

SECOND REGULAR SESSION

HOUSE BILL NO. 1642

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LIPKE.

Read 1st time January 15, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

3718L.01I

AN ACT

To repeal sections 50.565, 192.925, 195.017, 195.217, 210.1012, 217.670, 217.690, 302.060, 304.230, 311.310, 311.325, 311.326, 409.5-508, 409.6-604, 479.260, 488.5025, 491.170, 545.050, 550.040, 559.021, 559.106, 561.031, 565.063, 565.081, 570.040, 573.037, 575.080, 575.150, 577.023, 577.500, 577.505, 578.250, 578.255, 578.260, 578.265, 590.190, 595.030, 595.209, 610.021, 610.100, 650.055, and 650.457, RSMo, and to enact in lieu thereof forty-eight 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 50.565, 192.925, 195.017, 195.217, 210.1012, 217.670, 217.690, 302.060, 304.230, 311.310, 311.325, 311.326, 409.5-508, 409.6-604, 479.260, 488.5025, 491.170, 545.050, 550.040, 559.021, 559.106, 561.031, 565.063, 565.081, 570.040, 573.037, 575.080, 575.150, 577.023, 577.500, 577.505, 578.250, 578.255, 578.260, 578.265, 590.190, 595.030, 595.209, 610.021, 610.100, 650.055, and 650.457, RSMo, are repealed and forty-eight new sections enacted in lieu thereof, to be known as sections 50.565, 192.925, 195.017, 195.217, 210.1012, 217.439, 217.670, 217.690, 302.060, 304.230, 311.310, 311.325, 311.326, 409.5-508, 409.6-604, 479.260, 488.5025, 488.5032, 491.170, 545.050, 550.040, 559.021, 559.106, 561.031, 565.063, 565.081, 570.040, 573.037, 575.075, 575.080, 575.150, 575.153, 577.023, 577.500, 577.505, 578.250, 578.255, 578.260, 578.265, 590.035, 590.190, 595.030, 595.209, 610.021, 610.100, 650.010, 650.055, and 650.457, to read as follows:

50.565. 1. A county commission may establish by ordinance or order a fund whose proceeds may be expended only for the purposes provided for in subsection 3 of this section. The fund shall be designated as a county law enforcement restitution fund and shall be under the

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.

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 elected officials, current or former employees
8 of the sheriff's department, the office of the prosecuting attorney for the county, office of the
9 county commissioners, or the county treasurer's office. If a county does not have a coroner or
10 medical examiner, the county treasurer shall appoint one citizen to the board of trustees.

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

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

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

24 4. The county commission may not reduce any law enforcement agency's budget as a
25 result of funds the law enforcement agency receives from the county law enforcement restitution
26 fund. The restitution fund is to be used only as a supplement to the law enforcement agency's
27 funding received from other county, state, or federal funds.

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

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

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.

195.017. 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) Levophenacymorphan;
- 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;
- 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) Parahexyl;
- 119 (x) Peyote, to include all parts of the plant presently classified botanically as Lophophora
120 Williamsil 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) Fenethylline;
148 (d) Methcathinone;
149 (e) (+)cis-4-methylaminorex ((+)cis-4,5-dihydro- 4-methyl-5-phenyl-2-oxazoline);
150 (f) N-ethylamphetamine;
151 (g) N,N-dimethylamphetamine;
152 (7) A temporary listing of substances subject to emergency scheduling under federal law
153 shall include any material, compound, mixture or preparation which contains any quantity of the
154 following substances:
155 (a) N-(1-benzyl-4-piperidyl)-N-phenyl-propanamide (benzylfentanyl), its optical isomers,
156 salts and salts of isomers;
157 (b) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide (thenylfentanyl), its
158 optical isomers, salts and salts of isomers;
159 (c) Alpha-Methyltryptamine, or (AMT);
160 (d) 5-Methoxy-N,N-Diisopropyltryptamine, or(5-MeO-DIPT);
161 (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, dextrophan, 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, dextrophan 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-alphacetylmethadol;
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;

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

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

338 (a) Boldenone;

339 (b) Chlorotestosterone (4-Chlortestosterone);

340 (c) Clostebol;

341 (d) Dehydrochlormethyltestosterone;

342 (e) Dihydrotestosterone (4-Dihydro-testosterone);

- 343 (f) Drostanolone;
344 (g) Ethylestrenol;
345 (h) Fluoxymesterone;
346 (i) Formebolone (Formebolone);
347 (j) Mesterolone;
348 (k) Methandienone;
349 (l) Methandranone;
350 (m) Methandriol;
351 (n) Methandrostenolone;
352 (o) Methenolone;
353 (p) Methyltestosterone;
354 (q) Mibolerone;
355 (r) Nandrolone;
356 (s) Norethandrolone;
357 (t) Oxandrolone;
358 (u) Oxymesterone;
359 (v) Oxymetholone;
360 (w) Stanolone;
361 (x) Stanozolol;
362 (y) Testolactone;
363 (z) Testosterone;
364 (aa) Trenbolone;
365 (bb) Any salt, ester, or isomer of a drug or substance described or listed in this
366 subdivision, if that salt, ester or isomer promotes muscle growth except an anabolic steroid
367 which is expressly intended for administration through implants to cattle or other nonhuman
368 species and which has been approved by the Secretary of Health and Human Services for that
369 administration;
- 370 (7) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a
371 United States Food and Drug Administration approved drug product. Some other names for
372 dronabinol: (6aR-trans)-6a,7,8,10a- tetrahydro-6.6.9-trimethyl-3-pentyl-6H-dibenzo (b,d)
373 pyran-1-ol, or (-)- delta-9-(trans)-tetrahydracannabinol);
- 374 (8) The department of health and senior services may except by rule any compound,
375 mixture, or preparation containing any stimulant or depressant substance listed in subdivisions
376 (1) and (2) of this subsection from the application of all or any part of sections 195.010 to
377 195.320 if the compound, mixture, or preparation contains one or more active medicinal
378 ingredients not having a stimulant or depressant effect on the central nervous system, and if the

379 admixtures are included therein in combinations, quantity, proportion, or concentration that
380 vitiate the potential for abuse of the substances which have a stimulant or depressant effect on
381 the central nervous system.

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

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

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

386 and

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

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

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

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

395 (b) Dextropropoxyphene (alpha-(+)-4-dimethyl-amino-1, 2-diphenyl-3-methyl-2-
396 propionoxybutane);

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

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

403 b. Not more than one hundred milligrams of dihydrocodeine per one hundred milliliters
404 or per one hundred grams;

405 c. Not more than one hundred milligrams of ethylmorphine per one hundred milliliters
406 or per one hundred grams;

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

410 (a) Alprazolam;

411 (b) Barbitol;

412 (c) Bromazepam;

413 (d) Camazepam;

414 (e) Chloral betaine;

415 (f) Chloral hydrate;
416 (g) Chlordiazepoxide;
417 (h) Clobazam;
418 (i) Clonazepam;
419 (j) Clorazepate;
420 (k) Clotiazepam;
421 (l) Cloxazolam;
422 (m) Delorazepam;
423 (n) Diazepam;
424 (o) Dichloralphenazone;
425 (p) Estazolam;
426 (q) Ethchlorvynol;
427 (r) Ethinamate;
428 (s) Ethyl loflazepate;
429 (t) Fludiazepam;
430 (u) Flunitrazepam;
431 (v) Flurazepam;
432 (w) Halazepam;
433 (x) Haloxazolam;
434 (y) Ketazolam;
435 (z) Loprazolam;
436 (aa) Lorazepam;
437 (bb) Lormetazepam;
438 (cc) Mebutamate;
439 (dd) Medazepam;
440 (ee) Meprobamate;
441 (ff) Methohexital;
442 (gg) Methylphenobarbital;
443 (hh) Midazolam;
444 (ii) Nimetazepam;
445 (jj) Nitrazepam;
446 (kk) Nordiazepam;
447 (ll) Oxazepam;
448 (mm) Oxazolam;
449 (nn) Paraldehyde;
450 (oo) Petrichloral;

- 451 (pp) Phenobarbital;
452 (qq) Pinazepam;
453 (rr) Prazepam;
454 (ss) Quazepam;
455 (tt) Temazepam;
456 (uu) Tetrazepam;
457 (vv) Triazolam;
458 (ww) Zaleplon;
459 (xx) Zolpidem;
460 **(yy) Zopiclone, including its salts, isomers, and salts of isomers;**
461 (3) Any material, compound, mixture, or preparation which contains any quantity of the
462 following substance including its salts, isomers and salts of isomers whenever the existence of
463 such salts, isomers and salts of isomers is possible: fenfluramine;
464 (4) Any material, compound, mixture or preparation containing any quantity of the
465 following substances having a stimulant effect on the central nervous system, including their
466 salts, isomers and salts of isomers:
467 (a) Cathine ((+)-norpseudoephedrine);
468 (b) Diethylpropion;
469 (c) Fencamfamin;
470 (d) Fenproporex;
471 (e) Mazindol;
472 (f) Mefenorex;
473 (g) Modafinil;
474 (h) Pemoline, including organometallic complexes and chelates thereof;
475 (i) Phentermine;
476 (j) Pipradrol;
477 (k) Sibutramine;
478 (l) SPA ((-)-1-dimethylamino-1,2-diphenylethane);
479 (5) Any material, compound, mixture or preparation containing any quantity of the
480 following substance, including its salts:
481 (a) butorphanol;
482 (b) pentazocine;
483 (6) Ephedrine, its salts, optical isomers and salts of optical isomers, when the substance
484 is the only active medicinal ingredient;
485 (7) The department of health and senior services may except by rule any compound,
486 mixture, or preparation containing any depressant substance listed in subdivision (1) of this

subsection from the application of all or any part of sections 195.010 to 195.320 if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

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

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

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

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

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

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

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

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

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

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

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

(4) Depressants. Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts:

523 **(a) Pregabalin ((S)-3 (aminomethyl) - 5 - methylhexanoic acid).**

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

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

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

536 (3) The pharmacist or registered pharmacy technician shall require any person
537 purchasing, receiving or otherwise acquiring such compound, mixture, or preparation, who is not
538 known to the pharmacist or registered pharmacy technician, to furnish suitable photo
539 identification showing the date of birth of the person.

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

543 (1) The name and address of the purchaser;

544 (2) The amount of the compound, mixture, or preparation purchased;

545 (3) The date of each purchase; and

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

548 13. No person shall dispense, sell, purchase, receive, or otherwise acquire quantities
549 greater than those specified in this chapter.

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

553 15. Within thirty days of the enactment of this section, any business entity which sells
554 ephedrine or pseudoephedrine products in the course of legitimate business which is in the
555 possession of pseudoephedrine and ephedrine products, and which does not have a state and
556 federal controlled substances registration, shall return these products to a manufacturer or
557 distributor or transfer them to an authorized controlled substances registrant.

558 16. Any person who knowingly or recklessly violates the provisions of subsections 11
559 to 15 of this section is guilty of a class A misdemeanor.

560 17. The scheduling of substances specified in subdivision (3) of subsection 10 of this
561 section and subsections 11, 12, 14, and 15 of this section shall not apply to any compounds,
562 mixtures, or preparations that are in liquid or liquid-filled gel capsule form or to any compound,
563 mixture, or preparation specified in subdivision (3) of subsection 10 of this section which must
564 be dispensed, sold, or distributed in a pharmacy pursuant to a prescription.

565 18. The manufacturer of a drug product or another interested party may apply with the
566 department of health and senior services for an exemption from this section. The department of
567 health and senior services may grant an exemption by rule from this section if the department
568 finds the drug product is not used in the illegal manufacture of methamphetamine or other
569 controlled or dangerous substances. The department of health and senior services shall rely on
570 reports from law enforcement and law enforcement evidentiary laboratories in determining if the
571 proposed product can be used to manufacture illicit controlled substances.

572 19. The department of health and senior services shall revise and republish the schedules
573 annually.

574 20. The department of health and senior services shall promulgate rules under chapter
575 536, RSMo, regarding the security and storage of Schedule V controlled substances, as described
576 in subdivision (3) of subsection 10 of this section, for distributors as registered by the department
577 of health and senior services.

195.217. 1. A person commits the offense of distribution of a controlled substance near
2 a park if such person violates section 195.211 by unlawfully distributing or delivering [heroin,
3 cocaine, LSD, amphetamine, or methamphetamine] **any controlled substance** to a person in or
4 on, or within one thousand feet of, the real property comprising a public **or private** park, state
5 park, county park, or municipal park [or a public or private park designed for public recreational
6 purposes, as park is defined in section 253.010, RSMo].

7 2. Distribution of a controlled substance near a park is a class A felony.

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 an
3 abducted child.

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

6 (1) Less than eighteen years of age and reasonably believed to be the victim of the crime
7 of kidnapping as defined by section 565.110, RSMo, as determined by local law enforcement;

8 (2) Reasonably believed to be the victim of the crime of child kidnapping as defined by
9 section 565.115, RSMo, as determined by [local] law enforcement; or

10 (3) Less than eighteen years of age and at least fourteen years of age, and who[, if under
11 the age of fourteen,] would otherwise be reasonably believed to be a victim of child kidnapping
12 as defined by section 565.115, RSMo, as determined by [local] law enforcement, **if such person**
13 **was under the age of fourteen.**

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

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

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

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

29 7. Any person who knowingly makes a false report that triggers an alert pursuant to this
30 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.**

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

5 2. Before ordering the parole of any offender, the board shall have the offender appear
6 before a hearing panel and shall conduct a personal interview with him, unless waived by the
7 offender. A parole shall be ordered only for the best interest of society, not as an award of
8 clemency; it shall not be considered a reduction of sentence or a pardon. An offender shall be
9 placed on parole only when the board believes that he is able and willing to fulfill the obligations
10 of a law-abiding citizen. Every offender while on parole shall remain in the legal custody of the
11 department but shall be subject to the orders of the board.

12 3. The board has discretionary authority to require the payment of a fee, not to exceed
13 sixty dollars per month, from every offender placed under board supervision on probation,
14 parole, or conditional release, to waive all or part of any fee, to sanction offenders for willful
15 nonpayment of fees, and to contract with a private entity for fee collections services. All fees
16 collected shall be deposited in the inmate fund established in section 217.430. Fees collected
17 may be used to pay the costs of contracted collections services. The fees collected may otherwise
18 be used to provide community corrections and intervention services for offenders. Such services
19 include substance abuse assessment and treatment, mental health assessment and treatment,
20 electronic monitoring services, residential facilities services, employment placement services,
21 and other offender community corrections or intervention services designated by the board to

22 assist offenders to successfully complete probation, parole, or conditional release. The board
23 shall adopt rules not inconsistent with law, in accordance with section 217.040, with respect to
24 sanctioning offenders and with respect to establishing, waiving, collecting, and using fees.

25 4. The board shall adopt rules not inconsistent with law, in accordance with section
26 217.040, with respect to the eligibility of offenders for parole, the conduct of parole hearings or
27 conditions to be imposed upon paroled offenders. Whenever an order for parole is issued it shall
28 recite the conditions of such parole.

29 5. When considering parole for an offender with consecutive sentences, the minimum
30 term for eligibility for parole shall be calculated by adding the minimum terms for parole
31 eligibility for each of the consecutive sentences, except the minimum term for parole eligibility
32 shall not exceed the minimum term for parole eligibility for an ordinary life sentence.

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

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

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

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

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

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

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

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

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

55 9. The board may, at its discretion, require any offender seeking parole to meet certain
56 conditions during the term of that parole so long as said conditions are not illegal or impossible
57 for the offender to perform. These conditions may include an amount of restitution to the state

58 for the cost of that offender's incarceration. **These conditions may also include the**
59 **performance of a designated amount of free work for a public or charitable purpose as**
60 **determined by the board.**

61 **(1) An offender may refuse parole that is conditioned on the performance of free**
62 **work. In such cases, the board shall take that fact into account when exercising its**
63 **discretion to release the offender.**

64 **(2) Any county, city, person, organization, or agency, or any employee of a county,**
65 **city, organization, or agency charged with the supervision of such free work or who**
66 **benefits from its performance shall be immune from any suit by the offender or any person**
67 **deriving a cause of action from him or her if such cause of action arises from such**
68 **supervision of performance, except for an intentional tort or gross negligence. The services**
69 **performed by the offender shall not be deemed employment within the meaning of the**
70 **provisions of chapter 288, RSMo. An offender performing service under this section shall**
71 **not be deemed an employee within the meaning of the provisions of chapter 287, RSMo.**

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

74 11. Beginning January 1, 2001, the board shall not order a parole unless the offender has
75 obtained a high school diploma or its equivalent, or unless the board is satisfied that the offender,
76 while committed to the custody of the department, has made an honest good-faith effort to obtain
77 a high school diploma or its equivalent; provided that the director may waive this requirement
78 by certifying in writing to the board that the offender has actively participated in mandatory
79 education programs or is academically unable to obtain a high school diploma or its equivalent.

80 12. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
81 is created under the authority delegated in this section shall become effective only if it complies
82 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
83 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
84 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
85 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
86 grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be
87 invalid and void.

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.

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 officers selected and designated as peace officers by the**
72 **superintendent of the Missouri state highway patrol are hereby declared to be peace**
73 **officers of the state of Missouri, with full power and authority to make arrests solely for**
74 **violations under the powers granted in subdivisions (1) to (3) of this subsection.** Commercial
75 vehicle enforcement officers shall not have the authority to exercise the powers granted in
76 subdivisions (1), (2) and (3) of this subsection until they have successfully completed training
77 approved by the superintendent of the Missouri state highway patrol **and have completed the**
78 **mandatory standards for the basic training and licensure of peace officers established by**
79 **the peace officers standards and training commission under subsection 1 of section 590.030,**
80 **RSMo. Commercial vehicle officers who are employed and performing their duties on**
81 **August 28, 2006, shall have until July 1, 2010, to comply with the mandatory standards**
82 **regarding police officer basic training and licensure.** Commercial vehicle enforcement
83 officers shall have the right as peace officers to bear arms.

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

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

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.

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

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

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

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

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

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

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

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

2 409.6-604. (a) If the commissioner determines that a person has engaged, is engaging,
3 or is about to engage in an act, practice, or course of business constituting a violation of this act
4 or a rule adopted or order issued under this act or that a person has materially aided, is materially
5 aiding, or is about to materially aid an act, practice, or course of business constituting a violation
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. (e) In a final order,
44 the commissioner may charge the actual cost of an investigation or proceeding for a violation of
45 this act or a rule adopted or order issued under this act. These funds may be paid into the
46 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.

479.260. 1. Municipalities by ordinance may provide for fees in an amount per case to
2 be set pursuant to sections 488.010 to 488.020, RSMo, for each municipal ordinance violation
3 case filed before a municipal judge, and in the event a defendant pleads guilty or is found guilty,
4 the judge may assess costs against the defendant except in those cases where the defendant is
5 found by the judge to be indigent and unable to pay the costs. **In the event the case is dismissed
6 before the defendant pleads guilty or is found guilty, the municipal judge may assess
7 municipal court costs as determined by section 488.012, RSMo, against the defendant if the
8 defendant consents to paying the costs except in those cases where the defendant is found
9 by the judge to be indigent and unable to pay the costs.** The fees authorized in this
10 subsection are in addition to service charges, witness fees and jail costs that may otherwise be
11 authorized to be assessed, but are in lieu of other court costs. The fees provided by this
12 subsection shall be collected by the municipal division clerk in municipalities electing or
13 required to have violations of municipal ordinances tried before a municipal judge pursuant to
14 section 479.020, or to employ judicial personnel pursuant to section 479.060, and disbursed as
15 provided in subsection 1 of section 479.080. Any other court costs required in connection with

16 such cases shall be collected and disbursed as provided in sections 488.010 to 488.020, RSMo;
17 provided that, each municipal court may establish a judicial education fund in an account under
18 the control of the municipal court to retain one dollar of the fees collected on each case and to
19 use the fund only to pay for:

20 (1) The continuing education and certification required of the municipal judges by law
21 or supreme court rule; and

22 (2) Judicial education and training for the court administrator and clerks of the municipal
23 court.

24

25 Provided further, that no municipal court shall retain more than one thousand five hundred
26 dollars in the fund for each judge, administrator or clerk of the municipal court. Any excess
27 funds shall be transmitted quarterly to the general revenue fund of the county or municipal
28 treasury.

29 2. In municipal ordinance violation cases which are filed in the associate circuit division
30 of the circuit court, fees shall be assessed in each case in an amount to be set pursuant to sections
31 488.010 to 488.020, RSMo. In the event a defendant pleads guilty or is found guilty, the judge
32 shall assess costs against the defendant except in those cases where the defendant is found by the
33 judge to be indigent and unable to pay the costs. In the event a defendant is acquitted or the case
34 is dismissed, the judge shall not assess costs against the municipality. The costs authorized in
35 this subsection are in addition to service charges, witness fees and jail costs that may otherwise
36 be authorized to be assessed, but are in lieu of other court costs. The costs provided by this
37 subsection shall be collected by the municipal division clerk in municipalities electing or
38 required to have violations of municipal ordinances tried before a municipal judge pursuant to
39 section 479.020, or to employ judicial personnel pursuant to section 479.060, and disbursed as
40 provided in subsection 2 of section 479.080. Any other court costs required in connection with
41 such cases shall be collected and disbursed as provided in sections 488.010 to 488.020, RSMo.

42 3. A municipality, when filing cases before an associate circuit judge, shall not be
43 required to pay fees.

44 4. No fees for a judge, city attorney or prosecutor shall be assessed as costs in a
45 municipal ordinance violation case.

46 5. In municipal ordinance violation cases, when there is an application for a trial de
47 novo, there shall be an additional fee in an amount to be set pursuant to sections 488.010 to
48 488.020, RSMo, which shall be assessed in the same manner as provided in subsection 2 of this
49 section.

50 6. Municipalities by ordinance may provide for a schedule of costs to be paid in
51 connection with pleas of guilty which are processed in a traffic violations bureau. If a

52 municipality files its municipal ordinance violation cases before a municipal judge, such costs
53 shall not exceed the court costs authorized by subsection 1 of this section. If a municipality files
54 its municipal ordinance violations cases in the associate circuit division of the circuit court, such
55 costs shall not exceed the court costs authorized by subsection 2 of this section.

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.

**488.5032. In the event a criminal case is dismissed in a circuit court in this state
2 before the defendant pleads guilty or is found guilty, the circuit judge may assess costs as
3 determined by section 488.012, RSMo, against any defendant if the defendant consents to
4 paying the costs except in those cases where the defendant is found by the judge to be
5 indigent and unable to pay the costs.**

491.170. When a writ of attachment, authorized by section 491.160, shall be executed
2 **in a civil case**, the sheriff or other officer shall discharge such witness, on his **or her** entering
3 into a recognizance to the state of Missouri, with sufficient security, in the sum of one hundred
4 dollars, which the officer executing the writ is authorized to take, conditioned for the appearance
5 and due attendance of such witness according to the exigency of such writ.

6 **2. When a writ of attachment, authorized by section 491.160, shall be executed in
7 a criminal case, the court shall discharge such witness, on his or her entering into a
8 recognizance to the state of Missouri, with sufficient security, in the sum of an amount to
9 be set by the court and deemed appropriate and necessary by the court to secure the**

10 **witness's attendance, which the officer executing the writ is authorized to take, conditioned**
11 **for the appearance and due attendance of such witness according to the exigency of such**
12 **writ. The sheriff or other officer shall bring the witness who was attached before the court**
13 **within twenty-four hours of the attachment in order that the court may set the amount of**
14 **the recognizance. If a witness is unable to post the recognizance or believes the amount of**
15 **the recognizance as set by the court is too high, the witness may request that the court hold**
16 **a hearing on the appropriateness of the amount of the recognizance and the court shall**
17 **hold such hearing within three days of the date of such request, excluding holidays and**
18 **weekends.**

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.

565.063. 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.

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

5 2. As used in this section, "emergency personnel" means any paid or volunteer
6 firefighter, emergency room or trauma center personnel, or emergency medical technician as
7 defined in subdivisions (15), (16), and (17) of section 190.100, RSMo.

8 3. Assault of a law enforcement officer, emergency personnel, or probation and parole
9 officer in the first degree is a class A felony.

 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
2 of its content and character, such person possesses any obscene material that has a child as one
3 of its participants or portrays what appears to be a child as an observer or participant of sexual
4 conduct.

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

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

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

9 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
2 knowingly:

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

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

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

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

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

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

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

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

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

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

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

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

20 5. Resisting or interfering with an arrest for a felony is a class [D] C felony. Resisting
21 an arrest, detention or stop by fleeing in such a manner that the person fleeing creates a
22 substantial risk of serious physical injury or death to any person is a class [D] C felony;
23 otherwise, resisting or interfering with an arrest, detention or stop in violation of subdivision (1)
24 or (2) of subsection 1 of this section 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.**

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

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

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

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

7 **a. Involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section**
8 **565.024, RSMo; murder in the second degree under section 565.021, RSMo, where the**
9 **underlying felony is an intoxication-related traffic offense; or assault in the second degree under**
10 **subdivision (4) of subsection 1 of section 565.060, RSMo; or assault of a law enforcement**
11 **officer in the second degree under subdivision (4) of subsection 1 of section 565.082, RSMo; or**

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

15 (2) A "chronic offender" is:

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

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

20 **a. Involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section**
21 **565.024, RSMo; murder in the second degree under section 565.021, RSMo, where the**
22 **underlying felony is an intoxication-related traffic offense; assault in the second degree under**
23 **subdivision (4) of subsection 1 of section 565.060, RSMo; or assault of a law enforcement**
24 **officer in the second degree under subdivision (4) of subsection 1 of section 565.082, RSMo; [or]**

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

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

30 **a. Involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section**
31 **565.024, RSMo; murder in the second degree under section 565.021, RSMo, where the**
32 **underlying felony is an intoxication-related traffic offense; assault in the second degree under**

33 subdivision (4) of subsection 1 of section 565.060, RSMo; or assault of a law enforcement
34 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.

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

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

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

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

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

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

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

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

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

(1) Any alcohol-related traffic offense in violation of state law or a county or, beginning July 1, 1992, municipal ordinance, where the defendant was represented by or waived the right to an attorney in writing;

(2) Any offense in violation of state law or, beginning July 1, 1992, a county or municipal ordinance, where the defendant was represented by or waived the right to an attorney in writing, involving the possession or use of alcohol, committed while operating a motor 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;**

- 10 **(2) Ethyl alcohol;**
11 **(3) Amyl nitrite and its iso-analogues;**
12 **(4) Butyl nitrite and its iso-analogues;**
13 **(5) Cyclohexyl nitrite and its iso-analogues;**
14 **(6) Ethyl nitrite and its iso-analogues;**
15 **(7) Pentyl nitrite and its iso-analogues; and**
16 **(8) Propyl nitrite and its iso-analogues.**

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

21 **[2.] 4. No person shall intentionally possess any solvent, particularly toluol, amyl nitrite,**
22 **butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and propyl nitrite and their iso-**
23 **analogues for the purpose of using it in the manner prohibited by section 578.250 and this**
24 **section.**

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

 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.

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.**

590.190. The director is authorized to promulgate rules and regulations to implement the
2 provisions of [this chapter] **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[:

5 (1)] for medical care or other services, including psychiatric, psychological or counseling
6 expenses, necessary as a result of the crime upon which the claim is based, except that the
7 amount paid for psychiatric, psychological or counseling expenses per eligible claim shall not
8 exceed two thousand five hundred dollars[; or

9 (2) As a result of personal property being seized in an investigation by law enforcement.
10 Compensation paid for an out-of-pocket loss under this subdivision shall be in an amount equal
11 to the loss sustained, but shall not exceed two hundred fifty dollars].

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

20 division of family services personnel; or by any other member of the victim's family. [In the case
21 of a sexual offense, filing a report of the offense to the proper authorities may include, but not
22 be limited to, the filing of the report of the forensic examination by the appropriate medical
23 provider, as defined in section 191.225, RSMo, with the prosecuting attorney of the county in
24 which the alleged incident occurred.]

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

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

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

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

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

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

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

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

46 [6.] 7. Any compensation for loss of earnings or support from gainful employment shall
47 be in an amount equal to the actual loss sustained not to exceed two hundred dollars per week;
48 provided, however, that no award pursuant to sections 595.010 to 595.075 shall exceed
49 twenty-five thousand dollars. If two or more persons are entitled to compensation as a result of
50 the death of a person which is the direct result of a crime or in the case of a sexual assault, the
51 compensation shall be apportioned by the division of workers' compensation among the
52 claimants in proportion to their loss.

53 [7.] 8. The method and timing of the payment of any compensation pursuant to sections
54 595.010 to 595.075 shall be determined by the division.

595.209. 1. The following rights shall automatically be afforded to victims of dangerous felonies, as defined in section 556.061, RSMo, victims of murder in the first degree, as defined in section 565.020, RSMo, victims of voluntary manslaughter, as defined in section 565.023, RSMo, and victims of an attempt to commit one of the preceding crimes, as defined in section 564.011, RSMo; and, upon written request, the following rights shall be afforded to victims of all other crimes and witnesses of crimes:

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

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

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

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

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

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

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

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

(d) Within twenty-four hours, any escape by such person from a municipal detention facility, county jail, a correctional facility operated by the department of corrections, mental health facility, or the division of youth services or any agency thereof, and any subsequent 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 [statement by counsel or a]
39 representative designated by the victim [on behalf of the victim] in lieu of a personal appearance,
40 the right to be informed by the board of probation and parole of probation revocation hearings
41 initiated by the board and of parole hearings, the right to be present at each and every phase of
42 parole hearings, the right to be heard at probation revocation and parole hearings or to offer a
43 written statement, video or audio tape, **counsel or a representative designated by the victim**
44 in lieu of a personal appearance, [and the right to have, upon written request of the victim, a
45 partition set up in the probation or parole hearing room in such a way that the victim is shielded
46 from the view of the probationer or parolee,] and the right to be informed by the custodial mental
47 health facility or agency thereof of any hearings for the release of a person committed pursuant
48 to the provisions of chapter 552, RSMo, the right to be present at such hearings, the right to be
49 heard at such hearings or to offer a written statement, video or audio tape, **counsel** or a
50 [statement by counsel or a] representative designated by the victim in lieu of personal
51 appearance;

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

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

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

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

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

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

70 (f) Any decision by a parole board, by a juvenile releasing authority or by a circuit court
71 presiding over releases pursuant to the provisions of chapter 552, RSMo, or by a circuit court

72 presiding over releases under section 217.362, RSMo, to release such person or any decision by
73 the governor to commute the sentence of such person or pardon such person;

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

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

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

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

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

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

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

98 (14) An employer may not discharge or discipline any witness, victim or member of a
99 victim's immediate family for honoring a subpoena to testify in a criminal proceeding, attending
100 a criminal proceeding, or for participating in the preparation of a criminal proceeding, or require
101 any witness, victim, or member of a victim's immediate family to use vacation time, personal
102 time, or sick leave for honoring a subpoena to testify in a criminal proceeding, attending a
103 criminal proceeding, or participating in the preparation of a criminal proceeding;

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

106 (16) For victims and witnesses, the right to speedy disposition of their cases, and for
107 victims, the right to speedy appellate review of their cases, provided that nothing in this

108 subdivision shall prevent the defendant from having sufficient time to prepare such defendant's
109 defense. The attorney general shall provide victims, upon their written request, case status
110 information throughout the appellate process of their cases. The provisions of this subdivision
111 shall apply only to proceedings involving the particular case to which the person is a victim or
112 witness;

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

117 **(18) For victims, the right to receive upon request a photograph taken of the**
118 **defendant prior to release from incarceration.**

119 2. The provisions of subsection 1 of this section shall not be construed to imply any
120 victim who is incarcerated by the department of corrections or any local law enforcement agency
121 has a right to be released to attend any hearing or that the department of corrections or the local
122 law enforcement agency has any duty to transport such incarcerated victim to any hearing.

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

127 4. Notification by the appropriate person or agency utilizing the statewide automated
128 crime victim notification system as established in section 650.310, RSMo, shall constitute
129 compliance with the victim notification requirement of this section. If notification utilizing the
130 statewide automated crime victim notification system cannot be used, then written notification
131 shall be sent by certified mail to the most current address provided by the victim.

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

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

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

19 (2) Leasing, purchase or sale of real estate by a public governmental body where public
20 knowledge of the transaction might adversely affect the legal consideration therefor. However,
21 any minutes, vote or public record approving a contract relating to the leasing, purchase or sale
22 of real estate by a public governmental body shall be made public upon execution of the lease,
23 purchase or sale of the real estate;

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

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

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

37 (6) Scholastic probation, expulsion, or graduation of identifiable individuals, including
38 records of individual test or examination scores; however, personally identifiable student records
39 maintained by public educational institutions shall be open for inspection by the parents,

40 guardian or other custodian of students under the age of eighteen years and by the parents,
41 guardian or other custodian and the student if the student is over the age of eighteen years;
42 (7) Testing and examination materials, before the test or examination is given or, if it
43 is to be given again, before so given again;
44 (8) Welfare cases of identifiable individuals;
45 (9) Preparation, including any discussions or work product, on behalf of a public
46 governmental body or its representatives for negotiations with employee groups;
47 (10) Software codes for electronic data processing and documentation thereof;
48 (11) Specifications for competitive bidding, until either the specifications are officially
49 approved by the public governmental body or the specifications are published for bid;
50 (12) Sealed bids and related documents, until the bids are opened; and sealed proposals
51 and related documents or any documents related to a negotiated contract until a contract is
52 executed, or all proposals are rejected;
53 (13) Individually identifiable personnel records, performance ratings or records
54 pertaining to employees or applicants for employment, except that this exemption shall not apply
55 to the names, positions, salaries and lengths of service of officers and employees of public
56 agencies once they are employed as such, and the names of private sources donating or
57 contributing money to the salary of a chancellor or president at all public colleges and
58 universities in the state of Missouri and the amount of money contributed by the source;
59 (14) Records which are protected from disclosure by law;
60 (15) Meetings and public records relating to scientific and technological innovations in
61 which the owner has a proprietary interest;
62 (16) Records relating to municipal hotlines established for the reporting of abuse and
63 wrongdoing;
64 (17) Confidential or privileged communications between a public governmental body
65 and its auditor, including all auditor work product; however, all final audit reports issued by the
66 auditor are to be considered open records pursuant to this chapter;
67 (18) Operational guidelines and policies developed, adopted, or maintained by any public
68 agency responsible for law enforcement, public safety, first response, or public health for use in
69 responding to or preventing any critical incident which is or appears to be terrorist in nature and
70 which has the potential to endanger individual or public safety or health. Nothing in this
71 exception shall be deemed to close information regarding expenditures, purchases, or contracts
72 made by an agency in implementing these guidelines or policies. When seeking to close
73 information pursuant to this exception, the agency shall affirmatively state in writing that
74 disclosure would impair its ability to protect the safety or health of persons, and shall in the same

75 writing state that the public interest in nondisclosure outweighs the public interest in disclosure
76 of the records. This exception shall sunset on December 31, 2008;

77 (19) Existing or proposed security systems and structural plans of real property owned
78 or leased by a public governmental body, and information that is voluntarily submitted by a
79 nonpublic entity owning or operating an infrastructure to any public governmental body for use
80 by that body to devise plans for protection of that infrastructure, the public disclosure of which
81 would threaten public safety:

82 (a) Records related to the procurement of or expenditures relating to security systems
83 purchased with public funds shall be open;

84 (b) When seeking to close information pursuant to this exception, the public
85 governmental body shall affirmatively state in writing that disclosure would impair the public
86 governmental body's ability to protect the security or safety of persons or real property, and shall
87 in the same writing state that the public interest in nondisclosure outweighs the public interest
88 in disclosure of the records;

89 (c) Records that are voluntarily submitted by a nonpublic entity shall be reviewed by the
90 receiving agency within ninety days of submission to determine if retention of the document is
91 necessary in furtherance of a state security interest. If retention is not necessary, the documents
92 shall be returned to the nonpublic governmental body or destroyed;

93 (d) This exception shall sunset on December 31, 2008;

94 (20) Records that identify the configuration of components or the operation of a
95 computer, computer system, computer network, or telecommunications network, and would
96 allow unauthorized access to or unlawful disruption of a computer, computer system, computer
97 network, or telecommunications network of a public governmental body. This exception shall
98 not be used to limit or deny access to otherwise public records in a file, document, data file or
99 database containing public records. Records related to the procurement of or expenditures
100 relating to such computer, computer system, computer network, or telecommunications network,
101 including the amount of moneys paid by, or on behalf of, a public governmental body for such
102 computer, computer system, computer network, or telecommunications network shall be open;
103 and

104 (21) Credit card numbers, personal identification numbers, digital certificates, physical
105 and virtual keys, access codes or authorization codes that are used to protect the security of
106 electronic transactions between a public governmental body and a person or entity doing business
107 with a public governmental body. Nothing in this section shall be deemed to close the record
108 of a person or entity using a credit card held in the name of a public governmental body or any
109 record of a transaction made by a person using a credit card or other method of payment for
110 which reimbursement is made by a public governmental body.

111 **(22) Records and documents of and pertaining to internal investigations by a law**
112 **enforcement agency into matters of fitness and conduct of a law enforcement officer**
113 **employed by such investigating law enforcement agency used solely in connection with**
114 **matters relating to the employment of such law enforcement officer, and records and**
115 **documents pertaining to any determinations or actions relating to an officer's employment**
116 **status taken in connection with or following such investigations. However, if such records**
117 **and documents are used or shared by an agency in a criminal investigation involving an**
118 **officer, provisions regarding incident reports, investigative reports or other documents**
119 **covered under section 610.100 shall apply.**

 610.100. 1. As used in sections 610.100 to 610.150, the following words and phrases
2 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, 2008, 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 to the degree that the person is dependent upon**
14 **an agency or another individual;**

15 **(2) Missing under circumstances indicating that the missing person's safety may**
16 **be in danger; 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.

650.457. 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.

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