

CRIMINAL CODE REVISION – SB 491

27.105	Moved from 572.110 – Repeals provision that the circuit courts and prosecuting attorneys shall have a duty to enforce chapter 572 but leaves provision providing that the attorney general shall have the duty to enforce the provisions of chapter 572.
32.057	Unauthorized disclosure of tax returns by Revenue staffer changed from class D to class E felony
43.544	Moved from 577.005, no substantive changes
50.535	Updates intersectional references.
57.100	Updates intersectional references.
105.478	Prohibited acts by public officials and employees – second offense changed to a class E felony from a class D felony
115.631	Makes violations of right of suffrage a class D felony rather than a class C.
130.028	Political discrimination/intimidation – changed to class E felony from class D. Repeals doubly enacted section.
130.031	Makes third and subsequent violations of certain campaign finance laws a class E rather than a class D felony.
142.909	Failure to comply with motor fuel tax laws – changed to class E felony from class D
142.911	Fuel refinery/plant/ terminal document requirements – changed to class E felony from class D
143.1001	Release of contributor names to Veteran’s Trust Fund – changed to a class D felony from a class C
143.1003	Release of contributor names to National Guard Trust Fund – changed to a class D felony from a class C; minor language changes to conform to template.
149.200	Cigarette labeling violations – changed from a class D felony to a class E
168.071	Updates names of crimes, section numbers based on revisions in the bill.
188.030	Makes abortion under certain circumstances a class D rather than a class C felony.
190.621	Makes Penalty for concealing or falsifying a do-not-resuscitate order a class E rather than a class D felony.

CRIMINAL CODE REVISION – SB 491

191.905	Health care provider fraudulent practices – Class C felonies were changed to class D, class D felony changed to class E
191.914	False report of health care provider fraud – Class D changed to a class E
193.315	False statement/ counterfeiting and other crimes involving vital records – Class D felonies changed to class E
194.410	Crimes involving human remains, unmarked burial sites, and associated cultural items – Class D felonies changed to class E
194.425	Abandonment of a corpse – Class D felony changed to class E.
195.005	Takes the “of 1989” off the title “Comprehensive Drug Control Act” and adds new chapter of drug crimes into title
195.010	Makes gender neutral, changes references to sections to “this chapter”
195.015	Changes references to specific sections to “this chapter”
195.016	Same as above and adds reference to the new criminal code chapter of drug offenses
195.017	Rather than saying a violation of the section is a class A misdemeanor, provides that the penalties can be found in the new drug chapter, changes references to “this chapter”
195.025	Repealed – Prohibited use of vessels, vehicles and aircraft to carry controlled substances
195.030	Changes references to “this chapter” and the new drug chapter
195.040	Changes references to “this chapter” and the new drug chapter, makes it gender neutral
195.050	Changes references to “this chapter” and the new drug chapter, makes it gender neutral
195.050	Makes it gender neutral
195.060	Makes it gender neutral
195.080	Changes references to “this chapter” and the new drug chapter
195.100	Changes references to “this chapter”
195.110	User of controlled substance to keep it in container in which obtained - repealed

CRIMINAL CODE REVISION – SB 491

195.130	Moved to 579.105.
195.135	Allows seizure of controlled substances without warrant – repealed.
195.140	Corrects cross reference error; changes references to “this chapter” and the new drug chapter and makes it gender neutral
195.150	Makes the language gender neutral; adds references to new drug chapter.
195.180	Moved to 579.107.
195.190	Changes references to “this chapter” and the new drug chapter
195.195	Changes references to “this chapter”
195.198	Changes references to “this chapter” and the new drug chapter, makes it gender neutral
195.202	Moved to 579.015.
195.204	Moved to 579.045.
195.211	Moved to 579.055.
195.212	Moved to 579.020.
195.213	Unlawful purchase or transport with a minor, penalty – repealed
195.214	Repealed and incorporated in 579.030.
195.217	Repealed and incorporated in 579.030.
195.218	Moved to <u>579.030.</u>
195.219	Repealed; already codified in 579.070.
195.222	Moved to 579.065.
195.223	Moved to 579.068.

CRIMINAL CODE REVISION – SB 491

195.226	Moved to 579.072.
195.233	Moved to 579.074.
195.235	Moved to 579.076.
195.241	Moved to 579.078.
195.242	Moved to 579.080.
195.246	Possession of ephedrine, penalty--possession is prima facie evidence of intent to violate section – repealed and reenacted in 195.420.
195.248	Moved to 579.082.
195.252	Moved to 579.084.
195.254	Moved to 579.086.
195.256	Trademark or trade name, unlawful use of, penalty – repealed – is a crime under counterfeiting 570.103.
195.275	Moved to 579.170.
195.280	Moved to 579.175.
195.285	Prior and persistent offenders--possession, imprisonment for – repealed and incorporated into 579.170.
195.291	Prior and persistent offenders imprisonment for distribution, delivery, manufacture or production – repealed and reincorporated into 579.170.
195.292	Prior drug offenders--unlawful distribution to a minor or unlawful purchase or transport with a minor--imprisonment for – repealed and reincorporated into 579.170.
195.295	Prior and persistent offenders--trafficking drugs, second degree, imprisonment for – repealed and reincorporated into 579.170.
195.296	Prior offenders--trafficking drugs, first degree, imprisonment for – repealed and incorporated into 579.170.
195.367	Moved to 579.180.

CRIMINAL CODE REVISION – SB 491

195.369	Burden of proof of registration upon defendant - repealed and reenacted in 579.180.
195.371	Moved to <u>579.185</u> .
195.375	Changes references to “this chapter” and the new drug chapter, makes it gender neutral
195.417	Repeals obsolete reference to 2005 and rather than providing that the penalty for a violation of the section is a class A misdemeanor, provides a reference to a different section.
195.418	Under current law, only a person holding a retail sales license is guilty of a class A misdemeanor for violating this section. This act makes it a penalty for anyone to knowingly violate the section and refers to a cross reference rather than setting out the penalty in the section. This act also repeals an exception for a general owner of the business where the law was violated if the owner can document an employee training program was in place to provide employees with information on state and federal regulations on the sale of meth precursors. The exception is reenacted in subsection 3 of 579.060.
195.420	Moved to 579.110.
195.501	Moved to 650.150.
195.503	Moved to 650.153.
195.505	Moved to 650.156.
195.509	Moved to 650.161.
195.515	Moved to 579.115.
196.979	Changes crime of reselling donated prescription drugs to a class E felony from a class D.
197.266	Makes abuse or neglect by a hospice employee a class E felony rather than a class D.
197.326	Makes subsequent violations of offering gifts to the health facilities review committee a class E felony rather than a class D.
197.1000	Moved from 660.250; updates intersectional references.
197.1002	Reenacted from 565.188 and 660.255. Adds exception for communications to clergy.
197.1004	Moved from 660.255, subsection was moved to 197.1002.

CRIMINAL CODE REVISION – SB 491

197.1006	Moved from 660.260.
197.1008	Moved from 660.261.
197.1010	Moved from 565.186; adds “or neglect” to elder abuse; updated section references.
197.1012	Moved from 565.190; updates section references.
197.1014	Moved from 660.263; updates section references.
197.1016	Moved from 660.265.
197.1018	Moved from 660.270.
197.1020	Moved from 660.275.
197.1022	Moved from 660.280.; updates section references.
197.1024	Moved from 660.285.
197.1026	Moved from 660.290; updates section reference.
197.1028	Moved from 660.295; updates section reference.
197.1030	Moved from 660.300; updates section references.
197.1032	Moved from 660.305; updates section reference.
197.1034	Moved from 660.310.
197.1036	Moved from 660.315.
197.1038	Moved from 660.317; updates section references.
197.1040	Moved from 660.320.
197.1042	Moved from 660.321.

CRIMINAL CODE REVISION – SB 491

197.266	Changes abuse or neglect by a hospice to a class E felony from a class D.
197.326	Subsequent lobbying violations re: health facilities review committee changed from a class E felony to a class D.
198.015	Nursing home w/o a license when abuse/neglect has occurred changed from a class D to a class E felony.
198.070	Nursing home administer knowingly concealing abuse/neglect resulting in death or serious physical injury changed from a class D felony to a class E and intersectional references are changed.
198.097	Misappropriation of elderly or disabled person’s funds changed to a class E felony from a class D.
198.158	Certain Medicaid crimes made class E felonies rather than class D, section made gender neutral.
205.965	Conducting business as a food stamp vendor w/o license – second offense w/I 5 years – changed from a class D felony to a class E.
210.117	Updates intersectional references.
210.165	False report of child abuse/neglect – class E felony from a class D.
211.038	Updates intersectional references.
214.410	Cemetery operator violations of endowed care trust fund provisions – class E felony from a class D.
217.360	Repealed and combined with section 221.111.
217.385	Offender knowingly damaging corrections property – changed to a class D felony from a class C.
217.400	Furnishing unfit food to offenders changed to a class E from a D.
217.405	Offender abuse from a class C felony to a class D.
217.542	Failure to return to house arrest from a class D to E felony.
217.543	Escape from custody changed from a class D to a E felony.
217.692	Perjury to the board of probation and parole changed to a class D felony from a class C.

CRIMINAL CODE REVISION – SB 491

217.703	Makes program apply to class C, D, and E felons rather than class C and D felons; updates intersectional references.
221.025	Adds “habitual offender” to the list of offenders who may not be placed on electronic monitoring.
221.111	Delivery to a controlled substance to someone in jail changed from a class C to a class D felony and delivering any other alkaloid or liquor to a person in jail is a class E felony from a class D; combined with 217.360, which was repealed; global language changes.
221.353	Damage to jail property changed to a class E felony from a class D.
252.235	Sale of wildlife in violation of conservation rules – subsequent violations changed to a class E felony from a class D if the sale amounts to less than \$500 and first violations changed to a class D from a class C felony if the sale amounts to \$500 or more.
253.080	Reenacts provision repealed from 577.073 dealing with maintaining concessions in state parks.
260.207	Failure to notify DNR director of crime conviction when applying for a solid waste permit – changed to a class E felony from a class D.
260.208	Failure to notify political subdivision of crime conviction when applying for a solid waste permit – changed from a class D felony to a class E.
260.211	Criminal disposition of demolition waste changed to a class E felony from a class D; disposing more than 2,000 lbs or 400 cubic ft of personal demolition waste on own property changed from a class C misdemeanor to a class D; and receiving money for letting another person dispose demolition waste on property changed from a class D felony to a class E.
260.212	Criminal disposition of solid waste changed from a class D felony to a class E.
270.260	Makes release of swine to live in wild or feral state a class E felony from a class D.
276.421	False financial statement by grain dealers – changed from a class C to a class D felony.
276.536	False records, scale tickets, financial papers or accounts by grain dealers – changed from a class C felony to a class D.
277.180	Bribes to violate livestock marketing law – changed from a class D felony to a class E.
285.306	Makes failure to complete a withholding form a class E felony rather than a class D.
285.308	Makes false statement on a withholding form a class E felony rather than a class D.

CRIMINAL CODE REVISION – SB 491

287.128	Work comp fraud changed from a class D felony to a class E, subsequent violations changed to class D from class C; providing invalid certificate of work comp insurance changed from class D to class E; subsequent misrepresentations to obtain work comp insurance at lower rate changed to a class E felony from a class D; subsequent failure to get work comp insurance from a class D to a class E felony.
287.129	Fraudulent work comp act by a health care provider – subsequent offense changed to a class E felony from a class D.
288.250	Makes subsequent violations of releasing confidential information related to unemployment compensation a class E rather than a class D felony.
288.395	Employment security fraud – changed to a class E felony from a class D.
301.390	Possession of vehicle w/ altered ID numbers changed to a class E felony from a class D.
301.400	Defacing vehicle ID number changed to a class D from a class C felony.
301.401	Defacing ID number of special mobile equipment and buying or selling special mobile equipment w/ an altered ID number both changed from class D felonies to class E.
301.559	Unlicensed vehicle dealer – second offense changed from class D felony to class E.
301.640	Releasing vehicle lien of another w/o authority changed from a class C to a class D felony.
302.015	Makes the section gender neutral.
302.020	Specifies that a first driving w/o a license violation is a class D misdemeanor, a second violation is a class A misdemeanor rather than specifying the penalties for such violations. A third or subsequent violation of driving w/o a license changed to a class E felony from a class D. Also specifies that a first violation of letting someone who doesn't have a permit to ride your motorcycle and driving w/ someone else's permit/license is a class D misdemeanor rather than specifying the fine to be imposed. The fine for a class D misdemeanor is \$500 and the fines specified under current law are \$300.
302.060	Makes the language gender neutral, minor language change; updates section references; repeals doubly enacted provision.
302.304	Updates intersectional references; repeals doubly enacted provision.
302.321	First time driving while revoked changed to class D misdemeanor (\$500 fine) rather than a \$300 fine; second/third violation specifies that it is a class A misdemeanor rather than setting out the penalty for such crimes; driving while revoked third or more

CRIMINAL CODE REVISION – SB 491

	in certain circumstances changed from a class D to a class E felony; second or subsequent conviction w/DWI is a class E felony rather than a class D.
302.342	Makes the language gender neutral.
302.400	Moved from 577.500, some grammatical changes.
302.405	Moved from 577.505, some grammatical changes.
302.410	Moved from 577.510, grammatical changes, intersectional reference corrected.
302.415	Moved from 577.515.
302.420	Moved from 577.520, grammatical changes, intersectional reference corrected.
302.425	Moved from 577.525, intersectional reference corrected.
302.426	Moved from 577.530, intersectional reference corrected, new rulemaking language added.
302.440	Moved from subsection 1 of 577.600; intersectional reference corrected.
302.442	Moved from 577.602, intersectional reference corrected.
302.454	Moved from 577.604.
302.456	Moved from 577.606.
302.458	Moved from 577.608, intersectional reference corrected.
302.460	Moved from 577.610.
302.462	Moved from 577.614; Intersectional references corrected.
302.500	Makes the language gender neutral.
302.540	Updates intersectional references.
302.541	Updates intersectional references.

CRIMINAL CODE REVISION – SB 491

302.574	Moved from 577.041, intersectional references corrected; the terms detained or arrested were added whenever the term “stopped” is referenced; some subsections were broken into more subsections; the criminal penalties were combined into one subsection; various grammatical changes were made.
302.580	Moved from 577.049, intersectional references corrected; global language changes.
302.584	Moved from 577.052, intersectional references corrected
302.592	Moved from 577.051, changes the way intoxication-related offenses are listed; changes the offense of refusing to furnish disposition records from a class C misdemeanor to a class D.
302.605	Makes the language gender neutral.
302.705	Makes the language gender neutral.
302.710	Makes the language gender neutral.
302.727	Third or more driving a commercial vehicle while license is revoked in certain circumstances and driving commercial vehicle while revoked on second alcohol-related conviction or fourth conviction for any other offense have been changed to class E felonies from class D.
302.745	Makes the language gender neutral.
302.750	Makes the language gender neutral.
302.755	Changes the word “crimes” to “offenses”.
302.780	Repeals a provision that was reenacted in 577.012.
303.024	Makes sale or production of fake car insurance document a class E felony rather than a class D.
303.025	1 st violation of not having insurance is a class D misdemeanor, which increases the fine to \$500 from the \$300 it currently is in statute
304.070	Makes violation of school bus regulations a class E rather than a class D if a child is injured and makes such violations a class D rather than a class C felony if a child dies.
305.125	Moved from 577.217.

CRIMINAL CODE REVISION – SB 491

305.126	Moved from 577.221 and changes intersectional references.
306.110	Repeals several provisions that are now covered by 577.013.
306.111	Repeals several provisions that were reenacted in 577.013.
306.112	Repealed operating a vessel with excessive blood alcohol content, which is reenacted in 577.014.
306.114	Repealed intoxication boated offense provisions that were incorporated into chapter 577.
306.116	Repealed implied consent to chemical tests, which was incorporated into 577.020.
306.117	Repealed admissibility of chemical tests, which was incorporated into 577.037.
306.118	Repeals prior offender language that was incorporated into 577.001 and 577.023.
306.119	Repeals refusal of a chemical test which was incorporated into 577.041.
306.141	Repeals leaving the scene of a vessel accident which was incorporated into 577.060.
306.420	Makes intentionally sending in a separate document releasing a lien of another without authority a class D felony rather than a class C.
311.315	Taken from subsection 10 of 570.223.
311.325	First MIP is changed to a class D misdemeanor rather than a fine of \$300 (class D is \$500 fine). Rather than providing the penalty for a second violation of MIP, the offense is classified as a class A misdemeanor. No difference in penalty.
313.004	Certain public officials may not own interests in gaming activity – makes a violation a class E rather than a class D felony.
313.040	Makes violation of requirement that bingo proceeds go to charity a class E rather than a class D felony.
313.290	Makes state lottery counterfeiting when it is a class C felony a class D felony and a class E felony if it was a class D felony.
313.550	Makes testifying falsely in front of the gaming commission a class E felony rather than a class D.
313.660	Makes off-track wagering a class D rather than a class C felony.

CRIMINAL CODE REVISION – SB 491

313.830	Makes several gaming violations that are class D felonies class E felonies.
317.018	Makes combative fighting a class E rather than a class D felony.
319.1000	Moved from 571.085.
319.1005	Moved from 571.087.
319.1007	Moved from 571.093.
319.1010.	Moved from 571.095.
319.1013	Moved from 571.037.
319.1015	Moved from 571.067.
319.1025	Moved from 571.101; intersectional references changed; global language changes; replaces term “convicted” with “found guilty” in part about prior alcohol- and drug-related misdemeanors; provides that applicants who are denied a CCW permit may rather than shall appeal the denial.
319.1028	Moved from 571.104; intersectional references changed.
319.1031	Moved from 571.107; intersectional references changed.
319.1034	Moved from 571.111; intersectional references changed.
319.1037	Moved from 571.114.
319.1040	Moved from 571.117; intersectional references changed.
319.1043	Moved from 571.121; intersectional references changed.
320.089	Makes violation of labeling requirement for personal protective equipment a class E rather than a class D felony.
320.161	Makes possession of ground salute fireworks a class D felony rather than a class C.
324.1142	Falsification of records submitted to become a licensed investigator – class E felony rather than a class D.

CRIMINAL CODE REVISION – SB 491

324.1148	Subsequent violations of requirements for investigator licensure a class E rather than a class D felony.
334.250	Makes certain fraudulent medical licensure crimes class D rather than class C felonies.
335.096	Makes violation of nurse regulations a class E rather than a class D felony.
338.195	Makes pharmacy violations by a person not licensed as a pharmacist class D felonies rather than class C.
338.315	Makes subsequent violations of receipt of drugs from unlicensed distributor or pharmacy a class E felony rather than a class D.
338.370	Makes violations of out-of-state drug distributor requirements class D felonies rather than class C.
351.493	Moved from 566.265; intersectional references changed.
354.320	Makes crime of corporate funds and securities use for private gain by officers and employees a class E felony rather than a class D.
362.170	Makes making a loan in excess of certain set limits a class D felony rather than a class C.
367.031	Makes fraudulently accessing a pawnbroker's database a class D felony rather than a class C.
367.045	Makes fraudulently pledging or selling property a class D felony rather than a class C felony if the amount received by the conveying customer from the pawnbroker was one hundred fifty dollars or more.
374.210	Makes crime a making false statements in an insurance proceeding or false insurance records a class E felony rather than a class D.
374.216	Makes crime of filing a false insurance statement a class D rather than a class C felony; global changes.
374.702	Makes subsequent violations of bail bond requirements a class E rather than a class D felony.
374.757	Makes subsequent bail bond agent violations class E felonies rather than class D.
374.789	Makes being an unlicensed bail bond agent a class E felony rather than a class D.
375.310	Makes transaction of insurance business by unauthorized persons or corporations a class E felony rather than a class D.

CRIMINAL CODE REVISION – SB 491

375.537	Makes certain violations involving impaired insurers or property belonging to an insurer class E felonies rather than class D.
375.720	Penalty for failure or refusal to deliver assets to insurance director a class D felony rather than a class C.
375.786	Transacting insurance business without a certificate of authority made a class D felony rather than a class C.
375.991	Makes first instance of fraudulent insurance act a class E felony rather than a class D and subsequent violations a class D felony rather than a class C.
375.1176	Makes the following crime a class D rather than a class C felony - Any person who shall knowingly destroy, conceal, convert or alter any records or property of an insurer after entry of an order of liquidation, without having received prior written permission of the liquidator or of the court, or who shall knowingly neglect or refuse, upon the order or demand of the liquidator, to deliver to the liquidator any records or property of an insurer in his possession or control.
375.1287	Makes certain violations of insurance laws a class E rather than class D felony.
380.391	Misuse of company assets for private gain is a class E felony rather than a class D.
382.275	Makes false reporting by an officer, director, or employee of an insurance holding company with the intent to deceive the director in the performance of his duties under this chapter a class E felony rather than a class D felony.
389.653	Makes committing a trespass if the person discharges a firearm or a weapon at a railroad train or rail-mounted work equipment or when the trespass causes damage of railroad property in an amount exceeding one thousand five hundred dollars or resulting in the injury or death of any person a class E felony rather than a class D felony; changes the language to conform to template for how other crimes are formatted.
407.020	Makes a willful and knowing violation of the Merchandizing Practices Act with the intent to defraud a class E felony rather than a class D felony
407.095	Makes violation of an order issued by the AG a class E felony rather than a class D felony.
407.420	Makes pyramid schemes a class E rather than a class D felony.
407.436	Makes willful and knowing violation of the credit user protection law with the intent to defraud a class E felony rather than a class D felony.
407.516	Changes “crime” to “offense”.

CRIMINAL CODE REVISION – SB 491

407.521	Makes odometer fraud in the second degree a class E felony rather than a class D felony; changes “crime” to “offense”; makes the statute gender neutral.
407.536	Makes defacing or obscuring or otherwise falsifying any odometer reading on a title or lien document a class E felony rather than a class D felony.
407.544	Makes subsequent odometer violations class E felonies rather than class D.
407.740	Makes unlawful subleasing of a motor vehicle a class E rather than a class D felony.
407.1082	Makes certain unlawful telemarketing acts or practices class E felonies rather than class D felonies.
407.1252	Makes violations of travel club requirements class E felonies rather than class D.
411.260	Making a false financial statement a class D felony rather than a class C.
411.287	Makes continuing to ship grain after being advised of an order to cease shipping a class D felony rather than a class C.
411.371	Makes counterfeiting grain warehouse receipts and issuing a negotiable warehouse receipt for grain by an unlicensed public grain warehouseman class D felonies rather than class C felonies.
411.517	Makes filing false records, scale tickets, financial statements, accounts, or withholds records, scale tickets, financial statements or accounts, altering records, scale tickets, financial statements or accounts in order to conceal outstanding storage obligations or to conceal actual amounts of grain received for storage or for purchase, or to conceal warehouse obligations or for the purpose of misleading in any way department warehouse auditors or officials a class D felony rather than a class C felony.
411.770	Makes stealing grain by a warehouseman a class D felony rather than a class C felony; reformats statute to conform with global language changes.
413.229	Makes possession of a commercial device which has been altered to facilitate the commission of fraud a class E felony rather than a class D felony.
429.012	Makes knowingly issuing a fraudulent lien waiver or affidavit by a contractor or knowingly accepting, with intent to defraud, a fraudulent lien waiver or a false affidavit by a settlement agent if the acceptance of the fraudulent lien waiver or false affidavit results in a matter of financial gain to certain types of people class D felonies rather than class C felonies.
429.013	Makes falsifying the signature of an owner, with intent to defraud and knowingly issuing a fraudulent consent of owner by an

CRIMINAL CODE REVISION – SB 491

	original contractor class D felonies rather than class C felonies.
429.014	Makes lien fraud a class D felony rather than a class C; changes “crime” to “offense”.
436.485	Makes violations of the Missouri Preneed Funeral Contract Act class D felonies rather than class C.
443.810	Makes violations of regulations concerning the business of brokering, funding, servicing or purchasing of residential mortgage loans class D felonies rather than class C; global language change.
443.819	Makes subsequent violations of operating or engaging in a mortgage business under a name other than the real names of the persons conducting such business, a corporate name adopted pursuant to law, or a fictitious name registered with the secretary of state's office class D felonies rather than class C; global language change.
453.110	Makes violations related to transferring custody of a child class E felonies rather than class D; global language change.
455.085	Makes subsequent violations of the terms and conditions of an ex parte order or full order of protection class E felonies rather than class D.
455.538	Makes subsequent violations of the terms and conditions of an ex parte order or full order of protection for a child class E felonies rather than class D.
476.055	Makes using information from a confidential judicial record for financial gain a class E felony rather than a class D felony; repeals doubly enacted provision – version with 2017 date repealed.
479.172	Moved from 577.006; intersectional references changed.
513.660	Moved from 572.120; “peace officer” changed to “law enforcement officer”.
537.123	Moved from 570.123.
537.127	Moved from 570.087.
542.402	Makes penalty for illegal wiretapping a class E felony rather than a class D.
542.425	Moved from 566.013, adds provisions of 573.013 which was repealed.
544.216	Moved from 577.039.

CRIMINAL CODE REVISION – SB 491

544.472	Moved from 577.680.
544.665	Makes failure to appear at court for a felony offense a class E felony rather than a class D.
545.940	Moved from 566.135; modifies the list of crimes in the section allowing for HIV testing of certain offenders to accommodate changes made by this act.
556.011	Specifies which chapters may be cited as “The Criminal Code.”
556.016	Definition of crime repealed.
556.021	Repeals the provision stating that an offense is an infraction if it is only punished by a fine, which is reenacted in 556.061(29); makes other minor language changes.
556.022	Repeals the provision requiring folks to stop when told by an officer (section 575.145 is expanded to include this crime)
556.026	Adds “or infraction” to offense in section stating that no conduct constitutes an offense unless made so by a statute.
556.036	Replaces the word defendant with “person”.
556.038	Moved from 565.255; intersectional references changed.
556.041	Makes the language gender neutral.
556.046	Replaces the word defendant with “person”.
556.051	Repealed definition of what it means to “inject the issue” and reenacted definition in 556.061.
556.056	Repealed definition of “affirmative defense” - definition reenacted in 556.061.
556.061	Moves definitions into the section from other places; modifies definitions; removes definitions of sexual conduct, sexual contact, and sexual performance, and ritual or ceremony; adds 2 nd degree assault if it’s a special victim, habitual DWI, and 1 st degree child molestation to crimes that are dangerous felonies and removes parental kidnapping from the list.
556.063	Repealed definitions for computer terms, reenacted in 556.061.
556.101	Moved from 565.100.

CRIMINAL CODE REVISION – SB 491

557.016	Creates a new class E felony and a new class D misdemeanor.
557.021	Provides that any unclassified felonies or felonies for which the maximum term of imprisonment is 4 years are class E felonies.
557.026	Requires probation officers to make a sentencing assessment before the court disposes of a case, grammatical changes.
557.031	Replaces the word “crime” with “offense”.
557.035	Updates the list of crimes that may be hate crimes and have an enhanced penalty of a class D felony to accommodate repeals/breaking up of gun crimes. Makes a violation of subsection 1 a class D felony from a class C felony and makes a violation of subsection 2 a class E felony from a class D felony; repeals definitions for disability and sexual orientation which were reenacted in 556.061; and replaces the word “crime” with “offense”.
557.036	Updates intersectional references; makes the language gender neutral; replaces the word “crime” with “offense”.
557.046	Requirement that court give notice re: sentencing in felony cases repealed.
557.051	New section that combines provisions of 566.140, 566.141, and 568.120, which were repealed.
558.002	Moved from 560.011; provides fines for each classification of offenses - moved from 560.011, 560.016, 560.021.; adds the new class E felony and class D misdemeanor; provides that fines for class C, D, and E felonies may not exceed \$10,000 rather than \$5,000; maximum fine for a class A misdemeanor increased to \$2,000 from \$1,000; fine for a class B misdemeanor increased from \$500 to \$1,000; fine for a class C misdemeanor increased from \$300 to \$750; and fine for a class D misdemeanor is \$500. Fine for an infraction was increased to \$400 from \$200; the word “crime” was replaced with “offense”; repeals the \$20,000 cap on the amount a court may fine a person who has gained from an offense; increases the fine a corporation may be charged for a felony from \$10,000 to \$20,000; rather than specifying fines ranging from \$1,000 to \$5,000 for different classes a misdemeanors, allows for a fine of up to \$10,000 for a misdemeanor; increases the corporate fine for an infraction to \$1,000 from \$500.
558.004	Moved from 560.026; language made gender neutral; intersectional reference updated.
558.006	Moved from 560.031; language made gender neutral.
558.008	Moved from 560.036.
558.011	Term of imprisonment for a class C felony changed from no more than 7 years to no less than 3 years and no more than 10 years; maximum for a class D felony changed from 4 years to 7 years; and authorized max term for new class E felony is 4 years; provides that the court can place a person in the county jail for a term of no more than a year for a class D or E felony rather than

CRIMINAL CODE REVISION – SB 491

	a class C or D felony and repeals a provision that states if someone is sentenced for more than one year to the department of corrections for a class D or E felony (used to be class C or D) that the person must serve a term of at least 2 years.
558.016	Specifies that the court may sentence offenders to extended terms if the statute under which they are sentenced contains a penalty enhancement or a more specific penalty enhancement applies to the statute under which they are sentenced; modifies the definition of “persistent misdemeanor offender” to include those found guilty of class A and B misdemeanors rather than those found guilty of class A and B misdemeanors that are listed within certain chapters of the RSMo.; provides that the extended term for a persistent or dangerous offender is the penalty for one class higher than the offense for which the person was found guilty rather than listing each penalty enhancement.
558.018	Moved to 566.125 - Persistent sexual offender, predatory sexual offender, defined, extension of term, when, minimum term
558.019	Updates intersectional references; replaced “defendant with person” and “crime” with “offense”.
558.031	Makes the language gender neutral; replaces the word “crime” with “offense”.
558.041	Makes the language gender neutral; updates intersectional references.
558.046	Replaces the word “crime” with “offense”; updates references.
559.012	Makes the language gender neutral.
559.021	Makes the language gender neutral.
559.036	Makes the language gender neutral; adds class E felonies to the list of felonies that are eligible for administrative jail sanctions.
559.100	Makes the language gender neutral; Replaces the word “crime” with “offense”; updates references.
559.106	Updates intersectional references.
559.107	Replaces “of age” with “old”.
559.110	Makes the language gender neutral.
559.115	Adds class E felons to list of those court may release on probation while waiting for an available 120-day program; Makes the language gender neutral; updates intersectional references.
559.120	Makes the language gender neutral.

CRIMINAL CODE REVISION – SB 491

559.125	Makes the language gender neutral.
559.600	Adds class D misdemeanors to list of misdemeanor classes eligible for private probation services.
559.604	Makes the language gender neutral.
559.633	Updates chapter reference.
560.011	Moved to 558.002.
560.016	Repealed fines for misdemeanors – reenacted in 558.011 with changes.
560.021	Repealed fines for corporations – reenacted in 558.011 with changes.
560.026	Moved to 558.004.
560.031	Moved to 558.006.
560.036	Moved to 558.008.
561.016	Makes the language gender neutral; Replaces the word “crime” with “offense”.
561.021	Makes the language gender neutral; Replaces the word “crime” with “offense”.
561.026	Replaces the word “crime” with “offense”.
562.011	Makes the language gender neutral.
562.012	Moved from 564.011; currently any attempt at a misdemeanor is a class C misdemeanor. This section is modified so that an attempt is one step lower in class to the class provided in the statute that creates the offense, so a class A misdemeanor would be a class B misdemeanor and a class C misdemeanor would be a class D; other non-substantive changes to the language were made.
562.014	Moved from 564.016; used to provide that a person is guilty of conspiracy regardless of his knowing the identities of other co-conspirators. Now provides that it is no defense that the person didn’t know the identities of the co-conspirators; Currently any conspiracy to commit a misdemeanor or infraction is a class C misdemeanor. This section is modified so that conspiracy is one step lower in class to the class provided in the statute that creates the offense, so a class A misdemeanor would be a class B misdemeanor and a class C misdemeanor would be a class D; other non-substantive changes to the language were made.

CRIMINAL CODE REVISION – SB 491

562.016	Makes the language gender neutral.
562.031	Makes the language gender neutral.
562.036	Makes the language gender neutral.
562.041	Makes the language gender neutral.
562.051	Makes the language gender neutral.
562.056	Makes the language gender neutral.
562.061	Makes the language gender neutral.
562.066	Makes the language gender neutral.
562.071	Makes the language gender neutral.
562.076	Makes the language gender neutral.
562.086	Makes the language gender neutral.
563.021	Makes the language gender neutral.
563.026	Replaces the word “crime” with “offense”.
563.033	Makes the language gender neutral; replaces references to “the actor”.
563.046	Makes the language gender neutral.
563.051	Makes the language gender neutral; Replaces the word “crime” with “offense”; minor grammatical changes.
563.056	Makes the language gender neutral.
563.061	Makes the language gender neutral.
563.070	Replaces the word “crime” with “offense”.

CRIMINAL CODE REVISION – SB 491

565.002	Adds definitions of “child”, “course of conduct”, “domestic victim”, “emotional distress”, “full or partial nudity”, “legal custody”, “parent”, “person having a right of custody”, “photographs”, films”, “place where a person would have a reasonable expectation of privacy”, “special victim”, and “views”; removes definitions of “intoxicated condition”, “operates”, and “serious physical injury” from the list of terms that apply to the chapter that contains “offenses against the person”.
565.004	Updated section reference.
565.010	Moved from 565.080.
565.020	Increases the age at which a person is eligible for the death penalty from 16 to 18 (sentencing those under the age of 18 to death was found unconstitutional by the U.S. Supreme Court); makes the language gender neutral; Replaces the word “crime” with “offense”.
565.021	Makes the language gender neutral; Replaces the word “crime” with “offense”; updates section reference.
565.023	Makes the language gender neutral; Replaces the word “crime” with “offense”.
565.024	Removes all the provisions of first degree involuntary manslaughter dealing with operating a vehicle or vessels which were reenacted in chapter 577 and repeals second degree manslaughter which is reenacted in 565.027.
565.027	Reenacts second degree manslaughter in its new section and makes it a class E felony instead of a class D.
565.029	Moved from 565.025; updates references to involuntary manslaughter and adds second degree manslaughter to the list of lesser degree offenses for 1 st and 2 nd degree murder.
565.030	Removes provision requiring proceedings in 1 st degree murder cases to be a single trial w/ guilt and punishment when 1 st degree murder was charged but not submitted or the state waives the death penalty.
565.032	Makes the language gender neutral; updates chapter references; replaces the word “crime” with “offense”.
565.035	Makes the language gender neutral; Replaces the word “crime” with “offense”.
565.040	Corrects section reference.
565.050	Makes the language gender neutral; Replaces the word “crime” with “offense”; replaces “actor” with “person”; provides that if an assault victim is a “special victim” as defined in 565.002 the felony is a class A.

CRIMINAL CODE REVISION – SB 491

565.052	Moved from 565.060; Makes the language gender neutral; Replaces the word “crime” with “offense”; Makes second-degree assault a class D felony rather than a class C; removes provisions dealing with operating a vehicle; provides that if an assault victim is a “special victim” as defined in 565.002 the felony is a class B.
565.054	Moved from 565.070; replaces several specific ways a person can cause 3 rd degree assault and replaces it with the action of knowingly causing physical injury to another person; makes the offense a class E felony rather than a class A misdemeanor; provides that if an assault victim is a “special victim” as defined in 565.002 the felony is a class D; does not include the enhanced penalties for an assault against a family member.
565.056	Creates the crime of 4 th degree assault, which incorporates all the provisions removed from 3 rd degree assault and contains the same penalties as third degree assault, except for the enhanced penalties for an assault against a family member; provides that if an assault victim is a “special victim” as defined in 565.002, it is a class A misdemeanor.
565.072	Replaces the word “crime” with “offense”; refers to definition of “domestic victim” rather than providing who may be a victim under domestic assault/ removes the penalty enhancement for a prior finding of guilt for domestic assault.
565.073	Replaces the word “crime” with “offense”; refers to definition of “domestic victim” rather than providing who may be a victim under domestic assault; removes attempt from the crime; changes it to a class D felony from a class C.
565.074	Replaces all the ways one can cause 3 rd degree domestic assault with attempting to cause physical injury or knowingly causing physical pain or illness; ”; refers to definition of “domestic victim” rather than providing who may be a victim under domestic assault; makes 3 rd degree domestic assault a class E felony rather than a class A misdemeanor.
565.075	Repeals assault while on school property.
565.076	Creates the crime of 4 th degree domestic assault, which contains all the provisions that were taken out of 3 rd degree domestic assault; and includes the penalty enhancement provision except that the crime is enhanced to a class E felony rather than a class D.
565.079	Moved from 565.063; replaces the current definition which only encompasses domestic assault with a more comprehensive definition of assault offenses and replaces definitions for persistent and prior “domestic violence offender” with prior and persistent “assault offender”; provides that the court shall sentence a person to one class higher a felony if the person is a prior assault offender and that a person shall be sentenced to two classes higher a felony if the person is a persistent assault offender.
565.080	Moved to 565.010.
565.081	Repeals assault of a law enforcement officer, corrections officer, emergency personnel, highway worker, or probation and parole officer in the first degree. Everyone is included as special victims under the assault offenses.

CRIMINAL CODE REVISION – SB 491

565.082	Repeals assault of a law enforcement officer, corrections officer, emergency personnel, or probation and parole officer in the second degree.
565.083	Repeals assault of a law enforcement officer, corrections officer, emergency personnel, highway worker, or probation and parole officer in the third degree.
565.086	Moved to <u>575.157</u> .
565.090	Replaces all the specific acts that make up harassment with acting without good cause with the purpose of causing emotional distress to another when the act does cause emotional distress; breaks harassment into first degree and second degree which is in a different section; and makes 1 st degree harassment a class E felony rather than a class A misdemeanor and removes the penalty enhancement to a class D felony.
565.091	Creates the crime of 2 nd degree harassment which is the same as 1 st degree but the person doesn't actually have to cause emotional distress; makes the crime a class A misdemeanor.
565.092	Repeals the crime of aggravated harassment of an employee, which involves employees of the department of mental health or law enforcement agency and is similar to endangering a mental health employee.
565.110	Makes this section first degree kidnapping; makes other non-substantive word changes.
565.115	Requires that confinement of a child under the age of 14, for such action to be child kidnapping, be for a substantial period off time; makes child kidnapping a class B felony from a class A unless the child is under two years old; makes other non-substantive language changes.
565.120	Renames "felonious restraint" to "2 nd degree kidnapping"; makes it a class D felony from a class C; makes the language gender neutral.
565.130	Renames "false imprisonment" to be "3 rd degree kidnapping"; and makes it a class E felony instead of a class D.
565.140	Updates defenses to false imprisonment to include new name of crime; replaces "actor" with "person".
565.149	Repeals definitions that were reenacted in 565.002.
565.150	Makes the language gender neutral; replaces "crime" with "offense"; makes interference w/ custody when the person is removed from the state or concealed a class E felony from a class D; adds restitution provision.

CRIMINAL CODE REVISION – SB 491

565.153	Makes the language gender neutral; replaces “crime” with “offense”; Makes parental kidnapping a class E felony rather than a class D; makes parental kidnapping for more than 60 days a class D felony rather than a class C; makes parental kidnapping a class C felony if more than 120 days rather than a class B felony; adds a provision stating that a court may assess restitution to pay the parent back for expenses incurred in searing for the child.
565.156	Makes child abduction a class E felony rather than a class D; replaces “crime” with “offense”; adds restitution provision repealed from 565.169.
565.160	Makes non-substantive changes to the language; adds restitution provision repealed from 565.169.
565.163	Provides that prosecutors may prosecute offenders of certain crimes in certain specified counties rather than providing that prosecutors shall prosecute offender in those certain counties; replaces “crime” with “offense”.
565.165	Assisting in child abduction or parental kidnapping – repealed.
565.169	Restitution provision repealed from this section and reenacted in 565.153, 565.156 and 565.160.
565.180	First degree elder abuse – repealed.
565.182	Second degree elder abuse – repealed.
565.184	Adds abuse of disabled persons to elder abuse; Removes from the elements knowingly causing physical contact that the person will find harmful or provocative, purposely placing a person in apprehension of immediate physical injury; rather than describing who is an elderly person just refers to “elderly person”, which is defined in 565.002; removes references to “eligible adult as defined in section 660.250” which is essentially the same thing as an elderly or disabled person; species that abuse does not include relying on spiritual means for medical care.
565.186	Moved to 197.1010.
565.188	Removes the mandatory reporters of elder abuse and puts them in 197.1002., removes false elder abuse reporting provisions
565.189	Reenacts crime of false report of elder abuse except a person who has prior convictions is now guilty of a class E felony rather than a class D felony.
565.190	Moved to 197.1010.
565.200	Moved to 566.115.

CRIMINAL CODE REVISION – SB 491

565.210	Vulnerable person abuse in the first degree – repealed.
565.212	Vulnerable person abuse in the second degree – repealed.
565.214	Vulnerable person abuse in the third degree – repealed.
565.216	Moved to 630.161.
565.218	Subsections 1 and 7 moved to 630.162; makes subsequent violations of failing to report a class E rather than a class D felony; repeals false reporting provisions, which are reenacted in 565.222.
565.220	Moved to 630.164.
565.222	Reenacts provisions of filing a false vulnerable person abuse report that were repealed from 565.218.
565.225	Creates 1 st degree stalking, which is the old aggravated stalking; removes definitions of credible threat and course of conduct; replaces element of “harass” with element of “disturb”; changes the crime to a class E felony rather than a class D; and changes a prior offense to a class D felony rather than a class C.
565.227	Creates 2 nd degree stalking which was stalking under section 565.225; replaces element of “harass” with element of “disturb”; changes offense if there’s a prior conviction from a class D felony to a class E.
565.240	Moved from 578.450; nonsubstantive language changes.
565.250	Repealed invasion of privacy definitions. All except prior offender were reenacted in 565.002.
565.252	Merges both degrees of invasion of privacy and makes the former first degree invasion of privacy an enhanced penalty to what was second degree invasion of privacy; adds acts of videotaping, producing or creating an image to the enhanced penalty; changes the offense to a class E felony from a class D; removes the element that the victim not know about the image being captured; makes the crime a class E felony rather than a class D if multiple victims are involved in the once instance of invasion of privacy; makes it a class E rather than a class D felony if it’s a prior offender; definition of “same course of conduct” that was repealed under 565.250 is reenacted in subsection 4.
565.253	Repealed second degree invasion of privacy– merged into 565.252.
565.300	Makes the language gender neutral; replaces “crime” with “offense”.

CRIMINAL CODE REVISION – SB 491

566.010	Adds new definitions for “aggravated sexual offense”, “commercial sex act”, “forced labor”; modifies definition of sexual contact to include the sexual touching of another person for the purpose of terrorizing the victim.
566.013	Moved to 542.425.
566.020	Provides that consent is not a defense to a sex offense if the victim is less than 14 years of age rather than 12; removes “affirmative” from references to defenses.
566.023	Adds the acts of sexual misconduct involving a child, sexual contact w/ a student and furnishing pornographic materials to minors to the offenses for which being married to the victim is an affirmative defense.
566.025	Propensity evidence allowed in certain sex offense cases – repealed, was found unconstitutional by Missouri Supreme Court.
566.030	Provides that penalties are enhanced if the offense is “aggravated” rather than specifying in within the section what circumstances result in enhanced penalties; adds a reference to a statute extending sentences for persistent or predatory sexual offenders.
566.031	Second degree rape changed to a class D felony from a class C.
566.032	Provides that penalties are enhanced if the offense is “aggravated” rather than specifying in within the section what circumstances result in enhanced penalties; adds a reference to a statute extending sentences for persistent or predatory sexual offenders.
566.034	Makes 2 nd degree statutory rape a class D felony from a class C.
566.060	Provides that penalties are enhanced if the offense is “aggravated” rather than specifying in within the section what circumstances result in enhanced penalties; adds a reference to a statute extending sentences for persistent or predatory sexual offenders.
566.061	Makes sodomy in the second degree a class D felony from a class C.
566.062	Provides that penalties are enhanced if the offense is “aggravated” rather than specifying in within the section what circumstances result in enhanced penalties; adds a reference to a statute extending sentences for persistent or predatory sexual offenders.
566.064	Makes second degree statutory sodomy a class D rather than a class C felony.
566.067	Contains the former enhanced penalty for child molestation and all the provisions that would result in an enhanced penalty.
566.068	Under second degree child molestation, it is a class A misdemeanor for a person to subject a child under the age of 17 to sexual contact and it is a class D felony if aggravating factors are present. This act provides that 2 nd degree child molestation is a class B

CRIMINAL CODE REVISION – SB 491

	felony and it occurs when a person subjects a child under the age of 12 to sexual contact, or when a person, being 21 or older, subjects a child under the age of 17 to sexual contact and there are aggravating factors.
566.069	Creates the class C felony of third degree child molestation unless committed by forcible compulsion, in which case it is a class B felony. Third degree child molestation is similar to the current first degree child molestation except the current statute is a class B felony regardless of whether there is forcible compulsion.
566.071	Creates the class D felony of 4 th degree child molestation, which occurs when a person 21 years of age or older subjects another person under the age of 17 to sexual contact.
566.083	Makes sexual misconduct involving a child a class E felony rather than a class D felony. A prior offender is guilty of a class D felony rather than a class C felony; provides that it not a defense rather than not an affirmative defense that the child was a peace officer.
566.086	Under current law, the offense of sexual contact with a student only applies to public schools. This act provides that the act applies to any public or private k-12 school and any school bus. It also adds a provision stating that it is not a defense that the student consented to the sexual contact. Makes the offense a class E felony rather than a class D.
566.093	Provides that the enhanced penalty for prior offenders applies to those previously found guilty of an offense in another jurisdiction which would constitute an offense under chapter 566 rather than just a previous violation of chapter 566.
566.100	Provides that penalties are enhanced if the offense is “aggravated” rather than specifying in within the section what circumstances result in enhanced penalties.
566.101	Makes second degree sexual abuse a class E felony rather than a class D; provides that penalties are enhanced if the offense is “aggravated” rather than specifying in within the section what circumstances result in enhanced penalties.
566.111	Removes the word “unlawful” from the crime; removes an unnecessary provision that it is a crime to engage in sexual conduct with an animal for commercial or recreational purposes; provides that prior offenses include similar offenses in other jurisdictions; makes the enhanced penalty for prior offenders a class E felony rather than a class D; removes a provision allowing the court to prohibit the offender from harboring animals or living with animals for a term of no more than 2 years after the completion of sentence.
566.115	Creates the crime of sexual conduct with a nursing facility resident in the first degree, which was codified in section 565.200, except a second or subsequent violation under 565.200 was a class D felony and is a class E felony under this act.
566.116	Modifies the penalties for certain prohibited conduct with a nursing facility resident so that the class D felony is a class E.

CRIMINAL CODE REVISION – SB 491

566.125	Moved from 558.018; new and old names of crimes were added to the lists of crimes.
566.135	Moved to 545.940.
566.140	Repealed and reenacted in 557.051.
566.141	Repealed and reenacted in 557.051.
566.145	Renames “sexual contact with a prisoner” to “sexual conduct with a prisoner or offender” and adds “sexual contact” to the types of actions that result in a violation of the section; provides that the crime is a class E felony rather than a class D; provides that consent of the offender is not a defense rather than providing that it is not an affirmative defense.
566.147	Makes it a class E felony rather than a class D for certain sex offenders to live within 1000 feet of a school or child care facility when the facility is there when the offender moves in. If the school or facility is built or placed within 1000 feet of where a sexual offender already lives, he or she must show proof of prior residence to the sheriff. A subsequent violation of failing to show such proof is a class E rather than a class D felony under this act.
566.148	Adds more inclusive definition of “child care facility” that is used in section prohibiting sex offenders from living near child care facilities; updates section numbers.
566.149	Makes non-substantive changes; updates section numbers.
566.150	Makes violation of section prohibiting a sex offender from being within 500 feet of a public park or swimming pool a class E rather than a class D felony and makes subsequent violations class D rather than C felonies; updates section numbers.
566.151	Provides that it is not a defense, rather than not an affirmative defense, that the child was a police officer.
566.153	Under current law, it is a crime for a person to misrepresent his or her age with the intent to use the Internet to engage in criminal sexual conduct with the minor. This act makes it a crime to misrepresent a person’s age with the intent to use the Internet or any electronic communication. This act also makes the crime a class E rather than a class D felony.
566.155	Makes violation of section prohibiting a sex offender from serving as an athletic coach, manager or trainer a class E felony rather than a class D and makes subsequent violations class D felonies rather than class C; updates section references.
566.203	Makes non-substantive language changes.
566.206	Makes non-substantive language changes.

CRIMINAL CODE REVISION – SB 491

566.209	Makes non-substantive language changes.
566.210	Moved from 566.213; renames “sexual trafficking of a child under the age of 12” to first degree sexual trafficking of a child.
566.211	Moved from 566.212; renames the crime “sexual trafficking of a child in the second degree”.
566.215	Makes the crime of contributing to human trafficking through misuse of documentation a class E felony rather than a class D; updates section numbers.
566.218	Updates section numbers.
566.221	Moved to 578.475.
566.224	Moved to 595.223.
566.226	Moved to 595.226.
566.265	Moved to 351.493.
567.010	Adds new definitions, removes definitions.
567.020	Adds a more specific definition of what constitutes “prostitution” which used to be in the definitions section.
567.030	Adds a more specific definition of “patronizing prostitution” which used to be in the definitions section, makes the offense a class E felony rather than a class D if the person being prostituted is 14 years old or younger; provides that it is not a defense rather than an affirmative defense that the person believed the prostituted person was 18 years old or older.
567.040	Repeals a provision stating that it’s no defense to prostitution crimes that both persons were the same sex or they were different sexes.
567.050	Replaces the word “crime” with “offense”; makes the language gender neutral.
567.060	Makes second degree promoting prostitution a class D felony rather than a class C.
567.070	Adds a more specific definition of the elements of promoting prostitution in the third degree, which were in the definitions section; makes it a class E felony from a class D.
567.080	Provides that any room or building used for prostitution activity is a public nuisance rather than any room or building used for

CRIMINAL CODE REVISION – SB 491

	sexual contact for pay or unlawful prostitution activity.
567.085	Makes promoting travel for prostitution a class D felony rather than a class C; updates a section reference.
567.087	Makes a non-substantive language change.
567.110	Makes being a persistent prostitution offender who has been found guilty of prostitution or patronizing prostitution a class E felony rather than a class D felony.
567.120	Replaces the phrase “a prior conviction of or has pled guilty to” with “has been found guilty of” in a provision requiring certain offenders to undergo HIV testing.
568.010	Makes non-substantive changes to the language.
568.020	Makes incest a class E felony rather than a class D; prohibits probation to prior offenders of incest.
568.030	Provides that first degree abandonment of a child is a class C felony rather than a class B unless the child is seriously injured or is killed, in which case it is a class B felony.
568.032	Makes second degree abandonment of a child a class C felony if the child suffers serious physical injury or death.
568.040	Makes criminal nonsupport when more than 12 months of child support are due a class E felony rather than a class D; provides that the defendant has the burden of raising the defense of good cause for not being able to pay.
568.045	Makes the offense of first degree endangering the welfare of a child a class D felony rather than a class C felony; makes first degree endangering the welfare of a child committed as part of a ritual or ceremony or when physical injury to the child results or the offense is a subsequent offense of the same crime a class C felony rather than a class B felony; provides that the offense is a class B felony if serious physical injury to the child results and a class A felony if the child dies; repeals a provision stating that the section shall be known as “Hope’s Law”.
568.050	Makes second degree endangering the welfare of a child when committed as part of a ritual or ceremony a class E felony rather than a class D; removes provision regarding DWI with a child less than 17 in the vehicle which was reenacted in 577.010; updates section reference.
568.052	Moved to 577.300.
568.060	Makes child abuse a class D rather than a class C felony.

CRIMINAL CODE REVISION – SB 491

568.065	Provides that certain defenses to genital mutilation are merely defenses and not affirmative defenses.
568.070	Updates a chapter reference; makes the language gender neutral.
568.080	Moved to 573.200.
568.090	Moved to 573.205.
568.100	Repealed and reenacted in 573.050.
568.110	Moved to 573.215.
568.120	Repealed and reenacted in 557.051.
568.175	Replaces “partnership, corporation, agency, association, institution, society, or other organization” with the term entity and makes trafficking in children a class D felony rather than a class C.
569.010	Moves definitions to other chapters of the code; adds definition of cave.
569.020	Moved to 570.023
569.025	Moves pharmacy robbery in the first degree to 570.023 except under that section it does not carry the penalty of 10 years required imprisonment before being eligible for parole or conditional release.
569.030	Moved to 570.025.
569.035	Second degree pharmacy robbery is repealed.
569.040	Removes the act of starting a fire or explosion or damaging a building in an attempt to produce meth from 1 st degree arson.
569.050	Makes second degree arson a class D felony rather than a class C.
569.053	Creates the crime of third degree arson, which is a class A misdemeanor. A person commits the crime by knowingly starting a fire or causing an explosion, thereby recklessly damaging or destroying the building of another.
569.055	Makes the crime of knowingly burning or exploding a class E felony from a class D.
569.060	Replaces the mens rea of knowingly with recklessly in the crime of reckless burning or exploding and removes the element that

CRIMINAL CODE REVISION – SB 491

	the person “recklessly” damages or destroys the property; changed from a class A misdemeanor to a class B misdemeanor.
569.065	Under current law, a person commits negligent burning or exploding if he or she causes damage to property of another by fire or explosion. This act provides that a person commits such crime if he or she causes damage to the woodlands, cropland, grassland, prairie, or marsh of another by starting a fire or causing an explosion or by allowing a fire burning on his or her lands onto the property of another. These new provisions were repealed under 569.067. The offense is changed from a class B misdemeanor to a class C.
569.067	Repealed and reenacted in 569.065.
569.070	Moved to 574.080.
569.075	Moved from 578.445; non-substantive changes to language.
569.080	Removes the actions of altering, defacing, or destroying an automobile, airplane, and other similar vehicles from the crime of 1 st degree tampering and makes it a class D felony rather than a class C.
569.090	Makes subsequent violations of tampering with a utility meter a class E felony rather than a class D; makes 1 st degree tampering if the person had a prior conviction of stealing or unlawfully riding in a motor vehicle, watercraft or aircraft a class D felony rather than current law’s provision that it is a class C felony if the person had a prior conviction of receiving a stolen motor vehicle, watercraft or aircraft or unlawfully riding in a motor vehicle, watercraft or aircraft
569.094	Repeals a provision stating that computer printouts are competent evidence for the purposes of prosecution of certain computer tampering crimes.
569.095	Under current law, tampering with computer data is a class A misdemeanor unless the purpose is to defraud or obtain property with a value of \$500 or more, in which case it is a class D felony. This act raises the value of the property to \$750 and makes the enhanced penalty a class E felony.
569.097	Under current law, there are enhanced penalties for the offense of tampering with computer equipment if the offense is committed to defraud or obtain property valued at \$500 or more or if the damage to the computer equipment is \$500 or more. This act raises the value of the property to \$750 or more and makes such penalty enhancement a class E felony rather than a class D felony. In addition, current law makes the crime a class C felony if the damage to the computer equipment is \$1000 or more. This act raises that amount of damage to \$25,000 and makes the enhanced penalty a class D felony.
569.099	Raises the value of property obtained or defrauded that enhances the penalty of tampering with computer users to \$750 from \$500 and makes the enhanced penalty a class E felony rather than a class D.

CRIMINAL CODE REVISION – SB 491

569.100	Under current law, a person commits first degree property damage if such person damages property in order to defraud an insurer to an extent exceeding \$1000. Under this act, the damage only has to exceed \$750. Makes first degree property damage a class E felony rather than a class D; makes the offense a class D rather than C felony when the person damages a motor vehicle while trying to steal it.
569.120	Replaces “crime” with “offense”; makes the language gender neutral.
569.130	Makes the language gender neutral.
569.132	Creates a new section combining the provisions of 578.414 to 578.420, known as “The Crop Protection Act”; This act creates the class E felony if the loss or damage to the crop is \$50 or more. Under current law, it is a class D felony if the loss or damage to the crop is \$500 or more. Under this act, it is a class D felony if the loss or damage to the crop is \$750 or more. Current law provides that it is a class B felony if the loss or damage exceeds \$100,000. This act provides that it is a class B felony if the damage is \$25,000 or more. This act creates the class A felony if the loss or damage to the crop is \$75,000 or more.
569.135	Moved from 578.210 and contains provisions from 578.215, 578.220, and 578.225; makes non-substantive language changes.
569.137	Moved from 578.215 and contains provisions from 578.205, 578.215, 578.220, and 578.225; makes non-substantive language changes.
569.140	Replaces “crime” with “offense”; makes the language gender neutral.
569.145	Adds reference to 569.140 rather than repeating the penalty already provided under that section; makes non-substantive changes to language.
569.150	Makes the language gender neutral.
569.155	Replaces “crime” with “offense”; makes the language gender neutral; makes non-substantive changes.
569.160	Replaces “crime” with “offense”; makes the language gender neutral.
569.170	Replaces “crime” with “offense”; makes the language gender neutral; makes second degree burglary a class D felony rather than a class C.
569.180	Replaces “crime” with “offense”; makes the language gender neutral; makes possession of burglar’s tools a class E felony rather than a class D.

CRIMINAL CODE REVISION – SB 491

570.010	Adds definitions moved from other parts of the code; adds new definitions of “check”, “means of identification”, “merchant”, and “stealing-related offense”; removes definitions of “new and unused property” and “of another”.
570.020	Provides that when the value of certain property can’t be determined, then it shall be deemed to be less than \$750 rather than \$500; removes a reference to the “uniform commercial code”
570.023	Moved from 569.020.
570.025	Moved from 569.030; adds an element to second degree robbery that the person causes physical injury to another person in the course of the robbery; changes the offense to a class C felony from a class B.
570.030	Adds crime of receiving stolen property to the stealing section; makes stealing property or services worth \$25,000 or more a class C felony rather than a class B; makes stealing property or services worth \$750 or more a class D felony, which is a change from current law providing that stealing property or services worth \$500 or more is a class C felony; makes stealing property from the person of the victim a class D rather than a class C felony; makes stealing certain types of property a class D felony rather than a class C felony; makes stealing an animal a class E felony rather than a class D; makes four offenses of stealing committed w/I 10 years a class E felony, which differs from the current provision making three stealing offenses committed w/I 10 years a class D felony; combines various reenacted stealing offenses that are repealed under other sections of this act; creates a new class D stealing offense if the property is not covered under the section and has a value of less than \$150, which is a class A misdemeanor under current law; increases the value amount of property that, when stolen, may be considered a separate felony from \$500 to \$750; fixes an inconsistency in current law that makes stealing anhydrous ammonia both a class B and C felony; repeals provisions dealing evidence of failure to pay a hotel or restaurant.
570.033	Stealing animals repealed and reenacted in 570.030.
570.039	Creates a new section containing defenses to theft of cable television service, which were repealed from 570.300 under this act.
570.040	Third offense of stealing repealed and reenacted in 570.030
570.050	Aggregated amounts repealed and reenacted in 570.030.
570.053	Moved from 578.075.
570.055	Stealing utility wires or pipes repealed and reenacted in 570.030.
570.057	Moved from 578.150; there is a penalty enhancement under current law that increases the class of the offense to a C felony if the property has a value of \$1000 or more; this act lowers the property value to \$750 or more and makes the enhanced penalty a class

CRIMINAL CODE REVISION – SB 491

	D felony.
570.070	Makes the language gender neutral.
570.070	Makes the language gender neutral; replaces “crime” with “offense”.
570.080	Receiving stolen property repealed, included in 570.030.
570.085	Alteration or removal of item numbers is a class D felony under current law if the value of the item is \$500 or more. This act raises the value of the items for the penalty enhancement to \$750 and makes the enhanced crime a class E felony.
570.087	Moved to 537.127.
570.090	Changes forgery from a class C felony to a class D felony.
570.100	Makes possession of a forging instrumentality a class D rather than a class C felony.
570.103	Makes subsequent convictions of counterfeiting or certain values of counterfeiting a class E rather than a class D felony; changes the amount of counterfeiting that results in a class E felony to \$750 or more rather than more than \$1000; makes the enhanced penalty of counterfeiting for multiple violations, manufacture of counterfeit items a class D felony rather than a class C; it is also a class D felony if the value of the items is \$25,000 or more, which differs from current law that makes counterfeiting items worth more than \$10,000 a class C felony; a provision allowing a person convicted of counterfeiting to be fined up to three times the retail of the counterfeited items.
570.110	Replaces “crime” with “offense”; makes the language gender neutral.
570.120	Passing bad checks has an enhanced penalty under current law if the face amount of the check is \$500 or more. This act raises the face value amount to effect the enhanced penalty to \$750 and changes the enhanced penalty from a class C felony to a class E felony.
570.123	Moved to 537.123.
570.125	Adds debit device transactions to the offense of fraudulently stopping payment of an instrument; raises the value of transaction that results in an enhanced penalty to \$750 or more from \$500 or more; and makes the enhanced penalty a class E felony rather than a class D.
570.130	Raises the value of property that results in an enhanced penalty to \$750 or more from \$500 or more; and makes the enhanced

CRIMINAL CODE REVISION – SB 491

	penalty a class E felony rather than a class D.
570.135	Makes non-substantive language changes.
570.140	Adds the crimes of false advertising and bait advertising to the elements of deceptive business practices with no changes except the mens rea for bait advertising is changed to recklessly under this act rather than knowingly because recklessly is the mens rea for deceptive business practices.
570.145	Under current law, financial exploitation of an elderly or disabled person is a class D felony if the value of the property is \$50 or more, a class C felony if the property is \$500 or more, a class B felony if the property is \$1000 or more and a class A felony if the property is \$50,000 or more. This act makes the crime a class E felony if the property is \$50 or more, a class D felony if the property is \$750 or more, a class C felony if the property is \$5000 or more, a class B felony if the property is \$25,000 or more, and a class A felony if the property is \$75,000 or more. Other non-substantive changes to the language were made.
570.150	Replaces “crime” with “offense”; makes the language gender neutral.
570.155	Sports bribery – repealed and reenacted in 578.398 and 578.399.
570.160	Repealed and made part of 570.140.
570.170	Repealed and made part of 570.140.
570.180	The penalty for defrauding secured creditors under current law is enhanced to a class D felony if the amount to be paid on the secured debt is \$500 or more. This act makes the amount that results in enhancement \$750 or more and makes the penalty a class E felony.
570.190	Crime of telephone service fraud – repealed.
570.200	Repeals library theft provisions.
570.210	Repeals library theft provisions.
570.215	Repeals library theft provisions.
570.217	Under current law, an officer or employee of a financial institution commits misapplication of funds of a financial institution if he or she embezzles, abstracts, purloins, or willfully misapplies the funds of the institution. It is a class C felony unless the amount in question does not exceed \$1000, in which case it is a class D felony. This act replaces the words “abstracts” and “purloins” with

CRIMINAL CODE REVISION – SB 491

	the term “appropriates” and the mens rea of “willfully” with “purposely”. In addition, appropriation of funds under \$750 is a class E felony and appropriation of funds of \$750 or more is a class D felony.
570.219	Makes crime of making false entries in a financial institution’s records a class D felony rather than a class C; replaces “company, body politic or corporation, or an individual person” with the term “entity”.
570.220	Changes check kiting to a class E felony from a class C.
570.223	Repeals the current definition of “means of identification”. A new definition of “means of identification” is enacted in 570.010. Under current law, identity theft is a class C felony if the property stolen is more than \$500, it is a class B felony if the stolen property is worth more than \$5000, and a class A felony if the property is worth more than \$50,000. This act provides that it is a class D felony if the property is more than \$750, a class C felony if more than \$25,000, and a class B felony if more than \$75,000. Repeals provision making it a class A misdemeanor for manufacturing and selling a false ID to a person under the age of 21 for the purpose of buying alcohol, which was reenacted in 311.315.
570.224	Removes the element of purchasing means of identification from the offense of trafficking in stolen identities; makes other non-substantive changes.
570.225	Combines the provisions of 570.225 to 570.255; makes a first violation a class A misdemeanor rather than 6 months imprisonment and a fine of \$5000 or less; makes subsequent violations and violations involving 100 or more articles a class D felony rather than a fine of \$50,000 or less and a prison term of no more than five years for violations involving 100 articles or more and a fine of no more than \$100,000 and imprisonment for 2 to 5 years for subsequent violations; does not reenact provisions that allow for forfeiture and destruction of unlawful recordings and equipment used to make them and providing that the penalties provided in this section are not exclusive and are in addition to any other penalties provided in law.
570.226	Repealed and reenacted in 570.225.
570.230	Repealed and reenacted in 570.225.
570.235	Repealed and reenacted in 570.225.
570.240	Repealed and reenacted in 570.225.
570.241	Repealed and reenacted in 570.225.
570.245	Repealed and reenacted in 570.225.

CRIMINAL CODE REVISION – SB 491

570.255	Repealed and partially reenacted in 570.225.
570.300	Renames theft of cable television service to “facilitating theft of cable television service”; repeals certain provisions that now are included under other sections and includes knowingly selling or renting a device or kit to steal cable service; makes the crime a class D felony rather than a class C; repeals provision allowing cable provider to enjoin or restrain a violation and bring an action for conversion and allowing for other damages and fees; repeals a provision stating that the existence of a connection wire on the accused’s property supports an inference that the accused is guilty of cable TV theft; removes the defenses to cable TV theft which are reenacted in 570.039; and repeals definition of “cable television service” which is reenacted in 570.010.
570.302	Moved from 578.500; makes operating a recording device in a movie theater by a prior offender a class E felony rather than a class D.
570.310	Makes mortgage fraud a class D felony rather than a class C; provides that the punishment imposed under the section is in addition to any other punishment provided by law rather than providing that prosecution does not preclude a specified list of types of punishment that may also occur.
570.350	Moved from 578.510; makes all offenses in the Stolen Valor Act of 2007 that were class D felonies class E felonies; and changes a class C felony into a class D felony.
570.375	Moved from 578.570.
570.380	Makes manufacturing or possession five or more fake IDs a class D felony rather than a class C felony and changes the name; updates section reference.
570.400	Moved from 578.377; current law enhances the penalty if the face value of the public assistance benefits is \$500 or more to a class D felony; this act provides that it is a class E felony when the public assistance benefits are worth \$750 or more and adds a provision enhancing the penalty to a class D felony if the offender has two other violations involving food stamp laws. It is a class A misdemeanor if the public assistance benefits are less than \$750.
570.402	Moved from 578.379; current law enhances the penalty if the face value of the public assistance benefits is \$500 or more to a class D felony; this act provides that it is a class E felony when the public assistance benefits are worth \$750 or more and adds a provision enhancing the penalty to a class D felony if the offender has two other violations involving food stamp laws. It is a class A misdemeanor if the public assistance benefits are less than \$750.
570.404	Moved from 578.381; current law enhances the penalty if the face value of the public assistance benefits is \$500 or more to a class D felony; this act provides that it is a class E felony when the public assistance benefits are worth \$750 or more and adds a

CRIMINAL CODE REVISION – SB 491

	provision enhancing the penalty to a class D felony if the offender has two other violations involving food stamp laws. It is a class A misdemeanor if the public assistance benefits are less than \$750.
570.406	Moved from 578.383.
570.408	Moved from 578.385; current law enhances the penalty if the face value of the public assistance benefits is \$500 or more to a class D felony; this act provides that it is a class E felony when the public assistance benefits are worth \$750 or more and adds a provision enhancing the penalty to a class D felony if the offender has two other violations involving food stamp laws. It is a class A misdemeanor if the public assistance benefits are less than \$750.
570.410	Moved from 578.387.
571.010	Adds definition of “ammunition” which is repealed from 571.063 and repeals definitions of “spring gun” (reenacted in 571.044) and “deface” (reenacted in 571.045, 571.050).
571.014	Current law prohibits licensed federal firearms dealers from refusing to complete the sale of a firearm when the sale is authorized by federal law. This law applies the prohibition to all firearms dealers who sell in the state.
571.015	Removes outdated sectional references; reenacts a provision that a person may be sentenced for both armed criminal action and the crime committed with the deadly weapon unless the other crime is in chapter 571, which had been codified in 571.017.
571.017	Repealed and reenacted in 571.015.
571.020	Makes possession of an explosive weapon, an explosive substance, a gas gun, a machine gun, a firearm silencer, or a short-barreled shotgun a class D felony rather than a class C; removes acts of transporting or repairing such weapons from the crime.
571.030	Repealed and reenacted in sections 571.031 to 571.043.
571.031	Creates the class E felony of carrying a concealed weapon, which was a class D felony under subdivision (1) of 571.030.1; reenacts subsection 10 of 571.030.
571.032	Provides that state employees can keep firearms in their vehicles on state property; reenacted from subsection 6 of 571.030.
571.033	Creates offense of unlawful discharge of a firearm in the first degree by combining subdivisions (3) and (9) of 571.030.1; current law makes violations of subdivision (3) a class D felony. This law makes the penalty provisions for violations of subdivision (9) apply to violations of subdivision (3). These penalty provisions provide: first offense is a class B felony with the maximum authorized term, a violation by a prior offender requires the maximum penalty for a class B felony and no possibility of parole,

CRIMINAL CODE REVISION – SB 491

	probation, or conditional release for 10 years; a violation by a persistent offender requires the maximum penalty for a class B felony and no possibility for parole, probation, or conditional release, and, if injury or death occur, the offense is a class A felony; reenacts subsection 10 of 571.030.
571.034	Creates the class B misdemeanor of unlawful discharge of a firearm in the second degree, which is currently codified in subdivisions (6) and (7) of 571.030; also reenacts subsection 6 of 571.030, which provides that nothing in the provision shall make it unlawful for a student to participate in student-sponsored gun programs; reenacts subsection 10 of 571.030.
571.036	Reenacts subdivision (4) of 571.030.1; it was a class D felony and now it is a class E felony; also reenacts subsection 6 of 571.030, which provides that nothing in the provision shall make it unlawful for a student to participate in student-sponsored gun programs; reenacts subsection 10 of 571.030.
571.037	Moved to 319.1013.
571.038	Reenacts subdivision (8) and (10) of 571.030.1; makes carrying a loaded weapon on school property a class E felony rather than a class D; also reenacts subsection 6 of 571.030, which provides that nothing in the provision shall make it unlawful for a student to participate in student-sponsored gun programs; reenacts subsection 10 of 571.030.
571.041	Reenacts subsections 2, 11, and 12 of 571.030.
571.042	Reenacts subdivision (5) of 571.030.1 except being intoxicated with a firearm is a class E felony rather than a class D felony and adds an affirmative defense that a person was in his or her own residence at the time of the offense and was not handling or using the firearm in a negligent or unlawful manner and did not discharge the firearm; reenacts subsection 10 of 571.030.
571.043	Reenacts self defense provision that was repealed from subsection 5 of 571.030.
571.044	Reenacts subdivision (2) of 571.030.1; makes setting a spring gun a class E felony rather than a class D; reenacts subsection 10 of 571.030.
571.045	Incorporates definition of deface, which was repealed from 571.010.
571.050	Incorporates definition of deface, which was repealed from 571.010.
571.060	Replaces the terms “sells, leases, loans, gives away, or delivers” with “transfers” in the elements of the crime of unlawful transfer of a weapon; repeals a provision stating that a prohibition on the transfer of a firearm to a child under the age of 18 without parental consent does not prohibit the delivery of a firearm to a peace officer or member of the armed services while performing his or her official duties; makes transferring a firearm or ammunition to a person who is not lawfully entitled to possess a firearm

CRIMINAL CODE REVISION – SB 491

	a class E felony rather than a class D.
571.063	Repeals definitions of “ammunition”, “licensed dealer”, “materially false information”, and “private seller”; replaces references to “licensed dealer” and “private seller” with “seller” and replaces reference to “materially false information” with “false information”; makes fraudulent purchase of a firearm a class E felony rather than a class D; repeals a provision making it fraudulent purchase of a firearm for someone to procure another person to violate the statute; replaces reference to “peace officer” with “law enforcement officer”.
571.067	Moved to 319.1015.
571.070	Adds unlawful possession of explosive weapons to crime of unlawful possession of firearms, which was repealed from 571.072; makes the crime a class D felony rather than a class C felony.
571.072	Repealed unlawful possession of an explosive weapon – reenacted in 571.070.
571.080	Repeals crime of transfer of concealable firearms, which is committed when someone violates federal law.
571.085	Moved to 319.1000.
571.087	Moved to 319.1005.
571.093	Moved to 319.1007.
571.095	Moved to 319.1010.
571.101	Moved to 319.1025.
571.102	Repeals contingent effective date because the contingency occurred so the changes made to the law are effective.
571.104	Moved to 319.1028.
571.107	Moved to 319.1031.
571.111	Moved to 319.1034.
571.114	Moved to 319.1037.
571.117	Moved to 319.1040.

CRIMINAL CODE REVISION – SB 491

571.121	Moved to 319.1043.
571.150	Makes non-substantive changes.
572.010	Makes the language gender neutral.
572.015	Creates a section stating that the gambling chapter does not prohibit constitutionally protected gambling activities.
572.020	Makes gambling committed by a professional a class A misdemeanor rather than a class D felony; replaces the term “minor” with “child less than 17 years old.”
572.030	Makes first degree promoting gambling a class E felony rather than a class D.
572.040	Makes the language gender neutral; replaces “crime” with “offense”.
572.050	Makes possession of gambling records a class E felony rather than a class D.
572.060	Makes non-substantive language changes.
572.110	Moved to 27.105.
572.120	Moved to 513.660.
573.010	Adds definitions that were repealed in 573.528; removes definitions of “displays publicly” (reenacted in 573.060) “graphic”, and “wholesale promote” (reenacted in 573.020) and moves definitions within the section.
573.013	Repealed role of attorney general when venue cannot be determined, which is incorporated into 542.425.
573.020	Makes promoting obscenity in the first degree a class E felony rather than a class D; reenacts definition of “wholesale promote” that was repealed from 573.010.
573.023	Replaces “crime” with “offense”.
573.025	Makes non-substantive language changes.
573.030	Makes promoting pornography for minors or obscenity in the second degree a class E felony rather than a class D.
573.035	Makes second degree promoting child pornography a class D felony rather than a class C.

CRIMINAL CODE REVISION – SB 491

573.037	Makes possession of child pornography a class D felony rather than a class C.
573.040	Makes furnishing pornographic material to minors a class E rather than a class D felony when a person is a sex offender.
573.050	Rather than making a reference to the provisions of 568.100, moves the provisions of that section into 573.050.
573.052	Removes a reference to chapter 568.
573.060	Removes redundant reference to the mens rea of “knowingly”; reenacts definition of “displays publicly” that was repealed from 573.010; makes public display of explicit sexual material by a prior offender a class E felony rather than a class D.
573.065	Makes coercing acceptance of obscene material a class E felony rather than a class D.
573.090	Updates references to crimes that have been made class E felonies rather than class D felonies by other statutes.
573.100	Names this violation of law “offense of obscene or indecent commercial messaging” and makes prior offenders guilty of a class E felony rather than a class D.
573.200	Moved from 568.080; contains provision repealed from 568.120 prohibiting probation for prior offenders; this class C felony was not made a class D felony; current law defines child as one who is less than 17 years old and this act raises the age to less than 18 years old.
573.205	Moved from 568.090; contains provision repealed from 568.120 prohibiting probation for prior offenders; this class C felony was not made a class D felony; current law defines child as one who is less than 17 years old and this act raises the age to less than 18 years old.
573.215	Moved from 568.110.
573.320	Makes non-substantive language changes.
573.500	Repealed definitions that were reenacted in 573.010.
573.509	Makes non-substantive language changes.
573.528	Repealed definitions, all were reenacted in 573.010 and 573.531.
573.531	Reenacts definitions that were repealed from 573.528.

CRIMINAL CODE REVISION – SB 491

574.005	Reenacted definitions that were repealed from 574.030.
574.010	Makes the language gender neutral; replaces “crime” with “offense”.
574.020	Makes the language gender neutral; replaces “crime” with “offense”; reenacts a definition that was repealed from 574.030.
574.030	Repealed and provisions reenacted in 574.020 and 574.005.
574.040	Makes the language gender neutral; replaces “crime” with “offense”.
574.050	Makes the language gender neutral; replaces “crime” with “offense”.
574.060	Makes the language gender neutral; replaces “crime” with “offense”.
574.070	Makes promoting civil disorder a class D rather than class C felony; makes other non-substantive changes.
574.075	Names offense “drunkenness or drinking in a prohibited place”; makes it a class B misdemeanor rather than a class A; and repeals a provision allowing circuit courts to authorize drinking in courthouses by rule.
574.080	Moved from 569.070; reenacted definition that was repealed from 569.010.
574.085	Under current law, institutional vandalism is a class D felony if the property damage exceeds \$1000 and a class C felony if the damage exceeds \$5000. This act makes it a class E felony if the value of property damage is \$750 or more and a class D felony if the property damage is more than \$5000.
574.105	Makes the language gender neutral; replaces “crime” with “offense”.
574.115	Repeals subdivisions (3) and (4) of subsection 1 from making a terrorist threat, renames the remaining provisions “making a terrorist threat in the first degree”; and makes the crime a class D felony rather than a class C.
574.120	Reenacts subdivision (3) of subsection 1 of 574.115 and makes it a class E felony rather than a class D; calls the offense “making a terrorist threat in the second degree”.
574.125	Reenacts subdivision (4) of subsection 1 of 574.115; calls the offense “making a terrorist threat in the third degree”.
574.130	Moved from 578.008; makes agroterrorism a class E felony rather than a class D.
574.140	Moved from 565.095; makes subsequent offenses a class E felony rather than a class D; adds “purpose to cause emotional distress

CRIMINAL CODE REVISION – SB 491

	to any person or group of persons” to other criminal purposes outlined in the elements of cross-burning.
574.150	Moved from 578.501; other non-substantive changes.
574.151	Moved from 578.502; other non-substantive changes.
574.152	Moved from 578.503; updated section references.
575.020	Makes concealing a felony a class E felony rather than a class D.
575.021	Makes non-substantive changes.
575.030	Makes hindering prosecution of a felony a class E felony rather than a class D.
575.040	Perjury at proceedings not involving felonies is a class E felony rather than a class D and perjury in felony proceedings which are not criminal trials for the purpose of securing a conviction is a class D felony rather than a class C felony.
575.050	Makes non-substantive changes.
575.060	Makes non-substantive changes.
575.070	Makes non-substantive changes.
575.080	Makes non-substantive changes.
575.090	Making a false bomb report is a class E felony rather than a class D.
575.095	Moved from 565.084; tampering with a judicial officer is a class D rather than a class C felony.
575.100	Tampering with physical evidence is a class E felony rather than a class D if the person impairs or obstructs the prosecution or defense of a felony.
575.110	Makes non-substantive changes.
575.120	Makes non-substantive changes.
575.130	Makes non-substantive changes.

CRIMINAL CODE REVISION – SB 491

575.145	Adds operators and drivers of any conveyance regardless of means of propulsion to offense making it unlawful to fail to stop on signal of a police officer; replaces reference to sheriff with “law enforcement officer”; adds refusing to obey any reasonable direction given in enforcing any offense or infraction to directions given while directing traffic.
575.150	Makes resisting arrest a class E felony rather than a class D felony if the arrest was for certain felony-related violations or if the person is fleeing and creates a substantial risk of serious injury or death.
575.153	Makes disarming a police officer a class D felony rather than a class C.
575.155	Moved from 565.085; adds visitors to county or city jails to the class of victims of the offense of endangering a visitor to a correctional center; makes the offense a class E felony rather than a class D and a class D rather than a class C felony if the offender is infected with certain diseases.
575.157	<u>Moved from 565.086</u> ; replaces the word “crime” with “offense”; makes endangering a Dept. of Mental Health employee, visitor or other offender a class E felony from a class D and removes the provision making the crime a class A misdemeanor if the substance is unidentified; makes the crime a class D felony from a class C if the offender is infected w/ certain diseases.
575.159	Makes aiding a sexual offender a class E felony rather than a class D.
575.160	Makes non-substantive changes.
575.170	Makes non-substantive changes.
575.180	Makes failure to execute an arrest warrant a class E rather than a class D felony if the offense involved is a felony.
575.190	Makes non-substantive changes.
575.195	Makes escape from commitment a class E rather than a class D felony.
575.200	Makes escaping from confinement when a person is under arrest for a felony a class E felony rather than a class D.
575.205	Makes tampering with electronic monitoring equipment a class D felony rather than a class C.
575.206	Makes violating a condition of lifetime supervision a class D felony rather than a class C.
575.210	Makes escape from confinement from a county jail a class E felony rather than a class D and a class D felony rather than a class C if the person strikes or beats another person.

CRIMINAL CODE REVISION – SB 491

575.220	Makes failure to return to confinement when the sentence is being served in the department of corrections a class E felony rather than a class D.
575.230	Makes non-substantive changes.
575.240	Makes permitting escape a class E rather than a class D felony.
575.250	Makes non-substantive changes.
575.260	Makes tampering with a judicial proceeding a class D rather than a class C felony.
575.270	Makes tampering with a victim or witness if the original charge was a felony a class D rather than a class C felony.
575.280	Makes acceding to corruption when a witness agrees to accept a benefit to disobey a subpoena or other legal process/withhold information in a felony case or agrees to testify falsely in any case a class E felony rather than a class D.
575.290	Makes the language gender neutral; replaces “crime” with “offense”.
575.300	Makes the language gender neutral; replaces “crime” with “offense”.
575.310	Makes the language gender neutral; replaces “crime” with “offense”.
575.350	Killing/disabling a police animal – repealed and added to 575.353.
575.353	Adds killing/disabling a police animal to assault of a police animal and makes killing/disabling a class E felony rather than a class D.
575.530	Moved to 302.440.
576.010	Makes bribery of a public servant a class E felony rather than a class D.
576.020	Makes acceding to corruption by a public servant a class E felony rather than a class D.
576.030	Makes the language gender neutral; replaces “crime” with “offense”.
576.040	Makes non-substantive language changes.
576.050	Makes the language gender neutral; replaces “crime” with “offense”.

CRIMINAL CODE REVISION – SB 491

576.060	Makes the language gender neutral; replaces “crime” with “violation”.
576.070	Makes the language gender neutral; replaces “crime” with “offense”.
576.080	Makes supporting terrorism a class D rather than a class C felony.
577.001	Adds modified definitions of “aggravated offender”, “chronic offender”, “persistent offender”, and “intoxication-related traffic offense” that were in 577.023 and 306.118. In the modified definitions for the different types of offenders, persons currently considered persistent offenders because of a finding of guilt for a an intoxication-related traffic offense in which a person has been injured or died are now under the definition of “aggravated offender” and the number of such offenses that bumps up to the next level of offender are decreased by one for each type of offender; adds definition of “prior offender” from 577.023; adds definition of “all-terrain vehicle” that is similar to the definitions provided in the traffic chapters; adds definition of drug that is also in 195.010; creates new terms “habitual offender”, “habitual boating offender”, intoxication-related boating offense; adds definition of “intoxicated condition” that was repealed from 565.002; removes definition of “substance abuse traffic offender program”; adds definition of “vessel” that is identical to the definition added to 556.061.
577.005	Moved to 43.544.
577.006	Moved to 479.172.
577.010	Removes “drugged condition” and keeps “intoxicated condition” in driving while intoxicated elements; reenacts penalties repealed from second degree endangering the welfare of a child 568.050, assault in the second degree 565.060, first degree involuntary manslaughter 565.024; Makes offense that was a class B felony of causing physical injury to certain victims if driving while intoxicated and with criminal negligence a class D felony; makes being a habitual offender a class B felony; lowers felonies for all other DWI crimes one step lower on the felony scale except for second or subsequent involuntary manslaughter convictions and involuntary manslaughter when the victim is a law enforcement officer or emergency personnel; adds a provision that requires those found guilty of DWI be required to complete a substance abuse traffic offender program, which was repealed from 577.049; adds provisions barring certain offenders from receiving an SIS or paying a fine instead of prison and requiring certain types of offenders to serve a certain amount of time in custody that were repealed from 573.023.
577.012	Adds a provision from 302.780 to the driving with excessive alcohol statute regarding drivers of commercial vehicles; adds new habitual offender to the list of enhanced penalties and makes being a habitual offender a class B felony and lowers the rest of the felonies one step lower; adds a provision that requires those found guilty of the offense be required to complete a substance abuse traffic offender program, which was repealed from 577.049; adds provisions barring certain offenders from receiving an SIS or paying a fine instead of prison and requiring certain types of offenders to serve a certain amount of time in custody that were repealed from 573.023.

CRIMINAL CODE REVISION – SB 491

577.013	<p>Creates offense of boating while intoxicated, which is a class B misdemeanor and aligns with current law under 306.111.2 although that section is limited to operating a vessel on the Mississippi or Missouri Rivers or lakes in the state and 577.013 is not so limited; makes BWI with a child under 17 in the vessel a class A misdemeanor; adds penalty for second degree assault with a vessel from 306.111 and BWI by a persistent offender from 306.118, except they are class E felonies under this act rather than class D; adds BWI as an aggravated offender from 306.118 and makes it a class D felony rather than a class C and BWI that results in second assault of certain types of people and makes it a class D felony rather than a class B; creates class D felony of BWI if the defendant acts w/ criminal negligence to cause serious physical injury to another; makes BWI as a chronic offender a class C felony rather than a class B; makes BWI assault against certain people when the injury is a serious physical one a class C felony; adds involuntary manslaughter BWI to this section from 306.111; adds first degree involuntary manslaughter provision from 565.024.1(3)(b) and 565.024.1(5); adds class B felony of BWI as a habitual offender; makes provisions relating to the availability of a SIS and minimum imprisonment terms for first-time offenders that applies to DWI offenders apply to BWI offenders; provides that prior BWI offenders serve 10 days in prison rather than 5 as provided in 306.118 and allows such offenders to not serve the term if the offender completes a court-ordered treatment program; provides that persistent BWI offenders serve 30 days in prison rather than 10 as provided in 306.118 and allows such offenders to not serve the term if the offender completes a court-ordered treatment program; adds provisions from 306.118 regarding minimum terms for aggravated and persistent offenders.</p>
577.014	<p>Creates offense of boating with excessive blood alcohol content, which is a class B misdemeanor and aligns with current law under 306.113 although that section is limited to operating a vessel on the Mississippi or Missouri Rivers or lakes in the state and 577.014 is not so limited; lowers classifications for all felonies of boating with an excessive blood alcohol level one step on the scale, incorporates the class E felony, and makes being a habitual offender a class B felony; makes provisions relating to the availability of a SIS and minimum imprisonment terms for first-time offenders that applies to DWI offenders apply to first time offenders under this section; provides that prior offenders serve 10 days in prison rather than 5 as provided in 306.118 and allows such offenders to not serve the term if the offender completes a court-ordered treatment program; provides that persistent offenders serve 30 days in prison rather than 10 as provided in 306.118 and allows such offenders to not serve the term if the offender completes a court-ordered treatment program; adds provisions from 306.118 regarding minimum terms for aggravated and persistent offenders.</p>
577.015	<p>Moved from 577.203; current section provides that it is a class C misdemeanor for a person to operate an aircraft or a person to act as a flight crew member on an aircraft, when he or she is under the influence of alcohol or drugs, has a .04 blood alcohol level, or within 8 hours of consuming an alcoholic beverage. Subsequent violations are class A misdemeanors. This section creates crime of operating an aircraft while intoxicated, which is a class C misdemeanor when anyone operates an aircraft or assists an operator while intoxicated. Subsequent violations are class A misdemeanors.</p>
577.016	<p>Reenacts the provisions repealed from 577.015.</p>

CRIMINAL CODE REVISION – SB 491

577.017	Replaces reference to definition with the definition itself; names the offense “consumption of an alcoholic beverage while driving”.
577.020	Adds operating a vessel or aircraft or acting a flight crew member; changes intersectional references, adds accidents to collisions, provides that a person consents to a chemical test if that person has been stopped detained, or arrested for any reason, makes grammatical changes.
577.021	Adds operating a vessel or aircraft or acting a flight crew member; changes intersectional references, adds accidents, makes grammatical changes, removes a severability clause.
577.023	Provisions reenacted in 577.010 to 577.014 are repealed, references to new boating offenses and new habitual offender added; sections moved around.
577.026	Repealed, already codified in 577.020.
577.029	Adds phlebotomists to the people who can w/draw blood to determine BAC.
577.031	Non-substantive change.
577.037	Adds operating a vessel or aircraft or acting a flight crew member and excessive blood alcohol content, provisions were rewritten, but no substantive changes.
577.039	Moved to 544.216.
577.041	Several provisions were repealed and reenacted in 302.574; repeals doubly enacted section.
577.049	Moved to 302.580.
577.051	Moved to 302.592.
577.052	Moved to 302.584.
577.054	Moved to 610.130.
577.060	Removes part of leaving the scene of an accident that requires the incident be on a highway or parking lot or facility; adds vessels and includes ATVs; adds that the requirement to report the accident only applies if the property damage is to another person’s property; removes provision that the accident was due to the offender’s culpability or accident in the elements of the crime;

CRIMINAL CODE REVISION – SB 491

	replaces “police officer” with “law enforcement officer”; makes the crime, when certain circumstances are present, a class E felony rather than a class D felony; adds provisions from 577.065 that were repealed dealing with ATV accidents.
577.065	Repealed and reenacted in 577.060.
577.068	Renames “leave the scene of a shooting” to “failure to report a shooting”; makes violation by a prior offender a class E felony rather than a class D; moves provisions around.
577.070	Replaces “throws” with “deposits” in littering section; changes littering to a class C misdemeanor rather than a class A misdemeanor; adds a provision that it is a class A misdemeanor if the littering creates a substantial risk of injury or property damage or the person is a prior offender.
577.071	Repealed, already law under 260.211 and 260.212.
577.073	Names violation of section “offense of damaging state park property”; replaces “throws” with “places or deposits” in elements; removes provision outlawing anyone from offering or advertising merchandise or use state park property for commercial use except with permission from DNR, which is reenacted in 253.080; makes the crime a class C misdemeanor rather than a class A misdemeanor; adds a provision that it is a class A misdemeanor if the damage creates a substantial risk of injury or property damage or the person is a prior offender.
577.075	Names violation of the section “offense of unlawful release of anhydrous ammonia; adds mens rea of knowingly to act of releasing or allowing the escape of anhydrous ammonia.
577.076	Names violation of the section “unlawful disposition of a dead animal”; makes the offense a class C misdemeanor rather than a fine of \$25 to \$500 and a provision making it a second offense if the dead animal is not removed within three days.
577.078	Moved from 569.072.
577.080	Removes the word “motor” from references to “motor vehicle”.
577.090	Repeals provision saying that law enforcement officers, agents of the conservation commission, and members of the highway and water patrol may enforce the offenses of littering and abandoning a vehicle, trailer, or vessel.
577.100	Replaces “icebox” with “airtight or semi-airtight container”.
577.105	Repeals crime of refusing to immediately relinquish a party line.

CRIMINAL CODE REVISION – SB 491

577.110	Repeals crime of operating motor vehicle under the age of 16.
577.150	Provides that tampering with water supply shall be punished as a class A misdemeanor rather than a fine of \$50 to \$500 or imprisonment for a year or less; removes provision that offender is liable to the injured party for three times the actual damages.
577.155	Names violation of this section “construction or use of a waste disposal well”.
577.160	Repeals section of definitions, which are reenacted in 577.161.
577.161	Names violation of section “prohibiting the use of a life jacket”; reenacts definitions repealed from 577.160.
577.201	Repealed and reenacted in 577.015.
577.203	Moved to 577.015.
577.206	Repealed implied consent to chemical tests for aircraft operators, which was incorporated into 577.020..
577.208	Procedure for chemical tests re: intoxication-related aircraft offenses repealed; incorporated into 577.020.
577.211	Repealed implied consent by dead person to chemical tests relating to operating an aircraft while intoxicated, which is included in 577.033.
577.214	Admissibility of chemical test results relating to operating an aircraft while intoxicated repealed and incorporated into 577.021.
577.217	Moved to 305.125.
577.221	Moved to 305.126.
577.300	Moved from 568.052; Non-substantive language changes.
577.500	Moved to 302.400.
577.505	Moved to 302.405.
577.510	Moved to 302.410.
577.515	Moved to 302.415.

CRIMINAL CODE REVISION – SB 491

577.520	Moved to 302.420.
577.525	Moved to 302.425.
577.599	Creates the offense of failure to comply with ignition interlock device requirements, which was an offense under 577.600.
577.600	Subsection 1 repealed and reenacted in 302.440; names the crime “renting, leasing, or lending a vehicle to a person with a limited driving privilege”; repeals provision requiring someone who has a limited driving privilege to notify a person who rents, leases, or loans his or car to the person of the limited driving privilege, which is reenacted in 577.605.
577.602	Moved to 302.442.
577.604	Moved to 302.454.
577.605	New section incorporating language repealed from 577.600.
577.606	Moved to 302.456.
577.608	Moved to 302.458.
577.610	Moved to 302.460.
577.612	Names a violation of this section “tampering with or circumventing the operation of an ignition interlock device”.
577.614	Moved to 302.462.
577.625	Moved to 579.150.
577.628	Moved to 579.155.
577.675	Names a violation of the section “transportation of an illegal alien”; updates section references; makes the offense a class D felony rather than a class A misdemeanor.
577.680	Moved to 544.472.
577.700	Moved from 578.300; updates section references.
577.703	Moved from 578.305; makes assault to commit bus hijacking a class D felony rather than a class C; makes possession and

CRIMINAL CODE REVISION – SB 491

	concealment of a dangerous and deadly weapon by a bus passenger a class D felony rather than a class C.
577.706	Moved from 578.310; names a violation of the section “offense of planting a bomb or explosive in or near a bus or terminal”; makes threatening to commit the offense a class D felony rather than a class C.
577.709	Moved from 578.315.
577.712	Moved from 578.320; possession of a deadly or dangerous weapon or material is a class D felony rather than a class C.
577.715	Moved from 578.325.
577.718	Moved from 578.330; names violation of the section “removal of baggage or cargo without the owner’s permission”; makes the offense a class E felony rather than a class D.
578.008	Moved to 574.130.
578.009	Makes animal abandonment an element of animal neglect rather than a separate crime.
578.012	Makes animal abuse by prior offenders or as a result of torture or mutilation a class E felony rather than a class D.
578.018	Non-substantive language changes
578.021	Replaces the word “adjudicated” with “found”.
578.023	Names a violation of this section “Keeping a dangerous wild animal”.
578.024	Names a violation of this section “keeping a dangerous dog” and makes the offense a class E felony rather than a class D if the attack results in serious injury and the previous attack also caused serious injury and a class D felony rather than a class C if the attack kills a person.
578.025	Names violations of this section “dogfighting” and “spectating dogfighting”; makes dogfighting a class E felony rather than a class D.
578.027	Names violation of the section “causing a dog to pursue a live animal propelled by a device.”
578.028	Names violation of the section “unlawful removal of an electronic dog collar or radio transmitting device.”
578.029	Makes subsequent violations of intentionally releasing an animal class E rather than class D felonies.

CRIMINAL CODE REVISION – SB 491

578.030	Makes the language gender neutral.
578.050	Names violation “offense of bullbaiting or cockfighting”.
578.075	Moved to 570.053.
578.095	Names the offense “desecrating a flag”.
578.100	Adds provisions from 578.110 allowing any county to exempt itself from Sunday laws, repeals provision allowing Jackson, Clay, and Platte counties to exempt themselves because they have already voted to do so; adds provision saying counties that have voted to exempt themselves as of Aug. 28, 2012 are exempt; adds provisions of 578.120 prohibiting motor vehicle sales on Sunday.
578.105	Repealed – already exempted from law.
578.106	Repealed – already exempted from law.
578.110	Repealed – reenacted in 578.100.
578.120	Repealed – reenacted in 578.100.
578.150	Moved to 570.057.
578.151	Makes non-substantive changes.
578.152	Makes non-substantive changes.
578.153	Adds “the offense”.
578.154	Moved to 579.095.
578.173	Names violation “baiting or fighting animals”; makes it a class E felony rather than a class D.
578.176	Names the offense “bear wrestling”.
578.200	Title of “Cave Resources Act” repealed.
578.205	Definitions for “cave resources act” repealed.

CRIMINAL CODE REVISION – SB 491

578.210	Moved to 569.135.
578.215	Moved to 569.137.
578.220	Repealed and reenacted in 569.137.
578.225	Repealed and reenacted in 569.137.
578.250	Moved to 579.097.
578.255	Moved to 579.099.
578.260	Moved to 579.101.
578.265	Moved to 579.103.
578.300	Moved to 577.700.
578.305	Moved to 577.703.
578.310	Moved to 577.706.
578.315	Moved to 577.709.
578.320	Moved to 577.712.
578.325	Moved to 577.715.
578.330	Moved to 577.718.
578.350	Adds 578.353, which was repealed.
578.353	Repealed and reenacted in 578.350.
578.360	Repealed, provisions reenacted in 578.365.
578.363	Repealed and reenacted in 578.365.

CRIMINAL CODE REVISION – SB 491

578.365	Makes hazing when it creates a substantial risk of loss of life a class D felony rather than a class C; adds definitions repealed in 578.360; adds provisions repealed from 578.363.
578.375	Definitions for food stamp crimes repealed.
578.377	Moved to 570.400.
578.379	Moved to 570.402.
578.381	Moved to 570.404.
578.383	Moved to 570.406.
578.385	Moved to 570.408.
578.387	Moved to 570.410.
578.389	Repealed, reenacted in 570.408.
578.390	Moved to 660.360, grammatical error fixed.
578.392	Moved to 660.362
578.398	Reenacts a modified version of subdivision 1 of subsection 1 of 570.155, which was repealed; makes the offense “sports bribery in the first degree” and provides that it is a class D felony rather than up to 10 years in prison and up to \$10,000 fine; replaces references to specific types of athletes and sports with general references to participants in any sport or game.
578.399	Reenacts a modified version of subdivision 2 of subsection 1 of 570.155, which was repealed; makes the offense “sports bribery in the second degree”; replaces references to specific types of athletes and sports with general references to participants in any sport or game.
578.405	Merges all the provisions of 578.405 to 578.412 (known as the “Animal Research Production and Facilities Protection Act”) into this section; repeals definition of “director”; modifies penalty provisions (see entry for 578.409) and adds standard rulemaking language.
578.407	Merged into 578.405.
578.409	Merged into 578.405. Under current law, the offense is a class A misdemeanor if the damage is more than \$300, it is a class D

CRIMINAL CODE REVISION – SB 491

	felony if the damage is \$301 to \$10,000, it is a class C felony if the damage is \$10,001 to \$100,000; and a class B felony if the damage exceeds \$100,000. Under this act, it is a class A misdemeanor if the damage is \$49 or less, a class E felony if the damage is \$50 to \$749, a class D felony if the damage is \$750 to \$999, a class C felony if the damage is \$1000 to \$24,999, a class B felony if the damage is \$25,000 or more.
578.412	Merged into 578.405.
578.414	Moved to 569.132.
578.416	Moved to 569.132.
578.418	Moved to 569.132.
578.420	Moved to 569.132.
578.421	Updates references.
578.425	Makes the language gender neutral.
578.430	Adds provision that was repealed from 578.433 regarding offense of keeping or maintaining a public nuisance and makes it a class D felony rather than a class C felony; updates a reference.
578.433	Repealed and reenacted in 578.430.
578.437	Makes the language gender neutral.
578.445	Moved to 569.075.
578.450	Moved to 565.240.
578.475	Moved from 566.221; makes certain offenses relating to international marriage brokers class E felonies rather than class D.
578.500	Moved to 570.302.
578.501	Moved to 574.150.
578.502	Moved to 574.151.

CRIMINAL CODE REVISION – SB 491

578.503	Moved to 574.152.
578.510	Moved to 570.350.
578.520	Makes non-substantive language changes and provision repealed from 578.530 is added.
578.525	Makes non-substantive language changes and provision repealed from 578.530 is added.
578.530	Repealed and reenacted in 578.520 and 578.525.
578.614	Makes intentionally releasing a large carnivore a class E rather than a class D felony.
579.015	Moved from 195.202. Makes drug possession a class E felony from a class C; 1 st time offender w/ 35 grams or less of marijuana is a class D misdemeanor rather than a class A, prior offender w/ 35 grams or less of marijuana is a class A misdemeanor, don't have to put excuse in complaint and burden of excuse is on the defendant.
579.020	Moved from 195.212; incorporates provisions repealed from: 195.211 except deliver is now a class C felony rather than a class B felony and a class E felony rather than a class C felony if the drug is 35 grams or less of marijuana; 195.212 except unlawful distribution to a minor is now a class C felony rather than a class B if the drug is 35 grams or less of marijuana.
579.030	Moved from 195.218; creates the crime of unlawful distribution of a controlled substance in a restricted location by incorporating provisions repealed from 195.214 and 195.217 except the distance from a school is shortened to 1,000 feet from 2,000 feet, exempts 35 grams or less of marijuana or synthetic cannabinoid from the enhanced penalty and removes the provisions that applied to distributing near a school and public housing that would require a term be served without probation or parole if the defendant is a persistent drug offender.
579.040	Contains provisions that were in section 195.237 except the penalty has been changed from a class D felony to a class A misdemeanor, a penalty enhancement that makes it a class E felony if done for commercial purposes was added; and it includes the actions of distribution and selling the paraphernalia to the crime.
579.045	Moved from 195.204; removes certain activities that make up the crime of fraudulently attempting to obtain a controlled substance, adds nurse to the list of professions, which if one falsely represents oneself to be to get drugs, constitutes the crime, changes the crime to a class E felony from a class D, makes the language gender neutral, removes a reference to a section dealing with lawful prescriptions.
579.050	New section containing the prohibition on the manufacture of imitation controlled substances; penalty is changed from a class D to a class E; and adds the mens rea of knowingly.

CRIMINAL CODE REVISION – SB 491

579.055	Moved from 195.211; removes the act of distributing and adds the act of growing a controlled substance to the crime of manufacturing a controlled substance, adds the mens rea of knowingly; changes the crime to a class C rather than B felony if not involving a certain amount of marijuana and to a class E felony from a class C felony if the manufacture is of a certain amount of marijuana; changes the threshold amount of marijuana which lowers the classification of the offense to 35 grams rather than 5 grams; changes the penalty enhancement for the offense to: remove the act of manufacturing in a residence where a child resides, reduce the distance from schools to 1,000 feet from 2,000, and remove school bus from the list of places; changes it to a class B felony rather than a class A when such penalty enhancements apply; and adds an enhancement to a class A felony if a person dies or is seriously injured in a fire or explosion started by the defendant to produce meth.
579.060	Creates the class A misdemeanor of the unlawful sale or distribution of over-the-counter meth precursor drugs, which combines various meth-related offenses currently in the code.
579.065	Moved from 195.222; changes the amount of crack that is required before a person can be charged with first degree drug trafficking to 8 grams rather than 2 grams, makes first degree drug trafficking a class B felony rather than a class A felony, makes the enhanced penalties for drug trafficking class A felonies rather than class A felonies without probation or parole, expands the amount of crack that leads to the enhanced penalty to 24 grams from 6 grams; changes the distance from schools for the penalty enhancement from 2,000 feet to 1,000 feet; makes the section gender neutral; and changes a cross reference.
579.068	Moved from 195.223; changes the amount of crack that is required before a person can be charged with second degree drug trafficking to 8 grams rather than 2 grams, makes second degree drug trafficking a class C felony rather than a class B felony, makes the enhanced penalties for drug trafficking class B felonies rather than class A felonies, expands the amount of crack that leads to the enhanced penalty to 24 grams from 6 grams; makes possession 450 grams or more of amphetamine or meth a class A felony rather than a class A felony without probation or parole; makes the section gender neutral; and changes a cross reference.
579.070	Moved from 565.065; renamed from unlawful endangerment of another to “creating a danger”.
579.072	Moved from 195.226; furnishing materials for the production of a controlled substance is a class E felony rather than a class D.
579.074	Moved from 195.233; adds the mens rea of knowingly; changes the offense to a class D misdemeanor from a class A unless the person has been found guilty of any other drug law, then it is a class A misdemeanor; and the enhanced penalty for making meth is changed to a class E felony from a class D felony.
579.076	Moved from 195.235; removes the part of the law prohibiting the delivery of drug paraphernalia and puts it in a new section 579.040; changes the penalty to a class A misdemeanor from a class D felony; adds a penalty enhancement to a class E felony if done for commercial purposes; and repeals a provision stating that possession of more than 24 grams of meth precursors is prima facie evidence of intent to violate this section.

CRIMINAL CODE REVISION – SB 491

579.078	Moved from 195.241; adds the mens rea of knowingly.
579.080	Moved from 195.242; removes the part of the law prohibiting the manufacture of imitation controlled substances and puts it in a new section 579.050; changes the penalty to a class E felony from a class D felony; and adds the mens rea of knowingly.
579.082	Moved from 195.248; changes unlawful marketing of ephedrine or pseudoephedrine from a class D felony to a class E felony.
579.084	Moved from 195.252; adds the mens rea of knowingly; repeals a provision making it unlawful for a registrant to manufacture a controlled substance not authorized by the registration; and changes the offense to be a class E felony rather than a class D.
579.086	Moved from 195.254. Under the current law, it is unlawful for manufacturers and distributors and their agents and employees to deliver a controlled substance if the person has reasonable cause to believe the controlled substance will be used in violation of the law. Under this act, the offense is committed when the person knowingly delivers a controlled substance while acting recklessly as to whether it will be used in violation of the law. Agents of manufacturers and distributors are removed from the people who can commit the crime. The classification is changed from a class D felony to a class E.
579.090	The offense of tampering w/ a prescription has been moved from 565.350 to here.
579.097	Getting high off inhalants was moved from 578.250 to here.
579.099	Alcohol beverage vaporizer moved from 578.255 to here.
579.095	The offense of anhydrous ammonia possession has been moved from 578.154 to here and the class was changed to a class E felony from a class D.
579.101	Moved from 578.260; changes subsequent violations of 195.609 to 195.615 to a class E felony rather than a class D.
579.103	Moved offense of selling or transferring solvents from 578.265; consolidated the offense into three subsections rather than 4; and changed it to a class D felony rather than a class C.
579.105	Moved from 195.130; makes public nuisance a class E felony from a class C, modifies the definition and makes it subject to the “Criminal Activity Forfeiture Act” rather than providing a procedure for the court to evict an offender.
579.107	Moved from 195.180.
579.110	Moved from 195.420; adds the mens rea of knowingly, makes it a class E felony rather than a class C felony; adds provision that was repealed from 195.246 providing that possession of more than 24 grams of ephedrine and pseudoephedrine shall be prima

CRIMINAL CODE REVISION – SB 491

	facie evidence of intent to violate the section unless the person is a practitioner or the product is possessed in the course of a legitimate business moved from ; and repeals a provision allowing the state to present expert testimony to provide a prima facie case that any chemical is a meth precursor.
579.115	Moved from 195.515; changes the offense of failure to report suspicious transactions to a class E felony from a class D.
579.150	Moved from 577.625, language modified.
579.155	Moved from 577.628, language modified.
579.170	Moved from 195.275; repeals a provision that certain sections of the Controlled Substances Act not be construed to affect the sentencing provisions of the criminal code; provides that prior offenders found guilty of class B, C, D, or E felonies be sentenced to a term of imprisonment for one class higher offense and that persistent drug offenders guilty of class C, D, or E felonies be sentenced to terms for two classes higher and those guilty of a class B offense to one class higher.
579.175	Moved from 195.280; makes the section gender neutral.
579.180	Moved from 195.367; adds the provisions of 195.369.
579.185	Moved from 195.371; Changes references to “this chapter”.
589.425	Makes failure to register as a sex offender a class E rather than a class D felony and a class D rather than a class C felony if the offender committed certain crimes.
595.223	Moved from 566.224; expands the list of victims who shall not be forced to submit to a lie detector test by law enforcement as a condition for proceeding with a criminal investigation to cover all offenses under chapter 566, domestic assault and stalking rather than just first and second degree rape.
595.226	Moved from 566.226; expands the list of victims whose identities shall not be disclosed to cover all offenses under chapter 566, domestic assault and stalking rather than just first and second degree rape; adds place of employment to the list of identifying information that shall not be disclosed about such victims; gives victim right to respond to request for information before a court may allow another to access the information.
595.229	Moved from 557.041
595.232	Moved from 570.222

CRIMINAL CODE REVISION – SB 491

610.125	Makes using arrest information for financial gain when the information was ordered expunged a class E rather than a class D felony.
610.130	Moved from 577.054; adds intoxication-related boating offenses to a provision that allows first-time intoxication-related driving offenders to have records expunged.
630.155	Makes certain offenses of department of mental health patient, resident, or client abuse a class E rather than class D felony.
630.161	Moved from 565.216.
630.162	Reenacts subsections 1 and 7 from 565.218; adds specification that abuse does not occur because a person chooses spiritual means over medical care for health care.
630.164	Moved from 565.220; updates section references.
630.165	Makes subsequent violations of failure to report and filing a false report of department of mental health patient, resident, or client abuse a class E felony rather than a class D
650.150	Moved from 195.501.
650.153	Moved from 195.503.
650.156	Moved from 195.505; makes the section gender neutral
650.159	Moved from 195.507.
650.161	Moved from 195.509.
650.165	Moved from 195.511.
660.360	Moved from 578.390, grammatical error fixed.
660.362	Moved from 578.392.
701.320	Lead abatement while a license is suspended or revoked is a class E rather than a class D felony.

