

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR
HOUSE BILL NOS. 406 & 726
94TH GENERAL ASSEMBLY

Reported from the Committee on Crime Prevention and Public Safety April 18, 2007 with recommendation that House Committee Substitute No. 2 for House Bill Nos. 406 & 726 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

0998L.06C

AN ACT

To repeal sections 43.010, 43.030, 43.050, 43.090, 43.110, 43.120, 43.140, 43.160, 43.210, 43.220, 43.530, 50.565, 84.160, 174.700, 174.703, 174.706, 192.925, 195.010, 195.017, 195.417, 210.1012, 217.670, 221.040, 287.067, 302.060, 302.311, 302.750, 304.022, 304.070, 304.230, 306.111, 306.112, 306.114, 306.116, 306.117, 311.310, 311.325, 311.326, 409.5-508, 409.6-604, 488.5025, 544.157, 545.050, 550.040, 559.021, 559.106, 561.031, 565.024, 565.063, 565.070, 565.074, 565.081, 565.082, 565.083, 565.182, 570.040, 573.037, 575.080, 575.100, 575.260, 575.353, 577.020, 577.023, 577.026, 577.037, 577.041, 577.208, 577.500, 577.505, 578.250, 578.255, 578.260, 578.265, 590.050, 590.120, 590.190, 595.030, 595.209, 610.100, 650.055, 650.340, and 650.457, RSMo, and to enact in lieu thereof one hundred sixteen 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 43.010, 43.030, 43.050, 43.090, 43.110, 43.120, 43.140, 43.160,
2 43.210, 43.220, 43.530, 50.565, 84.160, 174.700, 174.703, 174.706, 192.925, 195.010, 195.017,
3 195.417, 210.1012, 217.670, 221.040, 287.067, 302.060, 302.311, 302.750, 304.022, 304.070,
4 304.230, 306.111, 306.112, 306.114, 306.116, 306.117, 311.310, 311.325, 311.326, 409.5-508,
5 409.6-604, 488.5025, 544.157, 545.050, 550.040, 559.021, 559.106, 561.031, 565.024, 565.063,
6 565.070, 565.074, 565.081, 565.082, 565.083, 565.182, 570.040, 573.037, 575.080, 575.100,
7 575.260, 575.353, 577.020, 577.023, 577.026, 577.037, 577.041, 577.208, 577.500, 577.505,

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.

8 578.250, 578.255, 578.260, 578.265, 590.050, 590.120, 590.190, 595.030, 595.209, 610.100,
9 650.055, 650.340, and 650.457, RSMo, are repealed and one hundred sixteen new sections
10 enacted in lieu thereof, to be known as sections 43.010, 43.030, 43.050, 43.090, 43.110, 43.115,
11 43.120, 43.140, 43.160, 43.210, 43.220, 43.530, 43.546, 43.547, 50.565, 84.160, 174.700,
12 174.703, 174.706, 174.709, 174.712, 192.925, 195.010, 195.017, 195.378, 195.381, 195.384,
13 195.387, 195.390, 195.393, 195.396, 195.399, 195.417, 195.550, 195.552, 210.1012, 217.439,
14 217.670, 221.040, 287.067, 302.060, 302.311, 302.750, 304.022, 304.070, 304.230, 306.111,
15 306.112, 306.114, 306.116, 306.117, 311.310, 311.325, 311.326, 409.5-508, 409.6-604,
16 488.5025, 544.157, 545.050, 550.040, 559.021, 559.106, 561.031, 565.024, 565.063, 565.070,
17 565.074, 565.081, 565.082, 565.083, 565.145, 565.182, 566.148, 570.040, 573.037, 575.075,
18 575.080, 575.100, 575.153, 575.260, 575.353, 577.016, 577.020, 577.023, 577.026, 577.037,
19 577.041, 577.208, 577.500, 577.505, 578.250, 578.255, 578.260, 578.265, 589.395, 589.660,
20 589.663, 589.666, 589.669, 589.672, 589.675, 589.678, 589.681, 589.683, 590.035, 590.050,
21 590.120, 590.190, 595.030, 595.209, 610.100, 650.010, 650.055, 650.340, 650.457, and 650.470,
22 to read as follows:

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)] (2) "MULES", Missouri uniform law enforcement system, a
7 statewide-computerized communications system provided by the patrol designed to provide
8 services, information, and capabilities to the law enforcement and criminal justice community
9 in the state of Missouri;
10 [(4)] (3) "Patrol", the Missouri state highway patrol;
11 [(5)] (4) "Peace officers", sheriffs, police officers and other peace officers of this state;
12 [(6)] (5) "Radio personnel", those employees of the patrol engaged in the construction,
13 operation, and maintenance of the patrol radio system.

43.030. 1. The superintendent of the Missouri state highway patrol shall be appointed
2 by the governor by and with the advice and consent of the senate. The superintendent shall hold
3 office at the pleasure of the governor. The superintendent shall be a citizen of the United States
4 and a resident taxpaying citizen of this state for a period of three years previous to being
5 appointed as superintendent and shall be at least thirty years of age. **The superintendent shall**
6 **be a current uniformed member of the Missouri state highway patrol.** The superintendent
7 shall maintain an office [and reside] in Jefferson City.

8 2. The superintendent of the Missouri state highway patrol shall:

9 (1) Have command of the patrol and perform all duties imposed on the superintendent
10 and exercise all of the powers and authority conferred upon the superintendent by the provisions
11 of this chapter and the requirements of chapter 650, RSMo;

12 (2) Within available appropriations, establish an equitable pay plan for the members of
13 the highway patrol and radio personnel taking into consideration ranks and length of service.

43.050. 1. The superintendent may appoint not more than twenty-five captains and one
2 director of radio, each of whom shall have the same qualifications as the superintendent, nor
3 more than sixty lieutenants, and such additional force of sergeants, corporals and patrolmen, so
4 that the total number of members of the patrol shall not exceed nine hundred sixty-five officers
5 and patrolmen and such numbers of radio personnel as the superintendent deems necessary.

6 2. In case of a national emergency the superintendent may name additional patrolmen
7 and radio personnel in a number sufficient to replace, temporarily, patrolmen and radio personnel
8 called into military services.

9 3. **The superintendent may enter into an agreement with the Missouri gaming**
10 **commission related to the enforcement of any law, regulation, and conduct background**
11 **investigations related to the laws of this state, and the regulation of licensed gaming**
12 **activities in chapter 313, RSMo. A notice of either party to terminate or modify the**
13 **provisions of such agreement shall be in writing and executed no less than one year from**
14 **the effective date of the termination or modification, unless mutually agreed upon by the**
15 **superintendent and the Missouri gaming commission.** Members of the patrol hired in
16 conjunction with any agreement with the Missouri gaming commission shall not be subject to
17 the personnel cap referenced in subsection 1 of this section. If such agreement is subsequently
18 terminated or modified to reduce the number of personnel used in such agreement, those
19 members affected by such termination or modification shall not be subject to the personnel cap
20 referenced in subsection 1 of this section for a period of [three] **five** years.

21 4. Members of the patrol hired in conjunction with the community-oriented policing
22 services federal grant or members assigned to fulfill the duties established in sections 43.350 to
23 43.380 shall not be subject to the personnel cap referenced in subsection 1 of this section.

24 5. Applicants shall not be discriminated against because of race, creed, color, national
25 origin or sex.

43.090. [The board of public buildings shall provide suitable offices for general
2 headquarters at Jefferson City, Missouri, which shall at all times be open and in charge of the
3 superintendent, or some member of the patrol designated by him.] The superintendent[, with the
4 consent and approval of the commission,] shall employ such clerical force, radio operators, and
5 other subordinates, and shall provide such office equipment, stationery, postage supplies,
6 [telegraph] **communication** and telephone facilities as he **or she** shall deem necessary **for**

7 **general headquarters located at Jefferson City, Missouri**, and shall also provide offices,
8 equipment, stationery, postage, clerical force, and other subordinates for the headquarters of each
9 [district] **troop or division** of the patrol. The state highway patrol [radio network]
10 **communications division** shall be under the control of and at the service of the superintendent
11 for such regular and emergency [bulletins] **communications**, and service as the superintendent
12 may require [from time to time].

43.110. The necessary expenses of the members of the patrol in the performance of their
2 duties shall be paid by the state when such members are away from their places of residence or
3 from the [district] **troop or division** to which they are assigned, subject to the approval of the
4 [commission] **superintendent**. No fee shall be allowed to any person or officer for the arrest
5 and transportation of persons arrested and transported by members of the patrol, and no witness
6 fees shall be granted or allowed members of the patrol in criminal cases. Witness fees for
7 members of the patrol in civil cases, and for testifying in federal court, shall be the same as
8 provided by law, and shall be claimed and collected by members of the patrol, and promptly
9 transmitted to the [division of collection in the department of revenue] **fund from which the**
10 **member or employee's position is funded**.

43.115. Subject to appropriation, any retired employee of the highway patrol
2 **required to perform as a witness in an official court proceeding no less than thirty miles**
3 **from their place of residence shall receive as compensation:**

4 (1) Upon approval by the superintendent, a per diem of up to one hundred dollars
5 for each day of service;

6 (2) A mileage reimbursement which shall be equal to the rate prescribed by the
7 Internal Revenue Service for allowable expenses for motor vehicle use expressed as an
8 amount per mile; and

9 (3) A reimbursement of the necessary travel expenses incurred while in the
10 performance of their court duties as prescribed in section 43.110.

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] **troops** and assign members of
4 the patrol to such [districts] **troops** in the manner as deemed proper to carry out the purposes of
5 this chapter. The superintendent may call members of the patrol from one [district] **troop** to
6 another.

7 2. The superintendent shall appoint the lieutenant colonel and five majors from within
8 the membership. Such individuals shall serve at the superintendent's pleasure and shall return
9 to their previously held rank after being relieved of their position duties by the present or
10 incoming superintendent. The superintendent shall classify and rank through promotions the

11 majors, the director of radio, captains, lieutenants, sergeants, corporals, patrolmen, and radio
12 personnel from the next lower grade after not less than one year of service satisfactorily
13 performed therein.

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

21 4. The superintendent shall collect, compile and keep available for the use of peace
22 officers of the state the information as is deemed necessary for the detection of crime and
23 identification of criminals. **The superintendent shall have the authority to direct members**
24 **and other employees of the patrol to carry out any public safety duty or service authorized**
25 **or appropriated by the general assembly.**

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

31 [6. Within ninety days after the close of each fiscal year, the superintendent shall make
32 to the governor and the commission a report of the activities of the patrol and the cost thereof
33 for the fiscal period.]

43.140. [1.] The members of the patrol, before entering upon the discharge of their
2 duties, shall each take and subscribe an oath to support the constitution and laws of the United
3 States and the state of Missouri and to faithfully demean themselves in office in the form
4 prescribed by section 11, article VII, of the constitution of this state and they shall each faithfully
5 perform the duties of their respective offices and safely keep and account for all moneys and
6 property received by them.

7 [2. The superintendent, major, director of radio, each member assigned to duty in the
8 department of finance and statistics and each member assigned to duty in the department of
9 supplies and equipment shall give bond to be approved by the commission. The bond of the
10 superintendent shall be twenty thousand dollars, and for each other member required to be
11 bonded, ten thousand dollars. The cost of furnishing all such bonds shall be paid by the state.]

43.160. It shall be the duty of the patrol to police the highways constructed and
2 maintained by the [commission] **state**; to regulate the movement of traffic thereon; to enforce

3 thereon the laws of this state relating to the operation and use of vehicles on the highways; to
4 enforce and prevent thereon the violation of the laws relating to the size, weight and speed of
5 commercial motor vehicles and all laws designed to protect and safeguard the highways
6 constructed and maintained by the [commission] **state**. It shall be the duty of the patrol
7 whenever possible to determine persons causing or responsible for the breaking, damaging or
8 destruction of any improved hard surfaced roadway, structure, sign markers, guard rail, or any
9 other appurtenance constructed or maintained by the [commission] **state** and to arrest persons
10 criminally responsible therefor and to bring them before the proper officials for prosecution. It
11 shall be the duty of the patrol to cooperate with such state official as may be designated by law
12 in the collection of all state revenue derived from highway users as an incident to their use or
13 right to use the highways of the state, including all license fees and taxes upon motor vehicles,
14 trailers, and motor vehicle fuels, and upon, with respect to, or on the privilege of the
15 manufacture, receipt, storage, distribution, sale or use thereof (except the sales tax on motor
16 vehicles and trailers, and all property taxes).

43.210. Any person arrested by a member of the patrol shall forthwith be taken by such
2 member before the court or associate circuit judge **or his or her designee** having jurisdiction of
3 the crime whereof such person so arrested is charged there to be dealt with according to law.

43.220. Neither the governor[, the commission,] nor the superintendent shall have any
2 power, right or authority to command, order or direct any member of the patrol to perform any
3 duty or service not authorized by [this chapter] **statute**.

43.530. **1.** For each request requiring the payment of a fee received by the central
2 repository, the requesting entity shall pay a fee of not more than [five] **nine** dollars per request
3 for criminal history record information not based on a fingerprint search [when the requesting
4 entity is required to obtain such information by any provision of state or federal law and pay a
5 fee of not more than fourteen dollars per request for criminal history record information based
6 on a fingerprint search when the requesting entity is required to obtain such information by any
7 provision of state or federal law; provided that, when the requesting entity is not required to
8 obtain such information by law, the requesting entity shall pay a fee of not more than ten dollars
9 per request for criminal history record information not based on a fingerprint search and] . **In**
10 **each year beginning on or after January 1, 2010, the superintendent may increase the fee**
11 **paid by requesting entities by an amount not to exceed one dollar per year, however, under**
12 **no circumstance shall the fee paid by requesting entities exceed fifteen dollars per request.**

2. For each request requiring the payment of a fee received by the central
14 **repository, the requesting entity shall** pay a fee of not more than twenty dollars per request for
15 criminal history record information based on a fingerprint search[. Each such] , **unless the**

16 request is required under the provisions of section 210.487, RSMo, or section 571.101,
17 RSMo, in which case, the fee shall be fourteen dollars.

18 **3.** A request made under subsections 1 and 2 of this section shall be limited to check
19 and search on one individual. Each request shall be accompanied by a check, warrant, voucher,
20 money order, or electronic payment payable to the state of Missouri-criminal record system or
21 payment shall be made in a manner approved by the highway patrol. The highway patrol may
22 establish procedures for receiving requests for criminal history record information for
23 classification and search for fingerprints, from courts and other entities, and for the payment of
24 such requests. There is hereby established by the treasurer of the state of Missouri a fund to be
25 entitled as the "Criminal Record System Fund". Notwithstanding the provisions of section
26 33.080, RSMo, to the contrary, if the moneys collected and deposited into this fund are not
27 totally expended annually for the purposes set forth in sections 43.500 to 43.543, the unexpended
28 moneys in such fund shall remain in the fund and the balance shall be kept in the fund to
29 accumulate from year to year.

43.546. 1. Any state agency, board, or commission may require the fingerprinting
2 of applicants in specified occupations or appointments within the state agency, board, or
3 commission for the purpose of positive identification and receiving criminal history record
4 information when determining an applicant's ability or fitness to serve in such occupation
5 or appointment.

6 **2.** In order to facilitate the criminal background check under subsection 1 of this
7 section on any person employed or appointed by a state agency, board, or commission, and
8 in accordance with section 43.543, the applicant or employee shall submit a set of
9 fingerprints collected under the standards determined by the Missouri highway patrol.
10 The fingerprints and accompanying fees, unless otherwise arranged, shall be forwarded
11 to the highway patrol to be used to search the state criminal history repository and the
12 fingerprints shall be forwarded to the Federal Bureau of Investigation for a national
13 criminal background check. Notwithstanding the provisions of section 610.120, RSMo, all
14 records related to any criminal history information discovered shall be accessible and
15 available to the state agency making the request.

43.547. 1. The Missouri state highway patrol, at the direction of the governor, shall
2 conduct name or fingerprint background investigations of gubernatorial appointees. The
3 governor's directive shall state whether the background investigation shall be a name
4 background investigation or a fingerprint background investigation. In addition, the
5 patrol may, at the governor's direction, conduct other appropriate investigations to
6 determine if an applicant or appointee is in compliance with section 105.262, RSMo, and
7 other necessary inquiries to determine the person's suitability for positions of public trust.

8 **2. In order to facilitate the fingerprint background investigation under subsection**
9 **1 of this section, and in accordance with the provisions of section 43.543, the appointee**
10 **shall submit a set of fingerprints collected under the standards determined by the Missouri**
11 **highway patrol. The fingerprints and accompanying fees, unless otherwise arranged, shall**
12 **be forwarded to the highway patrol to be used to search the state criminal history**
13 **repository and the fingerprints shall be forwarded to the Federal Bureau of Investigation**
14 **for a national criminal background check. Any background investigation conducted at the**
15 **direction of the governor under subsection 1 of this section may include criminal history**
16 **record information and other source information obtained by the highway patrol.**

50.565. 1. A county commission may establish by ordinance or order a fund whose
2 proceeds may be expended only for the purposes provided for in subsection 3 of this section.
3 The fund shall be designated as a county law enforcement restitution fund and shall be under the
4 supervision of a board of trustees consisting of two citizens of the county appointed by the
5 presiding commissioner of the county, two citizens of the county appointed by the sheriff of the
6 county, and one citizen of the county appointed by the county coroner or medical examiner. The
7 citizens so appointed shall not be **current or former county elected officials**, current or former
8 employees of the sheriff's department, the office of the prosecuting attorney for the county, **office**
9 **of the county commissioners**, or the county treasurer's office. If a county does not have a
10 coroner or medical examiner, the county treasurer shall appoint one citizen to the board of
11 trustees.

12 2. Money from the county law enforcement restitution fund shall only be expended upon
13 the approval of a majority of the members of the county law enforcement restitution fund's board
14 of trustees and only for the purposes provided for by subsection 3 of this section.

15 3. Money from the county law enforcement restitution fund shall only be expended for
16 the following purposes:

- 17 (1) Narcotics investigation, prevention, and intervention;
- 18 (2) Purchase of law enforcement-related equipment and supplies for the sheriff's office;
- 19 (3) Matching funds for federal or state law enforcement grants;
- 20 (4) Funding for the reporting of all state and federal crime statistics or information; and
- 21 (5) Any **county** law enforcement-related expense, including those **expenses** of the
22 prosecuting attorney, approved by the board of trustees for the county law enforcement
23 restitution fund that is reasonably related to investigation, charging, preparation, trial, and
24 disposition of criminal cases before the courts of the state of Missouri.

25 4. The county commission may not reduce any law enforcement agency's budget as a
26 result of funds the law enforcement agency receives from the county law enforcement restitution

27 fund. The restitution fund is to be used only as a supplement to the law enforcement agency's
28 funding received from other county, state, or federal funds.

29 5. County law enforcement restitution funds shall be audited as are all other county
30 funds.

31 6. No court may order the assessment and payment authorized by this section if the plea
32 of guilty or the finding of guilt is to [the charge of speeding, careless and imprudent driving, any
33 charge of violating a traffic control signal or sign, or] any charge which is a class C misdemeanor
34 or an infraction, **unless such charge is a moving violation, as defined by section 302.010,**
35 **RSMo.** No assessment and payment ordered pursuant to this section may exceed three hundred
36 dollars for any charged offense.

84.160. 1. As of August 28, 2006, the board of police commissioners shall have the
2 authority to compute and establish the annual salary of each member of the police force without
3 receiving prior authorization from the general assembly.

4 2. Each officer of police and patrolman whose regular assignment requires nonuniformed
5 attire may receive, in addition to his or her salary, an allowance not to exceed three hundred sixty
6 dollars per annum payable biweekly. Notwithstanding the provisions of subsection 1 of this
7 section to the contrary, no additional compensation or compensatory time off for overtime, court
8 time, or standby court time shall be paid or allowed to any officer of the rank of [sergeant]
9 **lieutenant** or above. Notwithstanding any other provision of law to the contrary, nothing in this
10 section shall prohibit the payment of additional compensation pursuant to this subsection to
11 officers of the ranks of [sergeants] **lieutenants** and above, provided that funding for such
12 compensation shall not:

13 (1) Be paid from the general funds of either the city or the board of police commissioners
14 of the city; or

15 (2) Be violative of any federal law or other state law.

16 3. It is the duty of the municipal assembly or common council of the cities to make the
17 necessary appropriation for the expenses of the maintenance of the police force in the manner
18 herein and hereafter provided; provided, that in no event shall such municipal assembly or
19 common council be required to appropriate for such purposes (including, but not limited to, costs
20 of funding pensions or retirement plans) for any fiscal year a sum in excess of any limitation
21 imposed by article X, section 21, Missouri Constitution; and provided further, that such
22 municipal assembly or common council may appropriate a sum in excess of such limitation for
23 any fiscal year by an appropriations ordinance enacted in conformity with the provisions of the
24 charter of such cities.

25 4. Notwithstanding the provisions of subsection 1 of this section to the contrary, the
26 board of police commissioners shall pay additional compensation for all hours of service

27 rendered by probationary patrolmen [and], patrolmen, **and sergeants** in excess of the established
28 regular working period, and the rate of compensation shall be one and one-half times the regular
29 hourly rate of pay to which each member shall normally be entitled; except that, the court time
30 and court standby time shall be paid at the regular hourly rate of pay to which each member shall
31 normally be entitled. No credit shall be given or deductions made from payments for overtime
32 for the purpose of retirement benefits.

33 5. Notwithstanding the provisions of subsection 1 of this section to the contrary,
34 probationary patrolmen [and] , patrolmen, **and sergeants** shall receive additional compensation
35 for authorized overtime, court time and court standby time whenever the total accumulated time
36 exceeds forty hours. The accumulated forty hours shall be taken as compensatory time off at the
37 officer's discretion with the approval of his supervisor.

38 6. The allowance of compensation or compensatory time off for court standby time shall
39 be computed at the rate of one-third of one hour for each hour spent on court standby time.

40 7. The board of police commissioners may effect programs to provide additional
41 compensation to its employees for successful completion of academic work at an accredited
42 college or university, in amounts not to exceed ten percent of their yearly salaries or for field
43 training officer and lead officer responsibilities in amounts not to exceed three percent of their
44 yearly salaries for field training officer responsibilities and an additional three percent of their
45 yearly salaries for lead officer responsibilities. The board may designate up to one hundred fifty
46 employees as field training officers and up to fifty employees as lead officers.

47 8. The board of police commissioners:

48 (1) Shall provide or contract for life insurance coverage and for insurance benefits
49 providing health, medical and disability coverage for officers and employees of the department;

50 (2) Shall provide or contract for insurance coverage providing salary continuation
51 coverage for officers and employees of the police department;

52 (3) Shall provide health, medical, and life insurance coverage for retired officers and
53 employees of the police department. Health, medical and life insurance coverage shall be made
54 available for purchase to the spouses or dependents of deceased retired officers and employees
55 of the police department who receive pension benefits pursuant to sections 86.200 to 86.364,
56 RSMo, at the rate that such dependent's or spouse's coverage would cost under the appropriate
57 plan if the deceased were living;

58 (4) May pay an additional shift differential compensation to members of the police force
59 for evening and night tour of duty in an amount not to exceed ten percent of the officer's base
60 hourly rate.

61 9. Notwithstanding the provisions of subsection 1 of this section to the contrary, the
62 board of police commissioners shall pay additional compensation to members of the police force

63 up to and including the rank of [police officer] **sergeant** for any full hour worked between the
64 hours of 11:00 p.m. and 7:00 a.m., in amounts equal to five percent of the officer's base hourly
65 pay.

66 10. The board of police commissioners, from time to time and in its discretion, may pay
67 additional compensation to police officers, sergeants and lieutenants by paying commissioned
68 officers in the aforesaid ranks for accumulated, unused vacation time. Any such payments shall
69 be made in increments of not less than forty hours, and at rates equivalent to the base
70 straight-time rates being earned by said officers at the time of payment; except that, no such
71 officer shall be required to accept payment for accumulated unused vacation time.

174.700. The board of regents or board of governors of any state college or university
2 may appoint and employ as many college or university police officers as it may deem necessary
3 to **enforce regulations established under section 174.709 and general motor vehicle laws of**
4 **this state in accordance with section 174.712**, protect persons, property, and to preserve peace
5 and good order only in the public buildings, properties, grounds, and other facilities and locations
6 over which it has charge or control.

174.703. **1.** The college or university police officers, before they enter upon their duties,
2 shall take and subscribe an oath of office before some officer authorized to administer oaths, to
3 faithfully and impartially discharge the duties thereof, which oath shall be filed in the office of
4 the board, and the secretary of the board shall give each college police officer so appointed and
5 qualified a certificate of appointment, under the seal of the board, which certificate shall
6 empower him or her with the same authority to maintain order, preserve peace and make arrests
7 as is now held by peace officers.

8 **2. The college or university police officers shall have the authority to enforce the**
9 **regulations established in section 174.709 and general motor vehicle laws in accordance**
10 **with section 174.712 on the campus as proscribed in chapter 304, RSMo.** The college or
11 university police officer may in addition expel from the public buildings, campuses, and grounds,
12 persons violating the rules and regulations that may be prescribed by the board or others under
13 the authority of the board.

14 **3.** Such officer or employee of the state college or university as may be designated by
15 the board shall have immediate charge, control and supervision of police officers appointed by
16 authority of this section. Such college or university police officers shall have satisfactorily
17 completed before appointment a training course for police officers as prescribed by chapter 590,
18 RSMo, for state peace officers or, by virtue of previous experience or training, have met the
19 requirements of chapter 590, RSMo, **and have been certified under that chapter.**

174.706. Nothing in sections 174.700 to 174.706 shall be construed as denying the board
2 the right to appoint guards or watchmen who shall not be given the authority and powers
3 authorized by sections 174.700 to [174.706] **174.712**.

**174.709. 1. For the purpose of promoting public safety, health, and general welfare
2 and to protect life and property, the board of regents or board of governors of any state
3 college or university may establish regulations to control vehicular traffic, including speed
4 regulations, on any thoroughfare owned or maintained by the state college or university
5 and located within any of its campuses. Such regulations shall be consistent with the
6 provisions of the general motor vehicle laws of this state. Upon adoption of such
7 regulations, the state college or university shall have the authority to place official traffic
8 control devices, as defined in section 300.010, RSMo, on campus property.**

**9 2. The regulations established by the board of regents or board of governors of any
10 state college or university under subsection 1 of this section shall be codified, printed, and
11 distributed for public use. Adequate signs displaying the speed limit shall be posted along
12 such thoroughfares.**

**13 3. Violations of any regulation established under this section shall have the same
14 effect as a violation of municipal ordinances adopted under section 304.120, RSMo, with
15 penalty provisions as provided in section 304.570, RSMo. Points assessed against any
16 person under section 302.302, RSMo, for a violation of this section shall be the same as
17 provided for a violation of a county or municipal ordinance.**

18 4. The provisions of this section shall apply only to moving violations.

**174.712. All motor vehicles operated upon any thoroughfare owned or maintained
2 by the state college or university and located within any of its campuses shall be subject to
3 the provisions of the general motor vehicle laws of this state, including chapters 301, 302,
4 303, 304, 307, and 577, RSMo. Violations shall have the same effect as though such had
5 occurred on public roads, streets, or highways of this state.**

192.925. 1. To increase public awareness of the problem of elder abuse and neglect **and
2 financial exploitation of the elderly**, the department of health and senior services shall
3 implement an education and awareness program. Such program shall have the goal of reducing
4 the incidences of elder abuse and neglect **and financial exploitation of the elderly**, and may
5 focus on:

**6 (1) The education and awareness of mandatory reporters on their responsibility to report
7 elder abuse and neglect and financial exploitation of the elderly;**

**8 (2) Targeted education and awareness for the public on the problem, identification and
9 reporting of elder abuse and neglect and financial exploitation of the elderly;**

10 (3) Publicizing the elder abuse and neglect hot line telephone number;

11 (4) Education and awareness for law enforcement agencies and prosecutors on the
12 problem and identification of elder abuse and neglect **and financial exploitation of the elderly**,
13 and the importance of prosecuting cases pursuant to chapter 565, RSMo; and

14 (5) Publicizing the availability of background checks prior to hiring an individual for
15 caregiving purposes.

16 2. The department of social services and facilities licensed pursuant to chapters 197 and
17 198, RSMo, shall cooperate fully with the department of health and senior services in the
18 distribution of information pursuant to this program.

195.010. The following words and phrases as used in sections 195.005 to 195.425,
2 unless the context otherwise requires, mean:

3 (1) "Addict", a person who habitually uses one or more controlled substances to such an
4 extent as to create a tolerance for such drugs, and who does not have a medical need for such
5 drugs, or who is so far addicted to the use of such drugs as to have lost the power of self-control
6 with reference to his addiction;

7 (2) "Administer", to apply a controlled substance, whether by injection, inhalation,
8 ingestion, or any other means, directly to the body of a patient or research subject by:

9 (a) A practitioner (or, in his presence, by his authorized agent); or

10 (b) The patient or research subject at the direction and in the presence of the practitioner;

11 (3) "Agent", an authorized person who acts on behalf of or at the direction of a
12 manufacturer, distributor, or dispenser. The term does not include a common or contract carrier,
13 public warehouseman, or employee of the carrier or warehouseman while acting in the usual and
14 lawful course of the carrier's or warehouseman's business;

15 (4) "Attorney for the state", any prosecuting attorney, circuit attorney, or attorney general
16 authorized to investigate, commence and prosecute an action under sections 195.005 to 195.425;

17 (5) "Controlled substance", a drug, substance, or immediate precursor in Schedules I
18 through V listed in sections 195.005 to 195.425;

19 (6) "Controlled substance analogue", a substance the chemical structure of which is
20 substantially similar to the chemical structure of a controlled substance in Schedule I or II and:

21 (a) Which has a stimulant, depressant, or hallucinogenic effect on the central nervous
22 system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central
23 nervous system of a controlled substance included in Schedule I or II; or

24 (b) With respect to a particular individual, which that individual represents or intends
25 to have a stimulant, depressant, or hallucinogenic effect on the central nervous system
26 substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous
27 system of a controlled substance included in Schedule I or II. The term does not include a
28 controlled substance; any substance for which there is an approved new drug application; any

29 substance for which an exemption is in effect for investigational use, for a particular person,
30 under Section 505 of the federal Food, Drug and Cosmetic Act (21 U.S.C. 355) to the extent
31 conduct with respect to the substance is pursuant to the exemption; or any substance to the extent
32 not intended for human consumption before such an exemption takes effect with respect to the
33 substance;

34 (7) "Counterfeit substance", a controlled substance which, or the container or labeling
35 of which, without authorization, bears the trademark, trade name, or other identifying mark,
36 imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser
37 other than the person who in fact manufactured, distributed, or dispensed the substance;

38 (8) "Deliver" or "delivery", the actual, constructive, or attempted transfer from one
39 person to another of drug paraphernalia or of a controlled substance, or an imitation controlled
40 substance, whether or not there is an agency relationship, and includes a sale;

41 (9) "Dentist", a person authorized by law to practice dentistry in this state;

42 (10) "Depressant or stimulant substance":

43 (a) A drug containing any quantity of barbituric acid or any of the salts of barbituric acid
44 or any derivative of barbituric acid which has been designated by the United States Secretary of
45 Health and Human Services as habit forming under 21 U.S.C. 352(d);

46 (b) A drug containing any quantity of:

47 a. Amphetamine or any of its isomers;

48 b. Any salt of amphetamine or any salt of an isomer of amphetamine; or

49 c. Any substance the United States Attorney General, after investigation, has found to
50 be, and by regulation designated as, habit forming because of its stimulant effect on the central
51 nervous system;

52 (c) Lysergic acid diethylamide; or

53 (d) Any drug containing any quantity of a substance that the United States Attorney
54 General, after investigation, has found to have, and by regulation designated as having, a
55 potential for abuse because of its depressant or stimulant effect on the central nervous system or
56 its hallucinogenic effect;

57 (11) "Dispense", to deliver a narcotic or controlled dangerous drug to an ultimate user
58 or research subject by or pursuant to the lawful order of a practitioner including the prescribing,
59 administering, packaging, labeling, or compounding necessary to prepare the substance for such
60 delivery. "Dispenser" means a practitioner who dispenses;

61 (12) "Distribute", to deliver other than by administering or dispensing a controlled
62 substance;

63 (13) "Distributor", a person who distributes;

64 (14) "Drug":

65 (a) Substances recognized as drugs in the official United States Pharmacopoeia, Official
66 Homeopathic Pharmacopoeia of the United States, or Official National Formulary, or any
67 supplement to any of them;

68 (b) Substances intended for use in the diagnosis, cure, mitigation, treatment or
69 prevention of disease in humans or animals;

70 (c) Substances, other than food, intended to affect the structure or any function of the
71 body of humans or animals; and

72 (d) Substances intended for use as a component of any article specified in this
73 subdivision. It does not include devices or their components, parts or accessories;

74 (15) "Drug-dependent person", a person who is using a controlled substance and who
75 is in a state of psychic or physical dependence, or both, arising from the use of such substance
76 on a continuous basis. Drug dependence is characterized by behavioral and other responses
77 which include a strong compulsion to take the substance on a continuous basis in order to
78 experience its psychic effects or to avoid the discomfort caused by its absence;

79 (16) "Drug enforcement agency", the Drug Enforcement Administration in the United
80 States Department of Justice, or its successor agency;

81 (17) "Drug paraphernalia", all equipment, products, substances and materials of any kind
82 which are used, intended for use, or designed for use, in planting, propagating, cultivating,
83 growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing,
84 storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the
85 human body a controlled substance or an imitation controlled substance in violation of sections
86 195.005 to 195.425. It includes, but is not limited to:

87 (a) Kits used, intended for use, or designed for use in planting, propagating, cultivating,
88 growing or harvesting of any species of plant which is a controlled substance or from which a
89 controlled substance can be derived;

90 (b) Kits used, intended for use, or designed for use in manufacturing, compounding,
91 converting, producing, processing, or preparing controlled substances or imitation controlled
92 substances;

93 (c) Isomerization devices used, intended for use, or designed for use in increasing the
94 potency of any species of plant which is a controlled substance or an imitation controlled
95 substance;

96 (d) Testing equipment used, intended for use, or designed for use in identifying, or in
97 analyzing the strength, effectiveness or purity of controlled substances or imitation controlled
98 substances;

99 (e) Scales and balances used, intended for use, or designed for use in weighing or
100 measuring controlled substances or imitation controlled substances;

- 101 (f) Dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose
102 and lactose, used, intended for use, or designed for use in cutting controlled substances or
103 imitation controlled substances;
- 104 (g) Separation gins and sifters used, intended for use, or designed for use in removing
105 twigs and seeds from, or in otherwise cleaning or refining, marijuana;
- 106 (h) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or
107 designed for use in compounding controlled substances or imitation controlled substances;
- 108 (i) Capsules, balloons, envelopes and other containers used, intended for use, or designed
109 for use in packaging small quantities of controlled substances or imitation controlled substances;
- 110 (j) Containers and other objects used, intended for use, or designed for use in storing or
111 concealing controlled substances or imitation controlled substances;
- 112 (k) Hypodermic syringes, needles and other objects used, intended for use, or designed
113 for use in parenterally injecting controlled substances or imitation controlled substances into the
114 human body;
- 115 (l) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise
116 introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:
- 117 a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens,
118 permanent screens, hashish heads, or punctured metal bowls;
- 119 b. Water pipes;
- 120 c. Carburetion tubes and devices;
- 121 d. Smoking and carburetion masks;
- 122 e. Roach clips meaning objects used to hold burning material, such as a marijuana
123 cigarette, that has become too small or too short to be held in the hand;
- 124 f. Miniature cocaine spoons and cocaine vials;
- 125 g. Chamber pipes;
- 126 h. Carburetor pipes;
- 127 i. Electric pipes;
- 128 j. Air-driven pipes;
- 129 k. Chillums;
- 130 l. Bongs;
- 131 m. Ice pipes or chillers;
- 132 (m) Substances used, intended for use, or designed for use in the manufacture of a
133 controlled substance;
- 134

135 In determining whether an object, product, substance or material is drug paraphernalia, a court
136 or other authority should consider, in addition to all other logically relevant factors, the
137 following:

- 138 (a) Statements by an owner or by anyone in control of the object concerning its use;
- 139 (b) Prior convictions, if any, of an owner, or of anyone in control of the object, under any
140 state or federal law relating to any controlled substance or imitation controlled substance;
- 141 (c) The proximity of the object, in time and space, to a direct violation of sections
142 195.005 to 195.425;
- 143 (d) The proximity of the object to controlled substances or imitation controlled
144 substances;
- 145 (e) The existence of any residue of controlled substances or imitation controlled
146 substances on the object;
- 147 (f) Direct or circumstantial evidence of the intent of an owner, or of anyone in control
148 of the object, to deliver it to persons who he knows, or should reasonably know, intend to use
149 the object to facilitate a violation of sections 195.005 to 195.425; the innocence of an owner, or
150 of anyone in control of the object, as to direct violation of sections 195.005 to 195.425 shall not
151 prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
- 152 (g) Instructions, oral or written, provided with the object concerning its use;
- 153 (h) Descriptive materials accompanying the object which explain or depict its use;
- 154 (i) National or local advertising concerning its use;
- 155 (j) The manner in which the object is displayed for sale;
- 156 (k) Whether the owner, or anyone in control of the object, is a legitimate supplier of like
157 or related items to the community, such as a licensed distributor or dealer of tobacco products;
- 158 (l) Direct or circumstantial evidence of the ratio of sales of the object to the total sales
159 of the business enterprise;
- 160 (m) The existence and scope of legitimate uses for the object in the community;
- 161 (n) Expert testimony concerning its use;
- 162 (o) The quantity, form or packaging of the product, substance or material in relation to
163 the quantity, form or packaging associated with any legitimate use for the product, substance or
164 material;
- 165 (18) "Federal narcotic laws", the laws of the United States relating to controlled
166 substances;
- 167 (19) "Hospital", a place devoted primarily to the maintenance and operation of facilities
168 for the diagnosis, treatment or care, for not less than twenty-four hours in any week, of three or
169 more nonrelated individuals suffering from illness, disease, injury, deformity or other abnormal
170 physical conditions; or a place devoted primarily to provide, for not less than twenty-four

171 consecutive hours in any week, medical or nursing care for three or more nonrelated individuals.
172 The term "hospital" does not include convalescent, nursing, shelter or boarding homes as defined
173 in chapter 198, RSMo;

174 (20) "Immediate precursor", a substance which:

175 (a) The state department of health and senior services has found to be and by rule
176 designates as being the principal compound commonly used or produced primarily for use in the
177 manufacture of a controlled substance;

178 (b) Is an immediate chemical intermediary used or likely to be used in the manufacture
179 of a controlled substance; and

180 (c) The control of which is necessary to prevent, curtail or limit the manufacture of the
181 controlled substance;

182 (21) "Imitation controlled substance", a substance that is not a controlled substance,
183 which by dosage unit appearance (including color, shape, size and markings), or by
184 representations made, would lead a reasonable person to believe that the substance is a controlled
185 substance. In determining whether the substance is an "imitation controlled substance" the court
186 or authority concerned should consider, in addition to all other logically relevant factors, the
187 following:

188 (a) Whether the substance was approved by the federal Food and Drug Administration
189 for over-the-counter (nonprescription or nonlegend) sales and was sold in the federal Food and
190 Drug Administration approved package, with the federal Food and Drug Administration
191 approved labeling information;

192 (b) Statements made by an owner or by anyone else in control of the substance
193 concerning the nature of the substance, or its use or effect;

194 (c) Whether the substance is packaged in a manner normally used for illicit controlled
195 substances;

196 (d) Prior convictions, if any, of an owner, or anyone in control of the object, under state
197 or federal law related to controlled substances or fraud;

198 (e) The proximity of the substances to controlled substances;

199 (f) Whether the consideration tendered in exchange for the noncontrolled substance
200 substantially exceeds the reasonable value of the substance considering the actual chemical
201 composition of the substance and, where applicable, the price at which over-the-counter
202 substances of like chemical composition sell. An imitation controlled substance does not include
203 a placebo or registered investigational drug either of which was manufactured, distributed,
204 possessed or delivered in the ordinary course of professional practice or research;

205 (22) "Laboratory", a laboratory approved by the department of health and senior services
206 as proper to be entrusted with the custody of controlled substances but does not include a
207 pharmacist who compounds controlled substances to be sold or dispensed on prescriptions;

208 (23) "Manufacture", the production, preparation, propagation, compounding or
209 processing of drug paraphernalia or of a controlled substance, or an imitation controlled
210 substance, either directly or by extraction from substances of natural origin, or independently by
211 means of chemical synthesis, or by a combination of extraction and chemical synthesis, and
212 includes any packaging or repackaging of the substance or labeling or relabeling of its container.
213 This term does not include the preparation or compounding of a controlled substance or an
214 imitation controlled substance or the preparation, compounding, packaging or labeling of a
215 narcotic or dangerous drug:

216 (a) By a practitioner as an incident to his administering or dispensing of a controlled
217 substance or an imitation controlled substance in the course of his professional practice, or

218 (b) By a practitioner or his authorized agent under his supervision, for the purpose of,
219 or as an incident to, research, teaching or chemical analysis and not for sale;

220 (24) "Marijuana", all parts of the plant genus Cannabis in any species or form thereof,
221 including, but not limited to Cannabis Sativa L., Cannabis Indica, Cannabis Americana,
222 Cannabis Ruderalis, and Cannabis Gigantea, whether growing or not, the seeds thereof, the resin
223 extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture,
224 or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant,
225 fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound,
226 manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin
227 extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of
228 germination;

229 (25) "Methamphetamine precursor drug", any drug containing ephedrine,
230 pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical
231 isomers;

232 (26) **"Mobile retail vendor", a person or entity that makes sales at retail from a**
233 **stand that is intended to be temporary, or is capable of being moved from one location to**
234 **another, whether the stand is located within or on the premises of a fixed facility, such as**
235 **a kiosk at a shopping center or an airport, or whether the stand is located on unimproved**
236 **real estate, such as a lot or field leased for retail purposes;**

237 (27) "Narcotic drug", any of the following, whether produced directly or indirectly by
238 extraction from substances of vegetable origin, or independently by means of chemical synthesis,
239 or by a combination of extraction and chemical analysis:

240 (a) Opium, opiate, and any derivative, of opium or opiate, including their isomers, esters,
241 ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers,
242 esters, ethers, and salts is possible within the specific chemical designation. The term does not
243 include the isoquinoline alkaloids of opium;

244 (b) Coca leaves, but not including extracts of coca leaves from which cocaine, ecgonine,
245 and derivatives of ecgonine or their salts have been removed;

246 (c) Cocaine or any salt, isomer, or salt of isomer thereof;

247 (d) Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof;

248 (e) Any compound, mixture, or preparation containing any quantity of any substance
249 referred to in paragraphs (a) to (d) of this subdivision;

250 [(27)] **(28)** "Official written order", an order written on a form provided for that purpose
251 by the United States Commissioner of Narcotics, under any laws of the United States making
252 provision therefor, if such order forms are authorized and required by federal law, and if no such
253 order form is provided, then on an official form provided for that purpose by the department of
254 health and senior services;

255 [(28)] **(29)** "Opiate", any substance having an addiction-forming or addiction-sustaining
256 liability similar to morphine or being capable of conversion into a drug having addiction-forming
257 or addiction-sustaining liability. The term includes its racemic and levorotatory forms. It does
258 not include, unless specifically controlled under section 195.017, the dextrorotatory isomer of
259 3-methoxy-n-methyl-morphinan and its salts (dextromethorphan);

260 [(29)] **(30)** "Opium poppy", the plant of the species *Papaver somniferum* L., except its
261 seeds;

262 [(30)] **(31)** "Over-the-counter sale", a retail sale licensed pursuant to chapter 144, RSMo,
263 of a drug other than a controlled substance;

264 [(31)] **(32)** "Person", an individual, corporation, government or governmental
265 subdivision or agency, business trust, estate, trust, partnership, joint venture, association, or any
266 other legal or commercial entity;

267 [(32)] **(33)** "Pharmacist", a licensed pharmacist as defined by the laws of this state, and
268 where the context so requires, the owner of a store or other place of business where controlled
269 substances are compounded or dispensed by a licensed pharmacist; but nothing in sections
270 195.005 to 195.425 shall be construed as conferring on a person who is not registered nor
271 licensed as a pharmacist any authority, right or privilege that is not granted to him by the
272 pharmacy laws of this state;

273 [(33)] **(34)** "Poppy straw", all parts, except the seeds, of the opium poppy, after mowing;

274 [(34)] **(35)** "Possessed" or "possessing a controlled substance", a person, with the
275 knowledge of the presence and nature of a substance, has actual or constructive possession of

276 the substance. A person has actual possession if he has the substance on his person or within
277 easy reach and convenient control. A person who, although not in actual possession, has the
278 power and the intention at a given time to exercise dominion or control over the substance either
279 directly or through another person or persons is in constructive possession of it. Possession may
280 also be sole or joint. If one person alone has possession of a substance possession is sole. If two
281 or more persons share possession of a substance, possession is joint;

282 [(35)] (36) "Practitioner", a physician, dentist, optometrist, podiatrist, veterinarian,
283 scientific investigator, pharmacy, hospital or other person licensed, registered or otherwise
284 permitted by this state to distribute, dispense, conduct research with respect to or administer or
285 to use in teaching or chemical analysis, a controlled substance in the course of professional
286 practice or research in this state, or a pharmacy, hospital or other institution licensed, registered,
287 or otherwise permitted to distribute, dispense, conduct research with respect to or administer a
288 controlled substance in the course of professional practice or research;

289 [(36)] (37) "Production", includes the manufacture, planting, cultivation, growing, or
290 harvesting of drug paraphernalia or of a controlled substance or an imitation controlled
291 substance;

292 [(37)] (38) "Registry number", the number assigned to each person registered under the
293 federal controlled substances laws;

294 [(38)] (39) **"Restricted natural substance", all parts of the plant datura**
295 **stramonium, also known as jimson weed, whether growing or not, the seeds thereof, any**
296 **extract from any part of such plant, and every compound, manufacture, salt derivative,**
297 **mixture or preparation of such plant, its seeds or extracts, unless substances consistent**
298 **with those found in such plants are present in formulations that the Food and Drug**
299 **Administration of the Department of Health and Human Services has approved for**
300 **distribution;**

301 (40) "Sale", includes barter, exchange, or gift, or offer therefor, and each such transaction
302 made by any person, whether as principal, proprietor, agent, servant or employee;

303 [(39)] (41) "State" when applied to a part of the United States, includes any state, district,
304 commonwealth, territory, insular possession thereof, and any area subject to the legal authority
305 of the United States of America;

306 [(40)] (42) "Ultimate user", a person who lawfully possesses a controlled substance or
307 an imitation controlled substance for his own use or for the use of a member of his household
308 or for administering to an animal owned by him or by a member of his household;

309 [(41)] (43) "Wholesaler", a person who supplies drug paraphernalia or controlled
310 substances or imitation controlled substances that he himself has not produced or prepared, on
311 official written orders, but not on prescriptions.

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) Hydromorphenol;
- 81 (m) Methyldesorphine;
- 82 (n) Methyldihydromorphine;
- 83 (o) Morphine methylbromide;
- 84 (p) Morphine methyl sulfonate;
- 85 (q) Morphine-N-Oxide;
- 86 (r) [Morphine] **Myrophine**;
- 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] **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 (g) 5-methoxy-3,4-methylenedioxyamphetamine;
- 103 (h) 4-methyl-2,[5-dimethoxy amphetamine] **5-dimethoxyamphetamine**;
- 104 (i) 3,4-methylenedioxyamphetamine;
- 105 (j) 3,4-methylenedioxymethamphetamine;
- 106 (k) 3,4-methylenedioxy-N-ethylamphetamine;
- 107 (l) [N-nydroxy-3] **N-hydroxy-3, 4-methylenedioxyamphetamine**;
- 108 (m) 3,4,5-trimethoxyamphetamine;

- 109 (n) Alpha-ethyltryptamine;
110 (o) Benzylpiperazine or B.P.;
111 (p) Bufotenine;
112 (q) Diethyltryptamine;
113 (r) Dimethyltryptamine;
114 (s) Ibogaine;
115 (t) Lysergic acid diethylamide;
116 (u) Marijuana; (Marihuana);
117 (v) Mescaline;
118 (w) Paraheyl;
119 (x) Peyote, to include all parts of the plant presently classified botanically as *Lophophora*
120 *Williamsii* Lemaire, whether growing or not; the seeds thereof; any extract from any part of such
121 plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant,
122 its seed or extracts;
123 (y) N-ethyl-3-piperidyl benzilate;
124 (z) N-methyl-3-piperidyl benzilate;
125 (aa) Psilocybin;
126 (bb) Psilocyn;
127 (cc) Tetrahydrocannabinols;
128 (dd) Ethylamine analog of phencyclidine;
129 (ee) Pyrrolidine analog of phencyclidine;
130 (ff) Thiophene analog of phencyclidine;
131 (gg) 1-(3-Trifluoromethylphenyl)piperazine or TFMPP;
132 (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] **N-(1-benzyl-4-piperidyl)-N-**
156 **phenylpropanamide** (benzylfentanyl), its optical isomers, 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 (8) Khat, to include all parts of the plant presently classified botanically as catha edulis,
162 whether growing or not; the seeds thereof; any extract from any part of such plant; and every
163 compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seed or extracts.
164 3. The department of health and senior services shall place a substance in Schedule II
165 if it finds that:
166 (1) The substance has high potential for abuse;
167 (2) The substance has currently accepted medical use in treatment in the United States,
168 or currently accepted medical use with severe restrictions; and
169 (3) The abuse of the substance may lead to severe psychic or physical dependence.
170 4. The controlled substances listed in this subsection are included in Schedule II:
171 (1) Any of the following substances whether produced directly or indirectly by extraction
172 from substances of vegetable origin, or independently by means of chemical synthesis, or by
173 combination of extraction and chemical synthesis:
174 (a) Opium and opiate and any salt, compound, derivative or preparation of opium or
175 opiate, excluding apomorphine, thebaine-derived butorphanol, dextroproprium, nalbuphine,
176 nalmefene, naloxone and naltrexone, and their respective salts but including the following:
177 a. Raw opium;
178 b. Opium extracts;
179 c. Opium fluid;
180 d. Powdered opium;

- 181 e. Granulated opium;
- 182 f. Tincture of opium;
- 183 g. Codeine;
- 184 h. Ethylmorphine;
- 185 i. Etorphine hydrochloride;
- 186 j. Hydrocodone;
- 187 k. Hydromorphone;
- 188 l. Metopon;
- 189 m. Morphine;
- 190 n. Oxycodone;
- 191 o. Oxymorphone;
- 192 p. Thebaine;
- 193 (b) Any salt, compound, derivative, or preparation thereof which is chemically
- 194 equivalent or identical with any of the substances referred to in this subdivision, but not
- 195 including the isoquinoline alkaloids of opium;
- 196 (c) Opium poppy and poppy straw;
- 197 (d) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and
- 198 any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical
- 199 with any of these substances, but not including decocainized coca leaves or extractions which
- 200 do not contain cocaine or ecgonine;
- 201 (e) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid
- 202 or powder form which contains the phenanthrene alkaloids of the opium poppy);
- 203 (2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts
- 204 of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within
- 205 the specific chemical designation, dextrorphan and levopropoxyphene excepted:
- 206 (a) Alfentanil;
- 207 (b) Alphaprodine;
- 208 (c) Anileridine;
- 209 (d) Bezitramide;
- 210 (e) Bulk Dextropropoxyphene;
- 211 (f) Carfentanil;
- 212 (g) Butyl nitrite;
- 213 (h) Dihydrocodeine;
- 214 (i) Diphenoxylate;
- 215 (j) Fentanyl;
- 216 (k) Isomethadone;

- 217 (l) Levo-alphaacetylmethadol;
218 (m) Levomethorphan;
219 (n) Levorphanol;
220 (o) Metazocine;
221 (p) Methadone;
222 (q) Meperidine;
223 (r) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;
224 (s) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane--carboxylic
225 acid;
226 (t) Pethidine;
227 (u) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
228 (v) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
229 (w) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
230 (x) Phenazocine;
231 (y) Piminodine;
232 (z) Racemethorphan;
233 (aa) Racemorphan;
234 (bb) Sufentanil;
235 (3) Any material, compound, mixture, or preparation which contains any quantity of the
236 following substances having a stimulant effect on the central nervous system:
237 (a) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
238 (b) Methamphetamine, its salts, isomers, and salts of its isomers;
239 (c) Phenmetrazine and its salts;
240 (d) Methylphenidate;
241 (4) Any material, compound, mixture, or preparation which contains any quantity of the
242 following substances having a depressant effect on the central nervous system, including its salts,
243 isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers
244 is possible within the specific chemical designation:
245 (a) Amobarbital;
246 (b) Glutethimide;
247 (c) Pentobarbital;
248 (d) Phencyclidine;
249 (e) Secobarbital;
250 (5) Any material, compound or compound which contains any quantity of nabilone;
251 (6) Any material, compound, mixture, or preparation which contains any quantity of the
252 following substances:

253 (a) Immediate precursor to amphetamine and methamphetamine: Phenylacetone;
254 (b) Immediate precursors to phencyclidine (PCP):
255 a. 1-phenylcyclohexylamine;
256 b. 1-piperidinocyclohexanecarbonitrile (PCC).
257 5. The department of health and senior services shall place a substance in Schedule III
258 if it finds that:
259 (1) The substance has a potential for abuse less than the substances listed in Schedules
260 I and II;
261 (2) The substance has currently accepted medical use in treatment in the United States;
262 and
263 (3) Abuse of the substance may lead to moderate or low physical dependence or high
264 psychological dependence.
265 6. The controlled substances listed in this subsection are included in Schedule III:
266 (1) Any material, compound, mixture, or preparation which contains any quantity of the
267 following substances having a potential for abuse associated with a stimulant effect on the
268 central nervous system:
269 (a) Benzphetamine;
270 (b) Chlorphentermine;
271 (c) Clortermine;
272 (d) Phendimetrazine;
273 (2) Any material, compound, mixture or preparation which contains any quantity or salt
274 of the following substances or salts having a depressant effect on the central nervous system:
275 (a) Any material, compound, mixture or preparation which contains any quantity or salt
276 of the following substances combined with one or more active medicinal ingredients:
277 a. Amobarbital;
278 b. Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers contained in
279 a drug product for which an application has been approved under Section 505 of the Federal
280 Food, Drug, and Cosmetic Act;
281 c. Secobarbital;
282 d. Pentobarbital;
283 (b) Any suppository dosage form containing any quantity or salt of the following:
284 a. Amobarbital;
285 b. Secobarbital;
286 c. Pentobarbital;
287 (c) Any substance which contains any quantity of a derivative of barbituric acid or its
288 salt;

- 289 (d) Chlorhexadol;
290 (e) Ketamine, its salts, isomers, and salts of isomers;
291 (f) Lysergic acid;
292 (g) Lysergic acid amide;
293 (h) Methyprylon;
294 (i) Sulfondiethylmethane;
295 (j) Sulfonethylmethane;
296 (k) Sulfonmethane;
297 (l) Tiletamine and zolazepam or any salt thereof;
298 (3) Nalorphine;
299 (4) Any material, compound, mixture, or preparation containing limited quantities of any
300 of the following narcotic drugs or their salts:
301 (a) Not more than 1.8 grams of codeine per one hundred milliliters or not more than
302 ninety milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid
303 of opium;
304 (b) Not more than 1.8 grams of codeine per one hundred milliliters or not more than
305 ninety milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized
306 therapeutic amounts;
307 (c) Not more than three hundred milligrams of hydrocodone per one hundred milliliters
308 or not more than fifteen milligrams per dosage unit, with a fourfold or greater quantity of an
309 isoquinoline alkaloid of opium;
310 (d) Not more than three hundred milligrams of hydrocodone per one hundred milliliters
311 or not more than fifteen milligrams per dosage unit, with one or more active nonnarcotic
312 ingredients in recognized therapeutic amounts;
313 (e) Not more than 1.8 grams of dihydrocodeine per one hundred milliliters or more than
314 ninety milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized
315 therapeutic amounts;
316 (f) Not more than three hundred milligrams of ethylmorphine per one hundred milliliters
317 or not more than fifteen milligrams per dosage unit, with one or more active, nonnarcotic
318 ingredients in recognized therapeutic amounts;
319 (g) Not more than five hundred milligrams of opium per one hundred milliliters or per
320 one hundred grams or not more than twenty-five milligrams per dosage unit, with one or more
321 active nonnarcotic ingredients in recognized therapeutic amounts;
322 (h) Not more than fifty milligrams of morphine per one hundred milliliters or per one
323 hundred grams, with one or more active, nonnarcotic ingredients in recognized therapeutic
324 amounts;

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

(6) Anabolic steroids. Any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids) that promotes muscle growth, except an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the Secretary of Health and Human Services for that administration. If any person prescribes, dispenses, or distributes such steroid for human use, such person shall be considered to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of this paragraph. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing any quantity of the following substances, including its salts, isomers and salts of isomers whenever the existence of such salts of isomers is possible within the specific chemical designation:

- (a) [Boldenone;
- (b) Chlorotestosterone (4-Chlortestosterone);
- (c) Clostebol;
- (d) Dehydrochlormethyltestosterone;
- (e) Dihydrotestosterone (4-Dihydro-testosterone);
- (f) Drostanolone;
- (g) Ethylestrenol;
- (h) Fluoxymesterone;
- (i) Formebolone (Formebolone);
- (j) Mesterolone;
- (k) Methandienone;
- (l) Methandranone;
- (m) Methandriol;
- (n) Methandrostenolone;
- (o) Methenolone;
- (p) Methyltestosterone;
- (q) Mibolerone;
- (r) Nandrolone;
- (s) Norethandrolone;
- (t) Oxandrolone;
- (u) Oxymesterone;
- (v) Oxymetholone;
- (w) Stanolone;

- 361 (x) Stanozolol;
362 (y) Testolactone;
363 (z) Testosterone;
364 (aa) Trenbolone;
365 (bb)] **3 β ,17-dihydroxy-5 α -androstane**;
366 (b) **3 α ,17 β -dihydroxy-5 α -androstane**;
367 (c) **5 α -androstan-3,17-dione**;
368 (d) **1-androstenediol (3 β ,17 β -dihydroxy-5 α -androst-1-ene)**;
369 (e) **1-androstenediol (3 α ,17 β -dihydroxy-5 α -androst-1-ene)**;
370 (f) **4-androstenediol (3 β ,17 β -dihydroxy-androst-4-ene)**;
371 (g) **5-androstenediol (3 β ,17 β -dihydroxy-androst-5-ene)**;
372 (h) **1-androstenedione ([5 α]-androst-1-en-3,17-dione)**;
373 (i) **4-androstenedione (androst-4-en-3,17-dione)**;
374 (j) **5-androstenedione (androst-5-en-3,17-dione)**;
375 (k) **Bolasterone (7 α , 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one)**;
376 (l) **Bondenone (17 β -hydroxyandrost-1,4,-diene-3-one)**;
377 (m) **Calusterone (7 β , 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one)**;
378 (n) **Clostebol (4-chloro-17 β -hydroxyandrost-4-en-3-one)**;
379 (o) **Dehydrochloromethyltestosterone (4-chloro-17 β -hydroxy-17 α -methyl-androst-**
380 **1,4-dien-3-one)**;
381 (p) **Δ 1-dihydrotestosterone (a.k.a. '1-testosterone')(17 β -hydroxy-5 α -androst-1-en-3-**
382 **one)**;
383 (q) **4-dihydrotestosterone (17 β -hydroxy-androstan-3-one)**;
384 (r) **Drostanolone (17 β -hydroxy-2 α -methyl-5 α -androstan-3-one)**;
385 (s) **Ethylestrenol (17 α -ethyl-17 β -hydroxyestr-4-ene)**;
386 (t) **Fluoxymesterone (9-fluoro-17 α -methyl-11 β -17 β -dihydroxyandrost-4-en-3-one)**;
387 (u) **Formebolone (2-formyl-17 α -methyl-11 β -17 β -dihydroxyandrost-1,4-en-3-one)**;
388 (v) **Furazabol (17 α -methyl-17 β -hydroxyandrostano[2,3-c]-furazan)**;
389 (w) **13 β -ethyl-17 α -hydroxygon-4-en-3-one**;
390 (x) **4-hydroxytestosterone (4,17 β dihydroxy-androst-4-en-3-one)**;
391 (y) **4-hydroxy-19-nortestosterone (4,17 β dihydroxy-estr-4-en-3-one)**;
392 (z) **Mestanolone (17 α -methyl-17 β -hydroxy-5-androstan-3-one)**;
393 (aa) **Mesterolone (1 α -methyl-17 β -hydroxy-[5 α]-androstan-3-one)**;
394 (bb) **Methandienone (17 α -methyl-17 β -hydroxyandrost-1,4-dien-3-one)**;
395 (cc) **Methandriol (17 α -methyl-3 β ,17 β -dihydroxyandrost-5-ene)**;
396 (dd) **Methenolone (1-methyl-17 β -hydroxy-5 α -androst-1-en-3-one)**;

- 397 (ee) 17 α -methyl-3 β ,17 β -dihydroxy-5 α -androstane);
 398 (ff) 17 α -methyl-3 α ,17 β -dihydroxy-5 α -androstane);
 399 (gg) 17 α -methyl-3 β ,17 β -dihydroxyandrost-4-ene;
 400 (hh) 17 α -methyl-4-hydroxynandrolone (17 α -methyl-4-hydroxy-17 β -hydroxyestr-4-
 401 en-3-one);
 402 (ii) Methyldienolone (17 α -methyl-17 β -hydroxyestra-4,9(10)-dien-3-one);
 403 (jj) Methyltrienolone (17 α -methyl-17 β -hydroxyestra-4,9,11-trien-3-one);
 404 (kk) Methyltestosterone (17 α -methyl-17 β -hydroxyandrost-4-en-3-one);
 405 (ll) Mibolerone (7 α ,17 α -dimethyl-17 β -hydroxyestr-4-en-3-one);
 406 (mm) 17 α -methyl- Δ 1-dihydrotestosterone (17 β -hydroxy-17 α -methyl-5 α -androst-
 407 1-en-3-one) (a.k.a. '17- α -methyl-1-testosterone');
 408 (nn) Nandrolone (17 β -hydroxyestr-4-ene-3-one);
 409 (oo) 19-nor-4-androstenediol (3 β ,17 β -hydroxyestr-4-ene);
 410 (pp) 19-nor-4-androstenediol (3 α ,17 β -hydroxyestr-4-ene);
 411 (qq) 19-nor-5-androstenediol (3 β ,17 β -hydroxyestr-5-ene);
 412 (rr) 19-nor-5-androstenediol (3 α ,17 β -hydroxyestr-5-ene);
 413 (ss) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
 414 (tt) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
 415 (uu) Norbolethone (13 β ,17 α -diethyl-17 β -hydroxygon-4-en-3-one);
 416 (vv) Norclostebol (4-chloro-17 β -hydroxyestr-4-en-3-one);
 417 (ww) Norethandrolone (17 α -ethyl-17 β -hydroxyestr-4-en-3-one);
 418 (xx) Normethandrolone (17 α -methyl-17 β -hydroxyestr-4-en-3-one);
 419 (yy) Oxandrolone (17 α -methyl-17 β -hydroxy-2-oxa-[5 α]-androstan-3-one);
 420 (zz) Oxymesterone (17 α -methyl-4,17 β -dihydroxyandrost-4-en-3-one);
 421 (aaa) Oxymethalone (17 α -methyl-2-hydroxymethylene-17 β -hydroxy-[5 α]-
 422 androstan-3-one);
 423 (bbb) Stanozolol (17 α -methyl-17 β -hydroxy-[5 α]-androst-2-eno[3,2-c]-pyrazole);
 424 (ccc) Stenbolone (17 β -hydroxy-2-methyl-[5 α]-androst-1-en-3-one);
 425 (ddd) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid
 426 lactone);
 427 (eee) Testosterone (17 β -hydroxyandrost-4-en-3-one);
 428 (fff) Tetrahydrogestrinone (13 β ,17 α -diethyl-17 β -hydroxygon-4,9,11-trien-3-one);
 429 (ggg) Trenbolone (17 β -hydroxyestr-4,9,11-trien-3-one);
 430 (hhh) Any salt, ester, or isomer of a drug or substance described or listed in this
 431 subdivision, if that salt, ester or isomer promotes muscle growth except an anabolic steroid
 432 which is expressly intended for administration through implants to cattle or other nonhuman

433 species and which has been approved by the Secretary of Health and Human Services for that
434 administration;

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

439 (8) The department of health and senior services may except by rule any compound,
440 mixture, or preparation containing any stimulant or depressant substance listed in subdivisions
441 (1) and (2) of this subsection from the application of all or any part of sections 195.010 to
442 195.320 if the compound, mixture, or preparation contains one or more active medicinal
443 ingredients not having a stimulant or depressant effect on the central nervous system, and if the
444 admixtures are included therein in combinations, quantity, proportion, or concentration that
445 vitiate the potential for abuse of the substances which have a stimulant or depressant effect on
446 the central nervous system.

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

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

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

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

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

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

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

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

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

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

468 b. Not more than one hundred milligrams of dihydrocodeine per one hundred milliliters
469 or per one hundred grams;

470 c. Not more than one hundred milligrams of ethylmorphine per one hundred milliliters
471 or per one hundred grams;

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

- 475 (a) Alprazolam;
- 476 (b) Barbitol;
- 477 (c) Bromazepam;
- 478 (d) Camazepam;
- 479 (e) Chloral betaine;
- 480 (f) Chloral hydrate;
- 481 (g) Chlordiazepoxide;
- 482 (h) Clobazam;
- 483 (i) Clonazepam;
- 484 (j) Clorazepate;
- 485 (k) Clotiazepam;
- 486 (l) Cloxazolam;
- 487 (m) Delorazepam;
- 488 (n) Diazepam;
- 489 (o) Dichloralphenazone;
- 490 (p) Estazolam;
- 491 (q) Ethchlorvynol;
- 492 (r) Ethinamate;
- 493 (s) Ethyl loflazepate;
- 494 (t) Fludiazepam;
- 495 (u) Flunitrazepam;
- 496 (v) Flurazepam;
- 497 (w) Halazepam;
- 498 (x) Haloxazolam;
- 499 (y) Ketazolam;
- 500 (z) Loprazolam;
- 501 (aa) Lorazepam;
- 502 (bb) Lormetazepam;
- 503 (cc) Mebutamate;

- 504 (dd) Medazepam;
- 505 (ee) Meprobamate;
- 506 (ff) Methohexital;
- 507 (gg) Methylphenobarbital;
- 508 (hh) Midazolam;
- 509 (ii) Nimetazepam;
- 510 (jj) Nitrazepam;
- 511 (kk) Nordiazepam;
- 512 (ll) Oxazepam;
- 513 (mm) Oxazolam;
- 514 (nn) Paraldehyde;
- 515 (oo) Petrichloral;
- 516 (pp) Phenobarbital;
- 517 (qq) Pinazepam;
- 518 (rr) Prazepam;
- 519 (ss) Quazepam;
- 520 (tt) Temazepam;
- 521 (uu) Tetrazepam;
- 522 (vv) Triazolam;
- 523 (ww) Zaleplon;
- 524 (xx) Zolpidem;
- 525 **(yy) Zopiclone, including its salts, isomers, and salts of isomers;**
- 526 (3) Any material, compound, mixture, or preparation which contains any quantity of the
- 527 following substance including its salts, isomers and salts of isomers whenever the existence of
- 528 such salts, isomers and salts of isomers is possible: fenfluramine;
- 529 (4) Any material, compound, mixture or preparation containing any quantity of the
- 530 following substances having a stimulant effect on the central nervous system, including their
- 531 salts, isomers and salts of isomers:
- 532 (a) Cathine ((+)-norpseudoephedrine);
- 533 (b) Diethylpropion;
- 534 (c) Fencamfamin;
- 535 (d) Fenproporex;
- 536 (e) Mazindol;
- 537 (f) Mefenorex;
- 538 (g) Modafinil;
- 539 (h) Pemoline, including organometallic complexes and chelates thereof;

540 (i) Phentermine;
541 (j) Pipradrol;
542 (k) Sibutramine;
543 (l) SPA ((-)-1-dimethylamino-1,2-diphenylethane);
544 (5) Any material, compound, mixture or preparation containing any quantity of the
545 following substance, including its salts:
546 (a) butorphanol;
547 (b) pentazocine;
548 (6) Ephedrine, its salts, optical isomers and salts of optical isomers, when the substance
549 is the only active medicinal ingredient;
550 (7) The department of health and senior services may except by rule any compound,
551 mixture, or preparation containing any depressant substance listed in subdivision (1) of this
552 subsection from the application of all or any part of sections 195.010 to 195.320 if the
553 compound, mixture, or preparation contains one or more active medicinal ingredients not having
554 a depressant effect on the central nervous system, and if the admixtures are included therein in
555 combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the
556 substances which have a depressant effect on the central nervous system.
557 9. The department of health and senior services shall place a substance in Schedule V
558 if it finds that:
559 (1) The substance has low potential for abuse relative to the controlled substances listed
560 in Schedule IV;
561 (2) The substance has currently accepted medical use in treatment in the United States;
562 and
563 (3) The substance has limited physical dependence or psychological dependence liability
564 relative to the controlled substances listed in Schedule IV.
565 10. The controlled substances listed in this subsection are included in Schedule V:
566 (1) Any compound, mixture or preparation containing any of the following narcotic
567 drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set
568 forth below, which also contains one or more nonnarcotic active medicinal ingredients in
569 sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal
570 qualities other than those possessed by the narcotic drug alone:
571 (a) Not more than two and five-tenths milligrams of diphenoxylate and not less than
572 twenty-five micrograms of atropine sulfate per dosage unit;
573 (b) Not more than one hundred milligrams of opium per one hundred milliliters or per
574 one hundred grams;

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

577 (2) Any material, compound, mixture or preparation which contains any quantity of the
578 following substance having a stimulant effect on the central nervous system including its salts,
579 isomers and salts of isomers: pyrovalerone;

580 (3) Any compound, mixture, or preparation containing any detectable quantity of
581 pseudoephedrine or its salts or optical isomers, or salts of optical isomers or any compound,
582 mixture, or preparation containing any detectable quantity of ephedrine or its salts or optical
583 isomers, or salts of optical isomers;

584 **(4) Unless specifically exempted or excluded or unless listed in another schedule,**
585 **any material, compound, mixture, or preparation which contains any quantity of the**
586 **following substances having a depressant effect on the central nervous system, including**
587 **its salts: pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid)].**

588 11. If any compound, mixture, or preparation as specified in subdivision (3) of
589 subsection 10 of this section is dispensed, sold, or distributed in a pharmacy without a
590 prescription:

591 (1) All packages of any compound, mixture, or preparation containing any detectable
592 quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers or ephedrine,
593 its salts or optical isomers, or salts of optical isomers, shall be offered for sale only from behind
594 a pharmacy counter where the public is not permitted, and only by a registered pharmacist or
595 registered pharmacy technician; and

596 (2) Any person purchasing, receiving or otherwise acquiring any compound, mixture,
597 or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers,
598 or salts of optical isomers or ephedrine, its salts or optical isomers, or salts of optical isomers
599 shall be at least eighteen years of age; and

600 (3) The pharmacist or registered pharmacy technician shall require any person
601 purchasing, receiving or otherwise acquiring such compound, mixture, or preparation, who is not
602 known to the pharmacist or registered pharmacy technician, to furnish suitable photo
603 identification [showing] **that is issued by a state or the federal government or a document**
604 **that, with respect to identification, is considered acceptable, and which shows** the date of
605 birth of the person.

606 12. Within ninety days of the enactment of this section, pharmacists and registered
607 pharmacy technicians shall implement and maintain a written or electronic log of each
608 transaction. Such log shall include the following information:

609 (1) The name [and] , address, **and signature** of the purchaser;

610 (2) The **name of the product and the** amount of the compound, mixture, or preparation
611 purchased;

612 (3) The date **and time** of each purchase; and

613 (4) The name or initials of the pharmacist or registered pharmacy technician who
614 dispensed the compound, mixture, or preparation to the purchaser.

615 13. **If the drug monitoring program established in sections 195.378 to 195.399 is**
616 **fully funded and operational, then pharmacists and registered pharmacy technicians shall**
617 **only be required to maintain a log that complies with rules promulgated by the**
618 **department.**

619 14. No person shall dispense, sell, purchase, receive, or otherwise acquire quantities
620 greater than those specified in this chapter.

621 [14.] 15. Within thirty days of the enactment of this section, all persons who dispense
622 or offer for sale pseudoephedrine and ephedrine products in a pharmacy shall ensure that all such
623 products are located only behind a pharmacy counter where the public is not permitted.

624 [15.] 16. Within thirty days of the enactment of this section, any business entity which
625 sells ephedrine or pseudoephedrine products in the course of legitimate business which is in the
626 possession of pseudoephedrine and ephedrine products, and which does not have a state and
627 federal controlled substances registration, shall return these products to a manufacturer or
628 distributor or transfer them to an authorized controlled substances registrant.

629 [16.] 17. Any person who knowingly or recklessly violates the provisions of subsections
630 11 to 15 of this section is guilty of a class A misdemeanor.

631 [17.] 18. The scheduling of substances specified in subdivision (3) of subsection 10 of
632 this section and subsections 11, 12, [14, and] 15, **and 16** of this section shall not apply to any
633 compounds, mixtures, or preparations that are in liquid or liquid-filled gel capsule form or to any
634 compound, mixture, or preparation specified in subdivision (3) of subsection 10 of this section
635 which must be dispensed, sold, or distributed in a pharmacy pursuant to a prescription.

636 [18.] 19. The manufacturer of a drug product or another interested party may apply with
637 the department of health and senior services for an exemption from this section. The department
638 of health and senior services may grant an exemption by rule from this section if the department
639 finds the drug product is not used in the illegal manufacture of methamphetamine or other
640 controlled or dangerous substances. The department of health and senior services shall rely on
641 reports from law enforcement and law enforcement evidentiary laboratories in determining if the
642 proposed product can be used to manufacture illicit controlled substances.

643 [19.] 20. The department of health and senior services shall revise and republish the
644 schedules annually.

645 [20.] **21.** The department of health and senior services shall promulgate rules under
646 chapter 536, RSMo, regarding the security and storage of Schedule V controlled substances, as
647 described in subdivision (3) of subsection 10 of this section, for distributors as registered by the
648 department of health and senior services.

2 **195.378. 1. Sections 195.378 to 195.399 shall be known and may be cited as the**
3 **"Drug Monitoring Act".**

4 **2. Notwithstanding the provisions of section 195.010, as used in sections 195.378 to**
5 **195.399, the following terms mean:**

6 (1) "Controlled substance", as defined in section 195.010;

7 (2) "Department", the department of health and senior services;

8 (3) "Dispenser", a person who delivers a schedule II, III, IV, or V controlled
9 substance to the ultimate user, but does not include:

10 (a) A hospital as defined in section 197.020, RSMo, that distributes such substances
11 for the purpose of inpatient hospital care or dispenses prescriptions for controlled
12 substances at the time of discharge from such facility;

13 (b) A practitioner or other authorized person who administers such a substance;
14 or

15 (c) A wholesale distributor of a schedule II, III, IV, or V controlled substance;

16 (4) "Patient", a person or animal who is the ultimate user of a drug for whom a
17 prescription is issued or for whom a drug is dispensed;

18 (5) "Schedule II, III, IV, or V controlled substance", a controlled substance that
19 is listed in schedule II, III, IV, or V of the schedules provided under this chapter or the
Federal Controlled Substances Act, 21 U.S.C. Section 812.

2 **195.381. 1. Subject to appropriations, the department of health and senior services**
3 **shall establish and maintain a program for the monitoring of prescribing and dispensing**
4 **of all schedule II, III, IV, and V controlled substances by all professionals licensed to**
5 **prescribe or dispense such substances in this state.**

6 **2. Each dispenser shall submit to the department by electronic means information**
7 **regarding each dispensing of a drug included in subsection 1 of this section. Information**
8 **shall be transmitted in the format established by the ASAP Telecommunication Format for**
9 **Controlled Substances, as published by the American Society of Automation in Pharmacy.**
10 **The information required by the department to be submitted for each dispensing may**
11 **include, but not be limited to:**

12 (1) The dispenser's United States Drug Enforcement Administration registration
13 number;

(2) The date the drug is sold or prescription is filled;

- 14 (3) The prescription number, if applicable;
15 (4) Whether the prescription is new or a refill;
16 (5) The NDC code for the drug dispensed;
17 (6) The number of days' supply of the drug dispensed;
18 (7) The quantity dispensed;
19 (8) Any identification issued by a state or federal government to the patient, or any
20 other acceptable identification as defined by the department by rule;
21 (9) The patient's name, address, and date of birth;
22 (10) The prescriber's United States Drug Enforcement Administration registration
23 number, if applicable;
24 (11) The date the prescription is issued by the prescriber, if applicable; and
25 (12) The source of payment for the drug by indicating either cash, credit, debit,
26 check, Medicaid, or third party.
- 27 3. Each dispenser shall submit the information in accordance with transmission
28 methods and frequency established by the department; except that, each dispenser shall
29 report at least every thirty days between the first and fifteenth of the month following the
30 month the drug was dispensed.
- 31 4. The department may issue a waiver to a dispenser that is unable to submit
32 dispensing information by electronic means. Such waiver may permit the dispenser to
33 submit dispensing information by paper form or other means, provided all information
34 required in subsection 2 of this section is submitted in such alternative format.
- 35 5. Notwithstanding any other state law or provision, the electronic reporting of
36 sales of any product containing any detectable amount of ephedrine or pseudoephedrine
37 which may be sold under federal law or regulations without a prescription shall be subject
38 to appropriations and pursuant to regulations promulgated by the department.
- 195.384. 1. Controlled substance dispensing information submitted to the
2 department shall be confidential and not subject to public disclosure under chapter 610,
3 RSMo, except as provided in subsections 3 to 5 of this section.
- 4 2. The department shall maintain procedures to ensure that the privacy and
5 confidentiality of patients and patient information collected, recorded, transmitted, and
6 maintained is not disclosed to persons except as provided in subsections 3 to 5 of this
7 section.
- 8 3. The department shall review the dispensing information and, if there is
9 reasonable cause to believe a violation of law or breach of professional standards may have
10 occurred, the department shall notify the appropriate law enforcement or professional

11 licensing, certification, or regulatory agency or entity, and provide dispensing information
12 required for an investigation.

13 **4. The department may provide data in the drug monitoring program to the**
14 **following persons:**

15 **(1) Persons authorized to prescribe or dispense controlled substances for the**
16 **purpose of providing medical or pharmaceutical care for their patients;**

17 **(2) An individual who requests his or her own drug monitoring information in**
18 **accordance with state law;**

19 **(3) The state board of pharmacy;**

20 **(4) Any state board charged with regulating a professional that has the authority**
21 **to prescribe controlled substances that requests data related to a specific professional**
22 **under the authority of that board;**

23 **(5) Local, state, and federal law enforcement or prosecutorial officials engaged in**
24 **the administration, investigation, or enforcement of the laws governing licit drugs;**

25 **(6) The department of social services regarding Medicaid program recipients;**

26 **(7) A judge or other judicial authority under a court order;**

27 **(8) Personnel of the department of health and senior services for the administration**
28 **and enforcement of sections 195.378 to 195.399;**

29 **(9) The department of mental health regarding department program recipients**
30 **receiving medication or medication-related services; and**

31 **(10) Substance abuse treatment programs regarding persons receiving evaluation**
32 **or treatment.**

33 **5. The department may provide data to public or private entities for statistical,**
34 **research, or educational purposes after removing information that could be used to identify**
35 **individual patients or persons who received prescriptions from dispensers.**

36 **6. Nothing in sections 195.378 to 195.399 shall require or obligate a dispenser or**
37 **prescriber to access or check the information in the drug monitoring program prior to**
38 **dispensing, prescribing, or administering medications or as part of their professional**
39 **practice. Dispensers and prescribers shall not be liable to any person for any claim of**
40 **damages as a result of accessing or failing to access the information in the drug monitoring**
41 **program and no lawsuit may be predicated thereon. Nothing in this subsection shall be**
42 **construed to relieve a dispenser or prescriber from any duty to monitor and report the**
43 **sales of certain products under sections 195.017, 195.417, and 195.378 to 195.399.**

195.387. The department is authorized to contract with any other agency of this
2 **state or with a private vendor, as necessary, to ensure the effective operation of the drug**
3 **monitoring program. Any contractor shall comply with the provisions regarding**

4 confidentiality of drug information in section 195.384. Any contractor who knowingly
5 discloses drug monitoring information other than as provided in sections 195.378 to
6 195.399 or who uses such information in a manner and for a purpose in violation of
7 sections 195.378 to 195.399 is guilty of a class A misdemeanor.

195.390. The department shall promulgate rules setting forth the procedures and
2 methods of implementing sections 195.378 to 195.399 which shall be consistent with federal
3 regulations, if applicable. Any rule or portion of a rule, as that term is defined in section
4 536.010, RSMo, that is created under the authority delegated in this section shall become
5 effective only if it complies with and is subject to all of the provisions of chapter 536,
6 RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are
7 nonseverable and if any of the powers vested with the general assembly pursuant to
8 chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule
9 are subsequently held unconstitutional, then the grant of rulemaking authority and any
10 rule proposed or adopted after August 28, 2007, shall be invalid and void.

195.393. 1. A dispenser who knowingly fails to submit drug monitoring
2 information to the department as required in sections 195.378 to 195.399 or knowingly
3 submits the incorrect prescription information is guilty of a class A misdemeanor.

4 2. A person authorized to have drug monitoring information under sections 195.378
5 to 195.399 who knowingly discloses such information in violation of sections 195.378 to
6 195.399 or who uses such information in a manner and for a purpose in violation of
7 sections 195.378 to 195.399 is guilty of a class A misdemeanor.

195.396. 1. The department shall implement the following education courses:
2 (1) An orientation course during the implementation phase of the drug monitoring
3 program established in section 195.381;
4 (2) A course for persons who are authorized to access the drug monitoring
5 information but who did not participate in the orientation course;
6 (3) A course for persons who are authorized to access the drug monitoring
7 information but who have violated laws or breached occupational standards involving
8 dispensing, prescribing, and use of substances monitored by the drug monitoring program
9 established in section 195.381;
10 When appropriate, the department shall develop the content of the education courses
11 described in subdivisions (1) to (3) of this subsection.

12 2. The department shall, when appropriate:

13 (1) Work with associations for impaired professionals to ensure intervention,
14 treatment, and ongoing monitoring and followup; and

15 (2) Encourage individual patients who are identified and who have become
16 addicted to substances monitored by the drug monitoring program established in section
17 195.381 to receive addiction treatment. The department of health and senior services shall
18 consult and coordinate with the department of mental health in developing and
19 implementing patient intervention and referrals.

 195.399. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

2 (1) The provisions of the new program authorized under sections 195.378 to
3 195.399 shall automatically sunset six years after the effective date of sections 195.378 to
4 195.399 unless reauthorized by an act of the general assembly; and

5 (2) If such program is reauthorized, the program authorized under sections 195.378
6 to 195.399 shall automatically sunset six years after the effective date of the reauthorization
7 of sections 195.378 to 195.399; and

8 (3) Sections 195.378 to 195.399 shall terminate on September first of the calendar
9 year immediately following the calendar year in which the program authorized under
10 sections 195.378 to 195.399 is sunset.

 195.417. 1. The limits specified in [subsection 2 of] this section shall not apply to any
2 quantity of such product, mixture, or preparation **which must be dispensed, sold, or distributed**
3 **in a pharmacy** pursuant to a valid prescription **or to any purchase by an individual of a single**
4 **sales package if that package contains not more than sixty milligrams of pseudoephedrine**
5 **base.**

6 2. Within any thirty-day period, no person shall sell, dispense, or otherwise provide to
7 the same individual, and no person shall purchase, receive, or otherwise acquire more than the
8 following amount: any number of packages of any drug product containing any detectable
9 amount of ephedrine **phenylpropanolamine**, or pseudoephedrine, or any of their salts or optical
10 isomers, or salts of optical isomers, either as:

11 (1) The sole active ingredient; or

12 (2) One of the active ingredients of a combination drug; or

13 (3) A combination of any of the products specified in subdivisions (1) and (2) of this
14 subsection;

15 in any total amount greater than [nine] **seven and one-half grams of ephedrine base,**
16 **pseudoephedrine base, or phenylpropanolamine base, without regard to the number of**
17 **transactions.**

18 3. [All] For mail order sales or sales from a mobile retail vendor, within any thirty-
19 day period, no person shall sell, dispense, or otherwise provide to the same individual, and
20 no person shall purchase, receive, or otherwise acquire more than the following amount:
21 any number of packages of any drug product containing any detectable amount of

22 ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical
23 isomers, or salts of optical isomers, either as:

24 (1) The sole active ingredient; or

25 (2) One of the active ingredients of a combination drug; or

26 (3) A combination of any of the products specified in subdivisions (1) and (2) of this
27 subsection;

28 in any total amount greater than seven and one-half grams of ephedrine base,
29 pseudoephedrine base, or phenylpropanolamine base, without regard to the number of
30 transactions.

31 4. Within any calendar day, no person shall sell, dispense, or otherwise provide to
32 the same individual, and no person shall purchase, receive, or otherwise acquire more than
33 the following amount: any number of packages of any drug product containing any
34 detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of
35 their salts or optical isomers, or salts of optical isomers, either as:

36 (1) The sole active ingredient; or

37 (2) One of the active ingredients of a combination drug; or

38 (3) A combination of any of the products specified in subdivisions (1) and (2) of this
39 subsection;

40 in any total amount greater than three and six-tenths grams of ephedrine base,
41 pseudoephedrine base, or phenylpropanolamine base without regard to the number of
42 transactions.

43 5. With the exception of those compounds, mixtures, or preparations which must
44 be offered for sale only from behind the counter in a pharmacy, in offering the products
45 for sale, persons selling packages of any compound, mixture, or preparation containing any
46 detectable quantity of ephedrine or pseudoephedrine, or any of their salts or optical isomers, or
47 salts of optical isomers, [except those that are excluded from Schedule V in subsection 17 or 18
48 of section 195.017, shall be offered for sale only from behind a pharmacy counter where the
49 public is not permitted, and only by a registered pharmacist or registered pharmacy technician
50 under section 195.017] shall place the products such that customers do not have direct
51 access to the products before a sale is made. This placement of product shall be either
52 behind the counter or in a locked cabinet that is located in an area of the facility involved
53 to which customers do not have direct access.

54 [4.] 6. The person selling such compound, mixture, or preparation shall require any
55 person purchasing, receiving, or otherwise acquiring such compound, mixture, or
56 preparation to furnish suitable photo identification showing the date of birth of the person.

57 **7. The person selling such compound, mixture, or preparation shall maintain a**
58 **written or electronic log of each transaction. Such log shall include the following**
59 **information:**

60 **(1) The name, address, and signature of the purchaser;**

61 **(2) The name and product and the amount of the compound, mixture, or**
62 **preparation purchased;**

63 **(3) The date and time of each purchase; and**

64 **(4) The name or initials of the person selling the compound, mixture, or**
65 **preparation to the purchaser.**

66 **8.** This section shall supersede and preempt any local ordinances or regulations,
67 including any ordinances or regulations enacted by any political subdivision of the state. This
68 section shall not apply to any products that the state department of health and senior services,
69 upon application of a manufacturer, exempts by rule from this section because the product has
70 been formulated in such a way as to effectively prevent the conversion of the active ingredient
71 into methamphetamine, or its salts or precursors or to the sale of any animal feed products
72 containing ephedrine or any naturally occurring or herbal ephedra or extract of ephedra.

73 [5. Persons selling and dispensing substances containing any detectable amount of
74 pseudoephedrine, its salts or optical isomers, or salts of optical isomers or ephedrine, its salts or
75 optical isomers, or salts of optical isomers shall maintain logs, documents, and records as
76 specified in section 195.017. Persons selling only compounds, mixtures, or preparations that are
77 excluded from Schedule V in subsection 17 or 18 of section 195.017 shall not be required to
78 maintain such logs, documents, and records.]

79 **9.** All logs, records, documents, and electronic information maintained for the dispensing
80 of these products shall be open for inspection and copying by municipal, county, and state or
81 federal law enforcement officers whose duty it is to enforce the controlled substances laws of this
82 state or the United States.

83 [6. Within thirty days of June 15, 2005, all persons who dispense or offer for sale
84 pseudoephedrine and ephedrine products, except those that are excluded from Schedule V in
85 subsection 17 or 18 of section 195.017, shall ensure that all such products are located only
86 behind a pharmacy counter where the public is not permitted.

87 **7.** Within thirty days of June 15, 2005, any business entity which sells ephedrine or
88 pseudoephedrine products in the course of legitimate business which is in the possession of
89 pseudoephedrine and ephedrine products, except those that are excluded from Schedule V in
90 subsection 17 or 18 of section 195.017, and which does not have a state and federal controlled
91 substances registration, shall return these products to a manufacturer or distributor or transfer
92 them to an authorized controlled substance registrant.

93 8.] **10.** Any person who knowingly or recklessly violates this section is guilty of a class
94 A misdemeanor.

95 [9. The provisions of subsection 2 of this section limiting individuals from purchasing
96 the specified amount in any thirty-day period shall not apply to any compounds, mixtures, or
97 preparations that are in liquid or liquid-filled gel capsule form. However, no person shall
98 purchase, receive, or otherwise acquire more than nine grams of any compound, mixture, or
99 preparation excluded in subsection 17 or 18 of section 195.017, in a single purchase as provided
100 in subsection 2 of this section.]

**195.550. 1. It is unlawful for any person to possess or have under his or her control
2 a restricted natural substance except as provided in subsection 2 of this section.**

3 **2. It is not a violation of subsection 1 of this section for any person to own, possess,
4 manage, or otherwise have control over land on which a restricted natural substance
5 naturally grows unless such person knowingly plants or cultivates such restricted natural
6 substance, or harvests such a substance for the purpose of any person drinking, inhaling
7 or otherwise ingesting such restricted natural substance, or unless such person knowingly
8 allows or authorizes another person to plant or cultivate such restricted natural substance,
9 or to harvest such a substance on his or her land for the purpose of anyone drinking,
10 inhaling or otherwise ingesting such restricted natural substance.**

11 **3. In making a determination as to whether a person has violated subsection 1 of
12 this section the court shall consider the following factors:**

13 **(1) Any statements made by the defendant regarding knowledge of the nature of
14 the restricted natural substance, its use or effect;**

15 **(2) Any statements made by the defendant to another that such substance may be
16 sold or resold for a profit;**

17 **(3) The proximity of the substance to any controlled substance; and**

18 **(4) Prior convictions, if any, of the defendant for violating any provision of this
19 chapter.**

20 **4. Any person who violates the provisions of subsection 1 of this section, for a first
21 offense is guilty of a class A misdemeanor. For a second or subsequent offense such person
22 is guilty of a class D felony.**

**195.552. 1. It is unlawful for any person to distribute, deliver, manufacture,
2 produce, cultivate or attempt to distribute, deliver, manufacture, produce, or cultivate a
3 restricted natural substance as defined in section 195.010, or to possess with intent to
4 distribute, deliver, manufacture, produce, or cultivate a restricted natural substance.**

5 **2. For a first offense, any person who violates or attempts to violate this section
6 with respect to any restricted natural substance is guilty of a felony for which the**

7 **authorized term of imprisonment is life imprisonment or a term of years not less than four**
8 **years. For a second or subsequent offense any person who violates or attempts to violate**
9 **this section with respect to any restricted natural substance is guilty of a felony for which**
10 **the authorized term of imprisonment is life imprisonment or a term of years not less than**
11 **ten years.**

210.1012. 1. There is hereby created a statewide program called the "Amber Alert
2 System" referred to in this section as the "system" to aid in the identification and location of
3 abducted [persons] **children.**

4 2. For the purposes of this section, "abducted [person] **child**" means a [person] **child**
5 whose whereabouts are unknown and who is:

6 (1) Reasonably believed to be the victim of the crime of **child** kidnapping as defined by
7 section [565.110] **565.115**, RSMo, as determined by local law enforcement; **or**

8 (2) **Less than eighteen years of age and at least fourteen years of age, and who, if**
9 **under fourteen years of age, would otherwise be reasonably believed to be a victim of child**
10 **kidnapping as defined in section 565.115, RSMo, as determined by local law enforcement.**

11 3. The department of public safety shall develop regions to provide the system. The
12 department of public safety shall coordinate local law enforcement agencies and public
13 commercial television and radio broadcasters to provide an effective system. In the event that
14 a local law enforcement agency opts not to set up a system and an abduction occurs within the
15 jurisdiction, it shall notify the department of public safety who will notify local media in the
16 region.

17 4. The Amber alert system shall include all state agencies capable of providing urgent
18 and timely information to the public together with broadcasters and other private entities that
19 volunteer to participate in the dissemination of urgent public information. At a minimum, the
20 Amber alert system shall include the department of public safety, highway patrol, department of
21 transportation, department of health and senior services, and Missouri lottery.

22 5. The department of public safety shall have the authority to notify other regions upon
23 verification that the criteria established by the oversight committee has been met.

24 6. Participation in an Amber alert system is entirely at the option of local law
25 enforcement agencies and federally licensed radio and television broadcasters.

26 7. Any person who knowingly makes a false report that triggers an alert pursuant to this
27 section is guilty of a class A misdemeanor.

217.439. Upon the victim's request, a photograph shall be taken of the incarcerated
2 **individual prior to release from incarceration and a copy of the photograph shall be**
3 **provided to the crime victim.**

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

3 2. Decisions of the board regarding granting of paroles, extensions of a conditional
4 release date or revocations of a parole or conditional release shall be by a majority vote of the
5 hearing panel members. The hearing panel shall consist of one member of the board and two
6 hearing officers appointed by the board. A member of the board may remove the case from the
7 jurisdiction of the hearing panel and refer it to the full board for a decision. Within thirty days
8 of entry of the decision of the hearing panel to deny parole or to revoke a parole or conditional
9 release, the offender may appeal the decision of the hearing panel to the board. The board shall
10 consider the appeal within thirty days of receipt of the appeal. The decision of the board shall
11 be by majority vote of the board members and shall be final.

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

14 4. The board shall keep a record of its acts and shall notify each correctional center of
15 its decisions relating to persons who are or have been confined in such correctional center.

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

19 **6. Notwithstanding any other provision of law to the contrary, when the**
20 **appearance or presence of an offender before the board or a hearing panel is required for**
21 **the purpose of deciding whether to grant conditional release or parole, extending the date**
22 **of conditional release, revoking parole or conditional release, or for any other purpose,**
23 **such appearance or presence may occur by means of a video conference at the discretion**
24 **of the board. Victims having a right to attend such hearings may testify either at the site**
25 **where the board is conducting the video conference or at the institution where the offender**
26 **is located.**

221.040. 1. It shall be the duty of the sheriff and jailer to receive, from constables and
2 other officers, all persons who shall be apprehended by such constable or other officers, for
3 offenses against this state, or who shall be committed to such jail by any competent authority;
4 and if any sheriff or jailer shall refuse to receive any such person or persons, he **or she** shall be
5 adjudged guilty of a misdemeanor, and on conviction shall be fined in the discretion of the court.

6 **2. The sheriff and jailer shall not be required to receive or detain a prisoner in**
7 **custody under subsection 1 of this section until the arresting constable or other officer has**
8 **had the prisoner examined by a physician or competent medical personnel if the prisoner**
9 **appears to be:**

10 (1) Unconscious;

- 11 **(2) Suffering from a serious illness;**
12 **(3) Suffering from a serious injury; or**
13 **(4) Seriously impaired by alcohol, a controlled substance as defined in section**
14 **195.017, RSMo, a drug other than a controlled substance, or a combination of alcohol, a**
15 **controlled substance, or drugs.**

16 **3. The cost of the examination and resulting treatment under subsection 2 of this**
17 **section is the financial responsibility of the prisoner receiving the examination or**
18 **treatment.**

19 **4. The prisoner shall be kept under guard by the arresting officer or other law**
20 **enforcement officer while examination and treatment under subsection 2 of this section are**
21 **being performed.**

287.067. 1. In this chapter the term "occupational disease" is hereby defined to mean,
2 unless a different meaning is clearly indicated by the context, an identifiable disease arising with
3 or without human fault out of and in the course of the employment. Ordinary diseases of life to
4 which the general public is exposed outside of the employment shall not be compensable, except
5 where the diseases follow as an incident of an occupational disease as defined in this section.
6 The disease need not to have been foreseen or expected but after its contraction it must appear
7 to have had its origin in a risk connected with the employment and to have flowed from that
8 source as a rational consequence.

9 2. An injury by occupational disease is compensable only if the occupational exposure
10 was the prevailing factor in causing both the resulting medical condition and disability. The
11 "prevailing factor" is defined to be the primary factor, in relation to any other factor, causing both
12 the resulting medical condition and disability. Ordinary, gradual deterioration, or progressive
13 degeneration of the body caused by aging or by the normal activities of day-to-day living shall
14 not be compensable.

15 3. An injury due to repetitive motion is recognized as an occupational disease for
16 purposes of this chapter. An occupational disease due to repetitive motion is compensable only
17 if the occupational exposure was the prevailing factor in causing both the resulting medical
18 condition and disability. The "prevailing factor" is defined to be the primary factor, in relation
19 to any other factor, causing both the resulting medical condition and disability. Ordinary,
20 gradual deterioration, or progressive degeneration of the body caused by aging or by the normal
21 activities of day-to-day living shall not be compensable.

22 4. "Loss of hearing due to industrial noise" is recognized as an occupational disease for
23 purposes of this chapter and is hereby defined to be a loss of hearing in one or both ears due to
24 prolonged exposure to harmful noise in employment. "Harmful noise" means sound capable of
25 producing occupational deafness.

26 5. "Radiation disability" is recognized as an occupational disease for purposes of this
27 chapter and is hereby defined to be that disability due to radioactive properties or substances or
28 to Roentgen rays (X-rays) or exposure to ionizing radiation caused by any process involving the
29 use of or direct contact with radium or radioactive properties or substances or the use of or direct
30 exposure to Roentgen rays (X-rays) or ionizing radiation.

31 6. Disease of the lungs or respiratory tract, hypotension, hypertension, or disease of the
32 heart or cardiovascular system, including carcinoma, may be recognized as occupational diseases
33 for the purposes of this chapter and are defined to be disability due to exposure to smoke, gases,
34 carcinogens, inadequate oxygen, of paid firefighters of a paid fire department or paid police
35 officers of a paid police department certified under chapter 590, RSMo, if a direct causal
36 relationship is established, or psychological stress of firefighters of a paid fire department **or**
37 **paid police officers of a paid police department certified under chapter 590, RSMo**, if a
38 direct causal relationship is established.

39 7. Any employee who is exposed to and contracts any contagious or communicable
40 disease arising out of and in the course of his or her employment shall be eligible for benefits
41 under this chapter as an occupational disease.

42 8. With regard to occupational disease due to repetitive motion, if the exposure to the
43 repetitive motion which is found to be the cause of the injury is for a period of less than three
44 months and the evidence demonstrates that the exposure to the repetitive motion with the
45 immediate prior employer was the prevailing factor in causing the injury, the prior employer
46 shall be liable for such occupational disease.

 302.060. The director shall not issue any license and shall immediately deny any driving
2 privilege:

3 (1) To any person who is under the age of eighteen years, if such person operates a motor
4 vehicle in the transportation of persons or property as classified in section 302.015;

5 (2) To any person who is under the age of sixteen years, except as hereinafter provided;

6 (3) To any person whose license has been suspended, during such suspension, or to any
7 person whose license has been revoked, until the expiration of one year after such license was
8 revoked;

9 (4) To any person who is an habitual drunkard or is addicted to the use of narcotic drugs;

10 (5) To any person who has previously been adjudged to be incapacitated and who at the
11 time of application has not been restored to partial capacity;

12 (6) To any person who, when required by this law to take an examination, has failed to
13 pass such examination;

14 (7) To any person who has an unsatisfied judgment against such person, as defined in
15 chapter 303, RSMo, until such judgment has been satisfied or the financial responsibility of such
16 person, as defined in section 303.120, RSMo, has been established;

17 (8) To any person whose application shows that the person has been convicted within
18 one year prior to such application of violating the laws of this state relating to failure to stop after
19 an accident and to disclose the person's identity or driving a motor vehicle without the owner's
20 consent;

21 (9) To any person who has been convicted more than twice of violating state law, or a
22 county or municipal ordinance where the defendant was represented by or waived the right to an
23 attorney in writing, relating to driving while intoxicated; except that, after the expiration of ten
24 years from the date of conviction of the last offense of violating such law or ordinance relating
25 to driving while intoxicated, a person who was so convicted may petition the circuit court of the
26 county in which such last conviction was rendered and the court shall review the person's habits
27 and conduct since such conviction. If the court finds that the petitioner has not been convicted
28 of any offense related to alcohol, controlled substances or drugs during the preceding ten years
29 and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the
30 public safety of this state, the court may order the director to issue a license to the petitioner if
31 the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540.
32 No person may obtain a license pursuant to the provisions of this subdivision through court
33 action more than one time;

34 (10) To any person who has been convicted twice within a five-year period of violating
35 state law, or a county or municipal ordinance where the defendant was represented by or waived
36 the right to an attorney in writing, of driving while intoxicated **or any other intoxication-**
37 **related traffic offense as defined in subdivision (1) of subsection 1 of section 577.023,**
38 **RSMo**, or who has been convicted of the crime of involuntary manslaughter while operating a
39 motor vehicle in an intoxicated condition. The director shall not issue a license to such person
40 for five years from the date such person was convicted **or pled guilty** for involuntary
41 manslaughter while operating a motor vehicle in an intoxicated condition or for driving while
42 intoxicated **or any other intoxication-related traffic offense as defined in subdivision (1) of**
43 **subsection 1 of section 577.023, RSMo**, for the second time. [Any person who has been denied
44 a license for two convictions of driving while intoxicated prior to July 27, 1989, shall have the
45 person's license issued, upon application, unless the two convictions occurred within a five-year
46 period, in which case, no license shall be issued to the person for five years from the date of the
47 second conviction];

48 (11) To any person who is otherwise disqualified pursuant to the provisions of sections
49 302.010 to 302.780, chapter 303, RSMo, or section 544.046, RSMo;

50 (12) To any person who is under the age of eighteen years, if such person's parents or
51 legal guardians file a certified document with the department of revenue stating that the director
52 shall not issue such person a driver's license. Each document filed by the person's parents or
53 legal guardians shall be made upon a form furnished by the director and shall include identifying
54 information of the person for whom the parents or legal guardians are denying the driver's
55 license. The document shall also contain identifying information of the person's parents or legal
56 guardians. The document shall be certified by the parents or legal guardians to be true and
57 correct. This provision shall not apply to any person who is legally emancipated. The parents
58 or legal guardians may later file an additional document with the department of revenue which
59 reinstates the person's ability to receive a driver's license.

302.311. In the event an application for a license is denied or withheld, or in the event
2 that a license is suspended or revoked by the director, the applicant or licensee so aggrieved may
3 appeal to the circuit court of the county of his residence in the manner provided by chapter 536,
4 RSMo, for the review of administrative decisions at any time within thirty days after notice that
5 a license is denied or withheld or that a license is suspended or revoked. Upon such appeal the
6 cause shall be heard de novo and the circuit court may order the director to grant such license,
7 sustain the suspension or revocation by the director, set aside or modify the same, or revoke such
8 license. Appeals from the judgment of the circuit court may be taken as in civil cases. [The
9 prosecuting attorney of the county where such appeal is taken, shall appear in behalf of the
10 director, and prosecute or defend, as the case may require.]

302.750. 1. If a person refuses, upon the request of a law enforcement officer pursuant
2 to section 302.745, to submit to any test allowed under that section, then none shall be given and
3 evidence of the refusal shall be admissible in any proceeding to determine whether a person was
4 operating a commercial motor vehicle while under the influence of alcohol or controlled
5 substances. In this event, the officer shall make a sworn report to the director that he requested
6 a test pursuant to section 302.745 and that the person refused to submit to such testing.

2. A person requested to submit to a test as provided by section 302.745 shall be warned
8 by the law enforcement officer requesting the test that a refusal to submit to the test will result
9 in that person being immediately placed out of service for a period of twenty-four hours and
10 being disqualified from operating a commercial motor vehicle for a period of not less than one
11 year if for a first refusal to submit to the test and for life if for a second or subsequent refusal to
12 submit to the test. The director may issue rules and regulations, in accordance with guidelines
13 established by the secretary, under which a disqualification for life under this section may be
14 reduced to a period of not less than ten years.

15 3. Upon receipt of the sworn report of a law enforcement officer submitted under
16 subsection 1 of this section, the director shall disqualify the driver from operating a commercial
17 motor vehicle.

18 4. If a person has been disqualified from operating a commercial motor vehicle because
19 of his refusal to submit to a chemical test, he may request a hearing before a court of record in
20 the county in which the request was made. Upon his request, the clerk of the court shall notify
21 the [prosecuting attorney of the county] **director** and the [prosecutor] **director** shall appear at
22 the hearing on behalf of the officer. At the hearing the judge shall determine only:

23 (1) Whether or not the law enforcement officer had reasonable grounds to believe that
24 the person was driving a commercial motor vehicle with any amount of alcohol in his system;

25 (2) Whether or not the person refused to submit to the test.

26 5. If the judge determines any issues not to be in the affirmative, he shall order the
27 director to reinstate the privilege to operate a commercial motor vehicle.

28 6. Requests for review as herein provided shall go to the head of the docket of the court
29 wherein filed.

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, the Missouri
22 capitol police, **a conservation agent**, or a state park ranger, those vehicles operated by
23 enforcement personnel of the state highways and transportation commission, police or fire
24 department, sheriff, constable or deputy sheriff, federal law enforcement officer authorized to
25 carry firearms and to make arrests for violations of the laws of the United States, traffic officer
26 or coroner or by a privately owned emergency vehicle 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 304.025;

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 A misdemeanor.

304.070. 1. Any person who violates any of the provisions of subsections 1, 3, and 6 of
2 section 304.050 is guilty of a class A misdemeanor. In addition, beginning July 1, 2005, the
3 court may suspend the driver's license of any person who violates the provision of subsection 1
4 of section 304.050. If ordered by the court, the director shall suspend the driver's license for
5 [ninety] **one hundred twenty** days for a first offense of subsection 1 of section 304.050, and one
6 hundred [twenty] **eighty** days for a second or subsequent offense of subsection 1 of section
7 304.050. Any person who violates subsection 1 of section 304.050 where such violation results
8 in the injury of any child shall be guilty of a class D felony. Any person who violates subsection
9 1 of section 304.050 where such violation causes the death of any child shall be guilty of a class
10 C felony.

11 2. Any appeal of a suspension imposed under subsection 1 of this section shall be a
12 direct appeal of the court order and subject to review by the presiding judge of the circuit court
13 or another judge within the circuit other than the judge who issued the original order to suspend
14 the driver's license. The director of revenue's entry of the court-ordered suspension on the
15 driving record is not a decision subject to review pursuant to section 302.311, RSMo. Any
16 suspension of the driver's license ordered by the court under this section shall be in addition to
17 any other suspension that may occur as a result of the conviction pursuant to other provisions of
18 law.

304.230. 1. It shall be the duty of the sheriff of each county or city to see that the
2 provisions of sections 304.170 to 304.230 are enforced, and any peace officer or police officer
3 of any county or city or any highway patrol officer shall have the power to arrest on sight or upon
4 a warrant any person found violating or having violated the provisions of such sections.

5 2. The sheriff or any peace officer or any highway patrol officer is hereby given the
6 power to stop any such conveyance or vehicle as above described upon the public highway for
7 the purpose of determining whether such vehicle is loaded in excess of the provisions of sections
8 304.170 to 304.230, and if he or she finds such vehicle loaded in violation of the provisions
9 thereof he or she shall have a right at that time and place to cause the excess load to be removed
10 from such vehicle; and provided further, that any regularly employed maintenance man of the
11 department of transportation shall have the right and authority in any part of this state to stop any

12 such conveyance or vehicle upon the public highway for the purpose of determining whether
13 such vehicle is loaded in excess of the provisions of sections 304.170 to 304.230, and if he or
14 she finds such vehicle loaded in violation of the provisions thereof, he or she shall have the right
15 at that time and place to cause the excess load to be removed from such vehicle. When only an
16 axle or a tandem axle group of a vehicle is overloaded, the operator shall be permitted to shift
17 the load, if this will not overload some other axle or axles, without being charged with a
18 violation; provided, however, the privilege of shifting the weight without being charged with a
19 violation shall not extend to or include vehicles while traveling on the federal interstate system
20 of highways. When only an axle or tandem axle group of the vehicle traveling on the federal
21 interstate system of highways is overloaded and a court authorized to enforce the provisions of
22 sections 304.170 to 304.230 finds that the overloading was due to the inadvertent shifting of the
23 load changing axle weights in transit through no fault of the operator of the vehicle and that the
24 load thereafter had been shifted so that no axle had been overloaded, then the court may find that
25 no violation has been committed. The operator of any vehicle shall be permitted to back up and
26 reweigh, or to turn around and weigh from the opposite direction. Any operator whose vehicle
27 is weighed and found to be within five percent of any legal limit may request and receive a
28 weight ticket, memorandum or statement showing the weight or weights on each axle or any
29 combinations of axles. Once a vehicle is found to be within the limits of section 304.180 after
30 having been weighed on any state scale and there is no evidence that any cargo or fuel has been
31 added, no violation shall occur, but a presumption shall exist that cargo or fuel has been added
32 if upon reweighing on another state scale the total gross weight exceeds the applicable limits of
33 section 304.180 or 304.190. The highways and transportation commission of this state may
34 deputize and appoint any number of their regularly employed maintenance men to enforce the
35 provisions of such sections, and the maintenance men delegated and appointed in this section
36 shall report to the proper officers any violations of sections 304.170 to 304.230 for prosecution
37 by such proper officers.

38 3. The superintendent of the Missouri state highway patrol may assign qualified persons
39 who are not highway patrol officers to supervise or operate permanent or portable weigh stations
40 used in the enforcement of commercial vehicle laws. These persons shall be designated as
41 commercial vehicle inspectors and have limited police powers:

42 (1) To issue uniform traffic tickets at a permanent or portable weigh station for violations
43 of rules and regulations of the division of motor carrier [and railroad safety of the department of
44 economic development] **services of the highways and transportation commission** and
45 department of public safety, and laws, rules, and regulations pertaining to commercial motor
46 vehicles and trailers and related to size, weight, fuel tax, registration, equipment, driver

47 requirements, transportation of hazardous materials and operators' or chauffeurs' licenses, and
48 the provisions of sections 303.024 and 303.025, RSMo;

49 (2) To require the operator of any commercial vehicle to stop and submit to a vehicle and
50 driver inspection to determine compliance with commercial vehicle laws, rules, and regulations,
51 the provisions of sections 303.024 and 303.025, RSMo, and to submit to a cargo inspection when
52 reasonable grounds exist to cause belief that a vehicle is transporting hazardous materials as
53 defined by Title 49 of the Code of Federal Regulations;

54 (3) To make arrests for violation of subdivisions (1) and (2) of this subsection.
55 Commercial vehicle enforcement officers shall not have the authority to exercise the powers
56 granted in subdivisions (1), (2) and (3) of this subsection until they have successfully completed
57 training approved by the superintendent of the Missouri state highway patrol. Commercial
58 vehicle enforcement officers shall have the right as peace officers to bear arms.

59 4. The superintendent of the Missouri state highway patrol may appoint qualified
60 persons, who are not members of the highway patrol, designated as commercial vehicle
61 enforcement officers, with the powers:

62 (1) To issue uniform traffic tickets for violations of laws, rules and regulations pertaining
63 to commercial vehicles, trailers, special mobile equipment and drivers of such vehicles, and the
64 provisions of sections 303.024 and 303.025, RSMo;

65 (2) To require the operator of any commercial vehicle to stop and submit to a vehicle and
66 driver inspection to determine compliance with commercial vehicle laws, rules, and regulations,
67 compliance with the provisions of sections 303.024 and 303.025, RSMo, and to submit to a
68 cargo inspection when reasonable grounds exist to cause belief that a vehicle is transporting
69 hazardous materials as defined by Title 49 of the Code of Federal Regulations;

70 (3) To make arrests upon warrants and for violations of subdivisions (1) and (2) of this
71 subsection. Commercial vehicle enforcement officers shall not have the authority to exercise the
72 powers granted in subdivisions (1), (2) and (3) of this subsection until they have successfully
73 completed training approved by the superintendent of the Missouri state highway patrol.
74 Commercial vehicle enforcement officers shall have the right as peace officers to bear arms.

75 5. Any additional employees needed for the implementation of this section shall be hired
76 in conformity with the provisions of the federal fair employment and antidiscrimination acts.

77 6. Any part of this section which shall be construed to be in conflict with the axle or
78 tandem axle load limits permitted by the Federal-Aid Highway Act, Section 127 of Title 23 of
79 the United States Code (Public Law 85-767, 85th Congress) shall be null, void and of no effect.

306.111. 1. A person commits the crime of negligent operation of a vessel if when
2 operating a vessel on the [Mississippi River, Missouri River or the lakes] **waters** of this state
3 [he] **such person** acts with criminal negligence, as defined in subsection 5 of section 562.016,

4 RSMo, to cause physical injury to any other person or damage to the property of any other
5 person. A person convicted of negligent operation of a vessel is guilty of a class B misdemeanor
6 upon conviction for the first violation, guilty of a class A misdemeanor upon conviction for the
7 second violation, and guilty of a class D felony for conviction for the third and subsequent
8 violations.

9 2. A person commits the crime of operating a vessel while intoxicated if [he] **such**
10 **person** operates a vessel on the [Mississippi River, Missouri River or the lakes] **waters** of this
11 state while in an intoxicated condition. A person convicted of operating a vessel while
12 intoxicated is guilty of a class B misdemeanor upon conviction for the first violation, guilty of
13 a class A misdemeanor upon conviction for the second violation, and guilty of a class D felony
14 for conviction for the third and subsequent violations.

15 3. A person commits the crime of involuntary manslaughter with a vessel if, while in an
16 intoxicated condition, [he] **such person** operates any vessel on the [Mississippi River, Missouri
17 River or the lakes] **waters** of this state and, when so operating, acts with criminal negligence to
18 cause the death of any person. Involuntary manslaughter with a vessel is a class C felony.

19 4. A person commits the crime of assault with a vessel in the second degree if, while in
20 an intoxicated condition, [he] **such person** operates any vessel on the [Mississippi River,
21 Missouri River or the lakes] **waters** of this state and, when so operating, acts with criminal
22 negligence to cause physical injury to any other person. Assault with a vessel in the second
23 degree is a class D felony.

24 5. For purposes of this section, a person is in an intoxicated condition when [he] **such**
25 **person** is under the influence of alcohol, a controlled substance or drug, or any combination
26 thereof.

306.112. 1. A person commits the crime of operating a vessel with excessive blood
2 alcohol content if such person operates a vessel on the [Mississippi River, Missouri River or the
3 lakes] **waters** of this state with [ten-hundredths] **eight-hundredths** of one percent or more by
4 weight of alcohol in 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 (1) Guilty of a class B misdemeanor upon conviction for the first violation[.];
10 (2) Guilty of a class A misdemeanor upon conviction for the second violation[.], **within**
11 **ten years of a first offense and such person shall be placed on probation by the court for**
12 **a period of two years; and**

13 (3) Guilty of a class D felony for conviction for the third and subsequent violations
14 **within twenty years of two prior offenses and such person shall be placed on probation by**
15 **the court for a period of three years. In addition to the requirements set forth in section**
16 **306.128, such person shall be prohibited from operating a vessel for a period of five years**
17 **from the date of conviction.**

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

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

24 4. A licensed physician, registered nurse, or trained medical technician, acting at the
25 request and direction of a law enforcement officer, shall withdraw blood for the purpose of
26 determining the alcohol content of the blood, unless the medical personnel, in the exercise of
27 good faith medical judgment, believes such procedure would endanger the life or health of the
28 person in custody. Blood may be withdrawn only by such medical personnel, but such restriction
29 shall not apply to the taking of a breath test or a urine or saliva specimen. In withdrawing blood
30 for the purpose of determining the alcohol content in the blood, only a previously unused and
31 sterile needle and sterile vessel shall be used and the withdrawal shall otherwise be in strict

32 accord with accepted medical practices. A nonalcoholic antiseptic shall be used for cleansing
33 the skin prior to a venapuncture. Upon the request of the person who is tested, full information
34 concerning the test taken at the direction of the law enforcement officer shall be made available
35 to such person.

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

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

306.116. 1. Any person who operates a vessel upon the [Mississippi River, Missouri
2 River or the lakes] **waters** of this state shall be deemed to have given consent to, subject to the
3 provisions of sections 306.111 to 306.119, a chemical test or tests of such person's breath, blood,
4 urine, or saliva for the purpose of determining the alcohol or drug content of such person's blood
5 if arrested for any offense arising out of acts which the arresting law enforcement officer had
6 reasonable grounds to believe were committed while the person was operating a vessel upon the
7 [Mississippi River, Missouri River or lakes] **waters** of this state in violation of section 306.111
8 or 306.112. The test shall be administered at the direction of the arresting law enforcement
9 officer 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 such person's choosing and at such person's expense
15 administer a test in addition to any administered at the direction of a law enforcement officer.
16 The failure or inability to obtain an additional test by a person shall not preclude the admission
17 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 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 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
11 [ten-hundredths] **eight-hundredths** of one percent by weight of alcohol in such person's blood,
12 the fact shall not give rise to any presumption that the person was or was not intoxicated, but the
13 fact may be considered with other competent evidence in determining whether the person was
14 intoxicated;

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

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

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

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

311.310. 1. Any licensee under this chapter, or his employee, who shall sell, vend, give
2 away or otherwise supply any intoxicating liquor, **or any nonintoxicating beer as defined in**
3 **section 312.010, RSMo**, in any quantity whatsoever to any person under the age of twenty-one
4 years, or to any person intoxicated or appearing to be in a state of intoxication, or to a habitual
5 drunkard, and any person whomsoever except his parent or guardian who shall procure for, sell,
6 give away or otherwise supply intoxicating liquor to any person under the age of twenty-one
7 years, or to any intoxicated person or any person appearing to be in a state of intoxication, or to
8 a habitual drunkard, shall be deemed guilty of a misdemeanor, except that this section shall not
9 apply to the supplying of intoxicating liquor to a person under the age of twenty-one years for
10 medical purposes only, or to the administering of such intoxicating liquor to any person by a duly
11 licensed physician. No person shall be denied a license or renewal of a license issued under this

12 chapter solely due to a conviction for unlawful sale or supply to a minor when serving in the
13 capacity as an employee of a licensed establishment.

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

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

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

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

26 (3) To purchase the intoxicating liquor, the person exhibited to the defendant a driver's
27 license, Missouri nondriver's identification card, or other official or apparently official document,
28 containing a photograph of the minor and purporting to establish that such minor was twenty-one
29 years of age and of the legal age for consumption of intoxicating liquor.

311.325. 1. Any person under the age of twenty-one years, who purchases or attempts
2 to purchase, or has in his or her possession, any intoxicating liquor as defined in section 311.020
3 **or any nonintoxicating beer as defined in section 312.010, RSMo**, or who is visibly
4 intoxicated as defined in section 577.001, RSMo, or has a detectable blood alcohol content of
5 more than two-hundredths of one percent or more by weight of alcohol in such person's blood
6 is guilty of a misdemeanor. For purposes of prosecution under this section or any other provision
7 of this chapter involving an alleged illegal sale or transfer of intoxicating liquor to a person under
8 twenty-one years of age, a manufacturer-sealed container describing that there is intoxicating
9 liquor therein need not be opened or the contents therein tested to verify that there is intoxicating
10 liquor in such container. The alleged violator may allege that there was not intoxicating liquor
11 in such container, but the burden of proof of such allegation is on such person, as it shall be
12 presumed that such a sealed container describing that there is intoxicating liquor therein contains
13 intoxicating liquor.

14 2. For purposes of determining violations of any provision of this chapter, or of any rule
15 or regulation of the supervisor of alcohol and tobacco control, a manufacturer-sealed container
16 describing that there is intoxicating liquor therein need not be opened or the contents therein
17 tested to verify that there is intoxicating liquor in such container. The alleged violator may allege
18 that there was not intoxicating liquor in such container, but the burden of proof of such allegation

19 is on such person, as it shall be presumed that such a sealed container describing that there is
20 intoxicating liquor therein contains intoxicating liquor.

21 3. The provisions of this section shall not apply to a student who:

22 (1) Is eighteen years of age or older;

23 (2) Is enrolled in an accredited college or university and is a student in a culinary course;

24 (3) Is required to taste, but not consume or imbibe, any beer, ale, porter, wine, or other
25 similar malt or fermented beverage as part of the required curriculum; and

26 (4) Tastes a beverage under subdivision (3) of this subsection only for instructional
27 purposes during classes that are part of the curriculum of the accredited college or university.

28

29 The beverage must at all times remain in the possession and control of an authorized instructor
30 of the college or university, who must be twenty-one years of age or older. Nothing in this
31 subsection may be construed to allow a student under the age of twenty-one to receive any beer,
32 ale, porter, wine, or other similar malt or fermented beverage unless the beverage is delivered
33 as part of the student's required curriculum and the beverage is used only for instructional
34 purposes during classes conducted as part of the curriculum.

311.326. After a period of not less than one year[, or upon] **after** reaching the age of
2 twenty-one[, whichever occurs first,] a person who has pleaded guilty to or has been found guilty
3 of violating section 311.325 for the first time, and who since such conviction has not been
4 convicted of any other alcohol-related offense, may apply to the court in which he or she was
5 sentenced for an order to expunge all official records of his or her arrest, plea, trial and
6 conviction. If the court determines, upon review, that such person has not been convicted of any
7 other alcohol-related offense at the time of the application for expungement, and the person has
8 had no other alcohol-related enforcement contacts, as defined in section 302.525, RSMo, the
9 court shall enter an order of expungement. The effect of such an order shall be to restore such
10 person to the status he or she occupied prior to such arrest, plea or conviction, as if such event
11 had never happened. No person as to whom such order has been entered shall be held thereafter
12 under any provision of any law to be guilty of perjury or otherwise giving a false statement by
13 reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction or
14 expungement in response to any inquiry made of him or her for any purpose whatsoever. A
15 person shall be entitled to only one expungement pursuant to this section. Nothing contained in
16 this section shall prevent courts or other state officials from maintaining such records as are
17 necessary to ensure that an individual receives only one expungement pursuant to this section.

409.5-508. (a) A person [that] **commits the crime of criminal securities fraud when**
2 **such person** willfully violates **section 409.5-501.**

3 **(b) A person commits a criminal securities violation when such person willfully**
4 **violates any other provision of** this act, or a rule adopted or order issued under this act, except
5 Section 409.5-504 or the notice filing requirements of section 409.3-302 or 409.4-405, or that
6 willfully violates section 409.5-505 knowing the statement made to be false or misleading in a
7 material respect[, upon conviction, shall be fined not more than one million dollars or imprisoned
8 not more than ten years, or both].

9 **(c) A person convicted of criminal securities fraud or any other criminal violation**
10 **shall be fined not more than one million dollars or imprisoned not more than ten years, or**
11 **both, unless the violation was committed against an elderly or disabled person, in which**
12 **case the person shall be fined not less than fifty thousand dollars and imprisoned not less**
13 **than five years. For purposes of this section, the following terms mean:**

14 **(1) "Disabled person", a person with a physical or mental impairment that**
15 **substantially limits one or more of the major life activities of such individual, a record of**
16 **such impairment, or being regarded as having such an impairment;**

17 **(2) "Elderly person", a person sixty years of age or older.**

18 **(d)** An individual convicted of violating a rule or order under this act may be fined, but
19 may not be imprisoned, if the individual did not have knowledge of the rule or order.

20 **[(b)] (e)** The attorney general or the proper prosecuting attorney with or without a
21 reference from the commissioner may institute criminal proceedings under this act.

22 **[(c)] (f)** This act does not limit the power of this state to punish a person for conduct that
23 constitutes a crime under other laws of this state.

 409.6-604. (a) If the commissioner determines that a person has engaged, is engaging,
2 or is about to engage in an act, practice, or course of business constituting a violation of this act
3 or a rule adopted or order issued under this act or that a person has materially aided, is materially
4 aiding, or is about to materially aid an act, practice, or course of business constituting a violation
5 of this act or a rule adopted or order issued under this act, the commissioner may:

6 (1) Issue an order directing the person to cease and desist from engaging in the act,
7 practice, or course of business or to take other action necessary or appropriate to comply with
8 this act;

9 (2) Issue an order denying, suspending, revoking, or conditioning the exemptions for a
10 broker-dealer under section 409.4-401(b)(1)(D) or (F) or an investment adviser under section
11 409.4-403(b)(1)(C); or

12 (3) Issue an order under section 409.2-204.

13 (b) An order under subsection (a) is effective on the date of issuance. Upon issuance of
14 the order, the commissioner shall promptly serve each person subject to the order with a copy
15 of the order and a notice that the order has been entered. The order must include a statement

16 whether the commissioner will seek a civil penalty or costs of the investigation, a statement of
17 the reasons for the order, and notice that, within fifteen days after receipt of a request in a record
18 from the person, the matter will be scheduled for a hearing. If a person subject to the order does
19 not request a hearing and none is ordered by the commissioner within thirty days after the date
20 of service of the order, the order becomes final as to that person by operation of law. If a hearing
21 is requested or ordered, the commissioner, after notice of and opportunity for hearing to each
22 person subject to the order, may modify or vacate the order or extend it until final determination.

23 (c) If a hearing is requested or ordered pursuant to subsection (b), a hearing before the
24 commissioner must be provided. A final order may not be issued unless the commissioner
25 makes findings of fact and conclusions of law in a record in accordance with the provisions of
26 chapter 536, RSMo, and procedural rules promulgated by the commissioner. The final order may
27 make final, vacate, or modify the order issued under subsection (a).

28 (d) In a final order under subsection (c), the commissioner may;

29 (1) Impose a civil penalty up to one thousand dollars for a single violation or up to ten
30 thousand dollars for more than one violation;

31 (2) **Order a person subject to the order to pay restitution for any loss, including the**
32 **amount of any actual damages that may have been caused by the conduct and interest at**
33 **the rate of eight percent per year from the date of the violation causing the loss or disgorge**
34 **any profits arising from the violation;**

35 (3) **In addition to any civil penalty otherwise provided by law, impose an additional**
36 **civil penalty not to exceed five thousand dollars for each such violation if the commissioner**
37 **finds that a person subject to the order has violated any provision of this act and that such**
38 **violation was committed against an elderly or disabled person. For purposes of this**
39 **section, the following terms mean:**

40 (A) **"Disabled person", a person with a physical or mental impairment that**
41 **substantially limits one or more of the major life activities of such individual, a record of**
42 **such impairment, or being regarded as having such an impairment;**

43 (B) **"Elderly person", a person sixty years of age or older.**

44 (e) In a final order, the commissioner may charge the actual cost of an investigation or
45 proceeding for a violation of this act or a rule adopted or order issued under this act. These funds
46 may be paid into the investor education and protection fund.

47 (f) If a petition for judicial review of a final order is not filed in accordance with section
48 409.6-609, the commissioner may file a certified copy of the final order with the clerk of a court
49 of competent jurisdiction. The order so filed has the same effect as a judgment of the court and
50 may be recorded, enforced, or satisfied in the same manner as a judgment of the court.

51 (g) If a person does not comply with an order under this section, the commissioner may
52 petition a court of competent jurisdiction to enforce the order. The court may not require the
53 commissioner to post a bond in an action or proceeding under this section. If the court finds,
54 after service and opportunity for hearing, that the person was not in compliance with the order,
55 the court may adjudge the person in civil contempt of the order. The court may impose a further
56 civil penalty against the person for contempt in an amount not less than five thousand dollars but
57 not greater than one hundred thousand dollars for each violation and may grant any other relief
58 the court determines is just and proper in the circumstances.

59 (h) The commissioner is authorized to issue administrative consent orders in the
60 settlement of any proceeding in the public interest under this act.

488.5025. 1. In addition to any other assessment authorized by law, a court may assess
2 a fee of twenty-five dollars on each person who pays a court-ordered judgment, penalty, fine,
3 sanction, or court costs on a time- payment basis, including restitution and juvenile monetary
4 assessments. A time-payment basis shall be any judgment, penalty, fine, sanction, or court cost
5 not paid, in full, within thirty days of the date the court imposed the judgment, penalty fine,
6 sanction, or court cost. Imposition of the time-payment fee shall be in addition to any other
7 enforcement provisions authorized by law.

8 2. Ten dollars of the time-payment fee collected pursuant to this section shall be payable
9 to the clerk of the court of the county, **or clerk of the court of the municipality**, from which
10 such fee was collected, or to such person as is designated by local circuit court rule as treasurer
11 of said fund, and said fund shall be applied and expended under the direction and order of the
12 court en banc of any such county to be utilized by the court **where such fine is collected** to
13 improve, maintain, and enhance the ability to collect and manage moneys assessed or received
14 by the courts, to improve case processing, enhance court security, preservation of the record, or
15 to improve the administration of justice. Eight dollars of the time-payment fee shall be deposited
16 in the statewide court automation fund pursuant to section 476.055, RSMo. Seven dollars of the
17 time-payment fee shall be paid to the director of revenue, to be deposited to the general revenue
18 fund.

544.157. 1. Any law enforcement officer certified pursuant to chapter 590, RSMo, of
2 any political subdivision of this state, any authorized agent of the department of conservation,
3 any commissioned member of the Missouri capitol police, any commissioned member of the
4 Missouri state park rangers, **any college or university police officer**, and any authorized agent
5 of the Missouri state water patrol in fresh pursuit of a person who is reasonably believed by such
6 officer to have committed a felony in this state or who has committed, or attempted to commit,
7 in the presence of such officer or agent, any criminal offense or violation of a municipal or
8 county ordinance, or for whom such officer holds a warrant of arrest for a criminal offense, shall

9 have the authority to arrest and hold in custody such person anywhere in this state. Fresh pursuit
10 may only be initiated from within the pursuing peace officer's, conservation agent's, capitol
11 police officer's, state park ranger's, **college or university police officer's**, or water patrol
12 officer's jurisdiction and shall be terminated once the pursuing peace officer is outside of such
13 officer's jurisdiction and has lost contact with the person being pursued. If the offense is a traffic
14 violation, the uniform traffic ticket shall be used as if the violator had been apprehended in the
15 municipality or county in which the offense occurred.

16 2. If such an arrest is made in obedience to a warrant, the disposition of the prisoner shall
17 be made as in other cases of arrest under a warrant; if the violator is served with a uniform traffic
18 ticket, the violator shall be directed to appear before a court having jurisdiction to try the offense;
19 if the arrest is without a warrant, the prisoner shall be taken forthwith before a judge of a court
20 with original criminal jurisdiction in the county wherein such arrest was made or before a
21 municipal judge thereof having original jurisdiction to try such offense, who may release the
22 person as provided in section 544.455, conditioned upon such person's appearance before the
23 court having jurisdiction to try the offense. The person so arrested need not be taken before a
24 judge as herein set out if given a summons by the arresting officer.

25 3. The term "fresh pursuit", as used in this section, shall include hot or fresh pursuit as
26 defined by the common law and also the pursuit of a person who has committed a felony or is
27 reasonably suspected of having committed a felony in this state, or who has committed or
28 attempted to commit in this state a criminal offense or violation of municipal or county ordinance
29 in the presence of the arresting officer referred to in subsection 1 of this section or for whom
30 such officer holds a warrant of arrest for a criminal offense. It shall include also the pursuit of
31 a person suspected of having committed a supposed felony in this state, though no felony has
32 actually been committed, if there is reasonable ground for so believing. "Fresh pursuit" as used
33 herein shall imply instant pursuit.

34 4. A public agency electing to institute vehicular pursuits shall adopt a policy for the safe
35 conduct of vehicular pursuits by peace officers. Such policy shall meet the following minimum
36 standards:

37 (1) There shall be supervisory control of the pursuit;

38 (2) There shall be procedures for designating the primary pursuit vehicle and for
39 determining the total number of vehicles to be permitted to participate at one time in the pursuit;

40 (3) There shall be procedures for coordinating operation with other jurisdictions; and

41 (4) There shall be guidelines for determining when the interests of public safety and
42 effective law enforcement justify a vehicular pursuit and when a vehicular pursuit should not be
43 initiated or should be terminated.

545.050. [1.] No indictment for any trespass against the person or property of another,
2 not amounting to a felony, except for petit larceny, and no indictment for the disturbance of the
3 peace of a person, or for libel or slander, shall be preferred unless the name of a prosecutor is
4 affixed thereto, thus: "A B, prosecutor", except where the same is preferred upon the
5 information and testimony of one or more grand jurors, or of some public officer in the necessary
6 discharge of his **or her** duty.

7 [2. If the defendant be acquitted or the prosecution fails, judgment shall be entered
8 against such prosecutor for the costs.]

550.040. In all capital cases, and those in which imprisonment in the penitentiary is the
2 sole punishment for the offense, if the defendant is acquitted, the costs shall be paid by the state;
3 and in all other trials on indictments or information, if the defendant is acquitted, the costs shall
4 be paid by the county in which the indictment was found or information filed[, except when the
5 prosecutor shall be adjudged to pay them or it shall be otherwise provided by law].

559.021. 1. The conditions of probation shall be such as the court in its discretion deems
2 reasonably necessary to ensure that the defendant will not again violate the law. When a
3 defendant is placed on probation he shall be given a certificate explicitly stating the conditions
4 on which he is being released.

5 2. In addition to such other authority as exists to order conditions of probation, the court
6 may order such conditions as the court believes will serve to compensate the victim, any
7 dependent of the victim, any statutorily created fund for costs incurred as a result of the
8 offender's actions, or society. Such conditions may include restorative justice methods pursuant
9 to section 217.777, RSMo, or any other method that the court finds just or appropriate including,
10 but not limited to:

11 (1) Restitution to the victim or any dependent of the victim, or statutorily created fund
12 for costs incurred as a result of the offender's actions in an amount to be determined by the judge;

13 (2) The performance of a designated amount of free work for a public or charitable
14 purpose, or purposes, as determined by the judge;

15 (3) Offender treatment programs;

16 (4) Work release programs in local facilities; [and]

17 (5) Community-based residential and nonresidential programs; **and**

18 **(6) The defendant being required to be vaccinated for hepatitis A and B at any**
19 **qualified health department or facility, with costs to be paid by the defendant.**

20 3. The defendant may refuse probation conditioned on the performance of free work.
21 If he does so, the court shall decide the extent or duration of sentence or other disposition to be
22 imposed and render judgment accordingly. Any county, city, person, organization, or agency,
23 or employee of a county, city, organization or agency charged with the supervision of such free

24 work or who benefits from its performance shall be immune from any suit by the defendant or
25 any person deriving a cause of action from him if such cause of action arises from such
26 supervision of performance, except for an intentional tort or gross negligence. The services
27 performed by the defendant shall not be deemed employment within the meaning of the
28 provisions of chapter 288, RSMo. A defendant performing services pursuant to this section shall
29 not be deemed an employee within the meaning of the provisions of chapter 287, RSMo.

30 4. In addition to such other authority as exists to order conditions of probation, in the
31 case of a plea of guilty or a finding of guilt, the court may order the assessment and payment of
32 a designated amount of restitution to a county law enforcement restitution fund established by
33 the county commission pursuant to section 50.565, RSMo. Such contribution shall not exceed
34 three hundred dollars for any charged offense. Any restitution moneys deposited into the county
35 law enforcement restitution fund pursuant to this section shall only be expended pursuant to the
36 provisions of section 50.565, RSMo.

37 5. A judge may order payment to a restitution fund only if such fund had been created
38 by ordinance or resolution of a county of the state of Missouri prior to sentencing. A judge shall
39 not have any direct supervisory authority or administrative control over any fund to which the
40 judge is ordering a defendant to make payment.

41 6. A defendant who fails to make a payment to a county law enforcement restitution fund
42 may not have his or her probation revoked solely for failing to make such payment unless the
43 judge, after evidentiary hearing, makes a finding supported by a preponderance of the evidence
44 that the defendant either willfully refused to make the payment or that the defendant willfully,
45 intentionally, and purposefully failed to make sufficient bona fide efforts to acquire the resources
46 to pay.

47 7. The court may modify or enlarge the conditions of probation at any time prior to the
48 expiration or termination of the probation term.

559.106. 1. Notwithstanding any statutory provision to the contrary, when a court grants
2 probation to an offender who has pleaded guilty to or has been found guilty of an offense in
3 section [566.030,] 566.032, [566.060,] or 566.062, RSMo, based on an act committed on or after
4 August 28, 2006, or the offender has pleaded guilty to or has been found guilty of an offense
5 under section 566.067, 566.083, 566.100, 566.151, 566.212, 566.213, 568.020, 568.080, or
6 568.090, RSMo, based on an act committed on or after August 28, 2006, against a victim who
7 was less than fourteen years old and the offender is a prior sex offender as defined in subsection
8 2 of this section, the court shall order that the offender be supervised by the board of probation
9 and parole for the duration of his or her natural life.

10 2. For the purpose of this section, a prior sex offender is a person who has previously
11 pleaded guilty to or has been found guilty of an offense contained in chapter 566, RSMo, or

12 violating section 568.020, RSMo, when the person had sexual intercourse or deviate sexual
13 intercourse with the victim, or of violating subdivision (2) of subsection 1 of section 568.045,
14 RSMo.

15 3. When probation for the duration of the offender's natural life has been ordered, a
16 mandatory condition of such probation is that the offender be electronically monitored.
17 Electronic monitoring shall be based on a global positioning system or other technology that
18 identifies and records the offender's location at all times.

19 4. In appropriate cases as determined by a risk assessment, the court may terminate the
20 probation of an offender who is being supervised under this section when the offender is
21 sixty-five years of age or older.

561.031. 1. In the following proceedings, the provisions of section 544.250, 544.270,
2 544.275, RSMo, 546.030, RSMo, or of any other statute, or the provisions of supreme court rules
3 21.10, 22.07, 24.01, 24.02, 27.01, 29.07, 31.02, 31.03, 36.01, 37.16, 37.47, 37.48, 37.50, 37.57,
4 37.58, 37.59, and 37.64 to the contrary notwithstanding, when the physical appearance in person
5 in court is required of any person held in a place of custody or confinement, such personal
6 appearance may be made by means of two-way audio-visual communication, including but not
7 limited to, closed circuit television or computerized video conferencing; provided that such
8 audio-visual communication facilities provide two-way audio-visual communication between
9 the court and the place of custody or confinement [and that a full record of such proceedings be
10 made by split-screen imaging and recording of the proceedings in the courtroom and the place
11 of confinement or custody in addition to such other record as may be required]:

12 (1) First appearance before an associate circuit judge on a criminal complaint;

13 (2) Waiver of preliminary hearing;

14 (3) Arraignment on an information or indictment where a plea of not guilty is entered;

15 (4) Arraignment on an information or indictment where a plea of guilty is entered upon
16 waiver of any right such person might have to be physically present;

17 (5) Any pretrial or posttrial criminal proceeding not allowing the cross-examination of
18 witnesses;

19 (6) Sentencing after conviction at trial upon waiver of any right such person might have
20 to be physically present;

21 (7) Sentencing after entry of a plea of guilty; and

22 (8) Any civil proceeding other than trial by jury.

23 2. This section shall not prohibit other appearances via closed circuit television upon
24 waiver of any right such person held in custody or confinement might have to be physically
25 present.

26 3. Nothing contained in this section shall be construed as establishing a right for any
27 person held in custody to appear on television or as requiring that any governmental entity or
28 place of custody or confinement provide a two-way audio-visual communication system.

 565.024. 1. A person commits the crime of involuntary manslaughter in the first degree
2 if he or she:

3 (1) Recklessly causes the death of another person; or

4 (2) While in an intoxicated condition operates a motor vehicle in this state and, when so
5 operating, acts with criminal negligence to cause the death of any person; or

6 (3) While in an intoxicated condition operates a motor vehicle in this state, and, when
7 so operating, acts with criminal negligence to:

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

11 (b) Cause the death of two or more persons; or

12 (c) Cause the death of any person while he or she has a blood alcohol content of at least
13 eighteen-hundredths of one percent by weight of alcohol in such person's blood; or

14 (4) Operates a motor vehicle in violation of subsection 2 of section 304.022, RSMo, and
15 when so operating, acts with criminal negligence to cause the death of any person authorized to
16 operate an emergency vehicle, as defined in section 304.022, RSMo, while such person is in the
17 performance of official duties; or

18 **(5) Unlawfully distributes or delivers any controlled substance to any person and**
19 **that person's injection, inhalation, or ingestion of the controlled substance causes that**
20 **person's death.**

21 **2. For purposes of this section, the act of distributing or delivering a controlled**
22 **substance is the cause of a death when the injection, inhalation, or ingestion of the**
23 **substance is an antecedent but for which the death would not have occurred and the death**
24 **was not too remote in its occurrence as to have a just bearing on the defendant's liability**
25 **or too dependent upon conduct of another person which was unrelated to the injection,**
26 **inhalation, or ingestion of the substance or its effect as to have a just bearing on the**
27 **defendant's liability.**

28 [2.] **3. Involuntary manslaughter in the first degree under subdivision (1)[or] , (2), or**
29 **(5) of subsection 1 of this section is a class C felony. Involuntary manslaughter in the first**
30 **degree under subdivision (3) of subsection 1 of this section is a class B felony. A second or**
31 **subsequent violation of subdivision (3) of subsection 1 of this section is a class A felony. For**
32 **any violation of subdivision (3) of subsection 1 of this section, the minimum prison term which**

33 the defendant must serve shall be eighty-five percent of his or her sentence. Any violation of
34 subdivision (4) of subsection 1 of this section is a class B felony.

35 [3.] 4. A person commits the crime of involuntary manslaughter in the second degree if
36 he acts with criminal negligence to cause the death of any person.

37 [4.] 5. Involuntary manslaughter in the second degree is a class D felony.

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

2 (1) "Domestic assault offense":

3 (a) The commission of the crime of domestic assault in the first degree [pursuant to
4 section 565.072] or domestic assault in the second degree [pursuant to section 565.073]; or

5 (b) The commission of the crime of assault in the first degree [pursuant to the provisions
6 of section 565.050] or assault in the second degree [pursuant to the provisions of section
7 565.060,] if the victim of the assault was a family or household member;

8 (c) **The commission of a crime in another state, or any federal offense, or any**
9 **military offense which, if committed in this state, would be a violation of any offense listed**
10 **in paragraph (a) or (b) of this subdivision;**

11 (2) "Family" or "household member", spouses, former spouses, adults related by blood
12 or marriage, adults who are presently residing together or have resided together in the past and
13 adults who have a child in common regardless of whether they have been married or have resided
14 together at any time;

15 (3) "Persistent domestic violence offender", a person who has pleaded guilty to or has
16 been found guilty of two or more domestic assault offenses, where such two or more offenses
17 occurred within ten years of the occurrence of the domestic assault offense for which the person
18 is charged; and

19 (4) "Prior domestic violence offender", a person who has pleaded guilty to or has been
20 found guilty of one domestic assault offense, where such prior offense occurred within five years
21 of the occurrence of the domestic assault offense for which the person is charged.

22 2. No court shall suspend the imposition of sentence as to a prior or persistent domestic
23 violence offender pursuant to this section nor sentence such person to pay a fine in lieu of a term
24 of imprisonment, section 557.011, RSMo, to the contrary notwithstanding, nor shall such person
25 be eligible for parole or probation until such person has served a minimum of six months'
26 imprisonment.

27 3. The court shall find the defendant to be a prior domestic violence offender or
28 persistent domestic violence offender, if:

29 (1) The indictment or information, original or amended, or the information in lieu of an
30 indictment pleads all essential facts warranting a finding that the defendant is a prior domestic
31 violence offender or persistent domestic violence offender; and

32 (2) Evidence is introduced that establishes sufficient facts pleaded to warrant a finding
33 beyond a reasonable doubt the defendant is a prior domestic violence offender or persistent
34 domestic violence offender; and

35 (3) The court makes findings of fact that warrant a finding beyond a reasonable doubt
36 by the court that the defendant is a prior domestic violence offender or persistent domestic
37 violence offender.

38 4. In a jury trial, such facts shall be pleaded, established and found prior to submission
39 to the jury outside of its hearing.

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

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

44 7. The defendant may waive proof of the facts alleged.

45 8. Nothing in this section shall prevent the use of presentence investigations or
46 commitments.

47 9. At the sentencing hearing both the state and the defendant shall be permitted to present
48 additional information bearing on the issue of sentence.

49 10. The pleas or findings of guilty shall be prior to the date of commission of the present
50 offense.

51 11. The court shall not instruct the jury as to the range of punishment or allow the jury,
52 upon a finding of guilty, to assess and declare the punishment as part of its verdict in cases of
53 prior domestic violence offenders or persistent domestic violence offenders.

54 12. Evidence of prior convictions shall be heard and determined by the trial court out of
55 the hearing of the jury prior to the submission of the case to the jury, and shall include but not
56 be limited to evidence of convictions received by a search of the records of the Missouri uniform
57 law enforcement system maintained by the Missouri state highway patrol. After hearing the
58 evidence, the court shall enter its findings thereon.

59 13. Evidence of similar criminal convictions of domestic violence pursuant to this
60 chapter, chapter 566, RSMo, or chapter 568, RSMo, within five years of the offense at issue,
61 shall be admissible for the purposes of showing a past history of domestic violence.

62 14. Any person who has pleaded guilty to or been found guilty of a violation of section
63 565.072 shall be sentenced to the authorized term of imprisonment for a class A felony if the
64 court finds the offender is a prior domestic violence offender. The offender shall be sentenced
65 to the authorized term of imprisonment for a class A felony which term shall be served without
66 probation or parole if the court finds the offender is a persistent domestic violence offender or
67 the prior domestic violence offender inflicts serious physical injury on the victim.

68 15. Any person who has pleaded guilty to or been found guilty of a violation of section
69 565.073 shall be sentenced:

70 (a) To the authorized term of imprisonment for a class B felony if the court finds the
71 offender is a prior domestic violence offender; or

72 (b) To the authorized term of imprisonment for a class A felony if the court finds the
73 offender is a persistent domestic violence offender.

565.070. 1. A person commits the crime of assault in the third degree if:

2 (1) The person attempts to cause or recklessly causes physical injury to another person;
3 or

4 (2) With criminal negligence the person causes physical injury to another person by
5 means of a deadly weapon; or

6 (3) The person purposely places another person in apprehension of immediate physical
7 injury; or

8 (4) The person recklessly engages in conduct which creates a grave risk of death or
9 serious physical injury to another person; or

10 (5) The person knowingly causes physical contact with another person knowing the other
11 person will regard the contact as offensive or provocative; or

12 (6) The person knowingly causes physical contact with an incapacitated person, as
13 defined in section 475.010, RSMo, which a reasonable person, who is not incapacitated, would
14 consider offensive or provocative.

15 2. Except as provided in subsections 3 and 4 of this section, assault in the third degree
16 is a class A misdemeanor.

17 3. A person who violates the provisions of subdivision (3) or (5) of subsection 1 of this
18 section is guilty of a class C misdemeanor.

19 4. A person who has pled guilty to or been found guilty of the crime of assault [in the
20 third degree] **or the crime of domestic assault** more than two times against any family or
21 household member as defined in section 455.010, RSMo, is guilty of a class D felony for the
22 third or any subsequent commission of the crime of assault [in the third degree when a class A
23 misdemeanor. The offenses described in this subsection may be against the same family or
24 household member or against different family or household members] **or the crime of domestic**
25 **assault.**

565.074. 1. A person commits the crime of domestic assault in the third degree if the
2 act involves a family or household member or an adult who is or has been in a continuing social
3 relationship of a romantic or intimate nature with the actor, as defined in section 455.010, RSMo,
4 and:

5 (1) The person attempts to cause or recklessly causes physical injury to such family or
6 household member; or

7 (2) With criminal negligence the person causes physical injury to such family or
8 household member by means of a deadly weapon or dangerous instrument; or

9 (3) The person purposely places such family or household member in apprehension of
10 immediate physical injury by any means; or

11 (4) The person recklessly engages in conduct which creates a grave risk of death or
12 serious physical injury to such family or household member; or

13 (5) The person knowingly causes physical contact with such family or household
14 member knowing the other person will regard the contact as offensive; or

15 (6) The person knowingly attempts to cause or causes the isolation of such family or
16 household member by unreasonably and substantially restricting or limiting such family or
17 household member's access to other persons, telecommunication devices or transportation for
18 the purpose of isolation.

19 2. Except as provided in subsection 3 of this section, domestic assault in the third degree
20 is a class A misdemeanor.

21 3. A person who has pleaded guilty to or been found guilty of **the crime of assault or**
22 **the crime of domestic assault** [in the third degree] more than two times against any family or
23 household member as defined in section 455.010, RSMo, is guilty of a class D felony for the
24 third or any subsequent commission of the crime of domestic assault. The offenses described
25 in this subsection may be against the same family or household member or against different
26 family or household members.

565.081. 1. A person commits the crime of assault of a law enforcement officer,
2 **corrections officer**, emergency personnel, or probation and parole officer in the first degree if
3 such person attempts to kill or knowingly causes or attempts to cause serious physical injury to
4 a law enforcement officer [or] , **corrections officer**, emergency personnel, **or probation and**
5 **parole officer**.

6 2. As used in this section, ["emergency personnel" means] **the following terms shall**
7 **mean:**

8 (1) "**Corrections officer**", **includes any jailer or corrections officer of the state or**
9 **any political subdivision of the state;**

10 (2) "**Emergency personnel**", any paid or volunteer firefighter, emergency room or
11 trauma center personnel, or emergency medical technician as defined in subdivisions (15), (16),
12 [and] (17) **and (18)** of section 190.100, RSMo.

13 3. Assault of a law enforcement officer, **corrections officer**, emergency personnel, or
14 probation and parole officer in the first degree is a class A felony.

565.082. 1. A person commits the crime of assault of a law enforcement officer, **corrections officer**, emergency personnel, or probation and parole officer in the second degree if such person:

(1) Knowingly causes or attempts to cause physical injury to a law enforcement officer, **corrections officer**, emergency personnel, or probation and parole officer by means of a deadly weapon or dangerous instrument;

(2) Knowingly causes or attempts to cause physical injury to a law enforcement officer, **corrections officer**, emergency personnel, or probation and parole officer by means other than a deadly weapon or dangerous instrument;

(3) Recklessly causes serious physical injury to a law enforcement officer, **corrections officer**, emergency personnel, or probation and parole officer; or

(4) While in an intoxicated condition or under the influence of controlled substances or drugs, operates a motor vehicle **or motor boat** in this state and when so operating, acts with criminal negligence to cause physical injury to a law enforcement officer, **corrections officer**, emergency personnel, or probation and parole officer;

(5) Acts with criminal negligence to cause physical injury to a law enforcement officer, **corrections officer**, emergency personnel, or probation and parole officer by means of a deadly weapon or dangerous instrument;

(6) Purposely or recklessly places a law enforcement officer, **corrections officer**, emergency personnel, or probation and parole officer in apprehension of immediate serious physical injury; or

(7) Acts with criminal negligence to create a substantial risk of death or serious physical injury to a law enforcement officer, **corrections officer**, emergency personnel, or probation and parole officer.

2. As used in this section, ["emergency personnel" means] **the following terms shall mean:**

(1) "**Corrections officer**", includes any jailer or corrections officer of the state or any political subdivision of the state;

(2) "**Emergency personnel**", any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician as defined in subdivisions (15), (16), [and] (17) **and (18)** of section 190.100, RSMo.

3. Assault of a law enforcement officer, **corrections officer**, emergency personnel, or probation and parole officer in the second degree is a class B felony unless committed pursuant to subdivision (2), (5), (6), or (7) of subsection 1 of this section in which case it is a class C felony.

565.083. 1. A person commits the crime of assault of a law enforcement officer, **corrections officer**, emergency personnel, or probation and parole officer in the third degree if:

(1) Such person recklessly causes physical injury to a law enforcement officer, **corrections officer**, emergency personnel, or probation and parole officer;

(2) Such person purposely places a law enforcement officer, **corrections officer**, emergency personnel, or probation and parole officer in apprehension of immediate physical injury;

(3) Such person knowingly causes or attempts to cause physical contact with a law enforcement officer, **corrections officer**, emergency personnel, or probation and parole officer without the consent of the law enforcement officer [or] , **corrections officer**, emergency personnel, or **probation and parole officer**.

2. As used in this section, ["emergency personnel" means] **the following terms shall mean:**

(1) "**Corrections officer**", includes any jailor or corrections officer of the state or any political subdivision of the state;

(2) "**Emergency personnel**", any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician as defined in subdivisions (15), (16), [and] (17) **and (18)** of section 190.100, RSMo.

3. Assault of a law enforcement officer, **corrections officer**, emergency personnel, or probation and parole officer in the third degree is a class A misdemeanor.

565.145. 1. This section shall be called and may be cited as "Ashley's Law".

2. A person commits the crime of transporting a child without parental consent if such person knowingly transports a child under the age of seventeen out of the state of Missouri, without the written consent of the child's parent or legal guardian, for one of the following purposes:

(1) To commit a crime with the child being the victim of that crime; or

(2) To commit a crime with the child being a participant in that crime.

2. Transporting a child without parental consent is a class C felony.

565.182. 1. A person commits the crime of elder abuse in the second degree if [he] **such person:**

(1) Knowingly causes[,] **or** attempts to cause physical injury to any person sixty years of age or older or an eligible adult, as defined in section 660.250, RSMo, by means of a deadly weapon or dangerous instrument; or

(2) Recklessly [and purposely] causes serious physical injury, as defined in section 565.002, to a person sixty years of age or older or an eligible adult as defined in section 660.250, RSMo.

9 2. Elder abuse in the second degree is a class B felony.

566.148. 1. Any person who has pleaded guilty or nolo contendere to, or been
2 **convicted of, or been found guilty of violating any of the provisions of this chapter or the**
3 **provisions of subsection 2 of section 568.020, RSMo, incest; section 568.045, RSMo,**
4 **endangering the welfare of a child in the first degree; subsection 2 of section 568.080,**
5 **RSMo, use of a child in a sexual performance; section 568.090, RSMo, promoting a sexual**
6 **performance by a child; section 573.023, RSMo, sexual exploitation of a minor; section**
7 **573.025, RSMo, promoting child pornography in the first degree; section 573.035, RSMo,**
8 **promoting child pornography in the second degree; section 573.037, RSMo, possession of**
9 **child pornography, or section 573.040, RSMo, furnishing pornographic material to minors**
10 **shall not knowingly be physically present in or loiter within five hundred feet of or to**
11 **approach, contact, or communicate with any child under eighteen years of age in any child**
12 **care facility building, on the real property comprising any child care facility when persons**
13 **under the age of eighteen are present in the building, on the grounds, or in the conveyance,**
14 **unless the offender is a parent, legal guardian, or custodian of a student present in the**
15 **building or on the grounds.**

16 **2. For purposes of this section, "child care facility" shall have the same meaning**
17 **as such term is defined in section 210.201, RSMo.**

18 **3. Any person who violates the provisions of this section is guilty of a class A**
19 **misdemeanor.**

 570.040. 1. Every person who has previously pled guilty **to** or been found guilty [on two
2 separate occasions] of [a] **two** stealing-related [offense] **offenses committed on two separate**
3 **occasions** where such offenses occurred within ten years of the date of occurrence of the present
4 offense [and where the person received a sentence of ten days or more on such previous offense]
5 and who subsequently pleads guilty or is found guilty of a stealing-related offense is guilty of a
6 class D felony, unless the subsequent plea or guilty verdict is pursuant to paragraph (a) of
7 subdivision (3) of subsection 3 of section 570.030, in which case the person shall be guilty of
8 a class B felony, and shall be 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, **robbery**, or buying or receiving stolen
11 property and shall also include municipal ordinances against same if the defendant was either
12 represented by counsel or knowingly waived counsel in writing and the judge accepting the plea
13 or making the 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.

573.037. 1. A person commits the crime of possession of child pornography if, knowing of its content and character, such person possesses any obscene material that has a child as one of its participants or portrays what appears to be a child as an observer or participant of sexual conduct.

2. Possession of child pornography is a class [D] C felony unless the person has pleaded guilty to or has been found guilty of an offense under this section, in which case it is a class [C] B felony.

575.075. 1. A prisoner or offender commits the crime of false identification if he or she knowingly and with the purpose to mislead gives a false name, date of birth, or Social Security number when identifying himself or herself to a person who is an employee of a jail or correctional center.

2. As used in this section a "prisoner" includes any person in the custody of a jail, whether pretrial or after disposition of a charge, and "offender" includes any person who is in the custody of a correctional center and any person who is under the supervision of the state board of probation and parole.

3. False identification is a class C felony.

575.080. 1. A person commits the crime of making a false report if [he] **such person** knowingly:

(1) Gives false information to any person for the purpose of implicating another person in a crime; or

(2) Makes a false report to a law enforcement officer that a crime has occurred or is about to occur; or

(3) Makes a false report or causes a false report to be made to a law enforcement officer, security officer, fire department or other organization, official or volunteer, which deals with emergencies involving danger to life or property that a fire or other incident calling for an emergency response has occurred or is about to occur.

2. It is a defense to a prosecution under subsection 1 of this section that the actor retracted the false statement or report before the law enforcement officer or any other person took substantial action in reliance thereon.

3. The defendant shall have the burden of injecting the issue of retraction under subsection 2 of this section.

4. Making a false report is a class [B misdemeanor] **A misdemeanor.**

575.100. 1. A person commits the crime of tampering with physical evidence if he:

(1) Alters, destroys, suppresses or conceals **or attempts to alter, destroy, suppress, or conceal** any record, document or thing with purpose to impair its verity, legibility or availability

4 in any official proceeding or **any potential** investigation **that could result in an official**
5 **proceeding**; or

6 (2) Makes, presents or uses any record, document or thing knowing it to be false with
7 purpose to mislead a public servant who is or may be engaged in any official proceeding or **any**
8 **potential** investigation **that could result in an official proceeding**.

9 2. Tampering with physical evidence is a class D felony if the actor [impairs or obstructs]
10 **intends to impair or obstruct** the prosecution or defense of a felony; otherwise, tampering with
11 physical evidence is a class A misdemeanor.

575.153. 1. A person commits the crime of disarming a peace officer, as defined in
2 **section 590.100, RSMo, or a correctional officer if such person intentionally:**

3 (1) **Removes a firearm or other deadly weapon from the person of a peace officer**
4 **or correctional officer while such officer is acting within the scope of his or her official**
5 **duties; or**

6 (2) **Deprives a peace officer or correctional officer of such officer's use of a firearm**
7 **or deadly weapon while the officer is acting within the scope of his or her official duties.**

8 2. The provisions of this section shall not apply when:

9 (1) **The defendant does not know or could not reasonably have known that the**
10 **person he or she disarmed was a peace officer or correctional officer; or**

11 (2) **The peace officer or correctional officer was engaged in an incident involving**
12 **felonious conduct by the peace officer or correctional officer at the time the defendant**
13 **disarmed such officer.**

14 3. **Disarming a peace officer or correctional officer is a class C felony.**

575.260. 1. A person commits the crime of tampering with a judicial proceeding if, with
2 purpose to influence the official action of a judge, juror, special master, referee [or] , arbitrator,
3 **or state prosecuting or circuit attorney** in a judicial proceeding, he:

4 (1) Threatens or causes harm to any person or property; or

5 (2) Engages in conduct reasonably calculated to harass or alarm such official or juror;
6 or

7 (3) Offers, confers or agrees to confer any benefit, direct or indirect, upon such official
8 or juror.

9 2. Tampering with a judicial proceeding is a class C felony.

575.353. 1. A person commits the crime of assault on a police animal when such person
2 knowingly attempts to kill or disable or knowingly causes or attempts to cause serious physical
3 injury to a police animal when that animal is involved in law enforcement investigation,
4 apprehension, tracking, or search, or the animal is in the custody of or under the control of a law

5 enforcement officer, department of corrections officer, municipal police department, fire
6 department or a rescue unit or agency.

7 2. Assault on a police animal is a class [C] A misdemeanor.

8 **577.016. 1. Except as provided in subsection 2 of this section, in addition to any**
9 **other penalty which may be imposed upon a person convicted of a violation of section**
10 **577.010 or 577.012, the court may order that the convicted person's motor vehicle or**
11 **vehicles be impounded or immobilized for a period of up to one year and that the convicted**
12 **person pay all reasonable towing, impoundment, and storage fees or other immobilization**
13 **costs.**

14 **2. The court shall not order the impoundment or immobilization of a motor vehicle**
15 **driven by a person convicted of a violation of section 577.010 or 577.012 if the motor**
16 **vehicle had been stolen or converted at the time it was driven in violation of said sections.**

17 **3. Prior to ordering the impoundment or immobilization of a motor vehicle or**
18 **vehicles owned by a person convicted of a violation of section 577.010 or 577.012, the court**
19 **shall consider, but not be limited to, the following:**

20 **(1) Whether the impoundment or immobilization of the motor vehicle would result**
21 **in the loss of employment by the convicted person or a member of such person's family;**
22 **and**

23 **(2) Whether the ability of the convicted person or a member of the convicted**
24 **person's family to attend school or obtain medical care would be impaired.**

25 **4. Any personal property in a vehicle impounded pursuant to this subsection may**
26 **be retrieved prior to or during the period of such impoundment or immobilization.**

27 **5. If the owner or lessee of a motor vehicle which has been impounded pursuant to**
28 **this section refuses to pay any towing, impoundment, storage, or other fees relating to the**
29 **impoundment or immobilization of such vehicle or fails to take possession of such vehicle**
30 **within thirty days following the date of the expiration of the impoundment period, such**
31 **vehicle shall be deemed abandoned and the vehicle may be disposed of under the**
32 **provisions of chapter 304, RSMo, by the person having possession of such vehicle.**

6. As used in this section, the convicted person's motor vehicle or vehicles shall
include any vehicle leased by such person. If the lease on the convicted person's motor
vehicle subject to impoundment or immobilization expires in less than one year from the
date of the impoundment or immobilization, the time of impoundment or immobilization
of such vehicle shall be the amount of time remaining on the lease.

7. The provisions of this section shall not apply to any motor vehicle that is jointly
titled or leased.

577.020. 1. Any person who operates a motor vehicle upon the public highways of this state shall be deemed to have given consent to, subject to the provisions of sections 577.019 to 577.041, a chemical test or tests of the person's breath, blood, saliva or urine for the purpose of determining the alcohol or drug content of the person's blood pursuant to the following circumstances:

(1) If the person is arrested for any offense arising out of acts which the arresting officer had reasonable grounds to believe were committed while the person was driving a motor vehicle while in an intoxicated or drugged condition; or

(2) If the person is under the age of twenty-one, has been stopped by a law enforcement officer, and the law enforcement officer has reasonable grounds to believe that such person was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or

(3) If the person is under the age of twenty-one, has been stopped by a law enforcement officer, and the law enforcement officer has reasonable grounds to believe that such person has committed a violation of the traffic laws of the state, or any political subdivision of the state, and such officer has reasonable grounds to believe, after making such stop, that such person has a blood alcohol content of two-hundredths of one percent or greater;

(4) If the person is under the age of twenty-one, has been stopped at a sobriety checkpoint or roadblock and the law enforcement officer has reasonable grounds to believe that such person has a blood alcohol content of two-hundredths of one percent or greater;

(5) If the person, while operating a motor vehicle, has been involved in a motor vehicle collision which resulted in a fatality or a readily apparent serious physical injury as defined in section 565.002, RSMo, or has been arrested as evidenced by the issuance of a uniform traffic ticket for the violation of any state law or county or municipal ordinance with the exception of equipment violations contained in chapter 306, RSMo, or similar provisions contained in county or municipal ordinances; or

(6) If the person, while operating a motor vehicle, has been involved in a motor vehicle collision which resulted in a fatality or serious physical injury as defined in section 565.002, RSMo.

The test shall be administered at the direction of the law enforcement officer whenever the person has been arrested or stopped for any reason.

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

3. Chemical analysis of the person's breath, blood, saliva, or urine to be considered valid pursuant to the provisions of sections 577.019 to 577.041 shall be performed according to

37 methods approved by the [state department of health and senior services] **highways and**
38 **transportation commission** by licensed medical personnel or by a person possessing a valid
39 permit issued by the [state department of health and senior services] **highways and**
40 **transportation commission** for this purpose.

41 4. The [state department of health and senior services] **highways and transportation**
42 **commission** shall approve satisfactory techniques, devices, equipment, or methods to be
43 considered valid pursuant to the provisions of sections 577.019 to 577.041 and shall establish
44 standards to ascertain the qualifications and competence of individuals to conduct analyses and
45 to issue permits which shall be subject to termination or revocation by the [state department of
46 health and senior services] **highways and transportation commission**.

47 5. The person tested may have a physician, or a qualified technician, chemist, registered
48 nurse, or other qualified person at the choosing and expense of the person to be tested, administer
49 a test in addition to any administered at the direction of a law enforcement officer. The failure
50 or inability to obtain an additional test by a person shall not preclude the admission of evidence
51 relating to the test taken at the direction of a law enforcement officer.

52 6. Upon the request of the person who is tested, full information concerning the test shall
53 be made available to such person. Full information is limited to the following:

- 54 (1) The type of test administered and the procedures followed;
55 (2) The time of the collection of the blood or breath sample or urine analyzed;
56 (3) The numerical results of the test indicating the alcohol content of the blood and
57 breath and urine;
58 (4) The type and status of any permit which was held by the person who performed the
59 test;
60 (5) If the test was administered by means of a breath-testing instrument, the date of
61 performance of the most recent required maintenance of such instrument.

62

63 Full information does not include manuals, schematics, or software of the instrument used to test
64 the person or any other material that is not in the actual possession of the state. Additionally, full
65 information does not include information in the possession of the manufacturer of the test
66 instrument.

67 7. Any person given a chemical test of the person's breath pursuant to subsection 1 of
68 this section or a field sobriety test may be videotaped during any such test at the direction of the
69 law enforcement officer. Any such video recording made during the chemical test pursuant to
70 this subsection or a field sobriety test shall be admissible as evidence at either any trial of such
71 person for either a violation of any state law or county or municipal ordinance, or any license
72 revocation or suspension proceeding pursuant to the provisions of chapter 302, RSMo.

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

(1) An "aggravated offender" is a person who:

(a) Has pleaded guilty to or has been found guilty of three or more intoxication-related traffic offenses; or

(b) Has pleaded guilty to or has been found guilty of one or more intoxication-related traffic offense and, in addition, any of the following:

a. Involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024, RSMo; murder in the second degree under section 565.021, RSMo, where the underlying felony is an intoxication-related traffic offense; or assault in the second degree under subdivision (4) of subsection 1 of section 565.060, RSMo; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082, RSMo; **or**

b. Any offense committed in another state, or any federal offense, or any military offense which, if committed in this state, would be a violation of any offense listed in subparagraph a. of paragraph (b) of this subdivision;

(2) A "chronic offender" is:

(a) A person who has pleaded guilty to or has been found guilty of four or more intoxication-related traffic offenses; or

(b) A person who has pleaded guilty to or has been found guilty of, on two or more separate occasions, any combination of the following:

a. Involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024, RSMo; murder in the second degree under section 565.021, RSMo, where the underlying felony is an intoxication-related traffic offense; assault in the second degree under subdivision (4) of subsection 1 of section 565.060, RSMo; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082, RSMo; [or]

b. Any offense committed in another state, or any federal offense, or any military offense which, if committed in this state, would be a violation of any offense listed in subparagraph a. of paragraph (b) of this subdivision; or

(c) A person who has pleaded guilty to or has been found guilty of two or more intoxication-related traffic offenses and, in addition, any of the following:

a. Involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024, RSMo; murder in the second degree under section 565.021, RSMo, where the underlying felony is an intoxication-related traffic offense; assault in the second degree under subdivision (4) of subsection 1 of section 565.060, RSMo; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082, RSMo; **or**

35 **b. Any offense committed in another state, or any federal offense, or any military**
36 **offense which, if committed in this state, would be a violation of any offense listed in**
37 **subparagraph a. of paragraph (c) of this subdivision;**

38 (3) An "intoxication-related traffic offense" is:

39 **(a)** Driving while intoxicated, driving with excessive blood alcohol content, involuntary
40 manslaughter pursuant to subdivision (2) or (3) of subsection 1 of section 565.024, RSMo,
41 murder in the second degree under section 565.021, RSMo, where the underlying felony is an
42 intoxication-related traffic offense, assault in the second degree pursuant to subdivision (4) of
43 subsection 1 of section 565.060, RSMo, assault of a law enforcement officer in the second
44 degree pursuant to subdivision (4) of subsection 1 of section 565.082, RSMo, or driving under
45 the influence of alcohol or drugs in violation of state law or a county or municipal ordinance,
46 where the defendant was represented by or waived the right to an attorney in writing; **or**

47 **(b) Any offense committed in another state, or any federal offense, or any military**
48 **offense which, if committed in this state, would be a violation of any offense listed in**
49 **paragraph (a) of this subdivision;**

50 (4) A "persistent offender" is one of the following:

51 (a) A person who has pleaded guilty to or has been found guilty of two or more
52 intoxication-related traffic offenses;

53 (b) A person who has pleaded guilty to or has been found guilty of:

54 **a.** Involuntary manslaughter pursuant to subdivision (2) or (3) of subsection 1 of section
55 565.024, RSMo, assault in the second degree pursuant to subdivision (4) of subsection 1 of
56 section 565.060, RSMo, assault of a law enforcement officer in the second degree pursuant to
57 subdivision (4) of subsection 1 of section 565.082, RSMo; [and] **or**

58 **b. Any offense committed in another state, or any federal offense, or any military**
59 **offense which, if committed in this state, would be a violation of any offense listed in**
60 **subparagraph a. of paragraph (b) of this subdivision; and**

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

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

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

70 4. Any person who pleads guilty to or is found guilty of a violation of section 577.010
71 or section 577.012 who is alleged and proved to be an aggravated offender shall be guilty of a
72 class C felony.

73 5. Any person who pleads guilty to or is found guilty of a violation of section 577.010
74 or section 577.012 who is alleged and proved to be a chronic offender shall be guilty of a class
75 B felony.

76 6. No state, county, or municipal court shall suspend the imposition of sentence as to a
77 prior offender, persistent offender, aggravated offender, or chronic offender under this section
78 nor sentence such person to pay a fine in lieu of a term of imprisonment, section 557.011, RSMo,
79 to the contrary notwithstanding. No prior offender shall be eligible for parole or probation until
80 he or she has served a minimum of five days imprisonment, unless as a condition of such parole
81 or probation such person performs at least thirty days of community service under the
82 supervision of the court in those jurisdictions which have a recognized program for community
83 service. No persistent offender shall be eligible for parole or probation until he or she has served
84 a minimum of ten days imprisonment, unless as a condition of such parole or probation such
85 person performs at least sixty days of community service under the supervision of the court. No
86 aggravated offender shall be eligible for parole or probation until he or she has served a
87 minimum of sixty days imprisonment. No chronic offender shall be eligible for parole or
88 probation until he or she has served a minimum of two years imprisonment.

89 7. The state, county, or municipal court shall find the defendant to be a prior offender,
90 persistent offender, aggravated offender, or chronic offender if:

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

94 (2) Evidence is introduced that establishes sufficient facts pleaded to warrant a finding
95 beyond a reasonable doubt the defendant is a prior offender, persistent offender, aggravated
96 offender, or chronic offender; and

97 (3) The court makes findings of fact that warrant a finding beyond a reasonable doubt
98 by the court that the defendant is a prior offender, persistent offender, aggravated offender, or
99 chronic offender.

100 8. In a jury trial, the facts shall be pleaded, established and found prior to submission to
101 the jury outside of its hearing.

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

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

106 11. The defendant may waive proof of the facts alleged.

107 12. Nothing in this section shall prevent the use of presentence investigations or
108 commitments.

109 13. At the sentencing hearing both the state, county, or municipality and the defendant
110 shall be permitted to present additional information bearing on the issue of sentence.

111 14. The pleas or findings of guilty shall be prior to the date of commission of the present
112 offense.

113 15. The court shall not instruct the jury as to the range of punishment or allow the jury,
114 upon a finding of guilty, to assess and declare the punishment as part of its verdict in cases of
115 prior offenders, persistent offenders, aggravated offenders, or chronic offenders.

116 16. Evidence of prior convictions shall be heard and determined by the trial court out of
117 the hearing of the jury prior to the submission of the case to the jury, and shall include but not
118 be limited to evidence of convictions received by a search of the records of the Missouri uniform
119 law enforcement system maintained by the Missouri state highway patrol. After hearing the
120 evidence, the court shall enter its findings thereon. A conviction of a violation of a municipal
121 or county ordinance in a county or municipal court for [driving while intoxicated] **any**
122 **intoxication-related traffic offense** or a conviction or a plea of guilty or a finding of guilty
123 followed by a suspended imposition of sentence, suspended execution of sentence, probation or
124 parole or any combination thereof in a state court shall be treated as a prior conviction.

577.026. 1. Chemical tests of the person's breath, blood, saliva, or urine to be considered
2 valid under the provisions of sections 577.020 to 577.041, shall be performed according to
3 methods and devices approved by the [state department of health and senior services] **highways**
4 **and transportation commission** by licensed medical personnel or by a person possessing a valid
5 permit issued by the [state department of health and senior services] **highways and**
6 **transportation commission** for this purpose.

7 2. The [state department of health and senior services] **highways and transportation**
8 **commission** shall approve satisfactory techniques, devices, equipment, or methods to conduct
9 tests required by sections 577.020 to 577.041, and shall establish standards as to the
10 qualifications and competence of individuals to conduct analyses and to issue permits which
11 shall be subject to termination or revocation by the [state department of health and senior
12 services] **highways and transportation commission**.

13 3. All the powers, duties, and functions described in this section, and all powers,
14 duties, and functions under sections 306.114 and 306.117, RSMo, and sections 577.020 and
15 577.037, relating to the approval and licensing of personnel, methods, techniques, devices,
16 and equipment for the testing of blood alcohol content, including all administrative rules
17 and orders, are hereby transferred from the department of health and senior services to

18 the department of transportation, which is in the charge of the highways and
19 transportation commission, by type I transfer, as defined in the Omnibus State
20 Reorganization Act of 1974, and the department of health and senior services and its
21 employees, officers, and agents shall no longer be responsible for those powers, duties, and
22 functions.

23 4. All budget authority to fund the personal services and equipment and expenses
24 to carry out the powers, duties, and functions under this section and sections 306.114 and
25 306.117, RSMo, and sections 577.020 and 577.037, relating to the approval and licensing
26 of personnel, methods, and devices for testing of blood alcohol content shall be transferred
27 from the department of health and senior services to the department of transportation and
28 all appropriations to fund the powers, duties, and functions transferred under this section
29 shall be paid from the general revenue fund.

30 5. All credentials, permits, and licenses issued prior to the effective date of this
31 transfer by the department of health and senior services under this section and sections
32 306.114 and 306.117, RSMo, and sections 577.020 and 577.037, shall remain in force or
33 expire as provided by law. In addition, the highways and transportation commission shall
34 have the authority to suspend, cancel, or revoke such credentials, permits, and licenses
35 after the effective date of this act.

36 6. The commission may promulgate administrative rules to administer the powers,
37 duties, and functions relating to the approval and licensing of personnel, methods, and
38 devices for testing of blood alcohol content. Any rule or portion of a rule, as that term is
39 defined in section 536.010, RSMo, that is created under the authority delegated in this
40 section shall become effective only if it complies with and is subject to all of the provisions
41 of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter
42 536, RSMo, are nonseverable and if any of the powers vested with the general assembly
43 pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and
44 annul a rule are subsequently held unconstitutional, then the grant of rulemaking
45 authority and any rule proposed or adopted after August 28, 2007, shall be invalid and
46 void.

47 7. Notwithstanding any provision of law to the contrary, on and after the effective
48 date of this section, all bonds, certificates of deposit, letters of credit, drafts, checks, or
49 other financial instruments payable to the department of health and senior services or any
50 other employee, official, or agent whose powers, duties, or functions are transferred under
51 this section shall be payable instead to the highways and transportation commission to be
52 deposited to the credit of the general revenue fund.

577.037. 1. Upon the trial of any person for violation of any of the provisions of section 2 565.024, RSMo, or section 565.060, RSMo, or section 577.010 or 577.012, or upon the trial of 3 any criminal action or violations of county or municipal ordinances or in any license suspension 4 or revocation proceeding pursuant to the provisions of chapter 302, RSMo, arising out of acts 5 alleged to have been committed by any person while driving a motor vehicle while in an 6 intoxicated condition, the amount of alcohol in the person's blood at the time of the act alleged 7 as shown by any chemical analysis of the person's blood, breath, saliva or urine is admissible in 8 evidence and the provisions of subdivision (5) of section 491.060, RSMo, shall not prevent the 9 admissibility or introduction of such evidence if otherwise admissible. If there was 10 eight-hundredths of one percent or more by weight of alcohol in the person's blood, this shall be 11 prima facie evidence that the person was intoxicated at the time the specimen was taken.

12 2. Percent by weight of alcohol in the blood shall be based upon grams of alcohol per 13 one hundred milliliters of blood or grams of alcohol per two hundred ten liters of breath.

14 3. The foregoing provisions of this section shall not be construed as limiting the 15 introduction of any other competent evidence bearing upon the question whether the person was 16 intoxicated.

17 4. A chemical analysis of a person's breath, blood, saliva or urine, in order to give rise 18 to the presumption or to have the effect provided for in subsection 1 of this section, shall have 19 been performed as provided in sections 577.020 to 577.041 and in accordance with methods and 20 standards approved by the [state department of health and senior services] **highways and** 21 **transportation commission**.

22 5. Any charge alleging a violation of section 577.010 or 577.012 or any county or 23 municipal ordinance prohibiting driving while intoxicated or driving under the influence of 24 alcohol shall be dismissed with prejudice if a chemical analysis of the defendant's breath, blood, 25 saliva, or urine performed in accordance with sections 577.020 to 577.041 and rules promulgated 26 thereunder by the [state department of health and senior services] **highways and transportation** 27 **commission** demonstrate that there was less than eight-hundredths of one percent of alcohol in 28 the defendant's blood unless one or more of the following considerations cause the court to find 29 a dismissal unwarranted:

30 (1) There is evidence that the chemical analysis is unreliable as evidence of the 31 defendant's intoxication at the time of the alleged violation due to the lapse of time between the 32 alleged violation and the obtaining of the specimen;

33 (2) There is evidence that the defendant was under the influence of a controlled 34 substance, or drug, or a combination of either or both with or without alcohol; or

35 (3) There is substantial evidence of intoxication from physical observations of witnesses 36 or admissions of the defendant.

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
3 any 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 565.024, 565.060, or 565.082, RSMo, or
5 section 577.010 or 577.012. The request of the officer shall include the reasons of the officer
6 for requesting the person to submit to a test and also shall inform the person that evidence of
7 refusal to take the test may be used against such person and that the person's license shall be
8 immediately revoked upon refusal to take the test. If a person when requested to submit to any
9 test allowed pursuant to section 577.020 requests to speak to an attorney, the person shall be
10 granted twenty minutes in which to attempt to contact an attorney. If upon the completion of the
11 twenty-minute period the person continues to refuse to submit to any test, it shall be deemed a
12 refusal. In this event, the officer shall, on behalf of the director of revenue, serve the notice of
13 license revocation personally upon the person and shall take possession of any license to operate
14 a motor vehicle issued by this state which is held by that person. The officer shall issue a
15 temporary permit, on behalf of the director of revenue, which is valid for fifteen days and shall
16 also give the person a notice of such person's right to file a petition for review to contest the
17 license revocation.

18 2. The officer shall make a certified report under penalties of perjury for making a false
19 statement to a public official. The report shall be forwarded to the director of revenue and shall
20 include the following:

21 (1) That the officer has:

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

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

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

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

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

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

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

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

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

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

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

55 (2) Whether or not the officer had:

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

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

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

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

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

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

70 7. No person who has had a license to operate a motor vehicle suspended or revoked
71 pursuant to the provisions of this section shall have that license reinstated until such person has
72 participated in and successfully completed a substance abuse traffic offender program defined

73 in section 577.001, or a program determined to be comparable by the department of mental
74 health or the court. Assignment recommendations, based upon the needs assessment as
75 described in subdivision (22) of section 302.010, RSMo, shall be delivered in writing to the
76 person with written notice that the person is entitled to have such assignment recommendations
77 reviewed by the court if the person objects to the recommendations. The person may file a
78 motion in the associate division of the circuit court of the county in which such assignment was
79 given, on a printed form provided by the state courts administrator, to have the court hear and
80 determine such motion pursuant to the provisions of chapter 517, RSMo. The motion shall name
81 the person or entity making the needs assessment as the respondent and a copy of the motion
82 shall be served upon the respondent in any manner allowed by law. Upon hearing the motion,
83 the court may modify or waive any assignment recommendation that the court determines to be
84 unwarranted based upon a review of the needs assessment, the person's driving record, the
85 circumstances surrounding the offense, and the likelihood of the person committing a like
86 offense in the future, except that the court may modify but may not waive the assignment to an
87 education or rehabilitation program of a person determined to be a prior or persistent offender
88 as defined in section 577.023, or of a person determined to have operated a motor vehicle with
89 fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with
90 the court determination of the motion shall satisfy the provisions of this section for the purpose
91 of reinstating such person's license to operate a motor vehicle. The respondent's personal
92 appearance at any hearing conducted pursuant to this subsection shall not be necessary unless
93 directed by the court.

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

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

 577.208. 1. Chemical tests of the person's breath, blood, or urine to be considered valid
2 shall be performed according to methods and devices approved by the [state department of health
3 and senior services] **highways and transportation commission** and shall be performed by
4 licensed medical personnel or by a person possessing a valid permit issued by the [state
5 department of health and senior services] **highways and transportation commission** for this
6 purpose. A blood test shall not be performed if the medical personnel, in good faith medical
7 judgment, believe such procedure would endanger the health of the person in custody.

8 2. Upon request of the person tested, full information concerning the test shall be made
9 available to him.

10 3. No person administering a chemical test under this section and sections 577.206,
11 577.211 and 577.214, or any other person, firm or corporation with whom he is associated, shall
12 be civilly liable for damages to the person tested except for negligence or by willful or wanton
13 act or omission.

 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 defendant was represented by or waived the right
8 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 defendant was represented by or waived the right to an attorney
11 in writing, involving the possession or use of alcohol, committed while operating a motor
12 vehicle;

13 (3) Any offense involving the possession or use of a controlled substance **or the**
14 **unlawful use or possession of drug paraphernalia** as defined in chapter 195, RSMo, in

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

25 2. A court of competent jurisdiction [shall] **may**, upon a plea of guilty or nolo
26 contendere, conviction or finding of guilt, or, if the court is a juvenile court, upon a finding of
27 fact [that] **involving the possession or use of alcohol for a second time, and** the offense was
28 committed by a juvenile, enter an order suspending or revoking the driving privileges of any
29 person determined to have committed a crime or violation of section 311.325, RSMo, **or,**
30 **beginning July 1, 1992, a county or municipal ordinance, where the defendant was**
31 **represented by or waived the right to an attorney in writing;** and who, at the time said crime
32 or violation was committed, was more than fifteen years of age and under twenty-one years of
33 age.

34 3. The court shall require the surrender to it of any license to operate a motor vehicle,
35 temporary instruction permit, intermediate driver's license or any other driving privilege then
36 held by any person against whom a court has entered an order suspending or revoking driving
37 privileges under subsections 1 and 2 of this section.

38 4. The court, if other than a juvenile court, shall forward to the director of revenue the
39 order of suspension or revocation of driving privileges and any licenses, temporary instruction
40 permits, intermediate driver's licenses, or any other driving privilege acquired under subsection
41 3 of this section.

42 5. (1) The court, if a juvenile court, shall forward to the director of revenue the order
43 of suspension or revocation of driving privileges and any licenses, temporary instruction permits,
44 intermediate driver's licenses, or any other driving privilege acquired under subsection 3 of this
45 section for any person sixteen years of age or older, the provision of chapter 211, RSMo, to the
46 contrary notwithstanding.

47 (2) The court, if a juvenile court, shall hold the order of suspension or revocation of
48 driving privileges for any person less than sixteen years of age until thirty days before the
49 person's sixteenth birthday, at which time the juvenile court shall forward to the director of

50 revenue the order of suspension or revocation of driving privileges, the provision of chapter 211,
51 RSMo, to the contrary notwithstanding.

52 6. The period of suspension for a first offense under subsection 1 of this section shall be
53 ninety days. Any second or subsequent offense under subsection 1 of this section shall result in
54 revocation of the offender's driving privileges for one year. The period of suspension for a first
55 offense under subsection 2 of this section shall be thirty days. The period of suspension for a
56 second offense under subsection 2 of this section shall be ninety days. Any third or subsequent
57 offense under subsection 2 of this section shall result in revocation of the offender's driving
58 privileges for one year.

577.505. A court of competent jurisdiction shall enter an order revoking the driving
2 privileges of any person determined to have violated any state, county, or municipal law
3 involving the possession or use of a controlled substance **or the unlawful use or possession of**
4 **drug paraphernalia**, as defined in chapter 195, RSMo, while operating a motor vehicle and
5 who, at the time said offense was committed, was twenty-one years of age or older when the
6 person pleads guilty, or is convicted or found guilty of such offense by the court. The court shall
7 require the surrender to it of all operator's and chauffeur's licenses then held by such person. The
8 court shall forward to the director of revenue the order of revocation of driving privileges and
9 any licenses surrendered.

578.250. No person shall intentionally smell or inhale the fumes of any solvent,
2 particularly toluol, **amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite,**
3 **and propyl nitrite and their iso-analogues** or induce any other person to do so, for the purpose
4 of causing a condition of, or inducing symptoms of, intoxication, elation, euphoria, dizziness,
5 excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of senses or
6 nervous system, or for the purpose of, in any manner, changing, distorting, or disturbing the
7 audio, visual, or mental processes; except that this section shall not apply to the inhalation of any
8 anesthesia for medical or dental purposes.

578.255. 1. **As used in this section "alcohol beverage vaporizer" means any device**
2 **which, by means of heat, a vibrating element, or any method, is capable of producing a**
3 **breathable mixture containing one or more alcoholic beverages to be dispensed for**
4 **inhalation into the lungs via the nose or mouth or both.**

5 2. No person shall intentionally or willfully induce the symptoms of intoxication, elation,
6 euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or
7 dulling of the senses or nervous system, distortion of audio, visual or mental processes by the
8 use **or abuse** of any [solvent, particularly toluol.] **of the following substances:**

- 9 **(1) Solvents, particularly toluol; or**
10 **(2) Ethyl alcohol.**

11 **3. This section shall not apply to substances that have been approved by the United**
12 **States Food and Drug Administration as therapeutic drug products or are contained in**
13 **approved over-the-counter drug products or administered lawfully pursuant to the order**
14 **of an authorized medical practitioner.**

15 [2.] **4. No person shall intentionally possess any solvent, particularly toluol, amyl nitrite,**
16 **butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and propyl nitrite and their iso-**
17 **analogues for the purpose of using it in the manner prohibited by section 578.250 and this**
18 **section.**

19 **5. No person shall possess or use an alcoholic beverage vaporizer.**

20 **6. Nothing in this section shall be construed to prohibit the legal consumption of**
21 **intoxicating liquor, as defined by section 311.020, RSMo, or nonintoxicating beer, as**
22 **defined by section 312.010, RSMo.**

 578.260. 1. No person shall intentionally possess or buy any solvent, particularly toluol,
2 **amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and propyl nitrite**
3 **and their iso-analogues** for the purpose of inducing or aiding any other person to violate the
4 provisions of sections 578.250 and 578.255.

5 2. Any person who violates any provision of sections 578.250 to 578.260 is guilty of a
6 class B misdemeanor **for the first violation and a class D felony for any subsequent**
7 **violations.**

 578.265. 1. No person shall knowingly and intentionally sell or otherwise transfer
2 possession of any solvent, particularly toluol, **amyl nitrite, butyl nitrite, cyclohexyl nitrite,**
3 **ethyl nitrite, pentyl nitrite, and propyl nitrite and their iso-analogues** to any person for the
4 purpose of causing a condition of, or inducing symptoms of, intoxication, elation, euphoria,
5 dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of
6 senses or nervous system, or for the purpose of, in any manner, changing, distorting, or
7 disturbing the audio, visual, or mental processes.

8 2. No person who owns or operates any business which receives over fifty percent of its
9 gross annual income from the sale of alcoholic beverages or beer shall sell or offer for sale
10 toluol, **amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and propyl**
11 **nitrite and their iso-analogues,** or any toxic glue.

12 3. **No person who owns or operates any business which operates as a venue for live**
13 **entertainment performance or receives over fifty percent of its gross annual income from**
14 **the sale of recorded video entertainment shall sell or offer for sale toluol, amyl nitrite, butyl**
15 **nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, propyl nitrite or their iso-analogues.**

16 4. Any person who violates the provisions of subsection 1 or 2 of this section is guilty
17 of a class C felony.

589.395. 1. No person shall own or operate a facility for the primary purpose of providing sex offender treatment and living quarters, including temporary residence, for more than one sex offender who is required to register under sections 589.400 to 589.425.

2. This section shall not apply to any person who owns or operates a facility through a contract with a public governmental body, or to any facility owned by a public governmental body.

3. This section shall not apply to a facility which operated as a sex offender treatment facility prior to the effective date of this section.

4. Any person who violates this section is guilty of a class A misdemeanor.

589.660. As used in sections 589.660 to 589.681, the following terms mean:

(1) "Address", a residential street address, school address, or work address of a person, as specified on the person's application to be a program participant;

(2) "Application assistant", an employee of a state or local agency, or of a nonprofit program that provides counseling, referral, shelter, or other specialized service to victims of domestic violence, rape, sexual assault, or stalking, who has been designated by the respective agency or program, and who has been trained and registered by the secretary of state to assist individuals in the completion of program participation applications;

(3) "Designated address", the address assigned to a program participant by the secretary;

(4) "Mailing address", an address that is recognized for delivery by the United States Postal Service;

(5) "Program", the address confidentiality program established in section 589.663;

(6) "Program participant", a person certified by the secretary of state as eligible to participate in the address confidentiality program;

(7) "Secretary", secretary of state.

589.663. 1. There is created in the office of the secretary of state a program to be known as the "Address Confidentiality Program" to protect victims of domestic violence, rape, sexual assault, or stalking by authorizing the use of designated addresses for such victims and their minor children. The program shall be administered by the secretary under the following application and certification procedures:

(1) An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person may apply to the secretary to have a designated address assigned by the secretary to serve as the person's address or the address of the minor or incapacitated person;

10 (2) The secretary may approve an application only if it is filed with the office of the
11 secretary in the manner established by rule and on a form prescribed by the secretary. A
12 completed application shall contain:

13 (a) The application preparation date, the applicant's signature, and the signature
14 and registration number of the application assistant who assisted the applicant in applying
15 to be a program participant;

16 (b) A designation of the secretary as agent for purposes of service of process and
17 for receipt of first-class mail, legal documents, and certified mail;

18 (c) A sworn statement by the applicant that the applicant has good reason to believe
19 that he or she:

20 a. Is a victim of domestic violence, rape, sexual assault, or stalking; and

21 b. Fears further violent acts from his or her assailant;

22 (d) The mailing address where the applicant may be contacted by the secretary or
23 a designee and the telephone number or numbers where the applicant may be called by the
24 secretary or the secretary's designee; and

25 (e) One or more addresses that the applicant requests not be disclosed for the
26 reason that disclosure will jeopardize the applicant's safety or increase the risk of violence
27 to the applicant or members of the applicant's household;

28 (3) Upon receipt of a properly completed application, the secretary may certify the
29 applicant as a program participant. A program participant is certified for four years
30 following the date of initial certification unless the certification is withdrawn or cancelled
31 before that date. The secretary shall send notification of lapsing certification and a
32 reapplication form to a program participant at least four weeks prior to the expiration of
33 the program participant's certification;

34 (4) The secretary shall forward first-class mail, legal documents, and certified mail
35 to the appropriate program participants.

36 2. A person commits a class D felony if:

37 (1) An applicant knowingly files an application containing false or incorrect
38 information; or

39 (2) An applicant knowingly files a false claim stating that disclosure of the
40 applicant's address or mailing address threatens the safety of the applicant or the
41 applicant's children or the minor or incapacitated person on whose behalf the application
42 is made; or

43 (3) An application assistant knowingly assists or participates in the filing of an
44 application that contains false or incorrect information or contains a false claim that
45 disclosure of the applicant's address or mailing address threatens the safety of the

46 applicant or the applicant's children or the minor or incapacitated person on whose behalf
47 the application is made.

589.666. Certification of a program participant may be cancelled by the secretary
2 if one or more of the following conditions apply:

3 (1) If the program participant obtains a name change, unless the program
4 participant provides the secretary with documentation of a legal name change within ten
5 business days of the name change;

6 (2) If there is a change in the mailing address from the person listed on the
7 application, unless the program participant provides the secretary with notice of the
8 change in such manner as the secretary provides by rule; or

9 (3) The applicant or program participant violates subsection 2 of section 589.663.

589.669. Upon demonstration of a program participant's certification in the
2 program, state and local agencies and the courts shall accept the designated address as a
3 program participant's address when creating a new public record unless the secretary has
4 determined that:

5 (1) The agency has a bona fide statutory or administrative requirement for the use
6 of the program participant's address or mailing address, such that it is unable to fulfill its
7 statutory duties and obligations without the address; and

8 (2) The program participant's address or mailing address shall be used only for
9 those statutory and administrative purposes.

589.672. If the secretary deems it appropriate, the secretary may make a program
2 participant's address or mailing address available for inspection or copying, under the
3 following circumstances:

4 (1) If requested of the secretary by a law enforcement agency in the manner
5 provided for by rule; or

6 (2) Upon request to the secretary by a director of a state agency or the director's
7 designee in the manner provided for by rule and upon a showing of a bona fide statutory
8 or administrative requirement for the use of the program participant's address or mailing
9 address, such that the director or the director's designee is unable to fulfill statutory duties
10 and obligations without the address or mailing address.

589.675. If the secretary deems it appropriate, the secretary shall make a program
2 participant's address and mailing address available for inspection or copying under the
3 following circumstances:

4 (1) To a person identified in a court order, upon the secretary's receipt of such
5 court order that specifically orders the disclosure of a particular program participant's
6 address and mailing address and the reasons stated for the disclosure; or

7 (2) If the certification has been cancelled because the applicant or program
8 participant violated subsection 2 of section 589.663.

589.678. A program participant's application and supporting materials are not a
2 public record and shall be kept confidential by the secretary.

589.681. The secretary shall promulgate rules to establish and administer the
2 address confidentiality program. Any rule or portion of a rule, as that term is defined in
3 section 536.010, RSMo, that is created under the authority delegated in sections 589.660
4 to 589.681 shall become effective only if it complies with and is subject to all of the
5 provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section
6 and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general
7 assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to
8 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
9 rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be
10 invalid and void.

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

2 (1) Any new program authorized under sections 589.660 to 589.681 shall
3 automatically sunset six years after the effective date of sections 589.660 to 589.681 unless
4 reauthorized by an act of the general assembly; and

5 (2) If such program is reauthorized, the program authorized under sections 589.660
6 to 589.681 shall automatically sunset twelve years after the effective date of the
7 reauthorization of sections 589.660 to 589.681; and

8 (3) Sections 589.660 to 589.681 shall terminate on September first of the calendar
9 year immediately following the calendar year in which a program authorized under
10 sections 589.660 to 589.681 is sunset.

590.035. The POST commission shall make training available to peace officers that
2 provides instruction on the investigation of crimes involving the use of computers, the
3 Internet, or both, including but not limited to the crimes of sexual exploitation of a minor,
4 possession of child pornography, or enticement of a child.

590.050. 1. The POST commission shall establish requirements for the continuing
2 education of all peace officers. Peace officers who make traffic stops shall be required to receive
3 [annual training] **three hours of training within the law enforcement continuing education**
4 **three-year reporting period** concerning the prohibition against racial profiling and such
5 training shall promote understanding and respect for racial and cultural differences and the use
6 of effective, noncombative methods for carrying out law enforcement duties in a racially and
7 culturally diverse environment. **The director of the department of public safety may waive**
8 **any and all continuing education requirements, including training concerning the**

9 **prohibition against racial profiling, for peace officers who have been activated for military**
10 **duty.**

11 2. The director shall license continuing education providers and may probate, suspend
12 and revoke such licenses upon written notice stating the reasons for such action. Any person
13 aggrieved by a decision of the director pursuant to this subsection may appeal as provided in
14 chapter 536, RSMo.

15 3. The costs of continuing law enforcement education shall be reimbursed in part by
16 moneys from the peace officer standards and training commission fund created in section
17 590.178, subject to availability of funds, except that no such funds shall be used for the training
18 of any person not actively commissioned or employed by a county or municipal law enforcement
19 agency.

20 4. The director may engage in any activity intended to further the professionalism of
21 peace officers through training and education, including the provision of specialized training
22 through the department of public safety.

590.120. 1. There is hereby established within the department of public safety a "Peace
2 Officer Standards and Training Commission" which shall be composed of [nine] **eleven**
3 members, including a voting public member, appointed by the governor, by and with the advice
4 and consent of the senate, from a list of qualified candidates submitted to the governor by the
5 director of the department of public safety. No [member] **more than two members** of the POST
6 commission shall reside in the same congressional district as any other at the time of their
7 appointments but this provision shall not apply to the public member. Three members of the
8 POST commission shall be police chiefs, three members shall be sheriffs, one member shall
9 represent a state law enforcement agency covered by the provisions of this chapter, **two**
10 **members shall be peace officers at or below the rank of sergeant employed by a political**
11 **subdivision**, and one member shall be a chief executive officer of a certified training academy.
12 The public member shall be at the time of appointment a registered voter; a person who is not
13 and never has been a member of any profession certified or regulated under this chapter or the
14 spouse of such person; and a person who does not have and never has had a material financial
15 interest in either the providing of the professional services regulated by this chapter, or an
16 activity or organization directly related to any profession certified or regulated under this chapter.
17 Each member of the POST commission shall have been at the time of his appointment a citizen
18 of the United States and a resident of this state for a period of at least one year, and members
19 who are peace officers shall be qualified as established by this chapter. No member of the POST
20 commission serving a full term of three years may be reappointed to the POST commission until
21 at least one year after the expiration of his most recent term.

22 2. Three of the original members of the POST commission shall be appointed for terms
23 of one year, three of the original members shall be appointed for terms of two years, and three
24 of the original members shall be appointed for terms of three years. Thereafter the terms of the
25 members of the POST commission shall be for three years or until their successors are appointed.
26 The director may remove any member of the POST commission for misconduct or neglect of
27 office. Any member of the POST commission may be removed for cause by the director but
28 such member shall first be presented with a written statement of the reasons thereof, and shall
29 have a hearing before the POST commission if the member so requests. Any vacancy in the
30 membership of the commission shall be filled by appointment for the unexpired term. **No two**
31 **members of the POST commission shall be employees of the same law enforcement agency.**

32 3. Annually the director shall appoint one of the members as chairperson. The POST
33 commission shall meet at least twice each year as determined by the director or a majority of the
34 members to perform its duties. A majority of the members of the POST commission shall
35 constitute a quorum.

36 4. No member of the POST commission shall receive any compensation for the
37 performance of his official duties.

38 5. The POST commission shall guide and advise the director concerning duties pursuant
39 to this chapter.

 590.190. **The director is authorized to promulgate rules and regulations to**
2 **implement the provisions of sections 590.010 to 590.190.** Any rule or portion of a rule, as that
3 term is defined in section 536.010, RSMo, that is created under the authority delegated in this
4 section shall become effective only if it complies with and is subject to all of the provisions of
5 chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536,
6 RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to
7 chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are
8 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed
9 or adopted after August 28, 2001, shall be invalid and void.

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

8 2. No compensation shall be paid unless the division of workers' compensation finds that
9 a crime was committed, that such crime directly resulted in personal physical injury to, or the

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

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

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

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

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

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

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

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

34 6. **Compensation shall be paid under sections 595.010 to 595.075 for replacement**
35 **of clothing, bedding, or other personal items of the victim that are seized by law**
36 **enforcement as evidence of the crime and shall be in an amount equal to the loss sustained**
37 **and not to exceed two hundred fifty dollars.**

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

45 [7.] 8. The method and timing of the payment of any compensation pursuant to sections
46 595.010 to 595.075 shall be determined by the division.

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, **counsel or a representative designated by**
39 **the victim** in lieu of a personal appearance, the right to be informed by the board of probation
40 and parole of probation revocation hearings initiated by the board and of parole hearings, the
41 right to be present at each and every phase of parole hearings and the right to be heard at
42 probation revocation and parole hearings or to offer a written statement, video or audio tape,
43 **counsel or a representative designated by the victim** in lieu of a personal appearance, and the
44 right to be informed by the custodial mental health facility or agency thereof of any hearings for
45 the release of a person committed pursuant to the provisions of chapter 552, RSMo, the right to
46 be present at such hearings, the right to be heard at such hearings or to offer a written statement,
47 video or audio tape, **counsel or a representative designated by the victim** in lieu of personal
48 appearance;

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

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

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

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

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

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

67 (f) Any decision by a parole board, by a juvenile releasing authority or by a circuit court
68 presiding over releases pursuant to the provisions of chapter 552, RSMo, or by a circuit court

69 presiding over releases under section 217.362, RSMo, to release such person or any decision by
70 the governor to commute the sentence of such person or pardon such person;

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

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

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

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

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

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

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

95 (14) An employer may not discharge or discipline any witness, victim or member of a
96 victim's immediate family for honoring a subpoena to testify in a criminal proceeding, **attending**
97 **a criminal proceeding**, or for participating in the preparation of a criminal proceeding, **or**
98 **require any witness, victim, or member of a victim's immediate family to use vacation time,**
99 **personal time, or sick leave for honoring a subpoena to testify in a criminal proceeding,**
100 **attending a criminal proceeding, or participating in the preparation of a criminal**
101 **proceeding;**

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

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

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

(18) For victims, the right to receive upon request a photograph taken of the defendant prior to release from incarceration.

2. The provisions of subsection 1 of this section shall not be construed to imply any victim who is incarcerated by the department of corrections or any local law enforcement agency has a right to be released to attend any hearing or that the department of corrections or the local law enforcement agency has any duty to transport such incarcerated victim to any hearing.

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

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

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

610.100. 1. As used in sections 610.100 to 610.150, the following words and phrases shall mean:

3 (1) "Arrest", an actual restraint of the person of the defendant, or by his or her
4 submission to the custody of the officer, under authority of a warrant or otherwise for a criminal
5 violation which results in the issuance of a summons or the person being booked;

6 (2) "Arrest report", a record of a law enforcement agency of an arrest and of any
7 detention or confinement incident thereto together with the charge therefor;

8 (3) "Inactive", an investigation in which no further action will be taken by a law
9 enforcement agency or officer for any of the following reasons:

10 (a) A decision by the law enforcement agency not to pursue the case;

11 (b) Expiration of the time to file criminal charges pursuant to the applicable statute of
12 limitations, or ten years after the commission of the offense; whichever date earliest occurs;

13 (c) Finality of the convictions of all persons convicted on the basis of the information
14 contained in the investigative report, by exhaustion of or expiration of all rights of appeal of such
15 persons;

16 (4) "Incident report", a record of a law enforcement agency consisting of the date, time,
17 specific location, name of the victim and immediate facts and circumstances surrounding the
18 initial report of a crime or incident, including any logs of reported crimes, accidents and
19 complaints maintained by that agency;

20 (5) "Investigative report", a record, other than an arrest or incident report, prepared by
21 personnel of a law enforcement agency, inquiring into a crime or suspected crime, either in
22 response to an incident report or in response to evidence developed by law enforcement officers
23 in the course of their duties.

24 **(6) Investigative reports and incident reports, or other law enforcement records**
25 **covered under this section, shall not include any records or documents pertaining to**
26 **internal investigations by law enforcement agencies into matters of fitness and conduct of**
27 **law enforcement officers employed by such investigating law enforcement agencies and**
28 **used solely in connection with such officers' employment, as described in subdivision (22)**
29 **of section 610.021. However, if such records and documents are used or shared by an**
30 **agency in a criminal investigation involving an officer, provisions regarding incident**
31 **reports, investigative reports, or other documents covered under this section shall apply.**

32 2. Each law enforcement agency of this state, of any county, and of any municipality
33 shall maintain records of all incidents reported to the agency, investigations and arrests made by
34 such law enforcement agency. All incident reports and arrest reports shall be open records.
35 Notwithstanding any other provision of law other than the provisions of subsections 4, 5 and 6
36 of this section or section 320.083, RSMo, investigative reports of all law enforcement agencies
37 are closed records until the investigation becomes inactive. If any person is arrested and not
38 charged with an offense against the law within thirty days of the person's arrest, the arrest report

39 shall thereafter be a closed record except that the disposition portion of the record may be
40 accessed and except as provided in section 610.120.

41 3. Except as provided in subsections 4, 5, 6 and 7 of this section, if any portion of a
42 record or document of a law enforcement officer or agency, other than an arrest report, which
43 would otherwise be open, contains information that is reasonably likely to pose a clear and
44 present danger to the safety of any victim, witness, undercover officer, or other person; or
45 jeopardize a criminal investigation, including records which would disclose the identity of a
46 source wishing to remain confidential or a suspect not in custody; or which would disclose
47 techniques, procedures or guidelines for law enforcement investigations or prosecutions, that
48 portion of the record shall be closed and shall be redacted from any record made available
49 pursuant to this chapter.

50 4. Any person, including a family member of such person within the first degree of
51 consanguinity if such person is deceased or incompetent, attorney for a person, or insurer of a
52 person involved in any incident or whose property is involved in an incident, may obtain any
53 records closed pursuant to this section or section 610.150 for purposes of investigation of any
54 civil claim or defense, as provided by this subsection. Any individual, his or her family member
55 within the first degree of consanguinity if such individual is deceased or incompetent, his or her
56 attorney or insurer, involved in an incident or whose property is involved in an incident, upon
57 written request, may obtain a complete unaltered and unedited incident report concerning the
58 incident, and may obtain access to other records closed by a law enforcement agency pursuant
59 to this section. Within thirty days of such request, the agency shall provide the requested
60 material or file a motion pursuant to this subsection with the circuit court having jurisdiction
61 over the law enforcement agency stating that the safety of the victim, witness or other individual
62 cannot be reasonably ensured, or that a criminal investigation is likely to be jeopardized. If,
63 based on such motion, the court finds for the law enforcement agency, the court shall either order
64 the record closed or order such portion of the record that should be closed to be redacted from
65 any record made available pursuant to this subsection.

66 5. Any person may bring an action pursuant to this section in the circuit court having
67 jurisdiction to authorize disclosure of the information contained in an investigative report of any
68 law enforcement agency, which would otherwise be closed pursuant to this section. The court
69 may order that all or part of the information contained in an investigative report be released to
70 the person bringing the action. In making the determination as to whether information contained
71 in an investigative report shall be disclosed, the court shall consider whether the benefit to the
72 person bringing the action or to the public outweighs any harm to the public, to the law
73 enforcement agency or any of its officers, or to any person identified in the investigative report
74 in regard to the need for law enforcement agencies to effectively investigate and prosecute

75 criminal activity. The investigative report in question may be examined by the court in camera.
76 The court may find that the party seeking disclosure of the investigative report shall bear the
77 reasonable and necessary costs and attorneys' fees of both parties, unless the court finds that the
78 decision of the law enforcement agency not to open the investigative report was substantially
79 unjustified under all relevant circumstances, and in that event, the court may assess such
80 reasonable and necessary costs and attorneys' fees to the law enforcement agency.

81 6. Any person may apply pursuant to this subsection to the circuit court having
82 jurisdiction for an order requiring a law enforcement agency to open incident reports and arrest
83 reports being unlawfully closed pursuant to this section. If the court finds by a preponderance
84 of the evidence that the law enforcement officer or agency has knowingly violated this section,
85 the officer or agency shall be subject to a civil penalty in an amount up to one thousand dollars.
86 If the court finds that there is a knowing violation of this section, the court may order payment
87 by such officer or agency of all costs and attorneys' fees, as provided by section 610.027. If the
88 court finds by a preponderance of the evidence that the law enforcement officer or agency has
89 purposely violated this section, the officer or agency shall be subject to a civil penalty in an
90 amount up to five thousand dollars and the court shall order payment by such officer or agency
91 of all costs and attorney fees, as provided in section 610.027. The court shall determine the
92 amount of the penalty by taking into account the size of the jurisdiction, the seriousness of the
93 offense, and whether the law enforcement officer or agency has violated this section previously.

94 7. The victim of an offense as provided in chapter 566, RSMo, may request that his or
95 her identity be kept confidential until a charge relating to such incident is filed.

**650.010. 1. The department of public safety has the authority to promulgate rules
2 establishing recommended procedures for issuing missing endangered person advisories.
3 Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is
4 created under the authority delegated in this section shall become effective only if it
5 complies with and is subject to all of the provisions of chapter 536, RSMo, and if
6 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
7 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,
8 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
9 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
10 adopted after August 28, 2007, shall be invalid and void.**

11 **2. For the purposes of this section, "missing endangered person" means a person
12 whose whereabouts are unknown and who is:**

13 **(1) Physically or mentally disabled or suffering some form of dementia to the
14 degree that the person is dependent upon an agency or another individual;**

15 **(2) Missing under circumstances indicating that the missing person's safety may**
16 **be in danger or that criminal activity may be involved; or**

17 **(3) Missing under involuntary or unknown circumstances.**

650.055. 1. Every individual, in a Missouri circuit court, who pleads guilty to or is
2 found guilty of a felony or any offense under chapter 566, RSMo, or has been determined
3 [beyond a reasonable doubt] to be a sexually violent predator pursuant to sections 632.480 to
4 632.513, RSMo, shall have a blood or scientifically accepted biological sample collected for
5 purposes of DNA profiling analysis:

6 (1) Upon entering or before release from the department of corrections reception and
7 diagnostic centers; or

8 (2) Upon entering or before release from a county jail or detention facility, state
9 correctional facility, or any other detention facility or institution, whether operated by private,
10 local, or state agency, or any mental health facility if committed as a sexually violent predator
11 pursuant to sections 632.480 to 632.513, RSMo; or

12 (3) When the state accepts a person from another state under any interstate compact, or
13 under any other reciprocal agreement with any county, state, or federal agency, or any other
14 provision of law, whether or not the person is confined or released, the acceptance is conditional
15 on the person providing a DNA sample if the person was convicted of, pleaded guilty to, or
16 pleaded nolo contendere to an offense in any other jurisdiction which would be considered a
17 qualifying offense as defined in this section if committed in this state, or if the person was
18 convicted of, pleaded guilty to, or pleaded nolo contendere to any equivalent offense in any other
19 jurisdiction; or

20 (4) If such individual is under the jurisdiction of the department of corrections. Such
21 jurisdiction includes persons currently incarcerated, persons on probation, as defined in section
22 217.650, RSMo, and on parole, as also defined in section 217.650, RSMo.

23 2. The Missouri state highway patrol and department of corrections shall be responsible
24 for ensuring adherence to the law. Any person required to provide a DNA sample pursuant to
25 this section shall be required to provide such sample, without the right of refusal, at a collection
26 site designated by the Missouri state highway patrol and the department of corrections.
27 Authorized personnel collecting or assisting in the collection of samples shall not be liable in any
28 civil or criminal action when the act is performed in a reasonable manner. Such force may be
29 used as necessary to the effectual carrying out and application of such processes and operations.
30 The enforcement of these provisions by the authorities in charge of state correctional institutions
31 and others having custody or jurisdiction over those who have been convicted of, pleaded guilty
32 to, or pleaded nolo contendere to felony offenses which shall not be set aside or reversed is
33 hereby made mandatory. The board of probation or parole shall recommend that an individual

34 who refuses to provide a DNA sample have his or her probation or parole revoked. In the event
35 that a person's DNA sample is not adequate for any reason, the person shall provide another
36 sample for analysis.

37 3. The procedure and rules for the collection, analysis, storage, expungement, use of
38 DNA database records and privacy concerns shall not conflict with procedures and rules
39 applicable to the Missouri DNA profiling system and the Federal Bureau of Investigation's DNA
40 databank system.

41 4. Unauthorized uses or dissemination of individually identifiable DNA information in
42 a database for purposes other than criminal justice or law enforcement is a class A misdemeanor.

43 5. Implementation of sections 650.050 to 650.100 shall be subject to future
44 appropriations to keep Missouri's DNA system compatible with the Federal Bureau of
45 Investigation's DNA databank system.

46 6. All DNA records and biological materials retained in the DNA profiling system are
47 considered closed records pursuant to chapter 610, RSMo. All records containing any
48 information held or maintained by any person or by any agency, department, or political
49 subdivision of the state concerning an individual's DNA profile shall be strictly confidential and
50 shall not be disclosed, except to:

51 (1) Peace officers, as defined in section 590.010, RSMo, and other employees of law
52 enforcement agencies who need to obtain such records to perform their public duties;

53 (2) The attorney general or any assistant attorneys general acting on his or her behalf, as
54 defined in chapter 27, RSMo;

55 (3) Prosecuting attorneys or circuit attorneys as defined in chapter 56, RSMo, and their
56 employees who need to obtain such records to perform their public duties; or

57 (4) Associate circuit judges, circuit judges, judges of the courts of appeals, supreme court
58 judges, and their employees who need to obtain such records to perform their public duties.

59 7. Any person who obtains records pursuant to the provisions of this section shall use
60 such records only for investigative and prosecutorial purposes, including but not limited to use
61 at any criminal trial, hearing, or proceeding; or for law enforcement identification purposes,
62 including identification of human remains. Such records shall be considered strictly confidential
63 and shall only be released as authorized by this section.

64 8. An individual may request expungement of his or her DNA sample and DNA profile
65 through the court issuing the reversal or dismissal. A certified copy of the court order
66 establishing that such conviction has been reversed or guilty plea or plea of nolo contendere has
67 been set aside shall be sent to the Missouri state highway patrol crime laboratory. Upon receipt
68 of the court order, the laboratory will determine that the requesting individual has no other
69 qualifying offense as a result of any separate plea or conviction prior to expungement.

70 (1) A person whose DNA record or DNA profile has been included in the state DNA
71 database in accordance with this section, section 488.5050, RSMo, and sections 650.050,
72 650.052, and 650.100 may request expungement on the grounds that the conviction has been
73 reversed, or the guilty plea or plea of nolo contendere on which the authority for including that
74 person's DNA record or DNA profile was based has been set aside.

75 (2) Upon receipt of a written request for expungement, a certified copy of the final court
76 order reversing the conviction or setting aside the plea and any other information necessary to
77 ascertain the validity of the request, the Missouri state highway patrol crime laboratory shall
78 expunge all DNA records and identifiable information in the database pertaining to the person
79 and destroy the DNA sample of the person, unless the Missouri state highway patrol determines
80 that the person is otherwise obligated to submit a DNA sample. Within thirty days after the
81 receipt of the court order, the Missouri state highway patrol shall notify the individual that it has
82 expunged his or her DNA sample and DNA profile, or the basis for its determination that the
83 person is otherwise obligated to submit a DNA sample.

84 (3) The Missouri state highway patrol is not required to destroy any item of physical
85 evidence obtained from a DNA sample if evidence relating to another person would thereby be
86 destroyed.

87 (4) Any identification, warrant, arrest, or evidentiary use of a DNA match derived from
88 the database shall not be excluded or suppressed from evidence, nor shall any conviction be
89 invalidated or reversed or plea set aside due to the failure to expunge or a delay in expunging
90 DNA records.

650.340. 1. The provisions of this section may be cited and shall be known as the "911
2 Training and Standards Act".

3 2. Initial training requirements for telecommunicators who answer 911 calls that come
4 to public safety answering points shall be as follows:

5 (1) Police telecommunicator. 16 hours;

6 (2) Fire telecommunicator. 16 hours;

7 (3) Emergency medical services telecommunicator 16 hours;

8 (4) Joint communication center telecommunicator 40 hours.

9 3. All persons employed as a telecommunicator in this state shall be required to complete
10 ongoing training so long as such person engages in the occupation as a telecommunicator. Such
11 persons shall complete at least [sixteen] **twenty-four** hours of ongoing training every [two] **three**
12 years by such persons or organizations as provided in subsection 6 of this section. **The**
13 **reporting period for the ongoing training under this subsection shall run concurrent with**
14 **the existing continuing education reporting periods for Missouri peace officers pursuant**
15 **to chapter 590, RSMo.**

16 4. Any person employed as a telecommunicator on August 28, 1999, shall not be
17 required to complete the training requirement as provided in subsection 2 of this section. Any
18 person hired as a telecommunicator after August 28, 1999, shall complete the training
19 requirements as provided in subsection 2 of this section within twelve months of the date such
20 person is employed as a telecommunicator.

21 5. The training requirements as provided in subsection 2 of this section shall be waived
22 for any person who furnishes proof to the committee that such person has completed training in
23 another state which are at least as stringent as the training requirements of subsection 2 of this
24 section.

25 6. The department of public safety shall determine by administrative rule the persons or
26 organizations authorized to conduct the training as required by subsection 2 of this section.

27 7. This section shall not apply to an emergency medical dispatcher or agency as defined
28 in section 190.100, RSMo, or a person trained by an entity accredited or certified under section
29 190.131, RSMo, or a person who provides prearrival medical instructions who works for an
30 agency which meets the requirements set forth in section 190.134, RSMo.

 650.457. 1. There is established a "Missouri Medal of Valor Review Board", the
2 members of which shall be individuals with knowledge or expertise, whether by experience or
3 training, in the field of public safety, which shall conduct its business in accordance with sections
4 650.450 to 650.460, and be composed of eleven members, all residents of Missouri, and
5 appointed in the following manner:

6 (1) One member shall be either the director of the department of public safety or a
7 designee appointed by the director;

8 (2) One member shall be a police chief;

9 (3) One member shall be a fire chief;

10 (4) One member shall be an elected county sheriff;

11 (5) One member shall be the director of an ambulance district;

12 (6) One member shall be a citizen with experience in law enforcement;

13 (7) One member shall be a citizen with experience in corrections;

14 (8) One member shall be a citizen with experience in fire fighting;

15 (9) One member shall be a citizen with experience in emergency medical services; and

16 (10) Two members shall be appointed at the governor's discretion.

17 2. [The term of a board member shall be four years.] **Members of the Missouri medal
18 of valor board shall be appointed by the governor from a list of qualified candidates
19 submitted to the governor by the director of the department of public safety. The
20 appointments would be for a term of four years; except that, of those members first
21 appointed, three members shall be appointed to serve for two years, four members shall**

22 **be appointed for three years, and four members shall be appointed for four years.**
23 **Members of the board may serve multiple terms.**

24 3. Any vacancy in the membership of the board shall not affect the powers of the board
25 and shall be filled in the same manner as the original appointment.

26 4. (1) The chairman of the board shall be elected by the members of the board from
27 among the members of the board.

28 (2) The board shall conduct its first meeting not later than ninety days after the
29 appointment of the last member appointed of the initial group of members appointed to the
30 board. Thereafter, the board shall meet at the call of the chairman of the board. The board shall
31 meet not less often than once each year and not more than three times a year.

32 (3) A majority of the members shall constitute a quorum to conduct business, but the
33 board may establish a lesser quorum for conducting hearings scheduled by the board. The board
34 may establish by majority vote any other rules for the conduct of the board's business, if such
35 rules are not inconsistent with sections 650.450 to 650.460 or other applicable law.

36 (4) The board shall select candidates as recipients of the medal from among those
37 applications received by the board. Not more often than once each year, the board shall present
38 to the governor the name or names of those it recommends as medal recipients. In a given year,
39 the board shall not be required to select any recipients but may not select more than seven
40 recipients. The governor may in extraordinary cases increase the number of recipients in a given
41 year. The board shall set an annual timetable for fulfilling its duties under sections 650.450 to
42 650.460.

43 (5) The board may secure directly from any department or agency such information as
44 the board considers necessary to carry out its duties. Upon the request of the board, the head of
45 such department or agency may furnish such information to the board.

46 (6) The board shall not disclose any information which may compromise an ongoing law
47 enforcement investigation or is otherwise required by law to be kept confidential.

48 (7) The members of the board shall serve without compensation, except that the
49 members may be reimbursed for reasonable and necessary expenses arising from board activities
50 or business. Such expenses shall be paid by the department of public safety from the fund
51 created pursuant to section 650.460.

**650.470. 1. There is hereby created in the state treasury the "Reverend Nathaniel
2 Cole Memorial Pursuit Reduction Grant", which shall consist of all moneys duly
3 authorized and appropriated by the general assembly, all moneys received from federal
4 funds, gifts, bequests, donations, and any other moneys so designated, and all interest
5 earned on and income generated from moneys in the fund. The state treasurer shall be the
6 custodian of the fund and shall approve disbursements from the fund in accordance with**

7 sections 30.170 and 30.180, RSMo. Moneys in the fund shall be used solely to provide
8 grants in the amount of a fifty percent match to urban police departments which purchase
9 real-time tagging and tracking pursuit management systems.

10 2. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any
11 moneys remaining in the fund at the end of the biennium shall not revert to the credit of
12 the general revenue fund.

13 3. The state treasurer shall invest moneys in the fund in the same manner as other
14 funds are invested.

15 4. Only urban police departments which have a pursuit policy in place that is
16 consistent with the state laws governing police pursuits shall be eligible for such grants.
17 The director of the department of public safety shall determine an applicant's eligibility
18 according to the requirements of this subsection and shall disqualify from consideration
19 any urban police department that is not in compliance with state laws governing police
20 pursuit.

21 5. Applications for matching grants shall be filed with the department of public
22 safety on forms prescribed and furnished by the director of the department of public
23 safety. The applications shall include the number of pursuits engaged in by the applicant
24 department per year for each of the five years preceding the application.

25 6. The director shall approve all applications which are not disqualified under the
26 provisions of subsection 4 of this section. If funding is not sufficient to award grants to all
27 eligible applicants who were not disqualified by the director of the department of public
28 safety then the director shall determine which applicants shall be awarded grants on the
29 basis of need. Need shall be determined by the average number of pursuits engaged in by
30 a department over the five years preceding application with grants being awarded first to
31 those applicants with the highest average number of pursuits per year. The director shall
32 continue to award grants based on need until funds dip below the dollar amount needed
33 to provide a fifty percent match to the next applicant.

34 7. The director of the department of public safety shall administer the provisions
35 of this section and may adopt all rules and regulations necessary to administer the
36 provisions of this section. Any rule or portion of a rule, as that term is defined in section
37 536.010, RSMo, that is created under the authority delegated in this section shall become
38 effective only if it complies with and is subject to all of the provisions of chapter 536,
39 RSMo, and, if applicable, section 536.028, RSMo. The provisions of this section are
40 nonseverable and if any of the powers vested with the general assembly under chapter 536,
41 RSMo, to review, to delay the effective date, or to disapprove and annul a rule are

42 subsequently held unconstitutional, then the grant of rulemaking authority and any rule
43 proposed or adopted after August 28, 2007, shall be invalid and void.

44 8. As used in this section the following terms shall mean:

45 (1) "Real-time tagging and tracking pursuit management system", any system
46 which deploys a projectile that attaches to a fleeing vehicle during police pursuit and can
47 be monitored in real-time using GPS technology;

48 (2) "Urban police department", any police department, sheriffs' department, or
49 law enforcement agency which is located in a metropolitan area in this state with a
50 population of at least four hundred thousand inhabitants.

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