

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 353

93RD GENERAL ASSEMBLY

Reported from the Committee on Crime Prevention and Public Safety March 9, 2005 with recommendation that House Committee Substitute for House Bill No. 353 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

Reported from the Committee on Rules March 17, 2005 with recommendation that House Committee Substitute for House Bill No. 353 Do Pass with a time of two hours for debate on Perfection.

Taken up for Perfection April 18, 2005. House Committee Substitute for House Bill No. 353 ordered Perfected and printed, as amended.

STEPHEN S. DAVIS, Chief Clerk

0830L.05P

AN ACT

To repeal sections 1.160, 8.177, 43.010, 43.120, 43.509, 43.532, 43.543, 195.017, 195.214, 211.031, 217.105, 217.750, 302.321, 302.541, 304.022, 306.112, 306.114, 306.116, 306.117, 306.119, 306.140, 306.147, 540.031, 542.276, 544.170, 545.550, 556.036, 558.016, 558.019, 559.016, 559.036, 559.115, 566.140, 568.045, 568.050, 569.040, 569.050, 569.080, 569.090, 570.030, 570.040, 570.080, 570.255, 570.300, 575.150, 576.050, 577.023, 577.041, 577.500, 589.417, and 595.209, RSMo, and to enact in lieu thereof sixty-five new sections relating to crime, with penalty provisions.

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

Section A. Sections 1.160, 8.177, 43.010, 43.120, 43.509, 43.532, 43.543, 195.017,
2 195.214, 211.031, 217.105, 217.750, 302.321, 302.541, 304.022, 306.112, 306.114, 306.116,
3 306.117, 306.119, 306.140, 306.147, 540.031, 542.276, 544.170, 545.550, 556.036, 558.016,
4 558.019, 559.016, 559.036, 559.115, 566.140, 568.045, 568.050, 569.040, 569.050, 569.080,
5 569.090, 570.030, 570.040, 570.080, 570.255, 570.300, 575.150, 576.050, 577.023, 577.041,
6 577.500, 589.417, and 595.209, RSMo, are repealed and sixty-five new sections enacted in lieu
7 thereof, to be known as sections 1.160, 8.177, 43.010, 43.120, 43.300, 43.310, 43.320, 43.330,
8 43.509, 43.532, 43.535, 43.543, 195.017, 195.214, 195.216, 211.031, 217.105, 217.750,

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

9 302.321, 302.541, 304.022, 306.112, 306.114, 306.116, 306.117, 306.119, 306.140, 306.147,
10 540.031, 542.276, 544.170, 545.550, 556.036, 558.016, 558.019, 559.016, 559.036, 559.105,
11 559.115, 566.086, 566.140, 568.045, 568.050, 569.040, 569.050, 569.080, 569.090, 570.030,
12 570.040, 570.080, 570.255, 570.300, 575.150, 575.185, 576.050, 577.023, 577.041, 577.500,
13 577.625, 577.628, 578.500, 589.417, 595.209, 650.030, and 1, to read as follows:

1.160. No offense committed and no fine, penalty or forfeiture incurred, or prosecution
2 commenced or pending previous to or at the time when any statutory provision is repealed or
3 amended, shall be affected by the repeal or amendment, but the trial and punishment of all such
4 offenses, and the recovery of the fines, penalties or forfeitures shall be had, in all respects, as if
5 the provision had not been repealed or amended, except[:

6 (1)] that all such proceedings shall be conducted according to existing procedural laws[;
7 and

8 (2) That if the penalty or punishment for any offense is reduced or lessened by any
9 alteration of the law creating the offense prior to original sentencing, the penalty or punishment
10 shall be assessed according to the amendatory law].

8.177. 1. The director of the department of public safety shall employ Missouri capitol
2 police officers for public safety at the seat of state government. Each Missouri capitol police
3 officer, upon appointment, shall take and subscribe an oath of office to support the constitution
4 and laws of the United States and the state of Missouri and shall receive a certificate of
5 appointment, a copy of which shall be filed with the secretary of state, granting such police
6 officers all the same powers of arrest held by other police officers to maintain order and preserve
7 the peace in all state-owned or leased buildings, and the grounds thereof, at the seat of
8 government and such buildings and grounds within the county which contains the seat of
9 government.

10 2. The director of the department of public safety shall appoint a sufficient number of
11 Missouri capitol police officers, with available appropriations, as appropriated specifically for
12 the purpose designated in this subsection, so that the capitol grounds may be patrolled at all
13 times, and that traffic and parking upon the capitol grounds and the grounds of other state
14 buildings owned or leased within the capital city and the county which contains the seat of
15 government may be properly controlled. Missouri capitol police officers may make arrests for
16 the violation of parking and traffic regulations promulgated by the office of administration.

17 **3. Missouri capitol police officers may take action on criminal, terrorist, and**
18 **suspicious activities that occur in their presence. Missouri capitol police officers shall be**
19 **authorized to investigate and arrest a person anywhere in the county which contains the**
20 **seat of government, when there is probable cause to believe the person committed a crime**
21 **within capitol police jurisdiction.**

43.010. As used in this chapter, the following terms shall have the meanings indicated:

2 (1) "Commission", the Missouri state highways and transportation commission;

3 (2) "Members of the patrol", the superintendent, lieutenant colonel, majors, captains,
4 director of radio, lieutenants, sergeants, corporals, and patrolmen of the Missouri state highway
5 patrol;

6 (3) **"Mules", Missouri uniform law enforcement system, a statewide-computerized**
7 **communications system provided by the patrol designed to provide services, information,**
8 **and capabilities to the law enforcement and criminal justice community in the state of**
9 **Missouri;**

10 [(3)] (4) "Patrol", the Missouri state highway patrol;

11 [(4)] (5) "Peace officers", sheriffs, police officers and other peace officers of this state;

12 [(5)] (6) "Radio personnel", those employees of the patrol engaged in the construction,
13 operation, and maintenance of the patrol radio system.

43.120. 1. The superintendent shall prescribe rules for instruction and discipline and
2 make all administrative rules and regulations and fix the hours of duty for the members of the
3 patrol. The superintendent shall divide the state into districts and assign members of the patrol
4 to such districts in the manner as deemed proper to carry out the purposes of this chapter. The
5 superintendent may call members of the patrol from one district to another.

6 2. The superintendent shall appoint the lieutenant colonel and five majors from within
7 the membership. Such individuals shall serve at the superintendent's pleasure and shall return
8 to their previously held rank after being relieved of their position duties by the present or
9 incoming superintendent. The superintendent shall classify and rank through promotions the
10 majors, the director of radio, captains, lieutenants, sergeants, corporals, patrolmen, and radio
11 personnel from the next lower grade after not less than one year of service satisfactorily
12 performed therein.

13 3. In case of the absence of the superintendent, or at the time the superintendent
14 designates, the lieutenant colonel shall assume the duties of the superintendent. In the absence
15 of both the superintendent and the lieutenant colonel, a major shall be designated by the
16 superintendent or by the lieutenant colonel. In case of the disability of the superintendent and
17 the lieutenant colonel, the governor may designate a major as acting superintendent and when
18 so designated, the acting superintendent shall have all the powers and duties of the
19 superintendent.

20 4. The superintendent shall collect, compile and keep available for the use of peace
21 officers of the state the information as is deemed necessary for the detection of crime and
22 identification of criminals.

23 **5. The superintendent is responsible for establishing policy, procedures, and**
24 **regulations in cooperation with the law enforcement and criminal justice community in**
25 **protecting the integrity of the MULES system. The superintendent shall be responsible for**
26 **the administration and enforcement of all MULES policies and regulations consistent with**
27 **state and federal rules, policy, and law by which the MULES system operates.**

28 [5.] **6.** Within ninety days after the close of each fiscal year, the superintendent shall
29 make to the governor and the commission a report of the activities of the patrol and the cost
30 thereof for the fiscal period.

43.300. Notwithstanding the provisions of subsection 1 of section 43.025, there is
2 **hereby created within the Missouri state highway patrol a "Governor's Security Division".**

43.310. The superintendent of the Missouri state highway patrol shall appoint from
2 **the membership of the patrol, a director of the governor's security division who shall be**
3 **responsible for the operation of the division.**

43.320. 1. The superintendent of the Missouri state highway patrol may assign
2 **highway patrol members under the superintendent's command to serve in the governor's**
3 **security division on a permanent or temporary basis.**

4 **2. All salaries, expenses and other costs relating to the assignment of Missouri state**
5 **highway patrol members to the governor's security division shall be paid within the limits**
6 **of appropriations from general revenue, or from such other funding as may be authorized**
7 **by the general assembly.**

43.330. 1. The director of the governor's security division shall provide
2 **transportation, security, and protection for the governor and the governor's immediate**
3 **family.**

4 **2. At the discretion of the superintendent, the director of the governor's security**
5 **division may also provide transportation, security, and protection for other public officials.**

43.509. The director of the department of public safety shall, in accordance with the
2 provisions of chapter 536, RSMo, establish such rules and regulations as are necessary to
3 implement the provisions of sections 43.500 to [43.530] **43.543**. All collection and
4 dissemination of criminal history information shall be in compliance with chapter 610, RSMo,
5 and applicable federal laws or regulations. Such rules shall relate to the collection of criminal
6 history information from or dissemination of such information to criminal justice, noncriminal
7 justice, and private agencies or citizens both in this and other states. No rule or portion of a rule
8 promulgated under the authority of sections 43.500 to [43.530] **43.543** shall become effective
9 unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

43.532. 1. Criminal history and identification records obtained from the central
2 **repository shall not be altered in any way and shall be used solely for the purpose for which**

3 they were obtained. **Except as permitted in this section, any person wishing to disseminate**
4 **or to rely on the accuracy and completeness of the criminal history record information**
5 **more than thirty days from receipt from the central repository should initiate a new**
6 **request to the patrol for current information.** The subject of the record shall be afforded the
7 opportunity to challenge the correctness, accuracy, or completeness of a criminal history record.

8 2. The central records repository shall have authority to engage in the practice of
9 collecting, assembling, or disseminating criminal history record information for the purpose of
10 retaining manually or electronically stored criminal history information. Any person obtaining
11 criminal history record information from the central repository under false pretense, or who
12 advertises or engages in the practice of collecting, assembling, and disseminating as a business
13 enterprise, other than for the purpose of furnishing criminal history information to the authorized
14 requester for its intended purpose, is guilty of a class A misdemeanor.

43.535. 1. Law enforcement agencies within the state of Missouri may perform a
2 **Missouri criminal record review for only open records through the MULES system for the**
3 **purpose of hiring of municipal or county governmental employees. For each request, other**
4 **than those related to the administration of criminal justice, the requesting entity shall pay**
5 **a fee to the central repository, pursuant to section 43.530.**

6 2. **Municipalities and counties may, by local or county ordinance, require the**
7 **fingerprinting of applicants or licensees in specified occupations for the purpose of**
8 **receiving criminal history record information by local or county officials. A copy of the**
9 **ordinance must be forwarded for approval to the Missouri state highway patrol prior to**
10 **the submission of fingerprints to the central repository. The local or county law**
11 **enforcement agency shall submit a set of fingerprints of the applicant or licensee,**
12 **accompanied with the appropriate fees, to the central repository for the purpose of**
13 **checking the person's criminal history. The set of fingerprints shall be used to search the**
14 **Missouri criminal records repository and shall be submitted to the Federal Bureau of**
15 **Investigation to be used for searching the federal criminal history files if necessary. The**
16 **fingerprints shall be submitted on forms and in the manner prescribed by the Missouri**
17 **state highway patrol. Notwithstanding the provisions of section 610.120, RSMo, all records**
18 **related to any criminal history information discovered shall be accessible and available to**
19 **the municipal or county officials making the record request.**

20 3. **All criminal record check information shall be confidential and any person who**
21 **discloses the information beyond the scope allowed is guilty of a class A misdemeanor.**

43.543. Any state agency listed in section 621.045, RSMo, the division of professional
2 registration of the department of economic development, the department of social services, the
3 supreme court of Missouri, **the state court administrator**, the department of elementary and

4 secondary education, the Missouri lottery, [and] the Missouri gaming commission, **or any state,**
5 **municipal, or county agency** which screen persons seeking employment with such agencies or
6 issuance or renewal of a license, permit, certificate, or registration of authority from such
7 agencies; or any state, **municipal, or county** agency or committee, **or state school of higher**
8 **education** which is authorized by state statute or executive order, **or local or county ordinance**
9 to screen applicants or candidates seeking or considered for employment, assignment,
10 **contracting**, or appointment to a position within state, **municipal, or county** government; or
11 the Missouri peace officers standards and training, POST, commission which screens persons,
12 not employed by a criminal justice agency, who seek enrollment or access into a certified POST
13 training academy police school, or persons seeking a permit to purchase or possess a firearm for
14 employment as a watchman, security personnel, or private investigator; or law enforcement
15 agencies which screen persons seeking issuance or renewal of a license, permit, certificate, or
16 registration to purchase or possess a firearm shall submit two sets of fingerprints to the Missouri
17 state highway patrol, Missouri criminal records repository, for the purpose of checking the
18 person's criminal history. The first set of fingerprints shall be used to search the Missouri
19 criminal records repository and the second set shall be submitted to the Federal Bureau of
20 Investigation to be used for searching the federal criminal history files if necessary. The
21 fingerprints shall be submitted on forms and in the manner prescribed by the Missouri state
22 highway patrol. Fees assessed for the searches shall be paid by the applicant or in the manner
23 prescribed by the Missouri state highway patrol. Notwithstanding the provisions of section
24 610.120, RSMo, all records related to any criminal history information discovered shall be
25 accessible and available to the state, **municipal, or county** agency making the record request.

195.017. 1. The department of health and senior services shall place a substance in
2 Schedule I if it finds that the substance:
3 (1) Has high potential for abuse; and
4 (2) Has no accepted medical use in treatment in the United States or lacks accepted
5 safety for use in treatment under medical supervision.
6 2. Schedule I:
7 (1) The controlled substances listed in this subsection are included in Schedule I;
8 (2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts
9 of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these
10 isomers, esters, ethers and salts is possible within the specific chemical designation:
11 (a) Acetyl-alpha-methylfentanyl;
12 (b) Acetylmethadol;
13 (c) Allylprodine;
14 (d) Alphacetylmethadol;

- 15 (e) Alphameprodine;
- 16 (f) Alphamethadol;
- 17 (g) Alpha-methylfentanyl;
- 18 (h) Alpha-methylthiofentanyl;
- 19 (i) Benzethidine;
- 20 (j) Betacetylmethadol;
- 21 (k) Beta-hydroxyfentanyl;
- 22 (l) Beta-hydroxy-3-methylfentanyl;
- 23 (m) Betameprodine;
- 24 (n) Betamethadol;
- 25 (o) Betaprodine;
- 26 (p) Clonitazene;
- 27 (q) Dextromoramide;
- 28 (r) Diampromide;
- 29 (s) Diethylthiambutene;
- 30 (t) Difenoxin;
- 31 (u) Dimenoxadol;
- 32 (v) Dimepheptanol;
- 33 (w) Dimethylthiambutene;
- 34 (x) Dioxaphetyl butyrate;
- 35 (y) Dipipanone;
- 36 (z) Ethylmethylthiambutene;
- 37 (aa) Etonitazene;
- 38 (bb) Etoxidine;
- 39 (cc) Furethidine;
- 40 (dd) Hydroxypethidine;
- 41 (ee) Ketobemidone;
- 42 (ff) Levomoramide;
- 43 (gg) Levophenacetylmorphan;
- 44 (hh) 3-Methylfentanyl;
- 45 (ii) 3-Methylthiofentanyl;
- 46 (jj) Morpheridine;
- 47 (kk) MPPP;
- 48 (ll) Noracymethadol;
- 49 (mm) Norlevorphanol;
- 50 (nn) Normethadone;

- 51 (oo) Norpipanone;
52 (pp) Para-fluorofentanyl;
53 (qq) PEPAP;
54 (rr) Phenadoxone;
55 (ss) Phenampromide;
56 (tt) Phenomorphan;
57 (uu) Phenoperidine;
58 (vv) Piritramide;
59 (ww) Proheptazine;
60 (xx) Properidine;
61 (yy) Propiram;
62 (zz) Racemoramide;
63 (aaa) Thiofentanyl;
64 (bbb) Tilidine;
65 (ccc) Trimeperidine;
66 (3) Any of the following opium derivatives, their salts, isomers and salts of isomers
67 unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers
68 is possible within the specific chemical designation:
- 69 (a) Acetorphine;
 - 70 (b) Acetyldihydrocodeine;
 - 71 (c) Benzylmorphine;
 - 72 (d) Codeine methylbromide;
 - 73 (e) Codeine-N-Oxide;
 - 74 (f) Cyprenorphine;
 - 75 (g) Desomorphine;
 - 76 (h) Dihydromorphine;
 - 77 (i) Drotebanol;
 - 78 (j) Etorphine; (except Hydrochloride Salt);
 - 79 (k) Heroin;
 - 80 (l) Hydromorphanol;
 - 81 (m) Methyldesorphine;
 - 82 (n) Methyldihydromorphine;
 - 83 (o) Morphine methylbromide;
 - 84 (p) Morphine methyl sulfonate;
 - 85 (q) Morphine-N-Oxide;
 - 86 (r) Morphine;

- 87 (s) Nicocodeine;
- 88 (t) Nicomorphine;
- 89 (u) Normorphine;
- 90 (v) Pholcodine;
- 91 (w) Thebacon;
- 92 (4) Any material, compound, mixture or preparation which contains any quantity of the
- 93 following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically
- 94 excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within
- 95 the specific chemical designation:
- 96 (a) 4-bromo-2,5-dimethoxyamphetamine;
- 97 (b) 4-bromo-2, 5-dimethoxyphenethylamine;
- 98 (c) 2,5-dimethoxyamphetamine;
- 99 (d) 2,5-dimethoxy-4-ethylamphetamine;
- 100 (e) **2,5-dimethoxy-4-(n)-propylthiophenethylamine;**
- 101 (f) 4-methoxyamphetamine;
- 102 [(f)] (g) 5-methoxy-3,4-methylenedioxyamphetamine;
- 103 [(g)] (h) 4-methyl-2,5-dimethoxy amphetamine;
- 104 [(h)] (i) 3,4-methylenedioxyamphetamine;
- 105 [(i)] (j) 3,4-methylenedioxymethamphetamine;
- 106 [(j)] (k) 3,4-methylenedioxy-N-ethylamphetamine;
- 107 [(k)] (l) N-nydroxy-3, 4-methylenedioxyamphetamine;
- 108 [(l)] (m) 3,4,5-trimethoxyamphetamine;
- 109 [(m)] (n) Alpha-ethyltryptamine;
- 110 (o) **Benzylpiperazine or B.P.;**
- 111 [(n)] (p) Bufotenine;
- 112 [(o)] (q) Diethyltryptamine;
- 113 [(p)] (r) Dimethyltryptamine;
- 114 [(q)] (s) Ibogaine;
- 115 [(r)] (t) Lysergic acid diethylamide;
- 116 [(s)] (u) Marijuana; (Marihuana);
- 117 [(t)] (v) Mescaline;
- 118 [(u)] (w) Parahexyl;
- 119 [(v)] (x) Peyote, to include all parts of the plant presently classified botanically as
- 120 Lophophora Williamsil Lemaire, whether growing or not; the seeds thereof; any extract from any
- 121 part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of
- 122 the plant, its seed or extracts;

- 123 [(w)] (y) N-ethyl-3-piperidyl benzilate;
124 [(x)] (z) N-methyl-3-piperidyl benzilate;
125 [(y)] (aa) Psilocybin;
126 [(z)] (bb) Psilocyn;
127 [(aa)] (cc) Tetrahydrocannabinols;
128 [(bb)] (dd) Ethylamine analog of phencyclidine;
129 [(cc)] (ee) Pyrrolidine analog of phencyclidine;
130 [(dd)] (ff) Thiophene analog of phencyclidine;
131 **(gg) 1-(3-Trifluoromethylphenyl)piperazine or TFMPP;**
132 [(ee)] (hh) 1-(1-(2-thienyl)cyclohexyl) pyrrolidine;
133 **(ii) Salvia divinorum;**
134 **(jj) Salvinorin A;**
135 (5) Any material, compound, mixture or preparation containing any quantity of the
136 following substances having a depressant effect on the central nervous system, including their
137 salts, isomers and salts of isomers whenever the existence of these salts, isomers and salts of
138 isomers is possible within the specific chemical designation:
139 (a) Gamma hydroxybutyric acid;
140 (b) Mecloqualone;
141 (c) Methaqualone;
142 (6) Any material, compound, mixture or preparation containing any quantity of the
143 following substances having a stimulant effect on the central nervous system, including their
144 salts, isomers and salts of isomers:
145 (a) Aminorex;
146 (b) Cathinone;
147 (c) Fenethylamine;
148 (d) Methcathinone;
149 (e) (+)cis-4-methylaminorex ((+)cis-4,5-dihydro- 4-methyl-5-phenyl-2-oxazoline);
150 (f) N-ethylamphetamine;
151 (g) N,N-dimethylamphetamine;
152 (7) A temporary listing of substances subject to emergency scheduling under federal law
153 shall include any material, compound, mixture or preparation which contains any quantity of the
154 following substances:
155 (a) N-(1-benzyl-4-piperidyl)-N-phenyl-propanamide (benzylfentanyl), its optical isomers,
156 salts and salts of isomers;
157 (b) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide (thenylfentanyl), its
158 optical isomers, salts and salts of isomers;

159 (c) **Alpha-Methyltryptamine, or (AMT);**

160 (d) **5-Methoxy-N,N-Diisopropyltryptamine, or(5-MeO-DIPT).**

161 3. The department of health and senior services shall place a substance in Schedule II
162 if it finds that:

163 (1) The substance has high potential for abuse;

164 (2) The substance has currently accepted medical use in treatment in the United States,
165 or currently accepted medical use with severe restrictions; and

166 (3) The abuse of the substance may lead to severe psychic or physical dependence.

167 4. The controlled substances listed in this subsection are included in Schedule II:

168 (1) Any of the following substances whether produced directly or indirectly by extraction
169 from substances of vegetable origin, or independently by means of chemical synthesis, or by
170 combination of extraction and chemical synthesis:

171 (a) Opium and opiate and any salt, compound, derivative or preparation of opium or
172 opiate, excluding apomorphine, thebaine-derived butorphanol, dextrophan, nalbuphine,
173 nalmeferne, naloxone and naltrexone, and their respective salts but including the following:

174 a. Raw opium;

175 b. Opium extracts;

176 c. Opium fluid;

177 d. Powdered opium;

178 e. Granulated opium;

179 f. Tincture of opium;

180 g. Codeine;

181 h. Ethylmorphine;

182 i. Etorphine hydrochloride;

183 j. Hydrocodone;

184 k. Hydromorphone;

185 l. Metopon;

186 m. Morphine;

187 n. Oxycodone;

188 o. Oxymorphone;

189 p. Thebaine;

190 (b) Any salt, compound, derivative, or preparation thereof which is chemically
191 equivalent or identical with any of the substances referred to in this subdivision, but not
192 including the isoquinoline alkaloids of opium;

193 (c) Opium poppy and poppy straw;

194 (d) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and
195 any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical
196 with any of these substances, but not including decocainized coca leaves or extractions which
197 do not contain cocaine or ecgonine;

198 (e) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid
199 or powder form which contains the phenanthrene alkaloids of the opium poppy);

200 (2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts
201 of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within
202 the specific chemical designation, dextrorphan and levopropoxyphene excepted:

203 (a) Alfentanil;

204 (b) Alphaprodine;

205 (c) Anileridine;

206 (d) Bezitramide;

207 (e) Bulk Dextropropoxyphene;

208 (f) Carfentanil;

209 (g) Butyl nitrite;

210 (h) Dihydrocodeine;

211 (i) Diphenoxylate;

212 (j) Fentanyl;

213 (k) Isomethadone;

214 (l) Levo-alphacetylmethadol;

215 (m) Levomethorphan;

216 (n) Levorphanol;

217 (o) Metazocine;

218 (p) Methadone;

219 (q) Meperidine;

220 (r) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;

221 (s) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane--carboxylic
222 acid;

223 (t) Pethidine;

224 (u) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;

225 (v) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;

226 (w) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;

227 (x) Phenazocine;

228 (y) Piminodine;

229 (z) Racemethorphan;

- 230 (aa) Racemorphan;
- 231 (bb) [Sulfentanil] **Sufentanil**;
- 232 (3) Any material, compound, mixture, or preparation which contains any quantity of the
- 233 following substances having a stimulant effect on the central nervous system:
- 234 (a) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
- 235 (b) Methamphetamine, its salts, isomers, and salts of its isomers;
- 236 (c) Phenmetrazine and its salts;
- 237 (d) Methylphenidate;
- 238 (4) Any material, compound, mixture, or preparation which contains any quantity of the
- 239 following substances having a depressant effect on the central nervous system, including its salts,
- 240 isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers
- 241 is possible within the specific chemical designation:
- 242 (a) Amobarbital;
- 243 (b) Glutethimide;
- 244 (c) Pentobarbital;
- 245 (d) Phencyclidine;
- 246 (e) Secobarbital;
- 247 (5) Any material, compound or compound which contains any quantity of [the following
- 248 substances:
- 249 (a) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a
- 250 United States Food and Drug Administration approved drug product;
- 251 (b)] Nabilone;
- 252 (6) Any material, compound, mixture, or preparation which contains any quantity of the
- 253 following substances:
- 254 (a) Immediate precursor to amphetamine and methamphetamine: Phenylacetone;
- 255 (b) Immediate precursors to phencyclidine (PCP):
- 256 a. 1-phenylcyclohexylamine;
- 257 b. 1-piperidinocyclohexanecarbonitrile (PCC).
- 258 5. The department of health and senior services shall place a substance in Schedule III
- 259 if it finds that:
- 260 (1) The substance has a potential for abuse less than the substances listed in Schedules
- 261 I and II;
- 262 (2) The substance has currently accepted medical use in treatment in the United States;
- 263 and
- 264 (3) Abuse of the substance may lead to moderate or low physical dependence or high
- 265 psychological dependence.

266 6. The controlled substances listed in this subsection are included in Schedule III:

267 (1) Any material, compound, mixture, or preparation which contains any quantity of the
268 following substances having a potential for abuse associated with a stimulant effect on the
269 central nervous system:

270 (a) Benzphetamine;

271 (b) Chlorphentermine;

272 (c) Clortermine;

273 (d) Phendimetrazine;

274 (2) Any material, compound, mixture or preparation which contains any quantity or salt
275 of the following substances or salts having a depressant effect on the central nervous system:

276 (a) Any material, compound, mixture or preparation which contains any quantity or salt
277 of the following substances combined with one or more active medicinal ingredients:

278 a. Amobarbital;

279 b. Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers contained in
280 a drug product for which an application has been approved under Section 505 of the Federal
281 Food, Drug, and Cosmetic Act;

282 c. Secobarbital;

283 d. Pentobarbital;

284 (b) Any suppository dosage form containing any quantity or salt of the following:

285 a. Amobarbital;

286 b. Secobarbital;

287 c. Pentobarbital;

288 (c) Any substance which contains any quantity of a derivative of barbituric acid or its
289 salt;

290 (d) Chlorhexadol;

291 (e) Ketamine, its salts, isomers, and salts of isomers;

292 (f) Lysergic acid;

293 (g) Lysergic acid amide;

294 (h) Methyprylon;

295 (i) Sulfondiethylmethane;

296 (j) Sulfonethylmethane;

297 (k) Sulfonmethane;

298 (l) Tiletamine and zolazepam or any salt thereof;

299 (3) Nalorphine;

300 (4) Any material, compound, mixture, or preparation containing limited quantities of any
301 of the following narcotic drugs or their salts:

302 (a) Not more than 1.8 grams of codeine per one hundred milliliters or not more than
303 ninety milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid
304 of opium;

305 (b) Not more than 1.8 grams of codeine per one hundred milliliters or not more than
306 ninety milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized
307 therapeutic amounts;

308 (c) Not more than three hundred milligrams of hydrocodone per one hundred milliliters
309 or not more than fifteen milligrams per dosage unit, with a fourfold or greater quantity of an
310 isoquinoline alkaloid of opium;

311 (d) Not more than three hundred milligrams of hydrocodone per one hundred milliliters
312 or not more than fifteen milligrams per dosage unit, with one or more active nonnarcotic
313 ingredients in recognized therapeutic amounts;

314 (e) Not more than 1.8 grams of dihydrocodeine per one hundred milliliters or more than
315 ninety milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized
316 therapeutic amounts;

317 (f) Not more than three hundred milligrams of ethylmorphine per one hundred milliliters
318 or not more than fifteen milligrams per dosage unit, with one or more active, nonnarcotic
319 ingredients in recognized therapeutic amounts;

320 (g) Not more than five hundred milligrams of opium per one hundred milliliters or per
321 one hundred grams or not more than twenty-five milligrams per dosage unit, with one or more
322 active nonnarcotic ingredients in recognized therapeutic amounts;

323 (h) Not more than fifty milligrams of morphine per one hundred milliliters or per one
324 hundred grams, with one or more active, nonnarcotic ingredients in recognized therapeutic
325 amounts;

326 (5) **Any material, compound, mixture, or preparation containing any of the**
327 **following narcotic drugs or their salts, as set forth in subdivision (6) of this subsection;**
328 **buprenorphine.**

329 (6) **Anabolic steroids. Any drug or hormonal substance, chemically and**
330 **pharmacologically related to testosterone (other than estrogens, progestins, and**
331 **corticosteroids) that promotes muscle growth, except an anabolic steroid which is expressly**
332 **intended for administration through implants to cattle or other nonhuman species and**
333 **which has been approved by the secretary of Health and Human Services for that**
334 **administration. If any person prescribes, dispenses, or distributes such steroid for human**
335 **use, such person shall be considered to have prescribed, dispensed, or distributed an**
336 **anabolic steroid within the meaning of this paragraph. Unless [specially] specifically**
337 **excepted or unless listed in another schedule, any material, compound, mixture or preparation**

338 containing any quantity of the following substances, including its salts, isomers and salts of
339 isomers whenever the existence of such salts of isomers is possible within the specific chemical
340 designation:

- 341 (a) Boldenone;
- 342 (b) Chlorotestosterone (4-Chlortestosterone);
- 343 (c) Clostebol;
- 344 (d) Dehydrochlormethyltestosterone;
- 345 (e) Dihydrotestosterone (4-Dihydro-testosterone);
- 346 (f) Drostanolone;
- 347 (g) Ethylestrenol;
- 348 (h) Fluoxymesterone;
- 349 (i) Formebolone (Formebolone);
- 350 (j) Mesterolone;
- 351 (k) Methandienone;
- 352 (l) Methandranone;
- 353 (m) Methandriol;
- 354 (n) Methandrostenolone;
- 355 (o) Methenolone;
- 356 (p) Methyltestosterone;
- 357 (q) Mibolerone;
- 358 (r) Nandrolone;
- 359 (s) Norethandrolone;
- 360 (t) Oxandrolone;
- 361 (u) Oxymesterone;
- 362 (v) Oxymetholone;
- 363 (w) Stanolone;
- 364 (x) Stanozolol;
- 365 (y) Testolactone;
- 366 (z) Testosterone;
- 367 (aa) Trenbolone;
- 368 (bb) Any salt, ester, or isomer of a drug or substance described or listed in this
369 subdivision, if that salt, ester or isomer promotes muscle growth except an anabolic steroid
370 which is expressly intended for administration through implants to cattle or other nonhuman
371 species and which has been approved by the secretary of health and human services for that
372 administration.

373 **(7) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule**
374 **in a United States Food and Drug Administration approved drug product. Some other**
375 **names for dronabinol: (6aR-trans)-6a,7,8,10a-tetrahydro-6.6.9-trimethyl-3-pentyl-6H-**
376 **dibenzo (b,d) pyran-1-ol, or (-)-delta-9-(trans)-tetrahydracannabinol).**

377 [(6)] (8) The department of health and senior services may except by rule any compound,
378 mixture, or preparation containing any stimulant or depressant substance listed in subdivisions
379 (1) and (2) of this subsection from the application of all or any part of sections 195.010 to
380 195.320 if the compound, mixture, or preparation contains one or more active medicinal
381 ingredients not having a stimulant or depressant effect on the central nervous system, and if the
382 admixtures are included therein in combinations, quantity, proportion, or concentration that
383 vitiate the potential for abuse of the substances which have a stimulant or depressant effect on
384 the central nervous system.

385 7. The department of health and senior services shall place a substance in Schedule IV
386 if it finds that:

387 (1) The substance has a low potential for abuse relative to substances in Schedule III;

388 (2) The substance has currently accepted medical use in treatment in the United States;

389 and

390 (3) Abuse of the substance may lead to limited physical dependence or psychological
391 dependence relative to the substances in Schedule III.

392 8. The controlled substances listed in this subsection are included in Schedule IV:

393 (1) Any material, compound, mixture, or preparation containing any of the following
394 narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities
395 as set forth below:

396 (a) Not more than one milligram of difenoxin and not less than twenty-five micrograms
397 of atropine sulfate per dosage unit;

398 (b) Dextropropoxyphene (alpha-(+)-4-dimethy-lamino-1, 2-diphenyl-3-methyl-2-
399 propionoxybutane);

400 (c) Any of the following limited quantities of narcotic drugs or their salts, which shall
401 include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer
402 upon the compound, mixture or preparation valuable medicinal qualities other than those
403 possessed by the narcotic drug alone:

404 a. Not more than two hundred milligrams of codeine per one hundred milliliters or per
405 one hundred grams;

406 b. Not more than one hundred milligrams of dihydrocodeine per one hundred milliliters
407 or per one hundred grams;

408 c. Not more than one hundred milligrams of ethylmorphine per one hundred milliliters
409 or per one hundred grams;

410 (2) Any material, compound, mixture or preparation containing any quantity of the
411 following substances, including their salts, isomers, and salts of isomers whenever the existence
412 of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

- 413 (a) Alprazolam;
- 414 (b) Barbitol;
- 415 (c) Bromazepam;
- 416 (d) Camazepam;
- 417 (e) Chloral betaine;
- 418 (f) Chloral hydrate;
- 419 (g) Chlordiazepoxide;
- 420 (h) Clobazam;
- 421 (i) Clonazepam;
- 422 (j) Clorazepate;
- 423 (k) Clotiazepam;
- 424 (l) Cloxazolam;
- 425 (m) Delorazepam;
- 426 (n) Diazepam;
- 427 (o) **Dichloralphenazone**;
- 428 (p) Estazolam;
- 429 [(p)] (q) Ethchlorvynol;
- 430 [(q)] (r) Ethinamate;
- 431 [(r)] (s) Ethyl loflazepate;
- 432 [(s)] (t) Fludiazepam;
- 433 [(t)] (u) Flunitrazepam;
- 434 [(u)] (v) Flurazepam;
- 435 [(v)] (w) Halazepam;
- 436 [(w)] (x) Haloxazolam;
- 437 [(x)] (y) Ketazolam;
- 438 [(y)] (z) Loprazolam;
- 439 [(z)] (aa) Lorazepam;
- 440 [(aa)] (bb) Lormetazepam;
- 441 [(bb)] (cc) Mebutamate;
- 442 [(cc)] (dd) Medazepam;
- 443 [(dd)] (ee) Meprobamate;

- 444 [(ee)] **(ff)** Methohexital;
445 [(ff)] **(gg)** Methylphenobarbital;
446 [(gg)] **(hh)** Midazolam;
447 [(hh)] **(ii)** Nimetazepam;
448 [(ii)] **(jj)** Nitrazepam;
449 [(jj)] **(kk)** Nordiazepam;
450 [(kk)] **(ll)** Oxazepam;
451 [(ll)] **(mm)** Oxazolam;
452 [(mm)] **(nn)** Paraldehyde;
453 [(nn)] **(oo)** Petrichloral;
454 [(oo)] **(pp)** Phenobarbital;
455 [(pp)] **(qq)** Pinazepam;
456 [(qq)] **(rr)** Prazepam;
457 [(rr)] **(ss)** Quazepam;
458 [(ss)] **(tt)** Temazepam;
459 [(tt)] **(uu)** Tetrazepam;
460 [(uu)] **(vv)** Triazolam;
461 **(xx) Zaleplon;**
462 [(vv)] **(yy)** Zolpidem;
463 (3) Any material, compound, mixture, or preparation which contains any quantity of the
464 following substance including its salts, isomers and salts of isomers whenever the existence of
465 such salts, isomers and salts of isomers is possible: fenfluramine;
466 (4) Any material, compound, mixture or preparation containing any quantity of the
467 following substances having a stimulant effect on the central nervous system, including their
468 salts, isomers and salts of isomers:
469 (a) Cathine ((+)-norpseudoephedrine);
470 (b) Diethylpropion;
471 (c) Fencamfamin;
472 (d) Fenproporex;
473 (e) Mazindol;
474 (f) Mefenorex;
475 (g) **Modafinil;**
476 **(h)** Pemoline, including organometallic complexes and chelates thereof;
477 [(h)] **(i)** Phentermine;
478 [(i)] **(j)** Pipradrol;
479 **(k) Sibutramine;**

480 [(j)] (I) SPA ((-)-1-dimethy-amino-1,2-diphenylethane);

481 (5) Any material, compound, mixture or preparation containing any quantity of the
482 following substance, including its salts:

483 (a) **butorphanol**;

484 (b) pentazocine;

485 (6) Any material, compound, mixture or preparation which contains any quantity of the
486 following substances having a stimulant effect on the central nervous system including their
487 salts, isomers and salts of isomers: ephedrine or its salts, optical isomers, or salts of optical
488 isomers as the only active medicinal ingredient or contains ephedrine or its salts, optical isomers,
489 or salts of optical isomers and therapeutically insignificant quantities of another active medicinal
490 ingredient;

491 (7) The department of health and senior services may except by rule any compound,
492 mixture, or preparation containing any depressant substance listed in subdivision (1) of this
493 subsection from the application of all or any part of sections 195.010 to 195.320 if the
494 compound, mixture, or preparation contains one or more active medicinal ingredients not having
495 a depressant effect on the central nervous system, and if the admixtures are included therein in
496 combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the
497 substances which have a depressant effect on the central nervous system.

498 9. The department of health and senior services shall place a substance in Schedule V
499 if it finds that:

500 (1) The substance has low potential for abuse relative to the controlled substances listed
501 in Schedule IV;

502 (2) The substance has currently accepted medical use in treatment in the United States;
503 and

504 (3) The substance has limited physical dependence or psychological dependence liability
505 relative to the controlled substances listed in Schedule IV.

506 10. The controlled substances listed in this subsection are included in Schedule V:

507 (1) [Any material, compound, mixture or preparation containing any of the following
508 narcotic drug and its salts: buprenorphine;

509 (2)] Any compound, mixture or preparation containing any of the following narcotic
510 drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set
511 forth below, which also contains one or more nonnarcotic active medicinal ingredients in
512 sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal
513 qualities other than those possessed by the narcotic drug alone:

514 (a) Not more than two and five-tenths milligrams of diphenoxylate and not less than
515 twenty-five micrograms of atropine sulfate per dosage unit;

516 (b) Not more than one hundred milligrams of opium per one hundred milliliters or per
517 one hundred grams;

518 (c) Not more than five-tenths milligram of difenoxin and not less than twenty-five
519 micrograms of atropine sulfate per dosage unit;

520 [(3)] (2) Any material, compound, mixture or preparation which contains any quantity
521 of the following substance having a stimulant effect on the central nervous system including its
522 salts, isomers and salts of isomers: pyrovalerone.

523 11. The department of health and senior services shall revise and republish the schedules
524 annually.

195.214. 1. A person commits the offense of distribution of a controlled substance near
2 schools if such person violates section 195.211 by unlawfully distributing or delivering any
3 controlled substance to a person in or on, or within two thousand feet of, the real property
4 comprising **a child care facility as defined in section 210.201, RSMo**, a public or private
5 elementary or secondary school, public vocational school, or a public or private junior college,
6 college or university or on any school bus.

7 2. Distribution of a controlled substance near schools is a class A felony which term shall be
8 served without probation or parole if the court finds the defendant is a persistent drug offender.

**195.216. 1. A person commits the offense of distribution of a controlled substance
2 near a park if such person violates section 195.211 by unlawfully distributing or delivering
3 any controlled substance to a person in or on, or within two thousand feet of, the real
4 property comprising a public or private park, state park, county park, or municipal park.**

5 **2. Distribution of a controlled substance near a park is a class A felony which term
6 shall be served without probation or parole if the court finds the defendant is a persistent
7 drug offender.**

211.031. 1. Except as otherwise provided in this chapter, the juvenile court or the family
2 court in circuits that have a family court as provided in sections 487.010 to 487.190, RSMo, shall
3 have exclusive original jurisdiction in proceedings:

4 (1) Involving any child or person seventeen years of age who may be a resident of or
5 found within the county and who is alleged to be in need of care and treatment because:

6 (a) The parents, or other persons legally responsible for the care and support of the child
7 or person seventeen years of age, neglect or refuse to provide proper support, education which
8 is required by law, medical, surgical or other care necessary for his or her well-being; except that
9 reliance by a parent, guardian or custodian upon remedial treatment other than medical or
10 surgical treatment for a child or person seventeen years of age shall not be construed as neglect
11 when the treatment is recognized or permitted pursuant to the laws of this state;

12 (b) The child or person seventeen years of age is otherwise without proper care, custody
13 or support; or

14 (c) The child or person seventeen years of age was living in a room, building or other
15 structure at the time such dwelling was found by a court of competent jurisdiction to be a public
16 nuisance pursuant to section 195.130, RSMo;

17 (d) The child or person seventeen years of age is a child in need of mental health services
18 and the parent, guardian or custodian is unable to afford or access appropriate mental health
19 treatment or care for the child;

20 (2) Involving any child who may be a resident of or found within the county and who is
21 alleged to be in need of care and treatment because:

22 (a) The child while subject to compulsory school attendance is repeatedly and without
23 justification absent from school; or

24 (b) The child disobeys the reasonable and lawful directions of his or her parents or other
25 custodian and is beyond their control; or

26 (c) The child is habitually absent from his or her home without sufficient cause,
27 permission, or justification; or

28 (d) The behavior or associations of the child are otherwise injurious to his or her welfare
29 or to the welfare of others; or

30 (e) The child is charged with an offense not classified as criminal, or with an offense
31 applicable only to children; except that, the juvenile court shall not have jurisdiction over any
32 child fifteen and one-half years of age who is alleged to have violated a state or municipal traffic
33 ordinance or regulation, the violation of which does not constitute a felony, or any child who is
34 alleged to have violated a state or municipal ordinance or regulation prohibiting possession or
35 use of any tobacco product;

36 (3) Involving any child who is alleged to have violated a state law or municipal
37 ordinance, or any person who is alleged to have violated a state law or municipal ordinance prior
38 to attaining the age of seventeen years, in which cases jurisdiction may be taken by the court of
39 the circuit in which the child or person resides or may be found or in which the violation is
40 alleged to have occurred; except that, the juvenile court shall not have jurisdiction over any child
41 fifteen and one-half years of age who is alleged to have violated a state or municipal traffic
42 ordinance or regulation, the violation of which does not constitute a felony[, or any child who
43 is alleged to have violated a state or municipal ordinance or regulation prohibiting possession
44 or use of any tobacco product], and except that the juvenile court shall have concurrent
45 jurisdiction with the municipal court over any child who is alleged to have violated a municipal
46 curfew ordinance;

47 (4) For the adoption of a person;

48 (5) For the commitment of a child or person seventeen years of age to the guardianship
49 of the department of social services as provided by law.

50 2. Transfer of a matter, proceeding, jurisdiction or supervision for a child or person
51 seventeen years of age who resides in a county of this state shall be made as follows:

52 (1) Prior to the filing of a petition and upon request of any party or at the discretion of
53 the juvenile officer, the matter in the interest of a child or person seventeen years of age may be
54 transferred by the juvenile officer, with the prior consent of the juvenile officer of the receiving
55 court, to the county of the child's residence or the residence of the person seventeen years of age
56 for future action;

57 (2) Upon the motion of any party or on its own motion prior to final disposition on the
58 pending matter, the court in which a proceeding is commenced may transfer the proceeding of
59 a child or person seventeen years of age to the court located in the county of the child's residence
60 or the residence of the person seventeen years of age, or the county in which the offense pursuant
61 to subdivision (3) of subsection 1 of this section is alleged to have occurred for further action;

62 (3) Upon motion of any party or on its own motion, the court in which jurisdiction has
63 been taken pursuant to subsection 1 of this section may at any time thereafter transfer jurisdiction
64 of a child or person seventeen years of age to the court located in the county of the child's
65 residence or the residence of the person seventeen years of age for further action with the prior
66 consent of the receiving court;

67 (4) Upon motion of any party or upon its own motion at any time following a judgment
68 of disposition or treatment pursuant to section 211.181, the court having jurisdiction of the cause
69 may place the child or person seventeen years of age under the supervision of another juvenile
70 court within or without the state pursuant to section 210.570, RSMo, with the consent of the
71 receiving court;

72 (5) Upon motion of any child or person seventeen years of age or his or her parent, the
73 court having jurisdiction shall grant one change of judge pursuant to Missouri Supreme Court
74 Rules;

75 (6) Upon the transfer of any matter, proceeding, jurisdiction or supervision of a child or
76 person seventeen years of age, certified copies of all legal and social documents and records
77 pertaining to the case on file with the clerk of the transferring juvenile court shall accompany the
78 transfer.

79 3. In any proceeding involving any child or person seventeen years of age taken into
80 custody in a county other than the county of the child's residence or the residence of a person
81 seventeen years of age, the juvenile court of the county of the child's residence or the residence
82 of a person seventeen years of age shall be notified of such taking into custody within
83 seventy-two hours.

84 4. When an investigation by a juvenile officer pursuant to this section reveals that the
85 only basis for action involves an alleged violation of section 167.031, RSMo, involving a child
86 who alleges to be home schooled, the juvenile officer shall contact a parent or parents of such
87 child to verify that the child is being home schooled and not in violation of section 167.031,
88 RSMo, before making a report of such a violation. Any report of a violation of section 167.031,
89 RSMo, made by a juvenile officer regarding a child who is being home schooled shall be made
90 to the prosecuting attorney of the county where the child legally resides.

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

2 (1) "COCC", corrections officer certification commission;

3 (2) "Corrections officer", a corrections officer of the state or any political subdivision
4 of the state;

5 (3) "Director", the director of the Missouri department of corrections or his or her
6 designated agent or representative.

7 2. There is hereby established within the department of corrections a "Corrections
8 Officer Certification Commission" which shall be composed of nine members nominated by the
9 director and appointed by the governor with the advice and consent of the senate:

10 (1) Three members shall be department of corrections officers below the rank of
11 lieutenant; of which, at least two will be members of a statewide association of corrections
12 officers with more than one thousand members;

13 (2) Three members shall be corrections officers or supervisors above the rank of
14 sergeant; two of which must be the rank of lieutenant or captain. Of these three, at least one will
15 be a member of a statewide association of corrections officers with more than one thousand
16 members;

17 (3) Two members shall be county sheriffs, at least one of whom shall be from a third
18 class county; and

19 (4) One member shall represent the general public.

20 3. Each member shall be at the time of appointment a citizen of the United States and
21 a resident of this state for a period of at least one year.

22 4. The original members of the commission shall be appointed as follows:

23 (1) Three for terms of one year;

24 (2) Three for terms of two years; and

25 (3) Three for terms of three years.

26

27 Thereafter, all terms of membership on the commission shall be for three years or until a
28 successor is appointed.

29 5. The director may remove any member of the commission for misconduct or neglect
30 of office. Any member of the commission may be removed for cause by the director but such
31 member shall first be presented with a written statement of the reasons thereof.

32 6. Any vacancy in the membership of the commission shall be filled by appointment for
33 the unexpired term.

34 7. Annually the director shall appoint one of the members as chairperson. The
35 commission shall meet to perform its duties at least once each year as determined by the director
36 or a majority of the members. A majority of the members of the commission shall constitute a
37 quorum.

38 8. No member of the commission shall receive any compensation for the performance
39 of official duties but the members shall be reimbursed for their necessary expenses.

40 9. The commission may:

41 (1) Cause a job task analysis to be made of the jobs of corrections officers pursuant to
42 this chapter; [jailers pursuant to chapter 221, RSMo; jailers in charter counties and private jail
43 custody staff;]

44 (2) Make recommendations to the department of corrections, the legislature, or the
45 governor concerning the qualifications, training, testing, and certification of corrections officers[,
46 jailers and private jail custody staff];

47 (3) Recommend qualifications and training standards for corrections officers pursuant
48 to this chapter[, jailers pursuant to chapter 221, RSMo, and jailers in charter counties].

49 10. The director may establish various classes of corrections officers certification.

50 11. The name, certification status, and employing corrections agency of any of the
51 applicants or individuals certified pursuant to this chapter shall be open record. All other records
52 retained by the director pertaining to any applicant or certified officer shall be confidential and
53 shall not be disclosed to the public or any member of the public, except with the written consent
54 of the person or entity whose records are involved, provided, however, that the director may
55 disclose such information in the course of interstate exchange of information, during the course
56 of litigation involving the director or to other state agencies. No closed record conveyed to the
57 director pursuant to this chapter shall lose its status as a closed record solely because it is
58 retained by the director. Nothing in this chapter shall be used to compel the director to disclose
59 any record subject to attorney-client privilege or work-product privilege.

217.750. 1. At the request of a judge of any circuit court, the board shall provide
2 probation services for such court as provided in subsection 2 of this section.

3 2. The board shall provide probation services for any person convicted of any class of
4 felony. The board shall not provide probation services for any class of misdemeanor except

5 those class A misdemeanors the basis of which is contained in chapters 565 and 566, RSMo, or
6 in section 568.050, RSMo, 455.085, RSMo, **589.425, RSMo**, or section 455.538, RSMo.

302.321. 1. A person commits the crime of driving while revoked if [he] **such person**
2 operates a motor vehicle on a highway when [his] **such person's** license or driving privilege has
3 been canceled, suspended, or revoked under the laws of this state or any other state and acts with
4 criminal negligence with respect to knowledge of the fact that [his] **such person's** driving
5 privilege has been canceled, suspended, or revoked.

6 2. Any person convicted of driving while revoked is guilty of a class A misdemeanor.
7 Any person with no prior alcohol-related enforcement contacts as defined in section 302.525,
8 convicted a fourth or subsequent time of driving while revoked or a county or municipal
9 ordinance of driving while suspended or revoked where [the judge in such case was an attorney
10 and] the defendant was represented by or waived the right to an attorney in writing, and where
11 the prior three driving-while-revoked offenses occurred within ten years of the date of occurrence
12 of the present offense and where the person received and served a sentence of ten days or more
13 on such previous offenses; and any person with a prior alcohol-related enforcement contact as
14 defined in section 302.525, convicted a third or subsequent time of driving while revoked or a
15 county or municipal ordinance of driving while suspended or revoked where [the judge in such
16 case was an attorney and] the defendant was represented by or waived the right to an attorney in
17 writing, and where the prior two driving-while-revoked offenses occurred within ten years of the
18 date of occurrence of the present offense and where the person received and served a sentence
19 of ten days or more on such previous offenses is guilty of a class D felony. No court shall
20 suspend the imposition of sentence as to such a person nor sentence such person to pay a fine in
21 lieu of a term of imprisonment, nor shall such person be eligible for parole or probation until [he]
22 **such person** has served a minimum of forty-eight consecutive hours of imprisonment, unless as
23 a condition of such parole or probation, such person performs at least ten days involving at least
24 forty hours of community service under the supervision of the court in those jurisdictions which
25 have a recognized program for community service. Driving while revoked is a class D felony
26 on the second or subsequent conviction pursuant to section 577.010, RSMo, or a fourth or
27 subsequent conviction for any other offense.

302.541. 1. In addition to other fees required by law, any person who has had a license
2 to operate a motor vehicle suspended or revoked following a determination, pursuant to section
3 302.505, or section 577.010, 577.012, 577.041 or 577.510, RSMo, or any county or municipal
4 ordinance, where [the judge in such case was an attorney and] the defendant was represented by
5 or waived the right to an attorney, that such person was driving while intoxicated or with a blood
6 alcohol content of eight- hundredths of one percent or more by weight or, where such person was
7 at the time of the arrest less than twenty-one years of age and was driving with a blood alcohol

8 content of two-hundredths of one percent or more by weight, shall pay an additional fee of
9 twenty-five dollars prior to the reinstatement or reissuance of the license.

10 2. Any person less than twenty-one years of age whose driving privilege has been
11 suspended or revoked solely for a first determination pursuant to sections 302.500 to 302.540
12 that such person was driving a motor vehicle with two-hundredths of one percent or more blood
13 alcohol content is exempt from filing proof of financial responsibility with the department of
14 revenue in accordance with chapter 303, RSMo, as a prerequisite for reinstatement of driving
15 privileges or obtaining a restricted driving privilege as provided by section 302.525.

304.022. 1. Upon the immediate approach of an emergency vehicle giving audible signal
2 by siren or while having at least one lighted lamp exhibiting red light visible under normal
3 atmospheric conditions from a distance of five hundred feet to the front of such vehicle or a
4 flashing blue light authorized by section 307.175, RSMo, the driver of every other vehicle shall
5 yield the right-of-way and shall immediately drive to a position parallel to, and as far as possible
6 to the right of, the traveled portion of the highway and thereupon stop and remain in such
7 position until such emergency vehicle has passed, except when otherwise directed by a police
8 or traffic officer.

9 2. Upon approaching a stationary emergency vehicle displaying lighted red or red and
10 blue lights, the driver of every motor vehicle shall:

11 (1) Proceed with caution and yield the right-of-way, if possible with due regard to safety
12 and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary
13 vehicle, if on a roadway having at least four lanes with not less than two lanes proceeding in the
14 same direction as the approaching vehicle; or

15 (2) Proceed with due caution and reduce the speed of the vehicle, maintaining a safe
16 speed for road conditions, if changing lanes would be unsafe or impossible.

17 3. The motorman of every streetcar shall immediately stop such car clear of any
18 intersection and keep it in such position until the emergency vehicle has passed, except as
19 otherwise directed by a police or traffic officer.

20 4. An "emergency vehicle" is a vehicle of any of the following types:

21 (1) A vehicle operated by the state highway patrol, the state water patrol or a state park
22 ranger, those vehicles operated by enforcement personnel of the state highways and
23 transportation commission, police or fire department, sheriff, constable or deputy sheriff, federal
24 law enforcement officer authorized to carry firearms and to make arrests for violations of the
25 laws of the United States, traffic officer or coroner or by a privately owned emergency vehicle
26 company;

27 (2) A vehicle operated as an ambulance or operated commercially for the purpose of
28 transporting emergency medical supplies or organs;

29 (3) Any vehicle qualifying as an emergency vehicle pursuant to section 307.175, RSMo;

30 (4) Any wrecker, or tow truck or a vehicle owned and operated by a public utility or
31 public service corporation while performing emergency service;

32 (5) Any vehicle transporting equipment designed to extricate human beings from the
33 wreckage of a motor vehicle;

34 (6) Any vehicle designated to perform emergency functions for a civil defense or
35 emergency management agency established pursuant to the provisions of chapter 44, RSMo;

36 (7) Any vehicle operated by an authorized employee of the department of corrections
37 who, as part of the employee's official duties, is responding to a riot, disturbance, hostage
38 incident, escape or other critical situation where there is the threat of serious physical injury or
39 death, responding to mutual aid call from another criminal justice agency, or in accompanying
40 an ambulance which is transporting an offender to a medical facility;

41 (8) Any vehicle designated to perform hazardous substance emergency functions
42 established pursuant to the provisions of sections 260.500 to 260.550, RSMo.

43 5. (1) The driver of any vehicle referred to in subsection 4 of this section shall not sound
44 the siren thereon or have the front red lights or blue lights on except when such vehicle is
45 responding to an emergency call or when in pursuit of an actual or suspected law violator, or
46 when responding to, but not upon returning from, a fire.

47 (2) The driver of an emergency vehicle may:

48 (a) Park or stand irrespective of the provisions of sections 304.014 to 304.026;

49 (b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be
50 necessary for safe operation;

51 (c) Exceed the prima facie speed limit so long as the driver does not endanger life or
52 property;

53 (d) Disregard regulations governing direction of movement or turning in specified
54 directions.

55 (3) The exemptions granted to an emergency vehicle pursuant to subdivision (2) of this
56 subsection shall apply only when the driver of any such vehicle while in motion sounds audible
57 signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle
58 is equipped with at least one lighted lamp displaying a red light or blue light visible under normal
59 atmospheric conditions from a distance of five hundred feet to the front of such vehicle.

60 6. No person shall purchase an emergency light as described in this section without
61 furnishing the seller of such light an affidavit stating that the light will be used exclusively for
62 emergency vehicle purposes.

63 7. Violation of this section shall be deemed a class [C] **B** misdemeanor.

306.112. 1. A person commits the crime of operating a vessel with excessive blood
2 alcohol content if [he] **such person** operates a vessel on the Mississippi River, Missouri River
3 or the lakes of this state with ten-hundredths of one percent or more by weight of alcohol in [his]
4 **such person's** blood.

5 2. As used in this section, percent by weight of alcohol in the blood shall be based upon
6 grams of alcohol per one hundred milliliters of blood and may be shown by chemical analysis
7 of the person's blood, breath, **urine**, or saliva.

8 3. Any person convicted of operating a vessel with excessive blood alcohol content is
9 guilty of a class B misdemeanor upon conviction for the first violation, guilty of a class A
10 misdemeanor upon conviction for the second violation, and guilty of a class D felony for
11 conviction for the third and subsequent violations.

306.114. 1. No person convicted of or pleading guilty to a violation of section 306.111
2 or 306.112 shall be granted a suspended imposition of sentence, unless such person is placed on
3 probation for a minimum of two years and a record of the conviction or plea of guilty is entered
4 into the records of the Missouri uniform law enforcement system maintained by the Missouri
5 state highway patrol.

6 2. Chemical tests of a person's blood, breath, **urine**, or saliva to be considered valid
7 under the provisions of sections 306.111 to 306.119 shall be performed according to methods
8 and devices approved by the department of health and senior services by licensed medical
9 personnel or by a person possessing a valid permit issued by the department of health and senior
10 services for this purpose. In addition, any state, county, or municipal law enforcement officer
11 who is certified pursuant to chapter 590, RSMo, may, prior to arrest, administer a portable
12 chemical test to any person suspected of operating any vessel in violation of section 306.111 or
13 306.112. A portable chemical test shall be admissible as evidence of probable cause to arrest and
14 as exculpatory evidence, but shall not be admissible as evidence of blood alcohol content. The
15 provisions of section 306.116 shall not apply to a test administered prior to arrest pursuant to this
16 section.

17 3. The department of health and senior services shall approve satisfactory techniques,
18 devices, equipment, or methods to conduct tests required by sections 306.111 to 306.119, and
19 shall establish standards as to the qualifications and competence of individuals to conduct
20 analyses and to issue permits which shall be subject to termination, suspension or revocation by
21 the department of health and senior services.

22 4. A licensed physician, registered nurse, or trained medical technician, acting at the
23 request and direction of a law enforcement officer, shall withdraw blood for the purpose of
24 determining the alcohol content of the blood, unless the medical personnel, in the exercise of
25 good faith medical judgment, believes such procedure would endanger the life or health of the

26 person in custody. Blood may be withdrawn only by such medical personnel, but such restriction
27 shall not apply to the taking of a breath test or a **urine or** saliva specimen. In withdrawing blood
28 for the purpose of determining the alcohol content in the blood, only a previously unused and
29 sterile needle and sterile vessel shall be used and the withdrawal shall otherwise be in strict
30 accord with accepted medical practices. A nonalcoholic antiseptic shall be used for cleansing
31 the skin prior to a venapuncture. Upon the request of the person who is tested, full information
32 concerning the test taken at the direction of the law enforcement officer shall be made available
33 to [him] **such person**.

34 5. No person who administers any test pursuant to the provisions of sections 306.111 to
35 306.119 upon the request of a law enforcement officer, no hospital in or with which such person
36 is employed or is otherwise associated or in which such test is administered, and no other person,
37 firm, or corporation by whom or with which such person is employed or is in any way associated
38 shall be civilly liable for damages to the person tested, except for negligence in administering
39 of the test or for willful and wanton acts or omissions.

40 6. Any person who is dead, unconscious or who is otherwise in a condition rendering
41 [him] **such person** incapable of refusing to take a test as provided in sections 306.111 to 306.119
42 shall be deemed not to have withdrawn the consent provided by section 306.116 and the test or
43 tests may be administered.

306.116. 1. Any person who operates a vessel upon the Mississippi River, Missouri
2 River or the lakes of this state shall be deemed to have given consent to, subject to the provisions
3 of sections 306.111 to 306.119, a chemical test or tests of [his] **such person's** breath, blood,
4 **urine**, or saliva for the purpose of determining the alcohol or drug content of [his] **such person's**
5 blood if arrested for any offense arising out of acts which the arresting law enforcement officer
6 had reasonable grounds to believe were committed while the person was operating a vessel upon
7 the Mississippi River, Missouri River or lakes of this state in violation of section 306.111 or
8 306.112. The test shall be administered at the direction of the arresting law enforcement officer
9 whenever the person has been arrested for the offense.

10 2. The implied consent to submit to the chemical tests listed in subsection 1 of this
11 section shall be limited to not more than two such tests arising from the same arrest, incident,
12 or charge.

13 3. The person tested may have a physician, or a qualified technician, chemist, registered
14 nurse, or other qualified person of [his own] **such person's** choosing and at [his] **such person's**
15 expense administer a test in addition to any administered at the direction of a law enforcement
16 officer. The failure or inability to obtain an additional test by a person shall not preclude the
17 admission of evidence relating to the test taken at the direction of a law enforcement officer.

18 4. Upon the request of the person who is tested, full information concerning the test shall
19 be made available to [him] **such person**.

 306.117. 1. Upon the trial of any person for violation of any of the provisions of section
2 306.111 or 306.112 the amount of alcohol or drugs in the person's blood at the time of the act
3 alleged as shown by any chemical analysis of the person's blood, breath, **urine**, or saliva is
4 admissible in evidence and the provisions of subdivision (5) of section 491.060, RSMo, shall not
5 prevent the admissibility or introduction of such evidence if otherwise admissible. Evidence of
6 alcohol in a person's blood shall be given the following effect:

7 (1) If there was five-hundredths of one percent or less by weight of alcohol in [his] **such**
8 **person's** blood, it shall be presumed that the person was not intoxicated at the time the specimen
9 was obtained;

10 (2) If there was in excess of five-hundredths of one percent but less than ten-hundredths
11 of one percent by weight of alcohol in [his] **such person's** blood, the fact shall not give rise to
12 any presumption that the person was or was not intoxicated, but the fact may be considered with
13 other competent evidence in determining whether the person was intoxicated;

14 (3) If there was ten-hundredths of one percent or more by weight of alcohol in the
15 person's blood, this shall be prima facie evidence that the person was intoxicated at the time the
16 specimen was taken.

17 2. Percent by weight of alcohol in the blood shall be based upon grams of alcohol per
18 one hundred milliliters of blood.

19 3. A chemical analysis of a person's breath, blood, **urine**, or saliva, in order to give rise
20 to the presumption or to have the effect provided for in subsection 1 of this section, shall have
21 been performed as provided in sections 306.111 to 306.119 and in accordance with methods and
22 standards approved by the department of health and senior services.

23 4. The provisions of this section shall not be construed as limiting the introduction of
24 any other competent evidence bearing upon the question whether the person was intoxicated or
25 under the influence of a controlled substance, or drug, or a combination of either or both with
26 or without alcohol.

 306.119. 1. If an arresting officer requests a person under arrest to submit to a chemical
2 test, such request shall include the reasons of the officer for requesting the person to submit to
3 a test and shall inform the person that he **or she** may refuse such request but that [his] **such**
4 **person's** refusal may be used as evidence against him **or her**. If a person refuses a test as
5 provided in this subsection, no test shall be given.

6 2. If a person refuses to submit to a chemical test of [his] **such person's** breath, blood,
7 **urine**, or saliva and that person stands trial for the crimes provided in section 306.111 or
8 306.112, such refusal may be admissible into evidence at the trial.

306.140. 1. It shall be the duty of the operator of a watercraft involved in a collision, 2 accident, or other casualty, so far as [he] **the operator** can do so without serious danger to [his 3 own] **the operator's** watercraft, crew and passengers, to render to other persons affected by the 4 collision, accident, or other casualty, assistance as may be practicable and as may be necessary 5 in order to save them from or minimize any danger caused by the collision, accident, or other 6 casualty, and also to give his **or her** name, address, and identification of his **or her** watercraft 7 in writing to any person injured and to the owner of any property damaged in the collision, 8 accident, or other casualty.

9 2. In the case of collision, accident, or other casualty involving a watercraft, the operator 10 thereof, if the collision, accident, or other casualty results in death or injury to a person or 11 damage to property in excess of [two] **five** hundred dollars, shall file with the Missouri state 12 water patrol a full description of the collision, accident, or other casualty, including such 13 information as the patrol may, by regulation, require.

306.147. 1. As used in this section, the term "muffler" means a sound suppression 2 device or system designed and installed to abate the sound of exhaust gases emitted from an 3 internal combustion engine and which prevents excessive or unusual noise.

4 2. Effective January 1, 1996, a person shall not manufacture, sell or offer for sale or 5 operate in this state any motorboat manufactured after that date that exceeds the noise level of 6 90dB(A) when subjected to a stationary sound level test as prescribed by SAE J2005. All 7 motorboats manufactured prior to January 1, 1996, shall not exceed eighty-six decibels on an 8 A-weighted scale when subjected to a sound level test as prescribed by SAE J34 when measured 9 from a distance of fifty or more feet from the motorboat.

10 3. No person shall remove, alter or otherwise modify in any way a muffler or muffler 11 system in a manner which will prevent it from being operated in accordance with this section. 12 Nothing in this section shall preclude a person from removing, altering or modifying a muffler 13 or muffler system so long as the muffler or muffler system continues to comply with subsection 14 2 of this section. This section shall not be construed so as to prohibit the use of any exhaust 15 system or device, including but not limited to those not discharging water with exhaust gases, 16 so long as the device or system is in compliance with subsection 2 of this section.

17 4. **No motorboat shall be equipped with any electrical or mechanical device or 18 switch that when manipulated in any manner would allow the muffler or exhaust system 19 to emit a noise level that exceeds the maximums in subsection 2 of this section.**

20 5. Effective January 1, 1996, a person shall not manufacture, nor shall any person sell 21 or offer for sale any motorboat which is manufactured after January 1, 1996, which is equipped 22 with a muffler or muffler system which does not comply with this section. The subsection shall 23 not apply to power vessels designed, manufactured and sold for the sole purpose of competing

24 in racing events and for no other purpose. Any such exemption or exception shall be
25 documented in every sale agreement and shall be formally acknowledged by signature on the part
26 of both the buyer and the seller. Copies of such agreement shall be maintained by both parties.
27 A copy of such agreement shall be kept on board whenever the motorboat is operated. Any
28 motorboat sold under this exemption may only be operated on the waters of this state in
29 accordance with subsection 6 of this section.

30 [5.] 6. As of January 1, 1996, every manufacturer which delivers a new motorboat for
31 sale in this state shall certify, if the purchaser or dealer makes a request in writing, that the
32 decibel level of the motorboat engine, muffler and exhaust system, as delivered to any licensed
33 dealer in this state, does not exceed the noise level of 90dB(A) when subjected to a stationary
34 sound level test as prescribed by SAE J2005. Such certificate of decibel level from the
35 manufacturer shall be given by the dealer to the purchaser of the new motorboat if the motorboat
36 is sold for use upon the waters of this state. The purchaser shall sign a statement acknowledging
37 receipt of the certificate of decibel level which shall be supplied by the dealer. The dealer shall
38 represent by affidavit whether or not the engine or muffler system of the new motorboat being
39 sold has been altered or modified in any way.

40 [6.] 7. The provisions of this section shall not apply to motorboats registered and actually
41 participating in a racing event or tune-up periods for such racing events or to a motorboat being
42 operated by a boat or engine manufacturer for the purpose of testing or development. The
43 operator of any motorboat operated upon the waters of this state for the purpose of a tune-up for
44 a sanctioned race or for testing or development by a boat or engine manufacturer shall at all times
45 have in such operator's possession and produce on demand by a law enforcement officer a test
46 permit issued by the state water patrol. For the purpose of races or racing events, such race shall
47 only be sanctioned when conducted in accordance with and approved by the United States Coast
48 Guard or this state.

49 [7.] 8. Any officer authorized to enforce the provisions of this section who has probable
50 cause to believe that a motorboat is not in compliance with the noise levels established in this
51 section may direct the operator of such motorboat to submit the motorboat to an on-site test to
52 measure noise levels, with the officer on board if such officer chooses, and the operator shall
53 comply with such request. The owner of any motorboat which violates any provision of this
54 section shall have sixty days from the date of the violation to bring the motorboat into
55 compliance with the provisions of this section. Thereafter, it shall be the owner's responsibility
56 to have the motorboat tested by the state water patrol. If the motorboat fails the state water patrol
57 test, the owner shall immediately moor the motorboat and shall keep the motorboat moored until
58 the state water patrol certifies that the motorboat is in compliance with the provisions of this
59 section. Any person who fails to comply with a request or direction of an officer made pursuant

60 to this subsection is guilty of a class C misdemeanor. Nothing in this subsection shall be
61 construed to limit the officer's ability to enforce this section and to issue citations to the owner
62 or operator of any motorboat during the sixty-day compliance period.

63 [8.] 9. Any officer who conducts motorboat sound level tests as provided in this section
64 shall be qualified in motorboat noise testing by the department of public safety. Such
65 qualifications shall include but may not be limited to the selection of the measurement site, and
66 the calibration and use of noise testing equipment in accordance with the testing procedure
67 prescribed by SAE J2005 and SAE J34.

68 [9.] 10. Unless otherwise indicated, any person who knowingly violates this section is
69 guilty of an infraction for a first offense with a penalty not to exceed one hundred dollars, is
70 guilty of an infraction for a second offense with a penalty not to exceed two hundred dollars, and
71 is guilty of an infraction for a third or subsequent offense with a penalty not to exceed three
72 hundred dollars.

73 [10.] 11. This section shall only apply to the waters of the Mississippi River, the waters
74 of the Missouri River, and lakes with an aggregate shoreline in excess of one hundred sixty
75 miles. This section shall not apply to motorboats not intended for use in this state.

540.031. A grand jury may make inquiry into and return indictments for all grades of
2 crimes and shall make inquiry into all possible violations of the criminal laws as the court may
3 direct. The grand jury [shall] **may** examine public buildings and report on their conditions.

542.276. 1. Any peace officer or prosecuting attorney may make application under
2 section 542.271 for the issuance of a search warrant.

3 2. The application shall:

4 (1) Be in writing;

5 (2) State the time and date of the making of the application;

6 (3) Identify the property, article, material, substance or person which is to be searched
7 for and seized, in sufficient detail and particularity that the officer executing the warrant can
8 readily ascertain it;

9 (4) Identify the person, place, or thing which is to be searched, in sufficient detail and
10 particularity that the officer executing the warrant can readily ascertain whom or what he or she
11 is to search;

12 (5) State facts sufficient to show probable cause for the issuance of a search warrant;

13 (6) Be verified by the oath or affirmation of the applicant;

14 (7) Be filed in the proper court;

15 (8) Be signed by the prosecuting attorney of the county where the search is to take place,
16 or his or her designated assistant.

17 3. The application may be supplemented by a written affidavit verified by oath or
18 affirmation. Such affidavit shall be considered in determining whether there is probable cause
19 for the issuance of a search warrant and in filling out any deficiencies in the description of the
20 person, place, or thing to be searched or of the property, article, material, substance, or person
21 to be seized. Oral testimony shall not be considered. The application may be submitted by
22 facsimile or other electronic means.

23 4. The judge shall determine whether sufficient facts have been stated to justify the
24 issuance of a search warrant. If it appears from the application and any supporting affidavit that
25 there is probable cause to believe that property, article, material, substance, or person subject to
26 seizure is on the person or at the place or in the thing described, a search warrant shall
27 immediately be issued. The warrant shall be issued in the form of an original and two copies.

28 5. The application and any supporting affidavit and a copy of the warrant shall be
29 retained in the records of the court from which the warrant was issued.

30 6. The search warrant shall:

31 (1) Be in writing and in the name of the state of Missouri;

32 (2) Be directed to any peace officer in the state;

33 (3) State the time and date the warrant is issued;

34 (4) Identify the property, article, material, substance or person which is to be searched
35 for and seized, in sufficient detail and particularity that the officer executing the warrant can
36 readily ascertain it;

37 (5) Identify the person, place, or thing which is to be searched, in sufficient detail and
38 particularity that the officer executing the warrant can readily ascertain whom or what he or she
39 is to search;

40 (6) Command that the described person, place, or thing be searched and that any of the
41 described property, article, material, substance, or person found thereon or therein be seized
42 [and] **or** photographed or copied **and** within ten days after filing of the application, **any** [all
43 photographs and copies or] photographs or copies of the items [shall] **may** be filed with the
44 [circuit clerk] **issuing court**;

45 (7) Be signed by the judge, with his or her title of office indicated.

46 7. A search warrant issued under this section may be executed only by a peace officer.
47 The warrant shall be executed by conducting the search and seizure commanded. The search
48 warrant issued under this section may be issued by facsimile or other electronic means.

49 8. A search warrant shall be executed as soon as practicable and shall expire if it is not
50 executed and the return made within ten days after the date of the making of the application.

51 9. After execution of the search warrant, the warrant with a return thereon, signed by
52 the officer making the search, shall be delivered to the judge who issued the warrant. The return

53 shall show the date and manner of execution, what was seized, and the name of the possessor and
54 of the owner, when he or she is not the same person, if known. The return shall be accompanied
55 by a copy of the itemized receipt required by subsection 6 of section 542.291. The judge or clerk
56 shall, upon request, deliver a copy of such receipt to the person from whose possession the
57 property was taken and to the applicant for the warrant.

58 10. A search warrant shall be deemed invalid:

59 (1) If it was not issued by a judge; or

60 (2) If it was issued without a written application having been filed and verified; or

61 (3) If it was issued without probable cause; or

62 (4) If it was not issued in the proper county; or

63 (5) If it does not describe the person, place, or thing to be searched or the property,
64 article, material, substance, or person to be seized with sufficient certainty; or

65 (6) If it is not signed by the judge who issued it; or

66 (7) If it was not executed within the time prescribed by subsection 8 of this section.

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

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

11 (1) First degree murder pursuant to section 565.020, RSMo;

12 (2) Second degree murder pursuant to section 565.021, RSMo;

13 (3) First degree assault pursuant to section 565.050, RSMo;

14 (4) Forcible rape pursuant to section 566.030, RSMo;

15 (5) Forcible sodomy pursuant to section 566.060, RSMo;

16 (6) First degree robbery pursuant to section 569.020, RSMo; or

17 (7) Distribution of drugs pursuant to section 195.211, RSMo.

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

21 [4.] **3.** Any person who violates the provisions of this section, by refusing to release any
22 person who is entitled to release pursuant to this section, or by refusing to permit a confinee to

23 consult with counsel or other persons, or who transfers any such confinees to the custody or
24 control of another, or to another place, or who falsely charges such person, with intent to avoid
25 the provisions of this section, is guilty of a class A misdemeanor.

545.550. **1.** If the defendant be in actual custody or confinement, the court or officer
2 granting the order of removal shall, **subject to any arrangements made pursuant to section**
3 **2 of this section**, also make an order commanding the sheriff to remove the body of the
4 defendant to the jail of the county into which the cause is to be removed, and then deliver him
5 to the keeper of such jail, together with the warrant or process, by virtue of which he is
6 imprisoned or held.

7 **2. The sheriff of the county granting the change of venue and the sheriff of the**
8 **county into which the cause is removed, may agree as to which county's jail will house the**
9 **defendant. If the sheriffs do not agree where the defendant will be confined, the defendant**
10 **will be confined in the county into which the cause is removed. In the event that the county**
11 **granting the change of venue continues to house the defendant, the sheriff of that county**
12 **shall be responsible for the timely transportation of the defendant for all court**
13 **appearances that require the presence of the defendant.**

556.036. 1. A prosecution for murder, forcible rape, attempted forcible rape, forcible
2 sodomy, attempted forcible sodomy, or any class A felony may be commenced at any time.

3 2. Except as otherwise provided in this section, prosecutions for other offenses must be
4 commenced within the following periods of limitation:

5 (1) For any felony, three years;

6 (2) For any misdemeanor, one year;

7 (3) For any infraction, six months.

8 3. If the period prescribed in subsection 2 of this section has expired, a prosecution may
9 nevertheless be commenced for:

10 (1) Any offense a material element of which is either fraud or a breach of fiduciary
11 obligation within one year after discovery of the offense by an aggrieved party or by a person
12 who has a legal duty to represent an aggrieved party and who is himself or herself not a party to
13 the offense, but in no case shall this provision extend the period of limitation by more than three
14 years. As used in this subdivision, the term "person who has a legal duty to represent an
15 aggrieved party" shall mean the attorney general or the prosecuting or circuit attorney having
16 jurisdiction pursuant to section 407.553, RSMo, for purposes of offenses committed pursuant
17 to sections 407.511 to 407.556, RSMo; and

18 (2) Any offense based upon misconduct in office by a public officer or employee at any
19 time when the defendant is in public office or employment or within two years thereafter, but in
20 no case shall this provision extend the period of limitation by more than three years; and

21 (3) Any offense based upon an intentional and willful fraudulent claim of child support
22 arrearage to a public servant in the performance of his or her duties within one year after
23 discovery of the offense, but in no case shall this provision extend the period of limitation by
24 more than three years[.];

25 **(4) Any violation of sections 569.040 to 569.055, RSMo, within five years.**

26 4. An offense is committed either when every element occurs, or, if a legislative purpose
27 to prohibit a continuing course of conduct plainly appears, at the time when the course of
28 conduct or the defendant's complicity therein is terminated. Time starts to run on the day after
29 the offense is committed.

30 5. A prosecution is commenced [either when an indictment is found or an information
31 filed] **as follows: For a misdemeanor or infraction, when the information is filed; and for**
32 **a felony, when the complaint is filed.**

33 6. The period of limitation does not run:

34 (1) During any time when the accused is absent from the state, but in no case shall this
35 provision extend the period of limitation otherwise applicable by more than three years; or

36 (2) During any time when the accused is concealing himself from justice either within
37 or without this state; or

38 (3) During any time when a prosecution against the accused for the offense is pending
39 in this state; or

40 (4) During any time when the accused is found to lack mental fitness to proceed pursuant
41 to section 552.020, RSMo.

558.016. 1. The court may sentence a person who has pleaded guilty to or has been
2 found guilty of an offense to a term of imprisonment as authorized by section 558.011 or to a
3 term of imprisonment authorized by a statute governing the offense if it finds the defendant is
4 a prior offender or a persistent misdemeanor offender, or to an extended term of imprisonment
5 if it finds the defendant is a persistent offender or a dangerous offender.

6 2. A "prior offender" is one who has pleaded guilty to or has been found guilty of one
7 felony.

8 3. A "persistent offender" is one who has pleaded guilty to or has been found guilty of
9 two or more felonies committed at different times.

10 4. A "dangerous offender" is one who:

11 (1) Is being sentenced for a felony during the commission of which he knowingly
12 murdered or endangered or threatened the life of another person or knowingly inflicted or
13 attempted or threatened to inflict serious physical injury on another person; and

14 (2) Has pleaded guilty to or has been found guilty of a class A or B felony or a dangerous
15 felony.

16 5. A "persistent misdemeanor offender" is one who has pleaded guilty to or has been
17 found guilty of two or more class A or B misdemeanors, committed at different times, which are
18 defined as offenses under chapters 195, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575,
19 and 576, RSMo.

20 6. The pleas or findings of guilty shall be prior to the date of commission of the present
21 offense.

22 7. The total authorized maximum terms of imprisonment for a persistent offender or a
23 dangerous offender are:

24 (1) For a class A felony, any sentence authorized for a class A felony;

25 (2) For a class B felony, any sentence authorized for a class A felony;

26 (3) For a class C felony, any sentence authorized for a class B felony;

27 (4) For a class D felony, any sentence authorized for a class C felony.

28 [8. An offender convicted of a nonviolent class C or class D felony with no prior prison
29 commitments, after serving one hundred twenty days of his or her sentence, may, in writing,
30 petition the court to serve the remainder of his or her sentence on probation, parole, or other
31 court-approved alternative sentence. No hearing shall be conducted unless the court deems it
32 necessary. Upon the offender petitioning the court, the department of corrections shall submit
33 a report to the sentencing court which evaluates the conduct of the offender while in custody,
34 alternative custodial methods available to the offender, and shall recommend whether the
35 offender be released or remain in custody. If the report issued by the department is favorable and
36 recommends probation, parole, or other alternative sentence, the court shall follow the
37 recommendations of the department if the court deems it appropriate. Any placement of an
38 offender pursuant to section 559.115, RSMo, shall be excluded from the provisions of this
39 subsection.]

 558.019. 1. This section shall not be construed to affect the powers of the governor
2 under article IV, section 7, of the Missouri Constitution. This statute shall not affect those
3 provisions of section 565.020, RSMo, section 558.018 or section 571.015, RSMo, which set
4 minimum terms of sentences, or the provisions of section 559.115, RSMo, relating to probation.

5 2. The provisions of subsections 2 to 5 of this section shall be applicable to all classes
6 of felonies except those set forth in chapter 195, RSMo, and those otherwise excluded in
7 subsection 1 of this section. For the purposes of this section, "prison commitment" means and
8 is the receipt by the department of corrections of an offender after sentencing. For purposes of
9 this section, prior prison commitments to the department of corrections shall not include
10 commitment to a regimented discipline program established pursuant to section 217.378, RSMo.
11 Other provisions of the law to the contrary notwithstanding, any offender who has pleaded guilty
12 to or has been found guilty of a felony other than a dangerous felony as defined in section

13 556.061, RSMo, and is committed to the department of corrections shall be required to serve the
14 following minimum prison terms:

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

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

23 (3) If the offender has three or more previous prison commitments to the department of
24 corrections for felonies unrelated to the present offense, the minimum prison term which the
25 offender must serve shall be eighty percent of his or her sentence or until the offender attains
26 seventy years of age, and has served at least forty percent of the sentence imposed, whichever
27 occurs first.

28 3. Other provisions of the law to the contrary notwithstanding, any offender who has
29 pleaded guilty to or has been found guilty of a dangerous felony as defined in section 556.061,
30 RSMo, and is committed to the department of corrections shall be required to serve a minimum
31 prison term of eighty-five percent of the sentence imposed by the court or until the offender
32 attains seventy years of age, and has served at least forty percent of the sentence imposed,
33 whichever occurs first.

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

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

37 (2) Any sentence either alone or in the aggregate with other consecutive sentences for
38 crimes committed at or near the same time which is over seventy-five years shall be calculated
39 to be seventy-five years.

40 5. For purposes of this section, the term "minimum prison term" shall mean time
41 required to be served by the offender before he or she is eligible for parole, conditional release
42 or other early release by the department of corrections. [Except that the board of probation and
43 parole, in the case of consecutive sentences imposed at the same time pursuant to a course of
44 conduct constituting a common scheme or plan, shall be authorized to convert consecutive
45 sentences to concurrent sentences, when the board finds, after hearing with notice to the
46 prosecuting or circuit attorney, that the sum of the terms results in an unreasonably excessive
47 total term, taking into consideration all factors related to the crime or crimes committed and the
48 sentences received by others similarly situated.]

49 6. (1) A sentencing advisory commission is hereby created to consist of eleven
50 members. One member shall be appointed by the speaker of the house. One member shall be
51 appointed by the president pro tem of the senate. One member shall be the director of the
52 department of corrections. Six members shall be appointed by and serve at the pleasure of the
53 governor from among the following: the public defender commission; private citizens; a private
54 member of the Missouri Bar; the board of probation and parole; and a prosecutor. Two members
55 shall be appointed by the supreme court, one from a metropolitan area and one from a rural area.
56 All members shall be appointed to a four-year term. All members of the sentencing commission
57 appointed prior to August 28, 1994, shall continue to serve on the sentencing advisory
58 commission at the pleasure of the governor.

59 (2) The commission shall study sentencing practices in the circuit courts throughout the
60 state for the purpose of determining whether and to what extent disparities exist among the
61 various circuit courts with respect to the length of sentences imposed and the use of probation
62 for offenders convicted of the same or similar crimes and with similar criminal histories. The
63 commission shall also study and examine whether and to what extent sentencing disparity among
64 economic and social classes exists in relation to the sentence of death and if so, the reasons
65 therefor sentences are comparable to other states, if the length of the sentence is appropriate, and
66 the rate of rehabilitation based on sentence. It shall compile statistics, examine cases, draw
67 conclusions, and perform other duties relevant to the research and investigation of disparities in
68 death penalty sentencing among economic and social classes.

69 (3) The commission shall establish a system of recommended sentences, within the
70 statutory minimum and maximum sentences provided by law for each felony committed under
71 the laws of this state. This system of recommended sentences shall be distributed to all
72 sentencing courts within the state of Missouri. The recommended sentence for each crime shall
73 take into account, but not be limited to, the following factors:

74 (a) The nature and severity of each offense;

75 (b) The record of prior offenses by the offender;

76 (c) The data gathered by the commission showing the duration and nature of sentences
77 imposed for each crime; and

78 (d) The resources of the department of corrections and other authorities to carry out the
79 punishments that are imposed.

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

83 (5) The commission shall publish and distribute its recommendations on or before July
84 1, 2004. The commission shall study the implementation and use of the recommendations until

85 July 1, 2005, and return a report to the governor, the speaker of the house of representatives, and
86 the president pro tem of the senate. Following the July 1, 2005, report, the commission shall
87 revise the recommended sentences every two years.

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

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

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

98 7. Courts shall retain discretion to lower or exceed the sentence recommended by the
99 commission as otherwise allowable by law, and to order restorative justice methods, when
100 applicable.

101 8. If the imposition or execution of a sentence is suspended, the court may order any or
102 all of the following restorative justice methods, or any other method that the court finds just or
103 appropriate:

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

106 (2) Offender treatment programs;

107 (3) Mandatory community service;

108 (4) Work release programs in local facilities; and

109 (5) Community-based residential and nonresidential programs.

110 9. The provisions of this section shall apply only to offenses occurring on or after August
111 28, 2003.

112 10. Pursuant to subdivision (1) of subsection 8 of this section, the court may order the
113 assessment and payment of a designated amount of restitution to a county law enforcement
114 restitution fund established by the county commission pursuant to section 50.565, RSMo. Such
115 contribution shall not exceed three hundred dollars for any charged offense. Any restitution
116 moneys deposited into the county law enforcement restitution fund pursuant to this section shall
117 only be expended pursuant to the provisions of section 50.565, RSMo.

118 11. A judge may order payment to a restitution fund only if such fund had been created
119 by ordinance or resolution of a county of the state of Missouri prior to sentencing. A judge shall

120 not have any direct supervisory authority or administrative control over any fund to which the
121 judge is ordering a defendant to make payment.

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

 559.016. 1. Unless terminated as provided in section 559.036, the terms during which
2 each probation shall remain conditional and be subject to revocation are:

3 (1) A term of years not less than one year and not to exceed five years for a felony;

4 (2) A term not less than six months and not to exceed two years for a misdemeanor;

5 (3) A term not less than six months and not to exceed one year for an infraction.

6 2. The court shall designate a specific term of probation at the time of sentencing or at
7 the time of suspension of imposition of sentence.

8 3. The court may extend a period of probation, however, no more than one extension of
9 any probation may be ordered **except that the court may extend the total time on probation**
10 **by one additional year by order of the court if the defendant admits he or she has violated**
11 **the conditions of his or her probation or is found by the court to have violated the**
12 **conditions of his or her probation.** Total time on any probation term, including any extension,
13 shall not exceed the maximum term as established in subsection 1 of this section **plus one**
14 **additional year if the defendant admits or the court finds that the defendant has violated**
15 **the conditions of his or her probation.**

 559.036. 1. A term of probation commences on the day it is imposed. Multiple terms
2 of Missouri probation, whether imposed at the same time or at different times, shall run
3 concurrently. Terms of probation shall also run concurrently with any federal or other state jail,
4 prison, probation or parole term for another offense to which the defendant is or becomes subject
5 during the period, unless otherwise specified by the Missouri court.

6 2. The court may terminate a period of probation and discharge the defendant at any time
7 before completion of the specific term fixed under section 559.016 if warranted by the conduct
8 of the defendant and the ends of justice. The court may extend the term of the probation, but no
9 more than one extension of any probation may be ordered **except that the court may extend the**
10 **term of probation by one additional year by order of the court if the defendant admits he**
11 **or she has violated the conditions of probation or is found by the court to have violated the**
12 **conditions of his or her probation.** Total time on any probation term, including any extension

13 shall not exceed the maximum term established in section 559.016. Procedures for termination,
14 discharge and extension may be established by rule of court.

15 3. If the defendant violates a condition of probation at any time prior to the expiration
16 or termination of the probation term, the court may continue him on the existing conditions, with
17 or without modifying or enlarging the conditions or extending the term, or, if such continuation,
18 modification, enlargement or extension is not appropriate, may revoke probation and order that
19 any sentence previously imposed be executed. If imposition of sentence was suspended, the
20 court may revoke probation and impose any sentence available under section 557.011, RSMo.
21 The court may mitigate any sentence of imprisonment by reducing the prison or jail term by all
22 or part of the time the defendant was on probation. The court may, upon revocation of probation,
23 place an offender on a second term of probation. Such probation shall be for a term of probation
24 as provided by section 559.016, notwithstanding any amount of time served by the offender on
25 the first term of probation.

26 4. Probation shall not be revoked without giving the probationer notice and an
27 opportunity to be heard on the issues of whether he violated a condition of probation and, if he
28 did, whether revocation is warranted under all the circumstances.

29 5. **The prosecuting or circuit attorney may file a motion to revoke probation or at**
30 **any time during the term of probation, the court may issue a notice to the probationer to appear**
31 **to answer a charge of a violation, and the court may issue a warrant of arrest for the violation.**
32 **Such notice shall be personally served upon the probationer. The warrant shall authorize the**
33 **return of the probationer to the custody of the court or to any suitable detention facility**
34 **designated by the court. Upon the filing of the prosecutor or circuit attorney's motion or on**
35 **the court's own motion, the court may immediately enter an order suspending the period**
36 **of probation and may order a warrant for the defendant's arrest. The probation shall**
37 **remain suspended until the court rules on the prosecutor or circuit attorney's motion, or**
38 **until the court otherwise orders the probation reinstated.**

39 6. The power of the court to revoke probation shall extend for the duration of the term
40 of probation designated by the court and for any further period which is reasonably necessary for
41 the adjudication of matters arising before its expiration, provided that some affirmative
42 manifestation of an intent to conduct a revocation hearing occurs prior to the expiration of the
43 period and that every reasonable effort is made to notify the probationer and to conduct the
44 hearing prior to the expiration of the period.

2 **559.105. 1. Any person who has been convicted of or has pled guilty to a violation**
3 **of subdivision (2) of subsection 1 of section 569.080, RSMo, or paragraph (a) of subdivision**
3 **(3) of subsection 3 of section 570.030, RSMo, may be ordered by the court to make**

4 **restitution to the victim for the victim's losses due to such offense. Restitution pursuant**
5 **to this section shall include, but not be limited to, the following:**

6 (1) **A victim's reasonable expenses to participate in the prosecution of the crime;**

7 (2) **A victim's payment for any repairs or replacement of the motor vehicle,**
8 **watercraft, or aircraft; and**

9 (3) **A victim's costs associated with towing or storage fees for the motor vehicle**
10 **caused by the acts of the defendant.**

11 **2. No person ordered by the court to pay restitution pursuant to this section shall**
12 **be released from probation until such restitution is complete. If full restitution is not made**
13 **within the original term of probation, the court shall order the maximum term of**
14 **probation allowed for such offense.**

15 **3. Any person eligible to be released on parole for a violation of subdivision (2) of**
16 **subsection 1 of section of section 569.080, RSMo, or paragraph (a) of subdivision (3) of**
17 **subsection 3 of section 570.030, RSMo, may be required, as a condition of parole, to make**
18 **restitution pursuant to this section. The board of probation and parole shall not release**
19 **any person from any term of parole for such offense until the person has completed such**
20 **restitution, or until the maximum term of parole for such offense has been served.**

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

4 2. Unless otherwise prohibited by subsection 5 of this section, a circuit court only upon
5 its own motion and not that of the state or the offender shall have the power to grant probation
6 to an offender anytime up to one hundred twenty days after such offender has been delivered to
7 the department of corrections but not thereafter. The court may request information and a
8 recommendation from the department concerning the offender and such offender's behavior
9 during the period of incarceration. Except as provided in this section, the court may place the
10 offender on probation in a program created pursuant to section 217.777, RSMo, or may place the
11 offender on probation with any other conditions authorized by law.

12 3. The court may recommend placement of an offender in a department of corrections
13 one hundred twenty-day program. Upon the recommendation of the court, the department of
14 corrections shall determine the offender's eligibility for the program, the nature, intensity, and
15 duration of any offender's participation in a program and the availability of space for an offender
16 in any program. When the court recommends and receives placement of an offender in a
17 department of corrections one hundred twenty-day program, the offender shall be released on
18 probation if the department of corrections determines that the offender has successfully
19 completed the program except as follows. Upon successful completion of a treatment program,

20 the board of probation and parole shall advise the sentencing court of an offender's probationary
21 release date thirty days prior to release. The court shall release the offender unless such release
22 constitutes an abuse of discretion. If the court determined that there is an abuse of discretion,
23 the court may order the execution of the offender's sentence only after conducting a hearing on
24 the matter within ninety to one hundred twenty days of the offender's sentence. If the court does
25 not respond when an offender successfully completes the program, the offender shall be released
26 on probation. Upon successful completion of a shock incarceration program, the board of
27 probation and parole shall advise the sentencing court of an offender's probationary release date
28 thirty days prior to release. The court shall follow the recommendation of the department unless
29 the court determines that probation is not appropriate. If the court determines that probation is
30 not appropriate, the court may order the execution of the offender's sentence only after
31 conducting a hearing on the matter within ninety to one hundred twenty days of the offender's
32 sentence. If the department determines that an offender is not successful in a program, then after
33 one hundred days of incarceration the circuit court shall receive from the department of
34 corrections a report on the offender's participation in the program and department
35 recommendations for terms and conditions of an offender's probation. The court shall then
36 release the offender on probation or order the offender to remain in the department to serve the
37 sentence imposed.

38 4. If the department of corrections one hundred twenty-day program is full, the court may
39 place the offender in a private program approved by the department of corrections or the court,
40 the expenses of such program to be paid by the offender, or in an available program offered by
41 another organization. If the offender is convicted of a class C or class D nonviolent felony, the
42 court may order probation while awaiting appointment to treatment.

43 5. Except when the offender has been found to be a predatory sexual offender pursuant
44 to section 558.018, RSMo, the court shall request that the offender be placed in the sexual
45 offender assessment unit of the department of corrections if the defendant has pleaded guilty to
46 or has been found guilty of sexual abuse when classified as a class B felony.

47 6. Unless the offender is being granted probation pursuant to successful completion of
48 a one hundred twenty-day program the circuit court shall notify the state in writing when the
49 court intends to grant probation to the offender pursuant to the provisions of this section. The
50 state may, in writing, request a hearing within ten days of receipt of the court's notification that
51 the court intends to grant probation. Upon the state's request for a hearing, the court shall grant
52 a hearing as soon as reasonably possible. If the state does not respond to the court's notice in
53 writing within ten days, the court may proceed upon its own motion to grant probation.

54 7. An offender's first incarceration for one hundred twenty days for participation in a
55 department of corrections program prior to release on probation shall not be considered a

56 previous prison commitment for the purpose of determining a minimum prison term under the
57 provisions of section 558.019, RSMo.

58 8. Notwithstanding any other provision of law, probation may not be granted pursuant
59 to this section to offenders who have been convicted of murder in the second degree pursuant
60 to section 565.021, RSMo; forcible rape pursuant to section 566.030, RSMo; forcible sodomy
61 pursuant to section 566.060, RSMo; statutory rape in the first degree pursuant to section 566.032,
62 RSMo; statutory sodomy in the first degree pursuant to section 566.062, RSMo; child
63 molestation in the first degree pursuant to section 566.067, RSMo, when classified as a class [B]
64 A felony; abuse of a child pursuant to section 568.060, RSMo, when classified as a class A
65 felony; an offender who has been found to be a predatory sexual offender pursuant to section
66 558.018, RSMo; or any offense in which there exists a statutory prohibition against either
67 probation or parole.

**566.086. 1. A person commits the crime of sexual contact with a student while on
2 public school property if he or she is a teacher, as that term is defined in subdivisions (4),
3 (5), and (7) of section 168.104, RSMo, and he or she has sexual contact with a student of
4 the public school while on any public school property.**

**5 2. For the purposes of this section, public school property shall mean property of
6 any public school in this state serving kindergarten through grade twelve.**

7 3. Sexual contact with a student while on public school property is a class D felony.

566.140. 1. Any person who has pleaded guilty to or been found guilty of violating the
2 provisions of this chapter, and is granted a suspended imposition or execution of sentence or
3 placed under the supervision of the board of probation and parole shall be required to participate
4 in and successfully complete a program of treatment, education and rehabilitation designed for
5 perpetrators of sexual offenses. Persons required to attend a program pursuant to this section
6 may be charged a reasonable fee to cover the costs of such program.

7 2. No person who provides assessment services or who makes a report, finding, or
8 recommendation for any probationer to attend any counseling or program of treatment, education
9 or rehabilitation as a condition or requirement of probation, following the probationer's plea of
10 guilty to or a finding of guilt of violating any provision of this chapter or chapter 565, RSMo,
11 may be related within the third degree of consanguinity or affinity to any person who has a
12 financial interest, whether direct or indirect, in the counseling or program of treatment, education
13 or rehabilitation or any financial interest, whether direct or indirect, in any private entity which
14 provides the counseling or program of treatment, education or rehabilitation. Any person who
15 violates this subsection shall thereafter:

16 (1) Immediately remit to the state of Missouri any financial income gained as a direct
17 or indirect result of the action constituting the violation;

18 (2) Be prohibited from providing assessment or counseling services or any program of
19 treatment, education or rehabilitation to, for, on behalf of, at the direction of, or in contract with
20 the state board of probation and parole or any office thereof; and

21 (3) Be prohibited from having any financial interest, whether direct or indirect, in any
22 private entity which provides assessment or counseling services or any program of treatment,
23 education or rehabilitation to, for, on behalf of, at the direction of, or in contract with the state
24 board of probation and parole or any office thereof.

25 **3. The provisions of subsection 2 of this section shall not apply when the**
26 **department of corrections has identified only one qualified service provider within**
27 **reasonably accessible distance from the offender or when the only providers available**
28 **within a reasonable distance are related within the third degree of consanguinity or affinity**
29 **to any person who has a financial interest in the service provider.**

568.045. 1. A person commits the crime of endangering the welfare of a child in the first
2 degree if:

3 (1) The person knowingly acts in a manner that creates a substantial risk to the life, body,
4 or health of a child less than seventeen years old; or

5 (2) The person knowingly engages in sexual conduct with a person under the age of
6 seventeen years over whom the person is a parent, guardian, or otherwise charged with the care
7 and custody;

8 (3) The person knowingly encourages, aids or causes a child less than seventeen years
9 of age to engage in any conduct which violates the provisions of chapter 195, RSMo;

10 (4) Such person enlists the aid, either through payment or coercion, of a person less than
11 seventeen years of age to unlawfully manufacture, compound, produce, prepare, sell, transport,
12 test or analyze amphetamine or methamphetamine or any of their analogues, or to obtain any
13 material used to manufacture, compound, produce, prepare, test or analyze amphetamine or
14 methamphetamine or any of their analogues; or

15 (5) Such person, in the presence of a person less than seventeen years of age **or in a**
16 **residence where a person less than seventeen years of age resides**, unlawfully manufactures,
17 **or attempts to manufacture** compounds, produces, prepares, sells, transports, tests or analyzes
18 amphetamine or methamphetamine or any of their analogues.

19 2. Endangering the welfare of a child in the first degree is a class C felony unless the
20 offense is committed as part of a ritual or ceremony, or except on a second or subsequent
21 offense, in which case the crime is a class B felony.

568.050. 1. A person commits the crime of endangering the welfare of a child in the
2 second degree if:

3 (1) He **or she** with criminal negligence acts in a manner that creates a substantial risk
4 to the life, body or health of a child less than seventeen years old; or

5 (2) He **or she** knowingly encourages, aids or causes a child less than seventeen years old
6 to engage in any conduct which causes or tends to cause the child to come within the provisions
7 of paragraph (d) of subdivision (2) of subsection 1 or subdivision (3) of subsection 1 of section
8 211.031, RSMo; or

9 (3) Being a parent, guardian or other person legally charged with the care or custody of
10 a child less than seventeen years old, he **or she** recklessly fails or refuses to exercise reasonable
11 diligence in the care or control of such child to prevent him from coming within the provisions
12 of paragraph (c) of subdivision (1) of subsection 1 or paragraph (d) of subdivision (2) of
13 subsection 1 or subdivision (3) of subsection 1 of section 211.031, RSMo; or

14 (4) He **or she** knowingly encourages, aids or causes a child less than seventeen years of
15 age to enter into any room, building or other structure which is a public nuisance as defined in
16 section 195.130, RSMo; or

17 (5) **He or she operates a vehicle in violation of subsection 2 of section 565.024 or**
18 **subsection 4 of section 565.060, RSMo, or section 577.010 or 577.012, RSMo, while a child**
19 **less than seventeen years old is present in the vehicle.**

20 2. Nothing in this section shall be construed to mean the welfare of a child is endangered
21 for the sole reason that he **or she** is being provided nonmedical remedial treatment recognized
22 and permitted under the laws of this state.

23 3. Endangering the welfare of a child in the second degree is a class A misdemeanor
24 unless the offense is committed as part of a ritual or ceremony, in which case the crime is a class
25 D felony.

569.040. 1. A person commits the crime of arson in the first degree when he knowingly
2 damages a building or inhabitable structure, and when any person is then present or in near
3 proximity thereto, by starting a fire or causing an explosion and thereby recklessly places such
4 person in danger of death or serious physical injury[.], or

5 **2. A person commits the crime of arson in the first degree when he commits or**
6 **attempts to commit a felony, and in the perpetration or attempted perpetration of such**
7 **felony, damages a building or inhabitable structure, and when any person is then present**
8 **or in near proximity thereto, by causing a fire or an explosion and thereby places such**
9 **person in danger of death or serious physical injury.**

10 [2.] **3.** Arson in the first degree is a class B felony unless a person has suffered serious
11 physical injury or has died as a result of the fire or explosion set by the defendant in which case
12 arson in the first degree is a class A felony.

569.050. 1. A person commits the crime of arson in the second degree when he
2 knowingly damages a building or inhabitable structure by starting a fire or causing an
3 explosion[.], or

4 **2. A person commits the crime of arson in the second degree when he commits or**
5 **attempts to commit a felony, and in the perpetration or attempted perpetration of such**
6 **felony, damages a building or inhabitable structure by causing a fire or an explosion.**

7 [2.] 3. A person does not commit a crime under **subsection 1** of this section if:

8 (1) No person other than himself has a possessory, proprietary or security interest in the
9 damaged building, or if other persons have those interests, all of them consented to his conduct;
10 and

11 (2) His sole purpose was to destroy or damage the building for a lawful and proper
12 purpose.

13 [3.] 4. The defendant shall have the burden of injecting the issue under subsection 2 of
14 this section.

15 [4.] 5. Arson in the second degree is a class C felony unless a person has suffered serious
16 physical injury or has died as a result of the fire or explosion set by the defendant in which case
17 arson in the second degree is a class B felony.

569.080. 1. A person commits the crime of tampering in the first degree if:

2 (1) He **or she** for the purpose of causing a substantial interruption or impairment of a
3 service rendered to the public by a utility or by an institution providing health or safety
4 protection, damages or tampers with property or facilities of such a utility or institution, and
5 thereby causes substantial interruption or impairment of service; or

6 (2) He **or she** knowingly receives, possesses, sells, alters, defaces, destroys or unlawfully
7 operates an automobile, airplane, motorcycle, motorboat or other motor-propelled vehicle
8 without the consent of the owner thereof.

9 2. Tampering in the first degree is a class C felony.

10 **3. Upon a finding by the court that the probative value outweighs the prejudicial**
11 **effect, evidence of the following is admissible in any criminal prosecution of a person under**
12 **subdivision (2) of subsection 1 of this section to prove the requisite knowledge or belief:**

13 (1) **That he or she received, possessed, sold, altered, defaced, destroyed, or operated**
14 **an automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle**
15 **unlawfully on a separate occasion;**

16 (2) **That he or she acquired the automobile, airplane, motorcycle, motorboat, or**
17 **other motor-propelled vehicle for a consideration which he or she knew was far below its**
18 **reasonable value.**

569.090. 1. A person commits the crime of tampering in the second degree if he **or she**:

2 (1) Tamper with property of another for the purpose of causing substantial
3 inconvenience to that person or to another; or

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

6 (3) Tamper or makes connection with property of a utility; or

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

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

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

11 2. In any prosecution under subdivision (4) of subsection 1, proof that a meter or any
12 other property of a utility has been tampered with, and the person or persons accused received
13 the use or direct benefit of the electric, gas, steam or water service, with one or more of the
14 effects described in subdivision (4) of subsection 1, shall be sufficient to support an inference
15 which the trial court may submit to the trier of fact, from which the trier of fact may conclude
16 that there has been a violation of such subdivision by the person or persons who use or receive
17 the direct benefit of the electric, gas, steam or water service.

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

19 (1) Committed as a second or subsequent violation of subdivision (4) of subsection 1,
20 in which case it is a class D felony;

21 (2) **The defendant has a prior conviction or has had a prior finding of guilt**
22 **pursuant to paragraph (a) of subdivision (3) of subsection 3 of section 570.030, RSMo,**
23 **section 570.080, or subdivision (2) of subsection 1 of this section, in which case it is a class**
24 **C felony.**

570.030. 1. A person commits the crime of stealing if he or she [appropriates]:

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

4 (2) **Obtains control over property or services knowing the property to have been**
5 **stolen or under such circumstances as would reasonably induce a person to believe that the**
6 **property was stolen; or**

7 (3) **Obtains or exerts control over property in the custody of any law enforcement**
8 **agency which is explicitly represented to him or her by any law enforcement officer or any**
9 **individual acting on behalf of a law enforcement agency as being stolen; and**

10 (a) **Intends to deprive the owner permanently of the use or benefit of the property;**
11 **or**

12 (b) **Knowingly uses, conceals, or abandons the property in such manner as to**
13 **deprive the owner permanently of such use or benefit; or**

14 (c) **Uses, conceals, or abandons the property knowing such use, concealment, or**
15 **abandonment is likely to deprive the owner permanently of such use or benefit.**

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

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

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

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

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

26 (5) That he or she, with intent to cheat or defraud a retailer, possesses, uses, utters,
27 transfers, makes, alters, counterfeits, or reproduces a retail sales receipt, price tag, or universal
28 price code label, or possesses with intent to cheat or defraud, the device that manufactures
29 fraudulent receipts or universal price code labels;

30 **(6) That he or she obtains control over stolen property knowing the property to**
31 **have been stolen or under such circumstances as would reasonably induce a person to**
32 **believe that the property was stolen.**

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

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

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

39 (3) The property appropriated consists of:

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

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

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

43 (d) Any firearms; or

44 (e) A United States national flag designed, intended and used for display on buildings
45 or stationary flagstaffs in the open; or

46 (f) Any original copy of an act, bill or resolution, introduced or acted upon by the
47 legislature of the state of Missouri; or

48 (g) Any pleading, notice, judgment or any other record or entry of any court of this state,
49 any other state or of the United States; or

- 50 (h) Any book of registration or list of voters required by chapter 115, RSMo; or
51 (i) Any animal of the species of horse, mule, ass, cattle, swine, sheep, or goat; or
52 (j) Live fish raised for commercial sale with a value of seventy-five dollars; or
53 (k) Any controlled substance as defined by section 195.010, RSMo; or
54 (l) Anhydrous ammonia; or
55 (m) Ammonium nitrate.

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

63 5. The theft of any item of property or services pursuant to subsection 3 of this section
64 which exceeds five hundred dollars may be considered a separate felony and may be charged in
65 separate counts.

66 6. Any person with a prior conviction of paragraph (i) of subdivision (3) of subsection
67 3 of this section and who violates the provisions of paragraph (i) of subdivision (3) of subsection
68 3 of this section when the value of the animal or animals stolen exceeds three thousand dollars
69 is guilty of a class B felony.

70 7. Any offense in which the value of property or services is an element is a class B felony
71 if the value of the property or services equals or exceeds twenty-five thousand dollars.

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

570.040. 1. Every person who has previously pled guilty or been found guilty on two
2 separate occasions of a stealing-related offense where such offenses occurred within ten years
3 of the date of occurrence of the present offense and where the person received and served a
4 sentence of ten days or more on such previous offense and who subsequently pleads guilty or is
5 found guilty of a stealing-related offense is guilty of a class D felony, **unless the subsequent**
6 **plea or guilty verdict is pursuant to paragraph (a) of subdivision (3) of subsection 3 of**
7 **section 570.030, in which case the person shall be guilty of a class B felony**, and shall be
8 punished accordingly.

9 2. As used in this section, the term "stealing-related offense" shall include federal and
10 state violations of criminal statutes against stealing or buying or receiving stolen property and
11 shall also include municipal ordinances against same if the defendant was either represented by

12 counsel or knowingly waived counsel in writing and the judge accepting the plea or making the
13 findings was a licensed attorney at the time of the court proceedings.

14 3. Evidence of prior guilty pleas or findings of guilt shall be heard by the court, out of
15 the hearing of the jury, prior to the submission of the case to the jury, and the court shall
16 determine the existence of the prior guilty pleas or findings of guilt.

570.080. 1. A person commits the crime of receiving stolen property if for the purpose
2 of depriving the owner of a lawful interest therein, he **or she** receives, retains or disposes of
3 property of another knowing that it has been stolen, or believing that it has been stolen.

4 2. Evidence of the following is admissible in any criminal prosecution pursuant to this
5 section to prove the requisite knowledge or belief of the alleged receiver:

6 (1) That he **or she** was found in possession or control of other property stolen on
7 separate occasions from two or more persons;

8 (2) That he **or she** received other stolen property in another transaction within the year
9 preceding the transaction charged;

10 (3) That he **or she** acquired the stolen property for a consideration which he **or she** knew
11 was far below its reasonable value;

12 **(4) That he or she obtained control over stolen property knowing the property to**
13 **have been stolen or under such circumstances as would reasonably induce a person to**
14 **believe the property was stolen.**

15 3. Receiving stolen property is a class A misdemeanor unless the property involved has
16 a value of five hundred dollars or more, or the person receiving the property is a dealer in goods
17 of the type in question, in which cases receiving stolen property is a class C felony.

570.255. 1. Any person guilty of a violation of sections 570.225 to 570.255 is
2 punishable as follows:

3 (1) For the first offense of a violation of sections 570.225 to 570.241 which is not a
4 felony under subdivision (2) of this subsection, such person is guilty of a misdemeanor, and upon
5 conviction shall be punished by a fine not exceeding five thousand dollars, or by confinement
6 in the county jail not exceeding six months, or by both such fine and confinement.

7 (2) For any offense of a violation of section 570.240 or 570.241 involving one hundred
8 or more articles upon which motion pictures or audiovisual works are recorded, or any other
9 violation of section 570.225 to 570.241 involving one [thousand] **hundred** or more articles, such
10 person is guilty of a felony and, upon conviction, shall be punished by a fine not exceeding fifty
11 thousand dollars, or by imprisonment by the department of corrections for not more than five
12 years, or by both such fine and imprisonment.

13 (3) For the second and subsequent violations of sections 570.225 to 570.255, such person
14 is guilty of a felony and, upon conviction, shall be punished by a fine not exceeding one hundred

15 thousand dollars, or by imprisonment by the department of corrections for not less than two years
16 nor more than five years, or by both such fine and imprisonment.

17 2. If a person is convicted of any violation of sections 570.225 to 570.255, the court in
18 its judgment of conviction may order the forfeiture and destruction or other disposition of all
19 unlawful recordings and all implements, devices and equipment used or intended to be used in
20 the manufacture of the unlawful recordings. The court may enter an order preserving such
21 recordings and all implements, devices and equipment as evidence for use in other cases or
22 pending in the final determination of an appeal. The provisions of this subsection shall not be
23 construed to allow an order to destroy any such implements, devices, or equipment used or
24 intended to be used in such manufacture subject to any valid lien or rights under any security
25 agreement or title retention contract when the holder thereof is an innocent party.

26 3. The penalties provided under sections 570.225 to 570.255 are not exclusive and are
27 in addition to any other penalties provided by law.

570.300. 1. A person commits the crime of theft of cable television service if he:

2 (1) Knowingly obtains or attempts to obtain cable television service without paying all
3 lawful compensation to the operator of such service, by means of artifice, trick, deception or
4 device; or

5 (2) Knowingly assists another person in obtaining or attempting to obtain cable television
6 service without paying all lawful compensation to the operator of such service; or

7 (3) Knowingly connects to, tampers with or otherwise interferes with any cables, wires
8 or other devices used for the distribution of cable television if the effect of such action is to
9 obtain cable television without paying all lawful compensation therefor; or

10 (4) Knowingly sells, uses, manufactures, rents or offers for sale, rental or use any device,
11 plan or kit designed and intended to obtain cable television service in violation of this section;
12 **or**

13 **(5) Knowingly attempts to connect to, tamper with, or otherwise interfere with any**
14 **cable television signal, cables, wires, devices, or equipment, which is used for the**
15 **distribution of cable television and which results in the unauthorized use of a cable**
16 **television system or the disruption of the delivery of the cable television service. Nothing**
17 **in this section shall be construed to prohibit, restrict, or otherwise limit the purchase, sale,**
18 **or use of any products, including without limitation hardware, software, or other items,**
19 **intended to provide services and features to a customer who has lawfully obtained a**
20 **connection from a cable company.**

21 2. Theft of cable television service is a class C felony if the value of the service

22 appropriated is five hundred dollars or more **or if the theft is a violation of subdivision (5) of**
23 **subsection 1 of this section;** otherwise theft of cable television services is a class A
24 misdemeanor.

25 3. Any cable television operator may bring an action to enjoin and restrain any violation
26 of the provisions of this section or bring an action for conversion. In addition to any actual
27 damages, an operator may be entitled to punitive damages and reasonable attorney fees in any
28 case in which the court finds that the violation was committed willfully and for purposes of
29 commercial advantage. In the event of a defendant's verdict the defendant may be entitled to
30 reasonable attorney fees.

31 4. The existence on the property and in the actual possession of the accused of any
32 connection wire, or conductor, which is connected in such a manner as to permit the use of cable
33 television service without the same being reported for payment to and specifically authorized by
34 the operator of the cable television service shall be sufficient to support an inference which the
35 trial court may submit to the trier of fact, from which the trier of fact may conclude that the
36 accused has committed the crime of theft of cable television service.

37 5. If a cable television company either:

38 (1) Provides unsolicited cable television service; or

39 (2) Fails to change or disconnect cable television service within ten days after receiving
40 written notice to do so by the customer, the customer may deem such service to be a gift without
41 any obligation to the cable television company from ten days after such written notice is received
42 until the service is changed or disconnected.

43 6. Nothing in this section shall be construed to render unlawful or prohibit an individual
44 or other legal entity from owning or operating a video cassette recorder or devices commonly
45 known as a "satellite receiving dish" for the purpose of receiving and utilizing satellite-relayed
46 television signals for his own use.

47 7. As used in this section, the term "cable television service" includes microwave
48 television transmission from a multipoint distribution service not capable of reception by
49 conventional television receivers without the use of special equipment.

575.150. 1. A person commits the crime of resisting or interfering with arrest, detention,
2 or stop if, knowing that a law enforcement officer is making an arrest, or attempting to lawfully
3 detain or stop an individual or vehicle, or the person reasonably should know that a law
4 enforcement officer is making an arrest or attempting to lawfully detain or lawfully stop an
5 individual or vehicle, for the purpose of preventing the officer from effecting the arrest, stop or
6 detention, the person:

7 (1) Resists the arrest, stop or detention of such person by using or threatening the use of
8 violence or physical force or by fleeing from such officer; or

9 (2) Interferes with the arrest, stop or detention of another person by using or threatening
10 the use of violence, physical force or physical interference; **or**

11 (3) **Interferes with the arrest, stop or detention of any person by providing false**
12 **information to a law enforcement officer regarding the person's name, address, date of**
13 **birth, or Social Security number.**

14 2. This section applies to arrests, stops or detentions with or without warrants and to
15 arrests, stops or detentions for any crime, infraction or ordinance violation.

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

20 4. It is no defense to a prosecution pursuant to subsection 1 of this section that the law
21 enforcement officer was acting unlawfully in making the arrest. However, nothing in this section
22 shall be construed to bar civil suits for unlawful arrest.

23 5. Resisting or interfering with an arrest for a felony is a class D felony. Resisting an
24 arrest, **detention or stop** by fleeing in such a manner that the person fleeing creates a substantial
25 risk of serious physical injury or death to any person is a class D felony; otherwise, resisting or
26 interfering with an arrest, detention or stop **in violation of subdivision (1) or (2) of subsection**
27 **1 of this section** is a class A misdemeanor, **and resisting arrest or interfering with an arrest,**
28 **detention or stop in violation of subdivision (3) of subsection 1 of this section is a class C**
29 **misdemeanor.**

575.185. 1. A person commits the crime of failure to provide identity when, having
2 **been lawfully stopped or detained by a law enforcement officer, and having been requested**
3 **by the officer to provide his or her identification to the officer:**

4 (1) **That person knowingly refuses to state his or her name and address or to**
5 **provide documentation of his or her name or address, such as, but not limited to, a driver's**
6 **license, credit card, or Social Security card; or**

7 (2) **That person falsely reports his or her name or address to a law enforcement**
8 **officer.**

9 2. **For the purposes of this section, a person has been "lawfully stopped or**
10 **detained" by a law enforcement officer when the law enforcement officer has briefly**
11 **stopped and detained the person upon reasonable suspicion to believe that the person has**
12 **committed, is committing, or is about to commit a crime. "Reasonable suspicion" means**
13 **specific and articulable facts which, taken together with rational inferences from those**
14 **facts, would lead a reasonable person to conclude that the person has committed, is**
15 **committing, or is about to commit a crime. The collective information in the possession of**

16 **all officers connected to an investigation can be considered in determining whether**
17 **reasonable suspicion existed for the stop or detention.**

18 **3. Failure to provide identity is a class C misdemeanor unless the person falsely**
19 **reported his or her name or address, in which case it is a class A misdemeanor.**

576.050. 1. A public servant commits the crime of misuse of official information if, in
2 contemplation of official action by himself **or herself** or by a governmental unit with which he
3 **or she** is associated, or in reliance on information to which he **or she** has access in his **or her**
4 official capacity and which has not been made public, he **or she** knowingly:

5 (1) Acquires a pecuniary interest in any property, transaction, or enterprise which may
6 be affected by such information or official action; or

7 (2) Speculates or wagers on the basis of such information or official action; or

8 (3) Aids, advises or encourages another to do any of the foregoing with purpose of
9 conferring a pecuniary benefit on any person.

10 **2. A person commits this crime if he or she knowingly obtains or recklessly**
11 **discloses information from the Missouri Uniform Law Enforcement System (MULES) or**
12 **the National Crime Information Center System (NCIC) for private or personal use, or for**
13 **a purpose other than in connection with their official duties and performance of their job.**

14 [2.] **3. Misuse of official information is a class A misdemeanor.**

577.023. 1. For purposes of this section, unless the context clearly indicates otherwise:

2 (1) An "intoxication-related traffic offense" is driving while intoxicated, driving with
3 excessive blood alcohol content, involuntary manslaughter pursuant to subdivision (2) of
4 subsection 1 of section 565.024, RSMo, assault in the second degree pursuant to subdivision (4)
5 of subsection 1 of section 565.060, RSMo, assault of a law enforcement officer in the second
6 degree pursuant to subdivision (3) of subsection 1 of section 565.082, RSMo, or driving under
7 the influence of alcohol or drugs in violation of state law or a county or municipal ordinance,
8 where [the judge in such case was an attorney and] the defendant was represented by or waived
9 the right to an attorney in writing;

10 (2) A "persistent offender" is one of the following:

11 (a) A person who has pleaded guilty to or has been found guilty of two or more
12 intoxication-related traffic offenses, where such two or more offenses occurred within ten years
13 of the occurrence of the intoxication-related traffic offense for which the person is charged;

14 (b) A person who has pleaded guilty to or has been found guilty of involuntary
15 manslaughter pursuant to subsection 1 of section 565.024, RSMo, assault in the second degree
16 pursuant to subdivision (4) of subsection 1 of section 565.060, RSMo, assault of a law
17 enforcement officer in the second degree pursuant to subdivision (3) of subsection 1 of section
18 565.082, RSMo; and

19 (3) A "prior offender" is a person who has pleaded guilty to or has been found guilty of
20 one intoxication-related traffic offense, where such prior offense occurred within five years of
21 the occurrence of the intoxication-related traffic offense for which the person is charged.

22 2. Any person who pleads guilty to or is found guilty of a violation of section 577.010
23 or 577.012 who is alleged and proved to be a prior offender shall be guilty of a class A
24 misdemeanor.

25 3. Any person who pleads guilty to or is found guilty of a violation of section 577.010
26 or 577.012 who is alleged and proved to be a persistent offender shall be guilty of a class D
27 felony.

28 4. No court shall suspend the imposition of sentence as to a prior or persistent offender
29 under this section nor sentence such person to pay a fine in lieu of a term of imprisonment,
30 section 557.011, RSMo, to the contrary notwithstanding. No prior offender shall be eligible for
31 parole or probation until he **or she** has served a minimum of five days imprisonment, unless as
32 a condition of such parole or probation such person performs at least thirty days of community
33 service under the supervision of the court in those jurisdictions which have a recognized program
34 for community service. No persistent offender shall be eligible for parole or probation until he
35 or she has served a minimum of ten days imprisonment, unless as a condition of such parole or
36 probation such person performs at least sixty days of community service under the supervision
37 of the court.

38 5. The court shall find the defendant to be a prior offender or persistent offender, if:

39 (1) The indictment or information, original or amended, or the information in lieu of an
40 indictment pleads all essential facts warranting a finding that the defendant is a prior offender
41 or persistent offender; and

42 (2) Evidence is introduced that establishes sufficient facts pleaded to warrant a finding
43 beyond a reasonable doubt the defendant is a prior offender or persistent offender; and

44 (3) The court makes findings of fact that warrant a finding beyond a reasonable doubt
45 by the court that the defendant is a prior offender or persistent offender.

46 6. In a jury trial, the facts shall be pleaded, established and found prior to submission to
47 the jury outside of its hearing.

48 7. In a trial without a jury or upon a plea of guilty, the court may defer the proof in
49 findings of such facts to a later time, but prior to sentencing.

50 8. The defendant shall be accorded full rights of confrontation and cross-examination,
51 with the opportunity to present evidence, at such hearings.

52 9. The defendant may waive proof of the facts alleged.

53 10. Nothing in this section shall prevent the use of presentence investigations or
54 commitments.

55 11. At the sentencing hearing both the state and the defendant shall be permitted to
56 present additional information bearing on the issue of sentence.

57 12. The pleas or findings of guilty shall be prior to the date of commission of the present
58 offense.

59 13. The court shall not instruct the jury as to the range of punishment or allow the jury,
60 upon a finding of guilty, to assess and declare the punishment as part of its verdict in cases of
61 prior offenders or persistent offenders.

62 14. Evidence of prior convictions shall be heard and determined by the trial court out of
63 the hearing of the jury prior to the submission of the case to the jury, and shall include but not
64 be limited to evidence of convictions received by a search of the records of the Missouri uniform
65 law enforcement system maintained by the Missouri state highway patrol. After hearing the
66 evidence, the court shall enter its findings thereon.

 577.041. 1. If a person under arrest, or who has been stopped pursuant to subdivision (2)
2 or (3) of subsection 1 of section 577.020, refuses upon the request of the officer to submit to any
3 test allowed pursuant to section 577.020, then none shall be given and evidence of the refusal
4 shall be admissible in a proceeding pursuant to [section] **sections** 565.024, [or] 565.060[,] **or**
5 **565.082**, RSMo, or section 577.010 or 577.012. The request of the officer shall include the
6 reasons of the officer for requesting the person to submit to a test and also shall inform the
7 person that evidence of refusal to take the test may be used against such person and that the
8 person's license shall be immediately revoked upon refusal to take the test. If a person when
9 requested to submit to any test allowed pursuant to section 577.020 requests to speak to an
10 attorney, the person shall be granted twenty minutes in which to attempt to contact an attorney.
11 If upon the completion of the twenty-minute period the person continues to refuse to submit to
12 any test, it shall be deemed a refusal. In this event, the officer shall, on behalf of the director of
13 revenue, serve the notice of license revocation personally upon the person and shall take
14 possession of any license to operate a motor vehicle issued by this state which is held by that
15 person. The officer shall issue a temporary permit, on behalf of the director of revenue, which
16 is valid for fifteen days and shall also give the person a notice of such person's right to file a
17 petition for review to contest the license revocation.

18 2. The officer shall make a sworn report to the director of revenue, which shall include
19 the following:

20 (1) That the officer has:

21 (a) Reasonable grounds to believe that the arrested person was driving a motor vehicle
22 while in an intoxicated or drugged condition; or

23 (b) Reasonable grounds to believe that the person stopped, being under the age of
24 twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths
25 of one percent or more by weight; or

26 (c) Reasonable grounds to believe that the person stopped, being under the age of
27 twenty-one years, was committing a violation of the traffic laws of the state, or political
28 subdivision of the state, and such officer has reasonable grounds to believe, after making such
29 stop, that the person had a blood alcohol content of two-hundredths of one percent or greater;

30 (2) That the person refused to submit to a chemical test;

31 (3) Whether the officer secured the license to operate a motor vehicle of the person;

32 (4) Whether the officer issued a fifteen-day temporary permit;

33 (5) Copies of the notice of revocation, the fifteen-day temporary permit and the notice
34 of the right to file a petition for review, which notices and permit may be combined in one
35 document; and

36 (6) Any license to operate a motor vehicle which the officer has taken into possession.

37 3. Upon receipt of the officer's report, the director shall revoke the license of the person
38 refusing to take the test for a period of one year; or if the person is a nonresident, such person's
39 operating permit or privilege shall be revoked for one year; or if the person is a resident without
40 a license or permit to operate a motor vehicle in this state, an order shall be issued denying the
41 person the issuance of a license or permit for a period of one year.

42 4. If a person's license has been revoked because of the person's refusal to submit to a
43 chemical test, such person may petition for a hearing before a circuit or associate circuit court
44 in the county in which the arrest or stop occurred. The person may request such court to issue
45 an order staying the revocation until such time as the petition for review can be heard. If the
46 court, in its discretion, grants such stay, it shall enter the order upon a form prescribed by the
47 director of revenue and shall send a copy of such order to the director. Such order shall serve
48 as proof of the privilege to operate a motor vehicle in this state and the director shall maintain
49 possession of the person's license to operate a motor vehicle until termination of any revocation
50 pursuant to this section. Upon the person's request the clerk of the court shall notify the
51 prosecuting attorney of the county and the prosecutor shall appear at the hearing on behalf of the
52 director of revenue. At the hearing the court shall determine only:

53 (1) Whether or not the person was arrested or stopped;

54 (2) Whether or not the officer had:

55 (a) Reasonable grounds to believe that the person was driving a motor vehicle while in
56 an intoxicated or drugged condition; or

57 (b) Reasonable grounds to believe that the person stopped, being under the age of
58 twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths
59 of one percent or more by weight; or

60 (c) Reasonable grounds to believe that the person stopped, being under the age of
61 twenty-one years, was committing a violation of the traffic laws of the state, or political
62 subdivision of the state, and such officer had reasonable grounds to believe, after making such
63 stop, that the person had a blood alcohol content of two-hundredths of one percent or greater; and

64 (3) Whether or not the person refused to submit to the test.

65 5. If the court determines any issue not to be in the affirmative, the court shall order the
66 director to reinstate the license or permit to drive.

67 6. Requests for review as provided in this section shall go to the head of the docket of
68 the court wherein filed.

69 7. No person who has had a license to operate a motor vehicle suspended or revoked
70 pursuant to the provisions of this section shall have that license reinstated until such person has
71 participated in and successfully completed a substance abuse traffic offender program defined
72 in section 577.001, or a program determined to be comparable by the department of mental
73 health or the court. Assignment recommendations, based upon the needs assessment as
74 described in subdivision (22) of section 302.010, RSMo, shall be delivered in writing to the
75 person with written notice that the person is entitled to have such assignment recommendations
76 reviewed by the court if the person objects to the recommendations. The person may file a
77 motion in the associate division of the circuit court of the county in which such assignment was
78 given, on a printed form provided by the state courts administrator, to have the court hear and
79 determine such motion pursuant to the provisions of chapter 517, RSMo. The motion shall name
80 the person or entity making the needs assessment as the respondent and a copy of the motion
81 shall be served upon the respondent in any manner allowed by law. Upon hearing the motion,
82 the court may modify or waive any assignment recommendation that the court determines to be
83 unwarranted based upon a review of the needs assessment, the person's driving record, the
84 circumstances surrounding the offense, and the likelihood of the person committing a like
85 offense in the future, except that the court may modify but may not waive the assignment to an
86 education or rehabilitation program of a person determined to be a prior or persistent offender
87 as defined in section 577.023, or of a person determined to have operated a motor vehicle with
88 fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with
89 the court determination of the motion shall satisfy the provisions of this section for the purpose
90 of reinstating such person's license to operate a motor vehicle. The respondent's personal
91 appearance at any hearing conducted pursuant to this subsection shall not be necessary unless
92 directed by the court.

93 8. The fees for the substance abuse traffic offender program, or a portion thereof to be
94 determined by the division of alcohol and drug abuse of the department of mental health, shall
95 be paid by the person enrolled in the program. Any person who is enrolled in the program shall
96 pay, in addition to any fee charged for the program, a supplemental fee to be determined by the
97 department of mental health for the purposes of funding the substance abuse traffic offender
98 program defined in section 302.010, RSMo, and section 577.001. The administrator of the
99 program shall remit to the division of alcohol and drug abuse of the department of mental health
100 on or before the fifteenth day of each month the supplemental fee for all persons enrolled in the
101 program, less two percent for administrative costs. Interest shall be charged on any unpaid
102 balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this
103 section and shall accrue at a rate not to exceed the annual rates established pursuant to the
104 provisions of section 32.065, RSMo, plus three percentage points. The supplemental fees and
105 any interest received by the department of mental health pursuant to this section shall be
106 deposited in the mental health earnings fund which is created in section 630.053, RSMo.

107 9. Any administrator who fails to remit to the division of alcohol and drug abuse of the
108 department of mental health the supplemental fees and interest for all persons enrolled in the
109 program pursuant to this section shall be subject to a penalty equal to the amount of interest
110 accrued on the supplemental fees due the division pursuant to this section. If the supplemental
111 fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the
112 department of mental health within six months of the due date, the attorney general of the state
113 of Missouri shall initiate appropriate action of the collection of said fees and interest accrued.
114 The court shall assess attorney fees and court costs against any delinquent program.

577.500. 1. A court of competent jurisdiction shall, upon a plea of guilty, conviction or
2 finding of guilt, or, if the court is a juvenile court, upon a finding of fact that the offense was
3 committed by a juvenile, enter an order suspending or revoking the driving privileges of any
4 person determined to have committed one of the following offenses and who, at the time said
5 offense was committed, was under twenty-one years of age:

6 (1) Any alcohol related traffic offense in violation of state law or a county or, beginning
7 July 1, 1992, municipal ordinance, where [the judge in such case was an attorney and] the
8 defendant was represented by or waived the right to an attorney in writing;

9 (2) Any offense in violation of state law or, beginning July 1, 1992, a county or
10 municipal ordinance, where [the judge in such case was an attorney and] the defendant was
11 represented by or waived the right to an attorney in writing, involving the possession or use of
12 alcohol, committed while operating a motor vehicle;

13 (3) Any offense involving the possession or use of a controlled substance as defined in
14 chapter 195, RSMo, in violation of the state law or, beginning July 1, 1992, a county or

15 municipal ordinance, where [the judge in such case was an attorney and] the defendant was
16 represented by or waived the right to an attorney in writing;

17 (4) Any offense involving the alteration, modification or misrepresentation of a license
18 to operate a motor vehicle in violation of section 311.328, RSMo;

19 (5) Any offense in violation of state law or, beginning July 1, 1992, a county or
20 municipal ordinance, where [the judge in such case was an attorney and] the defendant was
21 represented by or waived the right to an attorney in writing, involving the possession or use of
22 alcohol for a second time; except that a determination of guilt or its equivalent shall have been
23 made for the first offense and both offenses shall have been committed by the person when the
24 person was under eighteen years of age.

25 2. The court shall require the surrender to it of any license to operate a motor vehicle
26 then held by any person against whom a court has entered an order suspending or revoking
27 driving privileges under subsection 1 of this section.

28 3. The court, if other than a juvenile court, shall forward to the director of revenue the
29 order of suspension or revocation of driving privileges and any licenses acquired under
30 subsection 2 of this section.

31 4. (1) The court, if a juvenile court, shall forward to the director of revenue the order
32 of suspension or revocation of driving privileges and any licenses acquired under subsection 2
33 of this section for any person sixteen years of age or older, the provision of chapter 211, RSMo,
34 to the contrary notwithstanding.

35 (2) The court, if a juvenile court, shall hold the order of suspension or revocation of
36 driving privileges for any person less than sixteen years of age until thirty days before the
37 person's sixteenth birthday, at which time the juvenile court shall forward to the director of
38 revenue the order of suspension or revocation of driving privileges, the provision of chapter 211,
39 RSMo, to the contrary notwithstanding.

40 5. The period of suspension for a first offense under this section shall be ninety days.
41 Any second or subsequent offense under this section shall result in revocation of the offender's
42 driving privileges for one year.

**577.625. 1. No person less than eighteen years of age shall distribute upon the real
2 property comprising a public or private elementary or secondary school or school bus a
3 prescription medication to any individual who does not have a valid prescription for such
4 medication. For purposes of this section, prescription medication shall not include
5 medication containing a controlled substance, as defined in section 195.010, RSMo.**

**6 2. The provisions of this section shall not apply to any person less than eighteen
7 years of age authorized to distribute a prescription medication by any school personnel
8 who are responsible for storing, maintaining, or dispensing any prescription medication**

9 under chapter 338, RSMo. This section shall not limit the use of any prescription
10 medication by emergency personnel, as defined in section 565.081, RSMo, during an
11 emergency situation.

12 3. Any person less than eighteen years of age who violates this section is guilty of
13 a class B misdemeanor for a first offense and a class A misdemeanor for any second or
14 subsequent offense.

577.628. 1. No person less than eighteen years of age shall possess upon the real
2 property comprising a public or private elementary or secondary school or school bus
3 prescription medication without a valid prescription for such medication. For purposes
4 of this section, prescription medication shall not include medication containing a controlled
5 substance, as defined in section 195.010, RSMo.

6 2. The provisions of this section shall not apply to any person less than eighteen
7 years of age authorized to possess a prescription medication by any school personnel who
8 are responsible for storing, maintaining, or dispensing any prescription medication under
9 chapter 338, RSMo. This section shall not limit the use of any prescription medication by
10 emergency personnel, as defined in section 565.081, RSMo, during an emergency situation.

11 3. Any person less than eighteen years of age who violates the provisions of this
12 section is guilty of a class C misdemeanor for a first offense and a class B misdemeanor for
13 any second or subsequent offense.

578.500. 1. Any person, while a motion picture is being exhibited, who knowingly
2 operates an audiovisual recording function of a device in a motion picture theater without
3 the consent of the owner or lessee of the motion picture theater shall be guilty of criminal
4 use of real property.

5 2. As used in this section, the term "audiovisual recording function" means the
6 capability of a device to record or transmit a motion picture or any part thereof by means
7 of any technology now known or later developed.

8 3. As used in this section, the term "motion picture theater" means a movie theater,
9 screening room, or other venue that is being utilized primarily for the exhibition of a
10 motion picture at the time of the offense, but excluding the lobby, entrance, or other areas
11 of the building where a motion picture cannot be viewed.

12 4. The provisions of this section shall not prevent any lawfully authorized
13 investigative, law enforcement protective, or intelligence gathering employee or agent, of
14 the state or federal government, from operating any audiovisual recording device in any
15 facility where a motion picture is being exhibited, as part of lawfully authorized
16 investigative, protective, law enforcement, or intelligence gathering activities. The owner
17 or lessee of a facility where a motion picture is being exhibited, or the authorized agent or

18 **employee of such owner or lessee, who alerts law enforcement authorities of an alleged**
19 **violation of this section shall not be liable in any civil action arising out of measures taken**
20 **by such owner, lessee, agent, or employee in the course of subsequently detaining a person**
21 **that the owner, lessee, agent, or employee in good faith believed to have violated this**
22 **section while awaiting the arrival of law enforcement authorities, unless the plaintiff can**
23 **show by clear and convincing evidence that such measures were unreasonable or the**
24 **period of detention was unreasonably long.**

25 **5. Any person who has pled guilty to or been found guilty of violating the**
26 **provisions of this section shall be guilty of a class A misdemeanor, unless the person has**
27 **previously pled guilty or been found guilty of violating the provisions of this section, in**
28 **which case it is a class D felony.**

589.417. 1. Except for the specific information listed in [subsection] **subsections 2 and**
2 **3** of this section, the complete statements, photographs and fingerprints required by sections
3 589.400 to 589.425 shall not be subject to the provisions of chapter 610, RSMo, and are not
4 public records as defined in section 610.010, RSMo, and shall be available only to courts,
5 prosecutors and law enforcement agencies.

6 2. Notwithstanding any provision of law to the contrary, the chief law enforcement
7 official of the county shall maintain, for all offenders registered in such county, a complete list
8 of the names, addresses and crimes for which such offenders are registered. Any person may
9 request such list from the chief law enforcement official of the county.

10 **3. Notwithstanding any other provision of law the chief law enforcement official of**
11 **the county may maintain a web page on the Internet which can be open to the public and**
12 **can include a registered sexual offender search capability. Only the information listed in**
13 **subdivisions (1) to (4) of this subsection shall be provided to the public in the registered**
14 **sexual offender search:**

15 **(1) The name of the offender;**

16 **(2) The last known address of the offender, including the street address, city,**
17 **county, state, and zip code;**

18 **(3) A photograph of the offender; and**

19 **(4) The crime or crimes for which the offender was convicted that caused him or**
20 **her to have to register.**

595.209. 1. The following rights shall automatically be afforded to victims of dangerous
2 felonies, as defined in section 556.061, RSMo, victims of murder in the first degree, as defined
3 in section 565.020, RSMo, victims of voluntary manslaughter, as defined in section 565.023,
4 RSMo, and victims of an attempt to commit one of the preceding crimes, as defined in section

5 564.011, RSMo; and, upon written request, the following rights shall be afforded to victims of
6 all other crimes and witnesses of crimes:

7 (1) For victims, the right to be present at all criminal justice proceedings at which the
8 defendant has such right, including juvenile proceedings where the offense would have been a
9 felony if committed by an adult, even if the victim is called to testify or may be called to testify
10 as a witness in the case;

11 (2) For victims, the right to information about the crime, as provided for in subdivision
12 (5) of this subsection;

13 (3) For victims and witnesses, to be informed, in a timely manner, by the prosecutor's
14 office of the filing of charges, preliminary hearing dates, trial dates, continuances and the final
15 disposition of the case. Final disposition information shall be provided within five days;

16 (4) For victims, the right to confer with and to be informed by the prosecutor regarding
17 bail hearings, guilty pleas, pleas under chapter 552, RSMo, or its successors, hearings, sentencing
18 and probation revocation hearings and the right to be heard at such hearings, including juvenile
19 proceedings, unless in the determination of the court the interests of justice require otherwise;

20 (5) The right to be informed by local law enforcement agencies, the appropriate juvenile
21 authorities or the custodial authority of the following:

22 (a) The status of any case concerning a crime against the victim, including juvenile
23 offenses;

24 (b) The right to be informed by local law enforcement agencies or the appropriate
25 juvenile authorities, of the availability of victim compensation assistance, assistance in obtaining
26 documentation of the victim's losses, including, but not limited to and subject to existing law
27 concerning protected information or closed records, access to copies of complete, unaltered,
28 unedited investigation reports of motor vehicle, pedestrian, and other similar accidents upon
29 request to the appropriate law enforcement agency by the victim or the victim's representative,
30 and emergency crisis intervention services available in the community;

31 (c) Any release of such person on bond or for any other reason;

32 (d) Within twenty-four hours, any escape by such person from a municipal detention
33 facility, county jail, a correctional facility operated by the department of corrections, mental
34 health facility, or the division of youth services or any agency thereof, and any subsequent
35 recapture of such person;

36 (6) For victims, the right to be informed by appropriate juvenile authorities of probation
37 revocation hearings initiated by the juvenile authority and the right to be heard at such hearings
38 or to offer a written statement, video or audio tape in lieu of a personal appearance, the right to
39 be informed by the board of probation and parole of probation revocation hearings initiated by
40 the board and of parole hearings, the right to be present at each and every phase of parole

41 hearings and the right to be heard at probation revocation and parole hearings or to offer a written
42 statement, video or audio tape in lieu of a personal appearance, and the right to be informed by
43 the custodial mental health facility or agency thereof of any hearings for the release of a person
44 committed pursuant to the provisions of chapter 552, RSMo, the right to be present at such
45 hearings, the right to be heard at such hearings or to offer a written statement, video or audio tape
46 in lieu of personal appearance;

47 (7) For victims and witnesses, upon their written request, the right to be informed by the
48 appropriate custodial authority, including any municipal detention facility, juvenile detention
49 facility, county jail, correctional facility operated by the department of corrections, mental health
50 facility, division of youth services or agency thereof if the offense would have been a felony if
51 committed by an adult, postconviction or commitment pursuant to the provisions of chapter 552,
52 RSMo, of the following:

53 (a) The projected date of such person's release from confinement;

54 (b) Any release of such person on bond;

55 (c) Any release of such person on furlough, work release, trial release, electronic
56 monitoring program, or to a community correctional facility or program or release for any other
57 reason, in advance of such release;

58 (d) Any scheduled parole or release hearings, **including hearings under section**
59 **217.362, RSMo**, regarding such person and any changes in the scheduling of such hearings. No
60 such hearing shall be conducted without thirty days' advance notice;

61 (e) Within twenty-four hours, any escape by such person from a municipal detention
62 facility, county jail, a correctional facility operated by the department of corrections, mental
63 health facility, or the division of youth services or any agency thereof, and any subsequent
64 recapture of such person;

65 (f) Any decision by a parole board, **by a juvenile releasing authority or by a circuit court**
66 **presiding over releases pursuant to the provisions of chapter 552, RSMo, or by a circuit court**
67 **presiding over releases under section 217.362, RSMo**, to release such person or any decision
68 by the governor to commute the sentence of such person or pardon such person;

69 (g) Notification within thirty days of the death of such person;

70 (8) For witnesses who have been summoned by the prosecuting attorney and for victims,
71 to be notified by the prosecuting attorney in a timely manner when a court proceeding will not
72 go on as scheduled;

73 (9) For victims and witnesses, the right to reasonable protection from the defendant or
74 any person acting on behalf of the defendant from harm and threats of harm arising out of their
75 cooperation with law enforcement and prosecution efforts;

76 (10) For victims and witnesses, on charged cases or submitted cases where no charge
77 decision has yet been made, to be informed by the prosecuting attorney of the status of the case
78 and of the availability of victim compensation assistance and of financial assistance and
79 emergency and crisis intervention services available within the community and information
80 relative to applying for such assistance or services, and of any final decision by the prosecuting
81 attorney not to file charges;

82 (11) For victims, to be informed by the prosecuting attorney of the right to restitution
83 which shall be enforceable in the same manner as any other cause of action as otherwise
84 provided by law;

85 (12) For victims and witnesses, to be informed by the court and the prosecuting attorney
86 of procedures to be followed in order to apply for and receive any witness fee to which they are
87 entitled;

88 (13) When a victim's property is no longer needed for evidentiary reasons or needs to be
89 retained pending an appeal, the prosecuting attorney or any law enforcement agency having
90 possession of the property shall, upon request of the victim, return such property to the victim
91 within five working days unless the property is contraband or subject to forfeiture proceedings,
92 or provide written explanation of the reason why such property shall not be returned;

93 (14) An employer may not discharge or discipline any witness, victim or member of a
94 victim's immediate family for honoring a subpoena to testify in a criminal proceeding or for
95 participating in the preparation of a criminal proceeding;

96 (15) For victims, to be provided with creditor intercession services by the prosecuting
97 attorney if the victim is unable, as a result of the crime, temporarily to meet financial obligations;

98 (16) For victims and witnesses, the right to speedy disposition of their cases, and for
99 victims, the right to speedy appellate review of their cases, provided that nothing in this
100 subdivision shall prevent the defendant from having sufficient time to prepare such defendant's
101 defense. The attorney general shall provide victims, upon their written request, case status
102 information throughout the appellate process of their cases. The provisions of this subdivision
103 shall apply only to proceedings involving the particular case to which the person is a victim or
104 witness;

105 (17) For victims and witnesses, to be provided by the court, a secure waiting area during
106 court proceedings and to receive notification of the date, time and location of any hearing
107 conducted by the court for reconsideration of any sentence imposed, modification of such
108 sentence or recall and release of any defendant from incarceration.

109 2. The provisions of subsection 1 of this section shall not be construed to imply any
110 victim who is incarcerated by the department of corrections or any local law enforcement agency

111 has a right to be released to attend any hearing or that the department of corrections or the local
112 law enforcement agency has any duty to transport such incarcerated victim to any hearing.

113 3. Those persons entitled to notice of events pursuant to the provisions of subsection 1
114 of this section shall provide the appropriate person or agency with their current addresses and
115 telephone numbers or the addresses or telephone numbers at which they wish notification to be
116 given.

117 4. Notification by the appropriate person or agency [by certified mail to the most current
118 address provided by the victim] **utilizing the statewide automated crime victim notification**
119 **system as established in section 650.310, RSMo**, shall constitute compliance with the victim
120 notification requirement of this section. **If notification utilizing the statewide automated**
121 **crime victim notification system cannot be used, then written notification shall be sent by**
122 **certified mail to the most current address provided by the victim.**

123 5. Victims' rights as established in section 32 of article I of the Missouri Constitution or
124 the laws of this state pertaining to the rights of victims of crime shall be granted and enforced
125 regardless of the desires of a defendant and no privileges of confidentiality shall exist in favor
126 of the defendant to exclude victims or prevent their full participation in each and every phase of
127 parole hearings or probation revocation hearings. The rights of the victims granted in this section
128 are absolute and the policy of this state is that the victim's rights are paramount to the defendant's
129 rights. The victim has an absolute right to be present at any hearing in which the defendant is
130 present before a probation and parole hearing officer.

650.030. The director of public safety shall have authority to establish a state
2 **firearms training and qualification standard for retired law enforcement officers carrying**
3 **concealed firearms pursuant to 18 U.S.C. 926C of the Law Enforcement Officers Safety**
4 **Act of 2004, and shall promulgate rules for the implementation of this state standard as**
5 **required by 18 U.S.C. Section 926C(d)(2)(B). Any rule or portion of a rule, as that term**
6 **is defined in section 536.010, RSMo, that is created under the authority delegated in this**
7 **section shall become effective only if it complies with and is subject to all of the provisions**
8 **of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter**
9 **536, RSMo, are nonseverable and if any of the powers vested with the general assembly**
10 **pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and**
11 **annul a rule are subsequently held unconstitutional, then the grant of rulemaking**
12 **authority and any rule proposed or adopted after August 28, 2005, shall be invalid and**
13 **void.**

Section 1. 1. To defray the costs associated with adding an additive to anhydrous
2 **ammonia as a deterrent to methamphetamine production in this state, the department of**
3 **agriculture shall authorize the disbursement of moneys from the anhydrous ammonia**

4 additive fund created in this section to anhydrous ammonia distributors in an amount not
5 to exceed the actual cost to the distributor for adding an additive to anhydrous ammonia,
6 including but not limited to equipment, materials, and labor costs. The department, in
7 collaboration with the department of revenue shall verify that the moneys distributed from
8 the fund are used by distributors only for the purpose of adding an additive to anhydrous
9 ammonia and that the reimbursement is sufficient to result in a savings to distributors
10 equal to the actual cost of adding an additive to anhydrous ammonia.

11 2. There is hereby created in the state treasury the "Anhydrous Ammonia Additive
12 Fund", which shall consist of money received from any state, federal, or any other source
13 for the purposes provided in this section. The department of agriculture shall administer
14 the fund. The state treasurer shall be custodian of the fund and shall disburse moneys
15 from the fund in accordance with sections 30.170 and 30.180, RSMo. The moneys in the
16 fund shall be used solely to reimburse distributors for the cost of adding an additive to
17 anhydrous ammonia.

18 3. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any
19 moneys remaining in the fund at the end of the biennium shall not revert to the credit of
20 the general revenue fund.

21 4. The state treasurer shall invest moneys in the fund in the same manner as other
22 funds are invested. Any interest and moneys earned on such investments shall be credited
23 to the fund.

24 5. Any moneys remaining in the anhydrous ammonia additive fund on the date this
25 terminates under subsection 7 of this section shall revert to the credit of the general
26 revenue fund.

27 6. The department may promulgate rules to implement the provisions of this
28 section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
29 that is created under the authority delegated in this section shall become effective only if
30 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
31 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
32 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,
33 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
34 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
35 adopted after August 28, 2005, shall be invalid and void.

36 7. Pursuant to section 23.253, RSMo, of the Missouri Sunset Act:

37 (1) The provisions of the new program authorized under this section shall
38 automatically sunset six years after the effective date of this section unless reauthorized by
39 an act of the general assembly; and

40 **(2) If such program is reauthorized, the program authorized under this section**
41 **shall automatically sunset twelve years after the effective date of the reauthorization of this**
42 **section; and**

43 **(3) This section shall terminate on September first of the calendar year immediately**
44 **following the calendar year in which the program authorized under this section is sunset.**