punishment, either by suspension, fine, reduction or forfeiture of pay, or otherwise as the boards may adjudge.

3. The authority possessed by the board of police includes, but is not limited to, the authority to delegate portions of its powers authorized in section 84.120, including presiding over a disciplinary hearing, to a hearing officer as determined by the board.

84.225. Any officer or servant of the mayor or common council or municipal assembly of the cities, or other persons whatsoever, who forcibly resists or obstructs the execution or enforcement of any of the provisions of sections 84.012 to 84.340 or relating to the same, or who disburges or fails to disburse any money in violation thereof, or who hinders or obstructs the organization or maintenance of the board of police or the police force therein provided to be organized and maintained, or who maintains or controls any police force other than the one therein provided for, or who delays or hinders the due enforcement of sections 84.012 to 84.340 by failing or neglecting to perform the duties by such sections imposed upon him or her, shall be subject to a penalty of one thousand dollars for each offense, recoverable by the boards by action at law in the name of the state, and shall forever

thereafter be disqualified from holding or exercising any office or employment whatsoever under the mayor or common council or municipal assembly of such cities, or under sections 84.012 to 84.340, provided that nothing in this section shall be construed to interfere with the punishment, under any existing or any future laws of this state, of any criminal offense that is committed by the parties in or about the resistance, obstruction, hindrance, conspiracy, combination, or disbursement aforesaid.

84.325. 1. A transition director shall be appointed by the governor to ensure oversight of an orderly transition of the control of any municipal police force from any city not within a county to the board of police commissioners. The implementation period shall begin on August 28, 2025, and end no later than July 1, 2026. The board of police commissioners shall assume control of any municipal police force established within any city not within a county during the implementation period, according to the requirements of this section and any rules promulgated under subsection 6 of this section and as determined in coordination with the transition director, local officials, and the board of police commissioners. The purpose of these procedures and requirements is to ensure the continuity of operations of the municipal police force with minimized disruptions to the residents of any city not within a county, to provide for an orderly and appropriate transition in the governance of the police force, and to provide for an equitable employment transition for commissioned and civilian personnel.

2. Upon the assumption of control by the board of police commissioners under subsection 1 of this section, any municipal police department within any city not within a county shall convey, assign, and otherwise transfer to the board title and ownership of all indebtedness and assets,

including, but not limited to, all funds and real and personal property held in the name of or controlled by the municipal police department. Such city shall thereafter cease the operation of any police department or police force.

3. Upon the assumption of control by the board of police commissioners under subsection 1 of this section, the state shall accept responsibility, ownership, and liability as successor-in-interest for contractual obligations and other lawful obligations of the municipal police department.

4. The board of police commissioners shall initially employ, without a reduction in rank, salary, or benefits, all commissioned and civilian personnel of the municipal police department who were employed by the municipal police department immediately prior to the date the board assumed control. The board shall recognize all accrued years of service that such commissioned and civilian personnel had with the municipal police department, as well as all accrued years of service that such commissioned and civilian personnel had previously with the board of police commissioners. Such personnel shall be entitled to the same holidays, vacation, sick leave, sick bonus time, and annual step-increases they were entitled to as employees of the municipal police department.

5. The commissioned and civilian personnel who retire from service with the municipal police department before the board of police commissioners assumed control of the department under subsection 1 of this section shall continue to be entitled to the same pension benefits provided as employees of the municipal police department and the same benefits set forth in subsection 4 of this section. Any police pension system created under chapter 86 for the benefit of a police force established under sections 84.012 to 84.340 shall continue to be governed by chapter 86 and

shall apply to any comprehensive policing plan and any police force established under sections 84.012 to 84.340.  
Other than any provision that makes chapter 86 applicable to a municipal police force established under sections 84.343 to 84.346, nothing in sections 84.012 to 84.340 shall be construed as limiting or changing the rights or benefits provided under chapter 86.

6. The board of police commissioners may promulgate all necessary rules and regulations for the implementation and administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2025, shall be invalid and void.

105.726. 1. Nothing in sections 105.711 to 105.726 shall be construed to broaden the liability of the state of Missouri beyond the provisions of sections 537.600 to 537.610, nor to abolish or waive any defense at law which might otherwise be available to any agency, officer, or employee of the state of Missouri. Sections 105.711 to 105.726 do not waive the sovereign immunity of the state of Missouri.

2. The creation of the state legal expense fund and the payment therefrom of such amounts as may be necessary for the benefit of any person covered thereby are deemed

necessary and proper public purposes for which funds of this state may be expended.

3. Moneys in the state legal expense fund shall not be available for the payment of any claim or any amount required by any final judgment rendered by a court of competent jurisdiction against a board of police commissioners established under chapter 84, including the commissioners, any police officer, notwithstanding sections 84.330 and 84.710, or other provisions of law, other employees, agents, representative, or any other individual or entity acting or purporting to act on its or their behalf. Such was the intent of the general assembly in the original enactment of sections 105.711 to 105.726, and it is made express by this section in light of the decision in Wayman Smith, III, et al. v. State of Missouri, 152 S.W.3d 275. Except that the commissioner of administration shall reimburse from the legal expense fund the board of police commissioners established under [section 84.350, and any successor-in-interest established pursuant to section 84.344,] chapter 84 for liability claims otherwise eligible for payment under section 105.711 paid by such [board] boards on an equal share basis per claim up to a maximum of one million dollars per fiscal year.

4. [Subject to the provisions of subsection 2 of section 84.345,] If the representation of the attorney general is requested by a board of police commissioners [or its successor-in-interest established pursuant to section 84.344], the attorney general shall represent, investigate, defend, negotiate, or compromise all claims under sections 105.711 to 105.726 for the board of police commissioners, [its successor-in-interest pursuant to section 84.344,] any police officer, other employees, agents, representatives, or any other individual or entity acting or purporting to act

on their behalf. The attorney general may establish procedures by rules promulgated under chapter 536 under which claims must be referred for the attorney general's representation. The attorney general and the officials of the city which the police board represents [or represented] shall meet and negotiate reasonable expenses or charges that will fairly compensate the attorney general and the office of administration for the cost of the representation of the claims under this section.

5. Claims tendered to the attorney general promptly after the claim was asserted as required by section 105.716 and prior to August 28, 2005, may be investigated, defended, negotiated, or compromised by the attorney general and full payments may be made from the state legal expense fund on behalf of the entities and individuals described in this section as a result of the holding in Wayman Smith, III, et al. v. State of Missouri, 152 S.W.3d 275.

191.1005. 1. No individual or entity shall knowingly open, lease, rent, own, use, maintain, manage, operate, or control a public or private facility, site, or building for the purpose, in part or in whole, of allowing individuals to self-administer preobtained controlled substances, the possession of which by the individual is punishable under section 579.015 and is not otherwise authorized by chapters 195 and 579.

2. This section shall not apply to any health care facility licensed pursuant to chapter 197 or 198 that:

- (a) Provides medical assistance or monitoring to individuals who have self-administered controlled substances;
- (b) Provides sterile injection supplies;
- (c) Collects used hypodermic needles and syringes; or
- (d) Provides secure hypodermic needle and syringe disposal services.

3. This section shall not affect the immunity from liability provided by section 195.205 for any individual who, in good faith, seeks or obtains medical assistance for someone who is experiencing an overdose of a controlled substance or for any individual experiencing an overdose of a controlled substance who seeks medical assistance for himself or herself or is the subject of a good faith request for medical assistance for an overdose of a controlled substance.

4. As used in this section, the term "controlled substance" means a drug, substance, or immediate precursor in Schedules I through V listed in chapter 195.

211.141. 1. When a child is taken into custody as provided in section 211.131, the person taking the child into custody shall, unless it has been otherwise ordered by the court, return the child to his or her parent, guardian or legal custodian on the promise of such person to bring the child to court, if necessary, at a stated time or at such times as the court may direct. The court may also impose other conditions relating to activities of the child. If these additional conditions are not met, the court may order the child detained as provided in section 211.151. If additional conditions are imposed, the child shall be notified that failure to adhere to the conditions may result in the court imposing more restrictive conditions or ordering the detention of the child. If the person taking the child into custody believes it desirable, he may request the parent, guardian or legal custodian to sign a written promise to bring the child into court and acknowledging any additional conditions imposed on the child.

2. If the child is not released as provided in subsection 1 of this section, he or she may be conditionally released or detained in any place of detention specified in

section 211.151 but only on order of the court specifying the reason for the conditional release or the detention.

The parent, guardian or legal custodian of the child shall be notified of the terms of the conditional release or the place of detention as soon as possible.

3. The juvenile officer may conditionally release or detain a child for a period not to exceed twenty-four hours if it is impractical to obtain a written order from the court because of the unreasonableness of the hour or the fact that it is a Sunday or holiday. The conditional release shall be as provided in subsection 1 of this section, and the detention shall be as provided in section 211.151. A written record of such conditional release or detention shall be kept and a report in writing filed with the court. In the event that the judge is absent from his circuit, or is unable to act, the approval of another circuit judge of the same or adjoining circuit must be obtained as a condition or continuing the conditional release or detention of a child for more than twenty-four hours.

4. In any matter referred to the juvenile court pursuant to section 211.031, the juvenile officer shall make a risk and needs assessment of the child and, before the disposition of the matter, shall report the results of the assessment to the juvenile court. The assessment shall be written on a standardized form approved by the office of state courts administrator. The juvenile officer shall use a cumulative total of points assessed for all alleged offenses committed to determine whether the court shall order the child to be detained as provided in section 211.151.

5. The division, in cooperation with juvenile officers and juvenile courts, shall at least biennially review a

random sample of assessments of children and the disposition of each child's case to recommend assessment and disposition equity throughout the state. Such review shall identify any evidence of racial disparity in certification. Such review shall be conducted in a manner which protects the confidentiality of the cases examined.

300.100. 1. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

2. The driver of an authorized emergency vehicle may:

(1) Park or stand, irrespective of the provisions of this ordinance;

(2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(3) Exceed the maximum speed limits so long as he does not endanger life or property;

(4) Disregard regulations governing direction of movement or turning in specified directions.

3. The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of any said vehicle while in motion sounds audible signal by siren or while having at least one lighted lamp exhibiting a red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle or a flashing blue light authorized by section 307.175, except that an authorized emergency vehicle operated as a police vehicle is not required to use an audible signal or display a visual signal when the vehicle is being used to:

(1) Obtain evidence of a speeding violation on a maintained federal or state highway and where the speed limit is set by state statute;

(2) Respond to a suspected crime in progress when use of an audible or visual signal, or both, could reasonably result in the destruction of evidence or escape of a suspect; or

(3) Conduct surveillance of a vehicle or the passengers of a vehicle who are suspected of involvement in a crime.

4. The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

302.304. 1. The director shall notify by ordinary mail any operator of the point value charged against the operator's record when the record shows four or more points have been accumulated in a twelve-month period.

2. In an action to suspend or revoke a license or driving privilege under this section points shall be accumulated on the date of conviction. No case file of any conviction for a driving violation for which points may be assessed pursuant to section 302.302 may be closed until such time as a copy of the record of such conviction is forwarded to the department of revenue.

3. The director shall suspend the license and driving privileges of any person whose driving record shows the driver has accumulated eight points in eighteen months.

4. The license and driving privilege of any person whose license and driving privilege have been suspended under the provisions of sections 302.010 to 302.540 except

those persons whose license and driving privilege have been suspended under the provisions of subdivision (8) of subsection 1 of section 302.302 or has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 and who has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, and is otherwise eligible, shall be reinstated as follows:

- (1) In the case of an initial suspension, thirty days after the effective date of the suspension;
- (2) In the case of a second suspension, sixty days after the effective date of the suspension;
- (3) In the case of the third and subsequent suspensions, ninety days after the effective date of the suspension.

Unless proof of financial responsibility is filed with the department of revenue, a suspension shall continue in effect for two years from its effective date.

5. The period of suspension of the driver's license and driving privilege of any person under the provisions of subdivision (8) of subsection 1 of section 302.302 or who has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 shall be thirty days, followed by a sixty-day period of restricted driving privilege as defined in section 302.010. Upon completion of such period of restricted driving privilege, upon compliance with other requirements of law and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated. If a person, otherwise subject to the provisions of this subsection, files proof of installation with the department of revenue that any vehicle operated by such person is

equipped with a functioning, certified ignition interlock device, there shall be no period of suspension. However, in lieu of a suspension the person shall instead complete a ninety-day period of restricted driving privilege. If the person fails to maintain such proof of the device with the director of revenue as required, the restricted driving privilege shall be terminated. Upon completion of such ninety-day period of restricted driving privilege, upon compliance with other requirements of law, and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated. However, if the monthly monitoring reports during such ninety-day period indicate that the ignition interlock device has registered a confirmed blood alcohol concentration level above the alcohol setpoint established by the department of transportation or such reports indicate that the ignition interlock device has been tampered with or circumvented, then the license and driving privilege of such person shall not be reinstated until the person completes an additional thirty-day period of restricted driving privilege.

6. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, or, if applicable, if the person fails to maintain proof that any vehicle operated is equipped with a functioning, certified ignition interlock device installed pursuant to subsection 5 of this section, the person's driving privilege and license shall be resuspended.

7. The director shall revoke the license and driving privilege of any person when the person's driving record shows such person has accumulated twelve points in twelve months or eighteen points in twenty-four months or twenty-four points in thirty-six months. The revocation period of

any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303 and is otherwise eligible, shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, except as provided in subsection 2 of section 302.541, the revocation shall remain in effect for a period of two years from its effective date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, the person's license and driving privilege shall be rerevoked. Any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 shall, upon receipt of the notice of termination of the revocation from the director, pass the complete driver examination and apply for a new license before again operating a motor vehicle upon the highways of this state.

8. If, prior to conviction for an offense that would require suspension or revocation of a person's license under the provisions of this section, the person's total points accumulated are reduced, pursuant to the provisions of section 302.306, below the number of points required for suspension or revocation pursuant to the provisions of this section, then the person's license shall not be suspended or revoked until the necessary points are again obtained and accumulated.

9. If any person shall neglect or refuse to surrender the person's license, as provided herein, the director shall direct the state highway patrol or any peace or police officer to secure possession thereof and return it to the director.

10. Upon the issuance of a reinstatement or termination notice after a suspension or revocation of any person's license and driving privilege under the provisions of sections 302.010 to 302.540, the accumulated point value shall be reduced to four points, except that the points of any person serving as a member of the Armed Forces of the United States outside the limits of the United States during a period of suspension or revocation shall be reduced to zero upon the date of the reinstatement or termination of notice. It shall be the responsibility of such member of the Armed Forces to submit copies of official orders to the director of revenue to substantiate such overseas service. Any other provision of sections 302.010 to 302.540 to the contrary notwithstanding, the effective date of the four points remaining on the record upon reinstatement or termination shall be the date of the reinstatement or termination notice.

11. No credit toward reduction of points shall be given during periods of suspension or revocation or any period of driving under a limited driving privilege granted by a court or the director of revenue.

12. Any person or nonresident whose license or privilege to operate a motor vehicle in this state has been suspended or revoked under this or any other law shall, before having the license or privilege to operate a motor vehicle reinstated, pay to the director a reinstatement fee of twenty dollars which shall be in addition to all other fees provided by law.

13. Notwithstanding any other provision of law to the contrary, if after two years from the effective date of any suspension or revocation issued under this chapter, except any suspension or revocation issued under section 302.410, 302.462, or 302.574, the person or nonresident has not paid

the reinstatement fee of twenty dollars, the director shall reinstate such license or privilege to operate a motor vehicle in this state. Any person who has had his or her license suspended or revoked under section 302.410, 302.462, or 302.574, shall be required to pay the reinstatement fee.

14. No person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a violation under subdivision (8), (9) or (10) of subsection 1 of section 302.302 shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 302.010, or a program determined to be comparable by the department of mental health.

Assignment recommendations, based upon the needs assessment as described in subdivision (24) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of the county in which such assignment was given, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a like offense in the future, except that the court may modify but may not waive the assignment

to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.001 or of a person determined to have operated a motor vehicle with fifteen-hundredths of one percent or more by weight in such person's blood.

Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

15. The fees for the program authorized in subsection 14 of this section, or a portion thereof to be determined by the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee in an amount to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010 or a program determined to be comparable by the department of mental health. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health on or before the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rate established pursuant to the provisions of section 32.065, plus three percentage points. The supplemental fees and any interest received by the department of mental health pursuant to this

section shall be deposited in the mental health earnings fund which is created in section 630.053.

16. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection of said fees and interest accrued. The court shall assess attorney fees and court costs against any delinquent program.

17. Any person who has had a license to operate a motor vehicle suspended or revoked as a result of:

(1) An assessment of points for a conviction for an intoxication-related traffic offense, as defined under section 577.001, in which the person's blood alcohol content was found to be at least eight-hundredths of one percent but less than fifteen-hundredths of one percent by weight of alcohol in such person's blood and who has a prior alcohol-related enforcement contact as defined under section 302.525[,]; or

(2) An assessment of points for a conviction for an intoxication-related traffic offense, as defined under section 577.001, in which the person's blood alcohol content was found to be fifteen-hundredths of one percent or more by weight of alcohol in such person's blood

shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped

with a functioning, certified ignition interlock device as a required condition of reinstatement of the license. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device within the last three months of the six-month period of required installation of the ignition interlock device, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended until the person has completed three consecutive months with no violations as described in this section. If the person fails to maintain such proof with the director, the license shall be resuspended or revoked and the person shall be guilty of a class A misdemeanor.

302.440. In addition to any other provisions of law, a court may require that any person who is found guilty of a first intoxication-related traffic offense, as defined in section 577.001, and a court shall require that any person who is found guilty of a second or subsequent intoxication-related traffic offense, as defined in section 577.001, or any person who is found guilty of an intoxication-related traffic offense, as defined under section 577.001, in which the person's blood alcohol content was found to be fifteen-hundredths of one percent or more by weight of alcohol in such person's blood shall not operate any motor vehicle unless that vehicle is equipped with a functioning, certified ignition interlock device that the person must use

for a period of not less than six months from the date of reinstatement of the person's driver's license. In addition, any court authorized to grant a limited driving privilege under section 302.309 to any person who is found guilty of a second or subsequent intoxication-related traffic offense or to any person who is found guilty of an intoxication-related traffic offense, as defined under section 577.001, in which the person's blood alcohol content was found to be fifteen-hundredths of one percent or more by weight of alcohol in such person's blood shall require the use of an ignition interlock device on all vehicles operated by the person as a required condition of the limited driving privilege, except as provided in section 302.441. These requirements shall be in addition to any other provisions of this chapter or chapter 577 requiring installation and maintenance of an ignition interlock device. Any person required to use an ignition interlock device shall comply with such requirement subject to the penalties provided by section 577.599.

302.525. 1. The license suspension or revocation shall become effective fifteen days after the subject person has received the notice of suspension or revocation as provided in section 302.520, or is deemed to have received the notice of suspension or revocation by mail as provided in section 302.515. If a request for a hearing is received by or postmarked to the department within that fifteen-day period, the effective date of the suspension or revocation shall be stayed until a final order is issued following the hearing; provided, that any delay in the hearing which is caused or requested by the subject person or counsel representing that person without good cause shown shall not result in a stay of the suspension or revocation during the period of delay.

2. The period of license suspension or revocation under this section shall be as follows:

(1) If the person's driving record shows no prior alcohol-related enforcement contacts during the immediately preceding five years, the period of suspension shall be thirty days after the effective date of suspension, followed by a sixty-day period of restricted driving privilege as defined in section 302.010 and issued by the director of revenue. The restricted driving privilege shall not be issued until he or she has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, and is otherwise eligible. The restricted driving privilege shall indicate [whether] that a functioning, certified ignition interlock device is required as a condition of operating a motor vehicle. A copy of the restricted driving privilege shall be given to the person and such person shall carry a copy of the restricted driving privilege while operating a motor vehicle. In no case shall restricted driving privileges be issued pursuant to this section or section 302.535 until the person has completed the first thirty days of a suspension under this section. If a person otherwise subject to the provisions of this subdivision files proof of installation with the department of revenue that any vehicle that he or she operates is equipped with a functioning, certified ignition interlock device, there shall be no period of suspension. However, in lieu of a suspension the person shall instead complete a ninety-day period of restricted driving privilege. Upon completion of such ninety-day period of restricted driving privilege, compliance with other requirements of law, and filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated. However,

if the monthly monitoring reports during such ninety-day period indicate that the ignition interlock device has registered a confirmed blood alcohol concentration level above the alcohol setpoint established by the department of transportation or such reports indicate that the ignition interlock device has been tampered with or circumvented, then the license and driving privilege of such person shall not be reinstated until the person completes an additional thirty-day period of restricted driving privilege. If the person fails to maintain such proof of the device with the director of revenue as required, the restricted driving privilege shall be terminated;

(2) The period of revocation shall be one year if the person's driving record shows one or more prior alcohol-related enforcement contacts during the immediately preceding five years;

(3) In no case shall restricted driving privileges be issued under this section to any person whose driving record shows one or more prior alcohol-related enforcement contacts or to any person whose driving record shows a conviction of an intoxication-related traffic offense, as defined under section 577.001, in which the person's blood alcohol content was found to be fifteen-hundredths of one percent or more by weight of alcohol in such person's blood until the person has filed proof with the department of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of the restricted driving privilege. If the person fails to maintain such proof the restricted driving privilege shall be terminated.

3. For purposes of this section, "alcohol-related enforcement contacts" shall include any suspension or revocation under sections 302.500 to 302.540, any suspension

or revocation entered in this or any other state for a refusal to submit to chemical testing under an implied consent law, and any conviction in this or any other state for a violation which involves driving while intoxicated, driving while under the influence of drugs or alcohol, or driving a vehicle while having an unlawful alcohol concentration.

4. Where a license is suspended or revoked under this section and the person is also convicted on charges arising out of the same occurrence for a violation of section 577.010 or 577.012 or for a violation of any county or municipal ordinance prohibiting driving while intoxicated or alcohol-related traffic offense, both the suspension or revocation under this section and any other suspension or revocation arising from such convictions shall be imposed, but the period of suspension or revocation under sections 302.500 to 302.540 shall be credited against any other suspension or revocation arising from such convictions, and the total period of suspension or revocation shall not exceed the longer of the two suspension or revocation periods.

5. Any person who has had a license to operate a motor vehicle revoked under this section or suspended under this section with one or more prior alcohol-related enforcement contacts or a conviction for an intoxication-related traffic offense, as defined under section 577.001, in which the person's blood alcohol content was found to be fifteen-hundredths of one percent or more by weight of alcohol in such person's blood showing on their driver record shall be required to file proof with the director of revenue that any motor vehicle operated by that person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement. The ignition interlock

device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device within the last three months of the six-month period of required installation of the ignition interlock device, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall be extended until the person has completed three consecutive months with no violations as described in this section. If the person fails to maintain such proof with the director, the license shall be suspended or revoked, until proof as required by this section is filed with the director, and the person shall be guilty of a class A misdemeanor.

302.574. 1. If a person who was operating a vehicle refuses upon the request of the officer to submit to any chemical test under section 577.041, the officer shall, on behalf of the director of revenue, serve the notice of license revocation personally upon the person and shall take possession of any license to operate a vehicle issued by this state which is held by that person. The officer shall issue a temporary permit, on behalf of the director of revenue, which is valid for fifteen days and shall also give the person notice of his or her right to file a petition for review to contest the license revocation.

2. Such officer shall make a certified report under penalties of perjury for making a false statement to a

public official. The report shall be forwarded to the director of revenue and shall include the following:

(1) That the officer has:

(a) Reasonable grounds to believe that the arrested person was driving a motor vehicle while in an intoxicated condition; or

(b) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or

(c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was committing a violation of the traffic laws of the state, or political subdivision of the state, and such officer has reasonable grounds to believe, after making such stop, that the person had a blood alcohol content of two-hundredths of one percent or greater;

(2) That the person refused to submit to a chemical test;

(3) Whether the officer secured the license to operate a motor vehicle of the person;

(4) Whether the officer issued a fifteen-day temporary permit;

(5) Copies of the notice of revocation, the fifteen-day temporary permit, and the notice of the right to file a petition for review. The notices and permit may be combined in one document; and

(6) Any license, which the officer has taken into possession, to operate a motor vehicle.

3. Upon receipt of the officer's report, the director shall revoke the license of the person refusing to take the test for a period of one year; or if the person is a nonresident, such person's operating permit or privilege

shall be revoked for one year; or if the person is a resident without a license or permit to operate a motor vehicle in this state, an order shall be issued denying the person the issuance of a license or permit for a period of one year.

4. If a person's license has been revoked because of the person's refusal to submit to a chemical test, such person may petition for a hearing before a circuit division or associate division of the court in the county in which the arrest or stop occurred. Pursuant to local court rule promulgated pursuant to Section 15 of Article V of the Missouri Constitution, the case may also be assigned to a traffic judge pursuant to section 479.500. The person may request such court to issue an order staying the revocation until such time as the petition for review can be heard. If the court, in its discretion, grants such stay, it shall enter the order upon a form prescribed by the director of revenue and shall send a copy of such order to the director. Such order shall serve as proof of the privilege to operate a motor vehicle in this state and the director shall maintain possession of the person's license to operate a motor vehicle until termination of any revocation under this section. Upon the person's request, the clerk of the court shall notify the prosecuting attorney of the county and the prosecutor shall appear at the hearing on behalf of the director of revenue. At the hearing, the court shall determine only:

- (1) Whether the person was arrested or stopped;
- (2) Whether the officer had:
  - (a) Reasonable grounds to believe that the person was driving a motor vehicle while in an intoxicated or drugged condition; or

(b) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or

(c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was committing a violation of the traffic laws of the state, or political subdivision of the state, and such officer had reasonable grounds to believe, after making such stop, that the person had a blood alcohol content of two-hundredths of one percent or greater; and

(3) Whether the person refused to submit to the test.

5. If the court determines any issue not to be in the affirmative, the court shall order the director to reinstate the license or permit to drive.

6. Requests for review as provided in this section shall go to the head of the docket of the court wherein filed.

7. No person who has had a license to operate a motor vehicle suspended or revoked under the provisions of this section shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 302.010, or a program determined to be comparable by the department of mental health. Assignment recommendations, based upon the needs assessment as described in subdivision (24) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of the county in which such assignment was given, on a printed form provided by the state courts administrator, to have the

court hear and determine such motion under the provisions of chapter 517. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a similar offense in the future, except that the court may modify but shall not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.001, or of a person determined to have operated a motor vehicle with a blood alcohol content of fifteen-hundredths of one percent or more by weight. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted under this subsection shall not be necessary unless directed by the court.

8. The fees for the substance abuse traffic offender program, or a portion thereof, to be determined by the division of behavioral health of the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010. The administrator of the program shall remit to the division of behavioral health of the department of mental health on

or before the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due to the division of behavioral health under this section, and shall accrue at a rate not to exceed the annual rates established under the provisions of section 32.065, plus three percentage points. The supplemental fees and any interest received by the department of mental health under this section shall be deposited in the mental health earnings fund, which is created in section 630.053.

9. Any administrator who fails to remit to the division of behavioral health of the department of mental health the supplemental fees and interest for all persons enrolled in the program under this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due to the division under this section. If the supplemental fees, interest, and penalties are not remitted to the division of behavioral health of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action for the collection of said fees and accrued interest. The court shall assess attorneys' fees and court costs against any delinquent program.

10. Any person who has had a license to operate a motor vehicle revoked under this section and who has a prior alcohol-related enforcement contact, as defined in section 302.525, or who has been convicted of an intoxication-related traffic offense, as defined under section 577.001, in which the person's blood alcohol content was found to be fifteen-hundredths of one percent or more by weight of alcohol in such person's blood shall be required to file proof with the director of revenue that any motor vehicle

operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of license reinstatement. Such ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device within the last three months of the six-month period of required installation of the ignition interlock device, then the period for which the person shall maintain the ignition interlock device following the date of reinstatement shall be extended until the person has completed three consecutive months with no violations as described in this section. If the person fails to maintain such proof with the director as required by this section, the license shall be rerevoked until proof as required by this section is filed with the director, and the person shall be guilty of a class A misdemeanor.

11. The revocation period of any person whose license and driving privilege has been revoked under this section and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303 and is otherwise eligible shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, the revocation shall remain in effect for a period of two years from its effective date. If the person fails to maintain proof of

financial responsibility in accordance with chapter 303, the person's license and driving privilege shall be rerevoked.

12. A person commits the offense of failure to maintain proof with the Missouri department of revenue if, when required to do so, he or she fails to file proof with the director of revenue that any vehicle operated by the person is equipped with a functioning, certified ignition interlock device or fails to file proof of financial responsibility with the department of revenue in accordance with chapter 303. The offense of failure to maintain proof with the Missouri department of revenue is a class A misdemeanor.

304.012. 1. Every person operating a motor vehicle on the roads and highways of this state shall drive the vehicle in a careful and prudent manner and at a rate of speed so as not to endanger the property of another or the life or limb of any person and shall exercise the highest degree of care.

2. No person operating a motor vehicle on the roads and highways of this state shall perform stunt driving, as such term is defined in section 304.145.

3. Any person who violates the provisions of this section is guilty of a class B misdemeanor, unless an accident is involved then it shall be a class A misdemeanor.

**[304.022. 1. Upon the immediate approach of an emergency vehicle giving audible signal by siren or while having at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle or a flashing blue light authorized by section 307.175, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as far as possible to the right of, the traveled portion of the highway and thereupon stop and remain in such position until such emergency vehicle has**

passed, except when otherwise directed by a police or traffic officer.

2. Upon approaching a stationary vehicle displaying lighted red or red and blue lights, or a stationary vehicle displaying lighted amber or amber and white lights, the driver of every motor vehicle shall:

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

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

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

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

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

(2) A vehicle operated as an ambulance or operated commercially for the purpose of transporting emergency medical supplies or organs;

- (3) Any vehicle qualifying as an emergency vehicle pursuant to section 307.175;
- (4) Any wrecker, or tow truck or a vehicle owned and operated by a public utility or public service corporation while performing emergency service;
- (5) Any vehicle transporting equipment designed to extricate human beings from the wreckage of a motor vehicle;
- (6) Any vehicle designated to perform emergency functions for a civil defense or emergency management agency established pursuant to the provisions of chapter 44;
- (7) Any vehicle operated by an authorized employee of the department of corrections who, as part of the employee's official duties, is responding to a riot, disturbance, hostage incident, escape or other critical situation where there is the threat of serious physical injury or death, responding to mutual aid call from another criminal justice agency, or in accompanying an ambulance which is transporting an offender to a medical facility;
- (8) Any vehicle designated to perform hazardous substance emergency functions established pursuant to the provisions of sections 260.500 to 260.550;
- (9) Any vehicle owned by the state highways and transportation commission and operated by an authorized employee of the department of transportation that is marked as a department of transportation emergency response or motorist assistance vehicle; or
- (10) Any vehicle owned and operated by the civil support team of the Missouri National Guard while in response to or during operations involving chemical, biological, or radioactive materials or in support of official requests from the state of Missouri involving unknown substances, hazardous materials, or as may be requested by the appropriate state agency acting on behalf of the governor.

- 5. (1) The driver of any vehicle referred to in subsection 4 of this section shall not sound the siren thereon or have the front red lights or blue lights on except when such

vehicle is responding to an emergency call or when in pursuit of an actual or suspected law violator, or when responding to, but not upon returning from, a fire.

(2) The driver of an emergency vehicle may:

(a) Park or stand irrespective of the provisions of sections 304.014 to 304.025;

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(c) Exceed the prima facie speed limit so long as the driver does not endanger life or property;

(d) Disregard regulations governing direction of movement or turning in specified directions.

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

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

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

304.022. 1. Upon the immediate approach of an emergency vehicle giving audible signal by siren or while having at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle or a flashing blue light authorized by section 307.175, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and

as far as possible to the right of, the traveled portion of the highway and thereupon stop and remain in such position until such emergency vehicle has passed, except when otherwise directed by a police or traffic officer.

2. Upon approaching a stationary vehicle displaying lighted red or red and blue lights, or a stationary vehicle displaying lighted amber or amber and white lights, the driver of every motor vehicle shall:

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

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

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

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

(1) A vehicle operated by the state highway patrol, the state water patrol, the Missouri capitol police, a conservation agent, or a state or a county or municipal park ranger, those vehicles operated by enforcement personnel of the state highways and transportation commission, police or fire department, sheriff, constable or deputy sheriff, federal law enforcement officer authorized to carry firearms and to make arrests for violations of the laws of the United States, traffic officer, coroner, medical examiner, or

forensic investigator of the county medical examiner's office, or by a privately owned emergency vehicle company;

(2) A vehicle operated as an ambulance or operated commercially for the purpose of transporting emergency medical supplies or organs;

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

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

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

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

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

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

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

(10) Any vehicle owned and operated by the civil support team of the Missouri National Guard while in

response to or during operations involving chemical, biological, or radioactive materials or in support of official requests from the state of Missouri involving unknown substances, hazardous materials, or as may be requested by the appropriate state agency acting on behalf of the governor.

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

(2) The driver of an emergency vehicle may:

(a) Park or stand irrespective of the provisions of sections 304.014 to 304.025;

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(c) Exceed the prima facie speed limit so long as the driver does not endanger life or property;

(d) Disregard regulations governing direction of movement or turning in specified directions.

(3) The exemptions granted to an emergency vehicle pursuant to subdivision (2) of this subsection shall apply only when the driver of any such vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light or blue light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle is not required to use an

audible signal or display a visual signal when the vehicle is being used to:

- (a) Obtain evidence of a speeding violation on a maintained federal or state highway and where the speed limit is set by state statute;
- (b) Respond to a suspected crime in progress when use of an audible or visual signal, or both, could reasonably result in the destruction of evidence or escape of a suspect; or
- (c) Conduct surveillance of a vehicle or the passengers of a vehicle who are suspected of involvement in a crime.

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

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

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

- (1) "Aggravated offender", a person who has been found guilty of:
  - (a) Three or more violations of this section committed on separate occasions; or
  - (b) Two or more violations of this section committed on separate occasions where at least one of the violations the defendant was operating a vehicle and another person was injured or killed;
- (2) "Burnout", a maneuver performed while operating a motor vehicle whereby the wheels of the motor vehicle are spun, resulting in friction causing the motor vehicle's tires to heat up and emit smoke;

(3) "Chronic offender", a person who has been found guilty of:

(a) Four or more violations of this section committed on separate occasions; or

(b) Three or more violations of this section committed on separate occasions where at least one of the violations the defendant was operating a vehicle and another person was injured or killed; or

(c) Two or more violations of this section committed on separate occasions where both of the violations the defendant was operating a vehicle and another person was injured or killed;

(4) "Donut", a motor vehicle maneuver in which the front or rear of the motor vehicle is rotated around the opposite set of wheels in a motion that may cause a curved skid-mark pattern of rubber on the driving surface, or the tires to heat up and emit smoke, or both;

(5) "Drag race", the operation of two or more motor vehicles from a point side by side in a competitive attempt to outgain or outdistance each other, or the operation of one or more motor vehicles over a common selected course, for the purpose of comparing the relative speeds, power, or acceleration of such motor vehicles within a certain distance or time limit;

(6) "Drifting", a motor vehicle maneuver in which the motor vehicle is steered so that it makes a controlled skid sideways through a turn with the front wheels oriented in a direction opposite the turn;

(7) "Habitual offender", a person who has been found guilty of:

(a) Five or more violations of this section committed on separate occasions; or

(b) Four or more violations of this section committed on separate occasions where at least one of the violations the defendant was operating a vehicle and another person was injured or killed; or

(c) Three or more violations of this section committed on separate occasions where at least two of the violations the defendant was operating a vehicle and another person was injured or killed;

(8) "Highway", any public thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways, or alleys in any municipality;

(9) "Persistent offender", a person who has been found guilty of:

(a) Two or more violations of this section committed on separate occasions; or

(b) One violation of this section where the defendant was operating a vehicle and another person was injured or killed;

(10) "Prior offender", a person who has been found guilty of a violation of this section where such prior offense occurred within five years of the violation for which the person is charged;

(11) "Race", the operation of one or more motor vehicles arising from a challenge to demonstrate superiority of a motor vehicle or driver, and the acceptance of or competitive response to that challenge, either through a prior arrangement or in immediate response, in which the competitor attempts to outgain or outdistance another motor vehicle, to prevent another motor vehicle from passing, to arrive at a given destination ahead of another motor vehicle, to test the physical stamina or endurance of drivers, to exhibit speed or acceleration, or to set a speed or acceleration record;

(12) "Street takeover", the act of disrupting the regular flow of traffic for the purpose of performing, facilitating, or spectating stunt driving;

(13) "Stunt driving", to operate a motor vehicle performing a race, a drag race, a burnout, a donut, a wheelie, or drifting;

(14) "Wheelie", a motor vehicle maneuver whereby a vehicle is ridden for a distance with the front or rear wheel or wheels raised off the ground.

2. Except as otherwise permitted by law, no person shall:

(1) Perform stunt driving in connection with a street takeover; or

(2) Perform or participate in a street takeover.

3. Violation of this section shall be a class A misdemeanor for a first offense, a class E felony for a second offense, and a class D felony for a third or subsequent offense.

4. No defendant alleged and proven to be a prior offender, persistent offender, aggravated offender, chronic offender, or habitual offender shall be granted a suspended imposition of sentence or be sentenced to pay a fine in lieu of imprisonment.

5. No defendant alleged and proven to be a prior offender shall be granted probation or parole until he or she has served a minimum of ten days of imprisonment, unless as a condition of such probation or parole the person performs at least thirty days of community service under the supervision of the court in a jurisdiction that has a recognized program for community service.

6. No defendant alleged and proven to be an aggravated offender shall be eligible for probation or parole until he or she has served a minimum of thirty days of imprisonment.

7. No defendant alleged and proven to be a chronic or habitual offender shall be eligible for probation or parole until he or she has served a minimum of one year of imprisonment.

8. Prior pleas of guilty and prior findings of guilty shall be pleaded and proven in the same manner as required by section 558.021.

9. This section shall not apply to events sanctioned by a political subdivision or private entity with responsibility for maintenance and control of the portion of highway or private property on which the motor vehicle operation occurs.

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

(1) "Electronic monitoring with victim notification", an electronic monitoring system that has the capability to track and monitor the movement of a person and immediately transmit the monitored person's location to the protected person and the local law enforcement agency with jurisdiction over the protected premises through an appropriate means, including the telephone, an electronic beeper, or paging device whenever the monitored person enters the protected premises as specified in the order by the court;

(2) "Informed consent", the protected person is given the following information before consenting to participate in electronic monitoring with victim notification:

(a) The protected person's right to refuse to participate in such monitoring and the process for requesting the court to terminate his or her participation after it has been ordered;

(b) The manner in which the electronic monitoring technology functions and the risks and limitations of that technology;

(c) The boundaries imposed on the person being monitored during the electronic monitoring;

(d) The sanctions that the court may impose for violations of the order issued by the court;

(e) The procedure that the protected person is to follow if the monitored person violates an order or if the electronic monitoring equipment fails;

(f) Identification of support services available to assist the protected person in developing a safety plan to use if the monitored person violates an order or if the electronic monitoring equipment fails;

(g) Identification of community services available to assist the protected person in obtaining shelter, counseling, education, child care, legal representation, and other help in addressing the consequences and effects of domestic violence; and

(h) The nonconfidential nature of the protected person's communications with the court concerning electronic monitoring and the restrictions to be imposed upon the monitored person's movements.

2. When a person is found guilty of violating the terms and conditions of an ex parte or full order of protection under section 455.085 or 455.538, the court may, in addition to or in lieu of any other disposition:

(1) Sentence the person to electronic monitoring with victim notification; or

(2) Place the person on probation and, as a condition of such probation, order electronic monitoring with victim notification.

3. When a person charged with violating the terms and conditions of an ex parte or full order of protection under section 455.085 or 455.538 is released from custody before trial pursuant to section 544.455, the court may, as a condition of release, order electronic monitoring of the person with victim notification.

4. Electronic monitoring with victim notification shall be ordered only with the protected person's informed consent. In determining whether to place a person on electronic monitoring with victim notification, the court may hold a hearing to consider the likelihood that the person's participation in electronic monitoring will deter the person from injuring the protected person. The court shall consider the following factors:

- (1) The gravity and seriousness of harm that the person inflicted on the protected person in the commission of any act of domestic violence;
- (2) The person's previous history of domestic violence;
- (3) The person's history of other criminal acts, if any;
- (4) Whether the person has access to a weapon;
- (5) Whether the person has threatened suicide or homicide;
- (6) Whether the person has a history of mental illness or has been civilly committed; and
- (7) Whether the person has a history of alcohol or substance abuse.

5. Unless the person is determined to be indigent by the court, a person ordered to be placed on electronic monitoring with victim notification shall be ordered to pay the related costs and expenses. If the court determines the person is indigent, the person may be placed on electronic monitoring with victim notification, and the clerk of the

court in which the case was determined shall notify the department of corrections that the person was determined to be indigent and shall include in a bill to the department the costs associated with the monitoring. The department shall establish by rule a procedure to determine the portion of costs each indigent person is able to pay based on a person's income, number of dependents, and other factors as determined by the department and shall seek reimbursement of such costs.

6. An alert from an electronic monitoring device shall be probable cause to arrest the monitored person for a violation of an ex parte or full order of protection.

7. The department of corrections, department of public safety, Missouri state highway patrol, the circuit courts, and county and municipal law enforcement agencies shall share information obtained via electronic monitoring conducted pursuant to this section.

8. No supplier of a product, system, or service used for electronic monitoring with victim notification shall be liable, directly or indirectly, for damages arising from any injury or death associated with the use of the product, system, or service unless, and only to the extent that, such action is based on a claim that the injury or death was proximately caused by a manufacturing defect in the product or system.

9. Nothing in this section shall be construed as limiting a court's ability to place a person on electronic monitoring without victim notification under section 544.455 or 557.011.

10. A person shall be found guilty of the offense of tampering with electronic monitoring equipment under section 575.205 if he or she commits the actions prohibited under

such section with any equipment that a court orders the person to wear under this section.

11. The department of corrections shall promulgate rules and regulations for the implementation of subsection 5 of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.

12. The provisions of this section shall expire on August 28, 2024.

513.605. As used in sections 513.600 to 513.645, unless the context clearly indicates otherwise, the following terms mean:

(1) (a) "Beneficial interest":

a. The interest of a person as a beneficiary under any other trust arrangement pursuant to which a trustee holds legal or record title to real property for the benefit of such person; or

b. The interest of a person under any other form of express fiduciary arrangement pursuant to which any other person holds legal or record title to real property for the benefit of such person;

(b) "Beneficial interest" does not include the interest of a stockholder in a corporation or the interest of a partner in either a general partnership or limited

partnership. A beneficial interest shall be deemed to be located where the real property owned by the trustee is located;

(2) "Civil proceeding", any civil suit commenced by an investigative agency under any provision of sections 513.600 to 513.645;

(3) "Criminal activity" is the commission, attempted commission, conspiracy to commit, or the solicitation, coercion or intimidation of another person to commit any crime which is chargeable by indictment or information under the following Missouri laws:

(a) Chapter 195, relating to drug regulations;  
(b) Chapter 301, relating to registration and licensing of motor vehicles;

(c) Chapter 304, but relating only to felony violations of this chapter involving the use of a motor vehicle;

(d) Chapter 311, but relating only to felony violations of this chapter committed by persons not duly licensed by the supervisor of liquor control;

(e) Chapter 409, relating to regulation of securities;  
(f) Chapter 491, relating to witnesses;  
(g) Chapter 565, relating to offenses against the person;

[(c)] (h) Chapter 566, relating to sexual offenses;  
[(d)] (i) Chapter 567, relating to prostitution;  
(j) Chapter 568, relating to offenses against the family;

[(e)] (k) Chapter 569, relating to robbery, arson, burglary and related offenses;

[(f)] (l) Chapter 570, relating to stealing and related offenses;

[(g) Chapter 567, relating to prostitution;

(h) (m) Chapter 571, relating to weapons offenses;

(n) Chapter 572, relating to gambling;

(o) Chapter 573, relating to pornography and related offenses;

[(i) (p) Chapter 574, relating to offenses against public order;

[(j) (q) Chapter 575, relating to offenses against the administration of justice;

[(k) Chapter 491, relating to witnesses;

(l) Chapter 572, relating to gambling;

(m) Chapter 311, but relating only to felony violations of this chapter committed by persons not duly licensed by the supervisor of liquor control;

(n) Chapter 571, relating to weapons offenses;

(o) Chapter 409, relating to regulation of securities;

(p) Chapter 301, relating to registration and licensing of motor vehicles]

(r) Chapter 578, but only relating to offenses by a criminal street gang;

(4) "Criminal proceeding", any criminal prosecution commenced by an investigative agency under any criminal law of this state;

(5) "Investigative agency", the attorney general's office, or the office of any prosecuting attorney or circuit attorney;

(6) "Pecuniary value":

(a) Anything of value in the form of money, a negotiable instrument, a commercial interest, or anything else the primary significance of which is economic advantage; or

(b) Any other property or service that has a value in excess of one hundred dollars;

(7) "Real property", any estate or legal or equitable interest in land situated in this state or any interest in such real property, including, but not limited to, any lease or deed of trust upon such real property;

(8) "Seizing agency", the agency which is the primary employer of the officer or agent seizing the property, including any agency in which one or more of the employees acting on behalf of the seizing agency is employed by the state of Missouri or any political subdivision of this state;

(9) "Seizure", the point at which any law enforcement officer or agent discovers and exercises any control over property that an officer or agent has reason to believe was used or intended for use in the course of, derived from, or realized through criminal activity. Seizure includes but is not limited to preventing anyone found in possession of the property from leaving the scene of the investigation while in possession of the property;

(10) (a) "Trustee":

a. Any person who holds legal or record title to real property for which any other person has a beneficial interest; or

b. Any successor trustee or trustees to any of the foregoing persons;

(b) "Trustee" does not include the following:

a. Any person appointed or acting as a personal representative under chapter 475 or under chapter 473;

b. Any person appointed or acting as a trustee of any testamentary trust or as trustee of any indenture of trust under which any bonds are or are to be issued.

531.050. In case any person, against whom any such information in the nature of a quo warranto shall be prosecuted, shall be adjudged guilty of any usurpation of, or intrusion into, or unlawfully holding and executing any

office or franchise, it may be lawful for the court as well to give judgment of ouster against such person from any of the said offices or franchises, as to fine such person for his usurpation of, intruding into or unlawfully holding and executing any such office or franchise, and to give judgment that the relator in such information named shall recover his costs of such prosecution; and if judgment shall be given for the defendant in such information, he shall recover his costs against such relator. Any person against whom such judgment is entered, or who resigns during the pendency of such action, shall be permanently barred from holding, being appointed to, or appearing on any ballot for the office for which judgment was entered against such person.

556.061. In this code, unless the context requires a different definition, the following terms shall mean:

(1) "Access", to instruct, communicate with, store data in, retrieve or extract data from, or otherwise make any use of any resources of, a computer, computer system, or computer network;

(2) "Affirmative defense":

(a) The defense referred to is not submitted to the trier of fact unless supported by evidence; and

(b) If the defense is submitted to the trier of fact the defendant has the burden of persuasion that the defense is more probably true than not;

(3) "Burden of injecting the issue":

(a) The issue referred to is not submitted to the trier of fact unless supported by evidence; and

(b) If the issue is submitted to the trier of fact any reasonable doubt on the issue requires a finding for the defendant on that issue;

(4) "Commercial film and photographic print processor", any person who develops exposed photographic

film into negatives, slides or prints, or who makes prints from negatives or slides, for compensation. The term commercial film and photographic print processor shall include all employees of such persons but shall not include a person who develops film or makes prints for a public agency;

(5) "Computer", the box that houses the central processing unit (CPU), along with any internal storage devices, such as internal hard drives, and internal communication devices, such as internal modems capable of sending or receiving electronic mail or fax cards, along with any other hardware stored or housed internally. Thus, computer refers to hardware, software and data contained in the main unit. Printers, external modems attached by cable to the main unit, monitors, and other external attachments will be referred to collectively as peripherals and discussed individually when appropriate. When the computer and all peripherals are referred to as a package, the term "computer system" is used. Information refers to all the information on a computer system including both software applications and data;

(6) "Computer equipment", computers, terminals, data storage devices, and all other computer hardware associated with a computer system or network;

(7) "Computer hardware", all equipment which can collect, analyze, create, display, convert, store, conceal or transmit electronic, magnetic, optical or similar computer impulses or data. Hardware includes, but is not limited to, any data processing devices, such as central processing units, memory typewriters and self-contained laptop or notebook computers; internal and peripheral storage devices, transistor-like binary devices and other memory storage devices, such as floppy disks, removable

disks, compact disks, digital video disks, magnetic tape, hard drive, optical disks and digital memory; local area networks, such as two or more computers connected together to a central computer server via cable or modem; peripheral input or output devices, such as keyboards, printers, scanners, plotters, video display monitors and optical readers; and related communication devices, such as modems, cables and connections, recording equipment, RAM or ROM units, acoustic couplers, automatic dialers, speed dialers, programmable telephone dialing or signaling devices and electronic tone-generating devices; as well as any devices, mechanisms or parts that can be used to restrict access to computer hardware, such as physical keys and locks;

(8) "Computer network", two or more interconnected computers or computer systems;

(9) "Computer program", a set of instructions, statements, or related data that directs or is intended to direct a computer to perform certain functions;

(10) "Computer software", digital information which can be interpreted by a computer and any of its related components to direct the way they work. Software is stored in electronic, magnetic, optical or other digital form. The term commonly includes programs to run operating systems and applications, such as word processing, graphic, or spreadsheet programs, utilities, compilers, interpreters and communications programs;

(11) "Computer-related documentation", written, recorded, printed or electronically stored material which explains or illustrates how to configure or use computer hardware, software or other related items;

(12) "Computer system", a set of related, connected or unconnected, computer equipment, data, or software;

(13) "Confinement":

(a) A person is in confinement when such person is held in a place of confinement pursuant to arrest or order of a court, and remains in confinement until:

- a. A court orders the person's release; or
- b. The person is released on bail, bond, or recognizance, personal or otherwise; or
- c. A public servant having the legal power and duty to confine the person authorizes his release without guard and without condition that he return to confinement;

(b) A person is not in confinement if:

- a. The person is on probation or parole, temporary or otherwise; or
- b. The person is under sentence to serve a term of confinement which is not continuous, or is serving a sentence under a work-release program, and in either such case is not being held in a place of confinement or is not being held under guard by a person having the legal power and duty to transport the person to or from a place of confinement;

(14) "Consent": consent or lack of consent may be expressed or implied. Assent does not constitute consent if:

- (a) It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor; or
- (b) It is given by a person who by reason of youth, mental disease or defect, intoxication, a drug-induced state, or any other reason is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or
- (c) It is induced by force, duress or deception;

(15) "Controlled substance", a drug, substance, or immediate precursor in schedules I through V as defined in chapter 195;

(16) "Criminal negligence", failure to be aware of a substantial and unjustifiable risk that circumstances exist or a result will follow, and such failure constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation;

(17) "Custody", a person is in custody when he or she has been arrested but has not been delivered to a place of confinement;

(18) "Damage", when used in relation to a computer system or network, means any alteration, deletion, or destruction of any part of the computer system or network;

(19) "Dangerous felony", the felonies of arson in the first degree, assault in the first degree, attempted rape in the first degree if physical injury results, attempted forcible rape if physical injury results, attempted sodomy in the first degree if physical injury results, attempted forcible sodomy if physical injury results, rape in the first degree, forcible rape, sodomy in the first degree, forcible sodomy, assault in the second degree if the victim of such assault is a special victim as defined in subdivision (14) of section 565.002, kidnapping in the first degree, kidnapping, murder in the second degree, assault of a law enforcement officer in the first degree, domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree, armed criminal action, conspiracy to commit an offense when the offense is a dangerous felony, vehicle hijacking when punished as a class A felony, statutory rape in the first degree when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense, statutory

sodomy in the first degree when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense, child molestation in the first or second degree, abuse of a child if the child dies as a result of injuries sustained from conduct chargeable under section 568.060, child kidnapping, parental kidnapping committed by detaining or concealing the whereabouts of the child for not less than one hundred twenty days under section 565.153, endangering the welfare of a child in the first degree, rioting when punished as a class A or B felony, bus hijacking when punished as a class A felony, planting a bomb or explosive in or near a bus or terminal, and an "intoxication-related traffic offense" or "intoxication-related boating offense" if the person is found to be a "habitual offender" or "habitual boating offender" as such terms are defined in section 577.001;

(20) "Dangerous instrument", any instrument, article or substance, which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury;

(21) "Data", a representation of information, facts, knowledge, concepts, or instructions prepared in a formalized or other manner and intended for use in a computer or computer network. Data may be in any form including, but not limited to, printouts, microfiche, magnetic storage media, punched cards and as may be stored in the memory of a computer;

(22) "Deadly weapon", any firearm, loaded or unloaded, or any weapon from which a shot, readily capable of producing death or serious physical injury, may be discharged, or a switchblade knife, dagger, billy club, blackjack or metal knuckles;

(23) "Digital camera", a camera that records images in a format which enables the images to be downloaded into a computer;

(24) "Disability", a mental, physical, or developmental impairment that substantially limits one or more major life activities or the ability to provide adequately for one's care or protection, whether the impairment is congenital or acquired by accident, injury or disease, where such impairment is verified by medical findings;

(25) "Elderly person", a person sixty years of age or older;

(26) "Felony", an offense so designated or an offense for which persons found guilty thereof may be sentenced to death or imprisonment for a term of more than one year;

(27) "Forcible compulsion" either:

(a) Physical force that overcomes reasonable resistance; or

(b) A threat, express or implied, that places a person in reasonable fear of death, serious physical injury or kidnapping of such person or another person;

(28) "Incapacitated", a temporary or permanent physical or mental condition in which a person is unconscious, unable to appraise the nature of his or her conduct, or unable to communicate unwillingness to an act;

(29) "Infraction", a violation defined by this code or by any other statute of this state if it is so designated or if no sentence other than a fine, or fine and forfeiture or other civil penalty, is authorized upon conviction;

(30) "Inhabitable structure", a vehicle, vessel or structure:

(a) Where any person lives or carries on business or other calling; or

(b) Where people assemble for purposes of business, government, education, religion, entertainment, or public transportation; or

(c) Which is used for overnight accommodation of persons.

Any such vehicle, vessel, or structure is inhabitable regardless of whether a person is actually present. If a building or structure is divided into separately occupied units, any unit not occupied by the actor is an inhabitable structure of another;

(31) "Knowingly", when used with respect to:

(a) Conduct or attendant circumstances, means a person is aware of the nature of his or her conduct or that those circumstances exist; or

(b) A result of conduct, means a person is aware that his or her conduct is practically certain to cause that result;

(32) "Law enforcement officer", any public servant having both the power and duty to make arrests for violations of the laws of this state, and federal law enforcement officers authorized to carry firearms and to make arrests for violations of the laws of the United States;

(33) "Misdemeanor", an offense so designated or an offense for which persons found guilty thereof may be sentenced to imprisonment for a term of which the maximum is one year or less;

(34) "Of another", property that any entity, including but not limited to any natural person, corporation, limited liability company, partnership, association, governmental subdivision or instrumentality, other than the actor, has a possessory or proprietary interest therein, except that property shall not be deemed property of another who has only a security interest therein, even if legal title is in

the creditor pursuant to a conditional sales contract or other security arrangement;

(35) "Offense", any felony or misdemeanor;

(36) "Physical injury", slight impairment of any function of the body or temporary loss of use of any part of the body;

(37) "Place of confinement", any building or facility and the grounds thereof wherein a court is legally authorized to order that a person charged with or convicted of a crime be held;

(38) "Possess" or "possessed", having actual or constructive possession of an object with knowledge of its presence. A person has actual possession if such person has the object on his or her person or within easy reach and convenient control. A person has constructive possession if such person has the power and the intention at a given time to exercise dominion or control over the object either directly or through another person or persons. Possession may also be sole or joint. If one person alone has possession of an object, possession is sole. If two or more persons share possession of an object, possession is joint;

(39) "Property", anything of value, whether real or personal, tangible or intangible, in possession or in action;

(40) "Public servant", any person employed in any way by a government of this state who is compensated by the government by reason of such person's employment, any person appointed to a position with any government of this state, or any person elected to a position with any government of this state. It includes, but is not limited to, legislators, jurors, members of the judiciary and law enforcement officers. It does not include witnesses;

(41) "Purposely", when used with respect to a person's conduct or to a result thereof, means when it is his or her

conscious object to engage in that conduct or to cause that result;

(42) "Recklessly", consciously disregarding a substantial and unjustifiable risk that circumstances exist or that a result will follow, and such disregard constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation;

(43) "Serious emotional injury", an injury that creates a substantial risk of temporary or permanent medical or psychological damage, manifested by impairment of a behavioral, cognitive or physical condition. Serious emotional injury shall be established by testimony of qualified experts upon the reasonable expectation of probable harm to a reasonable degree of medical or psychological certainty;

(44) "Serious physical injury", physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body;

(45) "Services", when used in relation to a computer system or network, means use of a computer, computer system, or computer network and includes, but is not limited to, computer time, data processing, and storage or retrieval functions;

(46) "Sexual orientation", male or female heterosexuality, homosexuality or bisexuality by inclination, practice, identity or expression, or having a self-image or identity not traditionally associated with one's gender;

(47) "Vehicle", a self-propelled mechanical device designed to carry a person or persons, excluding vessels or aircraft;

(48) "Vessel", any boat or craft propelled by a motor or by machinery, whether or not such motor or machinery is a principal source of propulsion used or capable of being used as a means of transportation on water, or any boat or craft more than twelve feet in length which is powered by sail alone or by a combination of sail and machinery, and used or capable of being used as a means of transportation on water, but not any boat or craft having, as the only means of propulsion, a paddle or oars;

(49) "Voluntary act":

(a) A bodily movement performed while conscious as a result of effort or determination. Possession is a voluntary act if the possessor knowingly procures or receives the thing possessed, or having acquired control of it was aware of his or her control for a sufficient time to have enabled him or her to dispose of it or terminate his or her control; or

(b) An omission to perform an act of which the actor is physically capable. A person is not guilty of an offense based solely upon an omission to perform an act unless the law defining the offense expressly so provides, or a duty to perform the omitted act is otherwise imposed by law;

(50) "Vulnerable person", any person in the custody, care, or control of the department of mental health who is receiving services from an operated, funded, licensed, or certified program.

566.210. 1. A person commits the offense of sexual trafficking of a child in the first degree if he or she knowingly:

(1) Recruits, entices, harbors, transports, provides, or obtains by any means, including but not limited to through the use of force, abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause

financial harm, a person under the age of twelve to participate in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010, or benefits, financially or by receiving anything of value, from participation in such activities;

(2) Causes a person under the age of twelve to engage in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010; or

(3) Advertises the availability of a person under the age of twelve to participate in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010.

2. It shall not be a defense that the defendant believed that the person was twelve years of age or older.

3. The offense of sexual trafficking of a child in the first degree is a felony for which the authorized term of imprisonment is life imprisonment without eligibility for probation or parole until the offender has served not less than ~~twenty-five~~ thirty years of such sentence.

Subsection 4 of section 558.019 shall not apply to the sentence of a person who has been found guilty of sexual trafficking of a child less than twelve years of age, and "life imprisonment" shall mean imprisonment for the duration of a person's natural life for the purposes of this section.

566.211. 1. A person commits the offense of sexual trafficking of a child in the second degree if he or she knowingly:

(1) Recruits, entices, harbors, transports, provides, or obtains by any means, including but not limited to through the use of force, abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial harm, a person under the age of eighteen to

participate in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010, or benefits, financially or by receiving anything of value, from participation in such activities;

(2) Causes a person under the age of eighteen to engage in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010; or

(3) Advertises the availability of a person under the age of eighteen to participate in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010.

2. It shall not be a defense that the defendant believed that the person was eighteen years of age or older.

3. The offense of sexual trafficking of a child in the second degree is a felony punishable by imprisonment for a term of years not less than [ten] twenty-five years or life and a fine not to exceed two hundred fifty thousand dollars if the child is under the age of eighteen. If a violation of this section was effected by force, abduction, or coercion, the crime of sexual trafficking of a child shall be a felony for which the authorized term of imprisonment is life imprisonment without eligibility for probation or parole until the defendant has served not less than [twenty-five] thirty years of such sentence.

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

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

(2) Knowingly engages in sexual conduct with a person under the age of seventeen years over whom the person is a

parent, guardian, or otherwise charged with the care and custody;

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

(4) In the presence of a child less than seventeen years of age or in a residence where a child less than seventeen years of age resides, unlawfully manufactures or attempts to manufacture compounds, possesses, produces, prepares, sells, transports, tests or analyzes any of the following: fentanyl, carfentanil, amphetamine [or], methamphetamine, or any [of its analogues] analogue thereof.

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

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

(2) Involves fentanyl or carfentanil, or any analogue thereof, in which case:

(a) The person who commits the offense shall be punished by a term of imprisonment of not less than five years and not more than ten years;

(b) No court shall suspend the imposition or execution of sentence of a person who pleads guilty to or is found guilty of an offense under this subdivision;

(c) No court shall sentence such person to pay a fine in lieu of a term of imprisonment; and

(d) A person sentenced under this subdivision shall not be eligible for conditional release or parole until he or she has served at least five years of imprisonment;

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

[(3)] (4) Results in the death of a child, in which case the offense is a class A felony.

569.151. 1. A person commits the offense of trespass in the third degree if he or she enters a retail establishment or similar public place with the primary purpose of:

(1) Engaging in tumultuous or violent conduct causing damage to property;

(2) Disrupting lawful commerce in such retail establishment or similar public place;

(3) Creating the danger of serious physical injury to persons; or

(4) Threatening or adversely affecting the health or physical well-being of any individual located in or around such retail establishment or similar public place.

2. A person commits the offense of trespass in the third degree if he or she, either individually or as part of an organized campaign, sponsors, promotes, or assists in the conduct made unlawful under subsection 1 of this section.

3. The offense of trespass in the third degree is a class B misdemeanor. If it is shown that an organized campaign sponsored, promoted, or assisted in any conduct in violation of this section, in addition to the penalty imposed under this section, the organized campaign may be required to pay a civil fine not to exceed five thousand dollars.

569.170. 1. A person commits the offense of burglary in the second degree when he or she knowingly:

(1) Enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure for the purpose of committing a crime therein; or

(2) Enters unlawfully into a motor vehicle or any part of a motor vehicle with the intent to commit any felony or theft. As used in this subdivision, "enters" means a person intrudes with:

- (a) Any part of the body; or
- (b) Any physical object connected with the body.

2. The offense of burglary in the second degree is a class D felony unless committed under subdivision (2) of subsection 1 of this section and the person was in possession of a firearm or stole a firearm from the motor vehicle in which case it is a class C felony.

569.175. 1. A person commits the offense of unlawfully gaining entry into motor vehicles if the person lifts the door handles or otherwise tries the doors and locks of successive motor vehicles to gain entry into the motor vehicles unless the person is the owner of the motor vehicles or has the owners' permission to enter the motor vehicles. For purposes of this section, "successive" means lifting the door handles or otherwise trying the doors and locks of one vehicle after another.

2. The offense of unlawfully gaining entry into motor vehicles is a class E felony.

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

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

(2) Attempts to appropriate anhydrous ammonia or liquid nitrogen of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion; or

(3) For the purpose of depriving the owner of a lawful interest therein, receives, retains or disposes of property

of another knowing that it has been stolen, or believing that it has been stolen.

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

3. The offense of stealing is a class B felony if:

(1) The property appropriated or attempted to be appropriated consists of any amount of anhydrous ammonia or liquid nitrogen;

(2) The property consists of any animal considered livestock as the term livestock is defined in section 144.010, or any captive wildlife held under permit issued by the conservation commission, and the value of the animal or animals appropriated exceeds three thousand dollars and that person has previously been found guilty of appropriating any animal considered livestock or captive wildlife held under permit issued by the conservation commission.

Notwithstanding any provision of law to the contrary, such person shall serve a minimum prison term of not less than eighty percent of his or her sentence before he or she is eligible for probation, parole, conditional release, or other early release by the department of corrections;

(3) A person appropriates property consisting of a motor vehicle, watercraft, or aircraft, and that person has previously been found guilty of two stealing-related offenses committed on two separate occasions where such offenses occurred within ten years of the date of occurrence of the present offense;

(4) The property appropriated or attempted to be appropriated consists of any animal considered livestock as

the term is defined in section 144.010 if the value of the livestock exceeds ten thousand dollars; [or]

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

(6) The person appropriates property, the person's course of conduct is part of an organized retail theft, and the value of the property taken, combined with any property damage inflicted in such theft, is ten thousand dollars or more.

4. The offense of stealing is a class C felony if:

(1) The value of the property or services appropriated is twenty-five thousand dollars or more [or];

(2) The property is a teller machine or the contents of a teller machine, including cash, regardless of the value or amount; or

(3) The person appropriates property, the person's course of conduct is part of an organized retail theft, and the value of the property taken, combined with any property damage inflicted in such theft, is seven hundred fifty dollars or more but less than ten thousand dollars.

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

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

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

(3) The property appropriated consists of:

(a) Any motor vehicle, watercraft or aircraft;

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

- (c) Any credit device, debit device or letter of credit;
- (d) Any firearms;
- (e) Any explosive weapon as defined in section 571.010;
- (f) Any United States national flag designed, intended and used for display on buildings or stationary flagstaffs in the open;
- (g) Any original copy of an act, bill or resolution, introduced or acted upon by the legislature of the state of Missouri;
- (h) Any pleading, notice, judgment or any other record or entry of any court of this state, any other state or of the United States;
- (i) Any book of registration or list of voters required by chapter 115;
- (j) Any animal considered livestock as that term is defined in section 144.010;
- (k) Any live fish raised for commercial sale with a value of seventy-five dollars or more;
- (l) Any captive wildlife held under permit issued by the conservation commission;
- (m) Any controlled substance as defined by section 195.010;
- (n) Ammonium nitrate;
- (o) Any wire, electrical transformer, or metallic wire associated with transmitting telecommunications, video, internet, or voice over internet protocol service, or any other device or pipe that is associated with conducting electricity or transporting natural gas or other combustible fuels; or
- (p) Any material appropriated with the intent to use such material to manufacture, compound, produce, prepare,

test or analyze amphetamine or methamphetamine or any of their analogues.

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

(1) The property appropriated is an animal;

(2) The property is a catalytic converter;

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

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

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

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

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

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

11. The value of property or services appropriated pursuant to one scheme or course of conduct, whether from

the same or several owners and whether at the same or different times, constitutes a single criminal episode and may be aggregated in determining the grade of the offense, except as set forth in subsection 10 of this section.

12. As used in this section, the term "organized retail theft" means:

(1) Any act of stealing committed by one or more persons, as part of any agreement to steal property from any business, and separate acts of stealing that are part of any ongoing agreement to steal may be aggregated for the purpose of determining value regardless of whether such acts are committed in the same jurisdiction or at the same time;

(2) Any act of receiving or possessing any property that has been taken or stolen in violation of subdivision (1) of this subsection while knowing or having reasonable grounds to believe the property is stolen from any business in violation of this section, and separate acts of receiving or possessing such stolen property that are part of any ongoing agreement to receive or possess such stolen property may be aggregated for the purpose of determining value regardless of whether such acts are committed in the same jurisdiction or at the same time; or

(3) Any act of organizing, supervising, financing, leading, or managing between one or more persons to engage for profit in a scheme or course of conduct to effectuate or intend to effectuate the transfer or sale of property stolen from any business in violation of this section, and separate acts of organizing, supervising, financing, leading, or managing between one or more persons to engage for profit in a scheme or course of conduct to effectuate or intend to effectuate the transfer or sale of such stolen property that are part of any ongoing agreement to organize, supervise, finance, lead, or manage between one or more persons to

engage for profit in a scheme or course of conduct to effectuate or intend to effectuate the transfer or sale of such stolen property may be aggregated for the purpose of determining the value regardless of whether such acts are committed in the same jurisdiction or at the same time.

13. If any prosecuting attorney or circuit attorney makes a request in writing to the attorney general, the attorney general shall have the authority to commence and prosecute the offense of stealing if such offense involves organized retail theft, and any other offenses that directly arise from or causally occur as a result of an alleged violation of the offense of stealing involving organized retail theft, in each or any county or a city not within a county in which the offense occurred with the same power and authority granted to prosecuting attorneys in section 56.060 and circuit attorneys in section 56.450, except that all costs and fees of such prosecution by the attorney general shall be paid by the state and not by any county or local government.

14. No provision of this section shall grant any additional power to the attorney general beyond commencement and prosecution of offenses as authorized in this section.

574.045. 1. A person commits the offense of unlawful traffic interference if, with the intention to impede vehicular traffic, the person walks, stands, sits, kneels, lies, or places an object in such a manner as to block passage by a vehicle on any public street, highway, or interstate highway. This section shall not apply to the blocking of passage by any person who has permission to do so from a government authority, who is a law enforcement officer, or who does so to direct traffic away from hazardous road conditions, an obstacle, or a scene of an accident.

2. The offense of unlawful traffic interference is an infraction, unless it is a second offense, in which case it is a class A misdemeanor. Any third or subsequent offense of unlawful traffic interference is a class E felony.

574.050. 1. A person commits the offense of rioting if he or she knowingly assembles with six or more other persons [and agrees with such persons to violate any of the criminal laws of this state or of the United States with force or violence], and thereafter, while still so assembled, [does violate any of said laws with force or violence] violates any of the criminal laws of this state or of the United States.

2. The offense of rioting is a class [A misdemeanor] D felony. A second or subsequent conviction under this section shall be a class C felony.

575.133. 1. A person commits the offense of filing a nonconsensual common law lien if he or she files a document that purports to assert a lien against the assets, real or personal, of any person and that, regardless of any self-description:

(1) Is not expressly provided for by a specific state or federal statute;

(2) Does not depend upon the consent of the owner of the property affected or the existence of a contract for its existence; and

(3) Is not an equitable or constructive lien imposed by a state or federal court of competent jurisdiction.

2. This section shall not apply to a filing officer as defined in section 428.105 that is acting in the scope of his or her employment.

3. The offense of filing a nonconsensual common law lien is a class B misdemeanor, unless it is a second offense, in which case it is a class A misdemeanor. Any

third or subsequent offense of filing a nonconsensual common law lien is a class E felony. Any person convicted of a third or subsequent offense of filing a nonconsensual common law lien shall be considered a persistent offender, as such term is defined in section 558.016.

575.150. 1. A person commits the offense of resisting or interfering with arrest, detention, or stop if he or she knows or reasonably should know that a law enforcement officer is making an arrest or attempting to lawfully detain or stop an individual or vehicle, and for the purpose of preventing the officer from effecting the arrest, stop or detention, he or she:

(1) Resists the arrest, stop or detention of such person by using or threatening the use of violence or physical force or by fleeing from such officer; or

(2) Interferes with the arrest, stop or detention of another person by using or threatening the use of violence, physical force or physical interference.

2. This section applies to:

(1) Arrests, stops, or detentions, with or without warrants;

(2) Arrests, stops, or detentions, for any offense, infraction, or ordinance violation; and

(3) Arrests for warrants issued by a court or a probation and parole officer.

3. A person is presumed to be fleeing a vehicle stop if he or she continues to operate a motor vehicle after he or she has seen or should have seen clearly visible emergency lights or has heard or should have heard an audible signal emanating from the law enforcement vehicle pursuing him or her.

4. It is no defense to a prosecution pursuant to subsection 1 of this section that the law enforcement

officer was acting unlawfully in making the arrest. However, nothing in this section shall be construed to bar civil suits for unlawful arrest.

5. The offense of resisting or interfering with an arrest is a class E felony for an arrest for a:

- (1) Felony;
- (2) Warrant issued for failure to appear on a felony case; or
- (3) Warrant issued for a probation violation on a felony case.

The offense of resisting an arrest, detention or stop in violation of subdivision (1) or (2) of subsection 1 of this section is a class A misdemeanor, unless the person fleeing creates a substantial risk of serious physical injury or death to any person, in which case it is a class E felony.

6. In the case of an offense under this section that is subject to punishment as a class E felony, any vehicle used in violation of this section shall be impounded and forfeited pursuant to section 82.1000 and sections 513.600 to 513.645.

576.030. 1. A person commits the offense of obstructing government operations if he or she purposely obstructs, impairs, hinders or perverts the performance of a governmental function by the use or threat of violence, force, or other physical interference or obstacle.

2. The offense of obstructing government operations is a class **[B]** A misdemeanor if the person threatens violence, force, or other physical interference or obstacle. The offense of obstructing government operations is a class E felony if the person uses violence, force, or other physical interference or obstacle.

577.150. 1. A person commits the offense of tampering with a water supply if he or she purposely:

(1) Poisons, defiles, or in any way corrupts the water of a well, spring, brook, or reservoir used for domestic or municipal purposes; or

(2) Diverts, dams up, and holds back from its natural course and flow any spring, brook, or other water supply for domestic or municipal purposes, after said water supply shall have once been taken for use by any person or persons, corporation, town, or city for their use.

2. The offense of tampering with a water supply is a class E felony when the offense is a violation of subdivision (1) of subsection 1 of this section and is a class A misdemeanor when the offense is a violation of subdivision (2) of subsection 1 of this section.

590.208. 1. There is hereby established the "Committee on School Safety" within the department of public safety.

2. The committee shall consist of the following members:

(1) Up to three representatives of the department of public safety, one of whom shall be a representative of the Missouri State Emergency Management Agency;

(2) A representative of the Missouri Sheriff's Association;

(3) A representative of the Missouri Municipal League;

(4) A representative of the department of elementary and secondary education; and

(5) A representative of the Missouri School Boards' Association's Center for Education Safety.

3. One member who represents the department of public safety shall serve as chair of the committee.

4. Members of the committee shall serve without compensation but may be reimbursed for actual expenses

necessary to the performance of their official duties for the committee.

5. The committee shall meet at least four times per year, and at least once per calendar quarter, to evaluate and establish guidelines for school safety concerns, including plans to prevent and improve responses to school firearm violence.

6. Except as provided in section 610.021, all meetings of the committee shall be open to the public.

7. The committee shall submit a report in writing to the governor, president pro tempore of the senate, and speaker of the house of representatives on an annual basis.

[84.175. 1. Upon recommendation of the chief of police, the board may authorize and provide for the organization of a police reserve force composed of members who receive a service retirement under the provisions of sections 86.200 to 86.366 and who qualify under the provisions of section 84.120. Such reserve force shall be under the command of the chief of police and shall be provided training, equipment, uniforms, and arms as the chief shall direct with the approval of the board. Members of the reserve force shall possess all of the powers of regular police officers and shall be subject to all laws and regulations applicable to police officers; provided, however, that the city council or other governing body of any such city may in its discretion fix a total in number which the reserve force may not exceed.]

2. In event of riot or other emergencies as declared and defined by the mayor, in concurrence with the board, the board, upon recommendation of the chief, may appoint special officers or patrolmen for temporary service in addition to the police reserve force herein provided for, but the length of time for which such officers or patrolmen shall be employed shall be limited to the time during which such emergency shall exist.]

[84.240. The board of police commissioners shall establish the Bertillon system of identification of criminals and others by means of anthropometric indications, and they are further required to employ such additional assistance as may be necessary to properly conduct and manage this department.]

[84.341. No elected or appointed official of the state or any political subdivision thereof shall act or refrain from acting in any manner to impede, obstruct, hinder, or otherwise interfere with any member of a municipal police force established under sections 84.343 to 84.346 in the performance of his or her job duties, or with any aspect of any investigation arising from the performance of such job duties. This section shall not be construed to prevent such officials from acting within the normal course and scope of their employment or from acting to implement sections 84.343 to 84.346. Any person who violates this section shall be liable for a penalty of two thousand five hundred dollars for each offense and shall forever be disqualified from holding any office or employment whatsoever with the governmental entity the person served at the time of the violation. The penalty shall not be paid by the funds of any committee as the term committee is defined in section 130.011. This section shall not be construed to interfere with the punishment, under any laws of this state, of a criminal offense committed by such officials, nor shall this section apply to duly appointed members of the municipal police force, or their appointing authorities, whose conduct is otherwise provided for by law.]

[84.342. 1. It shall be an unlawful employment practice for an official, employee, or agent of a municipal police force established under sections 84.343 to 84.346 to discharge, demote, reduce the pay of, or otherwise retaliate against an employee of the municipal police force for reporting to any superior, government agency, or the press the conduct of

another employee that the reporting employee believes, in good faith, is illegal.

2. Any employee of the municipal police force may bring a cause of action for general or special damages based on a violation of this section.]

[84.343. 1. Subject to the provisions of sections 84.344 to 84.346, any city not within a county may establish a municipal police force for the purposes of:

(1) Preserving the public peace, welfare, and order;

(2) Preventing crime and arresting suspected offenders;

(3) Enforcing the laws of the state and ordinances of the city;

(4) Exercising all powers available to a police force under generally applicable state law; and

(5) Regulating and licensing all private watchmen, private detectives, and private policemen serving or acting as such in said city.

2. Any person who acts as a private watchman, private detective, or private policeman in said cities without having obtained a written license from said cities is guilty of a class A misdemeanor.]

[84.344. 1. Notwithstanding any provisions of this chapter to the contrary, any city not within a county may establish a municipal police force on or after July 1, 2013, according to the procedures and requirements of this section. The purpose of these procedures and requirements is to provide for an orderly and appropriate transition in the governance of the police force and provide for an equitable employment transition for commissioned and civilian personnel.

2. Upon the establishment of a municipal police force by a city under sections 84.343 to 84.346, the board of police commissioners shall convey, assign, and otherwise transfer to the city title and ownership of all indebtedness and assets, including, but not limited to, all funds and real and personal property held in the name

of or controlled by the board of police commissioners created under sections 84.010 to 84.340. The board of police commissioners shall execute all documents reasonably required to accomplish such transfer of ownership and obligations.

3. If the city establishes a municipal police force and completes the transfer described in subsection 2 of this section, the city shall provide the necessary funds for the maintenance of the municipal police force.

4. Before a city not within a county may establish a municipal police force under this section, the city shall adopt an ordinance accepting responsibility, ownership, and liability as successor-in-interest for contractual obligations, indebtedness, and other lawful obligations of the board of police commissioners subject to the provisions of subsection 2 of section 84.345.

5. A city not within a county that establishes a municipal police force shall initially employ, without a reduction in rank, salary, or benefits, all commissioned and civilian personnel of the board of police commissioners created under sections 84.010 to 84.340 that were employed by the board immediately prior to the date the municipal police force was established. Such commissioned personnel who previously were employed by the board may only be involuntarily terminated by the city not within a county for cause. The city shall also recognize all accrued years of service that such commissioned and civilian personnel had with the board of police commissioners. Such personnel shall be entitled to the same holidays, vacation, and sick leave they were entitled to as employees of the board of police commissioners.

6. Commissioned and civilian personnel of a municipal police force established under this section shall not be subject to a residency requirement of retaining a primary residence in a city not within a county but may be required to maintain a primary residence located within a one-hour response time.

7. The commissioned and civilian personnel who retire from service with the board of police commissioners before the establishment of a municipal police force under subsection 1 of this section shall continue to be entitled to the same pension benefits provided under chapter 86 and the same benefits set forth in subsection 5 of this section.

8. If the city not within a county elects to establish a municipal police force under this section, the city shall establish a separate division for the operation of its municipal police force. The civil service commission of the city may adopt rules and regulations appropriate for the unique operation of a police department. Such rules and regulations shall reserve exclusive authority over the disciplinary process and procedures affecting commissioned officers to the civil service commission; however, until such time as the city adopts such rules and regulations, the commissioned personnel shall continue to be governed by the board of police commissioner's rules and regulations in effect immediately prior to the establishment of the municipal police force, with the police chief acting in place of the board of police commissioners for purposes of applying the rules and regulations. Unless otherwise provided for, existing civil service commission rules and regulations governing the appeal of disciplinary decisions to the civil service commission shall apply to all commissioned and civilian personnel. The civil service commission's rules and regulations shall provide that records prepared for disciplinary purposes shall be confidential, closed records available solely to the civil service commission and those who possess authority to conduct investigations regarding disciplinary matters pursuant to the civil service commission's rules and regulations. A hearing officer shall be appointed by the civil service commission to hear any such appeals that involve discipline resulting in a suspension of greater than fifteen days, demotion, or termination, but the civil service commission

shall make the final findings of fact, conclusions of law, and decision which shall be subject to any right of appeal under chapter 536.

9. A city not within a county that establishes and maintains a municipal police force under this section:

(1) Shall provide or contract for life insurance coverage and for insurance benefits providing health, medical, and disability coverage for commissioned and civilian personnel of the municipal police force to the same extent as was provided by the board of police commissioners under section 84.160;

(2) Shall provide or contract for medical and life insurance coverage for any commissioned or civilian personnel who retired from service with the board of police commissioners or who were employed by the board of police commissioners and retire from the municipal police force of a city not within a county to the same extent such medical and life insurance coverage was provided by the board of police commissioners under section 84.160;

(3) Shall make available medical and life insurance coverage for purchase to the spouses or dependents of commissioned and civilian personnel who retire from service with the board of police commissioners or the municipal police force and deceased commissioned and civilian personnel who receive pension benefits under sections 86.200 to 86.366 at the rate that such dependent's or spouse's coverage would cost under the appropriate plan if the deceased were living; and

(4) May pay an additional shift differential compensation to commissioned and civilian personnel for evening and night tours of duty in an amount not to exceed ten percent of the officer's base hourly rate.

10. A city not within a county that establishes a municipal police force under sections 84.343 to 84.346 shall establish a transition committee of five members for the purpose of: coordinating and implementing the transition of authority, operations, assets, and obligations from the board of police

commissioners to the city; winding down the affairs of the board; making nonbinding recommendations for the transition of the police force from the board to the city; and other related duties, if any, established by executive order of the city's mayor. Once the ordinance referenced in this section is enacted, the city shall provide written notice to the board of police commissioners and the governor of the state of Missouri. Within thirty days of such notice, the mayor shall appoint three members to the committee, two of whom shall be members of a statewide law enforcement association that represents at least five thousand law enforcement officers. The remaining members of the committee shall include the police chief of the municipal police force and a person who currently or previously served as a commissioner on the board of police commissioners, who shall be appointed to the committee by the mayor of such city.]

[84.345. 1. Except as required for the board of police commissioners to conclude its affairs and pursue legal claims and defenses, upon the establishment of a municipal police force, the terms of office of the commissioners of the board of police created under sections 84.020 and 84.030 shall expire, and the provisions of sections 84.010 to 84.340 shall not apply to any city not within a county or its municipal police force as of such date. The board shall continue to operate, if necessary, to wind down the board's affairs until the transfer of ownership and obligations under subsection 2 of section 84.344 has been completed. During such time, the board of police commissioners shall designate and authorize its secretary to act on behalf of the board for purposes of performing the board's duties and any other actions incident to the transfer and winding down of the board's affairs.

2. For any claim, lawsuit, or other action arising out of actions occurring before the date of completion of the transfer provided under subsection 2 of section 84.344, the state shall

continue to provide legal representation as set forth in section 105.726, and the state legal expense fund shall continue to provide reimbursement for such claims under section 105.726. This subsection applies to all claims, lawsuits, and other actions brought against any commissioner, police officer, employee, agent, representative, or any individual or entity acting or purporting to act on its or their behalf.

3. Notwithstanding any other provision of law, rule, or regulation to the contrary, any city not within a county that establishes a municipal police force under sections 84.343 to 84.346 shall not be restricted or limited in any way in the selection of a police chief or chief of the division created under subsection 8 of section 84.344.

4. It shall be the duty of the sheriff for any city not within a county, whenever called upon by the police chief of the municipal police force, to act under the police chief's control for the preservation of the public peace and quiet; and, whenever the exigency or circumstances may, in the police chief's judgment, warrant it, said police chief shall have the power to assume the control and command of all local and municipal conservators of the peace of the city, whether sheriff, constable, policemen or others, and they shall act under the orders of the said police chief and not otherwise.]

[84.346. Any police pension system created under chapter 86 for the benefit of a police force established under sections 84.010 to 84.340 shall continue to be governed by chapter 86, and shall apply to any police force established under section 84.343 to 84.346. Other than any provision that makes chapter 86 applicable to a municipal police force established under section 84.343 to 84.346, nothing in sections 84.343 to 84.346 shall be construed as limiting or changing the rights or benefits provided under chapter 86.]

**[84.347. Notwithstanding the provisions of section 1.140 to the contrary, the provisions of sections 84.343 to 84.346 shall be nonseverable. If any provision of sections 84.343 to 84.346 is for any reason held to be invalid, such decision shall invalidate all of the remaining provisions of this act.]**