

SENATE BILL NO. 882

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR TRENT.

5319S.02I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 217.305, 217.362, 217.655, 217.690, 217.760, 556.061, 557.011, 557.021, 558.011, 558.019, 558.026, 558.031, 558.046, 559.115, 566.030, 566.060, 566.067, 566.125, 566.151, 566.203, 566.210, 568.060, 570.030, 571.015, 571.030, 573.025, 575.151, and 589.425, RSMo, and to enact in lieu thereof twenty-eight new sections relating to criminal offenses, with penalty provisions.

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

Section A. Sections 217.305, 217.362, 217.655, 217.690, 217.760, 556.061, 557.011, 557.021, 558.011, 558.019, 558.026, 558.031, 558.046, 559.115, 566.030, 566.060, 566.067, 566.125, 566.151, 566.203, 566.210, 568.060, 570.030, 571.015, 571.030, 573.025, 575.151, and 589.425, RSMo, are repealed and twenty-eight new sections enacted in lieu thereof, to be known as sections 217.305, 217.362, 217.655, 217.690, 217.760, 556.061, 557.011, 557.021, 558.011, 558.019, 558.026, 558.031, 558.046, 559.115, 566.030, 566.060, 566.067, 566.125, 566.151, 566.203, 566.210, 568.060, 570.030, 571.015, 571.030, 573.025, 575.151, and 589.425, to read as follows:

217.305. 1. The sheriff or other officer charged with the delivery of persons committed to the department for confinement in a correctional center shall deliver the person to the reception and diagnostic center designated by the director at times and dates as designated by the

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

6 director and shall receive a certificate of delivery of the
7 offender from the center.

8 2. Appropriate information relating to the offender
9 shall be provided to the department in a written or
10 electronic format, at or before the time the offender is
11 delivered to the department, including, but not limited to:

12 (1) A certified copy of the sentence from the clerk of
13 the sentencing court on the standardized form developed by
14 the office of state courts administrator. Such form shall
15 include specifics on any status violated, court-ordered
16 probation not supervised by the department, the offense
17 cycle number [and], any court-ordered restitution owed to
18 the victim, **and sentencing calculation, including jail time**
19 **credit supplemented by a certificate of a sheriff or other**
20 **custodial officer from another jurisdiction having held the**
21 **person on the charge of the offense for which the sentence**
22 **of imprisonment is ordered pursuant to the provisions of**
23 **section 558.031;**

24 (2) Available information provided in writing by the
25 prosecutor regarding the offender's age, crime for which
26 sentenced, probable cause statement, circumstances
27 surrounding the crime and sentence, names, telephone
28 numbers, and last known address of victims, victim impact
29 statements, and personal history, which may include facts
30 related to the offender's home environment, or work habits,
31 gang affiliations, if any, and previous convictions and
32 commitments. Such information shall be prepared by the
33 prosecuting attorney of the county or circuit attorney of
34 any city not within a county who was charged with the
35 offender's prosecution;

36 (3) Information provided by the sheriff or other
37 officer charged with the delivery of persons committed to

the department regarding the offender's physical and mental health while in jail. All records on medication, care, and treatment provided to the offender while in jail shall be provided to the department prior to or upon delivery of the offender. If the offender has had no physical or mental health care or medications while in jail, the sheriff or other officer shall certify that no physical or mental health care or medication records are available. The sheriff shall provide certification of all applicable jail-time credit.

3. The department may refuse to accept any offender who is delivered for confinement without all required information.

217.362. 1. The department of corrections shall design and implement an intensive long-term program for the treatment of chronic nonviolent offenders with serious substance abuse addictions who have not pleaded guilty to or been convicted of a dangerous felony as defined in section 556.061.

2. Prior to sentencing, any judge considering an offender for this program shall notify the department. The potential candidate for the program shall be screened by the department to determine eligibility. The department shall, by regulation, establish eligibility criteria and inform the court of such criteria. The department shall notify the court as to the offender's eligibility and the availability of space in the program. Notwithstanding any other provision of law to the contrary, except as provided for in section 558.019, if an offender is eligible and there is adequate space, the court may sentence a person to the program which shall consist of institutional drug or alcohol treatment for a period of at least twelve and no more than

20 twenty-four months, as well as a term of incarceration. The
21 department shall determine the nature, intensity, duration,
22 and completion criteria of the education, treatment, and
23 aftercare portions of any program services provided.

24 Execution of the offender's term of incarceration shall be
25 suspended pending completion of said program. Allocation of
26 space in the program may be distributed by the department in
27 proportion to drug arrest patterns in the state. If the
28 court is advised that an offender is not eligible or that
29 there is no space available, the court shall consider other
30 authorized dispositions.

31 3. Upon successful completion of the program, the
32 division of probation and parole shall advise the sentencing
33 court of an offender's probationary release date thirty days
34 prior to release. If the court determines that probation is
35 not appropriate the court may order the execution of the
36 offender's sentence.

37 4. If it is determined by the department that the
38 offender has not successfully completed the program, or that
39 the offender is not cooperatively participating in the
40 program, the offender shall be removed from the program and
41 the court shall be advised. Failure of an offender to
42 complete the program shall cause the offender to serve the
43 sentence prescribed by the court and void the right to be
44 considered for probation on this sentence.

45 [5. An offender's first incarceration in a department
46 of corrections program pursuant to this section prior to
47 release on probation shall not be considered a previous
48 prison commitment for the purpose of determining a minimum
49 prison term pursuant to the provisions of section 558.019.]

217.655. 1. The parole board shall be responsible for
2 determining whether a person confined in the department

3 shall be paroled [or released conditionally as provided by
4 section 558.011]. The parole board shall receive
5 administrative support from the division of probation and
6 parole. The division of probation and parole shall provide
7 supervision to all persons referred by the circuit courts of
8 the state as provided by sections 217.750 and 217.760. The
9 parole board shall exercise independence in making decisions
10 about individual cases, but operate cooperatively within the
11 department and with other agencies, officials, courts, and
12 stakeholders to achieve systemic improvement including the
13 requirements of this section.

14 2. The parole board shall adopt parole guidelines to:

- 15 (1) Preserve finite prison capacity for the most
16 serious and violent offenders;
17 (2) Release supervision-manageable cases consistent
18 with section 217.690;
19 (3) Use finite resources guided by validated risk and
20 needs assessments;
21 (4) Support a seamless reentry process;
22 (5) Set appropriate conditions of supervision; and
23 (6) Develop effective strategies for responding to
24 violation behaviors.

25 3. The parole board shall collect, analyze, and apply
26 data in carrying out its responsibilities to achieve its
27 mission and end goals. The parole board shall establish
28 agency performance and outcome measures that are directly
29 responsive to statutory responsibilities and consistent with
30 agency goals for release decisions, supervision, revocation,
31 recidivism, and caseloads.

32 4. The parole board shall publish parole data,
33 including grant rates, revocation and recidivism rates,

length of time served, and successful supervision completions, and other performance metrics.

5. The chairperson of the parole board shall employ such employees as necessary to carry out its responsibilities, serve as the appointing authority over such employees, and provide for appropriate training to members and staff, including communication skills.

6. The division of probation and parole shall provide such programs as necessary to carry out its responsibilities consistent with its goals and statutory obligations.

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

2. Before ordering the parole of any offender, the parole board shall conduct a validated risk and needs assessment and evaluate the case under the rules governing parole that are promulgated by the parole board. The parole board shall then have the offender appear before a hearing panel and shall conduct a personal interview with him or her, unless waived by the offender, or if the guidelines indicate the offender may be paroled without need for an interview. The guidelines and rules shall not allow for the waiver of a hearing if a victim requests a hearing. The appearance or presence may occur by means of a videoconference at the discretion of the parole board. A parole may be ordered for the best interest of society when there is a reasonable probability, based on the risk assessment and indicators of release readiness, that the person can be supervised under parole supervision and successfully reintegrated into the community, not as an award of clemency; it shall not be considered a reduction of sentence or a pardon. Every offender while on parole shall

22 remain in the legal custody of the department but shall be
23 subject to the orders of the parole board.

24 3. The division of probation and parole has
25 discretionary authority to require the payment of a fee, not
26 to exceed sixty dollars per month, from every offender
27 placed under division supervision on probation, parole, or
28 conditional release, to waive all or part of any fee, to
29 sanction offenders for willful nonpayment of fees, and to
30 contract with a private entity for fee collections
31 services. All fees collected shall be deposited in the
32 inmate fund established in section 217.430. Fees collected
33 may be used to pay the costs of contracted collections
34 services. The fees collected may otherwise be used to
35 provide community corrections and intervention services for
36 offenders. Such services include substance abuse assessment
37 and treatment, mental health assessment and treatment,
38 electronic monitoring services, residential facilities
39 services, employment placement services, and other offender
40 community corrections or intervention services designated by
41 the division of probation and parole to assist offenders to
42 successfully complete probation, parole, or conditional
43 release. The division of probation and parole shall adopt
44 rules not inconsistent with law, in accordance with section
45 217.040, with respect to sanctioning offenders and with
46 respect to establishing, waiving, collecting, and using fees.

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

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

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

69 7. The provisions of subsection 6 of this section
70 shall not apply to an offender found guilty of capital
71 murder, murder in the first degree or murder in the second
72 degree, when murder in the second degree is committed
73 pursuant to subdivision (1) of subsection 1 of section
74 565.021, who was under eighteen years of age when the
75 offender committed the offense or offenses who may be found
76 ineligible for parole or whose parole eligibility may be
77 controlled by section 558.047 or 565.033.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

147 is academically unable to obtain a high school diploma or
148 its equivalent.

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

217.760. 1. In all felony cases and class A
2 misdemeanor cases, the basis of which misdemeanor cases are
3 contained in chapters 565 and 566 and section 577.023, at
4 the request of a circuit judge of any circuit court, the
5 division of probation and parole shall assign one or more
6 state probation and parole officers to make an investigation
7 of the person convicted of the crime or offense before
8 sentence is imposed. In all felony cases in which the
9 recommended sentence established by the sentencing advisory
10 commission pursuant to subsection [7] 1 of section 558.019
11 includes probation but the recommendation of the prosecuting
12 attorney or circuit attorney does not include probation, the
13 division of probation and parole shall, prior to sentencing,
14 provide the judge with a report on available alternatives to
15 incarceration. If a presentence investigation report is
16 completed then the available alternatives shall be included
17 in the presentence investigation report.

18 2. The report of the presentence investigation or
19 preparole investigation shall contain any prior criminal
20 record of the defendant and such information about his or
21 her characteristics, his or her financial condition, his or
22 her social history, the circumstances affecting his or her
23 behavior as may be helpful in imposing sentence or in
24 granting probation or in the correctional treatment of the
25 defendant, information concerning the impact of the crime
26 upon the victim, the recommended sentence established by the
27 sentencing advisory commission and available alternatives to
28 incarceration including opportunities for restorative
29 justice, as well as a recommendation by the probation and
30 parole officer. The officer shall secure such other
31 information as may be required by the court and, whenever it
32 is practicable and needed, such investigation shall include
33 a physical and mental examination of the defendant.

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

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

7 (2) "Affirmative defense":

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

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

13 (3) "Burden of injecting the issue":

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

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

19 (4) "Commercial film and photographic print
20 processor", any person who develops exposed photographic
21 film into negatives, slides or prints, or who makes prints
22 from negatives or slides, for compensation. The term
23 commercial film and photographic print processor shall
24 include all employees of such persons but shall not include
25 a person who develops film or makes prints for a public
26 agency;

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

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

45 (7) "Computer hardware", all equipment which can
46 collect, analyze, create, display, convert, store, conceal
47 or transmit electronic, magnetic, optical or similar

computer impulses or data. Hardware includes, but is not limited to, any data processing devices, such as central processing units, memory typewriters and self-contained laptop or notebook computers; internal and peripheral storage devices, transistor-like binary devices and other memory storage devices, such as floppy disks, removable disks, compact disks, digital video disks, magnetic tape, hard drive, optical disks and digital memory; local area networks, such as two or more computers connected together to a central computer server via cable or modem; peripheral input or output devices, such as keyboards, printers, scanners, plotters, video display monitors and optical readers; and related communication devices, such as modems, cables and connections, recording equipment, RAM or ROM units, acoustic couplers, automatic dialers, speed dialers, programmable telephone dialing or signaling devices and electronic tone-generating devices; as well as any devices, mechanisms or parts that can be used to restrict access to computer hardware, such as physical keys and locks;

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

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

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

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

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

(13) "Confinement":

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

a. A court orders the person's release; or

b. The person is released on bail, bond, or recognizance, personal or otherwise; or

c. A public servant having the legal power and duty to confine the person authorizes his release without guard and without condition that he return to confinement;

(b) A person is not in confinement if:

a. The person is on probation or parole, temporary or otherwise; or

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

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

(a) It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor; or

(b) It is given by a person who by reason of youth, mental disease or defect, intoxication, a drug-induced state, or any other reason is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or

(c) It is induced by force, duress or deception;

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

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

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

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

(19) "Dangerous felony", the felonies of arson in the first degree, assault in the first degree, attempted rape in the first degree if physical injury results, attempted forcible rape if physical injury results, attempted sodomy in the first degree if physical injury results, attempted forcible sodomy if physical injury results, rape in the first degree, forcible rape, sodomy in the first degree, forcible sodomy, assault in the second degree if the victim of such assault is a special victim as defined in subdivision (14) of section 565.002, kidnapping in the first degree, kidnapping, murder in the second degree, assault of

144 a law enforcement officer in the first degree, domestic
145 assault in the first degree, elder abuse in the first
146 degree, robbery in the first degree, armed criminal action,
147 conspiracy to commit an offense when the offense is a
148 dangerous felony, vehicle hijacking when punished as a class
149 A felony, statutory rape in the first degree [when the
150 victim is a child less than twelve years of age at the time
151 of the commission of the act giving rise to the offense],
152 statutory sodomy in the first degree [when the victim is a
153 child less than twelve years of age at the time of the
154 commission of the act giving rise to the offense], child
155 molestation in the first or second degree, abuse of a child
156 if the child dies as a result of injuries sustained from
157 conduct chargeable under section 568.060, child kidnapping,
158 parental kidnapping committed by detaining or concealing the
159 whereabouts of the child for not less than one hundred
160 twenty days under section 565.153, bus hijacking when
161 punished as a class A felony, planting a bomb or explosive
162 in or near a bus or terminal, [and] an "intoxication-related
163 traffic offense" or "intoxication-related boating offense"
164 if the person is found to be a "habitual offender" or
165 "habitual boating offender" as such terms are defined in
166 section 577.001, **abuse through forced labor when punished**
167 **under subsection 4 of section 566.203, trafficking for the**
168 **purposes of slavery, involuntary servitude, peonage, or**
169 **forced labor or attempted trafficking for the purposes of**
170 **slavery, involuntary servitude, peonage, or forced labor**
171 **when punished under subsection 4 of section 566.206,**
172 **trafficking for the purposes of sexual exploitation or**
173 **attempted trafficking for the purposes of sexual**
174 **exploitation when the offense was effected by force,**
175 **abduction, or coercion, sexual trafficking of a child in the**

first degree, sexual trafficking of a child in the second degree, and the failure to register as a sex offender as a third offense;

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

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

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

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

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

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

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

(27) "Forcible compulsion" either:

(a) Physical force that overcomes reasonable resistance; or

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

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

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

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

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

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

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

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

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

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

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

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

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

254 (34) "Of another", property that any entity, including
255 but not limited to any natural person, corporation, limited
256 liability company, partnership, association, governmental
257 subdivision or instrumentality, other than the actor, has a
258 possessory or proprietary interest therein, except that
259 property shall not be deemed property of another who has
260 only a security interest therein, even if legal title is in
261 the creditor pursuant to a conditional sales contract or
262 other security arrangement;

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

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

267 (37) "Place of confinement", any building or facility
268 and the grounds thereof wherein a court is legally

269 authorized to order that a person charged with or convicted
270 of a crime be held;

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

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

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

292 (41) "Purposely", when used with respect to a person's
293 conduct or to a result thereof, means when it is his or her
294 conscious object to engage in that conduct or to cause that
295 result;

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

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

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

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

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

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

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

but not any boat or craft having, as the only means of propulsion, a paddle or oars;

(49) "Voluntary act":

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

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

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

557.011. 1. Every person found guilty of an offense shall be dealt with by the court in accordance with the provisions of this chapter, except that for offenses defined outside this code and not repealed, the term of imprisonment or the fine that may be imposed is that provided in the statute defining the offense[; however, the conditional release term of any sentence of a term of years shall be determined as provided in subsection 4 of section 558.011].

2. Whenever any person has been found guilty of a felony or a misdemeanor the court shall make one or more of the following dispositions of the offender in any appropriate combination. The court may:

13 (1) Sentence the person to a term of imprisonment as
14 authorized by chapter 558;

15 (2) Sentence the person to pay a fine as authorized by
16 chapter 560;

17 (3) Suspend the imposition of sentence, with or
18 without placing the person on probation;

19 (4) Pronounce sentence and suspend its execution,
20 placing the person on probation;

21 (5) Impose a period of detention as a condition of
22 probation, as authorized by section 559.026.

23 3. Whenever any person has been found guilty of an
24 infraction, the court shall make one or more of the
25 following dispositions of the offender in any appropriate
26 combination. The court may:

27 (1) Sentence the person to pay a fine as authorized by
28 chapter 560;

29 (2) Suspend the imposition of sentence, with or
30 without placing the person on probation;

31 (3) Pronounce sentence and suspend its execution,
32 placing the person on probation.

33 4. Whenever any organization has been found guilty of
34 an offense, the court shall make one or more of the
35 following dispositions of the organization in any
36 appropriate combination. The court may:

37 (1) Sentence the organization to pay a fine as
38 authorized by chapter 560;

39 (2) Suspend the imposition of sentence, with or
40 without placing the organization on probation;

41 (3) Pronounce sentence and suspend its execution,
42 placing the organization on probation;

43 (4) Impose any special sentence or sanction authorized
44 by law.

45 5. This chapter shall not be construed to deprive the
46 court of any authority conferred by law to decree a
47 forfeiture of property, suspend or cancel a license, remove
48 a person from office, or impose any other civil penalty. An
49 appropriate order exercising such authority may be included
50 as part of any sentence.

51 6. In the event a sentence of confinement is ordered
52 executed, a court may order that an individual serve all or
53 any portion of such sentence on electronic monitoring;
54 except that all costs associated with the electronic
55 monitoring shall be charged to the person on house arrest.
56 If the judge finds the person unable to afford the costs
57 associated with electronic monitoring, the judge may order
58 that the person be placed on house arrest with electronic
59 monitoring if the county commission agrees to pay the costs
60 of such monitoring. If the person on house arrest is unable
61 to afford the costs associated with electronic monitoring
62 and the county commission does not agree to pay from the
63 general revenue of the county the costs of such electronic
64 monitoring, the judge shall not order that the person be
65 placed on house arrest with electronic monitoring.

 557.021. 1. Any offense defined outside this code
2 which is declared to be a misdemeanor without specification
3 of the penalty therefor is a class A misdemeanor.

4 2. Any offense defined outside this code which is
5 declared to be a felony without specification of the penalty
6 therefor is a class E felony **and subject to the terms**
7 **outlined in chapter 558.**

8 3. For the purpose of applying the extended term
9 provisions of section 558.016 and the minimum prison term
10 provisions of section [558.019] **558.011** and for determining

the penalty for attempts, offenses defined outside of this code shall be classified as follows:

(1) If the offense is a felony:

(a) It is a class A felony if the authorized penalty includes death, life imprisonment or imprisonment for a term of twenty years or more;

(b) It is a class B felony if the maximum term of imprisonment authorized exceeds ten years but is less than twenty years;

(c) It is a class C felony if the maximum term of imprisonment authorized is ten years;

(d) It is a class D felony if the maximum term of imprisonment exceeds four years but is less than ten years;

(e) It is a class E felony if the maximum term of imprisonment is four years or less;

(2) If the offense is a misdemeanor:

(a) It is a class A misdemeanor if the authorized imprisonment exceeds six months in jail;

(b) It is a class B misdemeanor if the authorized imprisonment exceeds thirty days but is not more than six months;

(c) It is a class C misdemeanor if the authorized imprisonment is thirty days or less;

(d) It is a class D misdemeanor if it includes a mental state as an element of the offense and there is no authorized imprisonment;

(e) It is an infraction if there is no authorized imprisonment.

558.011. 1. The authorized terms of imprisonment[, including both prison and conditional release terms,] for all offenses are:

4 (1) For a class A felony, a term of years not less
5 than ten years and not to exceed thirty years, or life
6 imprisonment, **for which an offender shall serve a minimum**
7 **percentage between sixty to eighty percent of the imposed**
8 **sentence, as determined by the sentencing court, prior to**
9 **parole eligibility;**

10 (2) For a class B felony, a term of years not less
11 than five years and not to exceed fifteen years, **for which**
12 **an offender shall serve a minimum percentage between forty**
13 **and sixty percent of the imposed sentence, as determined by**
14 **the sentencing court, prior to parole eligibility;**

15 (3) For a class C felony, a term of years not less
16 than three years and not to exceed ten years, **for which an**
17 **offender shall serve a minimum percentage between thirty and**
18 **fifty percent of the imposed sentence, as determined by the**
19 **sentencing court, prior to parole eligibility;**

20 (4) For a class D felony, a term of years not to
21 exceed seven years, **for which an offender shall serve a**
22 **minimum percentage between seventeen and thirty-seven**
23 **percent of the imposed sentence, as determined by the**
24 **sentencing court, prior to parole eligibility;**

25 (5) For a class E felony, a term of years not to
26 exceed four years, **for which an offender shall serve a**
27 **minimum percentage between seventeen and thirty-seven**
28 **percent of the imposed sentence, as determined by the**
29 **sentencing court, prior to parole eligibility;**

30 (6) For a class A misdemeanor, a term not to exceed
31 one year;

32 (7) For a class B misdemeanor, a term not to exceed
33 six months;

34 (8) For a class C misdemeanor, a term not to exceed
35 fifteen days.

36 2. The authorized terms of imprisonment provided in
37 subsection 1 of this section shall apply to all offenses
38 within this code, excluding those categorized as dangerous
39 felonies, as such term is defined by section 556.061.

40 3. In cases where the sentencing court does not impose
41 a specific term of imprisonment required to be served in
42 order for the person to become parole eligible, the minimum
43 percentage of the term of imprisonment associated with the
44 felony class for which the offender is being sentenced shall
45 be the required term of imprisonment.

46 4. In cases of class D and E felonies, the court shall
47 have discretion to imprison for a special term not to exceed
48 one year in the county jail or other authorized penal
49 institution, and the place of confinement shall be fixed by
50 the court. If the court imposes a sentence of imprisonment
51 for a term longer than one year upon a person convicted of a
52 class D or E felony, it shall commit the person to the
53 custody of the department of corrections.

54 [3.] 5. (1) When a regular sentence of imprisonment
55 for a felony is imposed, the court shall commit the person
56 to the custody of the department of corrections for the term
57 imposed under section 557.036, or until released under
58 procedures established elsewhere by law.

59 (2) A sentence of imprisonment for a misdemeanor shall
60 be for a definite term and the court shall commit the person
61 to the county jail or other authorized penal institution for
62 the term of his or her sentence or until released under
63 procedure established elsewhere by law.

64 [4. (1) Except as otherwise provided, a sentence of
65 imprisonment for a term of years for felonies other than
66 dangerous felonies as defined in section 556.061, and other
67 than sentences of imprisonment which involve the

68 individual's fourth or subsequent remand to the department
69 of corrections shall consist of a prison term and a
70 conditional release term. The conditional release term of
71 any term imposed under section 557.036 shall be:

72 (a) One-third for terms of nine years or less;

73 (b) Three years for terms between nine and fifteen
74 years;

75 (c) Five years for terms more than fifteen years; and
76 the prison term shall be the remainder of such term. The
77 prison term may be extended by the parole board pursuant to
78 subsection 5 of this section.

79 (2) "Conditional release" means the conditional
80 discharge of an offender by the parole board, subject to
81 conditions of release that the parole board deems reasonable
82 to assist the offender to lead a law-abiding life, and
83 subject to the supervision under the division of probation
84 and parole. The conditions of release shall include
85 avoidance by the offender of any other offense, federal or
86 state, and other conditions that the parole board in its
87 discretion deems reasonably necessary to assist the releasee
88 in avoiding further violation of the law.

89 5. The date of conditional release from the prison
90 term may be extended up to a maximum of the entire sentence
91 of imprisonment by the parole board. The director of any
92 division of the department of corrections except the
93 division of probation and parole may file with the parole
94 board a petition to extend the conditional release date when
95 an offender fails to follow the rules and regulations of the
96 division or commits an act in violation of such rules.
97 Within ten working days of receipt of the petition to extend
98 the conditional release date, the parole board shall convene
99 a hearing on the petition. The offender shall be present

and may call witnesses in his or her behalf and cross-examine witnesses appearing against the offender. The hearing shall be conducted as provided in section 217.670. If the violation occurs in close proximity to the conditional release date, the conditional release may be held for a maximum of fifteen working days to permit necessary time for the division director to file a petition for an extension with the parole board and for the parole board to conduct a hearing, provided some affirmative manifestation of an intent to extend the conditional release has occurred prior to the conditional release date. If at the end of a fifteen-working-day period a parole board decision has not been reached, the offender shall be released conditionally. The decision of the parole board shall be final.]

6. This section shall not be construed to affect the powers of the governor under Section 7 of Article IV of the Constitution of Missouri. This section shall not affect those provisions of section 565.020 or 566.125, which set minimum terms of sentences, or the provisions of section 559.115 relating to probation.

7. Notwithstanding any other provision of law to the contrary, any offender who has been found guilty of a dangerous felony and is committed to the department of corrections shall be required to serve a minimum prison term of eighty-five percent of the sentence imposed by the sentencing court.

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

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

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

135 9. For purposes of this section, the term "minimum
136 prison term" shall mean time required to be served by the
137 offender before he or she is eligible for parole or other
138 early release by the department of corrections.

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

7 2. The provisions of subsections 2 to 5 of this
8 section shall only be applicable to the offenses contained
9 in sections 565.021, 565.023, 565.024, 565.027, 565.050,
10 565.052, 565.054, 565.072, 565.073, 565.074, 565.090,
11 565.110, 565.115, 565.120, 565.153, 565.156, 565.225,
12 565.300, 566.030, 566.031, 566.032, 566.034, 566.060,
13 566.061, 566.062, 566.064, 566.067, 566.068, 566.069,
14 566.071, 566.083, 566.086, 566.100, 566.101, 566.103,
15 566.111, 566.115, 566.145, 566.151, 566.153, 566.203,
16 566.206, 566.209, 566.210, 566.211, 566.215, 568.030,
17 568.045, 568.060, 568.065, 568.175, 569.040, 569.160,
18 570.023, 570.025, 570.030 when punished as a class A, B, or
19 C felony, 570.145 when punished as a class A or B felony,
20 570.223 when punished as a class B or C felony, 571.020,
21 571.030, 571.070, 573.023, 573.025, 573.035, 573.037,
22 573.200, 573.205, 574.070, 574.080, 574.115, 575.030,
23 575.150, 575.153, 575.155, 575.157, 575.200 when punished as
24 a class A felony, 575.210, 575.230 when punished as a class

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

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

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

53 (3) If the offender has three or more previous prison
54 commitments to the department of corrections for felonies
55 unrelated to the present offense, the minimum prison term
56 which the offender must serve shall be eighty percent of his

57 or her sentence or until the offender attains seventy years
58 of age, and has served at least forty percent of the
59 sentence imposed, whichever occurs first.

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

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

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

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

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

81 6. An offender who was convicted of, or pled guilty
82 to, a felony offense other than those offenses listed in
83 subsection 2 of this section prior to August 28, 2019, shall
84 no longer be subject to the minimum prison term provisions
85 under subsection 2 of this section, and shall be eligible
86 for parole, conditional release, or other early release by
87 the department of corrections according to the rules and
88 regulations of the department.

89 7.] (1) A sentencing advisory commission is hereby
90 created to consist of eleven members. One member shall be
91 appointed by the speaker of the house. One member shall be
92 appointed by the president pro tem of the senate. One
93 member shall be the director of the department of
94 corrections. Six members shall be appointed by and serve at
95 the pleasure of the governor from among the following: the
96 public defender commission; private citizens; a private
97 member of the Missouri Bar; the board of probation and
98 parole; and a prosecutor. Two members shall be appointed by
99 the supreme court, one from a metropolitan area and one from
100 a rural area. All members shall be appointed to a four-year
101 term. All members of the sentencing commission appointed
102 prior to August 28, 1994, shall continue to serve on the
103 sentencing advisory commission at the pleasure of the
104 governor.

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

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

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

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

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

[8.] 2. Courts shall retain discretion to lower or exceed the sentence recommended by the commission as otherwise allowable by law, and to order restorative justice methods, when applicable.

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

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

(2) Offender treatment programs;

(3) Mandatory community service;
(4) Work release programs in local facilities; and
(5) Community-based residential and nonresidential programs.

[10.] 4. Pursuant to subdivision (1) of subsection **[9] 1** of this section, the court may order the assessment and payment of a designated amount of restitution to a county law enforcement restitution fund established by the county commission pursuant to section 50.565. Such contribution shall not exceed three hundred dollars for any charged offense. Any restitution moneys deposited into the county law enforcement restitution fund pursuant to this section shall only be expended pursuant to the provisions of section 50.565.

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

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

[13.] 7. Nothing in this section shall be construed to allow the sentencing advisory commission to issue

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

558.026. 1. Multiple sentences of imprisonment shall
2 run concurrently unless the court specifies that they shall
3 run consecutively; except in the case of multiple sentences
4 of imprisonment imposed for any offense committed during or
5 at the same time as, or multiple offenses of, the following
6 felonies:

7 (1) Rape in the first degree, forcible rape, or rape;

8 (2) Statutory rape in the first degree;

9 (3) Sodomy in the first degree, forcible sodomy, or
10 sodomy;

11 (4) Statutory sodomy in the first degree; or

12 (5) An attempt to commit any of the felonies listed in
13 this subsection. In such case, the sentence of imprisonment
14 imposed for any felony listed in this subsection or an
15 attempt to commit any of the aforesaid shall run
16 consecutively to the other sentences. The sentences imposed
17 for any other offense may run concurrently.

18 2. If a person who is on probation[,] or parole [or
19 conditional release] is sentenced to a term of imprisonment
20 for an offense committed after the granting of probation or
21 parole [or after the start of his or her conditional release
22 term], the court shall direct the manner in which the
23 sentence or sentences imposed by the court shall run with
24 respect to any resulting probation[,] or parole [or
25 conditional release] revocation term or terms. If the
26 subsequent sentence to imprisonment is in another
27 jurisdiction, the court shall specify how any resulting
28 probation[,] or parole [or conditional release] revocation
29 term or terms shall run with respect to the foreign sentence
30 of imprisonment.

31 3. A court may cause any sentence it imposes to run
32 concurrently with a sentence an individual is serving or is
33 to serve in another state or in a federal correctional
34 center. If the Missouri sentence is served in another state
35 or in a federal correctional center, [subsection 4 of
36 section 558.011 and] section 217.690 shall apply as if the
37 individual were serving his or her sentence within the
38 department of corrections of the state of Missouri, except
39 that a personal hearing before the parole board shall not be
40 required for parole consideration.

41 **4. When consecutive sentences are imposed by a court,**
42 **the sentencing equation shall be calculated using the**
43 **imposed term of years with respect to the minimum percentage**
44 **of the term authorized by the judge that shall be required**
45 **to be served prior to parole eligibility.**

46 **(1) For each felony offense of the consecutive**
47 **sentences to be served, the sentencing court shall impose**
48 **half of the term of years for each felony offense to be**
49 **served in prison prior to parole eligibility.**

50 **(2) For consecutive sentencing, the sentencing court**
51 **shall add half of the total number of years together from**
52 **each of the included felony offenses to be run consecutively**
53 **to determine the total number of years required to be served**
54 **prior to parole eligibility.**

55 **5. When concurrent sentences are imposed by a court, a**
56 **person shall serve the minimum required percentage for each**
57 **offense prior to parole eligibility.**

 558.031. 1. A sentence of imprisonment shall commence
2 when a person convicted of an offense in this state is
3 received into the custody of the department of corrections
4 or other place of confinement where the offender is
5 sentenced.

6 2. [Such] The court shall when pronouncing sentence,
7 executing a suspended sentence, or suspending the imposition
8 of a sentence record, as part of the judgment, the number of
9 days the person [shall receive credit toward the service of
10 a sentence of imprisonment for all time] was in prison,
11 jail, or custody, which was related to the offense, after
12 the offense occurred and before the [commencement]
13 pronouncement of the sentence[, when the time in custody was
14 related to that offense] or suspension of imposition of the
15 sentence, and award credit towards the service of a sentence
16 of imprisonment for that number of days. [This] The jail
17 time credit calculation shall be [based upon the
18 certification of the sheriff as provided in subdivision (3)
19 of subsection 2 of section 217.305 and may be supplemented
20 by a certificate of a sheriff or other custodial officer
21 from another jurisdiction having held the person on the
22 charge of the offense for which the sentence of imprisonment
23 is ordered] pronounced at the time of the judgment, the
24 execution of a suspended sentence, or the suspension of
25 imposition of sentence, shall be included in the record, and
26 shall include both the dates the person was in custody and
27 the number of days to be credited toward the service of the
28 sentence.

29 3. For purposes of this section, time in custody
30 related to an offense includes time during which the offense
31 was charged in a criminal proceeding, there was an arrest
32 warrant issued in said criminal proceeding, and the arrest
33 warrant was served upon the person. The person shall not be
34 entitled to any credit toward the service of a sentence of
35 imprisonment for any time such person was not being held on
36 said arrest warrant because such person posted bond, the

37 arrest warrant was recalled, or the person was otherwise
38 released.

39 4. The court may take judicial notice of all time the
40 person has served in prison, jail, or custody for a criminal
41 proceeding by comparing dates of service on arrest warrants
42 with evidence contained within the court file of dates of
43 release and the prosecution and defense attorney may enter
44 into a stipulation with regard to credit for the service of
45 a sentence of imprisonment for all time in prison, jail, or
46 custody, except in no event may the court approve a
47 stipulation that is greater than or less than the time in
48 custody related to an offense.

49 5. Upon motion and notice by defendant or defense
50 counsel, for any such person who was held in a juvenile
51 detention facility for an offense for which such person was
52 subsequently adjudicated to stand trial as an adult, the
53 court may also award credit toward the service of a sentence
54 of imprisonment for any time such person was confined in a
55 juvenile detention facility.

56 6. In the event a criminal proceeding related to an
57 offense is dismissed without prejudice by a court or nolle
58 prossed by the state, upon motion and notice by defendant or
59 defense counsel, the proceeding may be consolidated into the
60 present matter for purposes of calculating credit for the
61 service of a sentence of imprisonment.

62 7. The officer required by law to deliver a person
63 convicted of an offense in this state to the department of
64 corrections shall endorse upon the papers required by
65 section 217.305 both the dates the offender was in custody
66 and the period of time to be credited toward the service of
67 the sentence of imprisonment, [except as endorsed by such
68 officer] included in the judgment or suspended imposition of

69 sentence and such additional days after the pronouncement of
70 sentence and before the delivery of the person to the
71 department of corrections.

72 [4.] 8. If a person convicted of an offense escapes
73 from custody, such escape shall interrupt the sentence. The
74 interruption shall continue until such person is returned to
75 the correctional center where the sentence was being served,
76 or in the case of a person committed to the custody of the
77 department of corrections, to any correctional center
78 operated by the department of corrections. An escape shall
79 also interrupt the jail time credit to be applied to a
80 sentence which had not commenced when the escape occurred.

81 [5.] 9. If a sentence of imprisonment is vacated and a
82 new sentence imposed upon the offender for that offense, all
83 time served under the vacated sentence shall be credited
84 against the new sentence, unless the time has already been
85 credited to another sentence as provided in subsection 1 of
86 this section.

87 [6.] 10. If a person released from imprisonment on
88 parole or serving a conditional release term violates any of
89 the conditions of his or her parole or release, he or she
90 may be treated as a parole violator. If the parole board
91 revokes the parole or conditional release, the paroled
92 person shall serve the remainder of the prison term and
93 conditional release term, as an additional prison term, and
94 the conditionally released person shall serve the remainder
95 of the conditional release term as a prison term, unless
96 released on parole.

97 [7.] 11. Subsection 2 of this section shall be
98 applicable to offenses for which the offender was sentenced
99 on or after August 28, [2023] 2026.

100 [8. The total amount of credit given shall not exceed
101 the number of days spent in prison, jail, or custody after
102 the offense occurred and before the commencement of the
103 sentence.]

104 12. The court shall retain jurisdiction to rule on any
105 motion challenging the number of days of jail time credit
106 awarded in the pronouncement of a sentence.

558.046. The sentencing court may, upon petition,
2 reduce any term of sentence or probation pronounced by the
3 court or a term of conditional release or parole pronounced
4 by the parole board if the court determines that:

5 (1) The convicted person was:

6 (a) Convicted of an offense that did not involve
7 violence or the threat of violence; and

8 (b) Convicted of an offense that involved alcohol or
9 illegal drugs; and

10 (2) Since the commission of such offense, the
11 convicted person has successfully completed a detoxification
12 and rehabilitation program; and

13 (3) The convicted person is not:

14 (a) A prior offender, a persistent offender, a
15 dangerous offender or a persistent misdemeanor offender as
16 defined by section 558.016; or

17 (b) A persistent sexual offender as defined in section
18 566.125[; or

19 (c) A prior offender, a persistent offender or a class
20 X offender as defined in section 558.019].

559.115. 1. Neither probation nor parole shall be
2 granted by the circuit court between the time the transcript
3 on appeal from the offender's conviction has been filed in
4 appellate court and the disposition of the appeal by such
5 court.

6 2. Unless otherwise prohibited by subsection [8] 7 of
7 this section, a circuit court only upon its own motion and
8 not that of the state or the offender shall have the power
9 to grant probation to an offender anytime up to one hundred
10 twenty days after such offender has been delivered to the
11 department of corrections but not thereafter. The court may
12 request information and a recommendation from the department
13 concerning the offender and such offender's behavior during
14 the period of incarceration. Except as provided in this
15 section, the court may place the offender on probation in a
16 program created pursuant to section 217.777, or may place
17 the offender on probation with any other conditions
18 authorized by law.

19 3. The court may recommend placement of an offender in
20 a department of corrections one hundred twenty-day program
21 under this subsection. The department of corrections shall
22 assess each offender to determine the appropriate one
23 hundred twenty-day program in which to place the offender,
24 which may include placement in the structured cognitive
25 behavioral intervention program or institutional treatment
26 program. The placement of an offender in the structured
27 cognitive behavioral intervention program or institutional
28 treatment program shall be at the sole discretion of the
29 department based on the assessment of the offender and
30 available bed space. When the court recommends and receives
31 placement of an offender in a department of corrections one
32 hundred twenty-day program, the offender shall be released
33 on probation if the department of corrections determines
34 that the offender has successfully completed the program
35 except as follows. Upon successful completion of a program
36 under this subsection, the division of probation and parole
37 shall advise the sentencing court of an offender's

38 probationary release date thirty days prior to release. The
39 court shall follow the recommendation of the department
40 unless the court determines that probation is not
41 appropriate. If the court determines that probation is not
42 appropriate, the court may order the execution of the
43 offender's sentence only after conducting a hearing on the
44 matter within ninety to one hundred twenty days from the
45 date the offender was delivered to the department of
46 corrections. If the department determines the offender has
47 not successfully completed a one hundred twenty-day program
48 under this subsection, the division of probation and parole
49 shall advise the prosecuting attorney and the sentencing
50 court of the defendant's unsuccessful program exit and the
51 defendant shall be removed from the program. The department
52 shall report on the offender's participation in the program
53 and may provide recommendations for terms and conditions of
54 an offender's probation. The court shall then have the
55 power to grant probation or order the execution of the
56 offender's sentence.

57 4. If the court is advised that an offender is not
58 eligible for placement in a one hundred twenty-day program
59 under subsection 3 of this section, the court shall consider
60 other authorized dispositions. If the department of
61 corrections one hundred twenty-day program under subsection
62 3 of this section is full, the court may place the offender
63 in a private program approved by the department of
64 corrections or the court, the expenses of such program to be
65 paid by the offender, or in an available program offered by
66 another organization. If the offender is convicted of a
67 class C, class D, or class E nonviolent felony, the court
68 may order probation while awaiting appointment to treatment.

69 5. Except when the offender has been found to be a
70 predatory sexual offender pursuant to section 566.125, the
71 court shall request the department of corrections to conduct
72 a sexual offender assessment if the defendant has been found
73 guilty of sexual abuse when classified as a class B felony.
74 Upon completion of the assessment, the department shall
75 provide to the court a report on the offender and may
76 provide recommendations for terms and conditions of an
77 offender's probation. The assessment shall not be
78 considered a one hundred twenty-day program as provided
79 under subsection 3 of this section. The process for
80 granting probation to an offender who has completed the
81 assessment shall be as provided under subsections 2 and 6 of
82 this section.

83 6. Unless the offender is being granted probation
84 pursuant to successful completion of a one hundred twenty-
85 day program the circuit court shall notify the state in
86 writing when the court intends to grant probation to the
87 offender pursuant to the provisions of this section. The
88 state may, in writing, request a hearing within ten days of
89 receipt of the court's notification that the court intends
90 to grant probation. Upon the state's request for a hearing,
91 the court shall grant a hearing as soon as reasonably
92 possible. If the state does not respond to the court's
93 notice in writing within ten days, the court may proceed
94 upon its own motion to grant probation.

95 7. [An offender's first incarceration under this
96 section prior to release on probation shall not be
97 considered a previous prison commitment for the purpose of
98 determining a minimum prison term under the provisions of
99 section 558.019.]

8.] Notwithstanding any other provision of law, probation may not be granted pursuant to this section to offenders who have been convicted of murder in the second degree pursuant to section 565.021; forcible rape pursuant to section 566.030 as it existed prior to August 28, 2013; rape in the first degree under section 566.030; forcible sodomy pursuant to section 566.060 as it existed prior to August 28, 2013; sodomy in the first degree under section 566.060; statutory rape in the first degree pursuant to section 566.032; statutory sodomy in the first degree pursuant to section 566.062; child molestation in the first degree pursuant to section 566.067 when classified as a class A felony; abuse of a child pursuant to section 568.060 when classified as a class A felony; or an offender who has been found to be a predatory sexual offender pursuant to section 566.125; any offense under section 557.045; or any offense in which there exists a statutory prohibition against either probation or parole.

566.030. 1. A person commits the offense of rape in the first degree if he or she has sexual intercourse with another person who is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse.

2. The offense of rape in the first degree or an attempt to commit rape in the first degree is a felony for which the authorized term of imprisonment is life imprisonment or a term of years not less than five years, unless:

15 (1) The offense is an aggravated sexual offense, in
16 which case the authorized term of imprisonment is life
17 imprisonment or a term of years not less than fifteen years;

18 (2) The person is a persistent or predatory sexual
19 offender as defined in section 566.125 and subjected to an
20 extended term of imprisonment under said section;

21 (3) The victim is a child less than twelve years of
22 age, in which case the required term of imprisonment is life
23 imprisonment without eligibility for probation or parole
24 until the offender has served not less than thirty years of
25 such sentence or unless the offender has reached the age of
26 seventy-five years and has served at least fifteen years of
27 such sentence, unless such rape in the first degree is
28 described under subdivision (4) of this subsection; or

29 (4) The victim is a child less than twelve years of
30 age and such rape in the first degree or attempt to commit
31 rape in the first degree was outrageously or wantonly vile,
32 horrible or inhumane, in that it involved torture or
33 depravity of mind, in which case the required term of
34 imprisonment is life imprisonment without eligibility for
35 probation[,] or parole [or conditional release].

36 3. Subsection [4] 8 of section [558.019] 558.011 shall
37 not apply to the sentence of a person who has been found
38 guilty of rape in the first degree or attempt to commit rape
39 in the first degree when the victim is less than twelve
40 years of age, and "life imprisonment" shall mean
41 imprisonment for the duration of a person's natural life for
42 the purposes of this section.

43 4. No person found guilty of rape in the first degree
44 or an attempt to commit rape in the first degree shall be
45 granted a suspended imposition of sentence or suspended
46 execution of sentence.

566.060. 1. A person commits the offense of sodomy in the first degree if he or she has deviate sexual intercourse with another person who is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse.

2. The offense of sodomy in the first degree or an attempt to commit sodomy in the first degree is a felony for which the authorized term of imprisonment is life imprisonment or a term of years not less than five years, unless:

(1) The offense is an aggravated sexual offense, in which case the authorized term of imprisonment is life imprisonment or a term of years not less than ten years;

(2) The person is a persistent or predatory sexual offender as defined in section 566.125 and subjected to an extended term of imprisonment under said section;

(3) The victim is a child less than twelve years of age, in which case the required term of imprisonment is life imprisonment without eligibility for probation or parole until the offender has served not less than thirty years of such sentence or unless the offender has reached the age of seventy-five years and has served at least fifteen years of such sentence, unless such sodomy in the first degree is described under subdivision (4) of this subsection; or

(4) The victim is a child less than twelve years of age and such sodomy in the first degree or attempt to commit sodomy in the first degree was outrageously or wantonly vile, horrible or inhumane, in that it involved torture or

33 depravity of mind, in which case the required term of
34 imprisonment is life imprisonment without eligibility for
35 probation[,] or parole [or conditional release].

36 3. Subsection [4] 8 of section [558.019] 558.011 shall
37 not apply to the sentence of a person who has been found
38 guilty of sodomy in the first degree or an attempt to commit
39 sodomy in the first degree when the victim is less than
40 twelve years of age, and "life imprisonment" shall mean
41 imprisonment for the duration of a person's natural life for
42 the purposes of this section.

43 4. No person found guilty of sodomy in the first
44 degree or an attempt to commit sodomy in the first degree
45 shall be granted a suspended imposition of sentence or
46 suspended execution of sentence.

566.067. 1. A person commits the offense of child
2 molestation in the first degree if he or she subjects
3 another person who is less than fourteen years of age to
4 sexual contact and the offense is an aggravated sexual
5 offense.

6 2. The offense of child molestation in the first
7 degree is a class A felony and, if the victim is a child
8 less than twelve years of age, the person shall serve his or
9 her term of imprisonment without eligibility for
10 probation[,] or parole[, or conditional release].

566.125. 1. The court shall sentence a person to an
2 extended term of imprisonment if it finds the defendant is a
3 persistent sexual offender and has been found guilty of
4 attempting to commit or committing the following offenses:

5 (1) Statutory rape in the first degree or statutory
6 sodomy in the first degree;

7 (2) Rape in the first degree or sodomy in the first
8 degree;

- (3) Forcible rape;
- (4) Forcible sodomy;
- (5) Rape;
- (6) Sodomy.

2. A "persistent sexual offender" is one who has previously been found guilty of attempting to commit or committing any of the offenses listed in subsection 1 of this section or one who has previously been found guilty of an offense in any other jurisdiction which would constitute any of the offenses listed in subsection 1 of this section.

3. The term of imprisonment for one found to be a persistent sexual offender shall be imprisonment for life without eligibility for probation or parole. Subsection [4] 8 of section [558.019] 558.011 shall not apply to any person imprisoned under this subsection, and "imprisonment for life" shall mean imprisonment for the duration of the person's natural life.

4. The court shall sentence a person to an extended term of imprisonment as provided for in this section if it finds the defendant is a predatory sexual offender and has been found guilty of committing or attempting to commit any of the offenses listed in subsection 1 of this section or committing child molestation in the first or second degree or sexual abuse when classified as a class B felony.

5. For purposes of this section, a "predatory sexual offender" is a person who:

- (1) Has previously been found guilty of committing or attempting to commit any of the offenses listed in subsection 1 of this section, or committing child molestation in the first or second degree, or sexual abuse when classified as a class B felony; or

40 (2) Has previously committed an act which would
41 constitute an offense listed in subsection 4 of this
42 section, whether or not the act resulted in a conviction; or

43 (3) Has committed an act or acts against more than one
44 victim which would constitute an offense or offenses listed
45 in subsection 4 of this section, whether or not the
46 defendant was charged with an additional offense or offenses
47 as a result of such act or acts.

48 6. A person found to be a predatory sexual offender
49 shall be imprisoned for life with eligibility for parole,
50 however subsection [4] 8 of section [558.019] 558.011 shall
51 not apply to persons found to be predatory sexual offenders
52 for the purposes of determining the minimum prison term or
53 the length of sentence as defined or used in such
54 subsection. Notwithstanding any other provision of law, in
55 no event shall a person found to be a predatory sexual
56 offender receive a final discharge from parole.

57 7. Notwithstanding any other provision of law, the
58 court shall set the minimum time required to be served
59 before a predatory sexual offender is eligible for parole[,
60 conditional release] or other early release by the
61 department of corrections. The minimum time to be served by
62 a person found to be a predatory sexual offender who:

63 (1) Has previously been found guilty of committing or
64 attempting to commit any of the offenses listed in
65 subsection 1 of this section and is found guilty of
66 committing or attempting to commit any of the offenses
67 listed in subsection 1 of this section shall be any number
68 of years but not less than thirty years;

69 (2) Has previously been found guilty of child
70 molestation in the first or second degree, or sexual abuse
71 when classified as a class B felony and is found guilty of

72 attempting to commit or committing any of the offenses
73 listed in subsection 1 of this section shall be any number
74 of years but not less than fifteen years;

75 (3) Has previously been found guilty of committing or
76 attempting to commit any of the offenses listed in
77 subsection 1 of this section, or committing child
78 molestation in the first or second degree, or sexual abuse
79 when classified as a class B felony shall be any number of
80 years but not less than fifteen years;

81 (4) Has previously been found guilty of child
82 molestation in the first degree or second degree, or sexual
83 abuse when classified as a class B felony, and is found
84 guilty of child molestation in the first or second degree,
85 or sexual abuse when classified as a class B felony shall be
86 any number of years but not less than fifteen years;

87 (5) Is found to be a predatory sexual offender
88 pursuant to subdivision (2) or (3) of subsection 5 of this
89 section shall be any number of years within the range to
90 which the person could have been sentenced pursuant to the
91 applicable law if the person was not found to be a predatory
92 sexual offender.

93 8. Notwithstanding any provision of law to the
94 contrary, the department of corrections, or any division
95 thereof, may not furlough an individual found to be and
96 sentenced as a persistent sexual offender or a predatory
97 sexual offender.

566.151. 1. A person twenty-one years of age or older
2 commits the offense of enticement of a child if he or she
3 persuades, solicits, coaxes, entices, or lures whether by
4 words, actions or through communication via the internet or
5 any electronic communication, any person who is less than

6 seventeen years of age for the purpose of engaging in sexual
7 conduct.

8 2. It is not a defense to a prosecution for a
9 violation of this section that the other person was a peace
10 officer masquerading as a minor.

11 3. Enticement of a child or an attempt to commit
12 enticement of a child is a felony for which the authorized
13 term of imprisonment shall be not less than five years and
14 not more than thirty years. No person convicted under this
15 section shall be eligible for parole, probation,
16 [conditional release,] or suspended imposition or execution
17 of sentence for a period of five calendar years.

 566.203. 1. A person commits the offense of abusing
2 an individual through forced labor by knowingly providing or
3 obtaining the labor or services of a person:

4 (1) By causing or threatening to cause serious
5 physical injury to any person;

6 (2) By physically restraining or threatening to
7 physically restrain another person;

8 (3) By blackmail;

9 (4) By means of any scheme, plan, or pattern of
10 behavior intended to cause such person to believe that, if
11 the person does not perform the labor services, the person
12 or another person will suffer serious physical injury,
13 physical restraint, or financial harm; or

14 (5) By means of the abuse or threatened abuse of the
15 law or the legal process.

16 2. A person who is found guilty of the crime of abuse
17 through forced labor shall not be required to register as a
18 sexual offender pursuant to the provisions of section
19 589.400, unless such person is otherwise required to
20 register pursuant to the provisions of such section.

21 3. The offense of abuse through forced labor is a
22 felony punishable by imprisonment for a term of years not
23 less than five years and not more than twenty years and a
24 fine not to exceed two hundred fifty thousand dollars.

25 4. If death results from a violation of this section,
26 or if the violation includes kidnapping or an attempt to
27 kidnap, sexual abuse when punishable as a class B felony, or
28 an attempt to commit sexual abuse when punishable as a class
29 B felony, or an attempt to kill, it shall be punishable for
30 a term of years not less than five years or life and a fine
31 not to exceed two hundred fifty thousand dollars.

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

4 (1) Recruits, entices, harbors, transports, provides,
5 or obtains by any means, including but not limited to
6 through the use of force, abduction, coercion, fraud,
7 deception, blackmail, or causing or threatening to cause
8 financial harm, a person under the age of fourteen to
9 participate in a commercial sex act, a sexual performance,
10 or the production of explicit sexual material as defined in
11 section 573.010, or benefits, financially or by receiving
12 anything of value, from participation in such activities;

13 (2) Causes a person under the age of fourteen to
14 engage in a commercial sex act, a sexual performance, or the
15 production of explicit sexual material as defined in section
16 573.010; or

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

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

23 3. The offense of sexual trafficking of a child in the
24 first degree is a felony for which the authorized term of
25 imprisonment is life imprisonment without eligibility for
26 probation or parole until the offender has served not less
27 than thirty years of such sentence. Subsection [4] 8 of
28 section [558.019] **558.011** shall not apply to the sentence of
29 a person who has been found guilty of sexual trafficking of
30 a child less than fourteen years of age, and "life
31 imprisonment" shall mean imprisonment for the duration of a
32 person's natural life for the purposes of this section.

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

3 (1) "Abuse", the infliction of physical, sexual, or
4 mental injury against a child by any person eighteen years
5 of age or older. For purposes of this section, abuse shall
6 not include injury inflicted on a child by accidental means
7 by a person with care, custody, or control of the child, or
8 discipline of a child by a person with care, custody, or
9 control of the child, including spanking, in a reasonable
10 manner;

11 (2) "Abusive head trauma", a serious physical injury
12 to the head or brain caused by any means, including but not
13 limited to shaking, jerking, pushing, pulling, slamming,
14 hitting, or kicking;

15 (3) **"Independent activities", includes traveling to or**
16 **from school or nearby locations by bicycle or on foot,**
17 **playing outdoors, or remaining at home for a reasonable**
18 **period of time without adult supervision;**

19 (4) "Mental injury", an injury to the intellectual or
20 psychological capacity or the emotional condition of a child

21 as evidenced by an observable and substantial impairment of
22 the ability of the child to function within his or her
23 normal range of performance or behavior;

24 [(4)] (5) "Neglect", the failure to provide, by those
25 responsible for the care, custody, and control of a child
26 under the age of eighteen years, the care reasonable and
27 necessary to maintain the physical and mental health of the
28 child, when such failure presents a substantial probability
29 that death or physical injury or sexual injury would result;

30 [(5)] (6) "Physical injury", physical pain, illness,
31 or any impairment of physical condition, including but not
32 limited to bruising, lacerations, hematomas, welts, or
33 permanent or temporary disfigurement and impairment of any
34 bodily function or organ;

35 [(6)] (7) "Serious emotional injury", an injury that
36 creates a substantial risk of temporary or permanent medical
37 or psychological damage, manifested by impairment of a
38 behavioral, cognitive, or physical condition. Serious
39 emotional injury shall be established by testimony of
40 qualified experts upon the reasonable expectation of
41 probable harm to a reasonable degree of medical or
42 psychological certainty;

43 [(7)] (8) "Serious physical injury", a physical injury
44 that creates a substantial risk of death or that causes
45 serious disfigurement or protracted loss or impairment of
46 the function of any part of the body.

47 2. A person commits the offense of abuse or neglect of
48 a child if such person knowingly causes a child who is less
49 than eighteen years of age:

50 (1) To suffer physical or mental injury as a result of
51 abuse or neglect; or

52 (2) To be placed in a situation in which the child may
53 suffer physical or mental injury as the result of abuse or
54 neglect.

55 3. A person commits the offense of abuse or neglect of
56 a child if such person recklessly causes a child who is less
57 than eighteen years of age to suffer from abusive head
58 trauma.

59 4. A person does not commit the offense of abuse or
60 neglect of a child by virtue of the sole fact that the
61 person delivers or allows the delivery of a child to a
62 provider of emergency services.

63 5. [(1)] A person does not commit the offense of
64 abuse or neglect of a child by virtue of the sole fact that
65 the person allows the child to engage in independent
66 activities without adult supervision and the person is a
67 parent to the child or is responsible for the child's care,
68 provided that the:

69 (a) Independent activities are appropriate based on
70 the child's age, maturity, and physical and mental
71 abilities; and

72 (b) Lack of adult supervision does not constitute
73 conduct that is so grossly negligent as to endanger the
74 health or safety of the child.

75 [(2) As used in this subsection, "independent
76 activities" shall include traveling to or from school or
77 nearby locations by bicycle or on foot, playing outdoors, or
78 remaining at home for a reasonable period of time without
79 adult supervision.]

80 6. The offense of abuse or neglect of a child is:

81 (1) A class D felony, without eligibility for
82 probation[,] or parole[, or conditional release] until the
83 defendant has served no less than one year of such sentence,

84 unless the person has previously been found guilty of a
85 violation of this section or of a violation of the law of
86 any other jurisdiction that prohibits the same or similar
87 conduct or the injury inflicted on the child is a serious
88 emotional injury or a serious physical injury, in which case
89 abuse or neglect of a child is a class B felony, without
90 eligibility for probation or parole until the defendant has
91 served not less than five years of such sentence; or

92 (2) A class A felony if the child dies as a result of
93 injuries sustained from conduct chargeable under the
94 provisions of this section.

95 7. Notwithstanding subsection 6 of this section to the
96 contrary, the offense of abuse or neglect of a child is a
97 class A felony, without eligibility for probation[,] or
98 parole[, or conditional release] until the defendant has
99 served not less than fifteen years of such sentence, if:

100 (1) The injury is a serious emotional injury or a
101 serious physical injury;

102 (2) The child is less than fourteen years of age; and

103 (3) The injury is the result of sexual abuse or sexual
104 abuse in the first degree as defined under section 566.100
105 or sexual exploitation of a minor as defined under section
106 573.023.

107 8. The circuit or prosecuting attorney may refer a
108 person who is suspected of abuse or neglect of a child to an
109 appropriate public or private agency for treatment or
110 counseling so long as the agency has consented to taking
111 such referrals. Nothing in this subsection shall limit the
112 discretion of the circuit or prosecuting attorney to
113 prosecute a person who has been referred for treatment or
114 counseling pursuant to this subsection.

115 9. Nothing in this section shall be construed to alter
116 the requirement that every element of any crime referred to
117 herein must be proven beyond a reasonable doubt.

118 10. Discipline, including spanking administered in a
119 reasonable manner, shall not be construed to be abuse under
120 this section.

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

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

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

10 (3) For the purpose of depriving the owner of a lawful
11 interest therein, receives, retains or disposes of property
12 of another knowing that it has been stolen, or believing
13 that it has been stolen.

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

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

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

23 (2) The property consists of any animal considered
24 livestock as the term livestock is defined in section
25 144.010, or any captive wildlife held under permit issued by
26 the conservation commission, and the value of the animal or

27 animals appropriated exceeds three thousand dollars and that
28 person has previously been found guilty of appropriating any
29 animal considered livestock or captive wildlife held under
30 permit issued by the conservation commission.

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

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

42 (4) The property appropriated or attempted to be
43 appropriated consists of any animal considered livestock as
44 the term is defined in section 144.010 if the value of the
45 livestock exceeds ten thousand dollars;

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

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

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

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

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

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

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

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

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

72 (3) The property appropriated consists of:

73 (a) Any motor vehicle, watercraft or aircraft;

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

76 (c) Any credit device, debit device or letter of
77 credit;

78 (d) Any firearms;

79 (e) Any explosive weapon as defined in section 571.010;

80 (f) Any United States national flag designed, intended
81 and used for display on buildings or stationary flagstaffs
82 in the open;

83 (g) Any original copy of an act, bill or resolution,
84 introduced or acted upon by the legislature of the state of
85 Missouri;

86 (h) Any pleading, notice, judgment or any other record
87 or entry of any court of this state, any other state or of
88 the United States;

89 (i) Any book of registration or list of voters
90 required by chapter 115;

(j) Any animal considered livestock as that term is defined in section 144.010;

(k) Any live fish raised for commercial sale with a value of seventy-five dollars or more;

(l) Any captive wildlife held under permit issued by the conservation commission;

(m) Any controlled substance as defined by section 195.010;

(n) Ammonium nitrate;

(o) Any wire, electrical transformer, or metallic wire associated with transmitting telecommunications, video, internet, or voice over internet protocol service, or any other device or pipe that is associated with conducting electricity or transporting natural gas or other combustible fuels; or

(p) Any material appropriated with the intent to use such material to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues.

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

(1) The property appropriated is an animal;

(2) The property is a catalytic converter;

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

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

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

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

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

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

139 11. The value of property or services appropriated
140 pursuant to one scheme or course of conduct, whether from
141 the same or several owners and whether at the same or
142 different times, constitutes a single criminal episode and
143 may be aggregated in determining the grade of the offense,
144 except as set forth in subsection 10 of this section.

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

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

153 (2) Any act of receiving or possessing any property
154 that has been taken or stolen in violation of subdivision

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

(3) Any act of organizing, supervising, financing, leading, or managing between one or more persons to engage for profit in a scheme or course of conduct to effectuate or intend to effectuate the transfer or sale of property stolen from any business in violation of this section, and separate acts of organizing, supervising, financing, leading, or managing between one or more persons to engage for profit in a scheme or course of conduct to effectuate or intend to effectuate the transfer or sale of such stolen property that are part of any ongoing agreement to organize, supervise, finance, lead, or manage between one or more persons to engage for profit in a scheme or course of conduct to effectuate or intend to effectuate the transfer or sale of such stolen property may be aggregated for the purpose of determining the value regardless of whether such acts are committed in the same jurisdiction or at the same time.

13. If any prosecuting attorney or circuit attorney makes a request in writing to the attorney general, the attorney general shall have the authority to commence and prosecute the offense of stealing if such offense involves organized retail theft, and any other offenses that directly arise from or causally occur as a result of an alleged violation of the offense of stealing involving organized retail theft, in each or any county or a city not within a

187 county in which the offense occurred with the same power and
188 authority granted to prosecuting attorneys in section 56.060
189 and circuit attorneys in section 56.450, except that all
190 costs and fees of such prosecution by the attorney general
191 shall be paid by the state and not by any county or local
192 government.

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

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

20 2. Any person convicted of a second offense of armed
21 criminal action under subsection 1 of this section shall be
22 punished by imprisonment by the department of corrections
23 for a term of not less than five years and not to exceed

24 thirty years, unless the person is unlawfully possessing a
25 firearm, in which case the term of imprisonment shall be for
26 a term not less than fifteen years. The punishment imposed
27 pursuant to this subsection shall be in addition to and
28 consecutive to any punishment provided by law for the crime
29 committed by, with, or through the use, assistance, or aid
30 of a dangerous instrument or deadly weapon. No person
31 convicted under this subsection shall be eligible for
32 parole, probation, [conditional release,] or suspended
33 imposition or execution of sentence for a period of five
34 calendar years.

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

571.030. 1. A person commits the offense of unlawful
2 use of weapons, except as otherwise provided by sections
3 571.101 to 571.121, if he or she knowingly:

4 (1) Carries concealed upon or about his or her person
5 a knife, a firearm, a blackjack or any other weapon readily
6 capable of lethal use into any area where firearms are
7 restricted under section 571.107; or

8 (2) Sets a spring gun; or

9 (3) Discharges or shoots a firearm into a dwelling
10 house, a railroad train, boat, aircraft, or motor vehicle as
11 defined in section 302.010, or any building or structure
12 used for the assembling of people; or

13 (4) Exhibits, in the presence of one or more persons,
14 any weapon readily capable of lethal use in an angry or
15 threatening manner; or

16 (5) Has a firearm or projectile weapon readily capable
17 of lethal use on his or her person, while he or she is
18 intoxicated, and handles or otherwise uses such firearm or
19 projectile weapon in either a negligent or unlawful manner
20 or discharges such firearm or projectile weapon unless
21 acting in self-defense; or

22 (6) Discharges a firearm within one hundred yards of
23 any occupied schoolhouse, courthouse, or church building; or

24 (7) Discharges or shoots a firearm at a mark, at any
25 object, or at random, on, along or across a public highway
26 or discharges or shoots a firearm into any outbuilding; or

27 (8) Carries a firearm or any other weapon readily
28 capable of lethal use into any church or place where people
29 have assembled for worship, or into any election precinct on
30 any election day, or into any building owned or occupied by
31 any agency of the federal government, state government, or
32 political subdivision thereof; or

33 (9) Discharges or shoots a firearm at or from a motor
34 vehicle, as defined in section 301.010, discharges or shoots
35 a firearm at any person, or at any other motor vehicle, or
36 at any building or habitable structure, unless the person
37 was lawfully acting in self-defense; or

38 (10) Carries a firearm, whether loaded or unloaded, or
39 any other weapon readily capable of lethal use into any

40 school, onto any school bus, or onto the premises of any
41 function or activity sponsored or sanctioned by school
42 officials or the district school board; or

43 (11) Possesses a firearm while also knowingly in
44 possession of a controlled substance that is sufficient for
45 a felony violation of section 579.015.

46 2. Subdivisions (1), (8), and (10) of subsection 1 of
47 this section shall not apply to the persons described in
48 this subsection, regardless of whether such uses are
49 reasonably associated with or are necessary to the
50 fulfillment of such person's official duties except as
51 otherwise provided in this subsection. Subdivisions (3),
52 (4), (6), (7), and (9) of subsection 1 of this section shall
53 not apply to or affect any of the following persons, when
54 such uses are reasonably associated with or are necessary to
55 the fulfillment of such person's official duties, except as
56 otherwise provided in this subsection:

57 (1) All state, county and municipal peace officers who
58 have completed the training required by the police officer
59 standards and training commission pursuant to sections
60 590.030 to 590.050 and who possess the duty and power of
61 arrest for violation of the general criminal laws of the
62 state or for violation of ordinances of counties or
63 municipalities of the state, whether such officers are on or
64 off duty, and whether such officers are within or outside of
65 the law enforcement agency's jurisdiction, or all qualified
66 retired peace officers, as defined in subsection 12 of this
67 section, and who carry the identification defined in
68 subsection 13 of this section, or any person summoned by
69 such officers to assist in making arrests or preserving the
70 peace while actually engaged in assisting such officer;

71 (2) Wardens, superintendents and keepers of prisons,
72 penitentiaries, jails and other institutions for the
73 detention of persons accused or convicted of crime;

74 (3) Members of the Armed Forces or National Guard
75 while performing their official duty;

76 (4) Those persons vested by Article V, Section 1 of
77 the Constitution of Missouri with the judicial power of the
78 state and those persons vested by Article III of the
79 Constitution of the United States with the judicial power of
80 the United States, the members of the federal judiciary;

81 (5) Any person whose bona fide duty is to execute
82 process, civil or criminal;

83 (6) Any federal probation officer or federal flight
84 deck officer as defined under the federal flight deck
85 officer program, 49 U.S.C. Section 44921, regardless of
86 whether such officers are on duty, or within the law
87 enforcement agency's jurisdiction;

88 (7) Any state probation or parole officer, including
89 supervisors and members of the parole board;

90 (8) Any corporate security advisor meeting the
91 definition and fulfilling the requirements of the
92 regulations established by the department of public safety
93 under section 590.750;

94 (9) Any coroner, deputy coroner, medical examiner, or
95 assistant medical examiner;

96 (10) Any municipal or county prosecuting attorney or
97 assistant prosecuting attorney; circuit attorney or
98 assistant circuit attorney; municipal, associate, or circuit
99 judge; or any person appointed by a court to be a special
100 prosecutor who has completed the firearms safety training
101 course required under subsection 2 of section 571.111;

(11) Any member of a fire department or fire protection district who is employed on a full-time basis as a fire investigator and who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit under section 571.111 when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties; and

(12) Upon the written approval of the governing body of a fire department or fire protection district, any paid fire department or fire protection district member who is employed on a full-time basis and who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.

3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply to any person nineteen years of age or older or eighteen years of age or older and a member of the United States Armed Forces, or honorably discharged from the United States Armed Forces, transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state.

Subdivision (10) of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event or club event.

4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any person who has a valid concealed carry permit issued pursuant to sections 571.101 to 571.121, a valid concealed carry endorsement issued before August 28, 2013, or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state.

5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031.

6. Notwithstanding any provision of this section to the contrary, the state shall not prohibit any state employee from having a firearm in the employee's vehicle on the state's property provided that the vehicle is locked and the firearm is not visible. This subsection shall only apply to the state as an employer when the state employee's vehicle is on property owned or leased by the state and the state employee is conducting activities within the scope of his or her employment. For the purposes of this subsection, "state employee" means an employee of the executive, legislative, or judicial branch of the government of the state of Missouri.

7. (1) Subdivision (10) of subsection 1 of this section shall not apply to a person who is a school officer commissioned by the district school board under section

162.215 or who is a school protection officer, as described under section 160.665.

(2) Nothing in this section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored or club-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

8. A person who commits the crime of unlawful use of weapons under:

(1) Subdivision (2), (3), (4), or (11) of subsection 1 of this section shall be guilty of a class E felony;

(2) Subdivision (1), (6), (7), or (8) of subsection 1 of this section shall be guilty of a class B misdemeanor, except when a concealed weapon is carried onto any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one or more signs displayed in a conspicuous place of a minimum size of eleven inches by fourteen inches with the writing thereon in letters of not less than one inch, in which case the penalties of subsection 2 of section 571.107 shall apply;

(3) Subdivision (5) or (10) of subsection 1 of this section shall be guilty of a class A misdemeanor if the firearm is unloaded and a class E felony if the firearm is loaded;

(4) Subdivision (9) of subsection 1 of this section shall be guilty of a class B felony, except that if the violation of subdivision (9) of subsection 1 of this section

197 results in injury or death to another person, it is a class
198 A felony.

199 9. Violations of subdivision (9) of subsection 1 of
200 this section shall be punished as follows:

201 (1) For the first violation a person shall be
202 sentenced to the maximum authorized term of imprisonment for
203 a class B felony;

204 (2) For any violation by a prior offender as defined
205 in section 558.016, a person shall be sentenced to the
206 maximum authorized term of imprisonment for a class B felony
207 without the possibility of parole[,] or probation [or
208 conditional release] for a term of ten years;

209 (3) For any violation by a persistent offender as
210 defined in section 558.016, a person shall be sentenced to
211 the maximum authorized term of imprisonment for a class B
212 felony without the possibility of parole[,] or probation[,
213 or conditional release];

214 (4) For any violation which results in injury or death
215 to another person, a person shall be sentenced to an
216 authorized disposition for a class A felony.

217 10. Any person knowingly aiding or abetting any other
218 person in the violation of subdivision (9) of subsection 1
219 of this section shall be subject to the same penalty as that
220 prescribed by this section for violations by other persons.

221 11. Notwithstanding any other provision of law, no
222 person who pleads guilty to or is found guilty of a felony
223 violation of subsection 1 of this section shall receive a
224 suspended imposition of sentence if such person has
225 previously received a suspended imposition of sentence for
226 any other firearms- or weapons-related felony offense.

227 12. As used in this section "qualified retired peace
228 officer" means an individual who:

(1) Retired in good standing from service with a public agency as a peace officer, other than for reasons of mental instability;

(2) Before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

(3) Before such retirement, was regularly employed as a peace officer for an aggregate of fifteen years or more, or retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

(4) Has a nonforfeitable right to benefits under the retirement plan of the agency if such a plan is available;

(5) During the most recent twelve-month period, has met, at the expense of the individual, the standards for training and qualification for active peace officers to carry firearms;

(6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

(7) Is not prohibited by federal law from receiving a firearm.

13. The identification required by subdivision (1) of subsection 2 of this section is:

(1) A photographic identification issued by the agency from which the individual retired from service as a peace officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active peace

officers to carry a firearm of the same type as the
concealed firearm; or

(2) A photographic identification issued by the agency
from which the individual retired from service as a peace
officer; and

(3) A certification issued by the state in which the
individual resides that indicates that the individual has,
not less recently than one year before the date the
individual is carrying the concealed firearm, been tested or
otherwise found by the state to meet the standards
established by the state for training and qualification for
active peace officers to carry a firearm of the same type as
the concealed firearm.

573.025. 1. A person commits the offense of promoting
child pornography in the first degree if, knowing of its
content and character, such person possesses with the intent
to promote or promotes child pornography of a child less
than fourteen years of age or obscene material portraying
what appears to be a child less than fourteen years of age.

2. The offense of promoting child pornography in the
first degree is a class B felony unless the person knowingly
promotes such material to a minor, in which case it is a
class A felony. No person who is found guilty of promoting
child pornography in the first degree shall be eligible for
probation[,] or parole[, or conditional release] for a
period of three calendar years.

3. Nothing in this section shall be construed to
require a provider of electronic communication services or
remote computing services to monitor any user, subscriber or
customer of the provider, or the content of any
communication of any user, subscriber or customer of the
provider.

575.151. 1. This section shall be known and may be
cited as "Valentine's Law".

2. A person commits the offense of aggravated fleeing
a stop or detention of a motor vehicle if he or she knows or
reasonably should know that a law enforcement officer is
attempting to detain or stop a motor vehicle, and for the
purpose of preventing the officer from effecting the stop or
detention, he or she flees and:

(1) Such person operates a motor vehicle at a high
speed or in any manner which creates a substantial risk of
serious physical injury or death to any person;

(2) As a result of such flight causes physical injury
to another person; or

(3) As a result of such flight causes death to another
person.

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

4. It is no defense to a prosecution pursuant to
subsection 2 of this section that the law enforcement
officer was acting unlawfully in making the arrest.
However, nothing in this section shall be construed to bar
civil suits for unlawful arrest. A person need not know the
basis for the arrest, detention, or stop, only that the
person was being stopped or detained.

5. The offense of aggravated fleeing a stop or
detention in violation of subdivision (1) of subsection 2 of
this section shall be a class D felony, without eligibility
for probation[,] or parole[, or conditional release] until

33 the defendant has served no less than one year of such
34 sentence. The offense of aggravated fleeing a stop or
35 detention in violation of subdivision (2) of subsection 2 of
36 this section shall be a class B felony. The offense of
37 aggravated fleeing a stop or detention in violation of
38 subdivision (3) of subsection 2 of this section shall be a
39 class A felony.

589.425. 1. A person commits the crime of failing to
2 register as a sex offender when the person is required to
3 register under sections 589.400 to 589.425 and fails to
4 comply with any requirement of sections 589.400 to 589.425.
5 Failing to register as a sex offender is a class E felony
6 unless the person is required to register based on having
7 committed an offense in chapter 566 which was an
8 unclassified felony, a class A or B felony, or a felony
9 involving a child under the age of fourteen, in which case
10 it is a class D felony.

11 2. A person commits the crime of failing to register
12 as a sex offender as a second offense by failing to comply
13 with any requirement of sections 589.400 to 589.425 and he
14 or she has previously pled guilty to or has previously been
15 found guilty of failing to register as a sex offender.
16 Failing to register as a sex offender as a second offense is
17 a class E felony unless the person is required to register
18 based on having committed an offense in chapter 566, or an
19 offense in any other state or foreign country, or under
20 federal, tribal, or military jurisdiction, which if
21 committed in this state would be an offense under chapter
22 566 which was an unclassified felony, a class A or B felony,
23 or a felony involving a child under the age of fourteen, in
24 which case it is a class D felony.

25 3. (1) A person commits the crime of failing to
26 register as a sex offender as a third offense by failing to
27 meet the requirements of sections 589.400 to 589.425 and he
28 or she has, on two or more occasions, previously pled guilty
29 to or has previously been found guilty of failing to
30 register as a sex offender. Failing to register as a sex
31 offender as a third offense is a felony which shall be
32 punished by a term of imprisonment of not less than ten
33 years and not more than thirty years.

34 (2) No court may suspend the imposition or execution
35 of sentence of a person who pleads guilty to or is found
36 guilty of failing to register as a sex offender as a third
37 offense. No court may sentence such person to pay a fine in
38 lieu of a term of imprisonment.

39 (3) A person sentenced under this subsection shall not
40 be eligible for [conditional release or] parole until he or
41 she has served at least two years of imprisonment.

42 (4) Upon release, an offender who has committed
43 failing to register as a sex offender as a third offense
44 shall be electronically monitored as a mandatory condition
45 of supervision. Electronic monitoring may be based on a
46 global positioning system or any other technology which
47 identifies and records the offender's location at all times.

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