

SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 590

AN ACT

To repeal sections 192.2260, 192.2405, 217.360, 217.670, 217.690, 217.722, 301.559, 311.310, 339.100, 400.9-501, 562.014, 565.020, 565.030, 565.032, 565.040, 570.030, 570.135, 571.020, 571.030, 571.060, 571.063, 571.070, 571.072, 578.005, 578.007, 578.011, 578.022, 579.015, and 632.520, RSMo, section 192.2410 as enacted by house revision bill no. 1299 merged with senate bill no. 491, ninety-seventh general assembly, second regular session, section 192.2475 as enacted by house revision bill no. 1299 merged with senate bill no. 491, ninety-seventh general assembly, second regular session, section 192.2475 as enacted by house revision bill no. 1299, ninety-seventh general assembly, second regular session, section 198.070 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session and section 198.070 as enacted by senate bills nos. 556 & 311, ninety-second general assembly, first regular session, section 221.111 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 556.061 as enacted by house bill no. 1371, ninety-seventh general assembly, second regular session, and section 556.061 as enacted by house bill no. 215 merged with house bill no. 505, ninety-seventh general assembly, first regular session, section 565.188 as enacted by senate bills nos. 556 & 311, ninety-second general assembly, first regular session, section 557.021 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 565.225 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 565.225 as enacted by senate bills nos. 818 & 795, ninety-fourth general assembly, second regular session, section 568.040 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 569.090 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 569.140 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 570.010 as enacted by house bill no. 1888, ninety-first general assembly, second regular session, section 570.030 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session,

section 570.030 as enacted by senate bill no. 9, ninety-seventh general assembly, first regular session, section 577.001 as enacted by senate bill no. 254, ninety-eighth general assembly, first regular session, section 577.037 as enacted by house bill no. 1371, ninety-seventh general assembly, second regular session, and section 577.060 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and to enact in lieu thereof forty-six new sections relating to crime, with penalty provisions, an emergency clause for certain sections, and an effective date for certain sections.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
AS FOLLOWS:

1           Section A. Sections 192.2260, 192.2405, 217.360, 217.670,  
2           217.690, 217.722, 301.559, 311.310, 339.100, 400.9-501, 562.014,  
3           565.020, 565.030, 565.032, 565.040, 570.030, 570.135, 571.020,  
4           571.030, 571.060, 571.063, 571.070, 571.072, 578.005, 578.007,  
5           578.011, 578.022, 579.015, and 632.520, RSMo, section 192.2410 as  
6           enacted by house revision bill no. 1299 merged with senate bill  
7           no. 491, ninety-seventh general assembly, second regular session,  
8           section 192.2475 as enacted by house revision bill no. 1299  
9           merged with senate bill no. 491, ninety-seventh general assembly,  
10          second regular session, section 192.2475 as enacted by house  
11          revision bill no. 1299, ninety-seventh general assembly, second  
12          regular session, section 198.070 as enacted by senate bill no.  
13          491, ninety-seventh general assembly, second regular session and  
14          section 198.070 as enacted by senate bills nos. 556 & 311,  
15          ninety-second general assembly, first regular session, section  
16          221.111 as enacted by senate bill no. 491, ninety-seventh general  
17          assembly, second regular session, section 556.061 as enacted by  
18          house bill no. 1371, ninety-seventh general assembly, second  
19          regular session, and section 556.061 as enacted by house bill no.  
20          215 merged with house bill no. 505, ninety-seventh general  
21          assembly, first regular session, section 565.188 as enacted by

1 senate bills nos. 556 & 311, ninety-second general assembly,  
2 first regular session, section 557.021 as enacted by senate bill  
3 no. 491, ninety-seventh general assembly, second regular session,  
4 section 565.225 as enacted by senate bill no. 491, ninety-seventh  
5 general assembly, second regular session, section 565.225 as  
6 enacted by senate bills nos. 818 & 795, ninety-fourth general  
7 assembly, second regular session, section 568.040 as enacted by  
8 senate bill no. 491, ninety-seventh general assembly, second  
9 regular session, section 569.090 as enacted by senate bill no.  
10 491, ninety-seventh general assembly, second regular session,  
11 section 569.140 as enacted by senate bill no. 491, ninety-seventh  
12 general assembly, second regular session, section 570.010 as  
13 enacted by house bill no. 1888, ninety-first general assembly,  
14 second regular session, section 570.030 as enacted by senate bill  
15 no. 491, ninety-seventh general assembly, second regular session,  
16 section 570.030 as enacted by senate bill no. 9, ninety-seventh  
17 general assembly, first regular session, section 577.001 as  
18 enacted by senate bill no. 254, ninety-eighth general assembly,  
19 first regular session, section 577.037 as enacted by house bill  
20 no. 1371, ninety-seventh general assembly, second regular  
21 session, and section 577.060 as enacted by senate bill no. 491,  
22 ninety-seventh general assembly, second regular session, are  
23 repealed and forty-six new sections enacted in lieu thereof, to  
24 be known as sections 192.2260, 192.2405, 192.2410, 192.2475,  
25 198.070, 217.360, 217.670, 217.690, 217.722, 221.111, 301.559,  
26 311.310, 339.100, 400.9-501, 556.061, 557.021, 562.014, 565.020,  
27 565.030, 565.032, 565.033, 565.040, 565.188, 565.225, 568.040,  
28 569.090, 569.140, 570.010, 570.030, 570.135, 571.020, 571.030,

1 571.060, 571.063, 571.070, 571.072, 577.001, 577.037, 577.060,  
2 577.685, 578.005, 578.007, 578.022, 578.040, 579.015, and  
3 632.520, to read as follows:

4 192.2260. 1. Any person who violates any provision of  
5 sections 192.2200 to 192.2260, or who, for himself or for any  
6 other person, makes materially false statements in order to  
7 obtain a certificate or license, or the renewal thereof, issued  
8 pursuant to sections 192.2200 to 192.2260, shall be guilty of a  
9 class A misdemeanor. Any person violating this subsection  
10 wherein abuse or neglect of a participant of the program has  
11 occurred is guilty of a class ~~[D]~~ E felony.

12 2. Any person who is convicted pursuant to this section  
13 shall, in addition to all other penalties provided by law, have  
14 any license issued to him under sections 192.2200 to 192.2260  
15 revoked, and shall not operate, nor hold any license to operate,  
16 any adult day care program, or other entity governed by the  
17 provisions of sections 192.2200 to 192.2260 for a period of three  
18 years after such conviction.

19 192.2405. 1. The following persons shall be required to  
20 immediately report or cause a report to be made to the department  
21 under sections 192.2400 to 192.2470:

22 (1) Any person having reasonable cause to suspect that an  
23 eligible adult presents a likelihood of suffering serious  
24 physical harm and is in need of protective services; and

25 (2) Any adult day care worker, chiropractor, Christian  
26 Science practitioner, coroner, dentist, embalmer, employee of the  
27 departments of social services, mental health, or health and  
28 senior services, employee of a local area agency on aging or an

1 organized area agency on aging program, emergency medical  
2 technician, firefighter, first responder, funeral director, home  
3 health agency, home health agency employee, hospital and clinic  
4 personnel engaged in the care or treatment of others, in-home  
5 services owner or provider, in-home services operator or  
6 employee, law enforcement officer, long-term care facility  
7 administrator or employee, medical examiner, medical resident or  
8 intern, mental health professional, minister, nurse, nurse  
9 practitioner, optometrist, other health practitioner, peace  
10 officer, pharmacist, physical therapist, physician, physician's  
11 assistant, podiatrist, probation or parole officer, psychologist,  
12 social worker, or other person with the responsibility for the  
13 care of [a person sixty years of age or older] an eligible adult  
14 who has reasonable cause to suspect that [such a person] the  
15 eligible adult has been subjected to abuse or neglect or observes  
16 [such a person] the eligible adult being subjected to conditions  
17 or circumstances which would reasonably result in abuse or  
18 neglect. Notwithstanding any other provision of this section, a  
19 duly ordained minister, clergy, religious worker, or Christian  
20 Science practitioner while functioning in his or her ministerial  
21 capacity shall not be required to report concerning a privileged  
22 communication made to him or her in his or her professional  
23 capacity.

24         2. Any other person who becomes aware of circumstances that  
25 may reasonably be expected to be the result of, or result in,  
26 abuse or neglect of [a person sixty years of age or older] an  
27 eligible adult may report to the department.

28         3. The penalty for failing to report as required under

1 subdivision (2) of subsection 1 of this section is provided under  
2 section 565.188.

3 192.2410. 1. A report made under section 192.2405 shall be  
4 made orally or in writing. It shall include, if known:

5 (1) The name, age, and address of the eligible adult [or  
6 person subjected to abuse or neglect];

7 (2) The name and address of any person responsible for care  
8 of the eligible adult [or person subjected to abuse or neglect];

9 (3) The nature and extent of the condition of the eligible  
10 adult [or person subjected to abuse or neglect]; and

11 (4) Other relevant information.

12 2. Reports regarding persons determined not to be eligible  
13 adults as defined in section 192.2400 shall be referred to the  
14 appropriate state or local authorities.

15 3. The department shall maintain a statewide toll-free  
16 phone number for receipt of reports.

17 192.2475. 1. When any adult day care worker; chiropractor;  
18 Christian Science practitioner; coroner; dentist; embalmer;  
19 emergency medical technician; employee of the departments of  
20 social services, mental health, or health and senior services;  
21 employee of a local area agency on aging or an organized area  
22 agency on aging program; firefighter; first responder; funeral  
23 director; home health agency or home health agency employee;  
24 hospital and clinic personnel engaged in examination, care, or  
25 treatment of persons; in-home services owner, provider, operator,  
26 or employee; law enforcement officer; long-term care facility  
27 administrator or employee; medical examiner; medical resident or  
28 intern; mental health professional; minister; nurse; nurse

1 practitioner; optometrist; other health practitioner; peace  
2 officer; pharmacist; physical therapist; physician; physician's  
3 assistant; podiatrist; probation or parole officer; psychologist;  
4 or social worker has reasonable cause to believe that an in-home  
5 services client has been abused or neglected, as a result of  
6 in-home services, he or she shall immediately report or cause a  
7 report to be made to the department. If the report is made by a  
8 physician of the in-home services client, the department shall  
9 maintain contact with the physician regarding the progress of the  
10 investigation.

11 2. [When a report of deteriorating physical condition  
12 resulting in possible abuse or neglect of an in-home services  
13 client is received by the department, the client's case manager  
14 and the department nurse shall be notified. The client's case  
15 manager shall investigate and immediately report the results of  
16 the investigation to the department nurse. The department may  
17 authorize the in-home services provider nurse to assist the case  
18 manager with the investigation.

19 3. If requested, local area agencies on aging shall provide  
20 volunteer training to those persons listed in subsection 1 of  
21 this section regarding the detection and report of abuse and  
22 neglect pursuant to this section.

23 4.] Any person required in subsection 1 of this section to  
24 report or cause a report to be made to the department who fails  
25 to do so within a reasonable time after the act of abuse or  
26 neglect is guilty of a class A misdemeanor.

27 [5.] 3. The report shall contain the names and addresses of  
28 the in-home services provider agency, the in-home services

1 employee, the in-home services client, the home health agency,  
2 the home health agency employee, information regarding the nature  
3 of the abuse or neglect, the name of the complainant, and any  
4 other information which might be helpful in an investigation.

5 [6.] 4. In addition to those persons required to report  
6 under subsection 1 of this section, any other person having  
7 reasonable cause to believe that an in-home services client or  
8 home health patient has been abused or neglected by an in-home  
9 services employee or home health agency employee may report such  
10 information to the department.

11 [7.] 5. If the investigation indicates possible abuse or  
12 neglect of an in-home services client or home health patient, the  
13 investigator shall refer the complaint together with his or her  
14 report to the department director or his or her designee for  
15 appropriate action. If, during the investigation or at its  
16 completion, the department has reasonable cause to believe that  
17 immediate action is necessary to protect the in-home services  
18 client or home health patient from abuse or neglect, the  
19 department or the local prosecuting attorney may, or the attorney  
20 general upon request of the department shall, file a petition for  
21 temporary care and protection of the in-home services client or  
22 home health patient in a circuit court of competent jurisdiction.  
23 The circuit court in which the petition is filed shall have  
24 equitable jurisdiction to issue an ex parte order granting the  
25 department authority for the temporary care and protection of the  
26 in-home services client or home health patient, for a period not  
27 to exceed thirty days.

28 [8.] 6. Reports shall be confidential, as provided under

1 section 192.2500.

2 [9.] 7. Anyone, except any person who has abused or  
3 neglected an in-home services client or home health patient, who  
4 makes a report pursuant to this section or who testifies in any  
5 administrative or judicial proceeding arising from the report  
6 shall be immune from any civil or criminal liability for making  
7 such a report or for testifying except for liability for perjury,  
8 unless such person acted negligently, recklessly, in bad faith,  
9 or with malicious purpose.

10 [10.] 8. Within five working days after a report required  
11 to be made under this section is received, the person making the  
12 report shall be notified in writing of its receipt and of the  
13 initiation of the investigation.

14 [11.] 9. No person who directs or exercises any authority  
15 in an in-home services provider agency or home health agency  
16 shall harass, dismiss or retaliate against an in-home services  
17 client or home health patient, or an in-home services employee or  
18 a home health agency employee because he or she or any member of  
19 his or her family has made a report of any violation or suspected  
20 violation of laws, standards or regulations applying to the  
21 in-home services provider agency or home health agency or any  
22 in-home services employee or home health agency employee which he  
23 or she has reasonable cause to believe has been committed or has  
24 occurred.

25 [12.] 10. Any person who abuses or neglects an in-home  
26 services client or home health patient is subject to criminal  
27 prosecution under section 565.184. If such person is an in-home  
28 services employee and has been found guilty by a court, and if

1 the supervising in-home services provider willfully and knowingly  
2 failed to report known abuse by such employee to the department,  
3 the supervising in-home services provider may be subject to  
4 administrative penalties of one thousand dollars per violation to  
5 be collected by the department and the money received therefor  
6 shall be paid to the director of revenue and deposited in the  
7 state treasury to the credit of the general revenue fund. Any  
8 in-home services provider which has had administrative penalties  
9 imposed by the department or which has had its contract  
10 terminated may seek an administrative review of the department's  
11 action pursuant to chapter 621. Any decision of the  
12 administrative hearing commission may be appealed to the circuit  
13 court in the county where the violation occurred for a trial de  
14 novo. For purposes of this subsection, the term "violation"  
15 means a determination of guilt by a court.

16 [13.] 11. The department shall establish a quality  
17 assurance and supervision process for clients that requires an  
18 in-home services provider agency to conduct random visits to  
19 verify compliance with program standards and verify the accuracy  
20 of records kept by an in-home services employee.

21 [14.] 12. The department shall maintain the employee  
22 disqualification list and place on the employee disqualification  
23 list the names of any persons who have been finally determined by  
24 the department, pursuant to section 192.2490, to have recklessly,  
25 knowingly or purposely abused or neglected an in-home services  
26 client or home health patient while employed by an in-home  
27 services provider agency or home health agency. For purposes of  
28 this section only, "knowingly" and "recklessly" shall have the

1 meanings that are ascribed to them in this section. A person  
2 acts "knowingly" with respect to the person's conduct when a  
3 reasonable person should be aware of the result caused by his or  
4 her conduct. A person acts "recklessly" when the person  
5 consciously disregards a substantial and unjustifiable risk that  
6 the person's conduct will result in serious physical injury and  
7 such disregard constitutes a gross deviation from the standard of  
8 care that a reasonable person would exercise in the situation.

9 [15.] 13. At the time a client has been assessed to  
10 determine the level of care as required by rule and is eligible  
11 for in-home services, the department shall conduct a "Safe at  
12 Home Evaluation" to determine the client's physical, mental, and  
13 environmental capacity. The department shall develop the safe at  
14 home evaluation tool by rule in accordance with chapter 536. The  
15 purpose of the safe at home evaluation is to assure that each  
16 client has the appropriate level of services and professionals  
17 involved in the client's care. The plan of service or care for  
18 each in-home services client shall be authorized by a nurse. The  
19 department may authorize the licensed in-home services nurse, in  
20 lieu of the department nurse, to conduct the assessment of the  
21 client's condition and to establish a plan of services or care.  
22 The department may use the expertise, services, or programs of  
23 other departments and agencies on a case-by-case basis to  
24 establish the plan of service or care. The department may, as  
25 indicated by the safe at home evaluation, refer any client to a  
26 mental health professional, as defined in 9 CSR 30-4.030, for  
27 evaluation and treatment as necessary.

28 [16.] 14. Authorized nurse visits shall occur at least

1 twice annually to assess the client and the client's plan of  
2 services. The provider nurse shall report the results of his or  
3 her visits to the client's case manager. If the provider nurse  
4 believes that the plan of service requires alteration, the  
5 department shall be notified and the department shall make a  
6 client evaluation. All authorized nurse visits shall be  
7 reimbursed to the in-home services provider. All authorized  
8 nurse visits shall be reimbursed outside of the nursing home cap  
9 for in-home services clients whose services have reached one  
10 hundred percent of the average statewide charge for care and  
11 treatment in an intermediate care facility, provided that the  
12 services have been preauthorized by the department.

13 [17.] 15. All in-home services clients shall be advised of  
14 their rights by the department or the department's designee at  
15 the initial evaluation. The rights shall include, but not be  
16 limited to, the right to call the department for any reason,  
17 including dissatisfaction with the provider or services. The  
18 department may contract for services relating to receiving such  
19 complaints. The department shall establish a process to receive  
20 such nonabuse and neglect calls other than the elder abuse and  
21 neglect hotline.

22 [18.] 16. Subject to appropriations, all nurse visits  
23 authorized in sections 192.2400 to 192.2475 shall be reimbursed  
24 to the in-home services provider agency.

25 192.2475. 1. When any adult day care worker; chiropractor;  
26 Christian Science practitioner; coroner; dentist; embalmer;  
27 emergency medical technician; employee of the departments of  
28 social services, mental health, or health and senior services;

1 employee of a local area agency on aging or an organized area  
2 agency on aging program; firefighter; first responder; funeral  
3 director; home health agency or home health agency employee;  
4 hospital and clinic personnel engaged in examination, care, or  
5 treatment of persons; in-home services owner, provider, operator,  
6 or employee; law enforcement officer; long-term care facility  
7 administrator or employee; medical examiner; medical resident or  
8 intern; mental health professional; minister; nurse; nurse  
9 practitioner; optometrist; other health practitioner; peace  
10 officer; pharmacist; physical therapist; physician; physician's  
11 assistant; podiatrist; probation or parole officer; psychologist;  
12 or social worker has reasonable cause to believe that an in-home  
13 services client has been abused or neglected, as a result of  
14 in-home services, he or she shall immediately report or cause a  
15 report to be made to the department. If the report is made by a  
16 physician of the in-home services client, the department shall  
17 maintain contact with the physician regarding the progress of the  
18 investigation.

19 2. [When a report of deteriorating physical condition  
20 resulting in possible abuse or neglect of an in-home services  
21 client is received by the department, the client's case manager  
22 and the department nurse shall be notified. The client's case  
23 manager shall investigate and immediately report the results of  
24 the investigation to the department nurse. The department may  
25 authorize the in-home services provider nurse to assist the case  
26 manager with the investigation.

27 3. If requested, local area agencies on aging shall provide  
28 volunteer training to those persons listed in subsection 1 of

1 this section regarding the detection and report of abuse and  
2 neglect pursuant to this section.

3       4.] Any person required in subsection 1 of this section to  
4 report or cause a report to be made to the department who fails  
5 to do so within a reasonable time after the act of abuse or  
6 neglect is guilty of a class A misdemeanor.

7       [5.] 3. The report shall contain the names and addresses of  
8 the in-home services provider agency, the in-home services  
9 employee, the in-home services client, the home health agency,  
10 the home health agency employee, information regarding the nature  
11 of the abuse or neglect, the name of the complainant, and any  
12 other information which might be helpful in an investigation.

13       [6.] 4. In addition to those persons required to report  
14 under subsection 1 of this section, any other person having  
15 reasonable cause to believe that an in-home services client or  
16 home health patient has been abused or neglected by an in-home  
17 services employee or home health agency employee may report such  
18 information to the department.

19       [7.] 5. If the investigation indicates possible abuse or  
20 neglect of an in-home services client or home health patient, the  
21 investigator shall refer the complaint together with his or her  
22 report to the department director or his or her designee for  
23 appropriate action. If, during the investigation or at its  
24 completion, the department has reasonable cause to believe that  
25 immediate action is necessary to protect the in-home services  
26 client or home health patient from abuse or neglect, the  
27 department or the local prosecuting attorney may, or the attorney  
28 general upon request of the department shall, file a petition for

1 temporary care and protection of the in-home services client or  
2 home health patient in a circuit court of competent jurisdiction.  
3 The circuit court in which the petition is filed shall have  
4 equitable jurisdiction to issue an ex parte order granting the  
5 department authority for the temporary care and protection of the  
6 in-home services client or home health patient, for a period not  
7 to exceed thirty days.

8 [8.] 6. Reports shall be confidential, as provided under  
9 section 192.2500.

10 [9.] 7. Anyone, except any person who has abused or  
11 neglected an in-home services client or home health patient, who  
12 makes a report pursuant to this section or who testifies in any  
13 administrative or judicial proceeding arising from the report  
14 shall be immune from any civil or criminal liability for making  
15 such a report or for testifying except for liability for perjury,  
16 unless such person acted negligently, recklessly, in bad faith,  
17 or with malicious purpose.

18 [10.] 8. Within five working days after a report required  
19 to be made under this section is received, the person making the  
20 report shall be notified in writing of its receipt and of the  
21 initiation of the investigation.

22 [11.] 9. No person who directs or exercises any authority  
23 in an in-home services provider agency or home health agency  
24 shall harass, dismiss or retaliate against an in-home services  
25 client or home health patient, or an in-home services employee or  
26 a home health agency employee because he or she or any member of  
27 his or her family has made a report of any violation or suspected  
28 violation of laws, standards or regulations applying to the

1 in-home services provider agency or home health agency or any  
2 in-home services employee or home health agency employee which he  
3 or she has reasonable cause to believe has been committed or has  
4 occurred.

5 [12.] 10. Any person who abuses or neglects an in-home  
6 services client or home health patient is subject to criminal  
7 prosecution under section 565.180, 565.182, or 565.184. If such  
8 person is an in-home services employee and has been found guilty  
9 by a court, and if the supervising in-home services provider  
10 willfully and knowingly failed to report known abuse by such  
11 employee to the department, the supervising in-home services  
12 provider may be subject to administrative penalties of one  
13 thousand dollars per violation to be collected by the department  
14 and the money received therefor shall be paid to the director of  
15 revenue and deposited in the state treasury to the credit of the  
16 general revenue fund. Any in-home services provider which has  
17 had administrative penalties imposed by the department or which  
18 has had its contract terminated may seek an administrative review  
19 of the department's action pursuant to chapter 621. Any decision  
20 of the administrative hearing commission may be appealed to the  
21 circuit court in the county where the violation occurred for a  
22 trial de novo. For purposes of this subsection, the term  
23 "violation" means a determination of guilt by a court.

24 [13.] 11. The department shall establish a quality  
25 assurance and supervision process for clients that requires an  
26 in-home services provider agency to conduct random visits to  
27 verify compliance with program standards and verify the accuracy  
28 of records kept by an in-home services employee.

1           [14.] 12. The department shall maintain the employee  
2 disqualification list and place on the employee disqualification  
3 list the names of any persons who have been finally determined by  
4 the department, pursuant to section 192.2490, to have recklessly,  
5 knowingly or purposely abused or neglected an in-home services  
6 client or home health patient while employed by an in-home  
7 services provider agency or home health agency. For purposes of  
8 this section only, "knowingly" and "recklessly" shall have the  
9 meanings that are ascribed to them in this section. A person  
10 acts "knowingly" with respect to the person's conduct when a  
11 reasonable person should be aware of the result caused by his or  
12 her conduct. A person acts "recklessly" when the person  
13 consciously disregards a substantial and unjustifiable risk that  
14 the person's conduct will result in serious physical injury and  
15 such disregard constitutes a gross deviation from the standard of  
16 care that a reasonable person would exercise in the situation.

17           [15.] 13. At the time a client has been assessed to  
18 determine the level of care as required by rule and is eligible  
19 for in-home services, the department shall conduct a "Safe at  
20 Home Evaluation" to determine the client's physical, mental, and  
21 environmental capacity. The department shall develop the safe at  
22 home evaluation tool by rule in accordance with chapter 536. The  
23 purpose of the safe at home evaluation is to assure that each  
24 client has the appropriate level of services and professionals  
25 involved in the client's care. The plan of service or care for  
26 each in-home services client shall be authorized by a nurse. The  
27 department may authorize the licensed in-home services nurse, in  
28 lieu of the department nurse, to conduct the assessment of the

1 client's condition and to establish a plan of services or care.  
2 The department may use the expertise, services, or programs of  
3 other departments and agencies on a case-by-case basis to  
4 establish the plan of service or care. The department may, as  
5 indicated by the safe at home evaluation, refer any client to a  
6 mental health professional, as defined in 9 CSR 30-4.030, for  
7 evaluation and treatment as necessary.

8 [16.] 14. Authorized nurse visits shall occur at least  
9 twice annually to assess the client and the client's plan of  
10 services. The provider nurse shall report the results of his or  
11 her visits to the client's case manager. If the provider nurse  
12 believes that the plan of service requires alteration, the  
13 department shall be notified and the department shall make a  
14 client evaluation. All authorized nurse visits shall be  
15 reimbursed to the in-home services provider. All authorized  
16 nurse visits shall be reimbursed outside of the nursing home cap  
17 for in-home services clients whose services have reached one  
18 hundred percent of the average statewide charge for care and  
19 treatment in an intermediate care facility, provided that the  
20 services have been preauthorized by the department.

21 [17.] 15. All in-home services clients shall be advised of  
22 their rights by the department or the department's designee at  
23 the initial evaluation. The rights shall include, but not be  
24 limited to, the right to call the department for any reason,  
25 including dissatisfaction with the provider or services. The  
26 department may contract for services relating to receiving such  
27 complaints. The department shall establish a process to receive  
28 such nonabuse and neglect calls other than the elder abuse and

1 neglect hotline.

2 [18.] 16. Subject to appropriations, all nurse visits  
3 authorized in sections 192.2400 to 192.2475 shall be reimbursed  
4 to the in-home services provider agency.

5 198.070. 1. When any adult day care worker; chiropractor;  
6 Christian Science practitioner; coroner; dentist; embalmer;  
7 employee of the departments of social services, mental health, or  
8 health and senior services; employee of a local area agency on  
9 aging or an organized area agency on aging program; funeral  
10 director; home health agency or home health agency employee;  
11 hospital and clinic personnel engaged in examination, care, or  
12 treatment of persons; in-home services owner, provider, operator,  
13 or employee; law enforcement officer; long-term care facility  
14 administrator or employee; medical examiner; medical resident or  
15 intern; mental health professional; minister; nurse; nurse  
16 practitioner; optometrist; other health practitioner; peace  
17 officer; pharmacist; physical therapist; physician; physician's  
18 assistant; podiatrist; probation or parole officer; psychologist;  
19 social worker; or other person with the care of a person sixty  
20 years of age or older or an eligible adult has reasonable cause  
21 to believe that a resident of a facility has been abused or  
22 neglected, he or she shall immediately report or cause a report  
23 to be made to the department.

24 2. (1) The report shall contain the name and address of  
25 the facility, the name of the resident, information regarding the  
26 nature of the abuse or neglect, the name of the complainant, and  
27 any other information which might be helpful in an investigation.

28 (2) In the event of suspected sexual assault of the

1 resident, in addition to the report to be made to the department,  
2 a report shall be made to local law enforcement in accordance  
3 with federal law under the provisions of 42 U.S.C. 1320b-25.

4 3. Any person required in subsection 1 of this section to  
5 report or cause a report to be made to the department who  
6 knowingly fails to make a report within a reasonable time after  
7 the act of abuse or neglect as required in this subsection is  
8 guilty of a class A misdemeanor.

9 4. In addition to the penalties imposed by this section,  
10 any administrator who knowingly conceals any act of abuse or  
11 neglect resulting in death or serious physical injury, as defined  
12 in section 556.061, is guilty of a class E felony.

13 5. In addition to those persons required to report pursuant  
14 to subsection 1 of this section, any other person having  
15 reasonable cause to believe that a resident has been abused or  
16 neglected may report such information to the department.

17 6. Upon receipt of a report, the department shall initiate  
18 an investigation within twenty-four hours and, as soon as  
19 possible during the course of the investigation, shall notify the  
20 resident's next of kin or responsible party of the report and the  
21 investigation and further notify them whether the report was  
22 substantiated or unsubstantiated unless such person is the  
23 alleged perpetrator of the abuse or neglect. As provided in  
24 section 192.2425, substantiated reports of elder abuse shall be  
25 promptly reported by the department to the appropriate law  
26 enforcement agency and prosecutor.

27 7. If the investigation indicates possible abuse or neglect  
28 of a resident, the investigator shall refer the complaint

1 together with the investigator's report to the department  
2 director or the director's designee for appropriate action. If,  
3 during the investigation or at its completion, the department has  
4 reasonable cause to believe that immediate removal is necessary  
5 to protect the resident from abuse or neglect, the department or  
6 the local prosecuting attorney may, or the attorney general upon  
7 request of the department shall, file a petition for temporary  
8 care and protection of the resident in a circuit court of  
9 competent jurisdiction. The circuit court in which the petition  
10 is filed shall have equitable jurisdiction to issue an ex parte  
11 order granting the department authority for the temporary care  
12 and protection of the resident, for a period not to exceed thirty  
13 days.

14 8. Reports shall be confidential, as provided pursuant to  
15 section 192.2500.

16 9. Anyone, except any person who has abused or neglected a  
17 resident in a facility, who makes a report pursuant to this  
18 section or who testifies in any administrative or judicial  
19 proceeding arising from the report shall be immune from any civil  
20 or criminal liability for making such a report or for testifying  
21 except for liability for perjury, unless such person acted  
22 negligently, recklessly, in bad faith or with malicious purpose.  
23 It is a crime under section 565.189 for any person to knowingly  
24 file a false report of elder abuse or neglect.

25 10. Within five working days after a report required to be  
26 made pursuant to this section is received, the person making the  
27 report shall be notified in writing of its receipt and of the  
28 initiation of the investigation.

1           11. No person who directs or exercises any authority in a  
2 facility shall evict, harass, dismiss or retaliate against a  
3 resident or employee because such resident or employee or any  
4 member of such resident's or employee's family has made a report  
5 of any violation or suspected violation of laws, ordinances or  
6 regulations applying to the facility which the resident, the  
7 resident's family or an employee has reasonable cause to believe  
8 has been committed or has occurred. Through the existing  
9 department information and referral telephone contact line,  
10 residents, their families and employees of a facility shall be  
11 able to obtain information about their rights, protections and  
12 options in cases of eviction, harassment, dismissal or  
13 retaliation due to a report being made pursuant to this section.

14           12. Any person who abuses or neglects a resident of a  
15 facility is subject to criminal prosecution under section  
16 565.184.

17           13. The department shall maintain the employee  
18 disqualification list and place on the employee disqualification  
19 list the names of any persons who are or have been employed in  
20 any facility and who have been finally determined by the  
21 department pursuant to section 192.2490 to have knowingly or  
22 recklessly abused or neglected a resident. For purposes of this  
23 section only, "knowingly" and "recklessly" shall have the  
24 meanings that are ascribed to them in this section. A person  
25 acts "knowingly" with respect to the person's conduct when a  
26 reasonable person should be aware of the result caused by his or  
27 her conduct. A person acts "recklessly" when the person  
28 consciously disregards a substantial and unjustifiable risk that

1 the person's conduct will result in serious physical injury and  
2 such disregard constitutes a gross deviation from the standard of  
3 care that a reasonable person would exercise in the situation.

4 14. The timely self-reporting of incidents to the central  
5 registry by a facility shall continue to be investigated in  
6 accordance with department policy, and shall not be counted or  
7 reported by the department as a hot-line call but rather a  
8 self-reported incident. If the self-reported incident results in  
9 a regulatory violation, such incident shall be reported as a  
10 substantiated report.

11 198.070. 1. When any adult day care worker; chiropractor;  
12 Christian Science practitioner; coroner; dentist; embalmer;  
13 employee of the departments of social services, mental health, or  
14 health and senior services; employee of a local area agency on  
15 aging or an organized area agency on aging program; funeral  
16 director; home health agency or home health agency employee;  
17 hospital and clinic personnel engaged in examination, care, or  
18 treatment of persons; in-home services owner, provider, operator,  
19 or employee; law enforcement officer; long-term care facility  
20 administrator or employee; medical examiner; medical resident or  
21 intern; mental health professional; minister; nurse; nurse  
22 practitioner; optometrist; other health practitioner; peace  
23 officer; pharmacist; physical therapist; physician; physician's  
24 assistant; podiatrist; probation or parole officer; psychologist;  
25 social worker; or other person with the care of a person sixty  
26 years of age or older or an eligible adult has reasonable cause  
27 to believe that a resident of a facility has been abused or  
28 neglected, he or she shall immediately report or cause a report

1 to be made to the department.

2 2. (1) The report shall contain the name and address of  
3 the facility, the name of the resident, information regarding the  
4 nature of the abuse or neglect, the name of the complainant, and  
5 any other information which might be helpful in an investigation.

6 (2) In the event of suspected sexual assault of the  
7 resident, in addition to the report to be made to the department,  
8 a report shall be made to local law enforcement in accordance  
9 with federal law under the provisions of 42 U.S.C. 1320b-25.

10 3. Any person required in subsection 1 of this section to  
11 report or cause a report to be made to the department who  
12 knowingly fails to make a report within a reasonable time after  
13 the act of abuse or neglect as required in this subsection is  
14 guilty of a class A misdemeanor.

15 4. In addition to the penalties imposed by this section,  
16 any administrator who knowingly conceals any act of abuse or  
17 neglect resulting in death or serious physical injury, as defined  
18 in section 565.002, is guilty of a class D felony.

19 5. In addition to those persons required to report pursuant  
20 to subsection 1 of this section, any other person having  
21 reasonable cause to believe that a resident has been abused or  
22 neglected may report such information to the department.

23 6. Upon receipt of a report, the department shall initiate  
24 an investigation within twenty-four hours and, as soon as  
25 possible during the course of the investigation, shall notify the  
26 resident's next of kin or responsible party of the report and the  
27 investigation and further notify them whether the report was  
28 substantiated or unsubstantiated unless such person is the

1 alleged perpetrator of the abuse or neglect. As provided in  
2 section 565.186, substantiated reports of elder abuse shall be  
3 promptly reported by the department to the appropriate law  
4 enforcement agency and prosecutor.

5 7. If the investigation indicates possible abuse or neglect  
6 of a resident, the investigator shall refer the complaint  
7 together with the investigator's report to the department  
8 director or the director's designee for appropriate action. If,  
9 during the investigation or at its completion, the department has  
10 reasonable cause to believe that immediate removal is necessary  
11 to protect the resident from abuse or neglect, the department or  
12 the local prosecuting attorney may, or the attorney general upon  
13 request of the department shall, file a petition for temporary  
14 care and protection of the resident in a circuit court of  
15 competent jurisdiction. The circuit court in which the petition  
16 is filed shall have equitable jurisdiction to issue an ex parte  
17 order granting the department authority for the temporary care  
18 and protection of the resident, for a period not to exceed thirty  
19 days.

20 8. Reports shall be confidential, as provided pursuant to  
21 section 660.320.

22 9. Anyone, except any person who has abused or neglected a  
23 resident in a facility, who makes a report pursuant to this  
24 section or who testifies in any administrative or judicial  
25 proceeding arising from the report shall be immune from any civil  
26 or criminal liability for making such a report or for testifying  
27 except for liability for perjury, unless such person acted  
28 negligently, recklessly, in bad faith or with malicious purpose.

1 It is a crime pursuant to section 565.186 and 565.188 for any  
2 person to purposely file a false report of elder abuse or  
3 neglect.

4 10. Within five working days after a report required to be  
5 made pursuant to this section is received, the person making the  
6 report shall be notified in writing of its receipt and of the  
7 initiation of the investigation.

8 11. No person who directs or exercises any authority in a  
9 facility shall evict, harass, dismiss or retaliate against a  
10 resident or employee because such resident or employee or any  
11 member of such resident's or employee's family has made a report  
12 of any violation or suspected violation of laws, ordinances or  
13 regulations applying to the facility which the resident, the  
14 resident's family or an employee has reasonable cause to believe  
15 has been committed or has occurred. Through the existing  
16 department information and referral telephone contact line,  
17 residents, their families and employees of a facility shall be  
18 able to obtain information about their rights, protections and  
19 options in cases of eviction, harassment, dismissal or  
20 retaliation due to a report being made pursuant to this section.

21 12. Any person who abuses or neglects a resident of a  
22 facility is subject to criminal prosecution under section  
23 565.180, 565.182, or 565.184.

24 13. The department shall maintain the employee  
25 disqualification list and place on the employee disqualification  
26 list the names of any persons who are or have been employed in  
27 any facility and who have been finally determined by the  
28 department pursuant to section 660.315 to have knowingly or

1 recklessly abused or neglected a resident. For purposes of this  
2 section only, "knowingly" and "recklessly" shall have the  
3 meanings that are ascribed to them in this section. A person  
4 acts "knowingly" with respect to the person's conduct when a  
5 reasonable person should be aware of the result caused by his or  
6 her conduct. A person acts "recklessly" when the person  
7 consciously disregards a substantial and unjustifiable risk that  
8 the person's conduct will result in serious physical injury and  
9 such disregard constitutes a gross deviation from the standard of  
10 care that a reasonable person would exercise in the situation.

11 14. The timely self-reporting of incidents to the central  
12 registry by a facility shall continue to be investigated in  
13 accordance with department policy, and shall not be counted or  
14 reported by the department as a hot-line call but rather a  
15 self-reported incident. If the self-reported incident results in  
16 a regulatory violation, such incident shall be reported as a  
17 substantiated report.

18 217.360. 1. It shall be an offense for any person to  
19 knowingly deliver, attempt to deliver, have in his possession,  
20 deposit or conceal in or about the premises of any correctional  
21 center, or city or county jail, or private prison or jail:

22 (1) Any controlled substance as that term is defined by  
23 law, except upon the written prescription of a licensed  
24 physician, dentist, or veterinarian;

25 (2) Any other alkaloid of any controlled substance, any  
26 spirituous or malt liquor, or any intoxicating liquor as defined  
27 in section 311.020;

28 (3) Any article or item of personal property which an

1 offender is prohibited by law or by rule and regulation of the  
2 division from receiving or possessing;

3 (4) Any gun, knife, weapon, or other article or item of  
4 personal property that may be used in such manner as to endanger  
5 the safety or security of the correctional center, or city or  
6 county jail, or private prison or jail or as to endanger the life  
7 or limb of any offender or employee of such a center;

8 (5) Any two-way telecommunications device or its component  
9 parts.

10 2. The violation of subdivision (1) of subsection 1 of this  
11 section shall be a class C felony; the violation of subdivision  
12 (2) or (5) of subsection 1 of this section shall be a class D  
13 felony; the violation of subdivision (3) of subsection 1 of this  
14 section shall be a class A misdemeanor; and the violation of  
15 subdivision (4) of subsection 1 of this section shall be a class  
16 B felony.

17 3. Any person who has been found guilty of or has pled  
18 guilty to a violation of subdivision (2) of subsection 1 of this  
19 section involving any alkaloid shall be entitled to expungement  
20 of the record of the violation. The procedure to expunge the  
21 record shall be pursuant to section 610.123. The record of any  
22 person shall not be expunged if such person has been found guilty  
23 of or has pled guilty to knowingly delivering, attempting to  
24 deliver, having in his possession, or depositing or concealing  
25 any alkaloid of any controlled substance in or about the premises  
26 of any correctional center, or city or county jail, or private  
27 prison or jail.

28 4. Subdivision (5) of subsection 1 of this section shall

1 not apply to:

2 (1) Any law enforcement officer employed by a state,  
3 federal agency, or political subdivision lawfully engaged in his  
4 or her duties as a law enforcement officer; or

5 (2) Any other person who is authorized by the correctional  
6 center, city or county jail, or private prison to possess or use  
7 a two-way telecommunications device in the correctional center,  
8 or city or county jail, or private prison or jail.

9 217.670. 1. The board shall adopt an official seal of  
10 which the courts shall take official notice.

11 2. Decisions of the board regarding granting of paroles,  
12 extensions of a conditional release date or revocations of a  
13 parole or conditional release shall be by a majority vote of the  
14 hearing panel members. The hearing panel shall consist of one  
15 member of the board and two hearing officers appointed by the  
16 board. A member of the board may remove the case from the  
17 jurisdiction of the hearing panel and refer it to the full board  
18 for a decision. Within thirty days of entry of the decision of  
19 the hearing panel to deny parole or to revoke a parole or  
20 conditional release, the offender may appeal the decision of the  
21 hearing panel to the board. The board shall consider the appeal  
22 within thirty days of receipt of the appeal. The decision of the  
23 board shall be by majority vote of the board members and shall be  
24 final.

25 3. The orders of the board shall not be reviewable except  
26 as to compliance with the terms of sections 217.650 to 217.810 or  
27 any rules promulgated pursuant to such section.

28 4. The board shall keep a record of its acts and shall

1 notify each correctional center of its decisions relating to  
2 persons who are or have been confined in such correctional  
3 center.

4 5. Notwithstanding any other provision of law, any meeting,  
5 record, or vote, of proceedings involving probation, parole, or  
6 pardon, may be a closed meeting, closed record, or closed vote.

7 6. Notwithstanding any other provision of law, when the  
8 appearance or presence of an offender before the board or a  
9 hearing panel is required for the purpose of deciding whether to  
10 grant conditional release or parole, extend the date of  
11 conditional release, revoke parole or conditional release, or for  
12 any other purpose, such appearance or presence may occur by means  
13 of a videoconference at the discretion of the board. Victims  
14 having a right to attend parole hearings may testify either at  
15 the site where the board is conducting the videoconference or at  
16 the institution where the offender is located. The use of  
17 videoconferencing in this section shall be at the discretion of  
18 the board, and shall not be utilized if [either the offender,]  
19 the victim or the victim's family objects to it.

20 217.690. 1. When in its opinion there is reasonable  
21 probability that an offender of a correctional center can be  
22 released without detriment to the community or to himself, the  
23 board may in its discretion release or parole such person except  
24 as otherwise prohibited by law. All paroles shall issue upon  
25 order of the board, duly adopted.

26 2. Before ordering the parole of any offender, the board  
27 shall have the offender appear before a hearing panel and shall  
28 conduct [a personal] an interview with him, unless waived by the

1 offender. A parole shall be ordered only for the best interest  
2 of society, not as an award of clemency; it shall not be  
3 considered a reduction of sentence or a pardon. An offender  
4 shall be placed on parole only when the board believes that he is  
5 able and willing to fulfill the obligations of a law-abiding  
6 citizen. Every offender while on parole shall remain in the  
7 legal custody of the department but shall be subject to the  
8 orders of the board.

9 3. The board has discretionary authority to require the  
10 payment of a fee, not to exceed sixty dollars per month, from  
11 every offender placed under board supervision on probation,  
12 parole, or conditional release, to waive all or part of any fee,  
13 to sanction offenders for willful nonpayment of fees, and to  
14 contract with a private entity for fee collections services. All  
15 fees collected shall be deposited in the inmate fund established  
16 in section 217.430. Fees collected may be used to pay the costs  
17 of contracted collections services. The fees collected may  
18 otherwise be used to provide community corrections and  
19 intervention services for offenders. Such services include  
20 substance abuse assessment and treatment, mental health  
21 assessment and treatment, electronic monitoring services,  
22 residential facilities services, employment placement services,  
23 and other offender community corrections or intervention services  
24 designated by the board to assist offenders to successfully  
25 complete probation, parole, or conditional release. The board  
26 shall adopt rules not inconsistent with law, in accordance with  
27 section 217.040, with respect to sanctioning offenders and with  
28 respect to establishing, waiving, collecting, and using fees.

1           4. The board shall adopt rules not inconsistent with law,  
2 in accordance with section 217.040, with respect to the  
3 eligibility of offenders for parole, the conduct of parole  
4 hearings or conditions to be imposed upon paroled offenders.  
5 Whenever an order for parole is issued it shall recite the  
6 conditions of such parole.

7           5. When considering parole for an offender with consecutive  
8 sentences, the minimum term for eligibility for parole shall be  
9 calculated by adding the minimum terms for parole eligibility for  
10 each of the consecutive sentences, except the minimum term for  
11 parole eligibility shall not exceed the minimum term for parole  
12 eligibility for an ordinary life sentence.

13           6. Any offender under a sentence for first degree murder  
14 who has been denied release on parole after a parole hearing  
15 shall not be eligible for another parole hearing until at least  
16 three years from the month of the parole denial; however, this  
17 subsection shall not prevent a release pursuant to subsection 4  
18 of section 558.011.

19           7. Parole hearings shall, at a minimum, contain the  
20 following procedures:

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

23           (2) The victim or person representing the victim who  
24 attends a hearing shall have the option of giving testimony in  
25 the presence of the inmate or to the hearing panel without the  
26 inmate being present;

27           (3) The victim or person representing the victim may call  
28 or write the parole board rather than attend the hearing;

1           (4) The victim or person representing the victim may have a  
2 personal meeting with a board member at the board's central  
3 office;

4           (5) The judge, prosecuting attorney or circuit attorney and  
5 a representative of the local law enforcement agency  
6 investigating the crime shall be allowed to attend the hearing or  
7 provide information to the hearing panel in regard to the parole  
8 consideration; and

9           (6) The board shall evaluate information listed in the  
10 juvenile sex offender registry pursuant to section 211.425,  
11 provided the offender is between the ages of seventeen and  
12 twenty-one, as it impacts the safety of the community.

13           8. The board shall notify any person of the results of a  
14 parole eligibility hearing if the person indicates to the board a  
15 desire to be notified.

16           9. The board may, at its discretion, require any offender  
17 seeking parole to meet certain conditions during the term of that  
18 parole so long as said conditions are not illegal or impossible  
19 for the offender to perform. These conditions may include an  
20 amount of restitution to the state for the cost of that  
21 offender's incarceration.

22           10. Nothing contained in this section shall be construed to  
23 require the release of an offender on parole nor to reduce the  
24 sentence of an offender heretofore committed.

25           11. Beginning January 1, 2001, the board shall not order a  
26 parole unless the offender has obtained a high school diploma or  
27 its equivalent, or unless the board is satisfied that the  
28 offender, while committed to the custody of the department, has

1 made an honest good-faith effort to obtain a high school diploma  
2 or its equivalent; provided that the director may waive this  
3 requirement by certifying in writing to the board that the  
4 offender has actively participated in mandatory education  
5 programs or is academically unable to obtain a high school  
6 diploma or its equivalent.

7 12. Any rule or portion of a rule, as that term is defined  
8 in section 536.010, that is created under the authority delegated  
9 in this section shall become effective only if it complies with  
10 and is subject to all of the provisions of chapter 536 and, if  
11 applicable, section 536.028. This section and chapter 536 are  
12 nonseverable and if any of the powers vested with the general  
13 assembly pursuant to chapter 536 to review, to delay the  
14 effective date, or to disapprove and annul a rule are  
15 subsequently held unconstitutional, then the grant of rulemaking  
16 authority and any rule proposed or adopted after August 28, 2005,  
17 shall be invalid and void.

18 217.722. 1. If any probation officer has probable cause to  
19 believe that the person on probation has violated a condition of  
20 probation, the probation officer shall immediately notify the  
21 prosecuting or circuit attorney and may issue a warrant for the  
22 arrest of the person on probation. The officer may effect the  
23 arrest or may deputize any other officer with the power of arrest  
24 to do so by giving the officer a copy of the warrant which will  
25 outline the circumstances of the alleged violation and contain  
26 the statement that the person on probation has, in the judgment  
27 of the probation officer, violated the conditions of probation.  
28 The warrant delivered with the offender by the arresting officer

1 to the official in charge of any jail or other detention facility  
2 shall be sufficient authority for detaining the person on  
3 probation pending a preliminary hearing on the alleged violation.  
4 Other provisions of law relating to release on bail of persons  
5 charged with criminal offenses shall be applicable to persons  
6 detained on alleged probation violations.

7 2. Any person on probation arrested under the authority  
8 granted in subsection 1 of this section shall have the right to a  
9 preliminary hearing on the violation charged as long as the  
10 person on probation remains in custody or unless the offender  
11 waives such hearing. The person on probation shall be notified  
12 immediately in writing of the alleged probation violation. If  
13 arrested in the jurisdiction of the sentencing court, and the  
14 court which placed the person on probation is immediately  
15 available, the preliminary hearing shall be heard by the  
16 sentencing court. Otherwise, the person on probation shall be  
17 taken before a judge or associate circuit judge in the county of  
18 the alleged violation or arrest having original jurisdiction to  
19 try criminal offenses or before an impartial member of the staff  
20 of the Missouri board of probation and parole, and the  
21 preliminary hearing shall be held as soon as possible after the  
22 arrest. Such preliminary hearings shall be conducted as provided  
23 by rule of court or by rules of the Missouri board of probation  
24 and parole. If it appears that there is probable cause to  
25 believe that the person on probation has violated a condition of  
26 probation, or if the person on probation waives the preliminary  
27 hearing, the judge or associate circuit judge, or member of the  
28 staff of the Missouri board of probation and parole shall order

1 the person on probation held for further proceedings in the  
2 sentencing court. If probable cause is not found, the court  
3 shall not be barred from holding a hearing on the question of the  
4 alleged violation of a condition of probation nor from ordering  
5 the person on probation to be present at such a hearing.

6 3. Upon such arrest and detention, the probation officer  
7 shall immediately notify the sentencing court and shall submit to  
8 the court a written report showing in what manner the person on  
9 probation has violated the conditions of probation. Thereupon,  
10 or upon arrest by warrant, the court shall cause the person on  
11 probation to be brought before it without unnecessary delay for a  
12 hearing on the violation charged. Revocation hearings shall be  
13 conducted as provided by rule of court.

14 221.111. 1. A person commits the offense of possession of  
15 unlawful items in a prison or jail if such person knowingly  
16 delivers, attempts to deliver, possesses, deposits, or conceals  
17 in or about the premises of any correctional center as the term  
18 "correctional center" is defined under section 217.010, or any  
19 city, county, or private jail:

20 (1) Any controlled substance as that term is defined by  
21 law, except upon the written prescription of a licensed  
22 physician, dentist, or veterinarian;

23 (2) Any other alkaloid of any kind or any intoxicating  
24 liquor as the term intoxicating liquor is defined in section  
25 311.020;

26 (3) Any article or item of personal property which a  
27 prisoner is prohibited by law, by rule made pursuant to section  
28 221.060, or by regulation of the department of corrections from

1 receiving or possessing, except as herein provided;

2 (4) Any gun, knife, weapon, or other article or item of  
3 personal property that may be used in such manner as to endanger  
4 the safety or security of the institution or as to endanger the  
5 life or limb of any prisoner or employee thereof;

6 (5) Any two-way telecommunications device or its component  
7 parts.

8 2. The violation of subdivision (1) of subsection 1 of this  
9 section shall be a class D felony; the violation of subdivision  
10 (2) or (5) of subsection 1 of this section shall be a class E  
11 felony; the violation of subdivision (3) of subsection 1 of this  
12 section shall be a class A misdemeanor; and the violation of  
13 subdivision (4) of subsection 1 of this section shall be a class  
14 B felony.

15 3. The chief operating officer of a county or city jail or  
16 other correctional facility or the administrator of a private  
17 jail may deny visitation privileges to or refer to the county  
18 prosecuting attorney for prosecution any person who knowingly  
19 delivers, attempts to deliver, possesses, deposits, or conceals  
20 in or about the premises of such jail or facility any personal  
21 item which is prohibited by rule or regulation of such jail or  
22 facility. Such rules or regulations, including a list of  
23 personal items allowed in the jail or facility, shall be  
24 prominently posted for viewing both inside and outside such jail  
25 or facility in an area accessible to any visitor, and shall be  
26 made available to any person requesting such rule or regulation.  
27 Violation of this subsection shall be an infraction if not  
28 covered by other statutes.

1           4. Any person who has been found guilty of a violation of  
2 subdivision (2) of subsection 1 of this section involving any  
3 alkaloid shall be entitled to expungement of the record of the  
4 violation. The procedure to expunge the record shall be pursuant  
5 to section 610.123. The record of any person shall not be  
6 expunged if such person has been found guilty of knowingly  
7 delivering, attempting to deliver, possessing, depositing, or  
8 concealing any alkaloid of any controlled substance in or about  
9 the premises of any correctional center, or city or county jail,  
10 or private prison or jail.

11           5. Subdivision (5) of subsection 1 of this section shall  
12 not apply to:

13           (1) Any law enforcement officer employed by a state,  
14 federal agency, or political subdivision lawfully engaged in his  
15 or her duties as a law enforcement officer; or

16           (2) Any other person who is authorized by the correctional  
17 center, or city, county, or private jail to possess or use a two-  
18 way telecommunications device in the correctional center, or  
19 city, county, or private jail.

20           301.559. 1. It shall be unlawful for any person to engage  
21 in business as or act as a motor vehicle dealer, boat dealer,  
22 manufacturer, boat manufacturer, public motor vehicle auction,  
23 wholesale motor vehicle auction or wholesale motor vehicle dealer  
24 without first obtaining a license from the department as required  
25 in sections 301.550 to 301.573. Any person who maintains or  
26 operates any business wherein a license is required pursuant to  
27 the provisions of sections 301.550 to 301.573, without such  
28 license, is guilty of a class A misdemeanor. Any person

1 committing a second violation of sections 301.550 to 301.573  
2 shall be guilty of a class ~~[D]~~ E felony.

3 2. All dealer licenses shall expire on December  
4 thirty-first of the designated license period. The department  
5 shall notify each person licensed under sections 301.550 to  
6 301.573 of the date of license expiration and the amount of the  
7 fee required for renewal. The notice shall be mailed at least  
8 ninety days before the date of license expiration to the  
9 licensee's last known business address. The director shall have  
10 the authority to issue licenses valid for a period of up to two  
11 years and to stagger the license periods for administrative  
12 efficiency and equalization of workload, at the sole discretion  
13 of the director.

14 3. Every manufacturer, boat manufacturer, motor vehicle  
15 dealer, wholesale motor vehicle dealer, wholesale motor vehicle  
16 auction, boat dealer or public motor vehicle auction shall make  
17 application to the department for issuance of a license. The  
18 application shall be on forms prescribed by the department and  
19 shall be issued under the terms and provisions of sections  
20 301.550 to 301.573 and require all applicants, as a condition  
21 precedent to the issuance of a license, to provide such  
22 information as the department may deem necessary to determine  
23 that the applicant is bona fide and of good moral character,  
24 except that every application for a license shall contain, in  
25 addition to such information as the department may require, a  
26 statement to the following facts:

27 (1) The name and business address, not a post office box,  
28 of the applicant and the fictitious name, if any, under which he

1 intends to conduct his business; and if the applicant be a  
2 partnership, the name and residence address of each partner, an  
3 indication of whether the partner is a limited or general partner  
4 and the name under which the partnership business is to be  
5 conducted. In the event that the applicant is a corporation, the  
6 application shall list the names of the principal officers of the  
7 corporation and the state in which it is incorporated. Each  
8 application shall be verified by the oath or affirmation of the  
9 applicant, if an individual, or in the event an applicant is a  
10 partnership or corporation, then by a partner or officer;

11 (2) Whether the application is being made for registration  
12 as a manufacturer, boat manufacturer, new motor vehicle franchise  
13 dealer, used motor vehicle dealer, wholesale motor vehicle  
14 dealer, boat dealer, wholesale motor vehicle auction or a public  
15 motor vehicle auction;

16 (3) When the application is for a new motor vehicle  
17 franchise dealer, the application shall be accompanied by a copy  
18 of the franchise agreement in the registered name of the  
19 dealership setting out the appointment of the applicant as a  
20 franchise holder and it shall be signed by the manufacturer, or  
21 his authorized agent, or the distributor, or his authorized  
22 agent, and shall include a description of the make of all motor  
23 vehicles covered by the franchise. The department shall not  
24 require a copy of the franchise agreement to be submitted with  
25 each renewal application unless the applicant is now the holder  
26 of a franchise from a different manufacturer or distributor from  
27 that previously filed, or unless a new term of agreement has been  
28 entered into;

1           (4) When the application is for a public motor vehicle  
2 auction, that the public motor vehicle auction has met the  
3 requirements of section 301.561.

4           4. No insurance company, finance company, credit union,  
5 savings and loan association, bank or trust company shall be  
6 required to obtain a license from the department in order to sell  
7 any motor vehicle, trailer or vessel repossessed or purchased by  
8 the company on the basis of total destruction or theft thereof  
9 when the sale of the motor vehicle, trailer or vessel is in  
10 conformance with applicable title and registration laws of this  
11 state.

12           5. No person shall be issued a license to conduct a public  
13 motor vehicle auction or wholesale motor vehicle auction if such  
14 person has a violation of sections 301.550 to 301.573 or other  
15 violations of chapter 301, sections 407.511 to 407.556, or  
16 section 578.120 which resulted in a felony conviction or finding  
17 of guilt or a violation of any federal motor vehicle laws which  
18 resulted in a felony conviction or finding of guilt.

19           311.310. 1. Any licensee under this chapter, or his  
20 employee, who shall sell, vend, give away or otherwise supply any  
21 intoxicating liquor in any quantity whatsoever to any person  
22 under the age of twenty-one years, or to any person intoxicated  
23 or appearing to be in a state of intoxication, or to a habitual  
24 drunkard, and any person whomsoever except his parent or guardian  
25 who shall procure for, sell, give away or otherwise supply  
26 intoxicating liquor to any person under the age of twenty-one  
27 years, or to any intoxicated person or any person appearing to be  
28 in a state of intoxication, or to a habitual drunkard, shall be

1 deemed guilty of a misdemeanor, except that this section shall  
2 not apply to the supplying of intoxicating liquor to a person  
3 under the age of twenty-one years for medical purposes only, or  
4 to the administering of such intoxicating liquor to any person by  
5 a duly licensed physician. No person shall be denied a license  
6 or renewal of a license issued under this chapter solely due to a  
7 conviction for unlawful sale or supply to a minor when serving in  
8 the capacity as an employee of a licensed establishment.

9 2. Any owner, occupant, or other person or legal entity  
10 with a lawful right to the exclusive use and enjoyment of any  
11 property who knowingly allows a person under the age of  
12 twenty-one to drink or possess intoxicating liquor or knowingly  
13 fails to stop a person under the age of twenty-one from drinking  
14 or possessing intoxicating liquor on such property, unless such  
15 person allowing the person under the age of twenty-one to drink  
16 or possess intoxicating liquor is his or her parent or guardian,  
17 is guilty of a class [B] A misdemeanor. Any second or subsequent  
18 violation of this subsection is a class [A misdemeanor] E felony.

19 3. It shall be a defense to prosecution under this section  
20 if:

21 (1) The defendant is a licensed retailer, club, drinking  
22 establishment, or caterer or holds a temporary permit, or an  
23 employee thereof;

24 (2) The defendant sold the intoxicating liquor to the minor  
25 with reasonable cause to believe that the minor was twenty-one or  
26 more years of age; and

27 (3) To purchase the intoxicating liquor, the person  
28 exhibited to the defendant a driver's license, Missouri

1 nondriver's identification card, or other official or apparently  
2 official document, containing a photograph of the minor and  
3 purporting to establish that such minor was twenty-one years of  
4 age and of the legal age for consumption of intoxicating liquor.

5 339.100. 1. The commission may, upon its own motion, and  
6 shall upon receipt of a written complaint filed by any person,  
7 investigate any real estate-related activity of a licensee  
8 licensed under sections 339.010 to 339.180 and sections 339.710  
9 to 339.860 or an individual or entity acting as or representing  
10 themselves as a real estate licensee. In conducting such  
11 investigation, if the questioned activity or written complaint  
12 involves an affiliated licensee, the commission may forward a  
13 copy of the information received to the affiliated licensee's  
14 designated broker. The commission shall have the power to hold  
15 an investigatory hearing to determine whether there is a  
16 probability of a violation of sections 339.010 to 339.180 and  
17 sections 339.710 to 339.860. The commission shall have the power  
18 to issue a subpoena to compel the production of records and  
19 papers bearing on the complaint. The commission shall have the  
20 power to issue a subpoena and to compel any person in this state  
21 to come before the commission to offer testimony or any material  
22 specified in the subpoena. Subpoenas and subpoenas duces tecum  
23 issued pursuant to this section shall be served in the same  
24 manner as subpoenas in a criminal case. The fees and mileage of  
25 witnesses shall be the same as that allowed in the circuit court  
26 in civil cases.

27 2. The commission may cause a complaint to be filed with  
28 the administrative hearing commission as provided by the

1 provisions of chapter 621 against any person or entity licensed  
2 under this chapter or any licensee who has failed to renew or has  
3 surrendered his or her individual or entity license for any one  
4 or any combination of the following acts:

5 (1) Failure to maintain and deposit in a special account,  
6 separate and apart from his or her personal or other business  
7 accounts, all moneys belonging to others entrusted to him or her  
8 while acting as a real estate broker or as the temporary  
9 custodian of the funds of others, until the transaction involved  
10 is consummated or terminated, unless all parties having an  
11 interest in the funds have agreed otherwise in writing;

12 (2) Making substantial misrepresentations or false promises  
13 or suppression, concealment or omission of material facts in the  
14 conduct of his or her business or pursuing a flagrant and  
15 continued course of misrepresentation through agents,  
16 salespersons, advertising or otherwise in any transaction;

17 (3) Failing within a reasonable time to account for or to  
18 remit any moneys, valuable documents or other property, coming  
19 into his or her possession, which belongs to others;

20 (4) Representing to any lender, guaranteeing agency, or any  
21 other interested party, either verbally or through the  
22 preparation of false documents, an amount in excess of the true  
23 and actual sale price of the real estate or terms differing from  
24 those actually agreed upon;

25 (5) Failure to timely deliver a duplicate original of any  
26 and all instruments to any party or parties executing the same  
27 where the instruments have been prepared by the licensee or under  
28 his or her supervision or are within his or her control,

1 including, but not limited to, the instruments relating to the  
2 employment of the licensee or to any matter pertaining to the  
3 consummation of a lease, listing agreement or the purchase, sale,  
4 exchange or lease of property, or any type of real estate  
5 transaction in which he or she may participate as a licensee;

6 (6) Acting for more than one party in a transaction without  
7 the knowledge of all parties for whom he or she acts, or  
8 accepting a commission or valuable consideration for services  
9 from more than one party in a real estate transaction without the  
10 knowledge of all parties to the transaction;

11 (7) Paying a commission or valuable consideration to any  
12 person for acts or services performed in violation of sections  
13 339.010 to 339.180 and sections 339.710 to 339.860;

14 (8) Guaranteeing or having authorized or permitted any  
15 licensee to guarantee future profits which may result from the  
16 resale of real property;

17 (9) Having been finally adjudicated and been found guilty  
18 of the violation of any state or federal statute which governs  
19 the sale or rental of real property or the conduct of the real  
20 estate business as defined in subsection 1 of section 339.010;

21 (10) Obtaining a certificate or registration of authority,  
22 permit or license for himself or herself or anyone else by false  
23 or fraudulent representation, fraud or deceit;

24 (11) Representing a real estate broker other than the  
25 broker with whom associated without the express written consent  
26 of the broker with whom associated;

27 (12) Accepting a commission or valuable consideration for  
28 the performance of any of the acts referred to in section 339.010

1 from any person except the broker with whom associated at the  
2 time the commission or valuable consideration was earned;

3 (13) Using prizes, money, gifts or other valuable  
4 consideration as inducement to secure customers or clients to  
5 purchase, lease, sell or list property when the awarding of such  
6 prizes, money, gifts or other valuable consideration is  
7 conditioned upon the purchase, lease, sale or listing; or  
8 soliciting, selling or offering for sale real property by  
9 offering free lots, or conducting lotteries or contests, or  
10 offering prizes for the purpose of influencing a purchaser or  
11 prospective purchaser of real property;

12 (14) Placing a sign on or advertising any property offering  
13 it for sale or rent without the written consent of the owner or  
14 his or her duly authorized agent;

15 (15) Violation of, or attempting to violate, directly or  
16 indirectly, or assisting or enabling any person to violate, any  
17 provision of sections 339.010 to 339.180 and sections 339.710 to  
18 339.860, or of any lawful rule adopted pursuant to sections  
19 339.010 to 339.180 and sections 339.710 to 339.860;

20 (16) Committing any act which would otherwise be grounds  
21 for the commission to refuse to issue a license under section  
22 339.040;

23 (17) Failure to timely inform seller of all written offers  
24 unless otherwise instructed in writing by the seller;

25 (18) Been finally adjudicated and found guilty, or entered  
26 a plea of guilty or nolo contendere, in a criminal prosecution  
27 under the laws of this state or any other state or of the United  
28 States, for any offense reasonably related to the qualifications,

1 functions or duties of any profession licensed or regulated under  
2 this chapter, for any offense an essential element of which is  
3 fraud, dishonesty or an act of violence, or for any offense  
4 involving moral turpitude, whether or not sentence is imposed;

5 (19) Any other conduct which constitutes untrustworthy,  
6 improper or fraudulent business dealings, demonstrates bad faith  
7 or incompetence, misconduct, or gross negligence;

8 (20) Disciplinary action against the holder of a license or  
9 other right to practice any profession regulated under sections  
10 339.010 to 339.180 and sections 339.710 to 339.860 granted by  
11 another state, territory, federal agency, or country upon grounds  
12 for which revocation, suspension, or probation is authorized in  
13 this state;

14 (21) Been found by a court of competent jurisdiction of  
15 having used any controlled substance, as defined in chapter 195,  
16 to the extent that such use impairs a person's ability to perform  
17 the work of any profession licensed or regulated by sections  
18 339.010 to 339.180 and sections 339.710 to 339.860;

19 (22) Been finally adjudged insane or incompetent by a court  
20 of competent jurisdiction;

21 (23) Assisting or enabling any person to practice or offer  
22 to practice any profession licensed or regulated under sections  
23 339.010 to 339.180 and sections 339.710 to 339.860 who is not  
24 registered and currently eligible to practice under sections  
25 339.010 to 339.180 and sections 339.710 to 339.860;

26 (24) Use of any advertisement or solicitation which is  
27 knowingly false, misleading or deceptive to the general public or  
28 persons to whom the advertisement or solicitation is primarily

1 directed;

2 (25) Making any material misstatement, misrepresentation,  
3 or omission with regard to any application for licensure or  
4 license renewal. As used in this section, "material" means  
5 important information about which the commission should be  
6 informed and which may influence a licensing decision;

7 (26) Engaging in, committing, or assisting any person in  
8 engaging in or committing mortgage fraud, as defined in section  
9 443.930.

10 3. After the filing of such complaint, the proceedings will  
11 be conducted in accordance with the provisions of law relating to  
12 the administrative hearing commission. A finding of the  
13 administrative hearing commissioner that the licensee has  
14 performed or attempted to perform one or more of the foregoing  
15 acts shall be grounds for the suspension or revocation of his  
16 license by the commission, or the placing of the licensee on  
17 probation on such terms and conditions as the real estate  
18 commission shall deem appropriate, or the imposition of a civil  
19 penalty by the commission not to exceed two thousand five hundred  
20 dollars for each offense. Each day of a continued violation  
21 shall constitute a separate offense.

22 4. The commission may prepare a digest of the decisions of  
23 the administrative hearing commission which concern complaints  
24 against licensed brokers or salespersons and cause such digests  
25 to be mailed to all licensees periodically. Such digests may  
26 also contain reports as to new or changed rules adopted by the  
27 commission and other information of significance to licensees.

28 5. Notwithstanding other provisions of this section, a

1 broker or salesperson's license shall be revoked, or in the case  
2 of an applicant, shall not be issued, if the licensee or  
3 applicant has pleaded guilty to, entered a plea of nolo  
4 contendere to, or been found guilty of any of the following  
5 offenses or offenses of a similar nature established under the  
6 laws of this, any other state, the United States, or any other  
7 country, notwithstanding whether sentence is imposed:

8 (1) Any dangerous felony as defined under section 556.061  
9 or murder in the first degree;

10 (2) Any of the following sexual offenses: rape in the  
11 first degree, forcible rape, rape, statutory rape in the first  
12 degree, statutory rape in the second degree, rape in the second  
13 degree, sexual assault, sodomy in the first degree, forcible  
14 sodomy, statutory sodomy in the first degree, statutory sodomy in  
15 the second degree, child molestation in the first degree, child  
16 molestation in the second degree, sodomy in the second degree,  
17 deviate sexual assault, sexual misconduct involving a child,  
18 sexual misconduct in the first degree under section 566.090 as it  
19 existed prior to August 28, 2013, sexual abuse under section  
20 566.100 as it existed prior to August 28, 2013, sexual abuse in  
21 the first or second degree, enticement of a child, or attempting  
22 to entice a child;

23 (3) Any of the following offenses against the family and  
24 related offenses: incest, abandonment of a child in the first  
25 degree, abandonment of a child in the second degree, endangering  
26 the welfare of a child in the first degree, abuse of a child,  
27 using a child in a sexual performance, promoting sexual  
28 performance by a child, or trafficking in children;

1           (4) Any of the following offenses involving child  
2 pornography and related offenses: promoting obscenity in the  
3 first degree, promoting obscenity in the second degree when the  
4 penalty is enhanced to a class [D] E felony, promoting child  
5 pornography in the first degree, promoting child pornography in  
6 the second degree, possession of child pornography in the first  
7 degree, possession of child pornography in the second degree,  
8 furnishing child pornography to a minor, furnishing pornographic  
9 materials to minors, or coercing acceptance of obscene material;  
10 and

11           (5) Mortgage fraud as defined in section 570.310.

12           6. A person whose license was revoked under subsection 5 of  
13 this section may appeal such revocation to the administrative  
14 hearing commission. Notice of such appeal must be received by  
15 the administrative hearing commission within ninety days of  
16 mailing, by certified mail, the notice of revocation. Failure of  
17 a person whose license was revoked to notify the administrative  
18 hearing commission of his or her intent to appeal waives all  
19 rights to appeal the revocation. Upon notice of such person's  
20 intent to appeal, a hearing shall be held before the  
21 administrative hearing commission.

22           400.9-501. (a) Except as otherwise provided in subsection  
23 (b), if the local law of this state governs perfection of a  
24 security interest or agricultural lien, the office in which to  
25 file a financing statement to perfect the security interest or  
26 agricultural lien is:

27           (1) The office designated for the filing or recording of a  
28 record of a mortgage on the related real property, if:

1           (A) The collateral is as-extracted collateral or timber to  
2 be cut; or

3           (B) The financing statement is filed as a fixture filing  
4 and the collateral is goods that are or are to become fixtures;  
5 or

6           (2) The office of the secretary of state in all other  
7 cases, including a case in which the collateral is goods that are  
8 or are to become fixtures and the financing statement is not  
9 filed as a fixture filing.

10          (b) The office in which to file a financing statement to  
11 perfect a security interest in collateral, including fixtures, of  
12 a transmitting utility is the office of the secretary of state.  
13 The financing statement also constitutes a fixture filing as to  
14 the collateral indicated in the financing statement which is or  
15 is to become fixtures.

16          (c) A person shall not knowingly or intentionally file,  
17 attempt to file, or record any document related to real property  
18 with a recorder of deeds under chapter 59 or a financing  
19 statement with the secretary of state under subdivision (2) of  
20 subsection (a) or subsection (b) of this section, with the intent  
21 that such document or statement be used to harass or defraud any  
22 other person or knowingly or intentionally file, attempt to file,  
23 or record such a document or statement that is materially false  
24 or fraudulent.

25          (1) A person who violates this subsection shall be guilty  
26 of a class **[D]** E felony.

27          (2) If a person is convicted of a violation under this  
28 subsection, the court may order restitution.

1 (d) In the alternative to the provisions of sections  
2 428.105 through 428.135, if a person files a false or fraudulent  
3 financing statement with the secretary of state under subdivision  
4 (2) of subsection (a) or subsection (b) of this section, a debtor  
5 named in that financing statement may file an action against the  
6 person that filed the financing statement seeking appropriate  
7 equitable relief, actual damages, or punitive damages, including,  
8 but not limited to, reasonable attorney fees.

9 556.061. In this code, unless the context requires a  
10 different definition, the following terms shall mean:

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

14 (2) "Affirmative defense":

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

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

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

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

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

26 (4) "Commercial film and photographic print processor", any  
27 person who develops exposed photographic film into negatives,  
28 slides or prints, or who makes prints from negatives or slides,

1 for compensation. The term commercial film and photographic  
2 print processor shall include all employees of such persons but  
3 shall not include a person who develops film or makes prints for  
4 a public agency;

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

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

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

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

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

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

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

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

1 or other related items;

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

4 (13) "Confinement":

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

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

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

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

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

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

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

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

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

28 (b) It is given by a person who by reason of youth, mental

1 disease or defect, intoxication, a drug-induced state, or any  
2 other reason is manifestly unable or known by the actor to be  
3 unable to make a reasonable judgment as to the nature or  
4 harmfulness of the conduct charged to constitute the offense; or

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

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

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

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

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

20 (19) "Dangerous felony", the felonies of murder in the  
21 first degree, arson in the first degree, assault in the first  
22 degree, attempted rape in the first degree if physical injury  
23 results, attempted forcible rape if physical injury results,  
24 attempted sodomy in the first degree if physical injury results,  
25 attempted forcible sodomy if physical injury results, rape in the  
26 first degree, forcible rape, sodomy in the first degree, forcible  
27 sodomy, assault in the second degree if the victim of such  
28 assault is a special victim as defined in subdivision (14) of

1 section 565.002, kidnapping in the first degree, kidnapping,  
2 murder in the second degree, assault of a law enforcement officer  
3 in the first degree, domestic assault in the first degree, elder  
4 abuse in the first degree, robbery in the first degree, statutory  
5 rape in the first degree when the victim is a child less than  
6 twelve years of age at the time of the commission of the act  
7 giving rise to the offense, statutory sodomy in the first degree  
8 when the victim is a child less than twelve years of age at the  
9 time of the commission of the act giving rise to the offense,  
10 child molestation in the first or second degree, abuse of a child  
11 if the child dies as a result of injuries sustained from conduct  
12 chargeable under section 568.060, child kidnapping, parental  
13 kidnapping committed by detaining or concealing the whereabouts  
14 of the child for not less than one hundred twenty days under  
15 section 565.153, and an "intoxication-related traffic offense" or  
16 "intoxication-related boating offense" if the person is found to  
17 be a "habitual offender" or "habitual boating offender" as such  
18 terms are defined in section 577.001;

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

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

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

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

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

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

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

18           (27) "Forcible compulsion" either:

19           (a) Physical force that overcomes reasonable resistance; or

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

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

27           (29) "Infraction", a violation defined by this code or by  
28 any other statute of this state if it is so designated or if no

1 sentence other than a fine, or fine and forfeiture or other civil  
2 penalty, is authorized upon conviction;

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

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

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

10 (c) Which is used for overnight accommodation of persons.  
11

12 Any such vehicle, vessel, or structure is inhabitable regardless  
13 of whether a person is actually present.  
14

15 If a building or structure is divided into separately occupied  
16 units, any unit not occupied by the actor is an inhabitable  
17 structure of another;

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

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

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

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

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

4           (34) "Of another", property that any entity, including but  
5 not limited to any natural person, corporation, limited liability  
6 company, partnership, association, governmental subdivision or  
7 instrumentality, other than the actor, has a possessory or  
8 proprietary interest therein, except that property shall not be  
9 deemed property of another who has only a security interest  
10 therein, even if legal title is in the creditor pursuant to a  
11 conditional sales contract or other security arrangement;

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

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

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

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

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

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

11           (41) "Purposely", when used with respect to a person's  
12 conduct or to a result thereof, means when it is his or her  
13 conscious object to engage in that conduct or to cause that  
14 result;

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

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

27           (44) "Serious physical injury", physical injury that  
28 creates a substantial risk of death or that causes serious

1 disfigurement or protracted loss or impairment of the function of  
2 any part of the body;

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

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

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

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

21 (49) "Voluntary act":

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

28 (b) An omission to perform an act of which the actor is

1 physically capable. A person is not guilty of an offense based  
2 solely upon an omission to perform an act unless the law defining  
3 the offense expressly so provides, or a duty to perform the  
4 omitted act is otherwise imposed by law;

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

9 556.061. In this code, unless the context requires a  
10 different definition, the following shall apply:

11 (1) "Affirmative defense" has the meaning specified in  
12 section 556.056;

13 (2) "Burden of injecting the issue" has the meaning  
14 specified in section 556.051;

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

22 (4) "Confinement":

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

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

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

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

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

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

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

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

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

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

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

24           (6) "Criminal negligence" has the meaning specified in  
25 section 562.016;

26           (7) "Custody", a person is in custody when the person has  
27 been arrested but has not been delivered to a place of  
28 confinement;

1           (8) "Dangerous felony" means the felonies of murder in the  
2 first degree, arson in the first degree, assault in the first  
3 degree, attempted rape in the first degree if physical injury  
4 results, attempted forcible rape if physical injury results,  
5 attempted sodomy in the first degree if physical injury results,  
6 attempted forcible sodomy if physical injury results, rape in the  
7 first degree, forcible rape, sodomy in the first degree, forcible  
8 sodomy, kidnapping, murder in the second degree, assault of a law  
9 enforcement officer in the first degree, domestic assault in the  
10 first degree, elder abuse in the first degree, robbery in the  
11 first degree, statutory rape in the first degree when the victim  
12 is a child less than twelve years of age at the time of the  
13 commission of the act giving rise to the offense, statutory  
14 sodomy in the first degree when the victim is a child less than  
15 twelve years of age at the time of the commission of the act  
16 giving rise to the offense, and, abuse of a child if the child  
17 dies as a result of injuries sustained from conduct chargeable  
18 under section 568.060, child kidnapping, and parental kidnapping  
19 committed by detaining or concealing the whereabouts of the child  
20 for not less than one hundred twenty days under section 565.153;

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

25           (10) "Deadly weapon" means any firearm, loaded or unloaded,  
26 or any weapon from which a shot, readily capable of producing  
27 death or serious physical injury, may be discharged, or a  
28 switchblade knife, dagger, billy club, blackjack or metal

1 knuckles;

2 (11) "Felony" has the meaning specified in section 556.016;

3 (12) "Forcible compulsion" means either:

4 (a) Physical force that overcomes reasonable resistance; or

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

8 (13) "Incapacitated" means that physical or mental  
9 condition, temporary or permanent, in which a person is  
10 unconscious, unable to appraise the nature of such person's  
11 conduct, or unable to communicate unwillingness to an act;

12 (14) "Infraction" has the meaning specified in section  
13 556.021;

14 (15) "Inhabitable structure" has the meaning specified in  
15 section 569.010;

16 (16) "Knowingly" has the meaning specified in section  
17 562.016;

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

23 (18) "Misdemeanor" has the meaning specified in section  
24 556.016;

25 (19) "Offense" means any felony, misdemeanor or infraction;

26 (20) "Physical injury" means physical pain, illness, or any  
27 impairment of physical condition;

28 (21) "Place of confinement" means any building or facility

1 and the grounds thereof wherein a court is legally authorized to  
2 order that a person charged with or convicted of a crime be held;

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

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

22 (24) "Purposely" has the meaning specified in section  
23 562.016;

24 (25) "Recklessly" has the meaning specified in section  
25 562.016;

26 (26) "Ritual" or "ceremony" means an act or series of acts  
27 performed by two or more persons as part of an established or  
28 prescribed pattern of activity;

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

8           (28) "Serious physical injury" means physical injury that  
9 creates a substantial risk of death or that causes serious  
10 disfigurement or protracted loss or impairment of the function of  
11 any part of the body;

12           (29) "Sexual conduct" means acts of human masturbation;  
13 deviate sexual intercourse; sexual intercourse; or physical  
14 contact with a person's clothed or unclothed genitals, pubic  
15 area, buttocks, or the breast of a female in an act of apparent  
16 sexual stimulation or gratification;

17           (30) "Sexual contact" means any touching of the genitals or  
18 anus of any person, or the breast of any female person, or any  
19 such touching through the clothing, for the purpose of arousing  
20 or gratifying sexual desire of any person;

21           (31) "Sexual performance", any performance, or part  
22 thereof, which includes sexual conduct by a child who is less  
23 than seventeen years of age;

24           (32) "Voluntary act" has the meaning specified in section  
25 562.011.

26           557.021. 1. Any offense defined outside this code which is  
27 declared to be a misdemeanor without specification of the penalty  
28 therefor is a class A misdemeanor.

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

4           3. For the purpose of applying the extended term provisions  
5 of section 558.016 and the minimum prison term provisions of  
6 section 558.019 and for determining the penalty for attempts and  
7 conspiracies, offenses defined outside of this code shall be  
8 classified as follows:

9           (1) If the offense is a felony:

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

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

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

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

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

22           (2) If the offense is a misdemeanor:

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

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

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

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

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

6 562.014. 1. Guilt for an offense may be based upon a  
7 conspiracy to commit an offense when a person, with the purpose  
8 of promoting or facilitating the commission of an offense, agrees  
9 with another person or persons that they or one or more of them  
10 will engage in conduct which constitutes such offense.

11 2. It is no defense to a prosecution for conspiring to  
12 commit an offense that a person, who knows that a person with  
13 whom he or she conspires to commit an offense has conspired with  
14 another person or persons to commit the same offense, does not  
15 know the identity of such other person or persons.

16 3. If a person conspires to commit a number of offenses, he  
17 or she can be found guilty of only one offense of conspiracy so  
18 long as such multiple offenses are the object of the same  
19 agreement.

20 4. No person may be convicted of an offense based upon a  
21 conspiracy to commit an offense unless an overt act in pursuance  
22 of such conspiracy is alleged and proved to have been done by him  
23 or her or by a person with whom he or she conspired.

24 5. (1) No person shall be convicted of an offense based  
25 upon a conspiracy to commit an offense if, after conspiring to  
26 commit the offense, he or she prevented the accomplishment of the  
27 objectives of the conspiracy under circumstances manifesting a  
28 renunciation of his or her criminal purpose.

1           (2) The defendant shall have the burden of injecting the  
2 issue of renunciation of criminal purpose under subdivision (1)  
3 of this subsection.

4           6. For the purpose of time limitations on prosecutions:

5           (1) A conspiracy to commit an offense is a continuing  
6 course of conduct which terminates when the offense or offenses  
7 which are its object are committed or the agreement that they be  
8 committed is abandoned by the defendant and by those with whom he  
9 or she conspired;

10          (2) If an individual abandons the agreement, the conspiracy  
11 is terminated as to him or her only if he or she advises those  
12 with whom he or she has conspired of his or her abandonment or he  
13 or she informs the law enforcement authorities of the existence  
14 of the conspiracy and of his or her participation in it.

15          7. A person shall not be charged, convicted or sentenced on  
16 the basis of the same course of conduct of both the actual  
17 commission of an offense and a conspiracy to commit that offense.

18          8. Unless otherwise set forth in the statute creating the  
19 offense, when guilt for a felony or misdemeanor is based upon a  
20 conspiracy to commit that offense, the felony or misdemeanor  
21 shall be classified one step lower than the class provided for  
22 the felony or misdemeanor in the statute creating the offense.

23          565.020. 1. A person commits the [crime] offense of murder  
24 in the first degree if he or she knowingly causes the death of  
25 another person after deliberation upon the matter.

26          2. The offense of murder in the first degree is a class A  
27 felony, and, if a person is eighteen years of age or older at the  
28 time of the offense, the punishment shall be either death or

1 imprisonment for life without eligibility for probation or  
2 parole, or release except by act of the governor[; except that,].  
3 If a person has not reached his [sixteenth] or her eighteenth  
4 birthday at the time of the commission of the [crime] offense,  
5 the punishment shall be [imprisonment for life without  
6 eligibility for probation or parole, or release except by act of  
7 the governor] as provided under section 565.033.

8 565.030. 1. Where murder in the first degree is charged  
9 but not submitted or where the state waives the death penalty,  
10 the submission to the trier and all subsequent proceedings in the  
11 case shall proceed as in all other criminal cases [with a single  
12 stage trial in which guilt and punishment are submitted  
13 together].

14 2. Where murder in the first degree is submitted to the  
15 trier without a waiver of the death penalty, the trial shall  
16 proceed in two stages before the same trier. At the first stage  
17 the trier shall decide only whether the defendant is guilty or  
18 not guilty of any submitted offense. The issue of punishment  
19 shall not be submitted to the trier at the first stage. If an  
20 offense is charged other than murder in the first degree in a  
21 count together with a count of murder in the first degree, the  
22 trial judge shall assess punishment on any such offense according  
23 to law, after the defendant is found guilty of such offense and  
24 after he finds the defendant to be a prior offender pursuant to  
25 chapter 558.

26 3. If murder in the first degree is submitted and the death  
27 penalty was not waived but the trier finds the defendant guilty  
28 of a lesser homicide, a second stage of the trial shall proceed

1 [at which the only issue shall be the punishment to be assessed  
2 and declared. No further evidence shall be received. If the  
3 trier is a jury it shall be instructed on the law] as in all  
4 other criminal cases. The attorneys may then argue as in other  
5 criminal cases the issue of punishment, after which the trier  
6 shall assess and declare the punishment as in all other criminal  
7 cases.

8 4. If the trier at the first stage of a trial where the  
9 death penalty was not waived finds the defendant guilty of murder  
10 in the first degree, a second stage of the trial shall proceed at  
11 which the only issue shall be the punishment to be assessed and  
12 declared. Evidence in aggravation and mitigation of punishment,  
13 including but not limited to evidence supporting any of the  
14 aggravating or mitigating circumstances listed in subsection 2 or  
15 3 of section 565.032, may be presented subject to the rules of  
16 evidence at criminal trials. Such evidence may include, within  
17 the discretion of the court, evidence concerning the murder  
18 victim and the impact of the [crime] offense upon the family of  
19 the victim and others. Rebuttal and surrebuttal evidence may be  
20 presented. The state shall be the first to proceed. If the  
21 trier is a jury it shall be instructed on the law. The attorneys  
22 may then argue the issue of punishment to the jury, and the state  
23 shall have the right to open and close the argument. The trier  
24 shall assess and declare the punishment at life imprisonment  
25 without eligibility for probation, parole, or release except by  
26 act of the governor:

27 (1) If the trier finds by a preponderance of the evidence  
28 that the defendant is intellectually disabled; or

1           (2) If the trier does not find beyond a reasonable doubt at  
2 least one of the statutory aggravating circumstances set out in  
3 subsection 2 of section 565.032; or

4           (3) If the trier concludes that there is evidence in  
5 mitigation of punishment, including but not limited to evidence  
6 supporting the statutory mitigating circumstances listed in  
7 subsection 3 of section 565.032, which is sufficient to outweigh  
8 the evidence in aggravation of punishment found by the trier; or

9           (4) If the trier decides under all of the circumstances not  
10 to assess and declare the punishment at death. If the trier is a  
11 jury it shall be so instructed.

12  
13 If the trier assesses and declares the punishment at death it  
14 shall, in its findings or verdict, set out in writing the  
15 aggravating circumstance or circumstances listed in subsection 2  
16 of section 565.032 which it found beyond a reasonable doubt. If  
17 the trier is a jury it shall be instructed before the case is  
18 submitted that if it is unable to decide or agree upon the  
19 punishment the court shall assess and declare the punishment at  
20 life imprisonment without eligibility for probation, parole, or  
21 release except by act of the governor or death. The court shall  
22 follow the same procedure as set out in this section whenever it  
23 is required to determine punishment for murder in the first  
24 degree.

25           5. Upon written agreement of the parties and with leave of  
26 the court, the issue of the defendant's intellectual disability  
27 may be taken up by the court and decided prior to trial without  
28 prejudicing the defendant's right to have the issue submitted to

1 the trier of fact as provided in subsection 4 of this section.

2 6. As used in this section, the terms "intellectual  
3 disability" or "intellectually disabled" refer to a condition  
4 involving substantial limitations in general functioning  
5 characterized by significantly subaverage intellectual  
6 functioning with continual extensive related deficits and  
7 limitations in two or more adaptive behaviors such as  
8 communication, self-care, home living, social skills, community  
9 use, self-direction, health and safety, functional academics,  
10 leisure and work, which conditions are manifested and documented  
11 before eighteen years of age.

12 7. The provisions of this section shall only govern  
13 offenses committed on or after August 28, 2001.

14 565.032. 1. In all cases of murder in the first degree for  
15 which the death penalty is authorized, the judge in a jury-waived  
16 trial shall consider, or [he] shall include in his or her  
17 instructions to the jury for it to consider:

18 (1) Whether a statutory aggravating circumstance or  
19 circumstances enumerated in subsection 2 of this section is  
20 established by the evidence beyond a reasonable doubt; and

21 (2) If a statutory aggravating circumstance or  
22 circumstances is proven beyond a reasonable doubt, whether the  
23 evidence as a whole justifies a sentence of death or a sentence  
24 of life imprisonment without eligibility for probation, parole,  
25 or release except by act of the governor. In determining the  
26 issues enumerated in subdivisions (1) and (2) of this subsection,  
27 the trier shall consider all evidence which it finds to be in  
28 aggravation or mitigation of punishment, including evidence

1 received during the first stage of the trial and evidence  
2 supporting any of the statutory aggravating or mitigating  
3 circumstances set out in subsections 2 and 3 of this section. If  
4 the trier is a jury, it shall not be instructed upon any specific  
5 evidence which may be in aggravation or mitigation of punishment,  
6 but shall be instructed that each juror shall consider any  
7 evidence which he or she considers to be aggravating or  
8 mitigating.

9 2. Statutory aggravating circumstances for a murder in the  
10 first degree offense shall be limited to the following:

11 (1) The offense was committed by a person with a prior  
12 record of conviction for murder in the first degree, or the  
13 offense was committed by a person who has one or more serious  
14 assaultive criminal convictions;

15 (2) The murder in the first degree offense was committed  
16 while the offender was engaged in the commission or attempted  
17 commission of another unlawful homicide;

18 (3) The offender by his or her act of murder in the first  
19 degree knowingly created a great risk of death to more than one  
20 person by means of a weapon or device which would normally be  
21 hazardous to the lives of more than one person;

22 (4) The offender committed the offense of murder in the  
23 first degree for himself or herself or another, for the purpose  
24 of receiving money or any other thing of monetary value from the  
25 victim of the murder or another;

26 (5) The murder in the first degree was committed against a  
27 judicial officer, former judicial officer, prosecuting attorney  
28 or former prosecuting attorney, circuit attorney or former

1 circuit attorney, assistant prosecuting attorney or former  
2 assistant prosecuting attorney, assistant circuit attorney or  
3 former assistant circuit attorney, peace officer or former peace  
4 officer, elected official or former elected official during or  
5 because of the exercise of his official duty;

6 (6) The offender caused or directed another to commit  
7 murder in the first degree or committed murder in the first  
8 degree as an agent or employee of another person;

9 (7) The murder in the first degree was outrageously or  
10 wantonly vile, horrible or inhuman in that it involved torture,  
11 or depravity of mind;

12 (8) The murder in the first degree was committed against  
13 any peace officer, or fireman while engaged in the performance of  
14 his or her official duty;

15 (9) The murder in the first degree was committed by a  
16 person in, or who has escaped from, the lawful custody of a peace  
17 officer or place of lawful confinement;

18 (10) The murder in the first degree was committed for the  
19 purpose of avoiding, interfering with, or preventing a lawful  
20 arrest or custody in a place of lawful confinement, of himself or  
21 herself or another;

22 (11) The murder in the first degree was committed while the  
23 defendant was engaged in the perpetration or was aiding or  
24 encouraging another person to perpetrate or attempt to perpetrate  
25 a felony of any degree of rape, sodomy, burglary, robbery,  
26 kidnapping, or any felony offense in chapter 195 or 579;

27 (12) The murdered individual was a witness or potential  
28 witness in any past or pending investigation or past or pending

1 prosecution, and was killed as a result of his or her status as a  
2 witness or potential witness;

3 (13) The murdered individual was an employee of an  
4 institution or facility of the department of corrections of this  
5 state or local correction agency and was killed in the course of  
6 performing his or her official duties, or the murdered individual  
7 was an inmate of such institution or facility;

8 (14) The murdered individual was killed as a result of the  
9 hijacking of an airplane, train, ship, bus or other public  
10 conveyance;

11 (15) The murder was committed for the purpose of concealing  
12 or attempting to conceal any felony offense defined in chapter  
13 195 or 579;

14 (16) The murder was committed for the purpose of causing or  
15 attempting to cause a person to refrain from initiating or aiding  
16 in the prosecution of a felony offense defined in chapter 195 or  
17 579;

18 (17) The murder was committed during the commission of [a  
19 crime] an offense which is part of a pattern of criminal street  
20 gang activity as defined in section 578.421.

21 3. Statutory mitigating circumstances shall include the  
22 following:

23 (1) The defendant has no significant history of prior  
24 criminal activity;

25 (2) The murder in the first degree was committed while the  
26 defendant was under the influence of extreme mental or emotional  
27 disturbance;

28 (3) The victim was a participant in the defendant's conduct

1 or consented to the act;

2 (4) The defendant was an accomplice in the murder in the  
3 first degree committed by another person and his or her  
4 participation was relatively minor;

5 (5) The defendant acted under extreme duress or under the  
6 substantial domination of another person;

7 (6) The capacity of the defendant to appreciate the  
8 criminality of his or her conduct or to conform his or her  
9 conduct to the requirements of law was substantially impaired;

10 (7) The age of the defendant at the time of the [crime]  
11 offense.

12 565.033. 1. A person found guilty of murder in the first  
13 degree who was under the age of eighteen at the time of the  
14 commission of the offense shall be sentenced as follows:

15 (1) A person who at the time of the commission of the  
16 offense was sixteen years of age or older shall be sentenced to a  
17 term of imprisonment for life without eligibility for probation,  
18 parole, or release, or a term of imprisonment, the minimum of  
19 which shall be at least fifty years; and

20 (2) A person who at the time of the commission of the  
21 offense was under sixteen years of age shall be sentenced to a  
22 term of imprisonment for life without eligibility for probation,  
23 parole, or release, or a term of imprisonment, the minimum of  
24 which shall be at least thirty-five years.

25 2. If the prosecuting or circuit attorney intends to seek a  
26 punishment of imprisonment for life without eligibility for  
27 probation, parole, or release, the prosecuting or circuit  
28 attorney shall file a notice of such intent after conviction and

1 before sentencing.

2 3. (1) Any person who has been found guilty of murder in  
3 the first degree, and who was sixteen years of age or older and  
4 under the age of eighteen at the time of the commission of the  
5 offense, and who was sentenced to life without eligibility for  
6 probation or parole, or release except by act of the governor  
7 prior to June 25, 2012, shall be eligible for a parole hearing  
8 after having served fifty years.

9 (2) Any person who has been found guilty of murder in the  
10 first degree, and who was under the age of sixteen at the time of  
11 the commission of the offense, and who was sentenced to life  
12 without eligibility for probation or parole, or release except by  
13 act of the governor prior to June 25, 2012, shall be eligible for  
14 a parole hearing after having served thirty-five years.

15 565.040. 1. In the event that the death penalty provided  
16 in this chapter is held to be unconstitutional, any person  
17 convicted of murder in the first degree shall be sentenced by the  
18 court to life imprisonment without eligibility for probation,  
19 parole, or release except by act of the governor, with the  
20 exception that when a specific aggravating circumstance found in  
21 a case is held to be unconstitutional or invalid for another  
22 reason, the supreme court of Missouri is further authorized to  
23 remand the case for resentencing or retrial of the punishment  
24 pursuant to subsection 5 of section ~~[565.036]~~ 565.035.

25 2. In the event that any death sentence imposed pursuant to  
26 this chapter is held to be unconstitutional, the trial court  
27 which previously sentenced the defendant to death shall cause the  
28 defendant to be brought before the court and shall sentence the

1 defendant to life imprisonment without eligibility for probation,  
2 parole, or release except by act of the governor, with the  
3 exception that when a specific aggravating circumstance found in  
4 a case is held to be inapplicable, unconstitutional or invalid  
5 for another reason, the supreme court of Missouri is further  
6 authorized to remand the case for retrial of the punishment  
7 pursuant to subsection 5 of section 565.035.

8 565.188. 1. When any adult day care worker; chiropractor;  
9 Christian Science practitioner; coroner; dentist; embalmer;  
10 employee of the departments of social services, mental health, or  
11 health and senior services; employee of a local area agency on  
12 aging or an organized area agency on aging program; emergency  
13 medical technician, firefighter, first responder; funeral  
14 director; home health agency or home health agency employee;  
15 hospital and clinic personnel engaged in examination, care, or  
16 treatment of persons; in-home services owner, provider, operator,  
17 or employee; law enforcement officer; long-term care facility  
18 administrator or employee; medical examiner; medical resident or  
19 intern; mental health professional; minister; nurse; nurse  
20 practitioner; optometrist; other health practitioner; peace  
21 officer; pharmacist; physical therapist; physician; physician's  
22 assistant; podiatrist; probation or parole officer; psychologist;  
23 social worker; or other person with responsibility for the care  
24 of [a person sixty years of age or older] an eligible adult as  
25 defined under section 192.2400 has reasonable cause to suspect  
26 that [such a person] the eligible adult has been subjected to  
27 abuse or neglect or observes [such a person] the eligible adult  
28 being subjected to conditions or circumstances which would

1 reasonably result in abuse or neglect, he or she shall  
2 immediately report or cause a report to be made to the department  
3 in accordance with the provisions of sections 192.2400 to  
4 192.2470. Any other person who becomes aware of circumstances  
5 which may reasonably be expected to be the result of or result in  
6 abuse or neglect may report to the department.

7 2. Any person who knowingly fails to make a report as  
8 required in subsection 1 of this section is guilty of a class A  
9 misdemeanor.

10 3. Any person who purposely files a false report of elder  
11 abuse or neglect is guilty of a class A misdemeanor.

12 4. Every person who has been previously convicted of or  
13 pled guilty to making a false report to the department and who is  
14 subsequently convicted of making a false report under subsection  
15 3 of this section is guilty of a class D felony.

16 5. Evidence of prior convictions of false reporting shall  
17 be heard by the court, out of the hearing of the jury, prior to  
18 the submission of the case to the jury, and the court shall  
19 determine the existence of the prior convictions.

20 565.225. 1. As used in this section and section 565.227,  
21 the term "disturbs" shall mean to engage in a course of conduct  
22 directed at a specific person that serves no legitimate purpose  
23 and that would cause a reasonable person under the circumstances  
24 to be frightened, intimidated, or emotionally distressed.

25 2. A person commits the offense of stalking in the first  
26 degree if he or she purposely, through his or her course of  
27 conduct, disturbs or follows with the intent of disturbing  
28 another person and:

1           (1) Makes a threat communicated with the intent to cause  
2 the person who is the target of the threat to reasonably fear for  
3 his or her safety, the safety of his or her family or household  
4 member, or the safety of domestic animals or livestock as defined  
5 in section 276.606 kept at such person's residence or on such  
6 person's property. The threat shall be against the life of, or a  
7 threat to cause physical injury to, or the kidnapping of the  
8 person, the person's family or household members, or the person's  
9 domestic animals or livestock as defined in section 276.606 kept  
10 at such person's residence or on such person's property; or

11           (2) At least one of the acts constituting the course of  
12 conduct is in violation of an order of protection and the person  
13 has received actual notice of such order; or

14           (3) At least one of the actions constituting the course of  
15 conduct is in violation of a condition of probation, parole,  
16 pretrial release, or release on bond pending appeal; or

17           (4) At any time during the course of conduct, the other  
18 person is seventeen years of age or younger and the person  
19 disturbing the other person is twenty-one years of age or older;  
20 or

21           (5) He or she has previously been found guilty of domestic  
22 assault, violation of an order of protection, or any other crime  
23 where the other person was the victim; or

24           (6) At any time during the course of conduct, the other  
25 person is a participant of the address confidentiality program  
26 under sections 589.660 to 589.681, and the person disturbing the  
27 other person knowingly accesses or attempts to access the address  
28 of the other person.

1           3. Any law enforcement officer may arrest, without a  
2 warrant, any person he or she has probable cause to believe has  
3 violated the provisions of this section.

4           4. This section shall not apply to activities of federal,  
5 state, county, or municipal law enforcement officers conducting  
6 investigations of any violation of federal, state, county, or  
7 municipal law.

8           5. The offense of stalking in the first degree is a class E  
9 felony, unless the defendant has previously been found guilty of  
10 a violation of this section or section 565.227, or any offense  
11 committed in another jurisdiction which, if committed in this  
12 state, would be chargeable or indictable as a violation of any  
13 offense listed in this section or section 565.227, in which case  
14 stalking in the first degree is a class D felony.

15           565.225. 1. As used in this section, the following terms  
16 shall mean:

17           (1) "Course of conduct", a pattern of conduct composed of  
18 two or more acts, which may include communication by any means,  
19 over a period of time, however short, evidencing a continuity of  
20 purpose. Constitutionally protected activity is not included  
21 within the meaning of course of conduct. Such constitutionally  
22 protected activity includes picketing or other organized  
23 protests;

24           (2) "Credible threat", a threat communicated with the  
25 intent to cause the person who is the target of the threat to  
26 reasonably fear for his or her safety, or the safety of his or  
27 her family, or household members or domestic animals or livestock  
28 as defined in section 276.606 kept at such person's residence or

1 on such person's property. The threat must be against the life  
2 of, or a threat to cause physical injury to, or the kidnapping  
3 of, the person, the person's family, or the person's household  
4 members or domestic animals or livestock as defined in section  
5 276.606 kept at such person's residence or on such person's  
6 property;

7 (3) "Harasses", to engage in a course of conduct directed  
8 at a specific person that serves no legitimate purpose, that  
9 would cause a reasonable person under the circumstances to be  
10 frightened, intimidated, or emotionally distressed.

11 2. A person commits the crime of stalking if he or she  
12 purposely, through his or her course of conduct, harasses or  
13 follows with the intent of harassing another person.

14 3. A person commits the crime of aggravated stalking if he  
15 or she purposely, through his or her course of conduct, harasses  
16 or follows with the intent of harassing another person, and:

17 (1) Makes a credible threat; or

18 (2) At least one of the acts constituting the course of  
19 conduct is in violation of an order of protection and the person  
20 has received actual notice of such order; or

21 (3) At least one of the actions constituting the course of  
22 conduct is in violation of a condition of probation, parole,  
23 pretrial release, or release on bond pending appeal; or

24 (4) At any time during the course of conduct, the other  
25 person is seventeen years of age or younger and the person  
26 harassing the other person is twenty-one years of age or older;  
27 or

28 (5) He or she has previously pleaded guilty to or been

1 found guilty of domestic assault, violation of an order of  
2 protection, or any other crime where the other person was the  
3 victim; or

4 (6) At any time during the course of conduct, the other  
5 person is a participant of the address confidentiality program  
6 under sections 589.660 to 589.681, and the person harassing the  
7 other person knowingly accesses or attempts to access the address  
8 of the other person.

9 4. The crime of stalking shall be a class A misdemeanor  
10 unless the person has previously pleaded guilty to or been found  
11 guilty of a violation of this section, or of any offense  
12 committed in violation of any county or municipal ordinance in  
13 any state, any state law, any federal law, or any military law  
14 which, if committed in this state, would be chargeable or  
15 indictable as a violation of any offense listed in this section,  
16 in which case stalking shall be a class D felony.

17 5. The crime of aggravated stalking shall be a class D  
18 felony unless the person has previously pleaded guilty to or been  
19 found guilty of a violation of this section, or of any offense  
20 committed in violation of any county or municipal ordinance in  
21 any state, any state law, any federal law, or any military law  
22 which, if committed in this state, would be chargeable or  
23 indictable as a violation of any offense listed in this section,  
24 aggravated stalking shall be a class C felony.

25 6. Any law enforcement officer may arrest, without a  
26 warrant, any person he or she has probable cause to believe has  
27 violated the provisions of this section.

28 7. This section shall not apply to activities of federal,

1 state, county, or municipal law enforcement officers conducting  
2 investigations of violation of federal, state, county, or  
3 municipal law.

4 568.040. 1. A person commits the offense of nonsupport if  
5 he or she knowingly fails to provide adequate support for his or  
6 her spouse; a parent commits the offense of nonsupport if such  
7 parent knowingly fails to provide adequate support which such  
8 parent is legally obligated to provide for his or her child or  
9 stepchild who is not otherwise emancipated by operation of law.

10 2. For purposes of this section:

11 (1) "Child" means any biological or adoptive child, or any  
12 child whose paternity has been established under chapter 454, or  
13 chapter 210, or any child whose relationship to the defendant has  
14 been determined, by a court of law in a proceeding for  
15 dissolution or legal separation, to be that of child to parent;

16 (2) "Good cause" means any substantial reason why the  
17 defendant is unable to provide adequate support. Good cause does  
18 not exist if the defendant purposely maintains his inability to  
19 support;

20 (3) "Support" means food, clothing, lodging, and medical or  
21 surgical attention;

22 (4) It shall not constitute a failure to provide medical  
23 and surgical attention, if nonmedical remedial treatment  
24 recognized and permitted under the laws of this state is  
25 provided.

26 3. Inability to provide support for good cause shall be an  
27 affirmative defense under this section. A defendant who raises  
28 such affirmative defense has the burden of proving the defense by

1 a preponderance of the evidence.

2 4. The defendant shall have the burden of injecting the  
3 issues raised by subdivision (4) of subsection 2 [and subsection  
4 3] of this section.

5 5. The offense of criminal nonsupport is a class A  
6 misdemeanor, unless the total arrearage is in excess of an  
7 aggregate of twelve monthly payments due under any order of  
8 support issued by any court of competent jurisdiction or any  
9 authorized administrative agency, in which case it is a class E  
10 felony.

11 6. If at any time an offender convicted of criminal  
12 nonsupport is placed on probation or parole, there may be ordered  
13 as a condition of probation or parole that the offender commence  
14 payment of current support as well as satisfy the arrearages.  
15 Arrearages may be satisfied first by making such lump sum payment  
16 as the offender is capable of paying, if any, as may be shown  
17 after examination of the offender's financial resources or  
18 assets, both real, personal, and mixed, and second by making  
19 periodic payments. Periodic payments toward satisfaction of  
20 arrears when added to current payments due may be in such  
21 aggregate sums as is not greater than fifty percent of the  
22 offender's adjusted gross income after deduction of payroll  
23 taxes, medical insurance that also covers a dependent spouse or  
24 children, and any other court- or administrative-ordered support,  
25 only. If the offender fails to pay the current support and  
26 arrearages as ordered, the court may revoke probation or parole  
27 and then impose an appropriate sentence within the range for the  
28 class of offense that the offender was convicted of as provided

1 by law, unless the offender proves good cause for the failure to  
2 pay as required under subsection 3 of this section.

3 7. During any period that a nonviolent offender is  
4 incarcerated for criminal nonsupport, if the offender is ready,  
5 willing, and able to be gainfully employed during said period of  
6 incarceration, the offender, if he or she meets the criteria  
7 established by the department of corrections, may be placed on  
8 work release to allow the offender to satisfy his or her  
9 obligation to pay support. Arrearages shall be satisfied as  
10 outlined in the collection agreement.

11 8. Beginning August 28, 2009, every nonviolent first- and  
12 second-time offender then incarcerated for criminal nonsupport,  
13 who has not been previously placed on probation or parole for  
14 conviction of criminal nonsupport, may be considered for parole,  
15 under the conditions set forth in subsection 6 of this section,  
16 or work release, under the conditions set forth in subsection 7  
17 of this section.

18 9. Beginning January 1, 1991, every prosecuting attorney in  
19 any county which has entered into a cooperative agreement with  
20 the child support enforcement service of the family support  
21 division of the department of social services shall report to the  
22 division on a quarterly basis the number of charges filed and the  
23 number of convictions obtained under this section by the  
24 prosecuting attorney's office on all IV-D cases. The division  
25 shall consolidate the reported information into a statewide  
26 report by county and make the report available to the general  
27 public.

28 10. Persons accused of committing the offense of nonsupport

1 of the child shall be prosecuted:

2 (1) In any county in which the child resided during the  
3 period of time for which the defendant is charged; or

4 (2) In any county in which the defendant resided during the  
5 period of time for which the defendant is charged.

6 569.090. 1. A person commits the offense of tampering in  
7 the second degree if he or she:

8 (1) Tampers with property of another for the purpose of  
9 causing substantial inconvenience to that person or to another;  
10 or

11 (2) Unlawfully rides in or upon another's automobile,  
12 airplane, motorcycle, motorboat or other motor-propelled vehicle;  
13 or

14 (3) Tampers or makes connection with property of a utility;  
15 or

16 (4) Tampers with, or causes to be tampered with, any meter  
17 or other property of an electric, gas, steam or water utility,  
18 the effect of which tampering is either:

19 (a) To prevent the proper measuring of electric, gas, steam  
20 or water service; or

21 (b) To permit the diversion of any electric, gas, steam or  
22 water service.

23 2. In any prosecution under subdivision (4) of subsection  
24 1, proof that a meter or any other property of a utility has been  
25 tampered with, and the person or persons accused received the use  
26 or direct benefit of the electric, gas, steam or water service,  
27 with one or more of the effects described in subdivision (4) of  
28 subsection 1, shall be sufficient to support an inference which

1 the trial court may submit to the trier of fact, from which the  
2 trier of fact may conclude that there has been a violation of  
3 such subdivision by the person or persons who use or receive the  
4 direct benefit of the electric, gas, steam or water service.

5 3. Tampering in the second degree is a class A misdemeanor  
6 unless:

7 (1) Committed as a second or subsequent violation of  
8 subdivision (4) of subsection 1, in which case it is a class E  
9 felony; or

10 (2) The defendant has a prior conviction or has previously  
11 been found guilty pursuant to paragraph (a) of subdivision (3) of  
12 subsection [3] 5 of section 570.030, or subdivision (2) of  
13 subsection 1 of this section, in which case it is a class D  
14 felony.

15 569.140. 1. A person commits the offense of trespass in  
16 the first degree if he or she knowingly enters unlawfully or  
17 knowingly remains unlawfully in a building or inhabitable  
18 structure [or], upon real property, or upon a temporary or  
19 permanent privately owned structure attached to the building,  
20 structure, or property.

21 2. A person does not commit the offense of trespass in the  
22 first degree by entering or remaining upon real property or  
23 attached structures as described under subsection 1 of this  
24 section unless the real property or attached structure is fenced  
25 or otherwise enclosed in a manner designed to exclude intruders  
26 or as to which notice against trespass is given by:

27 (1) Actual communication to the actor; or

28 (2) Posting in a manner reasonably likely to come to the

1 attention of intruders.

2 3. The offense of trespass in the first degree is a class B  
3 misdemeanor.

4 570.010. As used in this chapter:

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

9 (2) "Appropriate" means to take, obtain, use, transfer,  
10 conceal or retain possession of;

11 (3) "Coercion" means a threat, however communicated:

12 (a) To commit any crime; or

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

15 (c) To accuse any person of any crime; or

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

17 or

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

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

21 (g) To inflict any other harm which would not benefit the  
22 actor. A threat of accusation, lawsuit or other invocation of  
23 official action is not coercion if the property sought to be  
24 obtained by virtue of such threat was honestly claimed as  
25 restitution or indemnification for harm done in the circumstances  
26 to which the accusation, exposure, lawsuit or other official  
27 action relates, or as compensation for property or lawful  
28 service. The defendant shall have the burden of injecting the

1 issue of justification as to any threat;

2 (4) "Credit device" means a writing, number or other device  
3 purporting to evidence an undertaking to pay for property or  
4 services delivered or rendered to or upon the order of a  
5 designated person or bearer;

6 (5) "Dealer" means a person in the business of buying and  
7 selling goods;

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

13 (7) "Deceit" means purposely making a representation which  
14 is false and which the actor does not believe to be true and upon  
15 which the victim relies, as to a matter of fact, law, value,  
16 intention or other state of mind. The term "deceit" does not,  
17 however, include falsity as to matters having no pecuniary  
18 significance, or puffing by statements unlikely to deceive  
19 ordinary persons in the group addressed. Deception as to the  
20 actor's intention to perform a promise shall not be inferred from  
21 the fact alone that he did not subsequently perform the promise;

22 (8) "Deprive" means:

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

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

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

28 (9) "Financial institution" means a bank, trust company,

1 savings and loan association, or credit union;

2       (10) "Mislabeled" means varying from the standard of truth  
3 or disclosure in labeling prescribed by statute or lawfully  
4 promulgated administrative regulations of this state lawfully  
5 filed, or if none, as set by commercial usage; or represented as  
6 being another person's product, though otherwise accurately  
7 labeled as to quality and quantity;

8       [(10)] (11) "New and unused property" means tangible  
9 personal property that has never been used since its production  
10 or manufacture and is in its original unopened package or  
11 container if such property was packaged;

12       [(11)] (12) "Of another" property or services is that "of  
13 another" if any natural person, corporation, partnership,  
14 association, governmental subdivision or instrumentality, other  
15 than the actor, has a possessory or proprietary interest therein,  
16 except that property shall not be deemed property of another who  
17 has only a security interest therein, even if legal title is in  
18 the creditor pursuant to a conditional sales contract or other  
19 security arrangement;

20       [(12)] (13) "Property" means anything of value, whether  
21 real or personal, tangible or intangible, in possession or in  
22 action, and shall include but not be limited to the evidence of a  
23 debt actually executed but not delivered or issued as a valid  
24 instrument;

25       [(13)] (14) "Receiving" means acquiring possession,  
26 control or title or lending on the security of the property;

27       [(14)] (15) "Services" includes transportation, telephone,  
28 electricity, gas, water, or other public service, accommodation

1 in hotels, restaurants or elsewhere, admission to exhibitions and  
2 use of vehicles;

3 [(15)] (16) "Writing" includes printing, any other method  
4 of recording information, money, coins, negotiable instruments,  
5 tokens, stamps, seals, credit cards, badges, trademarks and any  
6 other symbols of value, right, privilege or identification.

7 570.030. 1. A person commits the offense of stealing if he  
8 or she:

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

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

16 (3) For the purpose of depriving the owner of a lawful  
17 interest therein, receives, retains or disposes of property of  
18 another knowing that it has been stolen, or believing that it has  
19 been stolen.

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

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

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

1           (2) The property consists of any animal considered  
2 livestock as the term livestock is defined in section 144.010, or  
3 any captive wildlife held under permit issued by the conservation  
4 commission, and the value of the animal or animals appropriated  
5 exceeds three thousand dollars and that person has previously  
6 been found guilty of appropriating any animal considered  
7 livestock or captive wildlife held under permit issued by the  
8 conservation commission. Notwithstanding any provision of law to  
9 the contrary, such person shall serve a minimum prison term of  
10 not less than eighty percent of his or her sentence before he or  
11 she is eligible for probation, parole, conditional release, or  
12 other early release by the department of corrections;

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

18           (4) The property appropriated or attempted to be  
19 appropriated consists of any animal considered livestock as the  
20 term is defined in section 144.010 if the value of the livestock  
21 exceeds ten thousand dollars; or

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

27           4. The offense of stealing is a class C felony if the value  
28 of the property or services appropriated is twenty-five thousand

1 dollars or more.

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

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

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

7 (3) The property appropriated consists of:

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

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

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

11 (d) Any firearms;

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

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

16 (g) Any original copy of an act, bill or resolution,  
17 introduced or acted upon by the legislature of the state of  
18 Missouri;

19 (h) Any pleading, notice, judgment or any other record or  
20 entry of any court of this state, any other state or of the  
21 United States;

22 (i) Any book of registration or list of voters required by  
23 chapter 115;

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

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

28 (l) Any captive wildlife held under permit issued by the

1 conservation commission;

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

3 (n) Ammonium nitrate;

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

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

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

13 (1) The property appropriated is an animal; or

14 (2) A person has previously been found guilty of three  
15 stealing-related offenses committed on three separate occasions  
16 where such offenses occurred within ten years of the date of  
17 occurrence of the present offense.

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

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

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

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

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

11           570.030. 1. A person commits the crime of stealing if he  
12 or she appropriates property or services of another with the  
13 purpose to deprive him or her thereof, either without his or her  
14 consent or by means of deceit or coercion.

15           2. Evidence of the following is admissible in any criminal  
16 prosecution pursuant to this section on the issue of the  
17 requisite knowledge or belief of the alleged stealer:

18           (1) That he or she failed or refused to pay for property or  
19 services of a hotel, restaurant, inn or boardinghouse;

20           (2) That he or she gave in payment for property or services  
21 of a hotel, restaurant, inn or boardinghouse a check or  
22 negotiable paper on which payment was refused;

23           (3) That he or she left the hotel, restaurant, inn or  
24 boardinghouse with the intent to not pay for property or  
25 services;

26           (4) That he or she surreptitiously removed or attempted to  
27 remove his or her baggage from a hotel, inn or boardinghouse;

28           (5) That he or she, with intent to cheat or defraud a

1 retailer, possesses, uses, utters, transfers, makes, alters,  
2 counterfeits, or reproduces a retail sales receipt, price tag, or  
3 universal price code label, or possesses with intent to cheat or  
4 defraud, the device that manufactures fraudulent receipts or  
5 universal price code labels.

6 3. Notwithstanding any other provision of law, any offense  
7 in which the value of property or services is an element is a  
8 class C felony if:

9 (1) The value of the property or services appropriated is  
10 five hundred dollars or more but less than twenty-five thousand  
11 dollars; or

12 (2) The actor physically takes the property appropriated  
13 from the person of the victim; or

14 (3) The property appropriated consists of:

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

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

17 (c) Any credit card or letter of credit; or

18 (d) Any firearms; or

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

20 (f) A United States national flag designed, intended and  
21 used for display on buildings or stationary flagstaffs in the  
22 open; or

23 (g) Any original copy of an act, bill or resolution,  
24 introduced or acted upon by the legislature of the state of  
25 Missouri; or

26 (h) Any pleading, notice, judgment or any other record or  
27 entry of any court of this state, any other state or of the  
28 United States; or

1 (i) Any book of registration or list of voters required by  
2 chapter 115; or

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

5 (k) Live fish raised for commercial sale with a value of  
6 seventy-five dollars; or

7 (l) Captive wildlife held under permit issued by the  
8 conservation commission; or

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

11 (n) Anhydrous ammonia;

12 (o) Ammonium nitrate; or

13 (p) Any document of historical significance which has fair  
14 market value of five hundred dollars or more.

15 4. Notwithstanding any other provision of law, stealing of  
16 any animal considered livestock, as that term is defined in  
17 section 144.010, is a class B felony if the value of the  
18 livestock exceeds ten thousand dollars.

19 5. If an actor appropriates any material with a value less  
20 than five hundred dollars in violation of this section with the  
21 intent to use such material to manufacture, compound, produce,  
22 prepare, test or analyze amphetamine or methamphetamine or any of  
23 their analogues, then such violation is a class C felony. The  
24 theft of any amount of anhydrous ammonia or liquid nitrogen, or  
25 any attempt to steal any amount of anhydrous ammonia or liquid  
26 nitrogen, is a class B felony. The theft of any amount of  
27 anhydrous ammonia by appropriation of a tank truck, tank trailer,  
28 rail tank car, bulk storage tank, field (nurse) tank or field

1 applicator is a class A felony.

2       6. If the actor appropriates or attempts to appropriate  
3 property that is owned by or in the custody of a financial  
4 institution and the property is taken or attempted to be taken  
5 physically from an individual person to deprive the owner or  
6 custodian of the property, the theft is a class B felony.

7       7. The theft of any item of property or services pursuant  
8 to subsection 3 of this section which exceeds five hundred  
9 dollars may be considered a separate felony and may be charged in  
10 separate counts.

11       **[7.]** 8. Any person with a prior conviction of paragraph  
12 (j) or (l) of subdivision (3) of subsection 3 of this section and  
13 who violates the provisions of paragraph (j) or (l) of  
14 subdivision (3) of subsection 3 of this section when the value of  
15 the animal or animals stolen exceeds three thousand dollars is  
16 guilty of a class B felony. Notwithstanding any provision of law  
17 to the contrary, such person shall serve a minimum prison term of  
18 not less than eighty percent of his or her sentence before he or  
19 she is eligible for probation, parole, conditional release, or  
20 other early release by the department of corrections.

21       **[8.]** 9. Any offense in which the value of property or  
22 services is an element is a class B felony if the value of the  
23 property or services equals or exceeds twenty-five thousand  
24 dollars.

25       **[9.]** 10. Any violation of this section for which no other  
26 penalty is specified in this section is a class A misdemeanor.

27       570.135. 1. A person commits the offense of fraudulent  
28 procurement of a credit or debit device if he or she:

1           (1) Knowingly makes or causes to be made, directly or  
2 indirectly, a false statement regarding another person for the  
3 purpose of fraudulently procuring the issuance of a credit or  
4 debit device; [or]

5           (2) Knowingly obtains a means of identification of another  
6 person without the authorization of that person and uses that  
7 means of identification fraudulently to obtain, or attempt to  
8 obtain, credit, goods or services in the name of the other person  
9 without the consent of that person; or

10           (3) Knowingly possesses a fraudulently obtained credit or  
11 debit device.

12           2. The offense of fraudulent procurement of a credit or  
13 debit device is a class A misdemeanor.

14           3. Notwithstanding any other provision of this section, no  
15 corporation, proprietorship, partnership, limited liability  
16 company, limited liability partnership or other business entity  
17 shall be criminally liable under this section for accepting  
18 applications for credit or debit devices or for the use of a  
19 credit or debit device in any transaction, absent clear and  
20 convincing evidence that such business entity conspired with or  
21 was a part of the fraudulent procuring of the issuance of a  
22 credit or debit device.

23           571.020. 1. A person commits [a crime] an offense if such  
24 person knowingly possesses, manufactures, transports, repairs, or  
25 sells:

26           (1) An explosive weapon;

27           (2) An explosive, incendiary or poison substance or  
28 material with the purpose to possess, manufacture or sell an

1 explosive weapon;

2 (3) A gas gun;

3 (4) A bullet or projectile which explodes or detonates upon  
4 impact because of an independent explosive charge after having  
5 been shot from a firearm; or

6 (5) Knuckles; or

7 (6) Any of the following in violation of federal law:

8 (a) A machine gun;

9 (b) A short-barreled rifle or shotgun;

10 (c) A firearm silencer; or

11 (d) A switchblade knife.

12 2. A person does not commit [a crime] an offense pursuant  
13 to this section if his or her conduct involved any of the items  
14 in subdivisions (1) to (5) of subsection 1, the item was  
15 possessed in conformity with any applicable federal law, and the  
16 conduct:

17 (1) Was incident to the performance of official duty by the  
18 Armed Forces, National Guard, a governmental law enforcement  
19 agency, or a penal institution; or

20 (2) Was incident to engaging in a lawful commercial or  
21 business transaction with an organization enumerated in  
22 subdivision (1) of this section; or

23 (3) Was incident to using an explosive weapon in a manner  
24 reasonably related to a lawful industrial or commercial  
25 enterprise; or

26 (4) Was incident to displaying the weapon in a public  
27 museum or exhibition; or

28 (5) Was incident to using the weapon in a manner reasonably

1 related to a lawful dramatic performance.

2 3. [A crime] An offense pursuant to subdivision (1), (2),  
3 (3) or (6) of subsection 1 of this section is a class [C] D  
4 felony; a crime pursuant to subdivision (4) or (5) of subsection  
5 1 of this section is a class A misdemeanor.

6 571.030. 1. A person commits the [crime] offense of  
7 unlawful use of weapons if he or she knowingly:

8 (1) Carries concealed upon or about his or her person a  
9 knife, a firearm, a blackjack or any other weapon readily capable  
10 of lethal use; or

11 (2) Sets a spring gun; or

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

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

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

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

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

1           (8) Carries a firearm or any other weapon readily capable  
2 of lethal use into any church or place where people have  
3 assembled for worship, or into any election precinct on any  
4 election day, or into any building owned or occupied by any  
5 agency of the federal government, state government, or political  
6 subdivision thereof; or

7           (9) Discharges or shoots a firearm at or from a motor  
8 vehicle, as defined in section 301.010, discharges or shoots a  
9 firearm at any person, or at any other motor vehicle, or at any  
10 building or habitable structure, unless the person was lawfully  
11 acting in self-defense; or

12           (10) Carries a firearm, whether loaded or unloaded, or any  
13 other weapon readily capable of lethal use into any school, onto  
14 any school bus, or onto the premises of any function or activity  
15 sponsored or sanctioned by school officials or the district  
16 school board; or

17           (11) Possesses a firearm while also knowingly in possession  
18 of a controlled substance that is sufficient for a felony  
19 violation of section 195.202.

20           2. Subdivisions (1), (8), and (10) of subsection 1 of this  
21 section shall not apply to the persons described in this  
22 subsection, regardless of whether such uses are reasonably  
23 associated with or are necessary to the fulfillment of such  
24 person's official duties except as otherwise provided in this  
25 subsection. Subdivisions (3), (4), (6), (7), and (9) of  
26 subsection 1 of this section shall not apply to or affect any of  
27 the following persons, when such uses are reasonably associated  
28 with or are necessary to the fulfillment of such person's

1 official duties, except as otherwise provided in this subsection:

2 (1) All state, county and municipal peace officers who have  
3 completed the training required by the police officer standards  
4 and training commission pursuant to sections 590.030 to 590.050  
5 and who possess the duty and power of arrest for violation of the  
6 general criminal laws of the state or for violation of ordinances  
7 of counties or municipalities of the state, whether such officers  
8 are on or off duty, and whether such officers are within or  
9 outside of the law enforcement agency's jurisdiction, or all  
10 qualified retired peace officers, as defined in subsection 12 of  
11 this section, and who carry the identification defined in  
12 subsection 13 of this section, or any person summoned by such  
13 officers to assist in making arrests or preserving the peace  
14 while actually engaged in assisting such officer;

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

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

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

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

27 (6) Any federal probation officer or federal flight deck  
28 officer as defined under the federal flight deck officer program,

1 49 U.S.C. Section 44921 regardless of whether such officers are  
2 on duty, or within the law enforcement agency's jurisdiction;

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

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

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

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

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

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

1           3. Subdivisions (1), (5), (8), and (10) of subsection 1 of  
2 this section do not apply when the actor is transporting such  
3 weapons in a nonfunctioning state or in an unloaded state when  
4 ammunition is not readily accessible or when such weapons are not  
5 readily accessible. Subdivision (1) of subsection 1 of this  
6 section does not apply to any person nineteen years of age or  
7 older or eighteen years of age or older and a member of the  
8 United States Armed Forces, or honorably discharged from the  
9 United States Armed Forces, transporting a concealable firearm in  
10 the passenger compartment of a motor vehicle, so long as such  
11 concealable firearm is otherwise lawfully possessed, nor when the  
12 actor is also in possession of an exposed firearm or projectile  
13 weapon for the lawful pursuit of game, or is in his or her  
14 dwelling unit or upon premises over which the actor has  
15 possession, authority or control, or is traveling in a continuous  
16 journey peaceably through this state. Subdivision (10) of  
17 subsection 1 of this section does not apply if the firearm is  
18 otherwise lawfully possessed by a person while traversing school  
19 premises for the purposes of transporting a student to or from  
20 school, or possessed by an adult for the purposes of facilitation  
21 of a school-sanctioned firearm-related event or club event.

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

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

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

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

25           8. Unlawful use of weapons is a class **[D]** E felony unless  
26 committed pursuant to subdivision (6), (7), or (8) of subsection  
27 1 of this section, in which cases it is a class B misdemeanor, or  
28 subdivision (5) or (10) of subsection 1 of this section, in which

1 case it is a class A misdemeanor if the firearm is unloaded and a  
2 class [D] E felony if the firearm is loaded, or subdivision (9)  
3 of subsection 1 of this section, in which case it is a class B  
4 felony, except that if the violation of subdivision (9) of  
5 subsection 1 of this section results in injury or death to  
6 another person, it is a class A felony.

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

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

11 (2) For any violation by a prior offender as defined in  
12 section 558.016, a person shall be sentenced to the maximum  
13 authorized term of imprisonment for a class B felony without the  
14 possibility of parole, probation or conditional release for a  
15 term of ten years;

16 (3) For any violation by a persistent offender as defined  
17 in section 558.016, a person shall be sentenced to the maximum  
18 authorized term of imprisonment for a class B felony without the  
19 possibility of parole, probation, or conditional release;

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

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

27 11. Notwithstanding any other provision of law, no person  
28 who pleads guilty to or is found guilty of a felony violation of

1 subsection 1 of this section shall receive a suspended imposition  
2 of sentence if such person has previously received a suspended  
3 imposition of sentence for any other firearms- or weapons-related  
4 felony offense.

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

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

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

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

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

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

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

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

28 13. The identification required by subdivision (1) of

1 subsection 2 of this section is:

2 (1) A photographic identification issued by the agency from  
3 which the individual retired from service as a peace officer that  
4 indicates that the individual has, not less recently than one  
5 year before the date the individual is carrying the concealed  
6 firearm, been tested or otherwise found by the agency to meet the  
7 standards established by the agency for training and  
8 qualification for active peace officers to carry a firearm of the  
9 same type as the concealed firearm; or

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

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

19 571.060. 1. A person commits the [crime] offense of  
20 unlawful transfer of weapons if he:

21 (1) Knowingly sells, leases, loans, gives away or delivers  
22 a firearm or ammunition for a firearm to any person who, under  
23 the provisions of section 571.070, is not lawfully entitled to  
24 possess such;

25 (2) Knowingly sells, leases, loans, gives away or delivers  
26 a blackjack to a person less than eighteen years old without the  
27 consent of the child's custodial parent or guardian, or  
28 recklessly, as defined in section 562.016, sells, leases, loans,

1 gives away or delivers any firearm to a person less than eighteen  
2 years old without the consent of the child's custodial parent or  
3 guardian; provided, that this does not prohibit the delivery of  
4 such weapons to any peace officer or member of the Armed Forces  
5 or National Guard while performing his official duty; or

6 (3) Recklessly, as defined in section 562.016, sells,  
7 leases, loans, gives away or delivers a firearm or ammunition for  
8 a firearm to a person who is intoxicated.

9 2. Unlawful transfer of weapons under subdivision (1) of  
10 subsection 1 of this section is a class [D] E felony; unlawful  
11 transfer of weapons under subdivisions (2) and (3) of subsection  
12 1 of this section is a class A misdemeanor.

13 571.063. 1. As used in this section the following terms  
14 shall mean:

15 (1) "Ammunition", any cartridge, shell, or projectile  
16 designed for use in a firearm;

17 (2) "Licensed dealer", a person who is licensed under 18  
18 U.S.C. Section 923 to engage in the business of dealing in  
19 firearms;

20 (3) "Materially false information", any information that  
21 portrays an illegal transaction as legal or a legal transaction  
22 as illegal;

23 (4) "Private seller", a person who sells or offers for sale  
24 any firearm, as defined in section 571.010, or ammunition.

25 2. A person commits the crime of fraudulent purchase of a  
26 firearm if such person:

27 (1) Knowingly solicits, persuades, encourages or entices a  
28 licensed dealer or private seller of firearms or ammunition to

1 transfer a firearm or ammunition under circumstances which the  
2 person knows would violate the laws of this state or the United  
3 States; or

4 (2) Provides to a licensed dealer or private seller of  
5 firearms or ammunition what the person knows to be materially  
6 false information with intent to deceive the dealer or seller  
7 about the legality of a transfer of a firearm or ammunition; or

8 (3) Willfully procures another to violate the provisions of  
9 subdivision (1) or (2) of this subsection.

10 3. Fraudulent purchase of a firearm is a class **[D]** E  
11 felony.

12 4. This section shall not apply to criminal investigations  
13 conducted by the United States Bureau of Alcohol, Tobacco,  
14 Firearms and Explosives, authorized agents of such  
15 investigations, or to a peace officer, as defined in section  
16 542.261, acting at the explicit direction of the United States  
17 Bureau of Alcohol, Tobacco, Firearms and Explosives.

18 571.070. 1. A person commits the **[crime]** offense of  
19 unlawful possession of a firearm if such person knowingly has any  
20 firearm in his or her possession and:

21 (1) Such person has been convicted of a felony under the  
22 laws of this state, or of a crime under the laws of any state or  
23 of the United States which, if committed within this state, would  
24 be a felony; or

25 (2) Such person is a fugitive from justice, is habitually  
26 in an intoxicated or drugged condition, or is currently adjudged  
27 mentally incompetent.

28 2. Unlawful possession of a firearm is a class **[C]** D

1 felony.

2 3. The provisions of subdivision (1) of subsection 1 of  
3 this section shall not apply to the possession of an antique  
4 firearm.

5 571.072. 1. A person commits the [crime] offense of  
6 unlawful possession of an explosive weapon if he or she has any  
7 explosive weapon in his or her possession and:

8 (1) He or she has pled guilty to or has been convicted of a  
9 dangerous felony, as defined in section 556.061, or of an attempt  
10 to commit a dangerous felony, or of [a crime] an offense under  
11 the laws of any state or of the United States which, if committed  
12 within this state, would be a dangerous felony, or confined  
13 therefor in this state or elsewhere during the five-year period  
14 immediately preceding the date of such possession; or

15 (2) He or she is a fugitive from justice, is habitually in  
16 an intoxicated or drugged condition, or is currently adjudged  
17 mentally incompetent.

18 2. Unlawful possession of an explosive weapon is a class  
19 [C] D felony.

20 577.001. As used in this chapter, the following terms mean:

21 (1) "Aggravated offender", a person who has been found  
22 guilty of:

23 (a) Three or more intoxication-related traffic offenses  
24 committed on separate occasions; or

25 (b) Two or more intoxication-related traffic offenses  
26 committed on separate occasions where at least one of the  
27 intoxication-related traffic offenses is an offense committed in  
28 violation of any state law, county or municipal ordinance, any

1 federal offense, or any military offense in which the defendant  
2 was operating a vehicle while intoxicated and another person was  
3 injured or killed;

4 (2) "Aggravated boating offender", a person who has been  
5 found guilty of:

6 (a) Three or more intoxication-related boating offenses; or

7 (b) ~~Has been found guilty of one~~ Two or more  
8 intoxication-related boating offenses committed on separate  
9 occasions where at least one of the intoxication-related  
10 ~~traffic~~ boating offenses is an offense committed in violation  
11 of any state law, county or municipal ordinance, any federal  
12 offense, or any military offense in which the defendant was  
13 operating a vessel while intoxicated and another person was  
14 injured or killed;

15 (3) "All-terrain vehicle", any motorized vehicle  
16 manufactured and used exclusively for off-highway use which is  
17 fifty inches or less in width, with an unladen dry weight of one  
18 thousand pounds or less, traveling on three, four or more low  
19 pressure tires, with a seat designed to be straddled by the  
20 operator, or with a seat designed to carry more than one person,  
21 and handlebars for steering control;

22 (4) "Court", any circuit, associate circuit, or municipal  
23 court, including traffic court, but not any juvenile court or  
24 drug court;

25 (5) "Chronic offender", a person who has been found guilty  
26 of:

27 (a) Four or more intoxication-related traffic offenses  
28 committed on separate occasions; or

1           (b) Three or more intoxication-related traffic offenses  
2 committed on separate occasions where at least one of the  
3 intoxication-related traffic offenses is an offense committed in  
4 violation of any state law, county or municipal ordinance, any  
5 federal offense, or any military offense in which the defendant  
6 was operating a vehicle while intoxicated and another person was  
7 injured or killed; or

8           (c) Two or more intoxication-related traffic offenses  
9 committed on separate occasions where both intoxication-related  
10 traffic offenses were offenses committed in violation of any  
11 state law, county or municipal ordinance, any federal offense, or  
12 any military offense in which the defendant was operating a  
13 vehicle while intoxicated and another person was injured or  
14 killed;

15           (6) "Chronic boating offender", a person who has been found  
16 guilty of:

17           (a) Four or more intoxication-related boating offenses; or

18           (b) Three or more intoxication-related boating offenses  
19 committed on separate occasions where at least one of the  
20 intoxication-related boating offenses is an offense committed in  
21 violation of any state law, county or municipal ordinance, any  
22 federal offense, or any military offense in which the defendant  
23 was operating a vessel while intoxicated and another person was  
24 injured or killed; or

25           (c) Two or more intoxication-related boating offenses  
26 committed on separate occasions where both intoxication-related  
27 boating offenses were offenses committed in violation of any  
28 state law, county or municipal ordinance, any federal offense, or

1 any military offense in which the defendant was operating a  
2 vessel while intoxicated and another person was injured or  
3 killed;

4 (7) "Continuous alcohol monitoring", automatically testing  
5 breath, blood, or transdermal alcohol concentration levels and  
6 tampering attempts at least once every hour, regardless of the  
7 location of the person who is being monitored, and regularly  
8 transmitting the data. Continuous alcohol monitoring shall be  
9 considered an electronic monitoring service under subsection 3 of  
10 section 217.690;

11 (8) "Controlled substance", a drug, substance, or immediate  
12 precursor in schedules I to V listed in section 195.017;

13 (9) "Drive", "driving", "operates" or "operating", means  
14 physically driving or operating a vehicle or vessel;

15 (10) "Flight crew member", the pilot in command, copilots,  
16 flight engineers, and flight navigators;

17 (11) "Habitual offender", a person who has been found  
18 guilty of:

19 (a) Five or more intoxication-related traffic offenses  
20 committed on separate occasions; or

21 (b) Four or more intoxication-related traffic offenses  
22 committed on separate occasions where at least one of the  
23 intoxication-related traffic offenses is an offense committed in  
24 violation of any state law, county or municipal ordinance, any  
25 federal offense, or any military offense in which the defendant  
26 was operating a vehicle while intoxicated and another person was  
27 injured or killed; or

28 (c) Three or more intoxication-related traffic offenses

1 committed on separate occasions where at least two of the  
2 intoxication-related traffic offenses were offenses committed in  
3 violation of any state law, county or municipal ordinance, any  
4 federal offense, or any military offense in which the defendant  
5 was operating a vehicle while intoxicated and another person was  
6 injured or killed; or

7 (d) While driving while intoxicated, the defendant acted  
8 with criminal negligence to:

9 a. Cause the death of any person not a passenger in the  
10 vehicle operated by the defendant, including the death of an  
11 individual that results from the defendant's vehicle leaving a  
12 highway, as defined by section 301.010, or the highway's  
13 right-of-way; or

14 b. Cause the death of two or more persons; or

15 c. Cause the death of any person while he or she has a  
16 blood alcohol content of at least eighteen-hundredths of one  
17 percent by weight of alcohol in such person's blood;

18 (12) "Habitual boating offender", a person who has been  
19 found guilty of:

20 (a) Five or more intoxication-related boating offenses; or

21 (b) Four or more intoxication-related boating offenses  
22 committed on separate occasions where at least one of the  
23 intoxication-related boating offenses is an offense committed in  
24 violation of any state law, county or municipal ordinance, any  
25 federal offense, or any military offense in which the defendant  
26 was operating a vessel while intoxicated and another person was  
27 injured or killed; or

28 (c) Three or more intoxication-related boating offenses

1 committed on separate occasions where at least two of the  
2 intoxication-related boating offenses were offenses committed in  
3 violation of any state law, county or municipal ordinance, any  
4 federal offense, or any military offense in which the defendant  
5 was operating a vessel while intoxicated and another person was  
6 injured or killed; or

7 (d) While boating while intoxicated, the defendant acted  
8 with criminal negligence to:

9 a. Cause the death of any person not a passenger in the  
10 vessel operated by the defendant, including the death of an  
11 individual that results from the defendant's vessel leaving the  
12 water; or

13 b. Cause the death of two or more persons; or

14 c. Cause the death of any person while he or she has a  
15 blood alcohol content of at least eighteen-hundredths of one  
16 percent by weight of alcohol in such person's blood;

17 (13) "Intoxicated" or "intoxicated condition", when a  
18 person is under the influence of alcohol, a controlled substance,  
19 or drug, or any combination thereof;

20 (14) "Intoxication-related boating offense", operating a  
21 vessel while intoxicated; boating while intoxicated; operating a  
22 vessel with excessive blood alcohol content or an offense in  
23 which the defendant was operating a vessel while intoxicated and  
24 another person was injured or killed in violation of any state  
25 law, county or municipal ordinance, any federal offense, or any  
26 military offense;

27 (15) "Intoxication-related traffic offense", driving while  
28 intoxicated, driving with excessive blood alcohol content,

1 driving under the influence of alcohol or drugs in violation of a  
2 county or municipal ordinance, or an offense in which the  
3 defendant was operating a vehicle while intoxicated and another  
4 person was injured or killed in violation of any state law,  
5 county or municipal ordinance, any federal offense, or any  
6 military offense;

7 (16) "Law enforcement officer" or "arresting officer",  
8 includes the definition of law enforcement officer in section  
9 556.061 and military policemen conducting traffic enforcement  
10 operations on a federal military installation under military  
11 jurisdiction in the state of Missouri;

12 (17) "Operate a vessel", to physically control the movement  
13 of a vessel in motion under mechanical or sail power in water;

14 (18) "Persistent offender", a person who has been found  
15 guilty of:

16 (a) Two or more intoxication-related traffic offenses  
17 committed on separate occasions; or

18 (b) One intoxication-related traffic offense committed in  
19 violation of any state law, county or municipal ordinance,  
20 federal offense, or military offense in which the defendant was  
21 operating a vehicle while intoxicated and another person was  
22 injured or killed;

23 (19) "Persistent boating offender", a person who has been  
24 found guilty of:

25 (a) Two or more intoxication-related boating offenses  
26 committed on separate occasions; or

27 (b) One intoxication-related boating offense committed in  
28 violation of any state law, county or municipal ordinance,

1 federal offense, or military offense in which the defendant was  
2 operating a vessel while intoxicated and another person was  
3 injured or killed;

4 (20) "Prior offender", a person who has been found guilty  
5 of one intoxication-related traffic offense, where such prior  
6 offense occurred within five years of the occurrence of the  
7 intoxication-related traffic offense for which the person is  
8 charged;

9 (21) "Prior boating offender", a person who has been found  
10 guilty of one intoxication-related boating offense, where such  
11 prior offense occurred within five years of the occurrence of the  
12 intoxication-related boating offense for which the person is  
13 charged.

14 577.037. 1. Upon the trial of any person for any criminal  
15 offense or violations of county or municipal ordinances, or in  
16 any license suspension or revocation proceeding pursuant to the  
17 provisions of chapter 302, arising out of acts alleged to have  
18 been committed by any person while operating a vehicle, vessel,  
19 or aircraft, or acting as a flight crew member of any aircraft,  
20 while in an intoxicated condition or with an excessive blood  
21 alcohol content, the amount of alcohol in the person's blood at  
22 the time of the act, as shown by any chemical analysis of the  
23 person's blood, breath, saliva, or urine, is admissible in  
24 evidence and the provisions of subdivision (5) of section 491.060  
25 shall not prevent the admissibility or introduction of such  
26 evidence if otherwise admissible.

27 2. If a chemical analysis of the defendant's breath, blood,  
28 saliva, or urine demonstrates there was eight-hundredths of one

1 percent or more by weight of alcohol in the person's blood, this  
2 shall be prima facie evidence that the person was intoxicated at  
3 the time the specimen was taken. If a chemical analysis of the  
4 defendant's breath, blood, saliva, or urine demonstrates that  
5 there was less than eight-hundredths of one percent of alcohol in  
6 the defendant's blood, any charge alleging a criminal offense  
7 related to the operation of a vehicle, vessel, or aircraft while  
8 in an intoxicated condition [or with an excessive blood alcohol  
9 content] shall be dismissed with prejudice unless one or more of  
10 the following considerations cause the court to find a dismissal  
11 unwarranted:

12 (1) There is evidence that the chemical analysis is  
13 unreliable as evidence of the defendant's intoxication at the  
14 time of the alleged violation due to the lapse of time between  
15 the alleged violation and the obtaining of the specimen;

16 (2) There is evidence that the defendant was under the  
17 influence of a controlled substance, or drug, or a combination of  
18 either or both with or without alcohol; or

19 (3) There is substantial evidence of intoxication from  
20 physical observations of witnesses or admissions of the  
21 defendant.

22 3. Percent by weight of alcohol in the blood shall be based  
23 upon grams of alcohol per one hundred milliliters of blood or  
24 grams of alcohol per two hundred ten liters of breath.

25 4. The foregoing provisions of this section shall not be  
26 construed as limiting the introduction of any other competent  
27 evidence bearing upon the question of whether the person was  
28 intoxicated.

1           5. A chemical analysis of a person's breath, blood, saliva  
2 or urine, in order to give rise to the presumption or to have the  
3 effect provided for in subsection 2 of this section, shall have  
4 been performed as provided in sections 577.020 to 577.041 and in  
5 accordance with methods and standards approved by the state  
6 department of health and senior services.

7           577.060. 1. A person commits the offense of leaving the  
8 scene of an accident when:

9           (1) Being the operator of a vehicle or a vessel involved in  
10 an accident resulting in injury or death or damage to property of  
11 another person; and

12           (2) Having knowledge of such accident he or she leaves the  
13 place of the injury, damage or accident without stopping and  
14 giving the following information to the other party or to a law  
15 enforcement officer, or if no law enforcement officer is in the  
16 vicinity, then to the nearest law enforcement agency:

17           (a) His or her name;

18           (b) His or her residence, including city and street number;

19           (c) The registration or license number for his or her  
20 vehicle or vessel; and

21           (d) His or her operator's license number, if any.

22           2. For the purposes of this section, all law enforcement  
23 officers shall have jurisdiction, when invited by an injured  
24 person, to enter the premises of any privately owned property for  
25 the purpose of investigating an accident and performing all  
26 necessary duties regarding such accident.

27           3. The offense of leaving the scene of an accident is:

28           (1) A class A misdemeanor; or

1 (2) A class E felony if:

2 (a) Physical injury was caused to another party; or

3 (b) Damage in excess of one thousand dollars was caused to  
4 the property of another person; or

5 (c) The defendant has previously been found guilty of any  
6 offense in violation of this section; or committed in another  
7 jurisdiction which, if committed in this state, would be a  
8 violation of an offense in this section.

9 4. A law enforcement officer who investigates or receives  
10 information of an accident involving an all-terrain vehicle and  
11 also involving the loss of life or serious physical injury shall  
12 make a written report of the investigation or information  
13 received and such additional facts relating to the accident as  
14 may come to his or her knowledge, mail the information to the  
15 department of public safety, and keep a record thereof in his or  
16 her office.

17 5. The provisions of this section shall not apply to the  
18 operation of all-terrain vehicles when property damage is  
19 sustained in sanctioned all-terrain vehicle races, derbies and  
20 rallies.

21 577.685. 1. An illegal alien commits the offense of  
22 illegal reentry if he or she has been removed from the United  
23 States for any of the reasons listed under 8 U.S.C. Section  
24 1326(b) and thereafter enters, attempts to enter, or is at any  
25 time found in this state unless such alien is otherwise permitted  
26 to enter the United States under federal law.

27 2. The offense of illegal reentry is a class E felony.

28 3. Any person in charge of a facility in which an illegal

1 alien is detained upon arrest for the offense of illegal reentry  
2 shall transfer custody of such illegal alien to United States  
3 Immigration and Customs Enforcement as soon as practicable.

4 578.005. As used in sections 578.005 to 578.023, the  
5 following terms shall mean:

6 (1) "Adequate care", normal and prudent attention to the  
7 needs of an animal, including wholesome food, clean water,  
8 shelter and health care as necessary to maintain good health in a  
9 specific species of animal;

10 (2) ["Adequate control", to reasonably restrain or govern  
11 an animal so that the animal does not injure itself, any person,  
12 any other animal, or property;

13 (3) "Animal", every living vertebrate except a human  
14 being;

15 [(4)] (3) "Animal shelter", a facility which is used to  
16 house or contain animals and which is owned, operated, or  
17 maintained by a duly incorporated humane society, animal welfare  
18 society, society for the prevention of cruelty to animals, or  
19 other not-for-profit organization devoted to the welfare,  
20 protection, and humane treatment of animals;

21 [(5)] (4) "Farm animal", an animal raised on a farm or  
22 ranch and used or intended for use in farm or ranch production,  
23 or as food or fiber;

24 [(6)] (5) "Farm animal professional", any individual  
25 employed at a location where farm animals are harbored;

26 [(7)] (6) "Harbor", to feed or shelter an animal at the  
27 same location for three or more consecutive days;

28 [(8)] (7) "Humane killing", the destruction of an animal

1 accomplished by a method approved by the American Veterinary  
2 Medical Association's Panel on Euthanasia (JAVMA 173: 59-72,  
3 1978); or more recent editions, but animals killed during the  
4 feeding of pet carnivores shall be considered humanely killed;

5 [(9)] (8) "Owner", in addition to its ordinary meaning, any  
6 person who keeps or harbors an animal or professes to be owning,  
7 keeping, or harboring an animal;

8 [(10)] (9) "Person", any individual, partnership, firm,  
9 joint stock company, corporation, association, trust, estate, or  
10 other legal entity;

11 [(11)] (10) "Pests", birds, rabbits, or rodents which  
12 damage property or have an adverse effect on the public health,  
13 but shall not include any endangered species listed by the United  
14 States Department of the Interior nor any endangered species  
15 listed in the Wildlife Code of Missouri.

16 578.007. The provisions of section 574.130, sections  
17 578.005 to 578.023 and section 578.040 shall not apply to:

18 (1) Care or treatment performed by a licensed veterinarian  
19 within the provisions of chapter 340;

20 (2) Bona fide scientific experiments;

21 (3) Hunting, fishing, or trapping as allowed by chapter  
22 252, including all practices and privileges as allowed under the  
23 Missouri Wildlife Code;

24 (4) Facilities and publicly funded zoological parks  
25 currently in compliance with the federal "Animal Welfare Act" as  
26 amended;

27 (5) Rodeo practices currently accepted by the Professional  
28 Rodeo Cowboy's Association;

1 (6) The killing of an animal by the owner thereof, the  
2 agent of such owner, or by a veterinarian at the request of the  
3 owner thereof;

4 (7) The lawful, humane killing of an animal by an animal  
5 control officer, the operator of an animal shelter, a  
6 veterinarian, or law enforcement or health official;

7 (8) With respect to farm animals, normal or accepted  
8 practices of animal husbandry;

9 (9) The killing of an animal by any person at any time if  
10 such animal is outside of the owned or rented property of the  
11 owner or custodian of such animal and the animal is injuring any  
12 person or farm animal but this exemption shall not include  
13 [police or guard dogs] the killing or injuring of a law  
14 enforcement officer dog while working;

15 (10) The killing of house or garden pests; or

16 (11) Field trials, training and hunting practices as  
17 accepted by the Professional Houndsmen of Missouri.

18 578.022. Any dog that is owned, or the service of which is  
19 employed, by a law enforcement agency and that bites or injures  
20 another animal or human in the course of their official duties is  
21 exempt from the provisions of sections 273.033 [and], 273.036,  
22 578.012, and section 578.024.

23 [578.011.] 578.040. 1. For purposes of this section, the  
24 following terms shall mean:

25 (1) "Adequate control", to reasonably restrain or govern an  
26 animal so that the animal does not injure itself, any person, any  
27 other animal, or property;

28 (2) "Animal", any living vertebrate except a human being or

1 livestock as the term "livestock" is defined under section  
2 265.300.

3 2. A person [is guilty] commits the offense of animal or  
4 livestock trespass if a person:

5 (1) Having ownership or custody of an animal knowingly  
6 fails to provide adequate control [for a period equal to or  
7 exceeding twelve hours] and the animal trespasses onto another  
8 person's property; or

9 (2) Having ownership or custody of livestock as the term  
10 "livestock" is defined under section 265.300 knowingly fails to  
11 provide adequate control of the livestock for a period of twelve  
12 hours or more and the livestock trespasses onto another person's  
13 property.

14 [2.] 3. The offense of animal or livestock trespass is an  
15 infraction [upon first conviction and for each offense punishable  
16 by a fine not to exceed two hundred dollars, and], unless the  
17 person has previously been found guilty of a violation of this  
18 section in which case it is a class C misdemeanor [punishable by  
19 imprisonment or a fine not to exceed five hundred dollars, or  
20 both, upon the second and all subsequent convictions]. All fines  
21 for a first [conviction of animal trespass] finding of guilt  
22 under this section may be waived by the court provided that the  
23 person found guilty of animal or livestock trespass shows that  
24 adequate, permanent remedies for the trespass have been made.  
25 [Reasonable costs incurred for the care and maintenance of  
26 trespassing animals may not be waived.] This section shall not  
27 apply to the provisions of section 578.007 or sections 272.010 to  
28 272.370.

1           579.015. 1. A person commits the offense of possession of  
2 a controlled substance if he or she knowingly possesses a  
3 controlled substance, except as authorized by this chapter or  
4 chapter 195.

5           2. The offense of possession of any controlled substance  
6 except thirty-five grams or less of marijuana or any synthetic  
7 cannabinoid is a class D felony.

8           3. The offense of possession of more than ten grams but  
9 thirty-five grams or less [than thirty-six grams] of marijuana or  
10 any synthetic cannabinoid is a class A misdemeanor.

11           4. The offense of possession of not more than ten grams of  
12 marijuana or any synthetic cannabinoid is a class D misdemeanor.  
13 If the defendant has previously been found guilty of any offense  
14 of the laws related to controlled substances of this state, or of  
15 the United States, or any state, territory, or district, the  
16 offense is a class A misdemeanor. Prior findings of guilt shall  
17 be pleaded and proven in the same manner as required by section  
18 558.021.

19           5. In any complaint, information, or indictment, and in any  
20 action or proceeding brought for the enforcement of any provision  
21 of this chapter or chapter 195, it shall not be necessary to  
22 include any exception, excuse, proviso, or exemption contained in  
23 this chapter or chapter 195, and the burden of proof of any such  
24 exception, excuse, proviso or exemption shall be upon the  
25 defendant.

26           632.520. 1. For purposes of this section, the following  
27 terms mean:

28           (1) "Employee of the department of mental health", a person

1 who is an employee of the department of mental health, an  
2 employee or contracted employee of a subcontractor of the  
3 department of mental health, or an employee or contracted  
4 employee of a subcontractor of an entity responsible for  
5 confining offenders as authorized by section 632.495;

6 (2) "Offender", a person ordered to the department of  
7 mental health after a determination by the court that the person  
8 meets the definition of a sexually violent predator, a person  
9 ordered to the department of mental health after a finding of  
10 probable cause under section 632.489, or a person committed for  
11 control, care, and treatment by the department of mental health  
12 under sections 632.480 to 632.513;

13 (3) "Secure facility", a facility operated by the  
14 department of mental health or an entity responsible for  
15 confining offenders as authorized by section 632.495.

16 2. No offender shall knowingly commit violence to an  
17 employee of the department of mental health or to another  
18 offender housed in a secure facility. Violation of this  
19 subsection shall be a class B felony.

20 3. No offender shall knowingly damage any building or other  
21 property owned or operated by the department of mental health.  
22 Violation of this subsection shall be a class **[C]** D felony.

23 Section B. The repeal and reenactment of sections 192.2260,  
24 301.559, 311.310, 339.100, 400.9-501, 565.032, 571.020, 571.030,  
25 571.060, 571.063, 571.070, 571.072, and 632.520, and the  
26 enactment of section 577.685 of this act shall become effective  
27 on January 1, 2017.

28 Section C. Because of the need to adopt a punishment scheme

1 for first degree murderers of a certain age after the United  
2 States Supreme Court declared as unconstitutional the only  
3 punishment available under Missouri law for such offenders, the  
4 repeal and reenactment of section 565.020, the repeal and  
5 reenactment of the second occurrence of section 556.061, and the  
6 enactment of section 565.033 of this act is deemed necessary for  
7 the immediate preservation of the public health, welfare, peace  
8 and safety, and is hereby declared to be an emergency act within  
9 the meaning of the constitution, and the repeal and reenactment  
10 of section 565.020, the repeal and reenactment of the second  
11 occurrence of section 556.061, and the enactment of section  
12 565.033 of this act shall be in full force and effect upon its  
13 passage and approval.

14