

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE SUBSTITUTE

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FOR

HOUSE BILLS NOS. 3068 & 3049

AN ACT

To repeal sections 43.500, 43.503, 43.506, 43.509, 43.527, 43.530, 43.533, 43.650, 43.651, 84.570, 190.142, 191.480, 287.243, 302.304, 302.440, 302.525, 302.574, 304.822, 527.270, 558.041, 566.150, 569.086, 570.010, 573.010, 573.550, 577.010, 579.022, 579.065, 579.068, 589.400, 589.401, 589.402, 589.403, 589.404, 589.405, 589.407, 589.410, 589.414, 589.415, 589.417, 632.305, 632.489, 632.492, 632.495, 632.504, 632.520, and 650.240, RSMo, section 190.142 as enacted by house bill nos. 2273, 1946, 1814 & 2551, one hundred third general assembly, second regular session, section 589.400 as enacted by house bill nos. 2273, 1946, 1814 & 2551, one hundred third general assembly, second regular session, and section 589.414 as enacted by house bill nos. 2273, 1946, 1814 & 2551, one hundred third general assembly, second regular session, and to enact in lieu thereof fifty-seven new sections relating to public safety, with penalty provisions.

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

Section A. Sections 43.500, 43.503, 43.506, 43.509, 43.527, 43.530, 43.533, 43.650, 43.651, 84.570, 190.142, 191.480, 287.243, 302.304, 302.440, 302.525, 302.574, 304.822, 527.270, 558.041, 566.150, 569.086, 570.010, 573.010, 573.550,

577.010, 579.022, 579.065, 579.068, 589.400, 589.401, 589.402, 589.403, 589.404, 589.405, 589.407, 589.410, 589.414, 589.415, 589.417, 632.305, 632.489, 632.492, 632.495, 632.504, 632.520, and 650.240, RSMo, section 190.142 as enacted by house bill nos. 2273, 1946, 1814 & 2551, one hundred third general assembly, second regular session, section 589.400 as enacted by house bill nos. 2273, 1946, 1814 & 2551, one hundred third general assembly, second regular session, and section 589.414 as enacted by house bill nos. 2273, 1946, 1814 & 2551, one hundred third general assembly, second regular session, are repealed and fifty-seven new sections enacted in lieu thereof, to be known as sections 43.500, 43.503, 43.506, 43.509, 43.527, 43.530, 84.570, 190.142, 191.479, 191.480, 287.243, 301.287, 302.304, 302.440, 302.525, 302.574, 304.822, 320.405, 407.3007, 527.270, 537.039, 537.043, 558.041, 566.150, 569.086, 569.117, 569.119, 570.010, 570.137, 573.010, 573.550, 573.570, 577.010, 579.022, 579.065, 579.068, 589.400, 589.401, 589.403, 589.404, 589.405, 589.407, 589.410, 589.411, 589.412, 589.413, 589.414, 589.415, 589.417, 630.1170, 632.305, 632.489, 632.492, 632.495, 632.504, 632.520, and 650.240, to read as follows:

43.500. As used in sections 43.500 to [43.651] 43.600, the following terms mean:

(1) "Administration of criminal justice", performance of any of the following activities: detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The administration of criminal justice shall include the screening of employees or applicants seeking employment with criminal justice agencies, criminal identification activities, and the collection, storage, and dissemination of criminal history information, including

fingerprint searches, photographs, and other unique biometric identification;

(2) "Central repository", the division within the Missouri state highway patrol responsible for compiling and disseminating complete and accurate criminal history records and statistics;

(3) "Committee", criminal records and justice information advisory committee;

(4) "Comparable ordinance violation", a violation of an ordinance having all the essential elements of a statutory felony or a class A misdemeanor;

(5) "Criminal history record information", information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, sentencing, correctional supervision, and release;

(6) "Final disposition", the formal conclusion of a criminal proceeding at whatever stage it occurs in the criminal justice system;

(7) "Missouri charge code", a unique number assigned by the office of state courts administrator to an offense for tracking and grouping offenses. Beginning January 1, 2005, the complete charge code shall consist of digits assigned by the office of state courts administrator, the two-digit national crime information center modifiers and a single digit designating attempt, accessory, or conspiracy. The only exception to the January 1, 2005, date shall be the courts that are not using the statewide court automation case management pursuant to section 476.055; the effective date will be as soon thereafter as economically feasible for all other courts;

(8) "State offense cycle number", a unique number, supplied by or approved by the Missouri state highway patrol, on the state criminal fingerprint card. The offense cycle number, OCN, is used to link the identity of a person, through unique biometric identification, to one or many offenses for which the person is arrested or charged. The OCN will be used to track an offense incident from the date of arrest to the final disposition when the offender exits from the criminal justice system;

(9) "Unique biometric identification", automated methods of recognizing and identifying an individual based on a physiological characteristic. Biometric identification methods may include but are not limited to facial recognition, fingerprints, palm prints, hand geometry, iris recognition, and retinal scan.

43.503. 1. For the purpose of maintaining complete and accurate criminal history record information, all police officers of this state, the clerk of each court, the department of corrections, the sheriff of each county, the chief law enforcement official of a city not within a county and the prosecuting attorney of each county or the circuit attorney of a city not within a county shall submit certain criminal arrest, charge, and disposition information to the central repository for filing without undue delay in the form and manner required by sections 43.500 to [43.651] 43.600.

2. All law enforcement agencies making misdemeanor and felony arrests as determined by section 43.506 shall furnish without undue delay, to the central repository, fingerprints, photograph, and if available, any other unique biometric identification collected, charges, appropriate charge codes, and descriptions of all persons who are arrested for such offenses on standard fingerprint forms

supplied or approved by the highway patrol or electronically in a format and manner approved by the highway patrol and in compliance with the standards set by the Federal Bureau of Investigation in its Automated Fingerprint Identification System or its successor program. All such agencies shall also notify the central repository of all decisions not to refer such arrests for prosecution. An agency making such arrests may enter into arrangements with other law enforcement agencies for the purpose of furnishing without undue delay such fingerprints, photograph, and if available, any other unique biometric identification collected, charges, appropriate charge codes, and descriptions to the central repository upon its behalf.

3. In order for the Missouri office of prosecution services to maintain complete and accurate statewide reports as required by section 56.750, on or before January 1, 2028, and thereafter, all police officers of this state, the sheriff and each deputy sheriff of each county, and the chief law enforcement official of a city not within a county and his or her officers shall submit referrals for any traffic violation, ordinance violation, or misdemeanor or felony offense referred to a prosecuting or circuit attorney in the form and manner approved by the Missouri office of prosecution services as required by subdivision (7) of subsection 1 of section 56.750. At a minimum, any referral to a prosecuting attorney or circuit attorney for a felony offense shall include a probable cause statement and an investigative report. Any law enforcement agency that violates this subsection shall be ineligible to receive state or federal funds that would otherwise be paid to such agency for law enforcement, safety, or criminal justice purposes.

4. In instances where an individual less than seventeen years of age and not currently certified as an adult is taken into custody for an offense which would be a felony if committed by an adult, the arresting officer shall take fingerprints for the central repository. These fingerprints shall be taken on fingerprint cards supplied by or approved by the highway patrol or transmitted electronically in a format and manner approved by the highway patrol and in compliance with the standards set by the Federal Bureau of Investigation in its Automated Fingerprint Identification System or its successor program. The fingerprint cards shall be so constructed that the name of the juvenile should not be made available to the central repository. The individual's name and the unique number associated with the fingerprints and other pertinent information shall be provided to the court of jurisdiction by the agency taking the juvenile into custody. The juvenile's fingerprints and other information shall be forwarded to the central repository and the courts without undue delay. The fingerprint information from the card shall be captured and stored in the automated fingerprint identification system operated by the central repository. In the event the fingerprints are found to match other tenprints or unsolved latent prints, the central repository shall notify the submitting agency who shall notify the court of jurisdiction as per local agreement. Under section 211.031, in instances where a juvenile over fifteen and one-half years of age is alleged to have violated a state or municipal traffic ordinance or regulation, which does not constitute a felony, and the juvenile court does not have jurisdiction, the juvenile shall not be fingerprinted unless certified as an adult.

5. Upon certification of the individual as an adult, the certifying court shall order a law enforcement agency to immediately fingerprint and photograph the individual and certification papers will be forwarded to the appropriate law enforcement agency with the order for fingerprinting. The law enforcement agency shall submit such fingerprints, photograph, and certification papers to the central repository within fifteen days and shall furnish the offense cycle number associated with the fingerprints to the prosecuting attorney or the circuit attorney of a city not within a county and to the clerk of the court ordering the subject fingerprinted. If the juvenile is acquitted of the crime and is no longer certified as an adult, the prosecuting attorney shall notify within fifteen days the central repository of the change of status of the juvenile. Records of a child who has been fingerprinted and photographed after being taken into custody shall be closed records as provided under section 610.100 if a petition has not been filed within thirty days of the date that the child was taken into custody; and if a petition for the child has not been filed within one year of the date the child was taken into custody, any records relating to the child concerning the alleged offense may be expunged under the procedures in sections 610.122 to 610.126.

6. The prosecuting attorney of each county or the circuit attorney of a city not within a county or the municipal prosecuting attorney shall notify the central repository on standard forms supplied by the highway patrol or in a manner approved by the highway patrol of his or her decision to not file a criminal charge on any charge referred to such prosecuting attorney or circuit attorney for criminal charges. All records forwarded to the central repository and the courts by prosecutors or circuit

attorneys as required by sections 43.500 to 43.530 shall include the state offense cycle number of the offense, the charge code for the offense, and the originating agency identifier number of the reporting prosecutor, using such numbers as assigned by the highway patrol.

7. The clerk of the courts of each county or city not within a county or municipal court clerk shall furnish the central repository, on standard forms supplied by the highway patrol or in a manner approved by the highway patrol, with a record of all charges filed, including all those added subsequent to the filing of a criminal court case, amended charges, and all final dispositions of cases for which the central repository has a record of an arrest or a record of fingerprints reported pursuant to sections 43.500 to 43.506. Such information shall include, for each charge:

(1) All judgments of not guilty, acquittals on the ground of mental disease or defect excluding responsibility, judgments or pleas of guilty including the sentence, if any, or probation, if any, pronounced by the court, nolle pros, discharges, releases and dismissals in the trial court;

(2) Court orders filed with the clerk of the courts which reverse a reported conviction or vacate or modify a sentence;

(3) Judgments terminating or revoking a sentence to probation, supervision or conditional release and any resentencing after such revocation; and

(4) The offense cycle number of the offense, and the originating agency identifier number of the sentencing court, using such numbers as assigned by the highway patrol.

8. The clerk of the courts of each county or city not within a county shall furnish, to the department of corrections or department of mental health, court judgment

and sentence documents and the state offense cycle number and the charge code of the offense which resulted in the commitment or assignment of an offender to the jurisdiction of the department of corrections or the department of mental health if the person is committed pursuant to chapter 552. This information shall be reported to the department of corrections or the department of mental health at the time of commitment or assignment. If the offender was already in the custody of the department of corrections or the department of mental health at the time of such subsequent conviction, the clerk shall furnish notice of such subsequent conviction to the appropriate department by certified mail, return receipt requested, or in a manner and format mutually agreed to, within fifteen days of such disposition.

9. Information and fingerprints, photograph and if available, any other unique biometric identification collected, forwarded to the central repository, normally obtained from a person at the time of the arrest, may be obtained at any time the subject is in the criminal justice system or committed to the department of mental health. A law enforcement agency or the department of corrections may fingerprint, photograph, and capture any other unique biometric identification of the person unless collecting other unique biometric identification of the person is not financially feasible for the law enforcement agency, and obtain the necessary information at any time the subject is in custody. If at the time of any court appearance, the defendant has not been fingerprinted and photographed for an offense in which a fingerprint and photograph is required by statute to be collected, maintained, or disseminated by the central repository, the court shall order a law enforcement agency or court marshal to fingerprint and photograph

immediately the defendant. The order for fingerprints shall contain the offense, charge code, date of offense, and any other information necessary to complete the fingerprint card. The law enforcement agency or court marshal shall submit such fingerprints, photograph, and if available, any other unique biometric identification collected, to the central repository without undue delay and within thirty days and shall furnish the offense cycle number associated with the fingerprints to the prosecuting attorney or the circuit attorney of a city not within a county and to the court clerk of the court ordering the subject fingerprinted.

10. The department of corrections and the department of mental health shall furnish the central repository with all information concerning the receipt, escape, execution, death, release, pardon, parole, commutation of sentence, granting of executive clemency, legal name change, or discharge of an individual who has been sentenced to that department's custody for any offenses which are mandated by law to be collected, maintained or disseminated by the central repository. All records forwarded to the central repository by the department as required by sections 43.500 to ~~[43.651]~~ 43.600 shall include the offense cycle number of the offense, and the originating agency identifier number of the department using such numbers as assigned by the highway patrol.

43.506. 1. Those offenses considered reportable for the purposes of sections 43.500 to ~~[43.651]~~ 43.600 include all felonies; class A misdemeanors; all violations for driving under the influence of drugs or alcohol; any offense that can be enhanced to a class A misdemeanor or higher for subsequent violations; and comparable ordinance violations consistent with the reporting standards established by the National Crime Information Center, Federal Bureau of

Investigation, for the Federal Interstate Identification Index System; and all cases arising under chapter 566. The following types of offenses shall not be considered reportable for the purposes of sections 57.403, 43.500 to ~~[43.651]~~ 43.600, and 595.200 to 595.218: nonspecific charges of suspicion or investigation, general traffic violations and all misdemeanor violations of the state wildlife code. All offenses considered reportable shall be reviewed annually and noted in the Missouri charge code manual established in section 43.512. All information collected pursuant to sections 43.500 to ~~[43.651]~~ 43.600 shall be available only as set forth in section 610.120.

2. Law enforcement agencies, court clerks, prosecutors and custody agencies may report required information by electronic medium either directly to the central repository or indirectly to the central repository via other criminal justice agency computer systems in the state with the approval of the highway patrol, based upon standards established by the advisory committee.

3. In addition to the repository of fingerprint records for individual offenders and applicants, the central repository of criminal history and identification records for the state shall maintain a repository of latent prints, palm prints and other unique biometric identification submitted to the repository.

43.509. The director of the department of public safety shall, in accordance with the provisions of chapter 536, establish such rules and regulations as are necessary to implement the provisions of sections 43.500 to ~~[43.651]~~ 43.600. All collection and dissemination of criminal history information shall be in compliance with chapter 610 and applicable federal laws or regulations. Such rules shall relate to the collection of criminal history

information from or dissemination of such information to criminal justice, noncriminal justice, and private agencies or citizens both in this and other states. No rule or portion of a rule promulgated under the authority of sections 43.500 to [43.651] 43.600 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

43.527. For purposes of sections 43.500 to [43.651] 43.600, all federal and nonstate of Missouri agencies and persons shall pay for criminal records checks, fingerprint searches, and any of the information as defined in subdivision (5) of section 43.500, when such information is not related to the administration of criminal justice. There shall be no charge for information supplied to criminal justice agencies for the administration of criminal justice. For purposes of sections 43.500 to [43.651] 43.600, the administration of criminal justice is defined in subdivision (1) of section 43.500 and shall be available only as set forth in section 610.120.

43.530. 1. For each request requiring the payment of a fee received by the central repository, the requesting entity shall pay a fee of not more than nine dollars per request for criminal history record information not based on a fingerprint search. In each year beginning on or after January 1, 2010, the superintendent may increase the fee paid by requesting entities by an amount not to exceed one dollar per year, however, under no circumstance shall the fee paid by requesting entities exceed fifteen dollars per request.

2. For each request requiring the payment of a fee received by the central repository, the requesting entity shall pay a fee of not more than twenty dollars per request for criminal history record information based on a

fingerprint search, unless the request is required under the provisions of subdivision (6) of section 210.481, section 210.487, or section 571.101, in which case the fee shall be fourteen dollars.

3. A request made under subsections 1 and 2 of this section shall be limited to check and search on one individual. Each request shall be accompanied by a check, warrant, voucher, money order, or electronic payment payable to the state of Missouri-criminal record system or payment shall be made in a manner approved by the highway patrol. The highway patrol may establish procedures for receiving requests for criminal history record information for classification and search for fingerprints, from courts and other entities, and for the payment of such requests. There is hereby established by the treasurer of the state of Missouri a fund to be entitled as the "Criminal Record System Fund". Notwithstanding the provisions of section 33.080 to the contrary, if the moneys collected and deposited into this fund are not totally expended annually for the purposes set forth in sections 43.500 to [43.651] 43.600, the unexpended moneys in such fund shall remain in the fund and the balance shall be kept in the fund to accumulate from year to year.

84.570. 1. No person shall be appointed policeman or officer of police who shall have been convicted of any offense, the punishment of which may be confinement in the state penitentiary; nor shall any person be appointed who is not proven to be of good character, or who is not proven to be a bona fide citizen of the United States, or who cannot read and write the English language and who does not possess ordinary physical strength and courage, nor shall any person be originally appointed to said police force who is less than twenty-one years of age. Notwithstanding any other

provision of law, the board shall have the sole authority to determine conditions of employment for police officers pursuant to section 84.460.

2. In the interest of efficiency and public safety, law enforcement officers, as such term is defined in 29 U.S.C. Section 630 or any successor statute, shall be separated from service on the last day of the month in which the employee becomes sixty-five years of age or reaches thirty-five years of creditable service, as such term is defined in subdivision (8) of section 86.900, whichever occurs [later] first.

3. The board shall from time to time require open competitive examinations or tests for determining the qualifications and fitness of all applicants for appointment to positions on the police force. Such examinations and tests shall be practical and shall relate to matters which fairly measure the relative fitness of the candidates to discharge the duties of the positions to which they seek to be appointed. Notice of such examinations and tests shall be given not less than ten days in advance thereof by public advertisement in at least one newspaper of general circulation in such city, and by posting notice in the police headquarters building. A list of those qualifying in such examinations shall be established, listing those qualified in order of rank. When an appointment is to be made, the appointment shall be made from such eligible list.

4. The board shall also establish rules for:

(1) Temporary employment for not exceeding sixty days in the absence of any eligible list;

(2) Hours of work of police employees and officers subject to the provisions of section 84.510; and

(3) Attendance regulations and leaves of absence.

[190.142. 1. (1) For applications submitted before the recognition of EMS personnel licensure interstate compact under sections 190.900 to 190.939 takes effect, the department shall, within a reasonable time after receipt of an application, cause such investigation as it deems necessary to be made of the applicant for an emergency medical technician's license.

(2) For applications submitted after the recognition of EMS personnel licensure interstate compact under sections 190.900 to 190.939 takes effect, an applicant for initial licensure as an emergency medical technician in this state shall submit to a background check by the Missouri state highway patrol and the Federal Bureau of Investigation through a process approved by the department of health and senior services. Such processes may include the use of vendors or systems administered by the Missouri state highway patrol. The department may share the results of such a criminal background check with any emergency services licensing agency in any member state, as that term is defined under section 190.900, in recognition of the EMS personnel licensure interstate compact. The department shall not issue a license until the department receives the results of an applicant's criminal background check from the Missouri state highway patrol and the Federal Bureau of Investigation, but, notwithstanding this subsection, the department may issue a temporary license as provided under section 190.143. Any fees due for a criminal background check shall be paid by the applicant.

(3) The director may authorize investigations into criminal records in other states for any applicant.

2. The department shall issue a license to all levels of emergency medical technicians, for a period of five years, if the applicant meets the requirements established pursuant to sections 190.001 to 190.245 and the rules adopted by the department pursuant to sections 190.001 to 190.245. The department may

promulgate rules relating to the requirements for an emergency medical technician including but not limited to:

(1) Age requirements;

(2) Emergency medical technician and paramedic education and training requirements based on respective National Emergency Medical Services Education Standards and any modification to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245;

(3) Paramedic accreditation requirements. Paramedic training programs shall be accredited as required by the National Registry of Emergency Medical Technicians;

(4) Initial licensure testing requirements. Initial paramedic licensure testing shall be through the national registry of EMTs;

(5) **[Continuing education and relicensure requirements]**

(a) The department shall require each emergency medical technician, as defined in section 190.100, advanced emergency medical technician, as defined in section 190.100, and paramedic, as defined in section 190.100, to complete a one-time four-hour course of training on sex and human trafficking as a condition of relicensure;

(b) The training may be conducted online, shall be consistent with the guidelines established in section 210.1505, and shall be available at no cost to the personnel identified in this section and all ambulance services and fire departments. The training may be counted toward elective topics as determined by the department, provided that the content is approved by the department as established by regulation;

(c) This requirement shall apply to any relicensure with an effective date after March 31, 2027. The department shall promulgate any rules necessary to implement and document compliance with this requirement;

(d) This provision shall expire December 31, 2032; and

(6) Ability to speak, read and write the English language.

3. Application for all levels of emergency medical technician license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems necessary to make a determination as to whether the emergency medical technician meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. All levels of emergency medical technicians may perform only that patient care which is:

(1) Consistent with the training, education and experience of the particular emergency medical technician; and

(2) Ordered by a physician or set forth in protocols approved by the medical director.

5. No person shall hold themselves out as an emergency medical technician or provide the services of an emergency medical technician unless such person is licensed by the department.

6. 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, 2002, shall be invalid and void.]

190.142. 1. (1) For applications submitted before the recognition of EMS personnel licensure interstate compact under sections 190.900 to 190.939 takes effect, the department shall, within a reasonable time after receipt of

an application, cause such investigation as it deems necessary to be made of the applicant for an emergency medical technician's license.

(2) For applications submitted after the recognition of EMS personnel licensure interstate compact under sections 190.900 to 190.939 takes effect, an applicant for initial licensure as an emergency medical technician in this state shall submit to a background check by the Missouri state highway patrol and the Federal Bureau of Investigation through a process approved by the department of health and senior services. Such processes may include the use of vendors or systems administered by the Missouri state highway patrol. The department may share the results of such a criminal background check with any emergency services licensing agency in any member state, as that term is defined under section 190.900, in recognition of the EMS personnel licensure interstate compact. The department shall not issue a license until the department receives the results of an applicant's criminal background check from the Missouri state highway patrol and the Federal Bureau of Investigation, but, notwithstanding this subsection, the department may issue a temporary license as provided under section 190.143. Any fees due for a criminal background check shall be paid by the applicant.

(3) The director may authorize investigations into criminal records in other states for any applicant.

2. The department shall issue a license to all levels of emergency medical technicians, for a period of five years, if the applicant meets the requirements established pursuant to sections 190.001 to 190.245 and the rules adopted by the department pursuant to sections 190.001 to 190.245. The department may promulgate rules relating to

the requirements for an emergency medical technician including but not limited to:

(1) Age requirements;

(2) Emergency medical technician and paramedic education and training requirements based on respective National Emergency Medical Services Education Standards and any modification to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245;

(3) Paramedic accreditation requirements. Paramedic training programs shall be accredited as required by the National Registry of Emergency Medical Technicians;

(4) Initial licensure testing requirements. Initial paramedic licensure testing shall be through the national registry of EMTs;

(5) (a) Continuing education and relicensure requirements.

(b) a. The department shall require each emergency medical technician and each advanced emergency medical technician, including each paramedic, to receive the following training as part of the continuing education requirements for relicensure:

(i) Any licensee who submits an application for relicensure before January 1, 2028, shall have completed one hour of sex and human trafficking training, consistent with the guidelines established in section 27.170, before such submission;

(ii) Any licensee who submits an application for relicensure after December 31, 2027, and before January 1, 2029, shall have completed two hours of sex and human trafficking training, consistent with the guidelines established in section 27.170, before such submission;

(iii) Any licensee who submits an application for relicensure after December 31, 2028, and before January 1, 2030, shall have completed three hours of sex and human trafficking training, consistent with the guidelines established in section 27.170, before such submission; and

(iv) Any licensee who submits an application for relicensure after December 31, 2029, and before January 1, 2031, shall have completed four hours of sex and human trafficking training, consistent with the guidelines established in section 27.170, before such submission.

The training may be conducted online, shall be consistent with the guidelines established in section 210.1505, and shall be available at no cost to the personnel identified in this section and all ambulance services and fire departments. The training may be counted toward elective topics as determined by the department, provided that the content is approved by the department as established by regulation.

b. The provisions of this paragraph shall become effective on January 1, 2027, and shall expire on December 31, 2031; and

(6) Ability to speak, read and write the English language.

3. Application for all levels of emergency medical technician license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems necessary to make a determination as to whether the emergency medical technician meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. All levels of emergency medical technicians may perform only that patient care which is:

(1) Consistent with the training, education and experience of the particular emergency medical technician; and

(2) Ordered by a physician or set forth in protocols approved by the medical director.

5. No person shall hold themselves out as an emergency medical technician or provide the services of an emergency medical technician unless such person is licensed by the department.

6. 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, 2002, shall be invalid and void.

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

(1) "Bona fide physician-patient relationship", a relationship between a physician and a patient in which the physician:

(a) Has completed an assessment of the patient's medical history and current medical condition, including an in-person examination of the patient;

(b) Has consulted with the patient with respect to the patient's medical condition; and

(c) Is available to provide follow-up care and treatment to the patient;

(2) "Facilitator", an individual who is present with a person who uses psilocybin in order to facilitate the therapeutic use of the psilocybin for the person;

(3) "First responder", any police officer; firefighter; dispatcher for police, fire, or emergency medical services purposes; emergency medical technician or responder; ambulance or air ambulance operator; or emergency room physician or nurse;

(4) "Veteran", any person defined as a veteran by the United States Department of Veterans Affairs or its successor agency.

2. Notwithstanding the provisions of chapter 195 or 579 or any other provision of law to the contrary, any person who acquires, uses, produces, possesses, transfers, or administers psilocybin for the person's own therapeutic use shall not be in violation of state or local law and shall not be subject to a civil fine, penalty, or sanction so long as the following conditions are met:

(1) The person is a veteran or first responder and is twenty-one years of age or older;

(2) The person suffers from posttraumatic stress disorder, major depressive disorder, or a substance use disorder or requires end-of-life care;

(3) The person has enrolled in a study on the use of psilocybin to treat posttraumatic stress disorder, major depressive disorder, or substance use disorders or for end-of-life care;

(4) The person informs the department of mental health that the person plans to acquire, use, produce, possess, transfer, or administer psilocybin in accordance with this section;

(5) The person provides the department of mental health with:

(a) Documentation from a physician with whom the patient has a bona fide physician-patient relationship that the person suffers from posttraumatic stress disorder, major depressive disorder, or a substance use disorder or requires end-of-life care;

(b) The name of the individual who will serve as the person's facilitator;

(c) The address of the location where the use of psilocybin will take place; and

(d) The time period, not to exceed twelve months, during which the person will use psilocybin;

(6) The person's use of psilocybin occurs only in the presence of a facilitator who meets the following requirements:

(a) Is:

a. A licensed physician;

b. A licensed mental health professional who earned a doctor of psychology degree or a doctor of philosophy degree in psychology;

c. A mental health therapist who has a master's degree in a relevant field and who has full clinical licensure including, but not limited to, a licensed clinical social worker, a licensed marital and family therapist, a licensed professional counselor, or an art therapist;

d. A licensed nurse who holds a doctorate in nursing practice;

e. A licensed physician assistant;

f. A psychiatric mental health nurse practitioner; or

g. A licensed advanced practice registered nurse;

(b) Has completed a training program that is specific to psilocybin and that:

a. Is consistent with the current professional practice guidelines for psychedelic-assisted therapy published by the American Psychological Association or the American Psychedelic Practitioners Association and complies with each such guideline;

b. Covers all content areas set forth in the professional practice guidelines of the American Psychological Association or the American Psychedelic Practitioners Association; and

c. Consists of at least thirty hours of synchronous learning;

(c) Except for psychiatrists, psychiatric mental health nurse practitioners, and holders of a doctorate degree in psychology, completes ninety minutes of continuing education on the Diagnostic and Statistical Manual of Mental Disorders before serving as a facilitator for any person and during each relevant licensure renewal period; and

(d) Has received training in end-of-life care or in one or more of the following diagnostic categories:

a. Posttraumatic stress disorder;

b. Complex posttraumatic stress disorder;

c. Major depressive disorder; or

d. Substance use disorder;

(7) The person ensures that a laboratory licensed by the state to test controlled substances tests the psilocybin the person intends to ingest; and

(8) The person limits the use of psilocybin to no more than one hundred fifty milligrams of psilocybin analyte (4-phosphoryloxy-N, N-dimethyltryptamine) during any twelve-month period.

3. Notwithstanding the provisions of chapter 195 or 579 or any other provision of law to the contrary:

(1) Any person twenty-one years of age or older who assists another person in any of the acts allowed under subsection 2 of this section shall not be in violation of state or local law and shall not be subject to a civil fine, penalty, or sanction; and

(2) Any laboratory licensed by the state to test controlled substances or cannabis that tests psilocybin for a person engaged in acts allowed under subsection 2 of this section shall not be in violation of state or local law and shall not be subject to a civil fine, penalty, or sanction.

4. Subject to appropriation, the department of mental health shall provide grants totaling two million dollars for research on the use and efficacy of psilocybin for persons described in subsection 2 of this section.

5. The department of mental health shall prepare and submit to the governor, lieutenant governor, and the general assembly annual reports on any information collected by the department on the implementation and outcomes of the use of psilocybin as described in subsection 2 of this section.

6. The department of mental health shall maintain the confidentiality of any personally identifiable protected information collected from any persons who provide information to the department under subsection 2 of this section.

7. Notwithstanding any other provision of law to the contrary, the department of mental health, any health care providers, and any other person involved in the acts described in subsection 2 of this section shall not be subject to criminal or civil liability or sanction under the laws of this state for providing care to a person engaged in acts allowed under subsection 2 of this section, except in cases of gross negligence or willful misconduct. No health care provider shall be subject to discipline against his or

her professional license for providing care to a person engaged in acts allowed under subsection 2 of this section.

8. Notwithstanding any other provision of law to the contrary, a physician shall not be subject to criminal or civil liability or sanction under the laws of this state for providing documentation that a person suffers from posttraumatic stress disorder, major depressive disorder, or a substance use disorder or requires end-of-life care, and no state agency or regulatory board shall revoke, fail to renew, or take any other action against a physician's license issued under chapter 334 based solely on the physician's provision of documentation that a person suffers from posttraumatic stress disorder, major depressive disorder, or a substance use disorder or requires end-of-life care.

9. Notwithstanding any other provision of law to the contrary, no state agency or employee of a state agency shall disclose to the federal government, any federal government employee, or any unauthorized third party the statewide list or any individual information of persons who meet the requirements of this section.

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

(1) "Eligible patient", a person who meets all of the following:

(a) Has a terminal condition or illness, a life-threatening condition or illness, or a severely debilitating condition or illness;

(b) Has considered all other treatment options currently approved by the United States Food and Drug Administration and all relevant clinical trials conducted in this state;

(c) Has received a prescription or recommendation from the person's physician for an investigational drug, biological product, or device;

(d) Has given written informed consent which shall be at least as comprehensive as the consent used in clinical trials for the use of the investigational drug, biological product, or device or, if the patient is a minor or lacks the mental capacity to provide informed consent, a parent or legal guardian has given written informed consent on the patient's behalf; and

(e) Has documentation from the person's physician that the person has met the requirements of this subdivision;

(2) "Investigational drug, biological product, or device", a drug, biological product, or device, any of which are used to treat the patient's terminal condition or illness, life-threatening condition or illness, or severely debilitating condition or illness, that has successfully completed phase one of a clinical trial but has not been approved for general use by the United States Food and Drug Administration and remains under investigation in a clinical trial[. The term shall not include Schedule I controlled substances];

(3) "Life-threatening condition or illness", a disease or condition:

(a) In which the likelihood of death is high unless the course of the disease is interrupted; and

(b) With potentially fatal outcomes, where the end point of clinical trial analysis is survival;

(4) "Severely debilitating condition or illness", a disease or condition that causes major irreversible morbidity;

(5) "Terminal condition or illness", a disease or condition that without life-sustaining procedures will

result in death in the near future or a state of permanent unconsciousness from which recovery is unlikely.

2. A manufacturer of an investigational drug, biological product, or device may make available the manufacturer's investigational drug, biological product, or device to eligible patients under this section. This section does not require that a manufacturer make available an investigational drug, biological product, or device to an eligible patient. A manufacturer may:

(1) Provide an investigational drug, biological product, or device to an eligible patient without receiving compensation; or

(2) Require an eligible patient to pay the costs of or associated with the manufacture of the investigational drug, biological product, or device.

3. This section does not require a health care insurer to provide coverage for the cost of any investigational drug, biological product, or device. A health care insurer may provide coverage for an investigational drug, biological product, or device.

4. This section does not require the department of corrections to provide coverage for the cost of any investigational drug, biological product, or device.

5. Notwithstanding any other provision of law to the contrary, no state agency or regulatory board shall revoke, fail to renew, or take any other action against a physician's license issued under chapter 334 based solely on the physician's recommendation to an eligible patient regarding prescription for or treatment with an investigational drug, biological product, or device. Action against a health care provider's Medicare certification based solely on the health care provider's recommendation

that a patient have access to an investigational drug, biological product, or device is prohibited.

6. If a provision of this section or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this section that can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

7. If the clinical trial is closed due to lack of efficacy or toxicity, the drug shall not be offered. If notice is given on a drug, product, or device taken by a patient outside of a clinical trial, the pharmaceutical company or patient's physician shall notify the patient of the information from the safety committee of the clinical trial.

8. Except in the case of gross negligence or willful misconduct, any person who manufactures, imports, distributes, prescribes, dispenses, or administers an investigational drug or device to an eligible patient with a terminal condition or illness, a life-threatening condition or illness, or a severely debilitating condition in accordance with this section shall not be liable in any action under state law for any loss, damage, or injury arising out of, relating to, or resulting from:

(1) The design, development, clinical testing and investigation, manufacturing, labeling, distribution, sale, purchase, donation, dispensing, prescription, administration, or use of the drug or device; or

(2) The safety or effectiveness of the drug or device.

287.243. 1. This section shall be known and may be cited as the "Line of Duty Compensation Act".

2. As used in this section, unless otherwise provided, the following words shall mean:

(1) "Air ambulance pilot", a person certified as an air ambulance pilot in accordance with sections 190.001 to 190.245 and corresponding regulations applicable to air ambulances adopted by the department of health and senior services;

(2) "Air ambulance registered professional nurse", a person licensed as a registered professional nurse in accordance with sections 335.011 to 335.096 and corresponding regulations adopted by the state board of nursing, 20 CSR 2200-4, et seq., who provides registered professional nursing services as a flight nurse in conjunction with an air ambulance program that is certified in accordance with sections 190.001 to 190.245 and the corresponding regulations applicable to such programs;

(3) "Air ambulance registered respiratory therapist", a person licensed as a registered respiratory therapist in accordance with sections 334.800 to 334.930 and corresponding regulations adopted by the state board for respiratory care, who provides respiratory therapy services in conjunction with an air ambulance program that is certified in accordance with sections 190.001 to 190.245 and corresponding regulations applicable to such programs;

(4) "Child", any natural, illegitimate, adopted, or posthumous child or stepchild of a deceased public safety officer who, at the time of the public safety officer's fatality is:

(a) Eighteen years of age or under;

(b) Over eighteen years of age and a student, as defined in 5 U.S.C. Section 8101; or

(c) Over eighteen years of age and incapable of self-support because of physical or mental disability;

(5) "Emergency medical technician", a person licensed in emergency medical care in accordance with standards

prescribed by sections 190.001 to 190.245 and by rules adopted by the department of health and senior services under sections 190.001 to 190.245;

(6) "Firefighter", any person, including a volunteer firefighter, employed by the state or a local governmental entity as an employer defined under subsection 1 of section 287.030, or otherwise serving as a member or officer of a fire department either for the purpose of the prevention or control of fire or the underwater recovery of drowning victims;

(7) "Flight crew member", an individual engaged in flight responsibilities with an air ambulance licensed in accordance with sections 190.001 to 190.245 and corresponding regulations applicable to such programs;

(8) "Killed in the line of duty", when any person defined in this section loses his or her life when:

(a) Death is caused by an accident, illness, or the willful act of violence of another;

(b) The public safety officer is in the active performance of his or her duties in his or her respective profession and there is a relationship between the accident, illness, or commission of the act of violence and the performance of the duty, even if the individual is off duty; the public safety officer is traveling to or from employment; or the public safety officer is taking any meal break or other break which takes place while that individual is on duty;

(c) Death is the natural and probable consequence of the injury or illness; and

(d) Death occurs within three hundred weeks from the date the injury was received or illness was contracted.

The term excludes death resulting from the willful misconduct or intoxication of the public safety officer.

The division of workers' compensation shall have the burden of proving such willful misconduct or intoxication;

(9) "Law enforcement officer", any person employed by the state or a local governmental entity as a police officer, peace officer certified under chapter 590, or serving as an auxiliary police officer or in some like position involving the enforcement of the law and protection of the public interest at the risk of that person's life;

(10) "Local governmental entity", includes counties, municipalities, townships, board or other political subdivision, cities under special charter, or under the commission form of government, fire protection districts, ambulance districts, and municipal corporations;

(11) "Public safety officer", any law enforcement officer, firefighter, uniformed employee of the office of the state fire marshal, emergency medical technician, police officer, capitol police officer, parole officer, probation officer, state correctional employee, water safety officer, park ranger, conservation officer, or highway patrolman employed by the state of Missouri or a political subdivision thereof who is killed in the line of duty or any emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, air ambulance registered respiratory therapist, or flight crew member who is killed in the line of duty;

(12) "State", the state of Missouri and its departments, divisions, boards, bureaus, commissions, authorities, and colleges and universities;

(13) "Volunteer firefighter", a person having principal employment other than as a firefighter, but who is carried on the rolls of a regularly constituted fire department either for the purpose of the prevention or control of fire or the underwater recovery of drowning

victims, the members of which are under the jurisdiction of the corporate authorities of a city, village, incorporated town, or fire protection district. Volunteer firefighter shall not mean an individual who volunteers assistance without being regularly enrolled as a firefighter.

3. (1) A claim for compensation under this section shall be filed by survivors of the deceased with the division of workers' compensation not later than two years from the date of death of a public safety officer. If a claim is made within two years of the date of death of a public safety officer killed in the line of duty, compensation shall be paid, if the division finds that the claimant is entitled to compensation under this section.

(2) The amount of compensation paid to the claimant shall be one hundred thousand dollars, subject to appropriation, for death occurring on or after June 19, 2009.

4. Any compensation awarded under the provisions of this section shall be distributed as follows:

(1) To the surviving spouse of the public safety officer if there is no child who survived the public safety officer;

(2) Fifty percent to the surviving child, or children, in equal shares, and fifty percent to the surviving spouse if there is at least one child who survived the public safety officer, and a surviving spouse of the public safety officer;

(3) To the surviving child, or children, in equal shares, if there is no surviving spouse of the public safety officer;

(4) If there is no surviving spouse of the public safety officer and no surviving child:

(a) To the surviving individual, or individuals, in shares per the designation or, otherwise, in equal shares,

designated by the public safety officer to receive benefits under this subsection in the most recently executed designation of beneficiary of the public safety officer on file at the time of death with the public safety agency, organization, or unit; or

(b) To the surviving individual, or individuals, in equal shares, designated by the public safety officer to receive benefits under the most recently executed life insurance policy of the public safety officer on file at the time of death with the public safety agency, organization, or unit if there is no individual qualifying under paragraph (a) of this subdivision;

(5) To the surviving parent, or parents, in equal shares, of the public safety officer if there is no individual qualifying under subdivision (1), (2), (3), or (4) of this subsection; or

(6) To the surviving individual, or individuals, in equal shares, who would qualify under the definition of the term "child" but for age if there is no individual qualifying under subdivision (1), (2), (3), (4), or (5) of this subsection.

5. Notwithstanding subsection 3 of this section, no compensation is payable under this section unless a claim is filed within the time specified under this section setting forth:

(1) The name, address, and title or designation of the position in which the public safety officer was serving at the time of his or her death;

(2) The name and address of the claimant;

(3) A full, factual account of the circumstances resulting in or the course of events causing the death at issue; and

(4) Such other information that is reasonably required by the division.

When a claim is filed, the division of workers' compensation shall make an investigation for substantiation of matters set forth in the application.

6. The compensation provided for under this section is in addition to, and not exclusive of, any pension rights, death benefits, or other compensation the claimant may otherwise be entitled to by law.

7. Neither employers nor workers' compensation insurers shall have subrogation rights against any compensation awarded for claims under this section. Such compensation shall not be assignable, shall be exempt from attachment, garnishment, and execution, and shall not be subject to setoff or counterclaim, or be in any way liable for any debt, except that the division or commission may allow as lien on the compensation, reasonable attorney's fees for services in connection with the proceedings for compensation if the services are found to be necessary. Such fees are subject to regulation as set forth in section 287.260.

8. Any person seeking compensation under this section who is aggrieved by the decision of the division of workers' compensation regarding his or her compensation claim, may make application for a hearing as provided in section 287.450. The procedures applicable to the processing of such hearings and determinations shall be those established by this chapter. Decisions of the administrative law judge under this section shall be binding, subject to review by either party under the provisions of section 287.480.

9. [Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset on December 31, 2031, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.] This section shall not be subject to the provisions of the Missouri sunset act under sections 23.250 to 23.298.

10. The provisions of this section, unless specified, shall not be subject to other provisions of this chapter.

11. There is hereby created in the state treasury the "Line of Duty Compensation Fund", which shall consist of moneys appropriated to the fund and any voluntary contributions, gifts, or bequests to the fund. The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for paying claims under this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

12. The division shall promulgate rules to administer this section, including but not limited to the appointment of claims to multiple claimants, record retention, and

procedures for information requests. 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 under 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 June 19, 2009, shall be invalid and void.

301.287. 1. This section shall be known and referred to as "Mason's Law".

2. Beginning January 1, 2027, a resident of this state with a health condition or disability that limits or impairs the ability to effectively communicate with law enforcement may, at any time, apply to the department of revenue for a designation that shall be associated with the person's driver's license issued under chapter 302 and motor vehicle license plate or plates issued under this chapter and available to law enforcement under the Missouri uniform law enforcement system (MULES) established under chapter 43.

3. The initial application, which shall be on a form prescribed by the department and made available on the department's website, shall be signed by a physician licensed under chapter 334, or a psychologist licensed under chapter 337, certifying that:

(1) The applicant or the applicant's child, parent, or spouse has a physical or mental health condition that is likely to impair the ability to effectively communicate with law enforcement; and

(2) The physician or psychologist has determined that the applicant or the applicant's child, parent, or spouse will have the communication impairment for at least five years.

4. Upon submission of an application and approval by the department, the department shall prepare an entry in the department's records that is accessible to law enforcement via MULES and that indicates that the applicant or the applicant's child, parent, or spouse has a physical or mental health condition that may impair the ability to effectively communicate with law enforcement. Such entry as related to the applicant's driver's license shall remain active until the expiration of their driver's license. Such entry as related to the applicant's motor vehicle license plate or plates shall remain active for a period of five years, unless the applicant requests that such designation be removed from the records. Upon expiration of the five-year period, the designation in the department's records may be reactivated upon the filing of a renewal form with the department signed by a physician licensed under chapter 334, or a psychologist licensed under chapter 337, certifying that:

(1) The applicant or the applicant's child, parent, or spouse has a physical or mental health condition that is likely to impair the ability to effectively communicate with law enforcement; and

(2) The physician or psychologist has determined that the applicant or the applicant's child, parent, or spouse will have the communication impairment for at least five years.

5. The department of public safety shall issue guidance and education materials to all law enforcement

agencies in this state to promote awareness of the designation established under this section.

6. The department of revenue may promulgate all necessary rules and regulations for the 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, 2026, shall be invalid and void.

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[~~1~~]; 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.

304.822. 1. This section shall be known as the "Siddens Bening Hands Free Law".

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

(1) "Commercial motor vehicle", the same meaning as is ascribed to such term in section 302.700;

(2) "Electronic communication device", a portable device that is used to initiate, receive, store, or view communication, information, images, or data electronically.

(a) Such term shall include but not be limited to: cellular telephones; portable telephones; text-messaging devices; personal digital assistants; pagers; broadband personal communication devices; electronic devices with mobile data access; computers, including but not limited to tablets, laptops, notebook computers, and electronic or video game systems; devices capable of transmitting, retrieving, or displaying a video, movie, broadcast television image, or visual image; and any substantially similar device that is used to initiate or receive

communication or store and review information, videos, images, or data.

(b) Such term shall not include: radios; citizens band radios; commercial two-way radio communication devices or their functional equivalent; subscription-based emergency communication devices; prescribed medical devices; amateur or ham radio devices; or global positioning system receivers, security, navigation, communication, or remote diagnostics systems permanently affixed to the vehicle;

(3) "Highway", the same meaning as is ascribed to such term in section 302.010;

(4) "Noncommercial motor vehicle", the same meaning as is ascribed to such term in section 302.700;

(5) "Operating", the actual physical control of a vehicle;

(6) "Operator", a person who is in actual physical control;

(7) "School bus", the same meaning as is ascribed to such term in section 302.700;

(8) "Voice-operated or hands-free feature or function", a feature or function, whether internally installed or externally attached or connected to an electronic communication device, that allows a person to use an electronic communication device without the use of either hand, except to activate, deactivate, or initiate the feature or function with a single touch or single swipe.

3. Except as otherwise provided in this section, while operating a noncommercial motor vehicle or commercial motor vehicle on any highway or property open to the public for vehicular traffic in this state, no operator shall:

(1) Physically hold or support, with any part of his or her body, an electronic communication device;

(2) Write, send, or read any text-based communication, including but not limited to a text message, instant message, email, or social media interaction on an electronic communication device. This subdivision shall not apply to operators of a noncommercial motor vehicle using a voice-operated or hands-free feature or function that converts the message to be sent as a message in a written form, provided that the operator does not divert his or her attention from lawful operation of the vehicle;

(3) Make any communication on an electronic communication device, including a phone call, voice message, or one-way voice communication; provided however, that this prohibition shall not apply to use of a voice-operated or hands-free feature or function;

(4) Engage in any form of electronic data retrieval or electronic data communication on an electronic communication device;

(5) Manually enter letters, numbers, or symbols into any website, search engine, or application on an electronic communication device;

(6) Watch a video or movie on an electronic communication device, other than watching data related to the navigation of the vehicle; or

(7) Record, post, send, or broadcast video, including a video conference, on an electronic communication device, provided that this prohibition shall not apply to electronic devices used for the sole purpose of continually monitoring operator behavior by recording or broadcasting video within or outside the vehicle.

4. The operator of a school bus shall not use or operate an electronic communication device while the school bus is in motion unless the device is being used in a similar manner as a two-way radio to allow live

communication between the operator and school officials or public safety officials. The operator of a school bus shall not use or operate an electronic communication device or a two-way radio while loading or unloading passengers.

5. This section shall not apply to:

(1) Law enforcement officers or operators of emergency vehicles, as such term is defined in section 304.022, who are both using the electronic communication device and operating the emergency vehicle in the performance of their official duties;

(2) Operators using an electronic communication device for the sole purpose of reporting an emergency situation and continuing communication with emergency personnel during the emergency situation;

(3) Operators of noncommercial motor vehicles using an electronic communication device solely through a voice-operated or hands-free feature or function;

(4) Operators of commercial motor vehicles using a voice-operated or hands-free feature or function, as long as the operator remains seated and is restrained by a seat belt as required by law;

(5) Operators of commercial motor vehicles reading a message displayed on a permanently installed communication device designed for a commercial motor vehicle with a screen that does not exceed ten inches tall by ten inches wide in size;

(6) Operators using electronic communication devices while the vehicle is lawfully stopped or parked;

(7) Commercial motor vehicles that are responding to a request for roadside assistance, when such response is conducted by a motor club as defined in section 385.450 or a towing company as defined in section 304.001;

(8) The use of an electronic communication device to relay information between a transit or for-hire vehicle operator and that operator's dispatcher, provided the device is mounted or affixed to the vehicle;

(9) The use of an electronic communication device to access or view a map for navigational purposes;

(10) The use of an electronic communication device to access or listen to an audio broadcast or digital audio recording; or

(11) The use of an electronic communication device to relay information through a transportation network company's digital network to a transportation network company driver, provided the device is mounted or affixed to the vehicle.

6. (1) Except as otherwise provided in this subsection, violation of this section shall be an infraction. Penalties for violations of this section shall be as provided in this subsection. Prior convictions shall be pleaded and proven in the same manner as required under section 558.021.

(2) For a conviction under this section where there is no prior conviction under this section within the preceding twenty-four months, the court shall impose a fine of up to one hundred fifty dollars.

(3) For a conviction under this section where there is one prior conviction under this section within the preceding twenty-four months, the court shall impose a fine of up to two hundred fifty dollars.

(4) For a conviction under this section where there are two or more prior convictions under this section in the preceding twenty-four months, the court shall impose a fine of up to five hundred dollars.

(5) For a conviction under this section where the violation occurred in a work zone when workers are present,

as such terms are defined in section 304.580, or for a conviction under this section where the violation occurred in an area designated as a school zone and marked in any way that would alert a reasonably prudent operator to the presence of the school zone, the court shall impose a fine of up to five hundred dollars.

(6) A violation of this section that is the proximate cause of damage to property in excess of five thousand dollars shall be a class D misdemeanor.

(7) A violation of this section that is the proximate cause of serious physical injury to another person shall be a class B misdemeanor.

(8) A violation of this section that is the proximate cause of the death of another person shall be a class D felony.

(9) A violation of this section while operating a commercial motor vehicle shall be deemed a serious traffic violation, as such term is defined in section 302.700, for purposes of commercial driver's license disqualification under section 302.755.

7. A law enforcement officer who stops a noncommercial motor vehicle for a violation of this section shall inform the operator of the operator's right to decline a search of their electronic communication device. No warrant shall be issued to confiscate or access an electronic communication device based on a violation of this section unless the violation results in serious bodily injury or death.

8. A violation of this section shall not be used to establish probable cause for any other violation.

9. The provisions of this section shall be subject to the reporting requirements set forth in section 590.650.

10. [The state preempts the field of regulating the use of electronic communication devices by the operators of

commercial and noncommercial motor vehicles. The provisions of this section shall supercede any local laws, ordinances, orders, rules, or regulations enacted by a county, municipality, or other political subdivision to regulate the use of electronic communication devices by the operator of a commercial or noncommercial motor vehicle] The provisions of this section preempt any local law, ordinance, or regulation that conflicts with this section. Notwithstanding any other provision of law, political subdivisions of this state shall not enact or enforce any ordinance or other local law or regulation that conflicts with or is preempted by this section.

11. Prior to January 1, 2025, a law enforcement officer who stops a noncommercial motor vehicle for a violation of this section shall not issue a citation for a violation of this section and shall only issue a warning.

12. No person shall be stopped, inspected, or detained solely for a violation of this section.

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

(1) "Division", the Missouri division of fire safety within the department of public safety;

(2) "Missouri fire and life safety standards", minimum fire-protection and life-safety requirements adopted by the division under this section, informed by nationally recognized fire and building safety principles including, but not limited to, best practices reflected in the International Fire Code (IFC), the International Building Code (IBC), and applicable National Fire Protection Association (NFPA) standards, without adopting any model code in whole;

(3) "State-inspected facility", any building or occupancy required under Missouri law or regulation to

undergo fire-safety inspections conducted by, or under the authority of, the division.

2. (1) No later than July 1, 2027, the division shall, by rule, adopt Missouri fire and life safety standards establishing minimum requirements for fire protection, means of egress, fire resistance, detection and alarm systems, suppression systems, emergency operations, and related safety measures for state-inspected facilities.

(2) The division may incorporate by reference specific technical provisions, methods, formulas, or performance criteria derived from nationally recognized fire and building safety standards, provided that no model code shall be adopted in whole.

(3) The division may adopt amendments, exceptions, or Missouri-specific modifications as necessary to account for regional conditions, facility types, or statutory requirements.

(4) The division shall review the Missouri fire and life safety standards at least every five years and may update such standards by rule under chapter 536.

3. Beginning January 1, 2028, the Missouri fire and life safety standards shall apply to a state-inspected facility under any of the following conditions:

(1) Initial construction of a state-inspected facility;

(2) Major renovation affecting means of egress, detection, alarm, or suppression systems;

(3) Transfer of ownership, including sale, conveyance, merger, or change in controlling interest; and

(4) Any addition, alteration, or series of related improvements to a state-inspected facility that, in aggregate, are reasonably determined by the division to constitute a substantial improvement, meaning construction, reconstruction, rehabilitation, or installation work where

the total cost or scope of work equals or exceeds fifty percent of the facility's pre-improvement market value. For purposes of this subdivision, a formal appraisal shall not be required, and the division may rely on reasonable cost estimates, permit valuations, construction contracts, or the nature of the work performed including, but not limited to, the installation of new fire protection, detection, alarm, or suppression systems.

4. Except as provided in subsection 3 of this section, state-inspected facilities existing prior to August 28, 2026, shall be considered lawfully nonconforming and shall not be required to comply with the Missouri fire and life safety standards.

5. (1) Nothing in this section shall prohibit any city, county, or fire protection district from adopting requirements more stringent than the Missouri fire and life safety standards.

(2) No political subdivision shall apply standards less stringent than the Missouri fire and life safety standards to any facility regulated under this section.

(3) Nothing in this section shall be construed as creating a statewide building or fire code applicable to any occupancy not already subject to inspection by the division.

6. (1) Compliance with the Missouri fire and life safety standards shall be verified through inspections conducted by the division or an authorized local jurisdiction.

(2) A state-inspected facility shall not be licensed, certified, or approved for operation unless the division determines that the facility meets the applicable requirements of this section.

(3) The division may issue correction orders, reinspections, or occupancy limitations as authorized by law.

7. 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, 2026, shall be invalid and void.

407.3007. 1. As used in this section, the following terms mean:

(1) "Artificial intelligence" or "AI":

(a) Any artificial system that performs tasks under varying and unpredictable circumstances without significant human oversight or that can learn from experience and improve performance when exposed to data sets;

(b) An artificial system developed in computer software, physical hardware, or other computer systems that solves tasks requiring human-like perception, cognition, planning, learning, communication, or physical action;

(c) An artificial system designed to think or act like a human, including cognitive architectures and neural networks;

(d) A set of techniques, including machine learning, that is designed to approximate a cognitive task; or

(e) An artificial system designed to act rationally, including an intelligent software agent or embodied robot that achieves goals using perception, planning, reasoning, learning, communicating, decision-making, and acting;

(2) "Mental health professional", the same as defined in section 632.005. The term "mental health professional" shall also include any person licensed in a profession regulated under chapter 337.

2. Any person or entity that develops or deploys artificial intelligence in the state shall not advertise or represent to the public that the AI is or is able to act as a mental health professional or is capable of providing therapy services, psychotherapy services, or a mental health diagnosis.

3. Any violation of this section shall be considered an unlawful practice under the Missouri merchandising practices act under this chapter.

4. The attorney general shall enforce the provisions of this section. Any individual may report violations of this section to the attorney general. If the attorney general finds that a violation occurred, the attorney general shall commence a civil action in a court of competent jurisdiction. If the court finds that a violation occurred, the court may grant damages, civil penalties, injunctive relief, attorney's fees, and any such other relief the court finds appropriate. Notwithstanding section 407.100 to the contrary, civil penalties shall be as follows:

(1) Ten thousand dollars for the first violation; or

(2) Twenty thousand dollars for any subsequent violation.

527.270. 1. Hereafter every person desiring to change his or her name may present a petition to that effect, verified by affidavit, to the circuit court in the county of the petitioner's residence, which petition shall set forth the petitioner's full name, the new name desired, and a concise statement of the reason for such desired change; and it shall be the duty of the judge of such court to order

such change to be made, and spread upon the records of the court, in proper form, if such judge is satisfied that the desired change would be proper and not detrimental to the interests of any other person.

2. Notwithstanding subsection 1 of this section, no person required to register under sections 589.400 to 589.425 shall change his or her name for the period of time he or she is required to register on the registry.

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

(1) "Artificial intelligence", an engineered or machine-based system that varies in its level of autonomy and that can, for explicit or implicit objectives, infer from the input it receives how to generate outputs that can influence physical or virtual environments;

(2) "Explicit sexual material", any pictorial or three-dimensional material depicting human masturbation, deviant sexual intercourse, sexual intercourse, direct physical stimulation or unclothed genitals, sadomasochistic abuse, or emphasizing the depiction of postpubertal human genitals. The term "explicit sexual material" shall not include works of art or of anthropological significance.

2. No person or entity shall:

(1) Replicate or alter through the use of artificial intelligence an image or voice of an individual to generate explicit sexual material; or

(2) Use the likeness of an individual through the use of artificial intelligence for explicit sexual material unless the person or entity has the individual's express written consent.

3. Any individual injured by a person or entity for a violation of subsection 2 of this section may bring a cause of action against the person or entity to recover actual

damages as a result of the violation. Such individual shall also be entitled to recover attorney's fees and costs.

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

(1) "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 creator;

(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 creator 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;

(2) "Creator", any person who utilizes or deploys artificial intelligence or other digital technology to generate synthetic media. "Creator" shall not include the provider or developer of any technology used in the creation of synthetic media;

(3) "Depicted individual", an individual who, as a result of digitization or by means of digital manipulation, appears in whole or in part in an intimate digital depiction and who is identifiable by virtue of the individual's face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature, or from information displayed in connection with the digital depiction;

(4) "Digital depiction", a realistic visual depiction of an individual that has been created or altered using digital manipulation;

(5) "Intimate digital depiction", a digital depiction of an individual that has been created or altered using digital manipulation and that depicts:

(a) The uncovered genitals, pubic area, anus, or postpubescent female nipple of an identifiable individual;

(b) The display or transfer of bodily sexual fluids:

a. Onto any part of the body of an identifiable individual; or

b. From the body of an identifiable individual; or

(c) An identifiable individual engaging in sexually explicit conduct;

(6) "Sexually explicit conduct", actual or simulated:

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

(b) Bestiality;

(c) Masturbation;

(d) Sadistic or masochistic abuse; or

(e) Lascivious exhibition of the genitals or pubic area of any person.

2. Except as provided in subsection 8 of this section, an individual who is the subject of an intimate digital depiction that is disclosed without the consent of the individual where such disclosure was made by a creator who knows that or recklessly disregards whether the individual has not consented to such disclosure may bring a civil action against that other person in an appropriate circuit court for relief as set forth in subsections 5 and 6 of this section.

3. In the case of an individual who is under eighteen years of age or is incompetent, incapacitated, or deceased, the legal guardian of the individual or representative of the individual's estate, another family member, or any

person appointed as suitable by the court may assume the individual's rights under this section, but in no event shall the defendant be named as such representative or guardian.

4. For the purposes of an action under subsection 2 or 3 of this section:

(1) An individual's consent to the creation of the intimate digital depiction shall not establish that the individual consented to its disclosure;

(2) Consent shall be deemed validly given only if:

(a) It is set forth in an agreement written in plain language signed knowingly and voluntarily by the depicted individual; and

(b) The written agreement includes a general description of the intimate digital depiction and, if applicable, the audiovisual work into which the depiction will be incorporated.

5. In a civil action filed under this section, an individual may recover any of the following:

(1) An amount equal to the monetary gain made by the defendant from the creation, development, or disclosure of the intimate digital depiction;

(2) Either of the following:

(a) The actual damages sustained by the individual as a result of the intimate digital depiction, including damages for emotional distress; or

(b) Liquidated damages in the amount of one hundred fifty thousand dollars;

(3) Punitive damages; and

(4) The cost of the action, including reasonable attorney's fees and other litigation costs reasonably incurred.

6. In a civil action filed under this section, a court may, in addition to any other relief available at law, order equitable relief including a temporary restraining order, a preliminary injunction, or a permanent injunction ordering the defendant to cease display or disclosure of the intimate digital depiction.

7. In ordering relief under this section, the court may grant injunctive relief maintaining the confidentiality of a plaintiff by using a pseudonym.

8. An identifiable individual shall not bring an action for relief under this section relating to:

(1) A disclosure made in good faith:

(a) To or by a law enforcement officer or agency in the course of reporting or investigating unlawful activity or unsolicited or unwelcome conduct; or

(b) As part of a legal proceeding;

(2) A matter of legitimate public concern or public interest, except that it shall not be considered a matter of legitimate public interest or public concern solely because the depicted individual is a public figure; or

(3) A disclosure reasonably intended to assist the identifiable individual.

9. A court may authorize an in camera proceeding under this section.

10. It shall not be a defense to an action under this section that there is a disclaimer stating that the intimate digital depiction of the depicted individual was unauthorized or that the depicted individual did not participate in the creation or development of the material.

11. For the purposes of this section, a provider of an interactive computer service shall not be held liable due to:

(1) Any action voluntarily taken in good faith to restrict access to or availability of intimate digital depictions;

(2) Content provided by another person; or

(3) Any action taken to enable or make available to information content providers or other persons the technical means to restrict access to intimate digital depictions.

558.041. 1. Any offender committed to the department of corrections, except those [persons committed pursuant to subsection 7 of section 558.016, or subsection 3 of section 566.125, may] described in subsection 5 of this section, shall receive additional credit in terms of days spent in confinement upon [recommendation for such credit by the offender's institutional superintendent] calculation of such credit when the offender meets the requirements for such credit as provided in subsections 3 and 4 of this section. Good time credit may be rescinded by the director or his or her designee pursuant to the divisional policy issued pursuant to subsection 3 of this section.

2. Any credit extended to an offender shall only apply to the sentence which the offender is currently serving.

3. (1) The director of the department of corrections shall issue a policy for awarding credit.

(2) The policy [may] shall reward an [inmate] offender who has served his or her sentence in an orderly and peaceable manner and has taken advantage of the rehabilitation programs available to him or her.

(3) Any major conduct violation of institutional rules [or], violation of the laws of this state [may], parole revocation, or the accumulation of minor conduct violations exceeding six within a calendar year shall result in the loss of all [or a portion of any] prior credit earned by the [inmate] offender pursuant to this section.

(4) The policy shall specify the programs or activities for which credit shall be earned under this section; the criteria for determining productive participation in, or completion of, the programs or activities; and the criteria for awarding credit.

(5) The department shall award credit between five and three hundred sixty days, as determined by the department based on the length of the program, to any qualifying offender who successfully:

(a) Receives a high school diploma or equivalent, college diploma, or a vocational training certificate as provided under the department's policy;

(b) Completes an alcohol or drug abuse treatment program as provided under the department's policy, except that alcohol and drug abuse treatment programs ordered by the court or parole board shall not qualify;

(c) Completes one thousand hours of restorative justice; or

(d) Completes other programs as provided under the department's policy.

(6) An offender may earn a maximum of ninety days of credit in any twelve-month period.

(7) Nothing in this section shall be construed to require that the offender be released as a result of good time credit. The parole board in its discretion shall determine the date of release.

4. 【The department shall cause the policy to be published in the code of state regulations】 Eligible offenders may petition the department to receive credit for programs or activities completed prior to August 28, 2026, as specified below:

(1) Eligible offenders can submit a petition from January 1, 2027, to December 31, 2027; and

(2) Offenders shall have completed the qualifying program or activity between January 1, 2010, and August 28, 2026.

All other provisions outlined in this section shall apply retroactively to offenses committed after December 31, 2009.

5. [No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024] The following persons shall not be eligible to receive good time credit under this section:

(1) Persons committed to the department who are sentenced to death or sentenced to life without probation or parole;

(2) Persons committed to the department under subsection 7 of section 558.016 or under subsection 3 of section 566.125; and

(3) Persons committed to the department for the commission or attempt of any of the following offenses:

(a) Arson in the first degree under section 569.040;

(b) Assault in the first degree under section 565.050;

(c) Assault in the second degree under section 565.052 if the victim is a special victim as defined under section 565.002;

(d) Kidnapping in the first degree under section 565.110;

(e) Kidnapping in the second degree under section 565.120;

(f) Murder in the second degree under section 565.021;

(g) Domestic assault in the first degree under section 565.072;

(h) Abuse of an elderly person, a person with a disability, or a vulnerable person under section 565.184;

- (i) Robbery in the first degree under section 570.023;
- (j) Armed criminal action under section 571.015;
- (k) Conspiracy to commit an offense under 562.014 when the offense is a dangerous felony;
- (l) Vehicle hijacking under section 570.027 when punished as a class A felony;
- (m) Abuse of a child under section 568.060 when the child dies as a result of injuries sustained from conduct chargeable;
- (n) Child kidnapping under section 565.115;
- (o) Parental kidnapping under section 565.153 when punished as a class B felony;
- (p) Bus hijacking under section 577.703 when punished as a class A felony;
- (q) Planting a bomb or explosive device in or near a bus or terminal under section 577.706;
- (r) Any intoxication-related traffic offense or intoxication-related boating offense as defined under section 577.001 if the person is found to be a habitual offender or a habitual boating offender;
- (s) Rape in the first degree under section 566.030;
- (t) Sodomy in the first degree under section 566.060;
- (u) Statutory rape in the first degree under section 566.032;
- (v) Statutory sodomy in the first degree under section 566.062;
- (w) Child molestation in the first degree under section 566.067;
- (x) Child molestation in the second degree under section 566.068;
- (y) Child molestation in the third degree under section 566.069;

(z) Child molestation in the fourth degree under section 566.071;

(aa) Sexual misconduct involving a child under section 566.083;

(bb) Sexual abuse in the first degree under section 566.100;

(cc) Trafficking for the purpose of slavery under section 566.206;

(dd) Trafficking for the purpose of sexual exploitation under section 566.209;

(ee) Sexual trafficking of a child in the first degree under section 566.210; and

(ff) Sexual trafficking of a child in the second degree under section 566.211.

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

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

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

shall not knowingly be present in or loiter within five hundred feet of any real property comprising any public park with playground equipment, a public swimming pool, athletic complex or athletic fields if such facilities exist for the primary use of recreation for children, any museum if such

museum holds itself out to the public as and exists with the primary purpose of entertaining or educating children under eighteen years of age, [or] Missouri department of conservation nature or education center properties, or the Missouri State fair, a local fair, or fairgrounds. For purposes of this section, the term "local fair" means a community event held at a set location on a regular basis, often annually, that displays agriculture and talent through exhibits and competitions and provides entertainment through music, games, or rides.

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

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

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

569.086. 1. As used in this section, "critical infrastructure facility" means any of the following facilities that are under construction or operational: a petroleum or alumina refinery; critical electric infrastructure, as defined in 18 CFR [Section 118.113(c)(3)] Section 388.113(c)(3) including, but not limited to, an electrical power generating facility, substation, switching station, electrical control center, or electric power lines and associated equipment infrastructure; a chemical, polymer, or rubber manufacturing facility; a water intake structure, water storage facility, water treatment facility,

wastewater treatment plant, wastewater pumping facility, or pump station; a natural gas compressor station; a liquid natural gas terminal or storage facility; a telecommunications central switching office; wireline or wireless telecommunications networks, infrastructure, or facilities, including cell towers, telephone poles and lines, including fiber optic lines; a port, railroad switching yard, railroad tracks, trucking terminal, or other freight transportation facility; a gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas or natural gas liquids; a transmission facility used by a federally licensed radio or television station; a steelmaking facility that uses an electric arc furnace to make steel; a facility identified and regulated by the United States Department of Homeland Security Chemical Facility Anti-Terrorism Standards (CFATS) program; a dam that is regulated by the state or federal government; a natural gas distribution utility facility including, but not limited to, natural gas distribution and transmission mains and services, pipeline interconnections, a city gate or town border station, metering station, aboveground piping, a regulator station, and a natural gas storage facility; a crude oil or refined products storage and distribution facility including, but not limited to, valve sites, pipeline interconnection, pump station, metering station, below or aboveground pipeline or piping and truck loading or offloading facility, a grain mill or processing facility; **[a]** networks and facilities used in the generation, transmission, or distribution **[system]** of broadband internet access; or any aboveground portion of an oil, gas, hazardous liquid or chemical pipeline, tank, railroad facility, or other storage facility that is enclosed by a fence, other physical barrier, or is clearly

marked with signs prohibiting trespassing, that are obviously designed to exclude intruders.

2. A person commits the offense of trespass on a critical infrastructure facility if he or she purposely trespasses or enters property containing a critical infrastructure facility without the permission of the owner of the property or lawful occupant thereof. The offense of trespass on a critical infrastructure facility is a class B misdemeanor. [If it is determined that the intent of the trespasser is to damage, destroy, or tamper with equipment, or impede or inhibit operations of the facility, the person shall be guilty of a class A misdemeanor.

3. A person commits the offense of damage of a critical infrastructure if he or she purposely damages, destroys, or tampers with equipment in a critical infrastructure facility. The offense of damage of a critical infrastructure facility is a class D felony.

4.] 3. This section shall not apply to conduct protected under the Constitution of the United States, the Constitution of [the state of] Missouri, or a state or federal law or rule.

569.117. 1. A person commits the offense of damage of a critical infrastructure facility, as defined in section 569.086, if he or she:

(1) Purposely damages, destroys, or tampers with equipment in a critical infrastructure facility; or

(2) Recklessly damages, destroys or tampers with a critical infrastructure facility, or removes any component of the critical infrastructure facility, excluding equipment.

2. Except as provided under subsection 3 of this section, the offense of damage of a critical infrastructure facility under:

(1) Subdivision (1) of subsection 1 of this section is a class D felony; or

(2) Subdivision (2) of subsection 1 of this section is a:

(a) Class A misdemeanor if the damage is under seven hundred fifty dollars;

(b) Class E felony if the damage is seven hundred fifty dollars or more but less than twenty-five thousand dollars; or

(c) Class D felony if the damage is twenty-five thousand dollars or more.

3. If the damage to a critical infrastructure facility causes interruption, impairment, or degradation of service, the offense of damage of a critical infrastructure facility shall be a class C felony regardless of value.

4. The value of damages under this section shall be determined under the provisions of section 570.020.

5. (1) Any person who commits a violation under this section shall be required to make restitution and perform community service as provided in this subsection.

(2) Restitution shall be made under the provisions of section 559.105.

(3) Community service shall be imposed as follows:

(a) One hundred hours for the first offense;

(b) Two hundred hours for the second offense; or

(c) Up to three hundred hours for the third or any subsequent offense.

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

(1) "Copper, brass, aluminum, fiber, or telecommunications material", any insulated or noninsulated copper, brass, aluminum, fiber-optic, or telecommunications wire, cable, pipe, tubing, power inverter, bus bar,

broadband cable, fiber-optic line, or any material containing copper, brass, aluminum, fiber, glass, or metal components that is commonly used in construction, electrical systems, telecommunications networks, broadband infrastructure, utilities, or related commercial or industrial applications;

(2) "Critical infrastructure facility", the same meaning as defined under section 569.086.

2. A person commits the offense of unauthorized possession of certain copper, brass, aluminum, fiber, or telecommunications material if the person:

(1) Knowingly possesses copper, brass, aluminum, fiber, or telecommunications material; and

(2) Is not a person authorized to possess such material as provided under subsection 3 of this section.

3. Subject to subsection 4 of this section, the following persons are authorized to possess copper, brass, aluminum, fiber, or telecommunications material:

(1) The owner of the material;

(2) A public utility, rural electric cooperative, municipal utility, or common carrier;

(3) A telecommunications provider, internet service provider, cable service provider, or video service provider;

(4) A manufacturing, industrial, commercial, retail, or similar business that sells or uses such material in the ordinary course of business;

(5) A carrier-for-hire acting in the course and scope of the carrier's business and possessing appropriate documentation, including a bill of lading or contract verifying transport information;

(6) A scrap metal or metal recycling dealer under chapter 407 and acting within the ordinary course of business;

(7) A person acting in the ordinary course of lawful construction, remodeling, demolition, or salvage work who lawfully acquires the material through such activities; or

(8) Any agent, employee, subcontractor, or representative of a person described in subdivisions (1) to (7) of this subsection who is acting within the course and scope of such authority.

4. The authorization provided under subsection 3 of this section does not apply to a person who knows that the copper, brass, aluminum, fiber, or telecommunications material was unlawfully obtained.

5. (1) Except as provided in subdivision (2) of this subsection, the offense of unauthorized possession of certain copper, brass, aluminum, fiber, or telecommunications material is a class E felony.

(2) The offense of unauthorized possession of certain copper, brass, aluminum, fiber, or telecommunications material is a class D felony if it is shown at trial that:

(a) The material was unlawfully obtained from a critical infrastructure facility;

(b) The person has a prior conviction for any offense involving theft, property damage, tampering, receiving stolen property, or unauthorized possession of copper, brass, aluminum, fiber, or telecommunications material; or

(c) The person conspired with or acted in concert with another to commit theft, property damage, tampering, or receiving stolen property involving such material.

6. If conduct constituting an offense under this section also constitutes an offense under any other provision of law, the person may be prosecuted under either or both provisions subject to the provisions of section 556.041.

570.010. As used in this chapter, the following terms mean:

(1) "Adulterated", varying from the standard of composition or quality prescribed by statute or lawfully promulgated administrative regulations of this state lawfully filed, or if none, as set by commercial usage;

(2) "Appropriate", to take, obtain, use, transfer, conceal, retain or dispose;

(3) "Check", a check or other similar sight order or any other form of presentment involving the transmission of account information for the payment of money;

(4) "Closed-loop gift card", a card, code, or device that is:

(a) Issued to a consumer on a prepaid basis primarily for personal, family, or household purposes in a specified monetary amount, regardless of whether that amount may be increased or reloaded in exchange for payment; and

(b) Redeemable upon presentation by a consumer at a single merchant or group of affiliated merchants;

(5) "Coercion", a threat, however communicated:

(a) To commit any offense; or

(b) To inflict physical injury in the future on the person threatened or another; or

(c) To accuse any person of any offense; or

(d) To expose any person to hatred, contempt or ridicule; or

(e) To harm the credit or business reputation of any person; or

(f) To take or withhold action as a public servant, or to cause a public servant to take or withhold action; or

(g) To inflict any other harm which would not benefit the actor. A threat of accusation, lawsuit or other invocation of official action is justified and not coercion

if the property sought to be obtained by virtue of such threat was honestly claimed as restitution or indemnification for harm done in the circumstances to which the accusation, exposure, lawsuit or other official action relates, or as compensation for property or lawful service. The defendant shall have the burden of injecting the issue of justification as to any threat;

[(5)] (6) "Credit device", a writing, card, code, number or other device purporting to evidence an undertaking to pay for property or services delivered or rendered to or upon the order of a designated person or bearer;

[(6)] (7) "Dealer", a person in the business of buying and selling goods;

[(7)] (8) "Debit device", a writing, card, code, number or other device, other than a check, draft or similar paper instrument, by the use of which a person may initiate an electronic fund transfer, including but not limited to devices that enable electronic transfers of benefits to public assistance recipients;

[(8)] (9) "Deceit or deceive", making a representation which is false and which the actor does not believe to be true and upon which the victim relies, as to a matter of fact, law, value, intention or other state of mind, or concealing a material fact as to the terms of a contract or agreement. The term "deceit" does not, however, include falsity as to matters having no pecuniary significance, or puffing by statements unlikely to deceive ordinary persons in the group addressed. Deception as to the actor's intention to perform a promise shall not be inferred from the fact alone that he did not subsequently perform the promise;

[(9)] (10) "Deprive":

(a) To withhold property from the owner permanently; or

(b) To restore property only upon payment of reward or other compensation; or

(c) To use or dispose of property in a manner that makes recovery of the property by the owner unlikely;

[(10)] (11) "Electronic benefits card" or "EBT card", a debit card used to access food stamps or cash benefits issued by the department of social services;

[(11)] (12) "Financial institution", a bank, trust company, savings and loan association, or credit union;

[(12)] (13) "Food stamps", the nutrition assistance program in Missouri that provides food and aid to low-income individuals who are in need of benefits to purchase food operated by the United States Department of Agriculture (USDA) in conjunction with the department of social services;

[(13)] (14) "Forcibly steals", a person, in the course of stealing, uses or threatens the immediate use of physical force upon another person for the purpose of:

(a) Preventing or overcoming resistance to the taking of the property or to the retention thereof immediately after the taking; or

(b) Compelling the owner of such property or another person to deliver up the property or to engage in other conduct which aids in the commission of the theft;

(15) "Gift card", a physical or digital closed-loop gift card or open-loop gift card that is either activated or inactivated;

(16) "Gift card holder", any person or party to whom a physical or virtual gift card is issued through a purchase, or any person or party who receives a gift card from a willing party;

(17) "Gift card issuer", any person who issues a gift card or the agent of that person with respect to a gift card;

(18) "Gift card redemption information", information unique to each gift card that allows the gift card holder to access, transfer, or spend the funds on that gift card;

(19) "Gift card seller", a merchant that is engaged in the business of selling open-loop or closed-loop gift cards to consumers with the approval or authorization of the gift card issuer;

[(14)] (20) "Internet service", an interactive computer service or system or an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, and includes, but is not limited to, an information service, system, or access software provider that provides access to a network system commonly known as the internet, or any comparable system or service and also includes, but is not limited to, a world wide web page, newsgroup, message board, mailing list, or chat area on any interactive computer service or system or other online service;

[(15)] (21) "Means of identification", anything used by a person as a means to uniquely distinguish himself or herself;

[(16)] (22) "Merchant", a person who deals in goods of the kind or otherwise by his or her occupation holds oneself out as having knowledge or skill peculiar to the practices or goods involved in the transaction or to whom such knowledge or skill may be attributed by his or her employment of an agent or broker or other intermediary who by his or her occupation holds oneself out as having such knowledge or skill;

[(17)] (23) "Mislabeled", varying from the standard of truth or disclosure in labeling prescribed by statute or lawfully promulgated administrative regulations of this state lawfully filed, or if none, as set by commercial

usage; or represented as being another person's product, though otherwise accurately labeled as to quality and quantity;

(24) "Open-loop gift card", a card, code, or device that is:

(a) Issued to a consumer on a prepaid basis primarily for personal, family, or household purposes in a specified monetary amount, regardless of whether that amount may be increased or reloaded in exchange for payment;

(b) Branded with a major payment network; and

(c) Redeemable upon presentation at multiple unaffiliated merchants for goods or services;

[(18)] (25) "Pharmacy", any building, warehouse, physician's office, hospital, pharmaceutical house or other structure used in whole or in part for the sale, storage, or dispensing of any controlled substance as defined in chapter 195;

[(19)] (26) "Property", anything of value, whether real or personal, tangible or intangible, in possession or in action, and shall include but not be limited to the evidence of a debt actually executed but not delivered or issued as a valid instrument;

[(20)] (27) "Public assistance benefits", anything of value, including money, food, EBT cards, food stamps, commodities, clothing, utilities, utilities payments, shelter, drugs and medicine, materials, goods, and any service including institutional care, medical care, dental care, child care, psychiatric and psychological service, rehabilitation instruction, training, transitional assistance, or counseling, received by or paid on behalf of any person under chapters 198, 205, 207, 208, 209, and 660, or benefits, programs, and services provided or administered

by the Missouri department of social services or any of its divisions;

[(21)] (28) "Services" includes transportation, telephone, electricity, gas, water, or other public service, cable television service, video service, voice over internet protocol service, or internet service, accommodation in hotels, restaurants or elsewhere, admission to exhibitions and use of vehicles;

[(22)] (29) "Stealing-related offense", federal and state violations of criminal statutes against stealing, robbery, or buying or receiving stolen property and shall also include municipal ordinances against the same if the offender was either represented by counsel or knowingly waived counsel in writing and the judge accepting the plea or making the findings was a licensed attorney at the time of the court proceedings;

[(23)] (30) "Teller machine", an automated teller machine (ATM) or interactive teller machine (ITM) is a remote computer terminal owned or controlled by a financial institution or a private business that allows individuals to obtain financial services including obtaining cash, transferring or transmitting money or digital currencies, payment of bills, or loading money or digital currency to a payment card or other device without physical in-person assistance from another person. "Teller machine" does not include personally owned electronic devices used to access financial services;

[(24)] (31) "Video service", the provision of video programming provided through wireline facilities located at least in part in the public right-of-way without regard to delivery technology, including internet protocol technology whether provided as part of a tier, on demand, or a per-channel basis. This definition includes cable service as

defined by 47 U.S.C. Section 522(6), but does not include any video programming provided by a commercial mobile service provider as "commercial mobile service" is defined in 47 U.S.C. Section 332(d), or any video programming provided solely as part of and via a service that enables users to access content, information, [electronic mail] email, or other services offered over the public internet, and includes microwave television transmission, from a multipoint distribution service not capable of reception by conventional television receivers without the use of special equipment;

[(25)] (32) "Voice over internet protocol service", a service that:

- (a) Enables real-time, two-way voice communication;
- (b) Requires a broadband connection from the user's location;
- (c) Requires internet protocol-compatible customer premises equipment; and
- (d) Permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network;

[(26)] (33) "Writing" includes printing, any other method of recording information, money, coins, negotiable instruments, tokens, stamps, seals, credit cards, badges, trademarks and any other symbols of value, right, privilege or identification.

570.137. 1. A person commits the offense of gift card fraud if he or she knowingly:

- (1) Alters or tampers with a gift card or its packaging;
- (2) Devises a scheme to obtain a gift card or gift card redemption information from a gift card holder, gift card issuer, or gift card seller by means of deceit; or

(3) Uses, for the purpose of obtaining money, goods, services, or anything else of value, a gift card or gift card redemption information that has been obtained in violation of this subsection.

2. The offense of gift card fraud is a class C felony if the value of the gift card; gift card redemption information; or money, goods, services, or other thing of value obtained as a result of violating subsection 1 of this section is twenty-five thousand dollars or more.

3. The offense of gift card fraud is a class D felony if the value of the gift card; gift card redemption information; or money, goods, services, or other thing of value obtained as a result of violating subsection 1 of this section is seven hundred fifty dollars or more but less than twenty-five thousand dollars.

4. The offense of gift card fraud is a class A misdemeanor if the value of the gift card; gift card redemption information; or money, goods, services, or other thing of value obtained as a result of violating subsection 1 of this section is less than seven hundred fifty dollars. For the purpose of determining the value of a gift card under this section, "value" shall mean the greatest amount of economic loss the owner of the property might reasonably suffer, including, in the case of a gift card, the full monetary face value or potential value for variable load gift cards.

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

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

(2) "Artificially generated visual depiction", includes depictions that are obscene and indistinguishable from a real minor, morphed from a real minor's image, or generated without any actual minor involvement;

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

[(3)] (4) "Child", any person under the age of fourteen;

[(4)] (5) "Child pornography":

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

(b) Any visual depiction or artificially generated visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct where:

a. The production of such visual depiction or artificially generated visual depiction involves the use of a minor engaging in sexually explicit conduct;

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

c. Such visual depiction or artificially generated visual depiction has been created, adapted, or modified to show that an identifiable minor is engaging in sexually explicit conduct. "Identifiable minor" means a person who

was a minor at the time the visual depiction or artificially generated visual depiction was created, adapted, or modified; or whose image as a minor was used in creating, adapting, or modifying the visual depiction or artificially generated visual depiction; and who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature. The term identifiable minor shall not be construed to require proof of the actual identity of the identifiable minor;

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

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

[(7)] (8) "Furnish", to issue, sell, give, provide, lend, mail, deliver, transfer, circulate, disseminate, present, exhibit or otherwise provide;

[(8)] (9) "Material", anything printed or written, or any picture, drawing, photograph, motion picture film, videotape or videotape production, or pictorial representation, or any artificially generated visual

depiction, or any recording or transcription, or any mechanical, chemical, or electrical reproduction, or stored computer data, or anything which is or may be used as a means of communication. Material includes undeveloped photographs, molds, printing plates, stored computer data and other latent representational objects;

[(9)] (10) "Minor", any person less than eighteen years of age;

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

[(11)] (12) "Obscene", any material or performance if, taken as a whole:

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

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

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

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

[(13)] (14) "Performance", any play, motion picture film, videotape, dance or exhibition performed before an audience of one or more;

[(14)] (15) "Pornographic for minors", any material or performance if the following apply:

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

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

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

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

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

[(17)] (18) "Regularly", the consistent and repeated doing of the act so described;

[(18)] (19) "Sadomasochistic abuse", flagellation or torture by or upon a person as an act of sexual stimulation or gratification;

[(19)] (20) "Semi-nude" or "state of semi-nudity", the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the

breast at such point, or the showing of the male or female buttocks. Such definition includes the lower portion of the human female breast, but shall not include any portion of the cleavage of the female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part;

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

[(21)] (22) "Sexually explicit conduct", actual or simulated:

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

(b) Bestiality;

(c) Masturbation;

(d) Sadistic or masochistic abuse; or

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

[(22)] (23) "Sexually oriented business" includes:

(a) An adult bookstore or adult video store. "Adult bookstore" or "adult video store" means a commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual

representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas. A principal business activity exists where the commercial establishment:

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

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

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

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

e. Maintains a substantial section of its interior business space for the sale or rental of such items; or

f. Maintains an adult arcade. "Adult arcade" means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting specified sexual activities or specified anatomical areas;

(b) An adult cabaret;

(c) An adult motion picture theater. "Adult motion picture theater" means a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions, which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas are regularly shown to more than five persons for any form of consideration;

(d) A semi-nude model studio. "Semi-nude model studio" means a place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. Such definition shall not apply to any place where persons appearing in a state of semi-nudity do so in a modeling class operated:

a. By a college, junior college, or university supported entirely or partly by taxation;

b. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

c. In a structure:

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

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

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

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

[(24)] (25) "Specified anatomical areas" include:

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

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

[(25)] (26) "Specified sexual activity", includes any of the following:

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

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

[(26)] (27) "Substantial", at least thirty percent of the item or items so modified;

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

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

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

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

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

(2) "Person affiliated with a public or private elementary or secondary school in an official capacity", an administrator, teacher, librarian, media center personnel, substitute teacher, teacher's assistant, student teacher, law enforcement officer, school board member, school bus driver, guidance counselor, coach, guest lecturer, guest speaker, or other nonschool employee who is invited to present information to students by a teacher, administrator, or other school employee. Such term shall not include a student enrolled in the elementary or secondary school.

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

(1) "Depicted individual", an individual who, as a result of digitization or by means of digital manipulation, appears in whole or in part in an intimate digital depiction and who is identifiable by virtue of the individual's face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature, or from

information displayed in connection with the digital depiction;

(2) "Digital depiction", a realistic visual depiction of an individual that has been created or altered using digital manipulation;

(3) "Intimate digital depiction", a digital depiction of an individual that has been created or altered using digital manipulation and that depicts:

(a) The uncovered genitals, pubic area, anus, or postpubescent female nipple of an identifiable individual;

(b) The display or transfer of bodily sexual fluids:

a. Onto any part of the body of an identifiable individual; or

b. From the body of an identifiable individual; or

(c) An identifiable individual engaging in sexually explicit conduct;

(4) "Sexually explicit conduct", actual or simulated:

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

(b) Bestiality;

(c) Masturbation;

(d) Sadistic or masochistic abuse; or

(e) Lascivious exhibition of the genitals or pubic area of any person.

2. A person commits the offense of disclosure of an intimate digital depiction if the person discloses or threatens to disclose an intimate digital depiction:

(1) With the intent to harass, annoy, threaten, alarm, or cause substantial harm to the finances or reputation of the depicted individual; or

(2) With the actual knowledge that, or reckless disregard for whether, such disclosure or threatened

disclosure will cause physical, emotional, reputational, or economic harm to the depicted individual.

3. (1) A violation of subsection 2 of this section shall be a class E felony.

(2) A violation of subsection 2 of this section shall be a class C felony if:

(a) The violation is a second or other subsequent violation of subsection 2 of this section; or

(b) The violation is such that the intimate digital depiction could be reasonably expected to:

a. Affect the conduct of any administrative, legislative, or judicial proceeding of a federal, state, local, or tribal government agency, including the administration of an election or the conduct of foreign relations; or

b. Facilitate violence.

4. It shall not be a defense to an action under this section that there is a disclaimer stating that the intimate digital depiction of the depicted individual was unauthorized or that the depicted individual did not participate in the creation or development of the material.

5. Nothing in this section shall be construed to impose liability upon the following entities:

(1) An interactive computer service, as defined in 47 U.S.C. Section 230(f)(2);

(2) A provider of public mobile services or private mobile radio services, as those terms are defined under section 573.110; and

(3) A telecommunications network or broadband provider.

577.010. 1. A person commits the offense of driving while intoxicated if he or she operates a vehicle while in an intoxicated condition.

2. The offense of driving while intoxicated is:

- (1) A class B misdemeanor;
- (2) A class A misdemeanor if:
 - (a) The defendant is a prior offender; or
 - (b) A person less than seventeen years of age is present in the vehicle;
- (3) A class E felony if:
 - (a) the defendant is a persistent offender; or
 - (b) While driving while intoxicated, the defendant acts with criminal negligence to cause physical injury to another person;]
- (4) A class D felony if:
 - (a) The defendant is an aggravated offender; or
 - (b) While driving while intoxicated, the defendant acts with criminal negligence to cause physical injury to [a law enforcement officer or emergency personnel] another person; [or
 - (c) While driving while intoxicated, the defendant acts with criminal negligence to cause serious physical injury to another person;]
- (5) A class C felony if:
 - (a) The defendant is a chronic offender; or
 - (b) While driving while intoxicated, the defendant acts with criminal negligence to cause serious physical injury to [a law enforcement officer or emergency personnel] another person; [or
 - (c) While driving while intoxicated, the defendant acts with criminal negligence to cause the death of another person;]
- (6) A class B felony if:
 - (a) The defendant is a habitual offender; or
 - (b) While driving while intoxicated, the defendant acts with criminal negligence to cause the death of [a law enforcement officer or emergency personnel] another person;

[(c) While driving while intoxicated, the defendant acts with criminal negligence to cause the death of any person not a passenger in the vehicle operated by the defendant, including the death of an individual that results from the defendant's vehicle leaving a highway, as defined in section 301.010, or the highway's right-of-way;

(d) While driving while intoxicated, the defendant acts with criminal negligence to cause the death of two or more persons; or

(e) While driving while intoxicated, the defendant acts with criminal negligence to cause the death of any person while he or she has a blood alcohol content of at least eighteen-hundredths of one percent by weight of alcohol in such person's blood;]

(7) A class A felony if:

(a) While driving while intoxicated, the defendant acts with criminal negligence to cause the death of two or more persons;

(b) While driving while intoxicated, the defendant acts with criminal negligence to cause the death of any person while the defendant has a blood alcohol content of at least fifteen-hundredths of one percent by weight of alcohol; or

(c) The defendant has previously been found guilty of an offense under [paragraphs] paragraph (a) [to (e)] or (b) of subdivision (6) of this subsection and is found guilty of a subsequent violation of [such paragraphs] this section.

3. Notwithstanding the provisions of subsection 2 of this section, a person found guilty of the offense of driving while intoxicated as a first offense shall not be granted a suspended imposition of sentence:

(1) Unless such person shall be placed on probation for a minimum of two years; or

(2) In a circuit where a DWI court or docket created under section 478.007 or other court-ordered treatment program is available, and where the offense was committed with fifteen-hundredths of one percent or more by weight of alcohol in such person's blood, unless the individual participates and successfully completes a program under such DWI court or docket or other court-ordered treatment program.

4. If a person is found guilty of a second or subsequent offense of driving while intoxicated, the court may order the person to submit to a period of continuous alcohol monitoring or verifiable breath alcohol testing performed a minimum of four times per day as a condition of probation.

5. If a person is not granted a suspended imposition of sentence for the reasons described in subsection 3 of this section:

(1) If the individual operated the vehicle with fifteen-hundredths to twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than forty-eight hours;

(2) If the individual operated the vehicle with greater than twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than five days.

6. A person found guilty of the offense of driving while intoxicated:

(1) As a prior offender, persistent offender, aggravated offender, chronic offender, or habitual offender shall not be granted a suspended imposition of sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding;

(2) As a prior offender shall not be granted parole or probation until he or she has served a minimum of ten days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least thirty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available, and as part of either program, the offender performs at least thirty days of community service under the supervision of the court;

(3) As a persistent offender shall not be eligible for parole or probation until he or she has served a minimum of thirty days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least sixty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available, and as part of either program, the offender performs at least sixty days of community service under the supervision of the court;

(4) As an aggravated offender shall not be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment; and

(5) As a chronic or habitual offender shall not be eligible for parole or probation until he or she has served a minimum of two years imprisonment[; and].

~~[(6)]~~ 7. Any probation or parole granted under ~~[this]~~ subsection 6 of this section may include a period of continuous alcohol monitoring or verifiable breath alcohol testing performed a minimum of four times per day.

8. Notwithstanding any other provision of law, an offender found guilty under paragraph (b) of subdivision (6) of subsection 2 of this section shall not be eligible for parole or probation until he or she has served a minimum of five years' imprisonment.

9. Notwithstanding any other provision of law, an offender found guilty under subdivision (7) of subsection 2 of this section shall not be eligible for parole or probation until he or she has served a minimum of ten years' imprisonment.

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

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

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

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

579.065. 1. A person commits the offense of trafficking drugs in the first degree if, except as authorized by this chapter or chapter 195, such person

knowingly distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce:

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

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

(3) More than five hundred milligrams of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD);

(4) More than thirty grams of a mixture or substance containing a detectable amount of phencyclidine (PCP);

(5) More than four grams of phencyclidine;

(6) More than thirty kilograms of a mixture or substance containing marijuana;

(7) More than thirty grams of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate;

(8) More than thirty grams of any material, compound, mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine;

(9) One gram or more of flunitrazepam for the first offense;

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

(11) More than [ten] three milligrams of fentanyl [or carfentanil], or any derivative thereof, [or any combination thereof,] or any compound, mixture, or substance containing a detectable amount of fentanyl [or carfentanil], or [their] its optical isomers or analogues; or

(12) Any amount of carfentanil.

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

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

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

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

(3) One gram or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD); or

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

(5) Twelve grams or more of phencyclidine; or

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

(7) Ninety grams or more of any material, compound, mixture, or preparation containing any quantity of the

following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate; or

(8) More than thirty grams of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers, and salts of its optical isomers; methamphetamine, its salts, optical isomers, and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate, and the location of the offense was within two thousand feet of real property comprising a public or private elementary, vocational, or secondary school, college, community college, university, or any school bus, in or on the real property comprising public housing or any other governmental assisted housing, or within a motor vehicle, or in any structure or building which contains rooms furnished for the accommodation or lodging of guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping accommodations are sought for pay or compensation to transient guests or permanent guests; or

(9) Ninety grams or more of any material, compound, mixture or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine; or

(10) More than thirty grams of any material, compound, mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine and the location of the offense was within two thousand feet of real property comprising a public or private elementary, vocational, or secondary school, college, community college, university, or any school bus, in or on the real property comprising public

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

(11) One gram or more of flunitrazepam for a second or subsequent offense; or

(12) Any amount of gamma-hydroxybutyric acid for a second or subsequent offense; or

(13) Twenty Fourteen milligrams or more of fentanyl [or carfentanil], or any derivative thereof, [or any combination thereof,] or any compound, mixture, or substance containing a detectable amount of fentanyl [or carfentanil], or [their] its optical isomers or analogues; or

(14) More than five hundredths of a milligram of carfentanil.

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

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

(2) More than one hundred fifty grams of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or

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

(3) More than five hundred milligrams of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD);

(4) More than thirty grams of a mixture or substance containing a detectable amount of phencyclidine (PCP);

(5) More than four grams of phencyclidine;

(6) More than thirty kilograms of a mixture or substance containing marijuana;

(7) More than thirty grams of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate;

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

(9) More than [ten] three milligrams of fentanyl [or carfentanil], or any derivative thereof, [or any combination thereof,] or any compound, mixture, or substance containing a detectable amount of fentanyl [or carfentanil], or [their] its optical isomers or analogues; or

(10) Any amount of carfentanil.

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

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

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

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

(3) One gram or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD); or

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

(5) Twelve grams or more of phencyclidine; or

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

(7) More than five hundred marijuana plants; or

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

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

(10) [Twenty] Fourteen milligrams or more of fentanyl [or carfentanil], or any derivative thereof, [or any combination thereof,] or any compound, mixture, or substance

containing a detectable amount of fentanyl [or carfentanil], or [their] its optical isomers or analogues; or

(11) More than five hundredths of a milligram of carfentanil.

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

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

amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, isomers and salts of its isomers; phenmetrazine and its salts; or methylphenidate; or

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

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

[589.400. 1. Sections 589.400 to 589.425 shall apply to:

(1) Any person who, since July 1, 1979, has been or is hereafter adjudicated for an offense referenced in section 589.414, unless such person is exempt from registering under subsection 9 or 10 of this section or section 589.401;

(2) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit one or more of the following offenses: kidnapping or kidnapping in the first degree when the victim was a child and the defendant was not a parent or guardian of the child; abuse of a child under section 568.060 when such abuse is sexual in nature; felonious restraint or kidnapping in the second

degree when the victim was a child and the defendant is not a parent or guardian of the child; sexual contact or sexual intercourse with a resident of a nursing home or sexual conduct with a nursing facility resident or vulnerable person in the first or second degree; endangering the welfare of a child under section 568.045 when the endangerment is sexual in nature; genital mutilation of a female child, under section 568.065; promoting prostitution in the first degree; promoting prostitution in the second degree; promoting prostitution in the third degree; sexual exploitation of a minor; promoting child pornography in the first degree as it existed prior to August 28, 2026; promoting child sexual abuse material in the first degree; promoting child pornography in the second degree as it existed prior to August 28, 2026; promoting child sexual abuse material in the second degree; possession of child pornography as it existed prior to August 28, 2026; possession of child sexual abuse material; furnishing pornographic material to minors; public display of explicit sexual material; coercing acceptance of obscene material; promoting obscenity in the first degree; promoting pornography for minors or obscenity in the second degree; incest; use of a child in a sexual performance; or promoting sexual performance by a child; patronizing prostitution if the individual the person patronizes is less than eighteen years of age; grooming of a minor; nonconsensual dissemination of private sexual images; or threatening the nonconsensual dissemination of private sexual images;

(3) Any person who, since July 1, 1979, has been committed to the department of mental health as a criminal sexual psychopath;

(4) Any person who, since July 1, 1979, has been found not guilty as a result of mental disease or defect of any offense referenced in section 589.414;

(5) Any juvenile certified as an adult and transferred to a court of general jurisdiction who has been adjudicated for an offense listed under section 589.414;

(6) Any juvenile fourteen years of age or older at the time of the offense who has been adjudicated for an offense which is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such offense;

(7) Any person who is a resident of this state who has, since July 1, 1979, been or is hereafter adjudicated in any other state, territory, the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense which, if committed in this state, would constitute an offense listed under section 589.414, or has been or is required to register in another state, territory, the District of Columbia, or foreign country, or has been or is required to register under tribal, federal, or military law; or

(8) Any person who has been or is required to register in another state, territory, the District of Columbia, or foreign country, or has been or is required to register under tribal, federal, or military law and who works or attends an educational institution, whether public or private in nature, including any secondary school, trade school, professional school, or institution of higher education on a full-time or on a part-time basis or has a temporary residence in Missouri. "Part-time" in this subdivision means for more than seven days in any twelve-month period.

2. Any person to whom sections 589.400 to 589.425 apply shall, within three business days of adjudication, release from incarceration, or placement upon probation, register with the chief law enforcement official of the county or city not within a county in which such person resides unless such person has already registered in that county for the same offense. For any juvenile under subdivision (6) of subsection 1 of this section, within three business days of adjudication or release from commitment to the division of youth services, the department of mental health, or other placement, such juvenile shall register with the chief law enforcement official of the county or

city not within a county in which he or she resides unless he or she has already registered in such county or city not within a county for the same offense. Any person to whom sections 589.400 to 589.425 apply if not currently registered in their county of residence shall register with the chief law enforcement official of such county or city not within a county within three business days. The chief law enforcement official shall forward a copy of the registration form required by section 589.407 to a city, town, village, or campus law enforcement agency located within the county of the chief law enforcement official.

3. The registration requirements of sections 589.400 through 589.425 shall be as provided under subsection 4 of this section unless:

(1) All offenses requiring registration are reversed, vacated, or set aside;

(2) The registrant is no longer required to register and his or her name shall be removed from the registry under the provisions of section 589.414; or

(3) The court orders the removal or exemption of such person from the registry under section 589.401.

4. The registration requirements shall be as follows:

(1) Fifteen years if the offender is a tier I sex offender as provided under section 589.414;

(2) Twenty-five years if the offender is a tier II sex offender as provided under section 589.414; or

(3) The life of the offender if the offender is a tier III sex offender.

5. (1) The registration period shall be reduced as described in subdivision (3) of this subsection for a sex offender who maintains a clean record for the periods described under subdivision (2) of this subsection by:

(a) Not being adjudicated of any offense for which imprisonment for more than one year may be imposed;

(b) Not being adjudicated of any sex offense;

(c) Successfully completing any periods of supervised release, probation, or parole; and

(d) Successfully completing an appropriate sex offender treatment program certified by the attorney general.

(2) In the case of a:

(a) Tier I sex offender, the period during which the clean record shall be maintained is ten years;

(b) Tier III sex offender adjudicated delinquent for the offense which required registration in a sex offender registry under sections 589.400 to 589.425, the period during which the clean record shall be maintained is twenty-five years.

(3) In the case of a:

(a) Tier I sex offender, the reduction is five years;

(b) Tier III sex offender adjudicated delinquent, the reduction is from life to that period for which the clean record under paragraph (b) of subdivision (2) of this subsection is maintained.

6. For processing an initial sex offender registration the chief law enforcement officer of the county or city not within a county may charge the offender registering a fee of up to ten dollars.

7. For processing any change in registration required pursuant to section 589.414 the chief law enforcement official of the county or city not within a county may charge the person changing their registration a fee of five dollars for each change made after the initial registration.

8. Any person currently on the sexual offender registry or who otherwise would be required to register for being adjudicated for the offense of felonious restraint of a nonsexual nature when the victim was a child and he or she was the parent or guardian of the child, nonsexual child abuse that was committed under section 568.060, or kidnapping of a nonsexual nature when the victim was a child and

he or she was the parent or guardian of the child shall be removed from the registry. However, such person shall remain on the sexual offender registry for any other offense for which he or she is required to register under sections 589.400 to 589.425.

9. The following persons shall be exempt from registering as a sexual offender upon petition to the court of jurisdiction under section 589.401; except that, such person shall remain on the sexual offender registry for any other offense for which he or she is required to register under sections 589.400 to 589.425:

(1) Any person currently on the sexual offender registry or who otherwise would be required to register for a sexual offense involving:

(a) Sexual conduct where no force or threat of force was directed toward the victim or any other individual involved, if the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense; or

(b) Sexual conduct where no force or threat of force was directed toward the victim, the victim was at least fourteen years of age, and the offender was not more than four years older than the victim at the time of the offense; or

(2) Any person currently required to register for the following sexual offenses:

(a) Promoting obscenity in the first degree under section 573.020;

(b) Promoting obscenity in the second degree under section 573.030;

(c) Furnishing pornographic materials to minors under section 573.040;

(d) Public display of explicit sexual material under section 573.060;

(e) Coercing acceptance of obscene material under section 573.065;

(f) Trafficking for the purpose of slavery, involuntary servitude, peonage, or forced labor under section 566.206;

(g) Abusing an individual through forced labor under section 566.203;

(h) Contributing to human trafficking through the misuse of documentation under section 566.215; or

(i) Acting as an international marriage broker and failing to provide the information and notice as required under section 578.475.

10. Any person currently on the sexual offender registry for having been adjudicated for a tier I or II offense or adjudicated delinquent for a tier III offense or other comparable offenses listed under section 589.414 may file a petition under section 589.401.

11. Any nonresident worker, including work as a volunteer or intern, or nonresident student shall register for the duration of such person's employment, including participation as a volunteer or intern, or attendance at any school of higher education whether public or private, including any secondary school, trade school, professional school, or institution of higher education on a full-time or part-time basis in this state unless granted relief under section 589.401. Any registered offender shall provide information regarding any place in which the offender is staying when away from his or her residence for seven or more days, including the period of time the offender is staying in such place. Any registered offender from another state who has a temporary residence in this state and resides more than seven days in a twelve-month period shall register for the duration of such person's temporary residency unless granted relief under section 589.401.]

589.400. 1. Unless exempt from registering under section 589.401, sections 589.400 to 589.425 shall apply to:

(1) Any person who, since July 1, 1979, has been or is hereafter adjudicated for an offense [referenced in section 589.414, unless such person is exempt from registering under subsection 9 or 10 of this section or section 589.401] that would classify the person as a tier I offender, tier II offender, or tier III offender in this state;

(2) [Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit one or more of the following offenses: kidnapping or kidnapping in the first degree when the victim was a child and the defendant was not a parent or guardian of the child; abuse of a child under section 568.060 when such abuse is sexual in nature; felonious restraint or kidnapping in the second degree when the victim was a child and the defendant is not a parent or guardian of the child; sexual contact or sexual intercourse with a resident of a nursing home or sexual conduct with a nursing facility resident or vulnerable person in the first or second degree; endangering the welfare of a child under section 568.045 when the endangerment is sexual in nature; genital mutilation of a female child, under section 568.065; promoting prostitution in the first degree; promoting prostitution in the second degree; promoting prostitution in the third degree; sexual exploitation of a minor; promoting child pornography in the first degree; promoting child pornography in the second degree; possession of child pornography; furnishing pornographic material to minors; public display of explicit sexual material; coercing acceptance of obscene material; promoting obscenity in the first degree; promoting pornography for minors or obscenity in the second degree; incest; use of a child in a sexual performance; or promoting sexual performance by a child; patronizing prostitution if the individual the person patronizes is less than eighteen years of age;

(3) Any person who, since July 1, 1979, has been committed to the department of mental health as a criminal sexual psychopath;

[(4)] (3) Any person who, since July 1, 1979, has been found not guilty as a result of mental disease or defect of any offense [referenced in section 589.414] that would classify the person as a tier I offender, tier II offender, or tier III offender;

[(5)] (4) Any juvenile certified as an adult and transferred to a court of general jurisdiction who has been adjudicated for an offense [listed under section 589.414] that would classify the juvenile as a tier I offender, tier II offender, or tier III offender;

[(6)] (5) Any juvenile fourteen years of age or older at the time of the offense who has been adjudicated for an offense which is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such offense. Juveniles registering under this subdivision shall be assigned a tier under the provisions of section 589.414 and eligible for removal when meeting all other qualifications in sections 589.400 to 589.425. The tier assignment under section 589.414 shall be only for the purposes of registration visit frequency and removal eligibility and shall not otherwise affect the analysis of whether registration is required under this section;

[(7)] (6) Any person who is a resident of this state who has, since July 1, 1979, been or is hereafter adjudicated in any other state, territory, the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense which, if committed in this state, would constitute an offense [listed under section 589.414] that would classify the person as a tier I offender, tier II offender, or tier III offender, or has been or is required to register in another state, territory, the District of Columbia, or foreign country, or has been or

is required to register under tribal, federal, or military law. Persons registering under this subdivision shall be assigned a tier under the provisions of section 589.414 and eligible for removal when meeting all other qualifications in sections 589.400 to 589.425. The tier assignment under section 589.414 shall be only for the purposes of registration visit frequency and removal eligibility and shall not otherwise affect the analysis of whether registration is required under this section; or

[(8)] (7) Any person who has been or is required to register in another state, territory, the District of Columbia, or foreign country, or has been or is required to register under tribal, federal, or military law and who works or attends an educational institution, whether public or private in nature, including any secondary school, trade school, professional school, or institution of higher education on a full-time or on a part-time basis or has a temporary residence in Missouri. ["Part-time" in this subdivision means for more than seven days in any twelve-month period.] Persons registering under this subdivision shall be assigned a tier under the provisions of section 589.414 and eligible for removal when meeting all other qualifications in sections 589.400 to 589.425. The tier assignment under section 589.414 shall be only for the purposes of registration visit frequency and removal eligibility and shall not otherwise affect the analysis of whether registration is required under this section.

2. Any person or juvenile to whom sections 589.400 to 589.425 apply shall, within three business days of adjudication, release from incarceration, [or] placement upon probation, release from commitment to the division of youth services, release from the department of mental health, or release from other placement, register with the

~~chief law enforcement~~ registration official of the county or city not within a county in which such person or juvenile resides unless such person has already registered in that county for the same offense. ~~For any juvenile under subdivision (6) of subsection 1 of this section, within three business days of adjudication or release from commitment to the division of youth services, the department of mental health, or other placement, such juvenile shall register with the chief law enforcement official of the county or city not within a county in which he or she resides unless he or she has already registered in such county or city not within a county for the same offense.]~~ Any person or juvenile to whom sections 589.400 to 589.425 apply if not currently registered in their county of residence shall register with the ~~chief law enforcement~~ registration official ~~of such county or city not within a county~~ within three business days. The ~~chief law enforcement~~ registration official shall forward a copy of the registration form required by section 589.407 to a city, town, village, or campus law enforcement agency located within the county of the ~~chief law enforcement~~ registration official.

3. ~~The registration requirements of sections 589.400 through 589.425 shall be as provided under subsection 4 of this section unless:~~

(1) All offenses requiring registration are reversed, vacated, or set aside;

(2) The registrant is no longer required to register and his or her name shall be removed from the registry under the provisions of section 589.414; or

(3) The court orders the removal or exemption of such person from the registry under section 589.401.

4.] The registration requirements shall be as follows:

(1) Fifteen years if the offender is a tier I [sex] offender [as provided under section 589.414];

(2) Twenty-five years if the offender is a tier II [sex] offender [as provided under section 589.414]; or

(3) The life of the offender if the offender is a tier III [sex] offender.

[5.] 4. (1) The registration period shall be reduced as described in subdivision (3) of this subsection for a sex offender who maintains a clean record for the periods described under subdivision (2) of this subsection by:

(a) Not being adjudicated of any offense for which imprisonment for more than one year may be imposed;

(b) Not being adjudicated of any sex offense;

(c) Successfully completing any periods of supervised release, probation, or parole; and

(d) Successfully completing an appropriate sex offender treatment program certified by a jurisdiction or the attorney general, regardless of whether such program was court ordered or voluntary. If records of program completion are unavailable and completion of such program was required as a term of probation, an order discharging the offender from probation or other record acknowledging satisfactory completion of probation shall constitute prima facie evidence that the offender successfully completed the necessary sex offender treatment program unless rebutted by evidence to the contrary.

(2) In the case of a:

(a) Tier I [sex] offender, the period during which the clean record shall be maintained is ten years;

(b) Tier III [sex] offender adjudicated delinquent for the offense which required registration in a sex offender registry under sections 589.400 to 589.425, the period

during which the clean record shall be maintained is twenty-five years.

(3) In the case of a:

(a) Tier I [sex] offender, the reduction is five years;

(b) Tier III [sex] offender adjudicated delinquent, the reduction is from life to that period for which the clean record under paragraph (b) of subdivision (2) of this subsection is maintained.

[6.] 5. For processing an initial sex offender registration, the [chief law enforcement officer of the county or city not within a county] registration official may charge the offender registering a fee of up to ten dollars.

[7.] 6. For processing any change in registration required pursuant to section 589.414, the [chief law enforcement] registration official [of the county or city not within a county] may charge the person changing their registration a fee of five dollars for each change made after the initial registration.

[8. Any person currently on the sexual offender registry or who otherwise would be required to register for being adjudicated for the offense of felonious restraint of a nonsexual nature when the victim was a child and he or she was the parent or guardian of the child, nonsexual child abuse that was committed under section 568.060, or kidnapping of a nonsexual nature when the victim was a child and he or she was the parent or guardian of the child shall be removed from the registry. However, such person shall remain on the sexual offender registry for any other offense for which he or she is required to register under sections 589.400 to 589.425.

9. The following persons shall be exempt from registering as a sexual offender upon petition to the court

of jurisdiction under section 589.401; except that, such person shall remain on the sexual offender registry for any other offense for which he or she is required to register under sections 589.400 to 589.425:

(1) Any person currently on the sexual offender registry or who otherwise would be required to register for a sexual offense involving:

(a) Sexual conduct where no force or threat of force was directed toward the victim or any other individual involved, if the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense; or

(b) Sexual conduct where no force or threat of force was directed toward the victim, the victim was at least fourteen years of age, and the offender was not more than four years older than the victim at the time of the offense; or

(2) Any person currently required to register for the following sexual offenses:

(a) Promoting obscenity in the first degree under section 573.020;

(b) Promoting obscenity in the second degree under section 573.030;

(c) Furnishing pornographic materials to minors under section 573.040;

(d) Public display of explicit sexual material under section 573.060;

(e) Coercing acceptance of obscene material under section 573.065;

(f) Trafficking for the purpose of slavery, involuntary servitude, peonage, or forced labor under section 566.206;

(g) Abusing an individual through forced labor under section 566.203;

(h) Contributing to human trafficking through the misuse of documentation under section 566.215; or

(i) Acting as an international marriage broker and failing to provide the information and notice as required under section 578.475.

10. Any person currently on the sexual offender registry for having been adjudicated for a tier I or II offense or adjudicated delinquent for a tier III offense or other comparable offenses listed under section 589.414 may file a petition under section 589.401.]

7. Any person with a primary residence outside this state who has a temporary residence in this state in which he or she resides for more than a part-time period shall register with the registration official in the jurisdiction of the temporary residence in accordance with this section for the duration of such person's temporary residency.

[11.] 8. Any [nonresident worker] person who is not a resident of this state and not currently registered due to temporary residence under subsection 7 of this section and who works, including work as a volunteer or intern, or is a nonresident student shall register for the duration of such person's employment, including participation as a volunteer or intern, or attendance at any school of higher education, whether public or private, including any secondary school, trade school, professional school, or institution of higher education on a full-time or part-time basis [in this state unless granted relief under section 589.401. Any registered offender shall provide information regarding any place in which the offender is staying when away from his or her residence for seven or more days, including the period of time the offender is staying in such place. Any registered

offender from another state who has a temporary residence in this state and resides more than seven days in a twelve-month period shall register for the duration of such person's temporary residency unless granted relief under section 589.401], as long as the status requiring registration remains active. Such registration shall occur in the county or city not within a county where the status requiring registration occurs. If more than one county or city not within a county meets the requirement, priority shall be in the following order:

- (1) The county of work;
- (2) The county of school; and
- (3) The county of volunteering or any other required

status,

with registration being required at only the highest priority county or city not within a county where the registerable status remains.

589.401. 1. A person on the sexual offender registry of this state may file a petition in the division of the circuit court in the county or city not within a county in which the offense requiring registration was [committed] adjudicated to have his or her name exempted or removed from the sexual offender registry in accordance with this section.

2. (1) A person who is required to register in this state because of an offense that was adjudicated in another jurisdiction shall file his or her petition for removal, termination, or relief from registration, or the declaratory judgment providing for removal, termination, or relief from registration according to the laws of the state, federal, territory, tribal, or military jurisdiction, the District of Columbia, or foreign country in which his or her offense was adjudicated. Upon [the grant of the petition for removal in

the] entry of a judgment by a court of competent jurisdiction [where the offense was adjudicated] providing that the person is no longer required to register as a sex offender under the laws of the adjudicating jurisdiction, such judgment may be registered in this state by sending the information required under subsection 5 of this section as well as one authenticated copy of the order granting removal from the sexual offender registry in the jurisdiction where the offense was adjudicated to the court in the county or city not within a county in which the offender is required to register. On receipt of a request for registration removal, the registering court shall cause the order to be filed as a foreign judgment, together with one copy of the documents and information, regardless of their form. The petitioner shall be responsible for costs associated with filing the petition. Nothing in this subdivision shall be construed to remove any requirements for a petition under this section or to remove the requirement that a person prove he or she is entitled to removal under Missouri law, when applicable.

(2) A person required to register as an offender in this state based solely on an offense adjudicated in another jurisdiction may file a petition for removal from this state's sexual offender registry, provided that:

(a) The offense did not require the person to register as an offender in the adjudicating jurisdiction at the time the offense was adjudicated; or

(b) The person never resided, worked, or attended school in the adjudicating jurisdiction and was never required to register in the adjudicating jurisdiction.

(3) A petition filed under subdivision (2) of this subsection shall otherwise satisfy the requirements

applicable to a petition filed under subdivision (1) of this subsection.

3. A person required to register as a tier III offender shall not file a petition under this section unless the requirement to register results from a juvenile adjudication.

4. The petition shall be dismissed without prejudice if the following time periods have not elapsed since the date the person was required to register for his or her most recent offense under sections 589.400 to 589.425:

- (1) For a tier I offense, ten years;
- (2) For a tier II offense, twenty-five years; or
- (3) For a tier III offense adjudicated delinquent, twenty-five years.

5. The petition shall be dismissed without prejudice if it fails to include any of the following:

- (1) The petitioner's:
 - (a) Full name, including any alias used by the [individual] petitioner;
 - (b) Sex;
 - (c) Race;
 - (d) Date of birth;
 - (e) Last four digits of the Social Security number;
 - (f) Address; and
 - (g) Place of employment, school, or volunteer status;
- (2) The offense and tier of the offense that required the petitioner to register;
- (3) The date the petitioner was adjudicated for the offense;
- (4) The date the petitioner was required to register;
- (5) The case number and court, including the county or city not within a county, that entered the original order for the adjudicated sex offense;

(6) Petitioner's original fingerprints on an applicant fingerprint card;

(7) If the petitioner was pardoned or an offense requiring registration was reversed, vacated, or set aside, an authenticated copy of the order; and

(8) If the petitioner is currently registered under applicable law and has not been adjudicated for failure to register in any jurisdiction and does not have any charges pending for failure to register.

6. The petition shall name as respondents the Missouri state highway patrol and the [chief law enforcement] registration official in the county or city not within a county in which the petition is filed.

7. All proceedings under this section shall be governed under the Missouri supreme court rules of civil procedure.

8. The person seeking removal or exemption from the registry shall provide the prosecuting attorney in the circuit court in which the petition is filed with notice of the petition. The prosecuting attorney may present evidence in opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied. Failure of the person seeking removal or exemption from the registry to notify the prosecuting attorney of the petition shall result in an automatic denial of such person's petition.

9. The Missouri state highway patrol, the prosecuting attorney in the circuit court in which the petition is filed, and the petitioner shall have access to all applicable records concerning the petitioner including, but not limited to, criminal history records, mental health records, juvenile records, and records of the department of corrections or probation and parole.

10. The prosecuting attorney shall make reasonable efforts to notify the victim of the crime for which the person was required to register of the petition and the dates and times of any hearings or other proceedings in connection with such petition.

11. The court shall not enter an order directing the removal of the petitioner's name from the sexual offender registry unless it finds the petitioner:

(1) Has not been adjudicated or does not have charges pending for any additional nonsexual offense for which imprisonment for more than one year may be imposed since the date the offender was required to register for his or her current tier level;

(2) Has not been adjudicated or does not have charges pending for any additional sex offense that would require registration under sections 589.400 to 589.425 since the date the offender was required to register for his or her current tier level, even if the offense was punishable by less than one year imprisonment;

(3) Has successfully completed any required periods of supervised release, probation, or parole without revocation since the date the offender was required to register for his or her current tier level, or, in the case of lifetime supervision or probation, such term has been reduced or terminated by a court of competent jurisdiction;

(4) Has successfully completed an appropriate sex offender treatment program as approved by a court of competent jurisdiction or the Missouri department of corrections; and

(5) Is not a current or potential threat to public safety.

12. In order to meet the criteria required by subdivisions (1) and (2) of subsection 11 of this section,

the fingerprints filed in the case shall be examined by the Missouri state highway patrol. The petitioner shall be responsible for all costs associated with the fingerprint-based criminal history check of both state and federal files under section 43.530.

13. If the petition is denied due to an adjudication in violation of subdivision (1) or (2) of subsection 11 of this section, the petitioner shall not file a new petition under this section until:

(1) Fifteen years have passed from the date of the adjudication resulting in the denial of relief if the petitioner is classified as a tier I offender;

(2) Twenty-five years have passed from the date of adjudication resulting in the denial of relief if the petitioner is classified as a tier II offender; or

(3) Twenty-five years have passed from the date of the adjudication resulting in the denial of relief if the petitioner is classified as a tier III offender on the basis of a juvenile adjudication.

14. If the petition is denied due to the petitioner having charges pending in violation of subdivision (1) or (2) of subsection 11 of this section, the petitioner shall not file a new petition under this section until:

(1) The pending charges resulting in the denial of relief have been finally disposed of in a manner other than adjudication; or

(2) If the pending charges result in an adjudication, the necessary time period has elapsed under subsection 13 of this section.

15. (1) Except as provided in subdivision (2) of this subsection, if the petition is denied for reasons other than those outlined in subsection 11 of this section, no successive petition requesting such relief shall be filed

for at least five years from the date the judgment denying relief is entered.

(2) If the denial was based on a statute or law that has since been amended, repealed, or invalidated, a person may file a new petition within the five-year period. In addition to the requirements under subsection 5 of this section, the new petition shall include the case number and court of the prior petition and identify the applicable change in the statute or law.

16. If the court finds the petitioner is entitled to have his or her name removed from the sexual offender registry, the court shall enter judgment directing the removal of the name. A copy of the judgment shall be provided to the respondents named in the petition.

17. Any person subject to the judgment requiring his or her name to be removed from the sexual offender registry is not required to register under sections 589.400 to 589.425 unless such person is required to register for an offense that was different from that listed on the judgment of removal.

18. The court shall not deny the petition unless the petition failed to comply with the provisions of sections 589.400 to 589.425 or the prosecuting attorney provided evidence demonstrating the petition should be denied.

19. (1) The provisions of subsections 3 and 4 of this section shall not apply to persons filing for exemption pursuant to this subsection.

(2) Except as provided in this subsection, a petition for exemption shall be governed by the other requirements provided in this section.

(3) A petition for exemption under this subsection shall be the exclusive remedy for adjudicating the applicability of the exemptions in this subsection.

(4) A person shall be ordered exempt from registration if the person meets the requirements of this section and the offense requiring registration is:

(a) Sexual conduct where no force or threat of force was directed toward the victim, the victim was at least fourteen years of age, and the person was not more than four years older than the victim at the time of the offense, unless the victim was under the custodial authority of the offender at the time of the offense;

(b) Sexual conduct where no force or threat of force was directed toward the victim or any other individual involved if the victim or other individual was eighteen years of age or older, unless the victim was under the custodial authority of the offender at the time of the offense;

(c) Promoting obscenity in the first degree under section 573.020;

(d) Promoting obscenity in the second degree under section 573.030;

(e) Furnishing pornographic materials to minors under section 573.040;

(f) Public display of explicit sexual material under section 573.060; or

(g) Coercing acceptance of obscene material under section 573.065.

(5) The person shall have the burden of proving the person meets the requirements for exemption. In determining whether the person meets the requirements, a court may look beyond the offense of conviction and consider the underlying facts and conduct of the offense when evaluating noncategorical exemptions.

(6) If a court determines a person to be exempt, the provisions of sections 589.400 to 589.425 shall not apply

for the purposes of the exempt offense. In the event a person currently registering is found to be exempt from the registration visit requirements, the person shall also be removed from the sexual offender registry.

(7) Nothing in this subsection shall prohibit a person from remaining or being placed on the sexual offender registry for any other nonexempt offense for which the person is required to register under sections 589.400 to 589.425.

(8) If a petition for exemption is filed before a person is required to register under sections 589.400 to 589.425, the requirements of sections 589.400 to 589.425 shall be automatically stayed pending the outcome. In the event a petition is denied, the requirements of sections 589.400 to 589.425 shall be in effect three business days following the exhaustion of all appeal rights. Nothing in this subdivision shall alter or be construed to give any court authority to alter ongoing requirements for persons whose initial registration requirement begins prior to the filing of a petition for exemption until a final order of exemption is entered.

20. The provisions of subsections 3 and 4 of this section shall not apply to persons filing for removal if the offense requiring registration is reversed, vacated, or set aside. A petition for removal due to the offense being reversed, vacated, or set aside shall be filed in accordance with all other requirements of this section and shall be the exclusive remedy for removal in such situations. Such petition shall include a certified copy of the action reversing, vacating, or setting aside the offense requiring registration.

21. This section shall be the sole remedy for removal or exemption for persons adjudicated of a registerable

offense. No declaratory action shall be filed for relief from registration requirements, except if registration, or threat thereof, is the result of an offense never requiring registration. Nothing in this subsection shall be construed to prohibit the filing of a declaratory action solely on the issue of what tier an offender should be classified under.

22. Notwithstanding any other provision of law, no person convicted of an offense that requires him or her to register under sections 589.400 to 589.425 shall change his or her legal name for the period of time he or she is required to register. To the extent the person has a prior legal name that was utilized on or after the date of conviction for any offense requiring registration, such name shall be reported under this section as an alias.

589.403. 1. Any person who is required to register under sections 589.400 to 589.425 and who is paroled, discharged, or otherwise released from any correctional facility of the department of corrections, any mental health institution, private jail under section 221.095, or other private facility recognized by or contracted with the department of corrections or department of mental health where such person was confined shall:

(1) If the person plans to reside in this state, be informed by the official in charge of such correctional facility, private jail, or mental health institution of the person's possible duty to register pursuant to sections 589.400 to 589.425. If such person is required to register pursuant to sections 589.400 to 589.425, the official in charge of the correctional facility, private jail, or the mental health institution shall complete the initial registration notification at least seven days prior to release and **[forward]** report the offender's initial registration**[,]** notification in accordance with subsection 1

of section 589.410 within three business days of release[,] to the Missouri state highway patrol and the [chief law enforcement] registration official of the county or city not within a county where the person expects to reside upon discharge, parole, or release; or

(2) If the person does not reside or plan to reside in Missouri, be informed by the official in charge of such correctional facility, private jail, or mental health institution of the person's possible duty to register under sections 589.400 to 589.425. If such person is required to register under sections 589.400 to 589.425, the official in charge of the correctional facility, private jail, or [the] mental health institution shall complete the initial registration notification at least seven days prior to release and [forward] report the offender's initial registration[,] notification in accordance with subsection 1 of section 589.410 within three business days of release[,] to the Missouri state highway patrol and the [chief law enforcement] registration official [within] of the county or city not within a county where the correctional facility, private jail, or mental health institution is located.

2. If the offender refuses to complete and sign the registration information as outlined in this section or fails to register with the [chief law enforcement] registration official within three business days as directed, the offender commits the offense of failure to register under section 589.425 within the jurisdiction where the correctional facility, private jail, or mental health institution is located.

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

(1) "Adjudicated" or "adjudication", adjudication of delinquency, a finding of guilt, plea of guilt, finding of

not guilty due to mental disease or defect, or plea of nolo contendere to committing, attempting to commit, or conspiring to commit. Adjudication does not require the imposition of sentence for the purposes of sections 589.400 to 589.425. The term "adjudication" shall include by reference all acts meeting the definition of "conviction" under Section 111 of the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, P.L. 109-248, as amended;

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

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

(4) "Electronic mail", the transmission of information or communication by the use of the internet, a computer, a facsimile machine, a pager, a cellular telephone or other wireless communication device, a video recorder, or other electronic means sent to a person identified by a unique address or address number and received by that person;

(5) "Entity", a business or organization that provides internet service, electronic communications service, remote computing service, online service, electronic mail service, or electronic instant message or chat services regardless of whether the business or organization is within or outside this state;

(6) "Instant message", a form of real-time text communication between two or more people. The communication is conveyed via computers connected over a network such as the internet, or between cell phone or wireless communication device users, or over a cell phone or wireless communication device network;

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

(8) "Online identifier", includes all of the following: electronic mail address, instant message screen name, user ID, cell phone number or wireless communication device number or identifier, chat or other internet communication name, social media profiles, IP addresses, or other identity information specified on the registration form by the Missouri state highway patrol;

(9) "Part-time", more than seven days in any twelve-month period;

(10) "Probation officer", includes any agent of a private entity assigned to provide probation supervision services to an offender due to the offender's status as a sexual offender who is required to register pursuant to sections 589.400 to 589.425;

(11) "Registration official", the chief law enforcement official for the county or city not within a county in which the offender is required to register;

(5) (12) "Residence", [any place where an offender sleeps for seven or more consecutive or nonconsecutive days or nights within a twelve-month period] the domicile of the offender;

[(6)] (13) "Sex offender", any person who meets the criteria to register under sections 589.400 to 589.425 or under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, P.L. 109-248, as amended;

(14) "Sex offender registry", a system maintained by the Missouri state highway patrol to collect, store, and disseminate all initial notification information, registration information, offender status, and all other information required under sections 589.400 to 589.425. The sex offender registry is a distinct system from the website maintained by the Missouri state highway patrol, which displays a distinct set of information contained within the sex offender registry publicly on the web in accordance with this section;

[(7)] (15) "Sex offense", any offense [which] that is listed [under section 589.414 or comparable to those listed under section 589.414 or otherwise] as a tier I offense, tier II offense, or tier III offense, that is comparable to offenses listed as a tier I offense, tier II offense, or tier III offense, or that is otherwise comparable to offenses covered under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, P.L. 109-248, as amended;

[(8)] (16) "Sexual act", any type or degree of genital, oral, or anal penetration;

[(9)] (17) "Sexual conduct", sexual intercourse, deviate sexual intercourse, or sexual contact;

[(10)] (18) "Sexual contact", any touching of another person with the genitals or any touching of the genitals or anus of another person, or the breast of a female person, or such touching through the clothing, or causing semen, seminal fluid, or other ejaculate to come into contact with another person, for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim;

[(11)] (19) "Sexual element", used for the purposes of distinguishing if sexual contact or a sexual act was

committed. Authorities shall refer to information filed by the prosecutor, amended information filed by the prosecutor, indictment information filed by the prosecutor, or amended indictment information filed by the prosecutor, the plea agreement, or court documentation to determine if a sexual element exists;

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

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

(22) "Temporary residence", any place where a person sleeps for seven or more consecutive or nonconsecutive days or nights within a twelve-month period, other than the person's domicile;

(23) "Tier I offender":

(a) An individual who has been adjudicated for a tier I offense; or

(b) Any offender who is or has been adjudicated in any other state, territory, the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense comparable to a tier I offense or that meets the definition of a tier I offense under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, P.L. 109-248, as amended;

(24) "Tier II offender":

(a) An individual who has been adjudicated for a tier II offense; or

(b) Any offender who is adjudicated for an offense comparable to a tier I offense or failure to register

offense under section 589.425 or comparable out-of-state failure to register offense and who is already required to register as a tier I offender due to having been adjudicated of a tier I offense on a previous occasion; or

(c) Any offender who is or has been adjudicated in any other state, territory, the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense of a sexual nature or with a sexual element that is comparable to a tier II offense or that meets the definition of a tier II offense under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, P.L. 109-248, as amended;

(25) "Tier III offender":

(a) An individual who has been adjudicated for a tier III offense;

(b) Any offender registered as a predatory sexual offender or a persistent sexual offender, as the terms "predatory sexual offender" and "persistent sexual offender" are defined in section 566.125;

(c) Any offender who is adjudicated for an offense comparable to a tier I offense or tier II offense or failure to register offense under section 589.425, or other comparable out-of-state failure to register offense, who has been or is already required to register as a tier II offender because of having been adjudicated for a tier II offense, two tier I offenses, or a combination of a tier I offense and a failure to register offense, on a previous occasion;

(d) Any offender who is adjudicated in any other state, territory, the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense of a sexual nature or with a sexual element

that is comparable to a tier III offense or that meets the definition of a tier III offense under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, P.L. 109-248, as amended; or

(e) Any offender who is adjudicated in this state for any offense of a sexual nature or with a sexual element requiring registration under sections 589.400 to 589.425 that is not classified as a tier I offense or tier II offense in this section;

(26) "Tier I offense", the following adjudicated offenses:

(a) Kidnapping in the first degree under section 565.110 with sexual motivation if the victim is eighteen years of age or older;

(b) Kidnapping in the second degree under section 565.120 with sexual motivation if the victim is eighteen years of age or older;

(c) Kidnapping in the third degree under section 565.130 with sexual motivation if the victim is eighteen years of age or older;

(d) Invasion of privacy under section 565.252 if the victim is less than eighteen years of age;

(e) Child molestation in the second degree under section 566.068 as it existed prior to January 1, 2017, if the punishment is less than one year;

(f) Sexual misconduct involving a child under section 566.083 if it is a first offense and the punishment is less than one year;

(g) Sexual misconduct in the first degree under section 566.093;

(h) Sexual misconduct in the second degree under section 566.095;

- (i) Sexual abuse in the first degree under section 566.100 if the victim is eighteen years of age or older;
- (j) Sexual abuse in the second degree under section 566.101 if the punishment is less than a year;
- (k) Sex with an animal under section 566.111;
- (l) Sexual conduct with a nursing facility resident or vulnerable person in the first degree under section 566.115 if the punishment is less than one year;
- (m) Sexual conduct under section 566.116 with a nursing facility resident or vulnerable person;
- (n) Sexual conduct in the course of public duty under section 566.145 if the victim is eighteen years of age or older;
- (o) Trafficking for the purpose of sexual exploitation under section 566.209 if the victim is eighteen years of age or older;
- (p) Promoting obscenity in the first degree under section 573.020 if the victim is less than eighteen years of age;
- (q) Promoting pornography for minors or obscenity in the second degree under section 573.030 if the victim is less than eighteen years of age;
- (r) Possession of child pornography under section 573.037 as it existed prior to August 28, 2026;
- (s) Possession of child sexual abuse material under section 573.037;
- (t) Furnishing pornographic material to minors under section 573.040;
- (u) Public display of explicit sexual material under section 573.060 if the victim is less than eighteen years of age; or

(v) Coercing acceptance of obscene material under section 573.065 if the victim is less than eighteen years of age;

(27) "Tier II offense", the following adjudicated offenses:

(a) Statutory sodomy in the second degree under section 566.064 if the victim is sixteen to seventeen years of age;

(b) Child molestation in the third degree under section 566.069 if the victim is between thirteen and fourteen years of age;

(c) Child molestation in the fourth degree under section 566.071 if the victim is thirteen to seventeen years of age;

(d) Sexual misconduct involving a child under section 566.083 if it is a first offense and the penalty is a term of imprisonment of one year or more;

(e) Sexual contact with a student under section 566.086 if the victim is thirteen to seventeen years of age;

(f) Sexual abuse in the first degree under section 566.100 if the victim is thirteen to seventeen years of age;

(g) Sexual conduct in the course of public duty under section 566.145 if the victim is thirteen to seventeen years of age;

(h) Grooming or enticement of a minor under section 566.151;

(i) Age misrepresentation with intent to solicit a minor under section 566.153;

(j) Patronizing prostitution under section 567.030 if the person patronized is eighteen years of age or older;

(k) Promoting prostitution in the first degree under section 567.050 if the victim is eighteen years of age or older;

(l) Promoting prostitution in the second degree under section 567.060 if the victim is eighteen years of age or older;

(m) Promoting prostitution in the third degree under section 567.070 if the victim is eighteen years of age or older;

(n) Abuse of a child under section 568.060 if the offense is of a sexual nature and the victim is thirteen to seventeen years of age;

(o) Sexual exploitation of a minor under section 573.023;

(p) Promoting child pornography in the first degree under section 573.025 as it existed prior to August 28, 2026;

(q) Promoting child sexual abuse material in the first degree under section 573.025;

(r) Promoting child pornography in the second degree under section 573.035 as it existed prior to August 28, 2026;

(s) Promoting child sexual abuse material in the second degree under section 573.035;

(t) Nonconsensual dissemination of private sexual images under section 573.110 if the victim is seventeen years of age or under or if coercion of the victim was sexual in nature; or

(u) Threatening the nonconsensual dissemination of private sexual images under section 573.112 if the victim is seventeen years of age or under or if coercion of the victim was sexual in nature;

(28) "Tier III offense", the following adjudicated offenses:

(a) Kidnapping in the first degree under section 565.110 if the victim is under eighteen years of age, excluding kidnapping by a parent or guardian of a nonsexual nature;

(b) Kidnapping in the second degree under section 565.120 if the victim is under eighteen years of age, excluding kidnapping by a parent or guardian of a nonsexual nature;

(c) Kidnapping in the third degree under section 565.130 if the victim is under eighteen years of age, excluding kidnapping by a parent or guardian of a nonsexual nature;

(d) Child kidnapping under section 565.115;

(e) Rape in the first degree under section 566.030;

(f) Rape in the second degree under section 566.031;

(g) Statutory rape in the first degree under section 566.032;

(h) Statutory rape in the second degree under section 566.034;

(i) Sodomy in the first degree under section 566.060;

(j) Sodomy in the second degree under section 566.061;

(k) Statutory sodomy in the first degree under section 566.062;

(l) Statutory sodomy in the second degree under section 566.064 if the victim is under sixteen years of age;

(m) Child molestation in the first degree under section 566.067;

(n) Child molestation in the second degree under section 566.068;

(o) Child molestation in the third degree under section 566.069 if the victim is under thirteen years of age;

(p) Child molestation in the fourth degree under section 566.071 if the victim is under thirteen years of age;

(q) Sexual misconduct involving a child under section 566.083 if the offense is a second or subsequent offense;

(r) Sexual contact with a student under section 566.086 if the victim is under thirteen years of age;

- (s) Sexual abuse in the first degree under section 566.100 if the victim is under thirteen years of age;
- (t) Sexual abuse in the second degree under section 566.101 if the penalty is a term of imprisonment of one year or more;
- (u) Sexual conduct with a nursing facility resident or vulnerable person in the first degree under section 566.115 if the punishment is one year or more;
- (v) Sexual conduct in the course of public duty under section 566.145 if the victim is under thirteen years of age;
- (w) Trafficking for the purpose of sexual exploitation under section 566.209 if the victim is under eighteen years of age;
- (x) Sexual trafficking of a child in the first degree under section 566.210;
- (y) Sexual trafficking of a child in the second degree under section 566.211;
- (z) Patronizing prostitution under section 567.030 if the offender is a persistent offender or if the person patronized is less than eighteen years of age;
- (aa) Promoting prostitution in the first degree under section 567.050 if the victim is under eighteen years of age;
- (bb) Promoting prostitution in the second degree under section 567.060 if the victim is under eighteen years of age;
- (cc) Promoting prostitution in the third degree under section 567.070 if the victim is under eighteen years of age;
- (dd) Promoting travel for prostitution under section 567.085 if the victim is under eighteen years of age;
- (ee) Incest under section 568.020;
- (ff) Endangering the welfare of a child in the first degree under section 568.045 if the offense is sexual in nature or if the offense involves sexual intercourse or

deviate sexual intercourse with a victim under eighteen years of age;

(gg) Abuse of a child under section 568.060 if the offense is of a sexual nature and the victim is under thirteen years of age;

(hh) Genital mutilation of a female child under section 568.065;

(ii) Use of a child in a sexual performance under section 573.200; or

(jj) Promoting a sexual performance by a child under section 573.205;

[(14)] (29) "Vehicle", any land vehicle, watercraft, or aircraft.

589.405. 1. Any person who is required to register under sections 589.400 to 589.425 and who is released on probation, discharged upon payment of a fine, or released after confinement in a county jail shall, prior to such release or discharge and at the time of adjudication, be informed of the possible duty to register pursuant to sections 589.400 to 589.425 by the court having jurisdiction over the case. If such person is required to register pursuant to sections 589.400 to 589.425 and is placed on probation, the court shall make it a condition of probation that the offender report within three business days to the [chief law enforcement] registration official of the county of adjudication or city not within a county of adjudication to complete initial registration. If such offender is not placed on probation, the court shall:

(1) If the offender resides in Missouri, complete the initial notification of duty to register form approved by the state judicial records committee and the Missouri state highway patrol and forward the form within three business days to the Missouri state highway patrol and the [chief law

[enforcement] registration official in the county or city not within a county in which the offender resides; or

(2) If the offender does not reside in Missouri:

(a) Order the offender to report directly to the [chief law enforcement] registration official in the county or city not within a county where the adjudication was heard to register as provided in sections 589.400 to 589.425; and

(b) Complete the initial notification of duty to register form approved by the state judicial records committee and the Missouri state highway patrol and forward the form within three business days to the Missouri state highway patrol and the [chief law enforcement] registration official in the county or city not within a county where the offender was adjudicated.

2. If the offender resides in Missouri and refuses to complete and sign the registration information as provided in subdivision (1) of subsection 1 of this section, or if the offender resides outside of Missouri and refuses to directly report to the [chief law enforcement] registration official as provided in subdivision (2) of subsection 1 of this section, the offender commits the offense of failure to register under section 589.425.

589.407. 1. Any registration pursuant to sections 589.400 to 589.425 shall consist of completion of an offender registration form developed by the Missouri state highway patrol or other format approved by the Missouri state highway patrol. Such form shall consist of a statement, including the signature of the offender, and shall include, but is not limited to, the following:

(1) A statement in writing signed by the person, giving the name, address, date of birth, biological sex, as defined in section 191.1720, Social Security number, and phone number of the person, the license plate number and

vehicle description, including the year, make, model, and color of each vehicle owned or operated by the offender, any online identifiers[, as defined in section 43.651,] used by the person, the place of employment of such person, enrollment within any institutions of higher education, the crime which requires registration, whether the person was sentenced as a persistent or predatory offender pursuant to section 566.125, the date, place, and a brief description of such crime, the date and place of the conviction or plea regarding such crime, the age and gender of the victim at the time of the offense and whether the person successfully completed the Missouri sexual offender program pursuant to section 589.040, if applicable;

(2) The fingerprints and palm prints of the person;

(3) Unless the offender's appearance has not changed significantly, a photograph of such offender as follows:

(a) Quarterly if a tier III sex offender [under section 589.414]. Such photograph shall be taken every ninety days beginning in the month of the person's birth;

(b) Semiannually if a tier II sex offender. Such photograph shall be taken in the month of the person's birth and six months thereafter; and

(c) Yearly if a tier I sex offender. Such photograph shall be taken in the month of the person's birth; [and]

(4) A DNA sample from the individual, if a sample has not already been obtained; and

(5) Information regarding any temporary residence where the offender is staying away from his or her primary residence for seven or more days, including the period of time the offender is staying in such place, regardless of whether the temporary residence is in Missouri or any other place.

2. The offender shall provide positive identification and documentation to substantiate the accuracy of the information completed on the offender registration form, including but not limited to the following:

(1) A photocopy of a valid driver's license or nondriver's identification card;

(2) A document verifying proof of the offender's residency; and

(3) A photocopy of the vehicle registration for each of the offender's vehicles.

3. The Missouri state highway patrol shall maintain all required registration information in digitized form.

4. [Upon receipt of any changes to an offender's registration information contained in this section, the Missouri state highway patrol shall immediately notify all other jurisdictions in which the offender is either registered or required to register.

5.] The offender shall be responsible for reviewing his or her existing registration information for accuracy at every regular in-person appearance and, if any inaccuracies are found, provide proof of the information in question.

5. (1) Regular in-person appearances to the registration official following initial registration shall be required:

(a) Annually for tier I offenders;

(b) Every six months for tier II offenders; and

(c) Every ninety days for tier III offenders.

(2) For the purposes of establishing a schedule for registration appearances, the registration official shall ensure that the required registration interval is followed from the date of any initial registration until the month of an offender's birth and at the appropriate interval beginning from the month of the offender's birth thereafter.

6. The signed offender registration form shall serve as proof that the individual understands his or her duty to register as a sexual offender under sections 589.400 to 589.425 and a statement to this effect shall be included on the form that the individual is required to sign at each registration.

7. If an offender has a guardian appointed by a court of competent jurisdiction, the guardian may sign affirming the accuracy of the offender registration form under this section. Nothing in this subsection shall alleviate the requirements of the offender to appear in person, nor shall this subsection be construed to affect any restrictions applicable to an offender because of the offender's status on the sexual offender registry.

8. Notwithstanding subsection 1 of section 527.270, no person required to register under sections 589.400 to 589.425 shall change his or her name for the period of time he or she is required to be placed on the registry.

589.410. 1. All notifications of a requirement to register shall be reported to the sex offender registry within three days, in a manner prescribed by the Missouri state highway patrol.

2. The [chief law enforcement] registration official shall [forward] enter the completed offender registration [form to] forms and related updates into the sex offender registry in a manner prescribed by the Missouri state highway patrol within three days. The Missouri state highway patrol shall [enter] ensure the information entered into the sex offender registry is accessible through the Missouri uniform law enforcement system (MULES) [where it is] and forwarded to the National Crime Information Center (NCIC) in accordance with applicable law. The information shall also be available to members of the criminal justice

system, and other entities as provided by law, upon inquiry. Certain portions of the information shall also be published on the internet in accordance with this section.

[43.650.] 589.411. 1. The Missouri state highway patrol shall[, subject to appropriation,] maintain a web page on the internet which shall be open to the public and shall include a registered sexual offender search capability.

2. Except as provided in subsections 4 and 5 of this section, the registered sexual offender search shall make it possible for any person using the internet to search for and find the information specified in subsection 4 of this section, if known, on offenders registered in this state pursuant to sections 589.400 to 589.425.

3. The registered sexual offender search shall include the capability to search for sexual offenders by name, zip code, and by typing in an address and specifying a search within a certain number of miles radius from that address.

4. Only the information listed in this subsection shall be provided to the public in the registered sexual offender search:

- (1) The name and any known aliases of the offender;
- (2) The date of birth and any known alias dates of birth of the offender;
- (3) A physical description of the offender;
- (4) The residence, temporary, work, and school addresses of the offender, including the street address, city, county, state, and zip code;
- (5) Any photographs of the offender;
- (6) A physical description of the offender's vehicles, including the year, make, model, color, and license plate number;

(7) The nature and dates of all offenses qualifying the offender to register, including the tier level assigned to the offender under sections 589.400 to 589.425;

(8) The date on which the offender was released from the department of mental health, prison, or jail, or placed on parole, supervised release, or probation for the offenses qualifying the offender to register;

(9) Compliance status of the offender with the provisions of section 589.400 to 589.425; and

(10) Any online identifiers[, as defined in section 43.651,] used by the person. Such online identifiers shall not be included in the general profile of an offender on the web page and shall only be available to a member of the public by a search using the specific online identifier to determine if a match exists with a registered offender.

5. Juveniles required to register under subdivision (5) of subsection 1 of section 589.400 shall be exempt from public notification on the internet to include any adjudications from another state, territory, the District of Columbia, or foreign country or any federal, tribal, or military jurisdiction.

6. The Missouri state highway patrol shall regularly update the web page to remove persons who have been ordered removed or exempt by a court in accordance with section 589.401 persons who are deceased and persons who have moved out of the state. In the case of a person who has moved out of the state, the entry shall remain until the Missouri state highway patrol confirms the person has complied with all registration requirements in the person's new state, territory, or country of residence, when applicable.

7. In addition to the web page maintained by the Missouri state highway patrol, a registration official may maintain a web page on the internet, which shall be open to

the public and shall include a registered sexual offender search capability. Except as provided in subsections 5 and 6 of this section, the registered sexual offender search shall make it possible for any person using the internet to search for and find the information specified in subsection 5 of this section, if known, on offenders registered in this state pursuant to sections 589.400 to 589.425. The chief law enforcement officer of any county or city not within a county may also publish in any newspaper distributed in the county or city not within a county the offender information provided under subsection 3 of this section for any offender residing in the county or city not within a county.

[43.651.] 589.412. [1. As used in this section, the following terms shall mean:

(1) "Electronic mail", the transmission of information or communication by the use of the internet, a computer, a facsimile machine, a pager, a cellular telephone or other wireless communication device, a video recorder, or other electronic means sent to a person identified by a unique address or address number and received by that person;

(2) "Entity", a business or organization that provides internet service, electronic communications service, remote computing service, online service, electronic mail service, or electronic instant message or chat services whether the business or organization is within or outside this state;

(3) "Instant message", a form of real-time text communication between two or more people. The communication is conveyed via computers connected over a network such as the internet, or between cell phone or wireless communication device users, or over a cell phone or wireless communication device network;

(4) "Online identifier", includes all of the following: electronic mail address and instant message

screen name, user ID, cell phone number or wireless communication device number or identifier, chat or other internet communication name, or other identity information.

2.1 Subject to appropriations, the Missouri state highway patrol shall make registry information regarding a registered sexual offender's online identifiers available to an entity for the purpose of allowing the entity to prescreen users or for comparison with information held by the entity as provided by this subsection:

(1) The information obtained by an entity from the state sexual offender registry shall not be used for any purpose other than for prescreening its users or comparing the database of registered users of the entity against the list of online identifiers of persons in the state sexual offender registry in order to protect children from online sexual predators. The Missouri state highway patrol shall promulgate rules and regulations regarding the release and use of online identifier information. 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, 2008, shall be invalid and void;

(2) Any entity desiring to prescreen its users or compare its database of registered users to the list of online identifiers of persons in the state sexual offender registry may apply to the Missouri state highway patrol to

access the information. An entity that complies with the rules and regulations promulgated by the Missouri state highway patrol regarding the release and use of the online identifier information and pays the fee established by the Missouri state highway patrol may screen new users or compare its database of registered users to the list of online identifiers of persons in the state sexual offender registry as frequently as the Missouri state highway patrol may allow for the purpose of identifying a registered user associated with an online identifier contained in the state sexual offender registry;

(3) Any entity complying with this subsection in good faith shall be immune from any civil or criminal liability resulting from:

(a) The entity's refusal to provide system service to a person on the basis that the entity believed that the person was required to register under sections 589.400 to 589.425;

(b) A person's criminal or tortious acts when the person is required to register pursuant to sections 589.400 to 589.425, and the person complied with the requirement to register their online identifiers under section 589.407, and committed the criminal or tortious acts against a minor with whom he or she had communicated on the entity's system by using their registered online identifier; or

(c) Any activity for which the entity would be immune from liability under 47 U.S.C. Section 230.

[43.533.] 589.413. 1. The Missouri state highway patrol shall, subject to appropriation, operate a toll-free telephone number in order to disseminate registration information provided by **[individuals]** persons who are required to register under sections 589.400 to 589.425, and receive information from persons regarding the residency of

a registered sexual offender. The information available via the telephone number shall include only information that offenders are required to provide under section 589.407. When the Missouri state highway patrol provides such information regarding a sexual offender, the patrol personnel shall advise the person making the inquiry that positive identification of a person believed to be a sexual offender cannot be established unless a fingerprint comparison is made, and that it is illegal to use such information regarding a registered sexual offender to facilitate the commission of a crime. The toll-free telephone number shall be published on the Missouri state highway patrol's sexual offender registry website maintained under section [43.650] 589.411.

2. The Missouri state highway patrol shall promulgate rules to effect the enforcement 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, 2006, shall be invalid and void.

[589.414. 1. Any person required by sections 589.400 to 589.425 to register shall, within three business days, appear in person to the chief law enforcement officer of the county or city not within a county if there is a change to any of the following information:

- (1) Name;
- (2) Residence;

(3) Employment, including status as a volunteer or intern;

(4) Student status; or

(5) A termination to any of the items listed in this subsection.

2. Any person required to register under sections 589.400 to 589.425 shall, within three business days, notify the chief law enforcement official of the county or city not within a county of any changes to the following information:

(1) Vehicle information;

(2) Temporary lodging information;

(3) Temporary residence information;

(4) Email addresses, instant messaging addresses, and any other designations used in internet communications, postings, or telephone communications; or

(5) Telephone or other cellular number, including any new forms of electronic communication.

3. The chief law enforcement official in the county or city not within a county shall immediately forward the registration changes described under subsections 1 and 2 of this section to the Missouri state highway patrol within three business days.

4. If any person required by sections 589.400 to 589.425 to register changes such person's residence or address to a different county or city not within a county, the person shall appear in person and shall inform both the chief law enforcement official with whom the person last registered and the chief law enforcement official of the county or city not within a county having jurisdiction over the new residence or address in writing within three business days of such new address and phone number, if the phone number is also changed. If any person required by sections 589.400 to 589.425 to register changes his or her state, territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction of residence, the person shall appear in person and shall inform both the chief law enforcement official with whom the person

was last registered and the chief law enforcement official of the area in the new state, territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction having jurisdiction over the new residence or address within three business days of such new address. Whenever a registrant changes residence, the chief law enforcement official of the county or city not within a county where the person was previously registered shall inform the Missouri state highway patrol of the change within three business days. When the registrant is changing the residence to a new state, territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction, the Missouri state highway patrol shall inform the responsible official in the new state, territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction of residence within three business days.

5. Tier I sexual offenders, in addition to the requirements of subsections 1 to 4 of this section, shall report in person to the chief law enforcement official annually in the month of their birth to verify the information contained in their statement made pursuant to section 589.407. Tier I sexual offenders include:

(1) Any offender who has been adjudicated for the offense of:

(a) Sexual abuse in the first degree under section 566.100 if the victim is eighteen years of age or older;

(b) Sexual misconduct involving a child under section 566.083 if it is a first offense and the punishment is less than one year;

(c) Sexual abuse in the second degree under section 566.101 if the punishment is less than a year;

(d) Kidnapping in the second degree under section 565.120 with sexual motivation;

(e) Kidnapping in the third degree under section 565.130;

(f) Sexual conduct with a nursing facility resident or vulnerable person in the first

degree under section 566.115 if the punishment is less than one year;

(g) Sexual conduct under section 566.116 with a nursing facility resident or vulnerable person;

(h) Sexual ~~contact with a prisoner or offender~~ conduct in the course of public duty under section 566.145 if the victim is eighteen years of age or older;

(i) Sex with an animal under section 566.111;

(j) Trafficking for the purpose of sexual exploitation under section 566.209 if the victim is eighteen years of age or older;

(k) Possession of child pornography under section 573.037 as it existed prior to August 28, 2026;

(l) Possession of child sexual abuse material under section 573.037;

(m) Sexual misconduct in the first degree under section 566.093;

~~[(m)]~~ (n) Sexual misconduct in the second degree under section 566.095;

~~[(n)]~~ (o) Child molestation in the second degree under section 566.068 as it existed prior to January 1, 2017, if the punishment is less than one year; ~~or~~

~~(o)]~~ (p) Invasion of privacy under section 565.252 if the victim is less than eighteen years of age; or

(q) Grooming of a minor under section 566.152;

(2) Any offender who is or has been adjudicated in any other state, territory, the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction of an offense of a sexual nature or with a sexual element that is comparable to the tier I sexual offenses listed in this subsection or, if not comparable to those in this subsection, comparable to those described as tier I offenses under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.

6. Tier II sexual offenders, in addition to the requirements of subsections 1 to 4 of this section, shall report semiannually in person in the month of their birth and six months thereafter to the chief law enforcement official to verify the information contained in their statement made pursuant to section 589.407. Tier II sexual offenders include:

(1) Any offender who has been adjudicated for the offense of:

(a) Statutory sodomy in the second degree under section 566.064 if the victim is sixteen to seventeen years of age;

(b) Child molestation in the third degree under section 566.069 if the victim is between thirteen and fourteen years of age;

(c) Sexual contact with a student under section 566.086 if the victim is thirteen to seventeen years of age;

(d) Enticement of a child under section 566.151;

(e) Abuse of a child under section 568.060 if the offense is of a sexual nature and the victim is thirteen to seventeen years of age;

(f) Sexual exploitation of a minor under section 573.023;

(g) Promoting child pornography in the first degree under section 573.025 as it existed prior to August 28, 2026;

(h) Promoting child sexual abuse material in the first degree under section 573.025;

(i) Promoting child pornography in the second degree under section 573.035 as it existed prior to August 28, 2026;

(j) Promoting child sexual abuse material in the second degree under section 573.035;

[(i)] (k) Patronizing prostitution under section 567.030;

[(j)] (l) Sexual [contact with a prisoner or offender] conduct in the course of public duty under section 566.145 if the victim is thirteen to seventeen years of age;

[(k)] (m) Child molestation in the fourth degree under section 566.071 if the victim is thirteen to seventeen years of age;

[(1)] (n) Sexual misconduct involving a child under section 566.083 if it is a first offense and the penalty is a term of imprisonment of more than a year; **[or**

(m)] (o) Age misrepresentation with intent to solicit a minor under section 566.153;

(p) Nonconsensual dissemination of private sexual images under section 573.110 if the victim is seventeen years of age or under or if coercion of the victim was sexual in nature; or

(q) Threatening the nonconsensual dissemination of private sexual images under section 573.112 if the victim is seventeen years of age or under or if coercion of the victim was sexual in nature;

(2) Any person who is adjudicated of an offense comparable to a tier I offense listed in this section or failure to register offense under section 589.425 or comparable out-of-state failure to register offense and who is already required to register as a tier I offender due to having been adjudicated of a tier I offense on a previous occasion; or

(3) Any person who is or has been adjudicated in any other state, territory, the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense of a sexual nature or with a sexual element that is comparable to the tier II sexual offenses listed in this subsection or, if not comparable to those in this subsection, comparable to those described as tier II offenses under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.

7. Tier III sexual offenders, in addition to the requirements of subsections 1 to 4 of this section, shall report in person to the chief law enforcement official every ninety days to verify the information contained in their statement made under section 589.407. Tier III sexual offenders include:

(1) Any offender registered as a predatory **[sexual offender as defined in section 566.123**

or a] or persistent sexual offender as defined in section ~~[566.124]~~ 566.125;

(2) Any offender who has been adjudicated for the crime of:

(a) Rape in the first degree under section 566.030;

(b) Statutory rape in the first degree under section 566.032;

(c) Rape in the second degree under section 566.031;

(d) Endangering the welfare of a child in the first degree under section 568.045 if the offense is sexual in nature;

(e) Sodomy in the first degree under section 566.060;

(f) Statutory sodomy under section 566.062;

(g) Statutory sodomy under section 566.064 if the victim is under sixteen years of age;

(h) Sodomy in the second degree under section 566.061;

(i) Sexual misconduct involving a child under section 566.083 if the offense is a second or subsequent offense;

(j) Sexual abuse in the first degree under section 566.100 if the victim is under thirteen years of age;

(k) Kidnapping in the first degree under section 565.110 if the victim is under eighteen years of age, excluding kidnapping by a parent or guardian;

(l) Child kidnapping under section 565.115;

(m) Sexual conduct with a nursing facility resident or vulnerable person in the first degree under section 566.115 if the punishment is greater than a year;

(n) Incest under section 568.020;

(o) Endangering the welfare of a child in the first degree under section 568.045 with sexual intercourse or deviate sexual intercourse with a victim under eighteen years of age;

(p) Child molestation in the first degree under section 566.067;

(q) Child molestation in the second degree under section 566.068;

- (r) Child molestation in the third degree under section 566.069 if the victim is under thirteen years of age;
- (s) Promoting prostitution in the first degree under section 567.050 if the victim is under eighteen years of age;
- (t) Promoting prostitution in the second degree under section 567.060 if the victim is under eighteen years of age;
- (u) Promoting prostitution in the third degree under section 567.070 if the victim is under eighteen years of age;
- (v) Promoting travel for prostitution under section 567.085 if the victim is under eighteen years of age;
- (w) Trafficking for the purpose of sexual exploitation under section 566.209 if the victim is under eighteen years of age;
- (x) Sexual trafficking of a child in the first degree under section 566.210;
- (y) Sexual trafficking of a child in the second degree under section 566.211;
- (z) Genital mutilation of a female child under section 568.065;
- (aa) Statutory rape in the second degree under section 566.034;
- (bb) Child molestation in the fourth degree under section 566.071 if the victim is under thirteen years of age;
- (cc) Sexual abuse in the second degree under section 566.101 if the penalty is a term of imprisonment of more than a year;
- (dd) Patronizing prostitution under section 567.030 if the offender is a persistent offender;
- (ee) Abuse of a child under section 568.060 if the offense is of a sexual nature and the victim is under thirteen years of age;
- (ff) Sexual [contact with a prisoner or offender] conduct in the course of public duty under section 566.145 if the victim is under thirteen years of age;
- (gg) [Sexual intercourse with a prisoner or offender under section 566.145;

(hh) Sexual contact with a student under section 566.086 if the victim is under thirteen years of age;

(ii) (hh) Use of a child in a sexual performance under section 573.200; or

(jj) (ii) Promoting a sexual performance by a child under section 573.205;

(3) Any offender who is adjudicated for a crime comparable to a tier I or tier II offense listed in this section or failure to register offense under section 589.425, or other comparable out-of-state failure to register offense, who has been or is already required to register as a tier II offender because of having been adjudicated for a tier II offense, two tier I offenses, or combination of a tier I offense and failure to register offense, on a previous occasion;

(4) Any offender who is adjudicated in any other state, territory, the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense of a sexual nature or with a sexual element that is comparable to a tier III offense listed in this section or a tier III offense under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248; or

(5) Any offender who is adjudicated in Missouri for any offense of a sexual nature requiring registration under sections 589.400 to 589.425 that is not classified as a tier I or tier II offense in this section.

8. In addition to the requirements of subsections 1 to 7 of this section, all Missouri registrants who work, including as a volunteer or unpaid intern, or attend any school whether public or private, including any secondary school, trade school, professional school, or institution of higher education, on a full-time or part-time basis or have a temporary residence in this state shall be required to report in person to the chief law enforcement officer in the area of the state where they work, including as a volunteer or unpaid intern, or attend any school or training and register in that state.

"Part-time" in this subsection means for more than seven days in any twelve-month period.

9. If a person who is required to register as a sexual offender under sections 589.400 to 589.425 changes or obtains a new online identifier as defined in section 43.651, the person shall report such information in the same manner as a change of residence before using such online identifier.]

589.414. 1. Any person required by sections 589.400 to 589.425 to register shall, within three business days, appear in person to the [chief law enforcement officer of the county or city not within a county] registration official if there is a change to any of the following information:

- (1) Name;
- (2) Residence;
- (3) Employment, including status as a volunteer or intern;
- (4) Student status; or
- (5) A termination to any of the items listed in this subsection.

2. Any person required to register under sections 589.400 to 589.425 shall, within three business days, notify the [chief law enforcement] registration official [of the county or city not within a county] of any changes to the following information:

- (1) Vehicle information;
- (2) [Temporary lodging information;
- (3)] Temporary residence information;
- [(4) Email addresses, instant messaging addresses, and any other designations used in internet communications, postings, or telephone communications; or
- (5)] (3) Telephone or other cellular number, including any new forms of electronic communication; or

(4) Online identifiers.

3. The [chief law enforcement] registration official [in the county or city not within a county] shall immediately forward the registration changes described under subsections 1 and 2 of this section to the Missouri state highway patrol within three business days in accordance with section 589.410.

4. (1) If any person required by sections 589.400 to 589.425 to register changes such person's residence or address to a different county or city not within a county, the person shall appear in person and shall inform both the [chief law enforcement] registration official with whom the person last registered and the [chief law enforcement] registration official of the county or city not within a county having jurisdiction over the new residence or address in writing within three business days of such new address and phone number, if the phone number is also changed.

(2) If any person required by sections 589.400 to 589.425 to register changes his or her state, territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction of residence, the person shall appear in person and shall inform both the [chief law enforcement] registration official with whom the person was last registered and the [chief law enforcement] registration official of the area in the new state, territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction having jurisdiction over the new residence or address within three business days of such new address.

(3) Whenever a registrant changes residence, the [chief law enforcement] registration official of the county or city not within a county where the person was previously

registered shall inform the Missouri state highway patrol of the change within three business days.

(4) When the registrant is changing the residence to a new state, territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction, the Missouri state highway patrol shall inform the responsible official in the new state, territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction of residence within three business days.

5. Registrants shall appear in person before the registration official and complete all forms required for such purposes by the United States Marshal's Service no less than twenty-one days before travel outside of the United States. Such information shall be forwarded to the United States Marshal's Service, and a copy shall be provided by the registration official to the Missouri state highway patrol in a manner prescribed by the Missouri state highway patrol.

6. Offenders shall be classified as a tier I offender, tier II offender, or tier III offender in accordance with this section. To the extent more than one tier definition applies to an offender, the highest tier that applies shall be the tier the offender is classified into.

7. The initial determination as to the tier of an offender shall be made by the registration official when an offender first appears for registration with the official. Upon receipt of an initial offender registration from a new registration official, the Missouri state highway patrol shall analyze the initial tier determination for accuracy. If the Missouri state highway patrol determines the initial tier decision is inaccurate, the Missouri state highway patrol shall notify the registration official, and the

Missouri state highway patrol's determination shall control the tier classification. Upon receipt of an updated tiering decision, the registration official shall notify the offender no later than the next previously scheduled in-person check-in for the offender. Upon notification of the offender or failure of the offender to appear at the next regularly scheduled in-person check, reporting requirements aligning with the new tier determination shall be in effect.

8. Tier I [sexual] offenders, in addition to the requirements of subsections 1 to [4] 5 of this section, shall report in person [to] before the [chief law enforcement] registration official annually in the month of their birth to verify the information contained in their statement made pursuant to section 589.407. [Tier I sexual offenders include:

(1) Any offender who has been adjudicated for the offense of:

(a) Sexual abuse in the first degree under section 566.100 if the victim is eighteen years of age or older;

(b) Sexual misconduct involving a child under section 566.083 if it is a first offense and the punishment is less than one year;

(c) Sexual abuse in the second degree under section 566.101 if the punishment is less than a year;

(d) Kidnapping in the second degree under section 565.120 with sexual motivation;

(e) Kidnapping in the third degree under section 565.130;

(f) Sexual conduct with a nursing facility resident or vulnerable person in the first degree under section 566.115 if the punishment is less than one year;

(g) Sexual conduct under section 566.116 with a nursing facility resident or vulnerable person;

(h) Sexual contact with a prisoner or offender under section 566.145 if the victim is eighteen years of age or older;

(i) Sex with an animal under section 566.111;

(j) Trafficking for the purpose of sexual exploitation under section 566.209 if the victim is eighteen years of age or older;

(k) Possession of child pornography under section 573.037;

(l) Sexual misconduct in the first degree under section 566.093;

(m) Sexual misconduct in the second degree under section 566.095;

(n) Child molestation in the second degree under section 566.068 as it existed prior to January 1, 2017, if the punishment is less than one year; or

(o) Invasion of privacy under section 565.252 if the victim is less than eighteen years of age;

(2) Any offender who is or has been adjudicated in any other state, territory, the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction of an offense of a sexual nature or with a sexual element that is comparable to the tier I sexual offenses listed in this subsection or, if not comparable to those in this subsection, comparable to those described as tier I offenses under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.

6.] 9. Tier II [sexual] offenders, in addition to the requirements of subsections 1 to [4] 5 of this section, shall report semiannually in person in the month of their birth and six months thereafter to the [chief law enforcement] registration official to verify the information

contained in their statement made pursuant to section 589.407. [Tier II sexual offenders include:

(1) Any offender who has been adjudicated for the offense of:

(a) Statutory sodomy in the second degree under section 566.064 if the victim is sixteen to seventeen years of age;

(b) Child molestation in the third degree under section 566.069 if the victim is between thirteen and fourteen years of age;

(c) Sexual contact with a student under section 566.086 if the victim is thirteen to seventeen years of age;

(d) Enticement of a child under section 566.151;

(e) Abuse of a child under section 568.060 if the offense is of a sexual nature and the victim is thirteen to seventeen years of age;

(f) Sexual exploitation of a minor under section 573.023;

(g) Promoting child pornography in the first degree under section 573.025;

(h) Promoting child pornography in the second degree under section 573.035;

(i) Patronizing prostitution under section 567.030;

(j) Sexual contact with a prisoner or offender under section 566.145 if the victim is thirteen to seventeen years of age;

(k) Child molestation in the fourth degree under section 566.071 if the victim is thirteen to seventeen years of age;

(l) Sexual misconduct involving a child under section 566.083 if it is a first offense and the penalty is a term of imprisonment of more than a year; or

(m) Age misrepresentation with intent to solicit a minor under section 566.153;

(2) Any person who is adjudicated of an offense comparable to a tier I offense listed in this section or failure to register offense under section 589.425 or comparable out-of-state failure to register offense and who is already required to register as a tier I offender due to having been adjudicated of a tier I offense on a previous occasion; or

(3) Any person who is or has been adjudicated in any other state, territory, the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense of a sexual nature or with a sexual element that is comparable to the tier II sexual offenses listed in this subsection or, if not comparable to those in this subsection, comparable to those described as tier II offenses under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.

7.] 10. Tier III [sexual] offenders, in addition to the requirements of subsections 1 to [4] 5 of this section, shall report in person [to] before the [chief law enforcement] registration official every ninety days to verify the information contained in their statement made under section 589.407. [Tier III sexual offenders include:

(1) Any offender registered as a predatory sexual offender as defined in section 566.123 or a persistent sexual offender as defined in section 566.124;

(2) Any offender who has been adjudicated for the crime of:

(a) Rape in the first degree under section 566.030;

(b) Statutory rape in the first degree under section 566.032;

- (c) Rape in the second degree under section 566.031;
- (d) Endangering the welfare of a child in the first degree under section 568.045 if the offense is sexual in nature;
- (e) Sodomy in the first degree under section 566.060;
- (f) Statutory sodomy under section 566.062;
- (g) Statutory sodomy under section 566.064 if the victim is under sixteen years of age;
- (h) Sodomy in the second degree under section 566.061;
- (i) Sexual misconduct involving a child under section 566.083 if the offense is a second or subsequent offense;
- (j) Sexual abuse in the first degree under section 566.100 if the victim is under thirteen years of age;
- (k) Kidnapping in the first degree under section 565.110 if the victim is under eighteen years of age, excluding kidnapping by a parent or guardian;
- (l) Child kidnapping under section 565.115;
- (m) Sexual conduct with a nursing facility resident or vulnerable person in the first degree under section 566.115 if the punishment is greater than a year;
- (n) Incest under section 568.020;
- (o) Endangering the welfare of a child in the first degree under section 568.045 with sexual intercourse or deviate sexual intercourse with a victim under eighteen years of age;
- (p) Child molestation in the first degree under section 566.067;
- (q) Child molestation in the second degree under section 566.068;
- (r) Child molestation in the third degree under section 566.069 if the victim is under thirteen years of age;
- (s) Promoting prostitution in the first degree under section 567.050 if the victim is under eighteen years of age;

(t) Promoting prostitution in the second degree under section 567.060 if the victim is under eighteen years of age;

(u) Promoting prostitution in the third degree under section 567.070 if the victim is under eighteen years of age;

(v) Promoting travel for prostitution under section 567.085 if the victim is under eighteen years of age;

(w) Trafficking for the purpose of sexual exploitation under section 566.209 if the victim is under eighteen years of age;

(x) Sexual trafficking of a child in the first degree under section 566.210;

(y) Sexual trafficking of a child in the second degree under section 566.211;

(z) Genital mutilation of a female child under section 568.065;

(aa) Statutory rape in the second degree under section 566.034;

(bb) Child molestation in the fourth degree under section 566.071 if the victim is under thirteen years of age;

(cc) Sexual abuse in the second degree under section 566.101 if the penalty is a term of imprisonment of more than a year;

(dd) Patronizing prostitution under section 567.030 if the offender is a persistent offender;

(ee) Abuse of a child under section 568.060 if the offense is of a sexual nature and the victim is under thirteen years of age;

(ff) Sexual contact with a prisoner or offender under section 566.145 if the victim is under thirteen years of age;

(gg) Sexual intercourse with a prisoner or offender under section 566.145;

(hh) Sexual contact with a student under section 566.086 if the victim is under thirteen years of age;

(ii) Use of a child in a sexual performance under section 573.200; or

(jj) Promoting a sexual performance by a child under section 573.205;

(3) Any offender who is adjudicated for a crime comparable to a tier I or tier II offense listed in this section or failure to register offense under section 589.425, or other comparable out-of-state failure to register offense, who has been or is already required to register as a tier II offender because of having been adjudicated for a tier II offense, two tier I offenses, or combination of a tier I offense and failure to register offense, on a previous occasion;

(4) Any offender who is adjudicated in any other state, territory, the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense of a sexual nature or with a sexual element that is comparable to a tier III offense listed in this section or a tier III offense under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248; or

(5) Any offender who is adjudicated in Missouri for any offense of a sexual nature requiring registration under sections 589.400 to 589.425 that is not classified as a tier I or tier II offense in this section.

8.] 11. In addition to the requirements of subsections 1 to ~~[7]~~ 5 and 8 to 10 of this section, all Missouri registrants who work, including as a volunteer or unpaid intern, or attend any school whether public or private, including any secondary school, trade school, professional school, or institution of higher education, on a full-time or part-time basis or have a temporary residence in this state shall be required to report in person ~~[to]~~ before the

[chief law enforcement officer] registration official in the area of the state where they work, including as a volunteer or unpaid intern, or attend any school or training and register in that state. ["Part-time" in this subsection means for more than seven days in any twelve-month period.

9.] 12. If a person who is required to register as a sexual offender under sections 589.400 to 589.425 changes or obtains a new online identifier [as defined in section 43.651], the person shall report such information in the same manner as a change of residence before using such online identifier.

589.415. [1.] Any probation officer or parole officer assigned to a sexual offender who is required to register pursuant to sections 589.400 to 589.425 shall notify the appropriate law enforcement officials whenever the probation officer or parole officer has reason to believe that the offender will be changing his or her residence. Upon obtaining the new address where the offender expects to reside, the probation officer or parole officer shall report such address to the [chief law enforcement] registration official with whom the offender last registered and the [chief law enforcement] registration official of the county having jurisdiction over the new residence, if different. The probation officer or parole officer shall also inform the offender of the offender's duty to register. However, nothing in this section shall affect the offender's duty to register, pursuant to sections 589.400 to 589.425.

[2. As used in this section, the term "probation officer" includes any agent of a private entity assigned to provide probation supervision services to an offender due to the offender's status as a sexual offender who is required to register pursuant to sections 589.400 to 589.425.]

589.417. 1. Except for the specific information listed in subsection 2 of this section, the complete statements, photographs and fingerprints required by sections 589.400 to 589.425 shall not be subject to the provisions of chapter 610 and are not public records as defined in section 610.010, and shall be available only to courts, prosecutors and law enforcement agencies.

2. [Notwithstanding any provision of law to the contrary, the chief law enforcement official of the county]

(1) The following information shall be available as an open record under chapter 610:

(a) Any information retained by the Missouri state highway patrol required to be published on the internet at the time of the request, as provided in section 589.411; and

(b) The name, offense requiring registration, dates of registration, and compliance status of any offender who has been removed from the internet because of death or a move out of the state. For offenders who have moved out of the state, the new state of residence shall also be an open record.

(2) The registration official shall maintain, for all offenders registered in such county, a complete list of the names, addresses and crimes for which such offenders are registered. Any person may request such list from the [chief law enforcement] registration official of the county.

3. Nothing in this section shall be construed to open any records relating to an offender who has been removed from the sexual offender registry or found exempt under section 589.401. Such records shall be governed by the provisions of chapter 610.

4. The metadata recorded by the sex offender registry system, website, or other related databases utilized by the sex offender registry including activity logs, user

information, or other related information shall be a closed record, available only to authorized users for the administration of criminal justice, as the term "administration of criminal justice" is defined in section 43.500.

630.1170. 1. Notwithstanding the provisions of chapter 195 or 579 to the contrary, the department of mental health, in collaboration with a hospital operated by an institution of higher education in this state or with contract research organizations conducting studies approved by the United States Food and Drug Administration, shall conduct a study on the efficacy of using alternative medicine and therapies, including the use of psilocybin, in the treatment of veterans who suffer from posttraumatic stress disorder, major depressive disorder, or substance use disorders or who require end-of-life care.

2. (1) In conducting the study, the department of mental health, in collaboration with the hospital or contract research organizations described in subsection 1 of this section and subject to appropriations, shall:

(a) Perform a study on the therapeutic efficacy of using psilocybin in the treatment of veterans who suffer from posttraumatic stress disorder, major depressive disorder, or substance use disorders or who require end-of-life care; and

(b) Review current literature regarding:

a. The safety and efficacy of psilocybin in the treatment of veterans who suffer from posttraumatic stress disorder, major depressive disorder, or substance use disorders or who require end-of-life care; and

b. The access that veterans have to psilocybin for such treatment.

(2) The department of mental health shall prepare and submit to the governor, lieutenant governor, and the general assembly the following:

(a) Quarterly reports on the progress of the study; and

(b) A written report, submitted one year following the commencement of the study, that shall:

a. Contain the results of the study and any recommendations for legislative or regulatory action; and

b. Highlight those clinical practices that appear to be most successful as well as any safety or health concerns.

3. The department of mental health shall maintain the confidentiality of any personally identifiable protected information collected during the study under this section.

4. Notwithstanding any other provision of law to the contrary, the department of mental health, any health care providers, and any other person involved in the study under this section shall not be subject to criminal or civil liability or sanction under the laws of this state for participating in the study, except in cases of gross negligence or willful misconduct. No health care provider shall be subject to discipline against his or her professional license for participation in the study.

5. Notwithstanding any other provision of law to the contrary, a physician shall not be subject to criminal or civil liability or sanction under the laws of this state for referring a veteran to the study under this section, and no state agency or regulatory board shall revoke, fail to renew, or take any other action against a physician's license issued under chapter 334 based solely on the physician's referral of a veteran to the study under this section.

632.305. 1. An application for detention for evaluation and treatment at a mental health facility may be

executed by any adult person, who need not be an attorney or represented by an attorney, on a form provided by the court for such purpose, and shall allege under oath[, without a notarization requirement,] that the applicant has reason to believe that the respondent is suffering from a mental disorder and presents a likelihood of serious harm to himself or herself or to others. The application shall specify the factual information on which such belief is based and should contain the names and addresses of all persons known to the applicant who have knowledge of such facts through personal observation.

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

3. A peace officer may take a person into custody for detention for evaluation and treatment at a mental health facility for a period not to exceed ninety-six hours only when such peace officer has reasonable cause to believe that such person is suffering from a mental disorder and that the likelihood of serious harm by such person to himself or herself or others is imminent unless such person is immediately taken into custody. Upon arrival at the mental health facility, the peace officer who conveyed such person or caused him or her to be conveyed shall either present the application for detention for evaluation and treatment upon which the court has issued a finding of probable cause and the respondent was taken into custody or complete an application for initial detention for evaluation and treatment for a period not to exceed ninety-six hours which shall be based upon his or her own personal observations or investigations and shall contain the information required in subsection 1 of this section.

4. If a person presents himself or herself or is presented by others to a mental health facility and a licensed physician, a registered professional nurse or a mental health professional designated by the head of the facility and approved by the department for such purpose has reasonable cause to believe that the person is mentally disordered and presents an imminent likelihood of serious harm to himself or herself or others unless he or she is accepted for detention, the licensed physician, the mental health professional or the registered professional nurse designated by the facility and approved by the department may complete an application for detention for evaluation and treatment for a period not to exceed ninety-six hours. The application shall be based on his or her own personal

observations or investigation and shall contain the information required in subsection 1 of this section.

5. (1) No notarization shall be required for an application, or for any affidavits, declarations, or other documents supporting an application, completed or executed by:

(a) A peace officer under subsection 3 of this section;

(b) A licensed physician, mental health professional, or registered professional nurse under subsection 4 of this section; or

(c) An employee acting on behalf of a hospital, as defined in section 197.020, under subsections 1 and 2 of this section.

(2) The application and any affidavits, declarations, or other documents supporting the application shall be subject to the provisions of section 492.060 allowing for declaration under penalty of perjury.

632.489. 1. Upon filing a petition pursuant to section 632.484 or 632.486, the judge shall determine whether probable cause exists to believe that the person named in the petition is a sexually violent predator. If such probable cause determination is made, the judge shall direct that person be taken into custody and direct that the person be transferred to an appropriate secure facility, including, but not limited to, a county jail. If the person is ordered to the department of mental health, the director of the department of mental health shall determine the appropriate secure facility to house the person under the provisions of section 632.495.

2. Within seventy-two hours after a person is taken into custody pursuant to subsection 1 of this section, excluding Saturdays, Sundays and legal holidays, such person shall be provided with notice of, and an opportunity to

appear in person at, a hearing to contest probable cause as to whether the detained person is a sexually violent predator. At this hearing the court shall:

(1) Verify the detainee's identity; and

(2) Determine whether probable cause exists to believe that the person is a sexually violent predator. The state may rely upon the petition and supplement the petition with additional documentary evidence or live testimony.

3. At the probable cause hearing as provided in subsection 2 of this section, the detained person shall have the following rights in addition to the rights previously specified:

(1) To be represented by counsel;

(2) To present evidence on such person's behalf;

(3) To cross-examine witnesses who testify against such person; and

(4) To view and copy all petitions and reports in the court file, including the assessment of the multidisciplinary team.

4. If the probable cause determination is made, the court shall direct that the person be transferred to an appropriate secure facility, including, but not limited to, a county jail, for an evaluation as to whether the person is a sexually violent predator. If the person is ordered to the department of mental health, the director of the department of mental health shall determine the appropriate secure facility, which may include the department of corrections or a county jail as set forth in section 632.495, to house the person. The court shall direct the director of the department of mental health to have the person examined by a psychiatrist or psychologist as defined in section 632.005 who was not a member of the multidisciplinary team that previously reviewed the person's

records. In addition, such person may be examined by a consenting psychiatrist or psychologist of the person's choice at the person's own expense. Any examination shall be conducted in the facility in which the person is confined. Any examinations ordered shall be made at such time and under such conditions as the court deems proper; except that, if the order directs the director of the department of mental health to have the person examined, the director shall determine the time, place and conditions under which the examination shall be conducted. The psychiatrist or psychologist conducting such an examination shall be authorized to interview family and associates of the person being examined, as well as victims and witnesses of the person's offense or offenses, for use in the examination unless the court for good cause orders otherwise. The psychiatrist or psychologist shall have access to all materials provided to and considered by the multidisciplinary team and to any police reports related to sexual offenses committed by the person being examined. Any examination performed pursuant to this section shall be completed and filed with the court within sixty days of the date the order is received by the director or other evaluator unless the court for good cause orders otherwise. One examination shall be provided at no charge by the department. All costs of any subsequent evaluations shall be assessed to the party requesting the evaluation.

632.492. Within sixty days after the completion of any examination held pursuant to section 632.489, the court shall conduct a trial to determine whether the person is a sexually violent predator. The trial may be continued upon the request of either party and a showing of good cause, or by the court on its own motion in the due administration of justice, and when the respondent will not be substantially

prejudiced. At all stages of the proceedings pursuant to sections 632.480 to 632.513, any person subject to sections 632.480 to 632.513 shall be entitled to the assistance of counsel, and if the person is indigent, the court shall appoint counsel to assist such person. The person, the attorney general, or the judge shall have the right to demand that the trial be before a jury. If the trial is held before a jury, the judge shall instruct the jury that if it finds that the person is a sexually violent predator, the person shall be committed to the custody of the director of the department of mental health to be housed in an appropriate secure facility, as determined by the director of the department of mental health as set forth in section 632.495, for control, care and treatment. If no demand for a jury is made, the trial shall be before the court. The court shall conduct all trials pursuant to this section in open court, except as otherwise provided for by the child victim witness protection law pursuant to sections 491.675 to 491.705.

632.495. 1. The court or jury shall determine whether, by clear and convincing evidence, the person is a sexually violent predator. If such determination that the person is a sexually violent predator is made by a jury, such determination shall be by unanimous verdict of such jury. Any determination as to whether a person is a sexually violent predator may be appealed.

2. If the court or jury determines that the person is a sexually violent predator, the person shall be committed to the custody of the director of the department of mental health for control, care and treatment until such time as the person's mental abnormality has so changed that the person is safe to be at large. Such control, care and treatment shall be provided or arranged by the department of

mental health in an appropriate secure facility, as determined by the director of the department of mental health as set forth in this section.

3. At all times, persons ordered to the department of mental health after a determination by the court that such persons may meet the definition of a sexually violent predator, persons ordered to the department of mental health after a finding of probable cause under section 632.489, and persons committed for control, care and treatment by the department of mental health pursuant to sections 632.480 to 632.513 shall be kept in a secure facility designated by the director of the department of mental health and such persons shall be segregated at all times from any other patient under the supervision of the director of the department of mental health. The department of mental health shall not place or house a person ordered to the department of mental health after a determination by the court that such person may meet the definition of a sexually violent predator, a person ordered to the department of mental health after a finding of probable cause under section 632.489, or a person committed for control, care, and treatment by the department of mental health, pursuant to sections 632.480 to 632.513, with other mental health patients. The provisions of this subsection shall not apply to a person who has been conditionally released under section 632.505.

4. The department of mental health is authorized to enter into an interagency agreement with the department of corrections for the confinement of **[such]** persons ordered to the department of mental health after a determination by the court that such persons may meet the definition of a sexually violent predator or for the confinement of persons ordered to the department of mental health after a finding of probable cause under section 632.489, provided the

department of corrections has necessary space and services available and the director of the department of corrections has agreed to provide such confinement through an interagency agreement with the department of mental health. Such persons who are in the confinement of the department of corrections pursuant to an interagency agreement shall be housed and managed separately from offenders in the custody of the department of corrections, and except for occasional instances of supervised incidental contact, shall be segregated from such offenders. If the department of mental health and the department of corrections have entered into an interagency agreement as provided in this subsection, the department of corrections is authorized to enter into one or more contract agreements as may be necessary to perform the agreed upon responsibilities of the department of corrections under the interagency agreement including, but not limited to, a contract agreement with one or more licensed professionals or providers of health care services to provide health care services to the persons identified in this subsection.

5. The department of mental health is authorized to enter into a contract agreement with one or more county jails in Missouri for the confinement of persons ordered to the department of mental health after a determination by the court that such persons may meet the definition of a sexually violent predator or for the confinement of persons ordered to the department of mental health after a finding of probable cause under section 632.489. Such persons who are in the confinement of a county jail pursuant to a contract agreement shall be housed and managed separately from offenders in the custody of the county jail, and except for occasional instances of supervised incidental contact, shall be segregated from such offenders.

6. The department of mental health is authorized to enter into an interagency agreement with the department of corrections for the control and care, including health care services, of persons committed to the department of mental health by the court as a sexually violent predator, provided the department of corrections has necessary space and services available and the director of the department of corrections has agreed to provide such control and care through an interagency agreement with the department of mental health. Such persons who are in the control and care of the department of corrections under an interagency agreement shall be housed and managed separately from offenders in the custody of the department of corrections, and except for occasional instances of supervised incidental contact, shall be segregated from such offenders. If the department of mental health and the department of corrections have entered into an interagency agreement as provided in this subsection, the department of corrections is authorized to enter into one or more contract agreements as may be necessary to perform the agreed upon responsibilities of the department of corrections under the interagency agreement including, but not limited to, a contract agreement with one or more licensed professionals or providers of health care services to provide health care services to the persons identified in this subsection.

7. The department of mental health is authorized to enter into a contract agreement with one or more licensed professionals or providers of health care or mental health care services to provide health care or mental health care services to persons ordered to the department of mental health after a determination by the court that such persons may meet the definition of a sexually violent predator, persons ordered to the department of mental health after a

finding of probable cause under section 632.489, and persons committed for control, care, and treatment by the department of mental health under sections 632.480 to 632.513.

8. If the court or jury is not satisfied by clear and convincing evidence that the person is a sexually violent predator, the court shall direct the person's release.

[7.] 9. Upon a mistrial, the court shall direct that the person be held at an appropriate secure facility, including, but not limited to, a county jail, until another trial is conducted. If the person is ordered to the department of mental health, the director of the department of mental health shall determine the appropriate secure facility to house the person. Any subsequent trial following a mistrial shall be held within ninety days of the previous trial, unless such subsequent trial is continued as provided in section 632.492.

632.504. Nothing in sections 632.480 to 632.513 shall prohibit a person from filing a petition for release pursuant to sections 632.480 to 632.513. However, if a person has previously filed a petition for release without the [director's] director of the department of mental health's approval and the court determined either upon review of the petition or following a hearing that the petitioner's petition was frivolous or that the petitioner's condition had not so changed that the person was safe to be at large, then the court shall deny the subsequent petition unless the petition contains facts upon which a court could find the condition of the petitioner had so changed that a hearing was warranted. Upon receipt of a first or subsequent petition from committed persons without the director's approval, the court shall endeavor whenever possible to review the petition and determine if the

petition is based upon frivolous grounds and if so shall deny the petition without a hearing.

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

(1) "Employee of the department of mental health", a person who is an employee of the department of mental health, an employee or contracted employee of a subcontractor of the department of mental health, or an employee or contracted employee of a subcontractor of an entity [responsible for confining offenders] under an interagency agreement or contract with the department of mental health as authorized by section 632.495;

(2) "Offender", a person ordered to the department of mental health after a determination by the court that the person meets the definition of a sexually violent predator, a person ordered to the department of mental health after a finding of probable cause under section 632.489, or a person committed for control, care, and treatment by the department of mental health under sections 632.480 to 632.513;

(3) "Secure facility", a facility operated by the department of mental health or an entity [responsible for confining offenders] designated by the department of mental health to confine offenders or provide control and care to offenders as authorized by section 632.495.

2. No offender shall knowingly commit violence to an employee of the department of mental health or to another offender housed in a secure facility. Violation of this subsection shall be a class B felony.

3. No offender shall knowingly damage any building or other property owned or operated by the department of mental health. Violation of this subsection shall be a class D felony.

650.240. The director shall employ deputy inspectors who shall be responsible to the chief inspector [and who shall have had at the time of appointment not less than five years' experience in the construction, installation, inspection, operation, maintenance, or repair of high pressure boilers and pressure vessels as a mechanical engineer, steam operating engineer, boilermaker, or boiler inspector, and who shall have passed the examination provided for in section 650.250] and who shall at the time of appointment meet the requirements as set forth by the most current Codes / Standards of the National Board of Boiler and Pressure Vessel Inspector (NBBI) for an Inservice Inspector.

[589.402. 1. The chief law enforcement officer of the county or city not within a county may maintain a web page on the internet, which shall be open to the public and shall include a registered sexual offender search capability.

2. Except as provided in subsections 4 and 5 of this section, the registered sexual offender search shall make it possible for any person using the internet to search for and find the information specified in subsection 3 of this section, if known, on offenders registered in this state pursuant to sections 589.400 to 589.425.

3. Only the information listed in this subsection shall be provided to the public in the registered sexual offender search:

- (1) The name and any known aliases of the offender;
- (2) The date of birth and any known alias dates of birth of the offender;
- (3) A physical description of the offender;
- (4) The residence, temporary, work, and school addresses of the offender, including the street address, city, county, state, and zip code;
- (5) Any photographs of the offender;

(6) A physical description of the offender's vehicles, including the year, make, model, color, and license plate number;

(7) The nature and dates of all offenses qualifying the offender to register, including the tier level assigned to the offender under sections 589.400 to 589.425;

(8) The date on which the offender was released from the department of mental health, prison, or jail, or placed on parole, supervised release, or probation for the offenses qualifying the offender to register;

(9) Compliance status of the offender with the provisions of sections 589.400 to 589.425; and

(10) Any online identifiers, as defined in section 43.651, used by the person. Such online identifiers shall not be included in the general profile of an offender on the web page and shall only be available to a member of the public by a search using the specific online identifier to determine if a match exists with a registered offender.

4. The chief law enforcement officer of any county or city not within a county may publish in any newspaper distributed in the county or city not within a county the sexual offender information provided under subsection 3 of this section for any offender residing in the county or city not within a county.

5. Juveniles required to register under subdivision (6) of subsection 1 of section 589.400 shall be exempt from public notification to include any adjudications from another state, territory, the District of Columbia, or foreign country or any federal, tribal, or military jurisdiction.]