

SECOND REGULAR SESSION

# SENATE BILL NO. 882

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY SENATOR TRENT.

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5319S.02I

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KRISTINA MARTIN, Secretary

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### 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.

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*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,  
2 217.760, 556.061, 557.011, 557.021, 558.011, 558.019, 558.026,  
3 558.031, 558.046, 559.115, 566.030, 566.060, 566.067, 566.125,  
4 566.151, 566.203, 566.210, 568.060, 570.030, 571.015, 571.030,  
5 573.025, 575.151, and 589.425, RSMo, are repealed and twenty-  
6 eight new sections enacted in lieu thereof, to be known as  
7 sections 217.305, 217.362, 217.655, 217.690, 217.760, 556.061,  
8 557.011, 557.021, 558.011, 558.019, 558.026, 558.031, 558.046,  
9 559.115, 566.030, 566.060, 566.067, 566.125, 566.151, 566.203,  
10 566.210, 568.060, 570.030, 571.015, 571.030, 573.025, 575.151,  
11 and 589.425, to read as follows:

217.305. 1. The sheriff or other officer charged with  
2 the delivery of persons committed to the department for  
3 confinement in a correctional center shall deliver the  
4 person to the reception and diagnostic center designated by  
5 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**  
**credit supplemented by a certificate of a sheriff or other**  
**custodial officer from another jurisdiction having held the**  
**person on the charge of the offense for which the sentence**  
**of imprisonment is ordered pursuant to the provisions of**  
**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

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

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

217.362. 1. The department of corrections shall  
2 design and implement an intensive long-term program for the  
3 treatment of chronic nonviolent offenders with serious  
4 substance abuse addictions who have not pleaded guilty to or  
5 been convicted of a dangerous felony as defined in section  
6 556.061.

7 2. Prior to sentencing, any judge considering an  
8 offender for this program shall notify the department. The  
9 potential candidate for the program shall be screened by the  
10 department to determine eligibility. The department shall,  
11 by regulation, establish eligibility criteria and inform the  
12 court of such criteria. The department shall notify the  
13 court as to the offender's eligibility and the availability  
14 of space in the program. Notwithstanding any other  
15 provision of law to the contrary, except as provided for in  
16 section 558.019, if an offender is eligible and there is  
17 adequate space, the court may sentence a person to the  
18 program which shall consist of institutional drug or alcohol  
19 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,

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

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

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

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

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

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

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

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

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

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

69       7. The provisions of subsection 6 of this section  
70 shall not apply to an offender found guilty of 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;

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

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

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

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

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

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

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

86 (13) "Confinement":

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

91                   b. The person is released on bail, bond, or  
92                   recognition, personal or otherwise; or

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

96 (b) A person is not in confinement if:

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

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

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

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

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

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

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

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

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

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

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**

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

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

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

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

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

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

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

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

210 (27) "Forcible compulsion" either:

211 (a) Physical force that overcomes reasonable  
212 resistance; or

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

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

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

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

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

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

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

233 Any such vehicle, vessel, or structure is inhabitable  
234 regardless of whether a person is actually present. If a  
235 building or structure is divided into separately occupied  
236 units, any unit not occupied by the actor is an inhabitable  
237 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;

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

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

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

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

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

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

335 (49) "Voluntary act":

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

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

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

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

9 2. Whenever any person has been found guilty of a  
10 felony or a misdemeanor the court shall make one or more of  
11 the following dispositions of the offender in any  
12 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

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

13 (1) If the offense is a felony:

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

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

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

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

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

26 (2) If the offense is a misdemeanor:

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

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

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

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

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

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

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;**

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;**

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

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

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

115 6. This section shall not be construed to affect the  
116 powers of the governor under Section 7 of Article IV of the  
117 Constitution of Missouri. This section shall not affect  
118 those provisions of section 565.020 or 566.125, which set  
119 minimum terms of sentences, or the provisions of section  
120 559.115 relating to probation.

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

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

129 (1) A sentence of life shall be calculated to be  
130 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.

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

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

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

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

141 [8.] 2. Courts shall retain discretion to lower or  
142 exceed the sentence recommended by the commission as  
143 otherwise allowable by law, and to order restorative justice  
144 methods, when applicable.

145 [9.] 3. If the imposition or execution of a sentence  
146 is suspended, the court may order any or all of the  
147 following restorative justice methods, or any other method  
148 that the court finds just or appropriate:

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

152 (2) Offender treatment programs;

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

157 [10.] 4. Pursuant to subdivision (1) of subsection [9]  
158 1 of this section, the court may order the assessment and  
159 payment of a designated amount of restitution to a county  
160 law enforcement restitution fund established by the county  
161 commission pursuant to section 50.565. Such contribution  
162 shall not exceed three hundred dollars for any charged  
163 offense. Any restitution moneys deposited into the county  
164 law enforcement restitution fund pursuant to this section  
165 shall only be expended pursuant to the provisions of section  
166 50.565.

167 [11.] 5. A judge may order payment to a restitution  
168 fund only if such fund had been created by ordinance or  
169 resolution of a county of the state of Missouri prior to  
170 sentencing. A judge shall not have any direct supervisory  
171 authority or administrative control over any fund to which  
172 the judge is ordering a person to make payment.

173 [12.] 6. A person who fails to make a payment to a  
174 county law enforcement restitution fund may not have his or  
175 her probation revoked solely for failing to make such  
176 payment unless the judge, after evidentiary hearing, makes a  
177 finding supported by a preponderance of the evidence that  
178 the person either willfully refused to make the payment or  
179 that the person willfully, intentionally, and purposefully  
180 failed to make sufficient bona fide efforts to acquire the  
181 resources to pay.

182 [13.] 7. Nothing in this section shall be construed to  
183 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.]

100 8.] Notwithstanding any other provision of law,  
101 probation may not be granted pursuant to this section to  
102 offenders who have been convicted of murder in the second  
103 degree pursuant to section 565.021; forcible rape pursuant  
104 to section 566.030 as it existed prior to August 28, 2013;  
105 rape in the first degree under section 566.030; forcible  
106 sodomy pursuant to section 566.060 as it existed prior to  
107 August 28, 2013; sodomy in the first degree under section  
108 566.060; statutory rape in the first degree pursuant to  
109 section 566.032; statutory sodomy in the first degree  
110 pursuant to section 566.062; child molestation in the first  
111 degree pursuant to section 566.067 when classified as a  
112 class A felony; abuse of a child pursuant to section 568.060  
113 when classified as a class A felony; or an offender who has  
114 been found to be a predatory sexual offender pursuant to  
115 section 566.125; any offense under section 557.045; or any  
116 offense in which there exists a statutory prohibition  
117 against either probation or parole.

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

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

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;

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  
2 the first degree if he or she has deviate sexual intercourse  
3 with another person who is incapacitated, incapable of  
4 consent, or lacks the capacity to consent, or by the use of  
5 forcible compulsion. Forcible compulsion includes the use  
6 of a substance administered without a victim's knowledge or  
7 consent which renders the victim physically or mentally  
8 impaired so as to be incapable of making an informed consent  
9 to sexual intercourse.

10 2. The offense of sodomy in the first degree or an  
11 attempt to commit sodomy in the first degree is a felony for  
12 which the authorized term of imprisonment is life  
13 imprisonment or a term of years not less than five years,  
14 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 ten 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 sodomy 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 sodomy in the first degree or attempt to commit  
31 sodomy in the first degree was outrageously or wantonly  
32 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;

- 9 (3) Forcible rape;
- 10 (4) Forcible sodomy;
- 11 (5) Rape;
- 12 (6) Sodomy.

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

19           3. The term of imprisonment for one found to be a  
20 persistent sexual offender shall be imprisonment for life  
21 without eligibility for probation or parole. Subsection **[4]**  
22 **8** of section **[558.019]** **558.011** shall not apply to any person  
23 imprisoned under this subsection, and "imprisonment for  
24 life" shall mean imprisonment for the duration of the  
25 person's natural life.

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

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

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

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:

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.]

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

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;

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;

(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;

(1) 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

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

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

179 13. If any prosecuting attorney or circuit attorney  
180 makes a request in writing to the attorney general, the  
181 attorney general shall have the authority to commence and  
182 prosecute the offense of stealing if such offense involves  
183 organized retail theft, and any other offenses that directly  
184 arise from or causally occur as a result of an alleged  
185 violation of the offense of stealing involving organized  
186 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

- (2) Sets a spring gun; or
- (3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, or any building or structure used for the assembling of people; or
- (4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or
- (5) Has a firearm or projectile weapon readily capable of lethal use on his or her person, while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self-defense; or
- (6) Discharges a firearm within one hundred yards of any occupied schoolhouse, courthouse, or church building; or
- (7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or
- (8) Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof; or
- (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; or
- (10) Carries a firearm, whether loaded or unloaded, or 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;

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

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

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

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

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

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

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

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

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

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

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

117 3. Subdivisions (1), (5), (8), and (10) of subsection  
118 1 of this section do not apply when the actor is  
119 transporting such weapons in a nonfunctioning state or in an  
120 unloaded state when ammunition is not readily accessible or  
121 when such weapons are not readily accessible. Subdivision  
122 (1) of subsection 1 of this section does not apply to any  
123 person nineteen years of age or older or eighteen years of  
124 age or older and a member of the United States Armed Forces,  
125 or honorably discharged from the United States Armed Forces,  
126 transporting a concealable firearm in the passenger  
127 compartment of a motor vehicle, so long as such concealable  
128 firearm is otherwise lawfully possessed, nor when the actor  
129 is also in possession of an exposed firearm or projectile  
130 weapon for the lawful pursuit of game, or is in his or her  
131 dwelling unit or upon premises over which the actor has  
132 possession, authority or control, or is traveling in a  
133 continuous journey peaceably through this state.

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

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

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

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

163 7. (1) Subdivision (10) of subsection 1 of this  
164 section shall not apply to a person who is a school officer  
165 commissioned by the district school board under section

166 162.215 or who is a school protection officer, as described  
167 under section 160.665.

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

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

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

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

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

194 (4) Subdivision (9) of subsection 1 of this section  
195 shall be guilty of a class B felony, except that if the  
196 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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29       5. The offense of aggravated fleeing a stop or  
30 detention in violation of subdivision (1) of subsection 2 of  
31 this section shall be a class D felony, without eligibility  
32 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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