

JOURNAL OF THE HOUSE

Second Regular Session, 91st GENERAL ASSEMBLY

FIFTY-SEVENTH DAY, TUESDAY, APRIL 23, 2002

Speaker Kreider in the Chair.

Prayer by Father David Buescher.

Holy God, ground of our being, You enrich the soil of our lives so that by good deeds, profound thoughts, and compassionate feelings we may produce a harvest of a hundred-fold. Look with caring consideration on these leaders of the varied constituencies of peoples in our state, and encourage them again with a sense of the privilege of their work here, and the knowledge of the significance of their thoughts and decisions.

Help them sense again this day enthusiasm which leads to undertakings well done. They prepare for the people of Missouri a harvest of knowledge, justice, and peace. So may they do their work well today and every day left in this session. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Joshua James Johnson, Jordan Janae Johnson, Catherine Luebbert, Zachary Plumb, Kara Rutledge, Jimmy Benoist, Katie Poulin, Kevin Michniok, Mary Campbell, Mary Warner, Sarah Morehead, Lauren Grelle, Gretchen Parmley, Jacob Parmley, Wesly Witt, Jill Steensgard, Crystal Maddolin, Kelly Moncheski, Kelly Rhodes, Monica Durrwachter, Victor Camarillo, Sarah Dovell, Crystall Martinex, Casey Braden, Ashley Wilkins, Alicia Wilkins, Tassi Shafer, Emily Drake, Elizabeth Drake, Julianne Reynolds, Amy Reynolds, Sara Harter and Hannah Moravec.

The Journal of the fifty-sixth day was approved as corrected.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1466	-	Representative Britt
House Resolution No. 1467	-	Representative Crowell
House Resolution No. 1468	-	Representative Vogel
House Resolution No. 1469	-	Representative Long
House Resolution No. 1470	-	Representative Liese
House Resolution No. 1471		
through		
House Resolution No. 1478	-	Representative Naeger
House Resolution No. 1479	-	Representative Reynolds
House Resolution No. 1480	-	Representative Clayton
House Resolution No. 1481	-	Representative Graham, et al

House Resolution No. 1482 - Representative Wagner
House Resolution No. 1483 - Representative Bartelsmeyer
House Resolution No. 1484 - Representative Crowell

SECOND READING OF SENATE BILLS

SCS SB 892 and **SS SCS SB 900** were read the second time.

Representative Green (73) assumed the Chair.

PERFECTION OF HOUSE BILL

HCS HBs 1577, 1760, 1433, 1430, 1029 & 1700, relating to crimes and punishment, was taken up by Representative Britt.

Representative Britt offered **HS HCS HBs 1577, 1760, 1433, 1430, 1029 & 1700**.

Representative Willoughby offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1577, 1760, 1433, 1430, 1029 & 1700, by inserting in the appropriate location the following:

“565.151. 1. A person twenty-one years of age or older commits the crime of enticement of a child if that person, for the purpose of engaging in conduct with a child which would be criminal conduct under the provisions of section 568.045, 568.050, or 568.060, or chapter 566, RSMo attempts to persuade or persuades whether by words or actions or both or through communication via the Internet or electronic mail, any person who is less than seventeen years of age to:

(1) Leave home or school; or
(2) Enter a vehicle, building, structure, alley, or any other secluded area so that the child is concealed from public view.

2. Nothing contained in this section shall prevent the lawful detention of a child or the rendering of aid or assistance to a child.

3. Enticement of a child is a class D felony unless the person has previously pled guilty to or been found guilty of violating the provisions of this section, section 568.045, 568.050, or 568.060, RSMo, or chapter 566, RSMo, in which case it is a class C felony.”; and

Further amend said title, enacting clause, and intersectional references accordingly.

Representative Quinn offered **House Substitute Amendment No. 1 for House Amendment No. 1**.

Representative Britt raised a point of order that **House Substitute Amendment No. 1 for House Amendment No. 1** is not a true substitute amendment.

Representative Green (73) requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

Representative Jolly offered **House Amendment No. 1.**

House Amendment No. 1

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1577, 1760, 1433, 1430, 1029 & 1700, by inserting in the appropriate location the following:

“565.081. 1. A person commits the crime of assault of a law enforcement officer **or firefighter** in the first degree if [he] **such person** attempts to kill or knowingly causes or attempts to cause serious physical injury to a law enforcement officer **or firefighter**.

2. Assault of a law enforcement officer **or firefighter** in the first degree is a class A felony.

565.082. 1. A person commits the crime of assault of a law enforcement officer **or firefighter** in the second degree if [he] **such person**:

(1) [Attempts to cause or] Knowingly causes **or attempts to cause** physical injury to a law enforcement officer **or firefighter**, knowing that such individual is a law enforcement officer **or firefighter**, by means of a deadly weapon or dangerous instrument:

(a) While attempting to prevent a law enforcement officer or firefighter from performing his or her official duties while such law enforcement officer or firefighter is engaged in the execution of his or her official duties; or

(b) In retaliation upon such law enforcement officer or firefighter for performing his or her official duties;

(2) Knowingly causes or attempts to cause physical injury to a law enforcement officer or firefighter while brandishing a deadly weapon, dangerous instrument, or any device manufactured, designed, or fashioned in such a manner as to be substantially similar in appearance to a firearm:

(a) While attempting to prevent a law enforcement officer or firefighter from performing his or her official duties while such law enforcement officer or firefighter is engaged in the execution of his or her official duties; or

(b) In retaliation upon such law enforcement officer or firefighter for performing his or her official duties;

(3) Knowingly causes or attempts to cause physical injury to a law enforcement officer or firefighter while the offender is hooded, robed, or masked in such a manner as to conceal his or her identity:

(a) While attempting to prevent a law enforcement officer or firefighter from performing his or her official duties while such law enforcement officer or firefighter is engaged in the execution of his or her official duties; or

(b) In retaliation upon such law enforcement officer or firefighter for performing his or her official duties;

(4) Knowingly causes or attempts to cause physical injury to a law enforcement officer or firefighter, knowing that such individual is a law enforcement officer or firefighter:

(a) While attempting to prevent a law enforcement officer or firefighter from performing his or her official duties while such law enforcement officer or firefighter is engaged in the execution of his or her official duties; or

(b) In retaliation upon such law enforcement officer or firefighter for performing his or her official duties;

[(2)] (5) Recklessly causes serious physical injury to a law enforcement officer[,] or firefighter:

(a) While attempting to prevent a law enforcement officer or firefighter from performing his or her official duties while such law enforcement officer or firefighter is engaged in the execution of his or her official duties; or

(b) In retaliation upon such law enforcement officer or firefighter for performing his or her official duties;

(6) Recklessly engages in conduct which creates a substantial risk of death or serious physical injury to a law enforcement officer or firefighter:

(a) While attempting to prevent a law enforcement officer or firefighter from performing his or her official duties while such law enforcement officer or firefighter is engaged in the execution of his or her official duties; or

(b) In retaliation upon such law enforcement officer or firefighter for performing his or her official

duties;

[(3)] (7) While in an intoxicated condition or under the influence of controlled substances or drugs, operates a motor vehicle in this state and when so operating, acts with criminal negligence to cause physical injury to a law enforcement officer **or firefighter**;

(8) Acts with criminal negligence to cause physical injury to a law enforcement officer or firefighter by means of a deadly weapon:

(a) While attempting to prevent a law enforcement officer or firefighter from performing his or her official duties while such law enforcement officer or firefighter is engaged in the execution of his or her official duties; or

(b) In retaliation upon such law enforcement officer or firefighter for performing his or her official duties;

(9) Knowingly places a law enforcement officer or firefighter in apprehension of immediate serious physical injury, knowing that such individual is a law enforcement officer or firefighter:

(a) While attempting to prevent a law enforcement officer or firefighter from performing his or her official duties while such law enforcement officer or firefighter is engaged in the execution of his or her official duties; or

(b) In retaliation upon such law enforcement officer or firefighter for performing his or her official duties.

2. Assault of a law enforcement officer **or firefighter** in the second degree is a class [B] C felony **unless committed pursuant to subdivision (1), (5), or (7) of subsection 1 of this section in which case it is a class B felony.**

565.083. 1. A person commits the crime of assault of a law enforcement officer **or firefighter** in the third degree if:

(1) He attempts to cause or recklessly causes physical injury to a law enforcement officer **or firefighter**;

(2) [With criminal negligence he causes physical injury to a law enforcement officer by means of a deadly weapon;

(3)] He purposely places a law enforcement officer **or firefighter** in apprehension of immediate physical injury;

[(4) He recklessly engages in conduct which creates a grave risk of death or serious physical injury to a law enforcement officer; or

(5)] **(3) He knowingly causes or attempts to cause physical contact with a law enforcement officer or firefighter without the consent of the law enforcement officer or firefighter.**

2. Assault of a law enforcement officer **or firefighter** in the third degree is a class A misdemeanor.”; and

Further amend said title, enacting clause, and intersectional references accordingly.

On motion of Representative Jolly, **House Amendment No. 1** was adopted.

Representative O'Toole offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1577, 1760, 1433, 1430, 1029 & 1700, by inserting in the appropriate locations the following sections:

"44.023. 1. The Missouri state emergency management agency shall establish and administer an emergency volunteer program to be activated in the event of [an earthquake or other natural] a disaster whereby volunteer architects and professional engineers registered under chapter 327, RSMo, and construction contractors, equipment dealers and other owners and operators of construction equipment may volunteer the use of their services and equipment, either manned or unmanned, for up to three days as requested and needed by the state emergency management agency.

2. In the event of [an earthquake or other natural] a disaster, the enrolled volunteers shall, where needed, assist local jurisdictions and local building inspectors to provide essential demolition, cleanup or other related services and to determine whether buildings affected by [an earthquake or other natural] a disaster:

(1) Have not sustained serious damage and may be occupied;

(2) Must be vacated temporarily pending repairs; or

(3) Must be demolished in order to avoid hazards to occupants or other persons.

3. Any person when utilized as a volunteer under the emergency volunteer program shall have his incidental expenses paid by the local jurisdiction for which the volunteer service is provided.

4. Architects and professional engineers, construction contractors, equipment dealers and other owners and operators of construction equipment and the companies with which they are employed, working under the emergency volunteer program shall not be personally liable either jointly or separately for any act or acts committed in the performance of their official duties as emergency volunteers except in the case of willful misconduct or gross negligence.

5. Any individuals, employers, partnerships, corporations or proprietorships, that are working under the emergency volunteer program providing demolition, cleanup, removal or other related services, shall not be liable for any acts committed in the performance of their official duties as emergency volunteers except in the case of willful misconduct or gross negligence.

304.370. 1. For purposes of this section, "hazardous materials" shall be as defined pursuant to Part 397, Title 49, Code of Federal Regulations, as adopted and amended.

2. No person shall transport hazardous materials in or through any highway tunnel in this state.

3. No person shall park a vehicle containing hazardous materials within three hundred feet of any highway tunnel in this state except as provided pursuant to Part 397, Title 49, Code of Federal Regulations, as adopted and amended.

4. Any person who is found or pleads guilty to a violation of this section shall be guilty of a class B misdemeanor. Any person who is found or pleads guilty to a second or subsequent violation of this section shall be guilty of a class A misdemeanor. Violations of this section shall be enforced pursuant to section 390.201, RSMo.

306.124. 1. (1) "Aids to navigation" means buoys, beacons or other fixed objects in the water which are used to mark obstructions to navigation or to direct navigation through safe channels.

(2) "Regulatory markers" means any anchored or fixed markers in or on the water or signs on the shore or on bridges over the water other than aids to navigation and shall include but not be limited to bathing markers, speed zone markers, information markers, danger zone markers, boat keep-out areas, and mooring buoys.

2. The Missouri state water patrol after a public hearing pursuant to notice thereof published not less than ten days prior thereto in each county to be affected may provide for the uniform marking of the water areas in this state through the placement of aids to navigation and regulatory markers. The Missouri state water patrol shall establish a marking system compatible with the system of aids to navigation prescribed by the United States Coast Guard. No city, county, or person shall mark or obstruct the water of this state in any manner so as to endanger the operation of watercraft or conflict with the marking system prescribed by the state water patrol.

3. Whenever, due to any actual or imminent man-made or natural disaster, the navigation or use of any waters of this state presents an unreasonable danger to persons or property, the Missouri state water patrol may, with the consent of the director of the department of public safety, close such waters by the placement of regulatory markers.

[3.] **4.** The operation of any watercraft within prohibited areas that are marked shall be prima facie evidence of negligent operation.

[4.] **5.** It shall be unlawful for any person to operate a watercraft on the waters of this state in a manner other than that prescribed or permitted by regulatory markers.

[5.] **6.** No person shall moor or fasten a watercraft to or willfully damage, tamper, remove, obstruct, or interfere with any aid to navigation or regulatory marker established pursuant to sections 306.010 to 306.126.

307.177. 1. It is unlawful for any person to operate any bus, truck, truck-tractor and trailer combination, or other commercial motor vehicle and trailer upon any highway of this state, whether intrastate transportation or interstate transportation, transporting materials defined and classified as hazardous by the United States Department of Transportation pursuant to Title 49 of the Code of Federal Regulations, as such regulations have been and may periodically be amended, unless such vehicle is equipped with the equipment required by and be operated in accordance with safety and hazardous materials regulations for such vehicles as adopted by the United States Department of Transportation.

2. Notwithstanding the provisions of subsection 1 of this section to the contrary, Part 391, Subpart E, Title 49, Code of Federal Regulations, relating to the physical requirements of drivers shall not be applicable to drivers in intrastate commerce, provided such drivers were licensed by this state as chauffeurs to operate commercial motor vehicles on May 13, 1988.

3. Failure to comply with the requirements of this section may result in the commercial motor vehicle and trailer and driver of such vehicle and trailer being placed out of service. Criteria used for placing drivers and vehicles out of service are the North American Uniform Out-of-Service Criteria adopted by the Commercial Vehicle Safety Alliance and the United States Department of Transportation, as such criteria have been and may periodically be amended.

4. Violation of this section shall be deemed a class A misdemeanor.

407.472. 1. When it appears to the attorney general that a person has engaged in, is engaging in or is about to engage in any method, use, act or practice declared to be unlawful by sections 407.450 to 407.478, **or when it appears that any funds solicited by or on behalf of any charitable organization are being used, or are about to be used, for an unlawful purpose**, or when he **or she** believes it to be in the public interest that an investigation should be made to ascertain whether a person in fact has engaged in, is engaging in, or is about to engage in any such act or practice he **or she** may issue and cause to be served a civil investigative demand to assist in the investigation of the matter. The issuance and enforcement of each civil investigative demand shall be in compliance with all of the terms and provisions of sections 407.040 to 407.090.

2. Whenever it appears to the attorney general that a person has engaged in, is engaging in, or is about to engage in any method, use, act, or practice declared to be unlawful by sections 407.450 to 407.478, **or when it appears that any funds solicited by or on behalf of any charitable organization are being used, or are about to be used, for an unlawful purpose**, he **or she** may bring an action pursuant to section 407.100 for an injunction prohibiting such person from continuing such methods, uses, acts, or practices, or engaging therein, or doing anything in furtherance thereof. In any action brought by the attorney general [under] **pursuant to** this subsection all of the provisions of sections 407.100 to 407.140 shall apply thereto.

407.760. 1. For the purpose of this section and section 407.762, the definitions set forth in section 407.010 shall apply, and in addition the following terms shall mean:

(1) "Consumer market disruption", an actual change in the market for essential consumer merchandise due to stress of weather, convulsion of nature, failure, strike, civil disorder, war, act of terrorism, or military action and officially declared as a statewide emergency or disaster. The term consumer market disruption shall not include statewide emergencies or disasters declared by an executive order to access the rainy day fund, to balance the state budget, or any similar emergency or disaster;

(2) "Essential consumer merchandise", merchandise used, bought or rendered primarily for personal or business purposes and essential to the health, safety or welfare of consumers.

407.762. 1. It shall be unlawful for any person to exercise unfair leverage when selling essential consumer merchandise during a consumer market disruption.

2. Whether a sale constitutes an exercise of unfair leverage is a matter of law for the court to determine.

3. Any of the following may be offered as evidence of the exercise of unfair leverage:

(1) A gross disparity between the price at which the seller sold the essential consumer merchandise and the seller's price for any similar sale made in the usual course of business immediately before the onset of the consumer market disruption; or

(2) A gross disparity between the price at which the seller sold the essential consumer merchandise and the price at which the same or comparable essential consumer merchandise was readily available to consumers in the trade area at the time of the sale.

4. A seller may rebut an allegation of exercising unfair leverage with evidence that the seller did not exercise unfair leverage, including but not limited to evidence that any gross disparity in price was justified by a corresponding gross disparity in costs imposed on the seller and not within the seller's control.

5. A person who violates this section may be liable for:

(1) Restitution to any consumer against whom the person exercised unfair leverage in violation of this section; and

(2) A civil penalty to the state of Missouri in an amount not to exceed the greater of three thousand dollars or twice the amount gained unlawfully in violation of this section.

6. Only the attorney general shall have authority to commence a civil action for a violation of this section.

569.072. 1. A person commits the crime of criminal water contamination if such person knowingly introduces any dangerous radiological, chemical or biological agent or substance into any public or private waters of the state or any water supply with the purpose of causing death or serious physical injury to another person.

2. Criminal water contamination is a class B felony.

570.030. 1. A person commits the crime of stealing if he or she appropriates property or services of another with

the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion.

2. Evidence of the following is admissible in any criminal prosecution [under] **pursuant to** this section on the issue of the requisite knowledge or belief of the alleged stealer:

- (1) That he or she failed or refused to pay for property or services of a hotel, restaurant, inn or boardinghouse;
- (2) That he or she gave in payment for property or services of a hotel, restaurant, inn or boardinghouse a check or negotiable paper on which payment was refused;
- (3) That he or she left the hotel, restaurant, inn or boardinghouse with the intent to not pay for property or services;
- (4) That he or she surreptitiously removed or attempted to remove his or her baggage from a hotel, inn or boardinghouse.

3. Stealing is a class C felony if:

- (1) The value of the property or services appropriated is seven hundred fifty dollars or more; or
- (2) The actor physically takes the property appropriated from the person of the victim; or
- (3) The property appropriated consists of:
 - (a) Any motor vehicle, watercraft or aircraft; or
 - (b) Any will or unrecorded deed affecting real property; or
 - (c) Any credit card or letter of credit; or
 - (d) Any firearms; or
 - (e) A United States national flag designed, intended and used for display on buildings or stationary flagstaffs in the open; or
 - (f) Any original copy of an act, bill or resolution, introduced or acted upon by the legislature of the state of Missouri; or
 - (g) Any pleading, notice, judgment or any other record or entry of any court of this state, any other state or of the United States; or
 - (h) Any book of registration or list of voters required by chapter 115, RSMo; or
 - (i) Any animal of the species of horse, mule, ass, cattle, swine, sheep, or goat; or
 - (j) Live fish raised for commercial sale with a value of seventy-five dollars; or
 - (k) Any controlled substance as defined by section 195.010, RSMo; **or**
 - (l) Ammonium nitrate.**

4. If an actor appropriates any material with a value less than one hundred fifty dollars in violation of this section with the intent to use such material to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues, then such violation is a class D felony. The theft of any amount of anhydrous ammonia or liquid nitrogen, or any attempt to steal any amount of anhydrous ammonia or liquid nitrogen, is a class C felony. The theft of any amount of anhydrous ammonia by appropriation of a tank truck, tank trailer, rail tank car, bulk storage tank, field (nurse) tank or field applicator is a class A felony.

5. The theft of any item of property or services [under] **pursuant to** subsection 3 of this section which exceeds seven hundred fifty dollars may be considered a separate felony and may be charged in separate counts.

6. Any person with a prior conviction of paragraph (i) of subdivision (3) of subsection 3 of this section and who violates the provisions of paragraph (i) of subdivision (3) of subsection 3 of this section when the value of the animal or animals stolen exceeds three thousand dollars is guilty of a class B felony.

7. Any violation of this section for which no other penalty is specified in this section is a class A misdemeanor.

571.020. 1. A person commits a crime if [he] **such person** knowingly possesses, manufactures, transports, repairs, or sells:

- (1) An explosive weapon;
- (2) An explosive, incendiary or poison substance or material with the purpose to possess, manufacture or sell an explosive weapon;**
- [(2)] **(3)** A machine gun;
- [(3)] **(4)** A gas gun;
- [(4)] **(5)** A short barreled rifle or shotgun;
- [(5)] **(6)** A firearm silencer;
- [(6)] **(7)** A switchblade knife;
- [(7)] **(8)** A bullet or projectile which explodes or detonates upon impact because of an independent explosive charge after having been shot from a firearm; or
- [(8)] **(9)** Knuckles.

2. A person does not commit a crime [under] **pursuant to** this section if his conduct:

(1) Was incident to the performance of official duty by the armed forces, national guard, a governmental law enforcement agency, or a penal institution; or

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

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

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

(5) Was incident to dealing with the weapon solely as a curio, ornament, or keepsake, or to using it in a manner reasonably related to a lawful dramatic performance; but if the weapon is a type described in subdivision (1), [(3) or (5)] **(4) or (6)** of subsection 1 of this section it must be in such a nonfunctioning condition that it cannot readily be made operable. No short barreled rifle, short barreled shotgun, or machine gun may be possessed, manufactured, transported, repaired or sold as a curio, ornament, or keepsake, unless such person is an importer, manufacturer, dealer, or collector licensed by the Secretary of the Treasury pursuant to the Gun Control Act of 1968, U.S.C., Title 18, or unless such firearm is an "antique firearm" as defined in subsection 3 of section 571.080, or unless such firearm has been designated a "collectors item" by the Secretary of the Treasury pursuant to the U.S.C., Title 26, Section 5845 (a).

3. A crime [under] **pursuant to** subdivision (1), (2), (3), (4) [or], (5) or (6) of subsection 1 of this section is a class C felony; a crime [under] **pursuant to** subdivision [(6),] (7) [or], (8) or (9) of subsection 1 of this section is a class A misdemeanor.

574.115. 1. A person commits the crime of making a [terroristic] **terrorist** threat if such person communicates a threat to [commit a felony,] **cause an incident or condition involving danger to life, communicates** a knowingly false report [concerning the commission of any felony] **of an incident or condition involving danger to life, or** knowingly [false report concerning the occurrence of any catastrophe] **causes a false belief or fear that an incident has occurred or that a condition exists involving danger to life:**

(1) [For] **With** the purpose of frightening [or disturbing] ten or more people;

(2) [For] **With** the purpose of causing the evacuation, **quarantine** or closure of any **portion of a building, inhabitable structure, place of assembly or facility of transportation;** or

(3) With reckless disregard of the risk of causing the evacuation, **quarantine** or closure of any **portion of a building, inhabitable structure, place of assembly or facility of transportation;** or

(4) With criminal negligence with regard to the risk of causing the evacuation, quarantine or closure of any portion of a building, inhabitable structure, place of assembly or facility of transportation.

2. Making a [terroristic] **terrorist** threat is a class C felony unless committed under subdivision (3) of subsection 1 of this section in which case it is a class D felony **or unless committed under subdivision (4) of subsection 1 of this section in which case it is a class A misdemeanor.**

3. [As used in this section:

(1) The term "threat" means an express or implied threat but does not include a report made in good faith for the purpose of preventing harm; and

(2) The term "catastrophe" is defined by section 569.070, RSMo] **For the purpose of this section, "threat" includes an express or implied threat.**

4. A person who acts in good faith with the purpose to prevent harm does not commit a crime pursuant to this section.

576.080. 1. A person commits the crime of supporting terrorism if such person knowingly provides material support to any organization designated as a foreign terrorist organization pursuant to 8 U.S.C. 1189, as amended and acts recklessly with regard to whether such organization had been designated as a foreign terrorist organization pursuant to 8 U.S.C. 1189.

2. For the purpose of this section, "material support" includes currency or other financial securities, financial services, lodging, training, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation and other physical assets, except medicine or religious materials.

3. Supporting terrorism is a class C felony.

578.008. 1. A person commits the crime of [spreading disease to livestock or animals] **agroterrorism** if [that] **such** person purposely spreads any type of contagious, communicable or infectious disease among **crops, poultry, livestock** as defined in section 267.565, RSMo, or other animals.

2. [Spreading disease to livestock or animals] **Agroterrorism** is a class D felony unless the damage to **crops,**

poultry, livestock or animals is ten million dollars or more in which case it is a class B felony.

3. It shall be a defense to the crime of [spreading disease to livestock or animals] **agrorterrorism** if such spreading is consistent with medically recognized therapeutic procedures **or done in the course of legitimate, professional scientific research.**

Section B. Because of the immediate need for state emergency powers this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative O'Toole, **House Amendment No. 2** was adopted.

Representative Kelly (27) offered **House Amendment No. 3.**

House Amendment No. 3

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1577, 1760, 1433, 1430, 1029 & 1700, by inserting in the appropriate location the following:

"595.010 1. As used in sections 595.010 to 595.075, unless the context requires otherwise, the following terms shall mean:

(1) "Child", a dependent, unmarried person who is under eighteen years of age and includes a posthumous child, stepchild, or an adopted child;

(2) "Claimant", a victim or a dependent, relative, survivor, or member of the family, of a victim eligible for compensation pursuant to sections 595.010 to 595.075;

(3) "Conservator", a person or corporation appointed by a court to have the care and custody of the estate of a minor or a disabled person, including a limited conservator;

(4) "Counseling", problem-solving and support concerning emotional issues that result from criminal victimization licensed pursuant to section 595.030. Counseling is a confidential service provided either on an individual basis or in a group. Counseling has as a primary purpose to enhance, protect and restore a person's sense of well-being and social functioning after victimization. Counseling does not include victim advocacy services such as crisis telephone counseling, attendance at medical procedures, law enforcement interviews or criminal justice proceedings;

(5) "Crime", an act committed in this state which, if committed by a mentally competent, criminally responsible person who had no legal exemption or defense, would constitute a crime; provided that, such act involves the application of force or violence or the threat of force or violence by the offender upon the victim but shall include the crime of driving while intoxicated, vehicular manslaughter and hit and run; and provided, further, that no act involving the operation of a motor vehicle except driving while intoxicated, vehicular manslaughter and hit and run which results in injury to another shall constitute a crime for the purpose of sections 595.010 to 595.075, unless such injury was intentionally inflicted through the use of a motor vehicle. A crime shall also include an act of terrorism, as defined in 18 U.S.C. section 2331, which has been committed outside of the United States against a resident of Missouri;

(6) "Crisis intervention counseling", helping to reduce psychological trauma where victimization occurs;

(7) "Department", the department of public safety;

(8) "Dependent", mother, father, spouse, spouse's mother, spouse's father, child, grandchild, adopted child, illegitimate child, niece or nephew, who is wholly or partially dependent for support upon[, and living with, but shall include children entitled to child support but not living with,] the victim at the time of his injury or death due to a crime alleged in a claim pursuant to sections 595.010 to 595.070;

(9) "Direct service", providing physical services to a victim of crime including, but not limited to, transportation, funeral arrangements, child care, emergency food, clothing, shelter, notification and information;

(10) "Director", the director of public safety of this state or a person designated by him for the purposes of sections 595.010 to 595.070;

(11) "Disabled person", one who is unable by reason of any physical or mental condition to receive and evaluate information or to communicate decisions to such an extent that the person lacks ability to manage his financial resources, including a partially disabled person who lacks the ability, in part, to manage his financial resources;

- (12) "Division", the division of workers' compensation of the state of Missouri;
- (13) "Emergency service", those services provided within thirty days to alleviate the immediate effects of the criminal act or offense, and may include cash grants of not more than one hundred dollars;
- (14) "Earnings", net income or net wages;
- (15) "Family", the spouse, parent, grandparent, stepmother, stepfather, child, grandchild, brother, sister, half brother, half sister, adopted children of parent, or spouse's parents;
- (16) "Funeral expenses", the expenses of the funeral, burial, cremation or other chosen method of interment, including plot or tomb and other necessary incidents to the disposition of the remains;
- (17) "Gainful employment", engaging on a regular and continuous basis, up to the date of the incident upon which the claim is based, in a lawful activity from which a person derives a livelihood;
- (18) "Guardian", one appointed by a court to have the care and custody of the person of a minor or of an incapacitated person, including a limited guardian;
- (19) "Hit and run", the crime of leaving the scene of a motor vehicle accident as defined in section 577.060, RSMo;
- (20) "Incapacitated person", one who is unable by reason of any physical or mental condition to receive and evaluate information or to communicate decisions to such an extent that he lacks capacity to meet essential requirements for food, clothing, shelter, safety or other care such that serious physical injury, illness, or disease is likely to occur, including a partially incapacitated person who lacks the capacity to meet, in part, such essential requirements;
- (21) "Injured victim", a person:
 - (a) Killed or receiving a personal physical injury in this state as a result of another person's commission of or attempt to commit any crime;
 - (b) Killed or receiving a personal physical injury in this state while in a good faith attempt to assist a person against whom a crime is being perpetrated or attempted;
 - (c) Killed or receiving a personal physical injury in this state while assisting a law enforcement officer in the apprehension of a person who the officer has reason to believe has perpetrated or attempted a crime;
- (22) "Law enforcement official", a sheriff and his regular deputies, municipal police officer or member of the Missouri state highway patrol and such other persons as may be designated by law as peace officers;
- (23) "Offender", a person who commits a crime;
- (24) "Personal physical injury", actual bodily harm only with respect to the victim. Personal physical injury may include mental or nervous shock resulting from the specific incident upon which the claim is based;
- (25) "Private agency", a not-for-profit corporation, in good standing in this state, which provides services to victims of crime and their dependents;
- (26) "Public agency", a part of any local or state government organization which provides services to victims of crime;
- (27) "Relative", the spouse of the victim or a person related to the victim within the third degree of consanguinity or affinity as calculated according to civil law;
- (28) "Survivor", the spouse, parent, legal guardian, grandparent, sibling or child of the deceased victim [of the victim's household] at the time of the crime;
- (29) "Victim", a person who suffers personal physical injury or death as a direct result of a crime, as defined in subdivision (5) of this subsection*;
- (30) "Victim advocacy", assisting the victim of a crime and his dependents to acquire services from existing community resources.

2. As used in sections 565.024 and 565.060, RSMo, and sections 595.010 to 595.075, the term "alcohol-related traffic offense" means those offenses defined by sections 577.001, 577.010, and 577.012, RSMo, and any county or municipal ordinance which prohibits operation of a motor vehicle while under the influence of alcohol.

595.020. 1. Except as hereinafter provided, the following persons shall be eligible for compensation pursuant to sections 595.010 to 595.075:

- (1) A victim of a crime;
- (2) In the case of a sexual assault victim[
 - (a)] a relative of the victim requiring counseling in order to better assist the victim in his recovery; and
- (3) In the case of the death of the victim as a direct result of the crime:
 - (a) A dependent of the victim;
 - (b) Any member of the family who legally assumes the obligation, or who pays the medical or burial expenses incurred as a direct result thereof; and

(c) A survivor of the victim requiring counseling as a direct result of the death of the victim.

2. An offender or an accomplice of an offender shall in no case be eligible to receive compensation with respect to a crime committed by the offender. No victim or dependent shall be denied compensation solely because he is a relative of the offender or was living with the offender as a family or household member at the time of the injury or death. However, the division may award compensation to a victim or dependent who is a relative, family or household member of the offender only if the division can reasonably determine the offender will receive no substantial economic benefit or unjust enrichment from the compensation.

3. No compensation of any kind may be made to a victim or intervenor injured while confined in any federal, state, county, or municipal jail, prison or other correctional facility, including house arrest.

4. No compensation of any kind may be made to a victim who has been finally adjudicated and found guilty, in a criminal prosecution under the laws of this state, of two felonies within the past ten years, of which one or both involves illegal drugs or violence. The division may waive this restriction if it determines that the interest of justice would be served otherwise.

5. In the case of a claimant who is not otherwise ineligible pursuant to subsection 4 of this section, who is incarcerated as a result of a conviction of a crime not related to the incident upon which the claim is based at the time of application, or at any time following the filing of the application:

(1) The division shall suspend all proceedings and payments until such time as the claimant is released from incarceration;

(2) The division shall notify the applicant at the time the proceedings are suspended of the right to reactivate the claim within six months of release from incarceration. The notice shall be deemed sufficient if mailed to the applicant at the applicant's last known address;

(3) The claimant shall file an application to request that the case be reactivated not later than six months after the date the claimant is released from incarceration. Failure to file such request within the six-month period shall serve as a bar to any recovery.

6. Victims of crime who are not residents of the state of Missouri may be compensated only when federal funds are available for that purpose. Compensation for nonresident victims shall terminate when federal funds for that purpose are no longer available.

7. A Missouri resident who suffers personal physical injury or, in the case of death, a dependent of the victim or any member of the family who legally assumes the obligation, or who pays the medical or burial expenses incurred as a direct result thereof, in another state, possession or territory of the United States may make application for compensation in Missouri if:

(1) The victim of the crime would be compensated if the crime had occurred in the state of Missouri;

(2) The place that the crime occurred is a state, possession or territory of the United States, or location outside of the United States that is covered and defined in 18 U.S.C. section 2331, that does not have a crime victims' compensation program for which the victim is eligible and which provides at least the same compensation that the victim would have received if he had been injured in Missouri.

8. Notwithstanding any other provision of law to the contrary, it is not necessary for any claimant to be living with or have been living with the victim in order to be eligible to receive compensation.

595.030. 1. No compensation shall be paid unless the claimant has incurred an out-of-pocket loss of at least fifty dollars or has lost [two continuous weeks of] earnings or support from gainful employment. "Out-of-pocket loss" shall mean unreimbursed or unreimbursable expenses or indebtedness reasonably incurred for medical care or other services, including psychiatric, psychological or counseling expenses, necessary as a result of the crime upon which the claim is based, except that the amount paid for psychiatric, psychological or counseling expenses per eligible claim shall not exceed two thousand five hundred dollars.

2. No compensation shall be paid unless the division of workers' compensation finds that a crime was committed, that such crime directly resulted in personal physical injury to, or the death of, the victim, and that police records show that such crime was promptly reported to the proper authorities. In no case may compensation be paid if the police records show that such report was made more than forty-eight hours after the occurrence of such crime, unless the division of workers' compensation finds that the report to the police was delayed for good cause. If the victim is under eighteen years of age such report may be made by the victim's parent, guardian or custodian; by a physician, a nurse, or hospital emergency room personnel; by the division of family services personnel; or by any other member of the victim's family.

3. No compensation shall be paid for medical care if the service provider is not a medical provider as that term is defined in section 595.027, and the individual providing the medical care is not licensed by the state of Missouri or

the state in which the medical care is provided.

4. No compensation shall be paid for psychiatric treatment or other counseling services, including psychotherapy, unless the service provider is a:

(1) Physician licensed pursuant to chapter 334, RSMo, or licensed to practice medicine in the state in which the service is provided;

(2) Psychologist licensed pursuant to chapter 337, RSMo, or licensed to practice psychology in the state in which the service is provided;

(3) Clinical social worker licensed pursuant to chapter 337, RSMo; or

(4) Professional counselor licensed pursuant to chapter 337, RSMo.

5. Any compensation paid pursuant to sections 595.010 to 595.075 for death or personal injury shall be in an amount not exceeding out-of-pocket loss, together with loss of earnings or support from gainful employment, not to exceed [two] **four** hundred dollars per week, resulting from such injury or death. In the event of death of the victim, an award may be made for reasonable and necessary expenses actually incurred for preparation and burial not to exceed [five] **seven** thousand **five hundred** dollars.

6. Any compensation for loss of earnings or support from gainful employment shall be in an amount equal to the actual loss sustained not to exceed [two] **four** hundred dollars per week; provided, however, that no award pursuant to sections 595.010 to 595.075 shall exceed twenty-five thousand dollars. If two or more persons are entitled to compensation as a result of the death of a person which is the direct result of a crime or in the case of a sexual assault, the compensation shall be apportioned by the division of workers' compensation among the claimants in proportion to their loss.

7. The method and timing of the payment of any compensation pursuant to sections 595.010 to 595.075 shall be determined by the division."; and

Further amend said bill, by amending the title and enacting clause accordingly.

On motion of Representative Kelly (27), **House Amendment No. 3** was adopted.

Representative Burton offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1577, 1760, 1433, 1430, 1029 & 1700, Section 650.055, Page 101, Lines 22 through 24, by deleting all of said lines after the number "5" on Line 22; and

Further amend said bill, Section 650.055, Page 102, Lines 1 through 5, by deleting all of said lines; and

Further amend said bill, Section 650.055, Page 102, Line 6, by deleting the number "6" on said line; and

Further amend said title, enacting clause, and intersectional references accordingly.

On motion of Representative Burton, **House Amendment No. 4** was adopted.

Representative Willoughby offered **House Amendment No. 5**.

House Amendment No. 5

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1577, 1760, 1433, 1430, 1029 & 1700, by inserting in the appropriate location the following:

"565.151. 1. A person twenty-one years of age or older commits the crime of enticement of a child if that person, for the purpose of engaging in conduct with a child which would be criminal conduct under the provisions of section 568.045, 568.050, or 568.060, or chapter 566, RSMo attempts to persuade or persuades

whether by words or actions or both or through communication via the Internet or electronic communication, any person who is less than seventeen years of age to:

(1) Leave home or school; or
(2) Enter a vehicle, building, structure, alley, or any other secluded area so that the child is concealed from public view.

2. Nothing contained in this section shall prevent the lawful detention of a child or the rendering of aid or assistance to a child.

3. It is not an affirmative defense to a prosecution for a violation of this section that the other person was a peace officer masquerading as a minor.

4. Enticement of a child is a class D felony unless the person has previously pled guilty to or been found guilty of violating the provisions of this section, section 568.045, 568.050, or 568.060, RSMo, or chapter 566, RSMo, in which case it is a class C felony.”; and

Further amend said title, enacting clause, and intersectional references accordingly.

Representative Clayton assumed the Chair.

On motion of Representative Willoughby, **House Amendment No. 5** was adopted.

Representative Portwood offered **House Amendment No. 6**.

House Amendment No. 6

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1577, 1760, 1433, 1430, 1029 & 1700, Page 24, Section 302.530, Line 24, by inserting after all of said line the following:

"316.150. As used in sections 316.150 to 316.185, the following terms mean:

(1) "County", any county of this state except a [county having a charter form of government and having a population of nine hundred thousand inhabitants or more and no] city not within a county which exercises county functions;

(2) "County clerk", the clerk of the county commission or governing body of a county;

(3) "Festival", any music festival, dance festival, "rock" festival, "**rave**", or similar musical activity likely to attract five [thousand] **hundred** or more people at such an activity which will continue uninterrupted for a period of twelve hours or more, at which music is provided by paid or amateur performers or by prerecorded means, and which is held at any place within this state, and to which members of the public are invited or admitted for a charge. It shall not include a county fair or youth fair approved by the Missouri department of agriculture, or any activity conducted by any current or future ongoing licensed business in a permanent location[.];

(4) "**Rave**", **an all-night dance party, especially one where techno, house, or other electronically synthesized music is played;**

(5) "Sheriff", the sheriff of any county in this state.

316.155. No person shall operate, maintain, conduct, advertise, or sell, or furnish tickets for a festival in any county in this state unless [he] **such person** first obtains a license from that county to operate, maintain, or conduct the festival. This provision shall not apply to [counties of the first class having a charter form of government and having a population of nine hundred thousand inhabitants or more and no] **any** city not within a county which exercises county functions.”; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Portwood, **House Amendment No. 6** was adopted.

Representative Legan offered **House Amendment No. 7**.

House Amendment No. 7

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1577, 1760, 1433, 1430, 1029 & 1700, by inserting the following in the appropriate location:

"578.405. 1. Sections 578.405 to 578.412 shall be known and may be cited as "The Animal Research and Production Facilities Protection Act".

2. As used in sections 578.405 to 578.412, the following terms mean:

(1) "Animal", every living creature, domestic or wild, but not including *Homo sapiens*;

(2) "Animal facility", any facility, **animal farming operation, business or organization** engaging in legal scientific research or agricultural production or involving the use of animals, including any organization with a primary purpose of representing livestock production or processing, any organization with a primary purpose of promoting or marketing livestock or livestock products, any person licensed to practice veterinary medicine, any organization involved in the production of pet food or pet food research, and any organization with a primary purpose of representing any such person, organization, or institution. The term shall include the owner, operator, and employees of any animal facility [and], the offices [and], **barns, buildings, or other structures**, the vehicles of any such persons while engaged in duties related to the animal facility, and any premises, **private or public property**, where animals are located, **including but not limited to the barns or areas where the animals are pastured, housed, or otherwise quartered**;

(3) "Director", the director of the department of agriculture.

578.407. No person shall:

(1) Release, steal, or otherwise intentionally cause the death, injury, or loss of any animal at or from an animal facility and not authorized by that facility;

(2) Damage, vandalize, or steal any property in or on an animal facility;

(3) Obtain access to an animal facility by false pretenses for the purpose of performing acts not authorized by the facility;

(4) Enter or otherwise interfere with an animal facility with the intent to destroy, alter, duplicate or obtain unauthorized possession of records, data, material, equipment, or animals;

(5) Knowingly obtain, by theft or deception, control over records, data, material, equipment, or animals of any animal facility for the purpose of depriving the rightful owner or animal facility of the records, material, data, equipment, or animals, or for the purpose of concealing, abandoning, or destroying such records, material, data, equipment, or animals;

(6) Enter or remain on an animal facility with the intent to commit an act prohibited by this section;

(7) Photograph, videotape, or otherwise obtain images from within the animal facility without the express written consent of the animal facility;

(8) Intentionally or knowingly release or introduce any pathogen or disease in or near an animal facility that has the potential to cause disease in any animal at the animal facility or which otherwise threatens human health or biosecurity at the animal facility.

578.409. 1. Any person who violates section 578.407:

(1) Shall be guilty of a misdemeanor for each such violation unless the loss, theft, or damage to the animal facility exceeds three hundred dollars in value;

(2) Shall be guilty of a class D felony **for a violation of subdivision (7) of section 578.407** or if the loss, theft, or damage to the animal facility property exceeds three hundred dollars in value but does not exceed ten thousand dollars in value;

(3) Shall be guilty of a class C felony if the loss, theft, or damage to the animal facility property exceeds ten thousand dollars in value but does not exceed one hundred thousand dollars in value;

(4) Shall be guilty of a class B felony if the loss, theft, or damage to the animal facility exceeds one hundred thousand dollars in value.

2. Any person who intentionally agrees with another person to violate section 578.407 and commits an act in furtherance of such violation shall be guilty of the same class of violation as provided in subsection 1 of this section.

3. In the determination of the value of the loss, theft, or damage to an animal facility, the court shall conduct a hearing to determine the reasonable cost of replacement of materials, data, equipment, animals, and records that were damaged, destroyed, lost, or cannot be returned, as well as the reasonable cost of lost production funds and repeating experimentation that may have been disrupted or invalidated as a result of the violation of section 578.407.

4. Any persons found guilty of a violation of section 578.407 shall be ordered by the court to make restitution,

jointly and severally, to the owner, operator, or both, of the animal facility, in the full amount of the reasonable cost as determined under subsection 3 of this section.

5. Any person who has been damaged by a violation of section 578.407 may recover all actual and consequential damages, punitive damages, and court costs, including reasonable attorneys' fees, from the person causing such damage.

6. Nothing in sections 578.405 to 578.412 shall preclude any animal facility injured in its business or property by a violation of section 578.407 from seeking appropriate relief under any other provision of law or remedy including the issuance of an injunction against any person who violates section 578.407 **including any relief authorized under subsection 5 of this section**. The owner or operator of the animal facility may petition the court to permanently enjoin such persons from violating sections 578.405 to 578.412 and the court shall provide such relief.

578.412. 1. The director shall have the authority to investigate any alleged violation of sections 578.405 to 578.412, along with any other law enforcement agency, and may [take any action within the director's authority necessary for the enforcement of sections 578.405 to 578.412] **initiate civil legal action in the circuit court of the county where the violation occurred**. The attorney general, the highway patrol, and other law enforcement officials shall provide assistance required in the conduct of an investigation.

2. The director may promulgate rules and regulations necessary for the enforcement of sections 578.405 to 578.412. No rule or portion of a rule promulgated under the authority of sections 578.405 to 578.412 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo."; and

Further amend the title, enacting clause and intersectional references accordingly.

On motion of Representative Legan, **House Amendment No. 7** was adopted.

Representative Jolly offered **House Amendment No. 8**.

House Amendment No. 8

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1577, 1760, 1433, 1430, 1029 & 1700, by inserting in the appropriate location the following:

“491.707. 1. In all prosecutions brought under chapter 566, RSMo, sections 565.050, 565.060, and 565.070, RSMo, sections 568.045, 568.050, 568.060, 568.080, and 568.090, RSMo, and sections 573.025 and 573.040, RSMo, the defendant shall be physically excluded from the room in which any and all discovery deposition proceedings are conducted at which a child victim will testify.

2. As used in this section "child victim" means any person who is less than seventeen years of age.

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

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

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

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

(4) "Confinement":

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

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

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

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

(b) A person is not in confinement if:

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

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

- (5) "Consent": consent or lack of consent may be expressed or implied. Assent does not constitute consent if:
 - (a) It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor; or
 - (b) It is given by a person who by reason of youth, mental disease or defect, or intoxication, is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or
 - (c) It is induced by force, duress or deception;
- (6) "Criminal negligence" has the meaning specified in section 562.016, RSMo;
- (7) "Custody", a person is in custody when the person has been arrested but has not been delivered to a place of confinement;
- (8) "Dangerous felony" means the felonies of arson in the first degree, assault in the first degree, forcible rape, forcible sodomy, kidnapping, murder in the second degree [and], robbery in the first degree, **statutory rape in the first degree when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense, statutory sodomy in the first degree when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense, and abuse of a child pursuant to subdivision (2) of subsection 3 of section 568.060, RSMo;**
- (9) "Dangerous instrument" means any instrument, article or substance, which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury;
- (10) "Deadly weapon" means any firearm, loaded or unloaded, or any weapon from which a shot, readily capable of producing death or serious physical injury, may be discharged, or a switchblade knife, dagger, billy, blackjack or metal knuckles;
- (11) "Felony" has the meaning specified in section 556.016;
- (12) "Forcible compulsion" means either:
 - (a) Physical force that overcomes reasonable resistance; or
 - (b) A threat, express or implied, that places a person in reasonable fear of death, serious physical injury or kidnapping of such person or another person;
- (13) "Incapacitated" means that physical or mental condition, temporary or permanent, in which a person is unconscious, unable to appraise the nature of such person's conduct, or unable to communicate unwillingness to an act. A person is not incapacitated with respect to an act committed upon such person if he or she became unconscious, unable to appraise the nature of such person's conduct or unable to communicate unwillingness to an act, after consenting to the act;
- (14) "Infraction" has the meaning specified in section 556.021;
- (15) "Inhabitable structure" has the meaning specified in section 569.010, RSMo;
- (16) "Knowingly" has the meaning specified in section 562.016, RSMo;
- (17) "Law enforcement officer" means any public servant having both the power and duty to make arrests for violations of the laws of this state, and federal law enforcement officers authorized to carry firearms and to make arrests for violations of the laws of the United States;
- (18) "Misdemeanor" has the meaning specified in section 556.016;
- (19) "Offense" means any felony, misdemeanor or infraction;
- (20) "Physical injury" means physical pain, illness, or any impairment of physical condition;
- (21) "Place of confinement" means any building or facility and the grounds thereof wherein a court is legally authorized to order that a person charged with or convicted of a crime be held;
- (22) "Possess" or "possessed" means having actual or constructive possession of an object with knowledge of its presence. A person has actual possession if such person has the object on his or her person or within easy reach and convenient control. A person has constructive possession if such person has the power and the intention at a given time to exercise dominion or control over the object either directly or through another person or persons. Possession may also be sole or joint. If one person alone has possession of an object, possession is sole. If two or more persons share possession of an object, possession is joint;
- (23) "Public servant" means any person employed in any way by a government of this state who is compensated by the government by reason of such person's employment, any person appointed to a position with any government of this state, or any person elected to a position with any government of this state. It includes, but is not limited to, legislators, jurors, members of the judiciary and law enforcement officers. It does not include witnesses;
- (24) "Purposely" has the meaning specified in section 562.016, RSMo;
- (25) "Recklessly" has the meaning specified in section 562.016, RSMo;

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

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

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

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

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

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

(32) "Voluntary act" has the meaning specified in section 562.011, RSMo.

566.067. 1. A person commits the crime of child molestation in the first degree if he or she subjects another person who is less than fourteen years of age to sexual contact.

2. Child molestation in the first degree is a class B felony unless the actor has previously **pleaded guilty to or been convicted of an offense under this chapter or has pleaded guilty to or been convicted of an offense in another state or jurisdiction which would have constituted an offense pursuant to this chapter if it had been committed in this state**, or in the course thereof the actor inflicts serious physical injury, displays a deadly weapon or deadly instrument in a threatening manner, or the offense is committed as part of a ritual or ceremony, in which case the crime is a class A felony.

566.068. 1. A person commits the crime of child molestation in the second degree if, **being twenty-one years of age or older**, he or she subjects another person who is less than seventeen years of age to sexual contact.

2. Child molestation in the second degree is a class [A misdemeanor] **C felony** unless the actor has previously **pleaded guilty to or been convicted of an offense under this chapter or has pleaded guilty to or been convicted of an offense in another state or jurisdiction which would have constituted an offense pursuant to this chapter if it had been committed in this state**, or in the course thereof the actor inflicts serious physical injury on any person, displays a deadly weapon or dangerous instrument in a threatening manner, or the offense is committed as part of a ritual or ceremony, in which case the crime is a class [D] **B felony**.

566.069. 1. A person commits the crime of child molestation in the third degree if such person subjects another person who is less than fourteen years of age to conduct which would constitute sexual contact except that the touching occurs through the clothing.

2. Child molestation in the third degree is a class D felony unless the actor has previously pleaded guilty to or been convicted of an offense pursuant to this chapter or has pleaded guilty to or been convicted of an offense in another state or jurisdiction which would have constituted an offense pursuant to this chapter if it had been committed in this state, or in the course thereof the actor inflicts serious physical injury, displays a deadly weapon or a dangerous instrument in a threatening manner, or the offense is committed as part of a ritual or ceremony in which case the crime is a class C felony.

566.071. 1. A person commits the crime of child molestation in the fourth degree if being twenty-one years of age or older, such person subjects another person who is less than seventeen years of age to conduct which would constitute sexual contact except that the touching occurs through the clothing.

2. Child molestation in the fourth degree is a class A misdemeanor unless the actor has previously pleaded guilty to or been convicted of an offense pursuant to this chapter or has pleaded guilty to or been convicted of an offense in another state or jurisdiction which would have constituted an offense pursuant to this chapter if it had been committed in this state, or in the course thereof the actor inflicts serious physical injury, displays a deadly weapon or a dangerous instrument in a threatening manner, or the offense is committed as part of a ritual or ceremony in which case the crime is a class D felony.

566.083. 1. A person commits the crime of sexual misconduct involving a child if the person:

(1) Knowingly exposes the person's genitals to a child less than fourteen years of age in a manner that would cause a reasonable adult to believe that the conduct is likely to cause affront or alarm to a child less than fourteen years of age;

(2) Knowingly exposes the person's genitals to a child less than fourteen years of age for the purpose of arousing or gratifying the sexual desire of any person, including the child; or

(3) Coerces a child less than fourteen years of age to expose the child's genitals for the purpose of arousing or gratifying the sexual desire of any person, including the child.

2. As used in this section, the term "sexual act" means any of the following, whether performed or engaged in either with any other person or alone: sexual or anal intercourse, masturbation, bestiality, sadism, masochism, fetishism, fellatio, cunnilingus, any other sexual activity or nudity, if such nudity is to be depicted for the purpose of sexual stimulation or gratification of any individual who may view such depiction.

3. Violation of this section is a class D felony[; except that the second or any subsequent violation of this section] **unless the actor has previously pleaded guilty to or been convicted of an offense pursuant to this chapter or the actor has previously pleaded guilty to or been convicted of an offense against the laws of another state or jurisdiction which would constitute an offense pursuant to this chapter if it had been committed in this state, in which case it is a class C felony.**”; and

Further amend said title, enacting clause, and intersectional references accordingly.

On motion of Representative Jolly, **House Amendment No. 8** was adopted by the following vote:

AYES: 143

Abel	Baker	Ballard	Barnett	Barnitz
Barry 100	Bartelsmeyer	Bartle	Bearden	Behnen
Berkowitz	Black	Boatright	Bonner	Boucher
Bowman	Bray 84	Britt	Burton	Byrd
Campbell	Carnahan	Champion	Cierpiot	Clayton
Cooper	Copenhaver	Crawford	Crowell	Crump
Cunningham	Curls	Daus	Davis	Dempsey
Dolan	Enz	Fares	Farnen	Foley
Franklin	Fraser	Froelker	Gambaro	Gaskill
George	Graham	Gratz	Green 15	Green 73
Griesheimer	Hagan-Harrell	Hampton	Hanaway	Harding
Hartzler	Haywood	Hegeman	Henderson	Hendrickson
Hickey	Hilgemann	Hohulin	Holand	Hollingsworth
Holt	Hoppe	Hosmer	Hunter	Jetton
Johnson 90	Jolly	Jones	Kelley 47	Kelly 27
Kelly 36	King	Koller	Legan	Liese
Long	Lowe	Luetkemeyer	Luetkenhaus	Marble
Marsh	May 149	Mayer	McKenna	Merideth
Miller	Monaco	Moore	Murphy	Myers
Naege	Nordwald	O'Connor	Ostmann	Overschmidt
Paone	Phillips	Portwood	Quinn	Ransdall
Rector	Reid	Reinhart	Relford	Reynolds
Ridgeway	Rizzo	Roark	Robirds	Ross
Scheve	Schwab	Scott	Secrest	Seigfreid
Selby	Shelton	Shields	Shoemaker	Shoemyer
Skaggs	Smith	St. Onge	Surface	Treadway
Van Zandt	Villa	Vogel	Wagner	Walker
Ward	Whorton	Williams	Willoughby	Wilson 25
Wilson 42	Wright	Mr. Speaker		

NOES: 002

Thompson Walton

PRESENT: 003

Bland Boykins Brooks

ABSENT WITH LEAVE: 014

Berkstresser	Burcham	Harlan	Johnson 61	Kelly 144
Lawson	Linton	Lograsso	Mays 50	O'Toole
Purgason	Richardson	Townley	Troupe	

VACANCIES: 001

Representative Abel offered **House Amendment No. 9.**

House Amendment No. 9

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1577, 1760, 1433, 1430, 1029 & 1700, Page 104, Section 3, Lines 7 to 13, by deleting said section.

Representative Hosmer offered **House Substitute Amendment No. 1 for House Amendment No. 9.**

*House Substitute Amendment No. 1
for
House Amendment No. 9*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1577, 1760, 1433, 1430, 1029 & 1700, Page 104, Section 3, Line 7, by deleting the words “probation or”; and on Line 8, by deleting the words “whether by the court or”; and

Further amend on Line 11, by deleting the words “probation or”; and

Further amend on Line 10, by deleting the words “or without”; and

Further amend the title and enacting clause accordingly.

HCS HBs 1577, 1760, 1433, 1430, 1029 & 1700, with House Substitute Amendment No. 1 for House Amendment No. 9, House Amendment No. 9 and HS, as amended, pending, was laid over.

SIGNING OF HOUSE BILL

Having been duly signed in open session of the Senate, **CCS SCS HCS HB 1115** was delivered to the Governor by the Chief Clerk of the House.

On motion of Representative Foley, the House recessed until 1:00 p.m.

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Speaker Kreider.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Nicholas Patrick Russell, Adair Stokan, Heather Lindgren, Kelly Bishop, Natasha Willhite, Amanda Branham, Sarah Brodsky, Eden Soleil Perez, Taylor Barnes, Molly Mehl, Lucy Hanaway, Elizabeth Drake, Emily Drake, Emma Krbey-Hickel, Alicia Wilkins, Ashley Wilkins, Callie Jetton, Emily Jetton, Grace Mosher, Jennifer Toddy, Monica Durrwachter, Jill Steensgard, Crystal Maddolin, Kelly Moncheski, Kelly Rhodes, Molly Quinn, Tracey Purgason, Laura Reid, Valerie Reid, Emily Counce, Loriann Reynolds, Amy Reynolds, Julianne Reynolds, Lisa Moravec, Hannah Moravec, Kristen Eversole, Sarah Harter, Theresa Harter, Cheryl Moonier, Meghan Moonier, Stacy Reynolds, Mary Warner, Lauren Grelle, Sarah Morehead, Peyton Bowman, Sloane Bowman, Catherine Luebbert, Tassi Shafer, Meredith Gibbons, Wendy Shoemyer, Laura Shoemyer, Amy Shoemyer, Christine Selby, Jessica Archer, Jasmine McGee, Jasmine Lowe, Ametra Harris, Miranda Branson, Ashley Hofmann and Lauren Stacey.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

- House Resolution No. 1486 - Representative Treadway
- House Resolution No. 1487 - Representatives Boucher and Carnahan
- House Resolution No. 1488 - Representative Ransdall
- House Resolution No. 1489
and
- House Resolution No. 1490 - Representative Enz
- House Resolution No. 1491
and
- House Resolution No. 1492 - Representative Legan
- House Resolution No. 1493 - Representative Cooper
- House Resolution No. 1494 - Representative Boykins
- House Resolution No. 1495 - Representative Hollingsworth

COMMITTEE REPORTS

Committee on Rules, Joint Rules and Bills Perfected and Printed, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HS HCS HBs 1729, 1589 & 1435**, begs leave to report it has examined the same and finds it to be truly perfected and that the printed copies thereof furnished the members are correct.

Committee on Fiscal Review and Government Reform, Chairman Hollingsworth reporting:

Mr. Speaker: Your Committee on Fiscal Review and Government Reform, to which was referred **HCS HB 1143 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review and Government Reform, to which was referred **HB 1460 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review and Government Reform, to which was referred **HS HCS HB 1962 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

PERFECTION OF HOUSE BILLS

HCS HBs 1577, 1760, 1433, 1430, 1029 & 1700, with House Substitute Amendment No. 1 for House Amendment No. 9, House Amendment No. 9 and HS, as amended, pending, relating to crimes and punishment, was again taken up by Representative Britt.

Representative Clayton resumed the Chair.

Representative Hosmer moved that **House Substitute Amendment No. 1 for House Amendment No. 9** be adopted.

Which motion was defeated by the following vote:

AYES: 057

Barnett	Bartelsmeyer	Bartle	Bearden	Black
Boatright	Boucher	Britt	Burton	Byrd
Champion	Cooper	Crawford	Crowell	Crump
Davis	Dolan	Enz	Froelker	Gaskill
Green 15	Griesheimer	Hagan-Harrell	Hampton	Hanaway
Hegeman	Henderson	Hosmer	Hunter	Jetton
Jolly	Kelley 47	Kelly 36	King	Lawson
Legan	Marble	Marsh	May 149	Miller
Moore	Myers	Portwood	Ransdall	Rector
Rizzo	Roark	Schwab	Scott	Secrest
Shields	Shoemaker	Skaggs	St. Onge	Surface
Treadway	Wright			

NOES: 087

Abel	Barnitz	Berkowitz	Berkstresser	Bland
Bonner	Bowman	Boykins	Brooks	Campbell
Carnahan	Cierpiot	Clayton	Copenhaver	Cunningham
Curls	Daus	Dempsey	Fares	Farnen
Foley	Fraser	Gambara	George	Graham
Gratz	Harding	Hartzler	Haywood	Hendrickson
Hilgemann	Hohulin	Hollingsworth	Holt	Hoppe
Johnson 61	Johnson 90	Jones	Kelly 144	Kelly 27
Koller	Liese	Lograsso	Long	Lowe
Luetkemeyer	Luetkenhaus	Mayer	Mays 50	Merideth
Monaco	Murphy	Naeger	Nordwald	O'Toole
Ostmann	Overschmidt	Paone	Phillips	Purgason
Quinn	Reinhart	Relford	Reynolds	Richardson
Ridgeway	Robirds	Ross	Scheve	Seigfreid

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Selby	Shelton	Shoemyer	Smith	Thompson
Van Zandt	Villa	Wagner	Walker	Walton
Ward	Whorton	Williams	Willoughby	Wilson 25
Wilson 42	Mr. Speaker			

PRESENT: 000

ABSENT WITH LEAVE: 018

Baker	Ballard	Barry 100	Behnen	Bray 84
Burcham	Franklin	Green 73	Harlan	Hickey
Holand	Linton	McKenna	O'Connor	Reid
Townley	Troupe	Vogel		

VACANCIES: 001

On motion of Representative Abel, **House Amendment No. 9** was adopted.

Representative Crowell offered **House Amendment No. 10**.

House Amendment No. 10

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1577, 1760, 1433, 1430, 1029 & 1700, by inserting at the appropriate location the following:

"566.010. As used in this chapter and chapter 568, RSMo, the following terms mean:

- (1) "Deviate sexual intercourse", any act involving the genitals of one person and the hand, mouth, tongue, or anus of another person or a sexual act involving the penetration, however slight, of the male or female sex organ or the anus by a finger, instrument or object done for the purpose of arousing or gratifying the sexual desire of any person;
- (2) "Sexual conduct", sexual intercourse, deviate sexual intercourse or sexual contact;
- (3) "Sexual contact", any touching of another person with the genitals or any touching of the genitals or anus of another person, or the breast of a female person, **or such touching through the clothing**, for the purpose of arousing or gratifying sexual desire of any person;
- (4) "Sexual intercourse", any penetration, however slight, of the female sex organ by the male sex organ, whether or not an emission results."; and

Further amend said bill, by inserting in the appropriate location the following section:

"556.090 1. A person commits the crime of sexual misconduct in the first degree if he has deviate sexual intercourse with another person of the same sex or he purposely subjects another person to sexual contact [or engages in conduct which would constitute sexual contact except that the touching occurs through the clothing] without that person's consent.

2. Sexual misconduct in the first degree is a class A misdemeanor unless the actor has previously been convicted of an offense under this chapter or unless in the course thereof the actor displays a deadly weapon in a threatening manner or the offense is committed as a part of a ritual or ceremony, in which case it is a class D felony."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Crowell, **House Amendment No. 10** was adopted.

Speaker Pro Tem Abel assumed the Chair.

Representative Relford offered **House Amendment No. 11**.

House Amendment No. 11

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1577, 1760, 1433, 1430, 1029 & 1700, by inserting in the appropriate location the following:

"610.021. Except to the extent disclosure is otherwise required by law, a public governmental body is authorized to close meetings, records and votes, to the extent they relate to the following:

(1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of a public government body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of section 610.011, however, the amount of any moneys paid by, or on behalf of, the public governmental body shall be disclosed; provided, however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record;

(2) Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor. However, any minutes, vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public within seventy- two hours after execution of the lease, purchase or sale of the real estate;

(3) Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body must be made available with a record of how each member voted to the public within seventy-two hours of the close of the meeting where such action occurs; provided, however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two-hour period before such decision is made available to the public. As used in this subdivision, the term "personal information" means information relating to the performance or merit of individual employees;

(4) The state militia or national guard or any part thereof;

(5) Nonjudicial mental or physical health proceedings involving identifiable persons, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment;

(6) Scholastic probation, expulsion, or graduation of identifiable individuals, including records of individual test or examination scores; however, personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen years;

(7) Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again;

(8) Welfare cases of identifiable individuals;

(9) Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups;

(10) Software codes for electronic data processing and documentation thereof;

(11) Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid;

(12) Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected;

(13) Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such;

(14) Records which are protected from disclosure by law;

(15) Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest;

(16) Records relating to municipal hot lines established for the reporting of abuse and wrongdoing;

(17) Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product; and

(18) [In preparation for and implementation of electric restructuring, a municipal electric utility may close that portion of its financial records and business plans which contains information regarding the name of the suppliers of services to said utility and the cost of such services, and the records and business plans concerning the municipal electric utility's future marketing and service expansion areas. However, this exception shall not be construed to limit access to other records of a municipal electric utility, including but not limited to the names and addresses of its business and residential customers, its financial reports, including but not limited to its budget, annual reports and other financial statements prepared in the course of business, and other records maintained in the course of doing business as a municipal electric utility. This exception shall become null and void if the state of Missouri fails to implement by December 31, 2001, electric restructuring through the adoption of statutes permitting the same in this state.] **Portions of documents detailing plans or proposals for protection from and response to domestic terrorism, as defined in 18 U.S.C. section 2331, including the protection of critical physical structures and evacuation plans from those structures, protection and response plans relating to the potential contamination of reservoirs, water supplies or sewers, and protection and response plans relating to the damaging of electric or gas utilities; however, information related to the costs budgeted and expended to protect such structures, water supplies, sewers or utilities shall not be a closed record under this exception.**"; and

Further amend said title, enacting clause, and intersectional references accordingly.

On motion of Representative Relford, **House Amendment No. 11** was adopted.

Representative Whorton offered **House Amendment No. 12**.

Representative Britt raised a point of order that **House Amendment No. 12** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Johnson (90) offered **House Amendment No. 12**.

House Amendment No. 12 was withdrawn.

Representative Burton offered **House Amendment No. 12**.

House Amendment No. 12

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1577, 1760, 1433, 1430, 1029 & 1700, by inserting in the appropriate location the following:

“650.057. 1. Except as provided in subsection 3 of this section, no local law enforcement agency may establish or operate a system before January 15, 1992, and unless:

(1) The equipment of the local system is compatible with that of the state system; and

(2) The local system is equipped to receive and answer inquiries from the Missouri DNA profiling system or FBI databank and transmit data to the Missouri DNA profiling system and FBI databank; and

(3) The procedure and rules for the collection, analysis, storage, expungement and use of DNA profiling data do not conflict with procedures and rules applicable to the Missouri system and the FBI DNA databank.

2. The Missouri department of public safety shall adopt rules to implement this section.

3. Nothing in subdivisions (1) and (2) of this section shall prohibit a local law enforcement agency from performing DNA profiling analysis in individual cases to assist law enforcement officials and prosecutors in the

preparation and use of DNA evidence for presentation in court. Implementation of sections 650.050 to 650.057 shall be subject to future appropriations except for section 650.050.

4. Nothing in this section shall prohibit a law enforcement agency from obtaining a saliva sample through the use of a sterile cotton swab for the purpose of obtaining a DNA sample for purposes of DNA analysis as a part of the agency's normal booking process for individuals arrested for any felony violation, if taken in conjunction with the other procedures followed by the law enforcement agency in processing an individual arrested for a felony violation. This subsection does not authorize the drawing of a blood sample for this purpose unless a search warrant is first obtained.”; and

Further amend said title, enacting clause, and intersectional references accordingly.

On motion of Representative Burton, **House Amendment No. 12** was adopted.

Representative Crawford offered **House Amendment No. 13**.

House Amendment No. 13

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1577, 1760, 1433, 1430, 1029 & 1700, by inserting the following new section in the appropriate location:

“568.176. 1. Any person who sells or attempts to sell any person less than eighteen years of age to another or receives money or anything of value in consideration of placing any person less than eighteen years of age in the custody or under the power or control of another, or who buys or attempts to buy any person less than eighteen years of age, or pays money or delivers anything of value to another in consideration of having any person less than eighteen years of age placed in his or her custody or under his or her power or control is guilty of a class B felony.

2. The provisions of this section shall not apply to legitimate adoptions or to legitimate actions by department of corrections officials or county jailers.”.

Representative Smith assumed the Chair.

On motion of Representative Crawford, **House Amendment No. 13** was adopted.

Representative Harding offered **House Amendment No. 14**.

House Amendment No. 14

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1577, 1760, 1433, 1430, 1029 & 1700, by inserting in the appropriate location the following:

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

- (1) "Collision", the act of a motor vehicle coming into contact with an object or a person;**
- (2) "Injury", physical harm to the body of a person;**
- (3) "Motor vehicle", any automobile, truck, truck-tractor, or any motor bus or motor-propelled vehicle not exclusively operated or driven on fixed rails or tracks;**
- (4) "Unattended", not accompanied by an individual [fourteen] twelve years of age or older.**

2. A person commits the crime of leaving a child unattended in a motor vehicle in the first degree if such person knowingly leaves a child ten years of age or less unattended in a motor vehicle and such child fatally injures another person by causing a motor vehicle collision or by causing the motor vehicle to fatally injure a pedestrian. Such person shall be guilty of a class C felony.

3. A person commits the crime of leaving a child unattended in a motor vehicle in the second degree if such person knowingly leaves a child ten years of age or less unattended in a motor vehicle and such child injures another

person by causing a motor vehicle collision or by causing the motor vehicle to injure a pedestrian. Such person shall be guilty of a class A misdemeanor.

4. A person commits the crime of leaving a child unattended in a motor vehicle in the third degree if such person knowingly leaves a child ten years or age or less unattended in a motor vehicle. Such person shall be guilty of a class C misdemeanor."; and

Further amend said title, enacting clause, and intersectional references accordingly.

Representative Harding moved that **House Amendment No. 14** be adopted.

Which motion was defeated.

Representative Reinhart offered **House Amendment No. 15**.

House Amendment No. 15

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1577, 1760, 1433, 1430, 1029 & 1700, Section 566.060, Page 58, Line 8, by inserting immediately after all of said line the following:

"569.020. 1. A person commits the crime of robbery in the first degree when he forcibly steals property and in the course thereof he, or another participant in the crime,

- (1) Causes serious physical injury to any person; or
- (2) Is armed with a deadly weapon; or
- (3) Uses or threatens the immediate use of a dangerous instrument against any person; or
- (4) Displays or threatens the use of what appears to be a deadly weapon or dangerous instrument.

2. Robbery in the first degree is a class A felony, **but notwithstanding any other provision of law, a person convicted pursuant to this section shall not be eligible for suspended execution of sentence, probation, parole, or conditional release until having served a minimum of five years imprisonment if the property taken was a vehicle and if the vehicle had a child under the age of thirteen who is not biologically related or related by adoption to the person convicted in it at the time the vehicle was taken.**

569.030. 1. A person commits the crime of robbery in the second degree when he forcibly steals property.

2. Robbery in the second degree is a class B felony, **but notwithstanding any other provision of law, a person convicted pursuant to this section shall not be eligible for suspended execution of sentence, probation, parole, or conditional release until having served a minimum of five years imprisonment if the property taken was a vehicle and if the vehicle had a child under the age of thirteen who is not biologically related or related by adoption to the person convicted in it at the time the vehicle was taken.";** and

Further amend said bill, Section 570.030, Page 69, Line 4, by inserting immediately after said line the following:

"8. Notwithstanding any other provision of law, a person convicted pursuant to subsection 3 of this section shall not be eligible for suspended execution of sentence, probation, parole, or conditional release until having served a minimum of five years imprisonment if the property taken was a vehicle and if the vehicle had a child under the age of thirteen who is not biologically related or related by adoption to the person convicted in it at the time the vehicle was taken."; and

Further amend said bill, by amending the title, enacting clause and intersectional references accordingly.

On motion of Representative Reinhart, **House Amendment No. 15** was adopted.

Representative Portwood offered **House Amendment No. 16**.

House Amendment No. 16

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1577, 1760, 1433, 1430, 1029 & 1700, by inserting in the appropriate location the following:

- "565.024. 1. A person commits the crime of involuntary manslaughter in the first degree if he **or she**:
- (1) Recklessly causes the death of another person; or
 - (2) While in an intoxicated condition operates a motor vehicle in this state and, when so operating, acts with criminal negligence to cause the death of any person; **or**
 - (3) **While in the process of committing any crime pursuant to chapter 195, RSMo, or while in the process of committing any other crime wherein the sale, distribution, trafficking, possession, use or other activity involving any controlled substance is an element of such crime and the controlled substance is the cause of death of any person and the person's death could have been avoided had aid been summoned.**
2. Involuntary manslaughter in the first degree is a class C felony.
3. A person commits the crime of involuntary manslaughter in the second degree if he acts with criminal negligence to cause the death of any person.
4. Involuntary manslaughter in the second degree is a class D felony."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Portwood, **House Amendment No. 16** was adopted.

Representative Clayton offered **House Amendment No. 17**.

House Amendment No. 17

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1577, 1760, 1433, 1430, 1029 & 1700, by inserting in the appropriate location the following section:

- "304.351. 1. The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway, provided, however, there is no form of traffic control at such intersection.
2. When two vehicles enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the driver of the vehicle on the right. This subsection shall not apply to vehicles approaching each other from opposite directions when the driver of one of such vehicles is attempting to or is making a left turn.
3. The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.
4. The state highways and transportation commission with reference to state highways and local authorities with reference to other highways under their jurisdiction may designate through highways and erect stop signs or yield signs at specified entrances thereto, or may designate any intersection as a stop intersection or as a yield intersection and erect stop signs or yield signs at one or more entrances to such intersection.
- (1) Preferential right-of-way at an intersection may be indicated by stop signs or yield signs as authorized in this section:
- (a) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection, indicated by a stop sign, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic in the intersecting roadway before entering the intersection. After having stopped, the driver shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on the highway as to constitute an immediate hazard during the time when such driver is moving across or within the intersection.
 - (b) The driver of a vehicle approaching a yield sign shall in obedience to the sign slow down to a speed

reasonable to the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time such traffic is moving across or within the intersection.

5. The driver of a vehicle about to enter or cross a highway from an alley, building or any private road or driveway shall yield the right-of-way to all vehicles approaching on the highway to be entered.

6. The driver of a vehicle intending to make a left turn into an alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction when the making of such left turn would create a traffic hazard.

7. The state highways and transportation commission or local authorities with respect to roads under their respective jurisdictions, on any section where construction or major maintenance operations are being effected, may fix a speed limit in such areas by posting of appropriate signs, and the operation of a motor vehicle in excess of such speed limit in the area so posted shall be deemed prima facie evidence of careless and imprudent driving and a violation of section 304.010.

8. Notwithstanding the provisions of section 304.361, violation of this section shall be deemed a class C misdemeanor.

9. In addition to the penalty specified in subsection 8 of this section, any person who pleads guilty to or is found guilty of a violation of this section in which the offender is found to have caused physical injury shall be assessed a court cost of two hundred dollars. The court may issue an order of suspension of such persons driving privilege for a period of thirty days.

10. In addition to the penalty specified in subsection 8 of this section, any person who pleads guilty to or is found guilty of a violation of this section in which the offender is found to have caused serious physical injury shall be assessed a court cost of five hundred dollars. The court may issue an order of suspension of such persons driving privilege for a period of ninety days.

11. In addition to the penalty specified in subsection 8 of this section, any person who pleads guilty to or is found guilty of a violation of this section in which the offender is found to have caused a fatality shall be assessed a court cost of one thousand dollars. The court may issue an order of suspension of such persons driving privilege for a period of six months.

12. Notwithstanding the provisions of any other law to the contrary, all court costs collected pursuant to subsections 9, 10, and 11 of this section shall be deposited in the motorcycle safety trust fund established under section 302.137, RSMo."; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Clayton, **House Amendment No. 17** was adopted.

Representative Jolly offered **House Amendment No. 18**.

House Amendment No. 18

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1577, 1760, 1433, 1430, 1029 & 1700, by inserting in the appropriate location the following:

“544.170. 1. Except as provided in subsection 2 of this section, all persons arrested and confined in any jail or other place of confinement by any peace officer, without warrant or other process, for any alleged breach of the peace or other criminal offense, or on suspicion thereof, shall be discharged from said custody within twenty hours from the time of such arrest, unless they shall be charged with a criminal offense by the oath of some credible person, and be held by warrant to answer to such offense.

2. Upon a determination by the commanding officer, or the delegate thereof, of the law enforcement agency making such an arrest, a person arrested for any [of the following offenses] **felony offense** without warrant or other process of law shall be released from custody within [twenty-four] **thirty-two** hours of arrest, unless the person is charged and held pursuant to a warrant to answer for such offense[:

- (1) First degree murder pursuant to section 565.020, RSMo;
- (2) Second degree murder pursuant to section 565.021, RSMo;
- (3) First degree assault pursuant to section 565.050, RSMo;
- (4) Forcible rape pursuant to section 566.030, RSMo;
- (5) Forcible sodomy pursuant to section 566.060, RSMo;
- (6) First degree robbery pursuant to section 569.020, RSMo; or
- (7) Distribution of drugs pursuant to section 195.211, RSMo].

3. In any confinement to which the provisions of this section apply, the confinee shall be permitted at any reasonable time to consult with counsel or other persons acting on the confinee's behalf.

4. Any person who violates the provisions of this section, by refusing to release any person who is entitled to release pursuant to this section, or by refusing to permit a confinee to consult with counsel or other persons, or who transfers any such confinees to the custody or control of another, or to another place, or who falsely charges such person, with intent to avoid the provisions of this section, is guilty of a class A misdemeanor.”; and

Further amend said title, enacting clause, and intersectional references accordingly

On motion of Representative Jolly, **House Amendment No. 18** was adopted by the following vote:

AYES: 112

Barnett	Barnitz	Barry 100	Bartelsmeyer	Bartle
Bearden	Behnen	Berkowitz	Berkstresser	Black
Boatright	Bonner	Boucher	Britt	Burton
Byrd	Campbell	Carnahan	Champion	Cierpiot
Copenhaver	Crump	Cunningham	Curls	Daus
Davis	Dempsey	Dolan	Enz	Fares
Farnen	Foley	Franklin	Froelker	Gambaro
Gaskill	Griesheimer	Hagan-Harrell	Hanaway	Harding
Hegeman	Henderson	Hendrickson	Hilgemann	Hohulin
Holt	Hoppe	Hosmer	Hunter	Jetton
Johnson 90	Jolly	Kelley 47	Kelly 144	Kelly 27
Kelly 36	Koller	Lawson	Legan	Liese
Lowe	Luetkemeyer	Luetkenhaus	Marble	Marsh
May 149	Mayer	Mays 50	Merideth	Miller
Moore	Myers	Naeger	Ostmann	Overschmidt
Paone	Phillips	Portwood	Purgason	Quinn
Ransdall	Rector	Reinhart	Relford	Richardson
Rizzo	Roark	Robirds	Ross	Scheve
Schwab	Scott	Secrest	Seigfreid	Selby
Shelton	Shields	Shoemaker	Shoemyer	Skaggs
Smith	St. Onge	Surface	Van Zandt	Villa
Vogel	Wagner	Ward	Williams	Willoughby
Wright	Mr. Speaker			

NOES: 018

Bowman	Boykins	Brooks	Clayton	Graham
Harlan	Haywood	Hollingsworth	Johnson 61	Jones
McKenna	Murphy	Reynolds	Thompson	Walker
Walton	Whorton	Wilson 25		

PRESENT: 001

Wilson 42

ABSENT WITH LEAVE: 031

Abel	Baker	Ballard	Bland	Bray 84
Burcham	Cooper	Crawford	Crowell	Fraser
George	Gratz	Green 15	Green 73	Hampton
Hartzler	Hickey	Holand	King	Linton
Lograsso	Long	Monaco	Nordwald	O'Connor
O'Toole	Reid	Ridgeway	Townley	Treadway
Troupe				

VACANCIES: 001

Representative Mayer offered **House Amendment No. 19.**

House Amendment No. 19

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1577, 1760, 1433, 1430, 1029 & 1700, by inserting in the appropriate location the following:

“167.161. 1. The school board of any district, after notice to parents or others having custodial care and a hearing upon charges preferred, may suspend or expel a pupil for conduct which is prejudicial to good order and discipline in the schools or which tends to impair the morale or good conduct of the pupils. In addition to the authority granted in section 167.171, a school board may authorize, by general rule, the immediate removal of a pupil upon a finding by the principal, superintendent, or school board that the pupil poses a threat of harm to such pupil or others, as evidenced by the prior conduct of such pupil. Prior disciplinary actions shall not be used as the sole basis for removal, suspension or expulsion of a pupil. Removal of any pupil who is a student with a disability is subject to state and federal procedural rights. At the hearing upon any such removal, suspension or expulsion, the board shall consider the evidence and statements that the parties present and may consider records of past disciplinary actions, criminal court records or juvenile court records consistent with other provisions of the law, or the actions of the pupil which would constitute a criminal offense. The board may provide by general rule not inconsistent with this section for the procedure and conduct of such hearings. After meeting with the superintendent or his designee to discuss the expulsion, the parent, custodian or the student, if at least eighteen years of age, may, in writing, waive any right to a hearing before the board of education.

2. The school board of any district, after notice to parents or others having custodial care and a hearing upon the matter, may suspend a pupil upon a finding that [the pupil has been charged, convicted or pled guilty in a court of general jurisdiction for the commission of a]:

- (1) Such pupil has been convicted of a felony criminal violation of state or federal law; or**
- (2) An indictment or information has been filed alleging that the pupil has committed a felony criminal violation of state or federal law to which there has been no final judgment; or**
- (3) A petition has been filed pursuant to section 211.091, RSMo, alleging that the pupil has committed an act which if committed by an adult would be a felony criminal violation of state or federal law to which there has been no final judgment; or**

(4) The pupil has been adjudicated to have committed an act which if committed by an adult would be a felony criminal violation of state or federal law. At a hearing required by this subsection, the board shall consider statements that the parties present. The board may provide for the procedure and conduct of such hearings.

3. The school board shall make a good-faith effort to have the parents or others having custodial care present at any such hearing. Notwithstanding any other provision of law to the contrary, student discipline hearings or proceedings related to the rights of students to attend school or to receive academic credit shall not be required to comply with the requirements applicable to contested case hearings as provided in chapter 536, RSMo, provided that appropriate due process procedures shall be observed which shall include the right for a trial de novo by the circuit court.

167.171. 1. The school board in any district, by general rule and for the causes provided in section 167.161, may authorize the summary suspension of pupils by principals of schools for a period not to exceed ten school days and by the superintendent of schools for a period not to exceed one hundred and eighty school days. In case of a suspension by the superintendent for more than ten school days, the pupil, the pupil's parents or others having such pupil's custodial

care may appeal the decision of the superintendent to the board or to a committee of board members appointed by the president of the board which shall have full authority to act in lieu of the board. Any suspension by a principal shall be immediately reported to the superintendent who may revoke the suspension at any time. In event of an appeal to the board, the superintendent shall promptly transmit to it a full report in writing of the facts relating to the suspension, the action taken by the superintendent and the reasons therefor and the board, upon request, shall grant a hearing to the appealing party to be conducted as provided in section 167.161.

2. No pupil shall be suspended unless:

- (1) The pupil shall be given oral or written notice of the charges against such pupil;
- (2) If the pupil denies the charges, such pupil shall be given an oral or written explanation of the facts which form the basis of the proposed suspension;
- (3) The pupil shall be given an opportunity to present such pupil's version of the incident; and
- (4) In the event of a suspension for more than ten school days, where the pupil gives notice that such pupil wishes to appeal the suspension to the board, the suspension shall be stayed until the board renders its decision, unless in the judgment of the superintendent of schools, or of the district superintendent, the pupil's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, in which case the pupil may be immediately removed from school, and the notice and hearing shall follow as soon as practicable.

3. No school board shall readmit or enroll a pupil properly suspended for more than ten consecutive school days for an act of school violence as defined in subsection 2 of section 160.261, RSMo, regardless of whether or not such act was committed at a public school or at a private school in this state, provided that such act shall have resulted in the suspension or expulsion of such pupil in the case of a private school, or otherwise permit such pupil to attend school without first holding a conference to review the conduct that resulted in the expulsion or suspension and any remedial actions needed to prevent any future occurrences of such or related conduct. The conference shall include the appropriate school officials including any teacher employed in that school or district directly involved with the conduct that resulted in the suspension or expulsion, the pupil, the parent or guardian of the pupil or any agency having legal jurisdiction, care, custody or control of the pupil. The school board shall notify in writing the parents or guardians and all other parties of the time, place, and agenda of any such conference. Failure of any party to attend this conference shall not preclude holding the conference. Notwithstanding any provision of this subsection to the contrary, no pupil shall be readmitted or enrolled to a regular program of instruction if:

- (1) Such pupil has been convicted of; or
- (2) An indictment or information has been filed alleging that the pupil has committed one of the acts enumerated in subdivision (4) of this subsection to which there has been no final judgment; or
- (3) A petition has been filed pursuant to section 211.091, RSMo, alleging that the pupil has committed one of the acts enumerated in subdivision (4) of this subsection to which there has been no final judgment; or
- (4) The pupil has been adjudicated to have committed an act which if committed by an adult would be one of the following:
 - (a) First degree murder [under] **pursuant to** section 565.020, RSMo;
 - (b) Second degree murder [under] **pursuant to** section 565.021, RSMo;
 - (c) First degree assault [under] **pursuant to** section 565.050, RSMo;
 - (d) [Forcible rape under section 566.030, RSMo] **Any felony offense established pursuant to chapter 566 or 567, RSMo;**
 - (e) [Forcible sodomy under section 566.060, RSMo;
 - (f) Robbery in the first degree [under] **pursuant to** section 569.020, RSMo;
 - (g) **(f)** Distribution of drugs to a minor [under] **pursuant to** section 195.212, RSMo;
 - (h) **(g)** Arson in the first degree [under] **pursuant to** section 569.040, RSMo;
 - (i) **(h)** Kidnapping, when classified as a class A felony [under] **pursuant to** section 565.110, RSMo.

Nothing in this subsection shall prohibit the readmittance or enrollment of any pupil if a petition has been dismissed, or when a pupil has been acquitted or adjudicated not to have committed any of the above acts. This subsection shall not apply to a student with a disability, as identified under state eligibility criteria, who is convicted or adjudicated guilty as a result of an action related to the student's disability. Nothing in this subsection shall be construed to prohibit a school district which provides an alternative education program from enrolling a pupil in an alternative education program if the district determines such enrollment is appropriate.

4. If a pupil is attempting to enroll in a school district during a suspension or expulsion from another in-state or out-of-state school district including a private, charter or parochial school or school district, a conference with the

superintendent or the superintendent's designee may be held at the request of the parent, court-appointed legal guardian, someone acting as a parent as defined by rule in the case of a special education student, or the pupil to consider if the conduct of the pupil would have resulted in a suspension or expulsion in the district in which the pupil is enrolling. Upon a determination by the superintendent or the superintendent's designee that such conduct would have resulted in a suspension or expulsion in the district in which the pupil is enrolling or attempting to enroll, the school district may make such suspension or expulsion from another school or district effective in the district in which the pupil is enrolling or attempting to enroll. Upon a determination by the superintendent or the superintendent's designee that such conduct would not have resulted in a suspension or expulsion in the district in which the student is enrolling or attempting to enroll, the school district shall not make such suspension or expulsion effective in its district in which the student is enrolling or attempting to enroll.”; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Mayer, **House Amendment No. 19** was adopted.

Representative Johnson (90) offered **House Amendment No. 20**.

House Amendment No. 20

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1577, 1760, 1433, 1430, 1029 & 1700, by inserting the following section at the appropriate location:

- “566.093. 1. A person commits the crime of sexual misconduct in the second degree if he:
- (1) Exposes his genitals under circumstances in which he knows that his conduct is likely to cause affront or alarm **or while being in a public place, other than a restroom or shower room, in the presence of another person or persons;** or
 - (2) Has sexual contact in the presence of a third person or persons under circumstances in which he knows that such conduct is likely to cause affront or alarm **or while being in a public place in the presence of another person or persons;** or
2. Sexual misconduct in the second degree is a class B misdemeanor unless the actor has previously been convicted of an offense under this chapter, in which case it is a class A misdemeanor.
- 566.095. 1. A person commits the crime of sexual misconduct in the third degree if he solicits or requests another person to engage in sexual conduct under circumstances in which he knows that his requests or solicitation is likely to cause affront or alarm **or while being in a public place in the presence of another person or persons.**
2. Sexual misconduct in the third degree is a class C misdemeanor”;

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Johnson (90), **House Amendment No. 20** was adopted.

Representative Carnahan offered **House Amendment No. 21**.

House Amendment No. 21

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1577, 1760, 1433, 1430, 1029 & 1700, by inserting in the appropriate location the following:

- “217.720. 1. At any time during release on parole or conditional release the board may issue a warrant for the arrest of a released offender for violation of any of the conditions of parole or conditional release. The warrant shall authorize any law enforcement officer to return the offender to the actual custody of the correctional center from which the offender was released, or to any other suitable facility designated by the board. If any parole or probation officer has probable cause to believe that such offender has violated a condition of parole or conditional release, the probation

or parole officer may issue a warrant for the arrest of the offender. The probation or parole officer may effect the arrest or may deputize any officer with the power of arrest to do so by giving the officer a copy of the warrant which shall outline the circumstances of the alleged violation and contain the statement that the offender has, in the judgment of the probation or parole officer, violated conditions of parole or conditional release. The warrant delivered with the offender by the arresting officer to the official in charge of any facility designated by the board to which the offender is brought shall be sufficient legal authority for detaining the offender. After the arrest the parole or probation officer shall present to the detaining authorities a similar statement of the circumstances of violation. Pending hearing as hereinafter provided, upon any charge of violation, the offender shall remain in custody or incarcerated without consideration of bail. **In the event the offender is placed in the custody of any jail or medium security institution operated by a county or city not within a county, such offender shall be transferred as soon as possible, and in any event no later than ten days following arrest, to the custody of the Missouri Department of Corrections. Any county or city not within a county that had temporary custody of such an offender shall be reimbursed by the state in such amounts and in such manner as provided in section 221.105.1, RSMo, for the period in which it had custody of said offender prior to transfer. Any such offender shall remain in the custody of the Missouri Department of Corrections except on those days when court appearances are required, and any jail or medium security institution operated by any county or city not within a county accepting custody of such offender on such days shall be reimbursed by the state in such amounts and in such manner as provided in section 221.105.1, RSMo.**

2. If the offender is arrested under the authority granted in subsection 1 of this section, the offender shall have the right to a preliminary hearing on the violation charged unless the offender waives such hearing. Upon such arrest and detention, the parole or probation officer shall immediately notify the board and shall submit in writing a report showing in what manner the offender has violated the conditions of his parole or conditional release. The board shall order the offender discharged from such facility, require as a condition of parole or conditional release the placement of the offender in a treatment center operated by the department of corrections, or shall cause the offender to be brought before it for a hearing on the violation charged, under such rules and regulations as the board may adopt. **Any such hearing shall be held no later than 45 days following the date of arrest.** If the violation is established and found, the board may continue or revoke the parole or conditional release, or enter such other order as it may see fit. If no violation is established and found, then the parole or conditional release shall continue. If at any time during release on parole or conditional release the offender is arrested for a crime which later leads to conviction, and sentence is then served outside the Missouri department of corrections, the board shall determine what part, if any, of the time from the date of arrest until completion of the sentence imposed is counted as time served under the sentence from which the offender was paroled or conditionally released.

3. An offender for whose return a warrant has been issued by the board shall, if it is found that the warrant cannot be served, be deemed to be a fugitive from justice or to have fled from justice. If it shall appear that the offender has violated the provisions and conditions of his parole or conditional release, the board shall determine whether the time from the issuing date of the warrant to the date of his arrest on the warrant, or continuance on parole or conditional release shall be counted as time served under the sentence. In all other cases, time served on parole or conditional release shall be counted as time served under the sentence.

4. At any time during parole or probation, the board may issue a warrant for the arrest of any person from another jurisdiction, the visitation and supervision of whom the board has undertaken pursuant to the provisions of the interstate compact for the supervision of parolees and probationers authorized in section 217.810, for violation of any of the conditions of release, or a notice to appear to answer a charge of violation. The notice shall be served personally upon the person. The warrant shall authorize any law enforcement officer to return the offender to any suitable detention facility designated by the board. Any parole or probation officer may arrest such person without a warrant, or may deputize any other officer with power of arrest to do so by issuing a written statement setting forth that the defendant has, in the judgment of the parole or probation officer, violated the conditions of his release. The written statement delivered with the person by the arresting officer to the official in charge of the detention facility to which the person is brought shall be sufficient legal authority for detaining him. After making an arrest the parole or probation officer shall present to the detaining authorities a similar statement of the circumstances of violation.

217.722. 1. If any probation officer has probable cause to believe that the person on probation has violated a condition of probation, the probation officer may issue a warrant for the arrest of the person on probation. The officer may effect the arrest or may deputize any other officer with the power of arrest to do so by giving the officer a copy of the warrant which will outline the circumstances of the alleged violation and contain the statement that the person on probation has, in the judgment of the probation officer, violated the conditions of probation. The warrant delivered with the offender by the arresting officer to the official in charge of any jail or other detention facility shall be sufficient

authority for detaining the person on probation pending a preliminary hearing on the alleged violation. **In the event the offender is placed in the custody of any jail or medium security institution operated by a county or city not within a county, such offender shall be transferred as soon as possible, and in any event no later than ten days following arrest, to the custody of the Missouri Department of Corrections. Any county or city not within a county that had temporary custody of such an offender shall be reimbursed by the state in such amounts and in such manner as provided in section 221.105.1, RSMo, for the period in which it had custody of said offender prior to transfer. Any such offender shall remain in the custody of the Missouri Department of Corrections except on those days when court appearances are required, and any jail or medium security institution operated by any county or city not within a county accepting custody of such offender on such days shall be reimbursed by the state in such amounts and in such manner as provided in section 221.105.1, RSMo.** Other provisions of law relating to release on bail of persons charged with criminal offenses shall be applicable to persons detained on alleged probation violations.

2. Any person on probation arrested under the authority granted in subsection 1 of this section shall have the right to a preliminary hearing on the violation charged as long as the person on probation remains in custody or unless the offender waives such hearing. The person on probation shall be notified immediately in writing of the alleged probation violation. If arrested in the jurisdiction of the sentencing court, and the court which placed the person on probation is immediately available, the preliminary hearing shall be heard by the sentencing court. Otherwise, the person on probation shall be taken before a judge or associate circuit judge in the county of the alleged violation or arrest having original jurisdiction to try criminal offenses or before an impartial member of the staff of the Missouri board of probation and parole, and the preliminary hearing shall be held as soon as possible after the arrest, **and in any event no later than 14 days following the date of arrest.** Such preliminary hearings shall be conducted as provided by rule of court or by rules of the Missouri board of probation and parole. If it appears that there is probable cause to believe that the person on probation has violated a condition of probation, or if the person on probation waives the preliminary hearing, the judge or associate circuit judge, or member of the staff of the Missouri board of probation and parole shall order the person on probation held for further proceedings in the sentencing court. If probable cause is not found, the court shall not be barred from holding a hearing on the question of the alleged violation of a condition of probation nor from ordering the person on probation to be present at such a hearing.

3. Upon such arrest and detention, the probation officer shall immediately notify the sentencing court and shall submit to the court a written report showing in what manner the person on probation has violated the conditions of probation. Thereupon, or upon arrest by warrant, the court shall cause the person on probation to be brought before it without unnecessary delay **and in any event no later than 45 days following the date of arrest, unless extended for good cause,** for a hearing on the violation charged. Revocation hearings shall be conducted as provided by rule of court.”; and

Further amend the title, enacting clause, and intersectional references accordingly.

On motion of Representative Carnahan, **House Amendment No. 21** was adopted.

Representative Griesheimer offered **House Amendment No. 22.**

House Amendment No. 22

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1577, 1760, 1433, 1430, 1029 & 1700, by inserting in the appropriate location the following:

“571.070. 1. A person commits the crime of unlawful possession of a [concealable] firearm if he has any [concealable] firearm in his possession and:

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

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

2. Unlawful possession of a concealable firearm is a class C felony.”; and

Further amend said title, enacting clause, and intersectional references accordingly.

On motion of Representative Griesheimer, **House Amendment No. 22** was adopted.

Representative Naeger offered **House Amendment No. 23**.

House Amendment No. 23

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1577, 1760, 1433, 1430, 1029 & 1700, by inserting in the appropriate location the following:

"577.054. 1. After a period of not less than ten years, an individual who has pleaded guilty or has been convicted for a first alcohol-related driving offense which is a misdemeanor or a county or city ordinance violation and which is not a conviction for driving a commercial motor vehicle while under the influence of alcohol and who since such date has not been convicted of any other alcohol-related driving offense may apply to the court in which he pled guilty or was sentenced for an order to expunge from all official records all recordations of his arrest, plea, trial or conviction. If the court determines, after hearing, that such person has not been convicted of any alcohol-related driving offense in the ten years prior to the date of the application for expungement, and has no other alcohol-related enforcement contacts as defined in section 302.525, RSMo, during that ten-year period, the court shall enter an order of expungement. The effect of such order shall be to restore such person to the status he occupied prior to such arrest, plea or conviction and as if such event had never taken place. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his failure to recite or acknowledge such arrest, plea, trial, conviction or expungement in response to any inquiry made of him for any purpose whatsoever and no such inquiry shall be made for information relating to an expungement under this section. A person shall only be entitled to one expungement pursuant to this section. Nothing contained in this section shall prevent the director from maintaining such records as to ensure that an individual receives only one expungement pursuant to this section for the purpose of informing the proper authorities of the contents of any record maintained pursuant to this section.

2. **The director of revenue shall expunge all official records and recordations maintained by the department of revenue of any suspensions, revocations, or other administrative disciplinary actions taken by the director of revenue as the result of or arising out of or related to the arrest, plea, trial, or conviction of any person for any offense for which the court has ordered expungement pursuant to subsection 1 of this section. Nothing contained in this subsection shall prevent the director of revenue from maintaining such records as are necessary to ensure that an individual receives only one expungement pursuant to subsection 1 of this section, provided that these records or the information contained therein shall only be released to the court where such person plead guilty to or nolo contendere to or was found guilty of the offense which was ordered expunged.”;** and

Further amend said title, enacting clause, and intersectional references accordingly.

On motion of Representative Naeger, **House Amendment No. 23** was adopted.

Representative Clayton offered **House Amendment No. 24**.

House Amendment No. 24

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1577, 1760, 1433, 1430, 1029 & 1700, by inserting the following in the appropriate location:

“Section 1. Notwithstanding the provisions of section 302.309.3(5), RSMo, to the contrary, a person cannot be denied a limited driving privilege for the reason that the person had been granted such a privilege within the immediately preceding five years.”.

Representative Hosmer raised a point of order that **House Amendment No. 24** goes beyond the scope of the bill.

Representative Smith requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

On motion of Representative Clayton, **House Amendment No. 24** was adopted by the following vote:

AYES: 083

Abel	Baker	Barry 100	Bartelsmeyer	Behnen
Berkowitz	Berkstresser	Black	Bland	Bonner
Boucher	Boykins	Bray 84	Britt	Brooks
Campbell	Carnahan	Champion	Cierpiot	Clayton
Copenhaver	Crump	Curls	Davis	Dolan
Fares	Farnen	Foley	Franklin	Fraser
Froelker	Gaskill	George	Graham	Gratz
Green 15	Green 73	Griesheimer	Hagan-Harrell	Hampton
Hartzler	Haywood	Hickey	Hilgemann	Holand
Hollingsworth	Holt	Hoppe	Jetton	Johnson 61
Jones	King	Liese	Long	Lowe
Luetkenhaus	May 149	Mays 50	McKenna	Monaco
Murphy	Myers	Naeger	O'Toole	Ostmann
Overschmidt	Paone	Portwood	Quinn	Ransdall
Relford	Reynolds	Robirds	Seigfreid	Treadway
Walker	Walton	Ward	Whorton	Williams
Wilson 25	Wilson 42	Mr. Speaker		

NOES: 062

Barnett	Barnitz	Bartle	Bearden	Boatright
Burton	Byrd	Cooper	Crawford	Cunningham
Daus	Enz	Gambaro	Hanaway	Harding
Henderson	Hendrickson	Hohulin	Hosmer	Hunter
Johnson 90	Jolly	Kelley 47	Kelly 144	Kelly 27
Kelly 36	Koller	Lawson	Legan	Marble
Mayer	Merideth	Miller	Moore	Phillips
Purgason	Rector	Reid	Reinhart	Richardson
Rizzo	Roark	Ross	Scheve	Schwab
Scott	Secrest	Selby	Shelton	Shields
Shoemaker	Shoemyer	Skaggs	Smith	St. Onge
Surface	Townley	Van Zandt	Villa	Vogel
Willoughby	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 017

Ballard	Bowman	Burcham	Crowell	Dempsey
Harlan	Hegeman	Linton	Lograsso	Luetkemeyer
Marsh	Nordwald	O'Connor	Ridgeway	Thompson
Troupe	Wagner			

VACANCIES: 001

Representative Reid offered House Amendment No. 25.

House Amendment No. 25

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1577, 1760, 1433, 1430, 1029 & 1700, by inserting in the appropriate location the following:

“547.170. In all cases where an appeal or writ of error is prosecuted from a judgment in a criminal cause, except where the defendant is under sentence of death or imprisonment in the penitentiary for life, or a sentence of imprisonment for a violation of sections 195.222, RSMo, 565.021, RSMo, 565.050, RSMo, [or] subsections 1 and 2 of section 566.030, **566.032, 566.040, 566.060, 566.062, 566.070, or 566.100**, RSMo, any court or officer authorized to order a stay of proceedings under the preceding provisions may allow a writ of habeas corpus, to bring up the defendant, and may thereupon let him to bail upon a recognizance, with sufficient sureties, to be approved by such court or judge.”; and

Further amend said title, enacting clause, and intersectional references accordingly.

Speaker Pro Tem Abel resumed the Chair.

On motion of Representative Reid, **House Amendment No. 25** was adopted.

Representative Naeger offered House Amendment No. 26.

House Amendment No. 26

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1577, 1760, 1433, 1430, 1029 & 1700, by inserting in the appropriate location the following:

"577.600. 1. In addition to any other provisions of law, a court may require that any person who is found guilty of or pleads guilty to a first **or second** intoxication-related traffic offense, as defined in section 577.023, [and a court shall require that any person who is found guilty of or pleads guilty to a second or subsequent intoxication-related traffic offense, as defined in section 577.023,] shall not operate any motor vehicle unless that vehicle is equipped with a functioning, certified ignition interlock device for a period of not less than one month from the date [of reinstatement of the person's driver's license. In addition, any court authorized to grant a limited driving privilege under section 302.309, RSMo, to any person who is found guilty of or pleads guilty to a second or subsequent intoxication-related traffic offense shall require the use of an ignition interlock device on all vehicles operated by the person as a required condition of the limited driving privilege] **such person was placed on probation and required to use the device**. Any person required to use an ignition interlock device shall comply with the court order, subject to the penalties provided by this section.

2. No person shall knowingly rent, lease or lend a motor vehicle to a person known to have had that person's driving privilege restricted as provided in subsection 1 of this section, unless the vehicle is equipped with a functioning, certified ignition interlock device. Any person whose driving privilege is restricted as provided in subsection 1 of this section shall notify any other person who rents, leases or loans a motor vehicle to that person of the driving restriction imposed pursuant to this section.

3. **Notwithstanding the provisions of chapter 302, RSMo, the department of revenue shall not, as a result of a first or second intoxication-related traffic offense, suspend or revoke the driving privilege of any person who is found guilty of or pleads guilty to a first or second intoxication-related traffic offense, as defined in section 577.023, and who is required to use an ignition interlock device pursuant to subsection 1 of this section.**

4. Any person convicted of a violation of this section shall be guilty of a class A misdemeanor."; and

Further amend said title, enacting clause, and intersectional references accordingly.

On motion of Representative Naeger, **House Amendment No. 26** was adopted.

Representative Bartle offered **House Amendment No. 27**.

Representative Britt raised a point of order that **House Amendment No. 27** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Bray offered **House Amendment No. 27**.

House Amendment No. 27

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1577, 1760, 1433, 1430, 1029 & 1700, Section 558.019, Page 45, Line 15, by placing an open bracket before the word "The" on said Line; and

Further amend said bill, Section 558.019, Page 45, Line 18, by inserting a close bracket after the word "therefor" on said Line; and

Further amend said bill, Section 558.019, Page 45, Line 20, by placing brackets around the phrase "death penalty" on said Line; and

Further amend said bill, Section 558.019, Page 46, Line 11, by inserting an open bracket before the word "commission" on said Line; and

Further amend said bill, Section 558.019, Page 46, Line 17, by inserting a close bracket after the second occurrence of the word "the" on said Line; and

Further amend said bill by inserting in the appropriate location the following:

"565.020. 1. A person commits the crime of murder in the first degree if [he] **such person** knowingly causes the death of another person after deliberation upon the matter.

2. Murder in the first degree is a class A felony, and the punishment shall be [either death or] imprisonment for life without eligibility for probation or parole, or release except by act of the governor[; except that, if a person has not reached his sixteenth birthday at the time of the commission of the crime, the punishment shall be imprisonment for life without eligibility for probation or parole, or release except by act of the governor].

565.040. [1. In the event that the death penalty provided in this chapter is held to be unconstitutional,] Any person convicted of murder in the first degree [shall be] **and** sentenced by the court **to death hereafter has such sentence commuted** to life imprisonment without eligibility for probation, parole, or release except by act of the governor[, with the exception that when a specific aggravating circumstance found in a case is held to be unconstitutional or invalid for another reason, the supreme court of Missouri is further authorized to remand the case for resentencing or retrial of the punishment pursuant to subsection 5 of section 565.036.

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

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

[546.680. When judgment of death is rendered by any court of competent jurisdiction, a warrant signed by the judge and attested by the clerk under the seal of the court must be drawn and delivered to the sheriff. It must state the conviction and judgment and appoint a day on which the judgment must be executed, which must not be less than thirty nor more than sixty days from the date of judgment, and must direct the sheriff to deliver the defendant, at a time specified in said order, not more than ten days from the date of judgment, to the chief administrative officer of a correctional facility of the department of corrections, for execution.]

[546.710. Upon such convicted offender being brought before the court, they shall proceed to inquire into the facts, and if no legal reasons exist against the execution of sentence, such court shall issue a warrant to the director of the department of corrections, for the execution of the prisoner at the time therein specified, which execution shall be obeyed by the director accordingly.]

[546.720. The manner of inflicting the punishment of death shall be by the administration of lethal gas or by means of the administration of lethal injection. And for such purpose the director of the department of corrections is hereby authorized and directed to provide a suitable and efficient room or place, enclosed from public view, within the walls of a correctional facility of the department of corrections, and the necessary appliances for carrying into execution the death penalty by means of the administration of lethal gas or by means of the administration of lethal injection.]

[546.730. A judgment of death must be executed within a correctional center of the department of corrections; and such execution shall be under the supervision and direction of the director of the department of corrections.]

[546.740. The chief administrative officer of the correctional center, or his duly appointed representative shall be present at the execution and the director of the department of corrections shall invite the presence of the attorney general of the state, and at least eight reputable citizens, to be selected by him; and he shall at the request of the defendant, permit such clergy or religious leaders, not exceeding two, as the defendant may name, and any person, other than another incarcerated offender, relatives or friends, not to exceed five, to be present at the execution, together with such peace officers as he may think expedient, to witness the execution; but no person under twenty-one years of age shall be allowed to witness the execution.]

[546.750. After the execution the chief administrative officer of the correctional facility shall make a return upon the death warrant to the court by which the judgment was rendered, showing the time, mode and manner in which it was executed.]

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

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

(2) If a statutory aggravating circumstance or circumstances is proven beyond a reasonable doubt, whether the evidence as a whole justifies a sentence of death or a sentence of life imprisonment without eligibility for probation, parole, or release except by act of the governor. In determining the issues enumerated in subdivisions (1) and (2) of this subsection, the trier shall consider all evidence which it finds to be in aggravation or mitigation of punishment, including evidence received during the first stage of the trial and evidence supporting any of the statutory aggravating or mitigating circumstances set out in subsections 2 and 3 of this section. If the trier is a jury, it shall not be instructed upon any specific evidence which may be in aggravation or mitigation of punishment, but shall be instructed that each juror shall consider any evidence which he considers to be aggravating or mitigating.

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

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

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

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

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

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

former assistant prosecuting attorney, assistant circuit attorney or former assistant circuit attorney, peace officer or former peace officer, elected official or former elected official during or because of the exercise of his official duty;

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

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

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

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

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

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

(12) The murdered individual was a witness or potential witness in any past or pending investigation or past or pending prosecution, and was killed as a result of his status as a witness or potential witness;

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

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

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

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

(17) The murder was committed during the commission of a crime which is part of a pattern of criminal street gang activity as defined in section 578.421.

3. Statutory mitigating circumstances shall include the following:

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

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

(3) The victim was a participant in the defendant's conduct or consented to the act;

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

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

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

(7) The age of the defendant at the time of the crime.]; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Bray moved that **House Amendment No. 27** be adopted.

Which motion was defeated by the following vote:

AYES: 032

Bland	Boucher	Bowman	Boykins	Bray 84
Brooks	Campbell	Curls	Daus	Farnen
Fraser	Gambaro	Harding	Harlan	Haywood
Hilgemann	Jones	Liese	McKenna	O'Connor

Paone	Reynolds	Rizzo	Selby	Skaggs
Thompson	Van Zandt	Walker	Walton	Williams
Wilson 25	Wilson 42			

NOES: 104

Abel	Baker	Ballard	Barnett	Barry 100
Bartelsmeyer	Bartle	Bearden	Berkowitz	Berkstresser
Black	Boatright	Bonner	Britt	Burton
Byrd	Carnahan	Champion	Clayton	Cooper
Copenhaver	Crawford	Crump	Cunningham	Davis
Enz	Fares	Foley	Franklin	Gaskill
George	Graham	Gratz	Green 15	Green 73
Griesheimer	Hagan-Harrell	Hampton	Hanaway	Hartzler
Hegeman	Henderson	Hendrickson	Hickey	Hohulin
Holand	Hollingsworth	Holt	Hoppe	Hosmer
Hunter	Jetton	Johnson 90	Kelley 47	Kelly 144
Kelly 27	Kelly 36	King	Lawson	Legan
Lograsso	Long	Luetkenhaus	Marble	May 149
Mayer	Mays 50	Merideth	Miller	Monaco
Moore	Myers	Naeger	O'Toole	Ostmann
Overschmidt	Phillips	Purgason	Quinn	Ransdall
Rector	Reid	Relford	Ridgeway	Roark
Robirds	Ross	Schwab	Scott	Secrest
Seigfreid	Shields	Shoemaker	Shoemyer	Smith
St. Onge	Surface	Townley	Villa	Wagner
Whorton	Willoughby	Wright	Mr. Speaker	

PRESENT: 000

ABSENT WITH LEAVE: 026

Barnitz	Behnen	Burcham	Cierpiot	Crowell
Dempsey	Dolan	Froelker	Johnson 61	Jolly
Koller	Linton	Lowe	Luetkemeyer	Marsh
Murphy	Nordwald	Portwood	Reinhart	Richardson
Scheve	Shelton	Treadway	Troupe	Vogel
Ward				

VACANCIES: 001

Representative Gratz requested a verification of the roll call on the motion to adopt **House Amendment No. 27**.

Representative Scott offered **House Amendment No. 28**.

House Amendment No. 28

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1577, 1760, 1433, 1430, 1029 & 1700, by inserting the following section in the appropriate location:

"302.341. **1.** If a Missouri resident charged with a moving traffic violation of this state or any county or municipality of this state fails to dispose of the charges of which he **or she** is accused through authorized prepayment of fine and court costs and fails to appear on the return date or at any subsequent date to which the case has been continued, or without good cause fails to pay any fine or court costs assessed against him **or her** for any such violation within the period of time specified or in such installments as approved by the court or as otherwise provided by law,

any court having jurisdiction over the charges shall within ten days of the failure to comply inform the defendant by ordinary mail at the last address shown on the court records that the court will order the director of revenue to suspend the defendant's driving privileges if the charges are not disposed of and fully paid within thirty days from the date of mailing. Thereafter, if the defendant fails to timely act to dispose of the charges and fully pay any applicable fines and court costs, the court shall notify the director of revenue of such failure and of the pending charges against the defendant. Upon receipt of this notification, the director shall suspend the license of the driver, effective immediately, and provide notice of the suspension to the driver at the last address for the driver shown on the records of the department of revenue. Such suspension shall remain in effect until the court with the subject pending charge requests setting aside the noncompliance suspension pending final disposition, or satisfactory evidence of disposition of pending charges and payment of fine and court costs, if applicable, is furnished to the director by the individual. Upon proof of disposition of charges and payment of fine and court costs, if applicable, and payment of the reinstatement fee as set forth in section 302.304, the director shall reinstate the license. The filing of financial responsibility with the bureau of safety responsibility, department of revenue, shall not be required as a condition of reinstatement of a driver's license suspended solely under the provisions of this section. If any city, town, or village receives more than [forty-five] **thirty-five** percent of its [total] annual **general operating** revenue from fines **and court costs** for traffic violations occurring on state highways, all revenues from such violations in excess of [forty-five] **thirty-five** percent of the [total] annual **general operating** revenue of the city, town, or village shall be sent to the director of the department of revenue and shall be distributed annually to the schools of the county in the same manner that proceeds of all penalties, forfeitures and fines collected for any breach of the penal laws of the state are distributed. For the purpose of this section the words "state highways" shall mean any state or federal highway, including any such highway continuing through the boundaries of a city, town or village with a designated street name other than the state highway number.

2. If any city, town, or village fails to send such excess revenues to the director of the department of revenue in a timely fashion which shall be set forth by the director by rule, such city, town, or village shall submit to an annual audit by the state auditor pursuant to the authority of Article IV, Section 13 of the Missouri Constitution. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo. "; and

Further amend the title and enacting clause accordingly.

On motion of Representative Scott, **House Amendment No. 28** was adopted.

Representative Riback Wilson (25) offered **House Amendment No. 29**.

House Amendment No. 29

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1577, 1760, 1433, 1430, 1029 & 1700, by inserting in the appropriate location the following:

“Section 7. Possession of a firearm shall be unlawful for any person:

(1) Who is subject to a court order that:

(a) Was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

(b) Restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

(c) Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child, or by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

(2) Who has been convicted in any court pursuant to the provisions of section 565.072, 565.073 or 565.074.

(3) Violation of this section shall be a Class A misdemeanor.”; and

Further amend the title, enacting clause and intersectional references accordingly.

On motion of Representative Riback Wilson (25), **House Amendment No. 29** was adopted.

Representative Shields offered **House Amendment No. 30**.

House Amendment No. 30

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1577, 1760, 1433, 1430, 1029 & 1700, by inserting in the appropriate location the following:

"630.140. 1. Information and records compiled, obtained, prepared or maintained by the residential facility, day program operated, funded or licensed by the department or otherwise, specialized service, or by any mental health facility or mental health program in which people may be civilly detained pursuant to chapter 632, RSMo, in the course of providing services to either voluntary or involuntary patients, residents or clients shall be confidential.

2. The facilities or programs shall disclose information and records including medication given, dosage levels, and individual ordering such medication to the following upon their request:

(1) The parent of a minor patient, resident or client;
(2) The guardian or other person having legal custody of the patient, resident or client;
(3) The attorney of a patient, resident or client who is a ward of the juvenile court, an alleged incompetent, an incompetent ward or a person detained under chapter 632, RSMo, as evidenced by court orders of the attorney's appointment;

(4) An attorney or personal physician as authorized by the patient, resident or client;
(5) Law enforcement officers and agencies, information about patients, residents or clients committed pursuant to chapter 552, RSMo, but only to the extent necessary to carry out the responsibilities of their office, and all such law enforcement officers shall be obligated to keep such information confidential;

(6) The entity or agency authorized to implement a system to protect and advocate the rights of persons with developmental disabilities under the provisions of 42 U.S.C. 6042. The entity or agency shall be able to obtain access to the records of a person with developmental disabilities who is a client of the entity or agency if such person has authorized the entity or agency to have such access; and the records of any person with developmental disabilities who, by reason of mental or physical condition is unable to authorize the entity or agency to have such access, if such person does not have a legal guardian, conservator or other legal representative, and a complaint has been received by the entity or agency with respect to such person or there is probable cause to believe that such person has been subject to abuse or neglect. The entity or agency obtaining access to a person's records shall meet all requirements for confidentiality as set out in this section;

(7) The entity or agency authorized to implement a system to protect and advocate the rights of persons with mental illness under the provisions of 42 U.S.C. 10801 shall be able to obtain access to the records of a patient, resident or client who by reason of mental or physical condition is unable to authorize the system to have such access, who does not have a legal guardian, conservator or other legal representative and with respect to whom a complaint has been received by the system or there is probable cause to believe that such individual has been subject to abuse or neglect. The entity or agency obtaining access to a person's records shall meet all requirements for confidentiality as set out in this section. The provisions of this subdivision shall apply to a person who has a significant mental illness or impairment as determined by a mental health professional qualified under the laws and regulations of the state;

(8) To mental health coordinators, but only to the extent necessary to carry out their duties under chapter 632, RSMo.

3. The facilities or services may disclose information and records under any of the following:

(1) As authorized by the patient, resident or client;
(2) To persons or agencies responsible for providing health care services to such patients, residents or clients;
(3) To the extent necessary for a recipient to make a claim or for a claim to be made on behalf of a recipient for aid or insurance;

(4) To qualified personnel for the purpose of conducting scientific research, management audits, financial audits, program evaluations or similar studies; provided, that such personnel shall not identify, directly or indirectly, any individual patient, resident or client in any report of such research, audit or evaluation, or otherwise disclose patient, resident or client identities in any manner;

(5) To the courts as necessary for the administration of chapter 211, RSMo, 475, RSMo, 552, RSMo, or 632,

RSMo;

(6) To law enforcement officers or public health officers, but only to the extent necessary to carry out the responsibilities of their office, and all such law enforcement and public health officers shall be obligated to keep such information confidential;

(7) Pursuant to an order of a court or administrative agency of competent jurisdiction;

(8) To the attorney representing petitioners, but only to the extent necessary to carry out their duties under chapter 632, RSMo;

(9) To the department of social services **or the department of health and senior services** as necessary to report or have investigated abuse, neglect, or rights violations of patients, residents, or clients;

(10) To a county board established pursuant to sections 205.968 to 205.972, RSMo 1986, but only to the extent necessary to carry out their statutory responsibilities. The county board shall not identify, directly or indirectly, any individual patient, resident or client.

4. The facility or program shall document the dates, nature, purposes and recipients of any records disclosed under this section and sections 630.145 and 630.150.

5. The records and files maintained in any court proceeding under chapter 632, RSMo, shall be confidential and available only to the patient, his attorney, guardian, or, in the case of a minor, to a parent or other person having legal custody of the patient, and to the petitioner and his attorney. In addition, the court may order the release or use of such records or files only upon good cause shown, and the court may impose such restrictions as the court deems appropriate.

6. Nothing contained in this chapter shall limit the rights of discovery in judicial or administrative procedures as otherwise provided for by statute or rule.

7. The fact of admission of a voluntary or involuntary patient to a mental health facility under chapter 632, RSMo, may only be disclosed as specified in subsections 2 and 3 of this section.

630.167. 1. Upon receipt of a report, the department or its agents, contractors or vendors or the department of health and senior services, if such facility or program is licensed pursuant to chapter 197, RSMo, shall initiate an investigation within twenty-four hours.

2. If the investigation indicates possible abuse or neglect of a patient, resident or client, the investigator shall refer the complaint together with the investigator's report to the department director for appropriate action. If, during the investigation or at its completion, the department has reasonable cause to believe that immediate removal from a facility not operated or funded by the department is necessary to protect the residents from abuse or neglect, the department or the local prosecuting attorney may, or the attorney general upon request of the department shall, file a petition for temporary care and protection of the residents in a circuit court of competent jurisdiction. The circuit court in which the petition is filed shall have equitable jurisdiction to issue an ex parte order granting the department authority for the temporary care and protection of the resident for a period not to exceed thirty days.

3. (1) Reports referred to in section 630.165 and the investigative reports referred to in this section shall be confidential, shall not be deemed a public record, and shall not be subject to the provisions of section 109.180, RSMo, or chapter 610, RSMo; except that: complete copies all such reports shall be open and available to the parents or other guardian of the patient, resident, or client who is the subject of such report, except that the names and any other descriptive information of the complainant or other person mentioned in the reports shall not be disclosed unless such complainant or person specifically consents to such disclosure. All reports referred to in this section shall be admissible in any judicial proceedings or hearing in accordance with section 36.390, RSMo, or any administrative hearing before the director of the department of mental health, or the director's designee. All such reports may be disclosed by the department of mental health to law enforcement officers and public health officers, but only to the extent necessary to carry out the responsibilities of their offices, and to the department of social services, **to the department of health and senior services**, and to boards appointed pursuant to sections 205.968 to 205.990, RSMo, that are providing services to the patient, resident or client as necessary to report or have investigated abuse, neglect, or rights violations of patients, residents or clients provided that all such law enforcement officers, public health officers, department of social services' officers, **department of health and senior services' officers**, and boards shall be obligated to keep such information confidential;

(2) Except as otherwise provided in this section, the proceedings, findings, deliberations, reports and minutes of committees of health care professionals as defined in section 537.035, RSMo, or mental health professionals as defined in section 632.005, RSMo, who have the responsibility to evaluate, maintain, or monitor the quality and utilization of mental health services are privileged and shall not be subject to the discovery, subpoena or other means of legal compulsion for their release to any person or entity or be admissible into evidence into any judicial or administrative action for failure to provide adequate or appropriate care. Such committees may exist, either within

department facilities or its agents, contractors, or vendors, as applicable. Except as otherwise provided in this section, no person who was in attendance at any investigation or committee proceeding shall be permitted or required to disclose any information acquired in connection with or in the course of such proceeding or to disclose any opinion, recommendation or evaluation of the committee or board or any member thereof; provided, however, that information otherwise discoverable or admissible from original sources is not to be construed as immune from discovery or use in any proceeding merely because it was presented during proceedings before any committee or in the course of any investigation, nor is any member, employee or agent of such committee or other person appearing before it to be prevented from testifying as to matters within their personal knowledge and in accordance with the other provisions of this section, but such witness cannot be questioned about the testimony or other proceedings before any investigation or before any committee;

(3) Nothing in this section shall limit authority otherwise provided by law of a health care licensing board of the state of Missouri to obtain information by subpoena or other authorized process from investigation committees or to require disclosure of otherwise confidential information relating to matters and investigations within the jurisdiction of such health care licensing boards; provided, however, that such information, once obtained by such board and associated persons, shall be governed in accordance with the provisions of this subsection;

(4) Nothing in this section shall limit authority otherwise provided by law in subdivisions (5) and (6) of subsection 2 of section 630.140 concerning access to records by the entity or agency authorized to implement a system to protect and advocate the rights of persons with developmental disabilities under the provisions of 42 U.S.C. 6042 and the entity or agency authorized to implement a system to protect and advocate the rights of persons with mental illness under the provisions of 42 U.S.C. 10801. In addition, nothing in this section shall serve to negate assurances that have been given by the governor of Missouri to the U.S. Administration on Developmental Disabilities, Office of Human Development Services, Department of Health and Human Services concerning access to records by the agency designated as the protection and advocacy system for the state of Missouri. However, such information, once obtained by such entity or agency, shall be governed in accordance with the provisions of this subsection.

4. Anyone who makes a report pursuant to this section or who testifies in any administrative or judicial proceeding arising from the report shall be immune from any civil liability for making such a report or for testifying unless such person acted in bad faith or with malicious purpose.

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

6. No person who directs or exercises any authority in a residential facility, day program or specialized service shall evict, harass, dismiss or retaliate against a patient, resident or client or employee because he or she or any member of his or her family has made a report of any violation or suspected violation of laws, ordinances or regulations applying to the facility which he or she has reasonable cause to believe has been committed or has occurred.

7. Any person who is discharged as a result of an administrative substantiation of allegations contained in a report of abuse or neglect may, after exhausting administrative remedies as provided in chapter 36, RSMo, appeal such decision to the circuit court of the county in which such person resides within ninety days of such final administrative decision. The court may accept an appeal up to twenty-four months after the party filing the appeal received notice of the department's determination, upon a showing that:

- (1) Good cause exists for the untimely commencement of the request for the review;
 - (2) If the opportunity to appeal is not granted it will adversely affect the party's opportunity for employment;
- and

- (3) There is no other adequate remedy at law.

630.170. 1. A person **listed on the department of mental health disqualification registry pursuant to this section, a person listed on the department of social services or the department of health and senior services employee disqualification list pursuant to section 660.315, RSMo, a person convicted of, or who entered a plea of guilty or nolo contendere to**, any crime pursuant to section 630.155 or 630.160 shall be disqualified from holding any position in any public or private facility or day program operated, funded or licensed by the department or in any mental health facility or mental health program in which people are admitted on a voluntary or involuntary basis or are civilly detained pursuant to chapter 632, RSMo.

2. A person convicted of, **or who entered a plea of guilty or nolo contendere to**, any felony offense against persons as defined in chapter 565, RSMo; of any felony sexual offense as defined in chapter 566, RSMo; of any felony offense defined in section **568.020**, 568.045, 568.050, 568.060, 569.020, **569.025**, 569.030, **569.035**, 569.040 [or], 569.050, **560.070**, **or 569.160**, RSMo, or of an equivalent felony offense, **or any violation of subsection 3 of section 198.070, RSMo**, shall be disqualified from holding any direct-care position in any public or private facility, day

program, residential facility or specialized service operated, funded or licensed by the department or any mental health facility or mental health program in which people are admitted on a voluntary basis or are civilly detained pursuant to chapter 632, RSMo.

3. Any person who receives a suspended imposition of sentence (SIS) or a suspended execution of sentence (SES) following a plea of guilty to any of the disqualifying offenses listed in subsection 1 or 2 of this section shall remain disqualified.

4. Any person disqualified pursuant to the provisions of subsection 1 or 2 of this section may appeal the disqualification to the director of the department or the director's designee. The request shall be written and may not be made more than once every twelve months. The request may be granted by the director or designee if in the judgment of the director or designee a clear showing has been made by written submission only, that the person will not commit any additional acts for which the person had originally been disqualified for or any other acts that would be harmful to a patient, resident or client of a facility, program or service. The director or designee may grant the appeal subject to any conditions deemed appropriate and failure to comply with such terms may result in the person again being disqualified. Decisions by the director or designee pursuant to the provisions of this subsection shall not be subject to appeal. The right to appeal pursuant to this subsection shall not apply to persons [convicted of] **listed on the department of social services or the department of health and senior services employee disqualification list pursuant to section 660.315, RSMo, or persons disqualified from employment for any crime pursuant to the provisions of chapter 566 [or 568], RSMo, or section 565.020 [or], 565.021, 568.020, 568.060, 569.025, or 569.070, RSMo.**

5. An applicant for a direct care position in any public or private facility, day program, residential facility, or specialized service operated, funded, or licensed by the department or any mental health facility or mental health program in which persons are admitted on a voluntary basis or are civilly detained pursuant to chapter 632, RSMo, shall:

(1) Sign a consent form required by section 43.540, RSMo, to provide written consent for a criminal record review;

(2) Disclose the applicant's criminal history. For purposes of this subdivision, "criminal history" includes any conviction or plea of guilty to a misdemeanor or felony offense and shall include any suspended imposition of sentence, suspended execution of sentence, or period of probation or parole; and

(3) Disclose if the applicant is listed on the employee disqualification list pursuant to section 660.315, RSMo, or the department of mental health disqualification registry pursuant to this section.

6. Any person who receives a good cause waiver issued by the department of health and senior services pursuant to subsection 9 of section 660.317, RSMo, shall not require an additional exception pursuant to this section to be employed in a long-term care facility licensed pursuant to chapter 198, RSMo.

7. Any public or private residential facility, day program, or specialized service licensed, certified, or funded by the department shall, no later than two business days after the hiring of a person for a full-time, part-time, or temporary position to have contact with clients, residents, or patients, shall:

(1) Request a criminal background check pursuant to section 43.540, RSMo;

(2) Make an inquiry to the department of social services and the department of health and senior services on whether the person is listed on the employee disqualification list pursuant to section 660.315, RSMo; and

(3) Make an inquiry to the department of mental health on whether the person is listed on the disqualification registry pursuant to this section.

[4.] 8. The department may maintain a disqualification registry and place on the registry the names of any persons who have been finally determined by the department to be disqualified pursuant to this section, or who have had administrative substantiations made against them for abuse or neglect pursuant to department rule. Such list shall reflect that the person is barred from holding any position in any public or private facility or day program operated, funded or licensed by the department, or any mental health facility or mental health program in which persons are admitted on a voluntary basis or are civilly detained pursuant to chapter 632, RSMo.

660.317. 1. For the purposes of this section, the term "provider" means any person, corporation or association who:

(1) Is licensed as an operator pursuant to chapter 198, RSMo;

(2) Provides in-home services under contract with the department;

(3) Employs nurses or nursing assistants for temporary or intermittent placement in health care facilities; or

(4) Is an entity licensed pursuant to chapter 197, RSMo[;]

(5) Is a public or private facility, day program, residential facility or specialized service operated, funded or

licensed by the department of mental health].

2. For the purpose of this section "patient or resident" has the same meaning as such term is defined in section 43.540, RSMo.

3. Beginning August 28, 1997, not later than two working days of hiring any person for a full-time, part-time or temporary position to have contact with any patient or resident the provider shall, or in the case of temporary employees hired through an employment agency, the employment agency shall prior to sending a temporary employee to a provider:

(1) Request a criminal background check as provided in section 43.540, RSMo. Completion of an inquiry to the highway patrol for criminal records that are available for disclosure to a provider for the purpose of conducting an employee criminal records background check shall be deemed to fulfill the provider's duty to conduct employee criminal background checks pursuant to this section; except that, completing the inquiries pursuant to this subsection shall not be construed to exempt a provider from further inquiry pursuant to common law requirements governing due diligence; and

(2) Make an inquiry to the department of social services, whether the person is listed on the employee disqualification list as provided in section 660.315.

4. When the provider requests a criminal background check pursuant to section 43.530, RSMo, the requesting entity may require that the applicant reimburse the provider for the cost of such record check.

5. An applicant for a position to have contact with patients or residents of a provider shall:

(1) Sign a consent form as required by section 43.540, RSMo, so the provider may request a criminal records review;

(2) Disclose the applicant's criminal history. For the purposes of this subdivision "criminal history" includes any conviction or a plea of guilty to a misdemeanor or felony charge and shall include any suspended imposition of sentence, any suspended execution of sentence or any period of probation or parole; and

(3) Disclose if the applicant is listed on the employee disqualification list as provided in section 660.315.

6. An applicant who knowingly fails to disclose his criminal history as required in subsection 5 of this section is guilty of a class A misdemeanor. A provider is guilty of a class A misdemeanor if the provider knowingly hires a person to have contact with patients or residents and the person has been convicted of, pled guilty to or nolo contendere in this state or any other state or has been found guilty of a crime, which if committed in Missouri would be a class A or B felony violation of chapter 565, 566 or 569, RSMo, or any violation of subsection 3 of section 198.070, RSMo, or section 568.020, RSMo.

7. The highway patrol shall examine whether protocols can be developed to allow a provider to request a statewide fingerprint criminal records review check through local law enforcement agencies.

8. A provider may use a private investigatory agency rather than the highway patrol to do a criminal history records review check, and alternatively, the applicant pays the private investigatory agency such fees as the provider and such agency shall agree.

9. The department of social services shall promulgate rules and regulations to waive the hiring restrictions pursuant to this section for good cause. For purposes of this section, "good cause" means the department has made a determination by examining the employee's prior work history and other relevant factors that such employee does not present a risk to the health or safety of residents."; and

Further amend the title, enacting clause, and intersectional references accordingly.

On motion of Representative Shields, **House Amendment No. 30** was adopted.

Representative Fraser offered **House Amendment No. 31**.

House Amendment No. 31

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1577, 1760, 1433, 1430, 1029 & 1700, by inserting in the appropriate location the following:

"570.033. 1. Any person who, without lawful authority, willfully takes another's animal with the intent to deprive [him] **the other** of [his] **such** property is guilty of a class D felony.

2. Any person who, without lawful authority, willfully takes another's dog or a law enforcement or rescue animal with the intent to sell such dog, is guilty of a class C felony.

3. Any person who knowingly purchases a stolen dog is guilty of a class C felony.

4. The department of public safety shall create a registry of missing or stolen dogs. The department shall place such registry on the Internet to allow registration through the Internet and allow searches of the registry for animals listed as missing or stolen. Any person who has reported the loss of his or her dog to an appropriate law enforcement agency may register such dog with the department and shall include the date and place of the notification of an appropriate law enforcement agency and any of the dog's identifying features, tags, tattoos or electronic chips in such registry. The department may adopt rules to implement the provisions of this subsection. The department may charge a fee for registration that does not substantially exceed the cost of the program.

5. Any person purchasing a dog for research purposes shall examine such dog for identification markers and shall examine the missing or stolen dog registry. If the dog is found on the registry, the person shall contact the owner for verification. In the event the person believes that the dog may have been stolen, the person shall notify a department of law enforcement of the county in which the sale took place.

6. Any dog sold to a licensed dealer for research purposes shall be accompanied by a health certificate, issued by a licensed veterinarian, that includes all identifying features, tags, tattoos or electronic chips.

7. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

570.035. 1. No person shall knowingly remove any identification marker or tag from another's dog without the other person's permission.

2. Any person who violates the provisions of subsection 1 of this section is guilty of a class C felony.”; and

Further amend said title, enacting clause, and intersectional references accordingly.

On motion of Representative Fraser, **House Amendment No. 31** was adopted.

Representative Behnen offered **House Amendment No. 32**.

House Amendment No. 32

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1577, 1760, 1433, 1430, 1029 & 1700, by inserting in the appropriate location the following:

“Section 7. Any person who has been convicted of or found guilty of a violation pursuant to Section 302.020, RSMo, in which the court imposes no sentence shall be entitled to file and perfect an appeal of the court's finding. Any person found guilty of any offense under Section 302.020 after August 28, 1999, shall have 30 days after the effective date of this section in which to file, perfect and prosecute an appeal.”; and

Further amend said bill by amending said title, enacting clause and intersectional references accordingly.

On motion of Representative Behnen, **House Amendment No. 32** was adopted.

Representative Fraser offered **House Amendment No. 33**.

House Amendment No. 33 was withdrawn.

On motion of Representative Britt, **HS HCS HBs 1577, 1760, 1433, 1430, 1029 & 1700, as amended**, was adopted.

On motion of Representative Britt, **HS HCS HBs 1577, 1760, 1433, 1430, 1029 & 1700, as amended**, was ordered perfected and printed.

HB 1090, relating to tanning facilities, was taken up by Representative Reynolds.

Representative Reynolds offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Bill No. 1090, Page 2, Section 324.1156, Line 36, by striking the following “WILL NOT” and inserting in lieu thereof the following “**ARE UNLIKELY TO**”; and

Further amend said bill, Page 3, Section 324.159, Line 15, by inserting immediately after the word “to” the following: “**no more than**”; and

Further amend said section, Page 3, Line 27, by striking all of said line and inserting in lieu thereof the following:

“**4. Before any person over the age of thirteen and under the age of eighteen uses a tanning**”.

On motion of Representative Reynolds, **House Amendment No. 1** was adopted.

Representative Willoughby assumed the Chair.

Representative Shields offered **House Amendment No. 2**.

Representative Reynolds raised a point of order that **House Amendment No. 2** is frivolous.

Representative Willoughby requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

Representative Reynolds moved that **HB 1090, as amended**, be ordered perfected and printed.

Which motion was defeated by the following vote:

AYES: 040

Barry 100	Bonner	Boucher	Bray 84	Brooks
Campbell	Clayton	Crump	Daus	Farnen
Foley	Franklin	Gambaro	George	Green 15
Harding	Haywood	Hilgemann	Holand	Hoppe
Hosmer	Johnson 90	Jolly	Jones	Lowe
Luetkenhaus	Mays 50	Monaco	Murphy	Portwood
Reynolds	Rizzo	Selby	Smith	Thompson
Treadway	Whorton	Williams	Wilson 25	Wilson 42

NOES: 099

Abel	Ballard	Barnett	Barnitz	Bartelsmeyer
Bartle	Bearden	Behnen	Berkowitz	Berkstresser
Black	Bland	Boatright	Bowman	Britt
Burton	Byrd	Carnahan	Champion	Cierpiot
Cooper	Copenhaver	Cunningham	Davis	Dolan
Enz	Fares	Fraser	Froelker	Gaskill
Graham	Gratz	Griesheimer	Hagan-Harrell	Hampton
Hanaway	Hartzler	Hegeman	Henderson	Hendrickson
Hollingsworth	Holt	Hunter	Jetton	Kelley 47
Kelly 144	Kelly 27	Kelly 36	King	Koller
Lawson	Legan	Liese	Lograsso	Marble
May 149	Mayer	McKenna	Merideth	Miller
Moore	Myers	Naeger	Nordwald	O'Connor
Ostmann	Overschmidt	Phillips	Purgason	Quinn
Ransdall	Rector	Reid	Reinhart	Relford
Richardson	Ridgeway	Roark	Robirds	Ross
Scheve	Schwab	Scott	Secrest	Seigfreid
Shields	Shoemaker	Shoemyer	Skaggs	St. Onge
Surface	Townley	Villa	Vogel	Walker
Walton	Willoughby	Wright	Mr. Speaker	

PRESENT: 003

Boykins	Curles	Johnson 61
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ABSENT WITH LEAVE: 020

Baker	Burcham	Crawford	Crowell	Dempsey
Green 73	Harlan	Hickey	Hohulin	Linton
Long	Luetkemeyer	Marsh	O'Toole	Paone
Shelton	Troupe	Van Zandt	Wagner	Ward

VACANCIES: 001

HB 1508, relating to outdoor advertising, was taken up by Representative Koller.

Representative Koller offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Bill No. 1508, Page 11, Section 226.585, Lines 5-7, by deleting all of said lines and inserting in lieu thereof the following:

"by the owner of such billboard. **The right to a vegetation permit by an outdoor advertising permit holder shall be issued in accordance with the current rules and regulations promulgated by the highways and transportation commission.**"; and

Further amend said bill, Page 11, Section 226.585, Lines 13-19, by deleting all of said lines; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Koller, **House Amendment No. 1** was adopted.

Representative Koller offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Bill No. 1508, Page 1, In the Title, Line 3, by deleting all of said line and inserting in lieu thereof the following: "**five new sections relating to highway beautification.**"; and

Further amend said bill, Page 11, Section B, by deleting all of said section; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Koller, **House Amendment No. 2** was adopted.

Representative Roark offered **House Amendment No. 3.**

House Amendment No. 3

AMEND House Bill No. 1508, Pages 6 and 7, Section 226.550, Line 6 and Lines 23 and 24, by deleting "two hundred dollars" and inserting in lieu thereof "**twenty-eight dollars and fifty cents**"; and

Further amend said section, Line 44, by deleting "2002, and prior to August 28, 2003" and inserting in lieu thereof "**1992**"; and

Further amend said section, Lines 45 through 47, by deleting "fifty dollars. Biennial inspection fees due on or after August 28, 2003, shall be seventy-five dollars. Biennial inspection fees due on or after August 28, 2004 shall be one hundred dollars" and inserting in lieu thereof "**twenty-eight dollars and fifty cents**".

Representative Roark moved that **House Amendment No. 3** be adopted.

Which motion was defeated by the following vote:

AYES: 048

Ballard	Barnett	Bartle	Bearden	Behnen
Berkstresser	Boatright	Burton	Byrd	Cierpiot
Cooper	Crawford	Cunningham	Enz	Fares
Hanaway	Hartzler	Hegeman	Henderson	Hendrickson
Jetton	Kelley 47	Kelly 144	King	Lawson
Luetkemeyer	Marble	May 149	Miller	Moore
Murphy	Myers	Phillips	Portwood	Purgason
Quinn	Rector	Reinhart	Roark	Scott
Secrest	Shields	Shoemaker	St. Onge	Townley
Villa	Vogel	Wright		

NOES: 091

Abel	Barnitz	Barry 100	Berkowitz	Black
Bland	Bonner	Boucher	Bowman	Boykins
Bray 84	Britt	Brooks	Campbell	Carnahan
Champion	Clayton	Copenhaver	Curls	Daus
Davis	Dolan	Farnen	Foley	Franklin
Fraser	Froelker	Gambaro	George	Graham
Gratz	Green 15	Green 73	Griesheimer	Hagan-Harrell

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Hampton	Harding	Harlan	Haywood	Hilgemann
Hollingsworth	Holt	Hosmer	Johnson 61	Johnson 90
Jolly	Jones	Kelly 27	Kelly 36	Koller
Legan	Liese	Lowe	Luetkenhaus	Mayer
Mays 50	McKenna	Merideth	Monaco	Naeger
Nordwald	O'Connor	O'Toole	Ostmann	Overschmidt
Ransdall	Reid	Relford	Reynolds	Richardson
Rizzo	Robirds	Ross	Scheve	Schwab
Seigfreid	Selby	Shoemyer	Skaggs	Smith
Surface	Thompson	Treadway	Walker	Walton
Whorton	Williams	Willoughby	Wilson 25	Wilson 42
Mr. Speaker				

PRESENT: 000

ABSENT WITH LEAVE: 023

Baker	Bartelsmeyer	Burcham	Crowell	Crump
Dempsey	Gaskill	Hickey	Hohulin	Holand
Hoppe	Hunter	Linton	Lograsso	Long
Marsh	Paone	Ridgeway	Shelton	Troupe
Van Zandt	Wagner	Ward		

VACANCIES: 001

Representative Jetton offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Bill No. 1508, Page 3, Section 266.540, Line 54, by deleting the words “**one thousand four hundred**” and inserting in lieu thereof the words “**eight hundred**”.

Representative Jetton moved that **House Amendment No. 4** be adopted.

Which motion was defeated.

On motion of Representative Koller, **HB 1508, as amended**, was ordered perfected and printed.

PERFECTION OF HOUSE BILLS - INFORMAL

HB 1594, as amended, relating to correctional officer pay raise, was taken up and placed back on the Informal Calendar.

HCS HB 1069, relating to wage practices, was taken up and placed back on the Informal Calendar.

HCS HB 1479, relating to emergency preparedness resource act, was taken up and placed back on the Informal Calendar.

REFERRAL OF HOUSE BILL

The following House Bill was referred to the Committee indicated:

HB 2166 - Miscellaneous Bills & Resolutions

RE-REFERRAL OF SENATE BILL

The following Senate Bill was re-referred to the Committee indicated:

SCS SB 1227 - Insurance

COMMITTEE REPORTS

Committee on Agriculture, Chairman Berkowitz reporting:

Mr. Speaker: Your Committee on Agriculture, to which was referred **HB 1439**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**.

House Committee Amendment No. 1

AMEND House Bill No. 1439, Page 4, Section 348.432, Line 36, by deleting all of said line and inserting in lieu thereof the following: "**who, beginning July 1, 2004, is domiciled in the state of Missouri may receive a credit**"; and

Further amend said title, enacting clause and intersectional references accordingly.

Mr. Speaker: Your Committee on Agriculture, to which was referred **HB 1794**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**.

House Committee Amendment No. 1

AMEND House Bill No. 1794, Page 2, Section 578.407, Lines 15 to 16, by deleting all of said lines and inserting in lieu thereof the following:

"(7) Photograph, videotape, or otherwise obtain images from within a structure that an animal is housed without the express written consent of the animal facility;"; and

Further amend said title, enacting clause and intersectional references accordingly.

Mr. Speaker: Your Committee on Agriculture, to which was referred **HB 1863**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Committee on Budget, Chairman Green (73) reporting:

Mr. Speaker: Your Committee on Budget, to which was referred **HB 1120**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Budget, to which was referred **HB 1121**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Committee on Children, Families and Health, Chairman Barry reporting:

Mr. Speaker: Your Committee on Children, Families and Health, to which was referred **HB 1923**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Children, Families and Health, to which was referred **HB 1198**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Committee on Civil and Administrative Law, Chairman Smith reporting:

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **HB 1445**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Civil and Administrative Law, to which was referred **HB 1780**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Committee on Criminal Law, Chairman Hosmer reporting:

Mr. Speaker: Your Committee on Criminal Law, to which was referred **HB 1211**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Committee on Education-Elementary and Secondary, Chairman Franklin reporting:

Mr. Speaker: Your Committee on Education-Elementary and Secondary, to which was referred **HB 1084**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Education-Elementary and Secondary, to which was referred **HB 1191**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Education-Elementary and Secondary, to which was referred **HB 1721**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Committee on Education-Higher, Chairman Williams reporting:

Mr. Speaker: Your Committee on Education-Higher, to which was referred **HB 1321** and **HB 1491**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Committee on Elections, Chairman Seigfreid reporting:

Mr. Speaker: Your Committee on Elections, to which was referred **HB 1663**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Committee on Insurance, Chairman Luetkenhaus reporting:

Mr. Speaker: Your Committee on Insurance, to which was referred **HB 1970**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Committee on Labor, Chairman George reporting:

Mr. Speaker: Your Committee on Labor, to which was referred **HB 1427**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Committee on Local Government and Related Matters, Chairman Hoppe reporting:

Mr. Speaker: Your Committee on Local Government and Related Matters, to which was referred **HB 1530**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Committee on Miscellaneous Bills & Resolutions, Chairman O'Toole reporting:

Mr. Speaker: Your Committee on Miscellaneous Bills & Resolutions, to which was referred **HCR 25**, begs leave to report it has examined the same and recommends that it **Do Pass**.

HOUSE CONCURRENT RESOLUTION NO. 25

Relating to the creation of the Missouri Commission on the Delta Regional Authority.

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

Whereas, the President and United States Congress have created the Delta Regional Authority; and

Whereas, the Delta Regional Authority would bring the resources of a Federal-State partnership to the region for economic growth and provide funding for infrastructure and economic development needed to make prosperity possible in the Delta; and

Whereas, the federally designated Authority covers 29 counties in the Southeastern and South Central State of Missouri; and

Whereas, the affected counties in Missouri desire to participate with the Delta Regional Authority in any policy development and programs for the region:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-first General Assembly, Second Regular Session, the Senate concurring therein, hereby authorize the creation of the "Missouri Commission on the Delta Region Authority"; and

Be it further resolved that the Missouri Commission on the Delta Region Authority shall make recommendations to the General Assembly and the Governor regarding the Delta Region Authority. Such recommendations may cover principles and procedures for policy development; development of a state plan; prioritization of funding with consideration to poverty, joblessness, lack of job availability, literacy rates, and level of education; and economic and infrastructure development; and

Be it further resolved that the Missouri Commission on the Delta Region Authority may accept general revenue funds and other funds as may be appropriated to it; and

Be it further resolved that the Missouri Commission on the Delta Region Authority shall be composed of:

(1) One local board member, appointed by the governor, representing each of the five regional planning commissions serving the area;

(2) Three members of the public appointed by the governor, with one member representing the interests of agriculture, one member representing business and industry, and one member representing education;

(3) Four members of the House of Representatives, appointed by the Speaker, representing the counties in the region;

(4) Two members of the Senate, appointed by the President Pro Tem of the Senate, representing the counties in the region; and

(5) The Directors of the Departments of Economic Development, Transportation, and Agriculture; the Commissioner of Education; and the Commissioner of Higher Education as ex officio members; and

Be it further resolved that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Mr. Speaker: Your Committee on Miscellaneous Bills & Resolutions, to which was referred **HB 1596**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Miscellaneous Bills & Resolutions, to which was referred **HB 1813**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Miscellaneous Bills & Resolutions, to which was referred **HB 2137**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Committee on Municipal Corporations, Chairman Shelton reporting:

Mr. Speaker: Your Committee on Municipal Corporations, to which was referred **HB 1708**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Committee on Professional Registration and Licensing, Chairman Treadway reporting:

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **HB 1723**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Committee on Social Services, Medicaid and the Elderly, Chairman Ladd Baker reporting:

Mr. Speaker: Your Committee on Social Services, Medicaid and the Elderly, to which was referred **HB 1485**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Committee on Sportsmanship, Safety and Firearms, Chairman Barnitz reporting:

Mr. Speaker: Your Committee on Sportsmanship, Safety and Firearms, to which was referred **HB 1680**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Committee on Transportation, Chairman Koller reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 1570**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SBs 662 & 704**, entitled:

An act to repeal sections 150.465, 191.905, 252.235, 367.031, 367.044, 367.055, 569.095, 569.097, 569.099, 570.010, 570.020, 570.030, 570.080, 570.085, 570.090, 570.120, 570.123, 570.125, 570.130, 570.210, 570.300, 578.150, 578.377, 578.379, 578.381 and 578.385, RSMo, relating to stolen property and services, and to enact in lieu thereof twenty-seven new sections relating to the same subject, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS#2 SCS SBs 688, 663, 691, 716, 759, 824 & 955**, entitled:

An act to repeal sections 137.073, 137.115, 138.060 and 138.100, RSMo, relating to the assessment and levy of property taxes, and to enact in lieu thereof four new sections relating to the same subject, with an effective date.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 739**, entitled:

An act to repeal sections 436.200, 436.205, 436.209 and 436.212, RSMo, and to enact in lieu thereof eighteen new sections relating to athlete agents.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS#2 SCS SBs 984 & 985**, entitled:

An act to repeal sections 250.140, 640.100, 643.220, 644.016, 644.036, 644.051, 644.052 and 644.076, RSMo, relating to the department of natural resources, and to enact in lieu thereof twelve new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 1014**, entitled:

To repeal sections 28.600, 28.603, 28.606, 28.609, 28.612, 28.615, 28.618, 28.621, 28.624, 28.627, 28.630, 28.633, 28.636, 28.639, 28.642, 28.645, 28.648, 28.651, 28.654, 28.657, 28.660, 28.663, 28.666, 28.669, 28.672, 28.675, 28.678 and 28.681, RSMo, relating to the uniform electronic transactions act, and to enact in lieu thereof seventeen new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 1026**, entitled:

An act to amend chapter 376, RSMo, by adding thereto one new section relating to health insurance coverage.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 1060**, entitled:

An act to repeal sections 52.250, 52.290 and 59.042, RSMo, relating to county collectors and treasurers ex officio collectors, and to enact in lieu thereof ten new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SB 1107**, entitled:

An act to repeal sections 190.044, 190.050, 190.092, 190.094, 190.100, 190.101, 190.102, 190.105, 190.108, 190.109, 190.120, 190.142, 190.143, 190.160, 190.165, 190.171, 190.175, 190.185, 190.196 and 321.130, RSMo, relating to provisions of emergency services, and to enact in lieu thereof thirty-three new sections relating to the same subject, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SRB 1236**, entitled:

To repeal sections 141.265, 142.027, 313.335, 640.169, 640.170, 640.172, 640.175, 640.177, 640.179, 640.180, 640.182, 640.185, 640.195, 640.200, 640.203, 640.205, 640.207, 640.210, 640.212, 640.215 and 640.218, RSMo 2000, and section 217.440 as enacted by senate committee substitute for senate bill no. 430 of the eighty-ninth general assembly, first regular session, for the purpose of repealing expired provisions of law and sections made obsolete by expired provisions of law.

In which the concurrence of the House is respectfully requested.

ADJOURNMENT

On motion of Representative McKenna, the House adjourned until 10:00 a.m., Wednesday, April 24, 2002.

CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Fifty-first Day, Thursday, April 11, 2002, page 1074, line 28, by deleting the words “**by Consent**”.

Correct House Journal, Fifty-sixth Day, Monday, April 22, 2002, pages 1205 and 1206, roll call, by showing Representatives Enz and Hoppe voting "no" rather than "absent with leave".

Pages 1206 and 1207, roll call, by showing Representative Hoppe voting "no" rather than "absent with leave".

Pages 1208 and 1209, roll call, by showing Representatives Hoppe and Reynolds voting "aye" rather than "absent with leave".

Pages 1210 and 1211, roll call, by showing Representatives Hoppe and Kelly (144) voting "aye" rather than "absent with leave".

Pages 1210 and 1211, roll call, by showing Representative Copenhaver voting "no" rather than "absent with leave".

Page 1212, roll call, by showing Representatives Hoppe and Paone voting "aye" rather than "absent with leave".

Pages 1213 and 1214, roll call, by showing Representative Hoppe voting "aye" rather than "absent with leave".

Pages 1213 and 1214, roll call, by showing Representatives Scott and Ward voting "no" rather than "absent with leave".

Pages 1214 and 1215, roll call, by showing Representative Carnahan voting "aye" rather than "absent with leave".

Pages 1214 and 1215, roll call, by showing Representative Murphy voting "no" rather than "absent with leave".

Pages 1215 and 1216, roll call, by showing Representatives Carnahan, Dempsey, Froelker, Murphy and Ward voting "no" rather than "absent with leave".

Pages 1216 and 1217, roll call, by showing Representative Carnahan voting "aye" rather than "absent with leave".

Pages 1217 and 1218, roll call, by showing Representatives Carnahan and Hosmer voting "aye" rather than "absent with leave".

Pages 1217 and 1218, roll call, by showing Representative Smith voting "no" rather than "absent with leave".

Pages 1219 and 1220, roll call, by showing Representative Carnahan voting "aye" rather than "absent with leave".

Pages 1219 and 1220, roll call, by showing Representative Froelker voting "no" rather than "absent with leave".

Pages 1220 and 1221, roll call, by showing Representatives Carnahan and Reynolds voting "aye" rather than "absent with leave".

COMMITTEE MEETINGS

ADMINISTRATION AND ACCOUNTS

Wednesday, April 24, 2002, 12:30 p.m. Hearing Room 6.

BANKS AND FINANCIAL INSTITUTIONS

Wednesday, April 24, 2002. Hearing Room 3 upon morning recess.

Executive Session may follow.

Public Hearing to be held on: SB 884

CIVIL AND ADMINISTRATIVE LAW

Wednesday, April 24, 2002. Hearing Room 1 upon morning recess. AMENDED.

Executive Session continued on SS SCS SB 969,673 & 855.

Public Hearing to be held on: SB 740, SB 843

CRITICAL ISSUES, CONSUMER PROTECTION AND HOUSING

Wednesday, April 24, 2002, 9:15 a.m. Hearing Room 4.

Executive Session.

EDUCATION - ELEMENTARY AND SECONDARY

Wednesday, April 24, 2002, 8:00 a.m. Hearing Room 3. AMENDED.

Possible executive Session on HCR 40,HCR 36,SCS SB 722, SB 860,SCS SB 756 and SB 718.

Public Hearing to be held on: HCR 40, SCR 36

FISCAL REVIEW AND GOVERNMENT REFORM

Thursday, April 25, 2002, 9:00 a.m. Hearing Room 5.

Fiscal Review.

Public Hearing to be held on: HB 1695, HB 1717, HB 1726

JOINT COMMITTEE ON CAPITAL IMPROVEMENTS AND LEASES OVERSIGHT

Wednesday, April 24, 2002, 8:30 a.m. Hearing Room 5. U.S.

Custom House & Post Office Building in St. Louis.

Master Plan for development of JCCC prison site.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Tuesday, April 30, 2002, 1:00 p.m. Hearing Room 3.

Fire Protection District Special Review.

JUDICIARY

Thursday, April 25, 2002, 9:30 a.m. Hearing Room 6.

Executive Session to be held on: SB 840

MISCELLANEOUS BILLS AND RESOLUTIONS

Wednesday, April 24, 2002, 8:30 a.m. Hearing Room 6. AMENDED.

Executive Session may follow.

Public Hearing to be held on: SB 894, SCR 44, SCR 48, SCR 49, SCR 54

SOCIAL SERVICES, MEDICAID AND THE ELDERLY

Tuesday, April 30, 2002, 8:00 p.m. Hearing Room 6.

Executive Session may follow.

Public Hearing to be held on: SB 670, SCR 35

HOUSE CALENDAR

FIFTY-EIGHTH DAY, WEDNESDAY, APRIL 24, 2002

HOUSE JOINT RESOLUTION FOR PERFECTION

HCS HJR 47 - Willoughby

HOUSE BILLS FOR PERFECTION - APPROPRIATIONS

1 HCS HB 1120 - Green (73)

2 HB 1121 - Green (73)

HOUSE BILLS FOR PERFECTION

1 HB 1350 - Liese

2 HCS HB 1656 - Wright

- 3 HCS HB 1216 - Johnson (61)
- 4 HB 1627 - Kreider
- 5 HCS HB 1886 - Rizzo
- 6 HB 1307 - Williams
- 7 HB 1988 - Kelly (144)
- 8 HCS HB 1868 - Barry
- 9 HB 2160 - Britt
- 10 HCS HB 1650 - Hoppe
- 11 HB 1916 - Franklin
- 12 HCS HB 1231 - Harding
- 13 HB 2097 - Copenhaver
- 14 HCS HB 1318 - George
- 15 HCS HB 1777 - Johnson (61)
- 16 HCS HB 1576 - Hilgemann
- 17 HCS HB 1914 - Mays (50)
- 18 HB 2137 - Crump
- 19 HCS HB 1680 - Hampton
- 20 HB 1708 - Daus
- 21 HB 1427 - Hosmer
- 22 HCS HB 1863 - Whorton
- 23 HCS HB 1923 - Barry
- 24 HB 1813 - Monaco
- 25 HB 1530 - Hoppe
- 26 HB 1721 - Shelton
- 27 HB 1211 - Smith
- 28 HB 1191 - Davis
- 29 HB 1198 - Graham
- 30 HB 1794, HCA 1 - Legan
- 31 HCS HB 1570 - Koller
- 32 HCS HB 1780 - Green (73)
- 33 HCS HB 1445 - Smith
- 34 HB 1663 - Seigfreid
- 35 HB 1596 - Harding
- 36 HB 1084 - Fraser
- 37 HCS HB 1321 & 1491 - Williams
- 38 HCS HB 1723 - Boucher
- 39 HB 1485 - Johnson (90)
- 40 HB 1439, HCA 1 - Myers
- 41 HB 1970 - Townley

HOUSE BILLS FOR PERFECTION - INFORMAL

- 1 HB 1594, as amended - Gratz
- 2 HCS HB 1069 - Bray
- 3 HCS HB 1479 - Ladd Baker

HOUSE CONCURRENT RESOLUTIONS FOR ADOPTION AND THIRD READING

- 1 HCR 4, (4-18-02, page 1224) - Boucher
- 2 HCR 25, (4-23-02) - Merideth

HOUSE JOINT RESOLUTIONS FOR THIRD READING

- 1 HJR 32 - Barry
- 2 HJR 28 - Villa
- 3 HCS HJR 51 - Whorton

HOUSE BILLS FOR THIRD READING

- 1 HCS HB 1472, (Fiscal Review 2-25-02) - Whorton
- 2 HB 1460 - Hilgemann
- 3 HS HCS HB 1962 - Monaco
- 4 HCS HB 1143 - Rizzo
- 5 HB 1726, (Fiscal Review 4-22-02) - Walton
- 6 HCS HB 1717, (Fiscal Review 4-22-02) - Foley
- 7 HCS HB 1695, (Fiscal Review 4-22-02) - Selby
- 8 HS HCS HB 1936 - Shoemyer (9)
- 9 HS HCS HB 1729, 1589 & 1435 - Barnitz

HOUSE BILL FOR THIRD READING - REVISION

HB 2078 - Clayton

HOUSE BILL FOR THIRD READING - CONSENT - INFORMAL

HB 2155 - Willoughby

SENATE BILLS FOR SECOND READING

- 1 SCS SB 662 & 704
- 2 SS#2 SCS SB 688, 663, 691, 716, 759, 824 & 955
- 3 SCS SB 739
- 4 SS#2 SCS SB 984 & 985
- 5 SB 1014
- 6 SCS SB 1026
- 7 SCS SB 1060
- 8 SS SCS SB 1107
- 9 SB 1236

SENATE BILLS FOR THIRD READING - CONSENT

- 1 SCS SB 988 - Hartzler
- 2 HCS SCS SB 645 - Relford
- 3 HCS SB 992 - Rizzo
- 4 SB 1124 - Gambaro
- 5 SCS SB 804 - Sanders Brooks
- 6 SB 639 - Williams
- 7 HCS SCS SB 776 - Harlan
- 8 HCS SCS SB 1113 - Farnen
- 9 SCS SB 997 - Willoughby
- 10 HCS SB 1012 - Lawson
- 11 HCS SB 795 - Treadway
- 12 HCS SCS SB 1086 & 1126 - Hoppe
- 13 HCS SB 786 - Campbell
- 14 SCS SB 1132 - Daus
- 15 HCS SB 1244 - Barry
- 16 HCS SB 961 - Curls
- 17 SB 708 - Lawson
- 18 SB 701 - Lowe
- 19 SB 742 - Monaco
- 20 HCS SB 749 - Monaco
- 21 HCS SB 1213 - Hosmer
- 22 HCS SCS SB 1210 - Lawson
- 23 SB 1247 - Willoughby
- 24 SB 1001 - Crump
- 25 HCS SB 1078 - Hoppe
- 26 SB 941 - Mays (50)
- 27 HCS SB 695 - Barry
- 28 HCS SB 962 - Jolly
- 29 HCS SB 1119 - Kelly (27)
- 30 SB 1217 - Boykins
- 31 SCS SB 967 - Hagan-Harrell
- 32 SB 1243 - McKenna
- 33 HCS SCS SB 1212 - Ransdall
- 34 SB 1041, HCAs 1, 2 & 3 - Gratz
- 35 SB 1168, HCA 1 - Gratz
- 36 SB 974 - Koller
- 37 HCS SB 1251 - Monaco
- 38 SCS SB 1163 - Ransdall
- 39 SB 720 - Hoppe
- 40 HCS SB 714 - Barry
- 41 SCS SB 729 - Luetkenhaus
- 42 SB 891 - Rizzo
- 43 HCS SB 932 - Smith

- 44 SCS SB 1015 - Relford
- 45 SCS SB 1071 - Lawson
- 46 HCS SB 1094 - Green (73)
- 47 SB 1048 - Reinhart
- 48 SB 1028 - Luetkemeyer
- 49 SB 812 - Holand
- 50 SB 726 - Gaskill
- 51 SB 865 - Myers
- 52 SCS SB 918 - Linton
- 53 HCS SB 1102 - Hosmer
- 54 SB 1109 - Portwood
- 55 HCS SCS SB 947 - Farnen
- 56 SCS SB 1207 - Holand
- 57 SCS SB 1151 - Myers
- 58 HCS SCS SB 980 - Hunter
- 59 SCS SB 874 - Franklin
- 60 HCS SB 1186 - Hoppe
- 61 SCS SB 1182 - Barry
- 62 HCS SCS SB 1202, E.C. - Koller
- 63 HCS SB 758 - Hosmer
- 64 SCS SB 1024 - Holand
- 65 SB 976 - Portwood
- 66 SB 644 - Davis
- 67 SCS SB 1241, 1253 & 1189 - Boykins
- 68 SCS SB 966 - Gambaro
- 69 SB 798 - Ross
- 70 SCS SB 745 - Kelly (144)
- 71 HCS SB 950 - Griesheimer
- 72 SB 1199, HCA 1 - Bearden
- 73 HCS SCS SB 960 - O'Connor
- 74 HCS SCS SB 1093 - Hilgemann
- 75 SB 831 - Gambaro
- 76 HCS SCS SB 957 - Reid
- 77 SCS SB 656 - Luetkenhaus
- 78 HCS SCS SB 737 - Berkowitz

SENATE BILL FOR THIRD READING

SB 1220 - O'Toole

HOUSE RESOLUTIONS

- 1 HR 341, (3-7-02, Page 518) - Ladd Baker
- 2 HR 281, (4-9-02, Pages 1021 & 1022) - Hampton