

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 1493 & 1594
94TH GENERAL ASSEMBLY

Reported from the Committee on Crime Prevention and Public Safety April 21, 2008 with recommendation that House Committee Substitute for House Bill Nos. 1493 & 1594 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

3962L.04C

AN ACT

To repeal sections 43.030, 43.500, 43.503, 43.506, 43.540, 43.545, 44.090, 84.120, 105.711, 174.700, 174.703, 174.706, 190.308, 195.010, 211.031, 217.450, 217.670, 217.690, 217.827, 217.831, 287.067, 292.600, 302.780, 304.230, 311.325, 311.326, 321.015, 407.300, 407.934, 409.5-508, 409.6-604, 455.200, 455.545, 478.466, 479.260, 488.429, 488.5025, 537.035, 537.600, 544.157, 545.050, 550.040, 556.036, 559.021, 559.106, 561.031, 565.063, 565.081, 565.082, 565.083, 566.147, 568.045, 570.040, 571.070, 573.020, 573.037, 575.060, 575.080, 575.150, 577.023, 577.500, 577.505, 578.009, 578.255, 595.209, 610.021, 610.100, 650.052, 650.055, 650.120, and 701.355, RSMo, and sections 317.006, 317.011, and 317.015 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 780 merged with conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bill no. 308, ninety-fourth general assembly, first regular session, and to enact in lieu thereof one hundred six new sections relating to crime, with penalty provisions and an emergency clause for certain sections.

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

Section A. Sections 43.030, 43.500, 43.503, 43.506, 43.540, 43.545, 44.090, 84.120,
2 105.711, 174.700, 174.703, 174.706, 190.308, 195.010, 211.031, 217.450, 217.670, 217.690,
3 217.827, 217.831, 287.067, 292.600, 302.780, 304.230, 311.325, 311.326, 321.015, 407.300,

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.

4 407.934, 409.5-508, 409.6-604, 455.200, 455.545, 478.466, 479.260, 488.429, 488.5025,
5 537.035, 537.600, 544.157, 545.050, 550.040, 556.036, 559.021, 559.106, 561.031, 565.063,
6 565.081, 565.082, 565.083, 566.147, 568.045, 570.040, 571.070, 573.020, 573.037, 575.060,
7 575.080, 575.150, 577.023, 577.500, 577.505, 578.009, 578.255, 595.209, 610.021, 610.100,
8 650.052, 650.055, 650.120, and 701.355, RSMo, and sections 317.006, 317.011, and 317.015
9 as enacted by conference committee substitute for senate substitute for senate committee
10 substitute for house committee substitute for house bill no. 780 merged with conference
11 committee substitute no. 2 for house committee substitute for senate committee substitute for
12 senate bill no. 308, ninety-fourth general assembly, first regular session, are repealed and one
13 hundred six new sections enacted in lieu thereof, to be known as sections 43.030, 43.500, 43.503,
14 43.506, 43.540, 43.545, 44.090, 67.180, 84.120, 105.711, 172.975, 174.700, 174.703, 174.706,
15 174.709, 174.712, 190.056, 190.308, 195.010, 195.555, 195.557, 211.031, 217.439, 217.450,
16 217.670, 217.690, 217.827, 217.831, 260.282, 287.067, 287.243, 287.245, 292.600, 302.780,
17 304.230, 304.810, 311.325, 311.326, 317.006, 317.011, 317.015, 321.015, 407.300, 407.934,
18 407.1380, 407.1382, 407.1384, 407.2040, 409.5-508, 409.6-604, 455.200, 455.545, 478.466,
19 479.260, 488.429, 488.5025, 488.5032, 537.035, 537.600, 544.157, 545.050, 550.040, 556.036,
20 559.021, 559.106, 561.031, 565.063, 565.081, 565.082, 565.083, 566.146, 566.147, 566.148,
21 566.150, 568.045, 570.040, 571.070, 573.020, 573.037, 575.060, 575.080, 575.150, 575.153,
22 577.016, 577.023, 577.500, 577.505, 578.009, 578.255, 595.031, 595.209, 610.019, 610.021,
23 610.100, 650.052, 650.055, 650.120, 650.465, 650.470, 701.355, 1, 2, 3, 4, 5, and 6, to read as
24 follows:

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

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

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

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

43.500. As used in sections 43.500 to 43.543, the following terms mean:

2 (1) "Administration of criminal justice", performance of any of the following activities:
3 detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication,

4 correctional supervision, or rehabilitation of accused persons or criminal offenders. The
5 administration of criminal justice shall include criminal identification activities and the
6 collection, storage, and dissemination of criminal history information, including fingerprint
7 searches, photographs, and other indicia of identification;

8 (2) "Central repository", the **division within the** Missouri state highway patrol [criminal
9 records and identification division] **responsible** for compiling and disseminating complete and
10 accurate criminal history records and for compiling, maintaining, and disseminating criminal
11 incident and arrest reports and statistics;

12 (3) "Committee", criminal records and justice information advisory committee;

13 (4) **"Comparable ordinance violation", a violation of an ordinance having all the**
14 **essential elements of a statutory felony or a class A misdemeanor;**

15 (5) "Criminal history record information", information collected by criminal justice
16 agencies on individuals consisting of identifiable descriptions and notations of arrests,
17 detentions, indictments, informations, or other formal criminal charges, and any disposition
18 arising therefrom, sentencing, correctional supervision, and release;

19 [(5)] (6) "Final disposition", the formal conclusion of a criminal proceeding at whatever
20 stage it occurs in the criminal justice system;

21 [(6)] (7) "Missouri charge code", a unique number assigned by the office of state courts
22 administrator to an offense for tracking and grouping offenses. Beginning January 1, 2005, the
23 complete charge code shall consist of digits assigned by the office of state courts administrator,
24 the two-digit national crime information center modifiers and a single digit designating attempt,
25 accessory, or conspiracy. The only exception to the January 1, 2005, date shall be the courts that
26 are not using the statewide court automation case management pursuant to section 476.055,
27 RSMo; the effective date will be as soon thereafter as economically feasible for all other courts;

28 [(7)] (8) "State offense cycle number", a unique number, supplied by or approved by the
29 Missouri state highway patrol, on the state criminal fingerprint card. The offense cycle number,
30 OCN, is used to link the identity of a person, through fingerprints, to one or many offenses for
31 which the person is arrested or charged. The OCN will be used to track an offense incident from
32 the date of arrest to the final disposition when the offender exits from the criminal justice system.

43.503. 1. For the purpose of maintaining complete and accurate criminal history record
2 information, all police officers of this state, the clerk of each court, the department of corrections,
3 the sheriff of each county, the chief law enforcement official of a city not within a county and
4 the prosecuting attorney of each county or the circuit attorney of a city not within a county shall
5 submit certain criminal arrest, charge, and disposition information to the central repository for
6 filing without undue delay in the form and manner required by sections 43.500 to 43.543.

7 2. All law enforcement agencies making misdemeanor and felony arrests as determined
8 by section 43.506 shall furnish without undue delay, to the central repository, fingerprints,
9 charges, appropriate charge codes, and descriptions of all persons who are arrested for such
10 offenses on standard fingerprint forms supplied or approved by the highway patrol or
11 electronically in a format and manner approved by the highway patrol. All such agencies shall
12 also notify the central repository of all decisions not to refer such arrests for prosecution. An
13 agency making such arrests may enter into arrangements with other law enforcement agencies
14 for the purpose of furnishing without undue delay such fingerprints, charges, appropriate charge
15 codes, and descriptions to the central repository upon its behalf.

16 3. In instances where an individual less than seventeen years of age and not currently
17 certified as an adult is taken into custody for an offense which would be a felony if committed
18 by an adult, the arresting officer shall take fingerprints for the central repository. These
19 fingerprints shall be taken on fingerprint cards supplied by or approved by the highway patrol
20 or transmitted electronically in a format and manner approved by the highway patrol. The
21 fingerprint cards shall be so constructed that the name of the juvenile should not be made
22 available to the central repository. The individual's name and the unique number associated with
23 the fingerprints and other pertinent information shall be provided to the court of jurisdiction by
24 the agency taking the juvenile into custody. The juvenile's fingerprints and other information
25 shall be forwarded to the central repository and the courts without undue delay. The fingerprint
26 information from the card shall be captured and stored in the automated fingerprint identification
27 system operated by the central repository. In the event the fingerprints are found to match other
28 tenprints or unsolved latent prints, the central repository shall notify the submitting agency who
29 shall notify the court of jurisdiction as per local agreement. **Under section 211.031, RSMo, in**
30 **instances where a juvenile over fifteen and one-half years of age is alleged to have violated**
31 **a state or municipal traffic ordinance or regulation, which does not constitute a felony, and**
32 **the juvenile court does not have jurisdiction, the juvenile shall not be fingerprinted unless**
33 **certified as an adult.**

34 4. Upon certification of the individual as an adult, the certifying court shall order a law
35 enforcement agency to immediately fingerprint the individual **and certification papers will be**
36 **forwarded to the appropriate law enforcement agency with the order for fingerprinting.**
37 The law enforcement agency shall submit such fingerprints **and certification papers** to the
38 central repository within fifteen days and shall furnish the offense cycle number associated with
39 the fingerprints to the prosecuting attorney or the circuit attorney of a city not within a county
40 and to the clerk of the court ordering the subject fingerprinted. If the juvenile is acquitted of the
41 crime and is no longer certified as an adult, the prosecuting attorney shall notify within fifteen
42 days the central repository of the change of status of the juvenile. Records of a child who has

43 been fingerprinted and photographed after being taken into custody shall be closed records as
44 provided under section 610.100, RSMo, if a petition has not been filed within thirty days of the
45 date that the child was taken into custody; and if a petition for the child has not been filed within
46 one year of the date the child was taken into custody, any records relating to the child concerning
47 the alleged offense may be expunged under the procedures in sections 610.122 to 610.126,
48 RSMo.

49 5. The prosecuting attorney of each county or the circuit attorney of a city not within a
50 county **or the municipal prosecuting attorney** shall notify the central repository on standard
51 forms supplied by the highway patrol or in a manner approved by the highway patrol [of all
52 charges filed, including all those added subsequent to the filing of a criminal court case, and
53 whether charges were not filed in criminal cases for which the central repository has a record of
54 an arrest] **of his or her decision to not file a criminal charge on any charge referred to such**
55 **prosecuting attorney or circuit attorney for criminal charges.** All records forwarded to the
56 central repository **and the courts** by prosecutors or circuit attorneys as required by sections
57 43.500 to 43.530 shall include the state offense cycle number of the offense, the charge code for
58 the offense, and the originating agency identifier number of the reporting prosecutor, using such
59 numbers as assigned by the highway patrol.

60 6. The clerk of the courts of each county or city not within a county **or municipal court**
61 **clerk** shall furnish the central repository, on standard forms supplied by the highway patrol or
62 in a manner approved by the highway patrol, with **a record of all charges filed, including all**
63 **those added subsequent to the filing of a criminal court case, amended charges, and** all final
64 dispositions of cases for which the central repository has a record of an arrest or a record of
65 fingerprints reported pursuant to sections 43.500 to 43.506. Such information shall include, for
66 each charge:

67 (1) All judgments of not guilty, acquittals on the ground of mental disease or defect
68 excluding responsibility, judgments or pleas of guilty including the sentence, if any, or probation,
69 if any, pronounced by the court, nolle pros, discharges, releases and dismissals in the trial court;

70 (2) Court orders filed with the clerk of the courts which reverse a reported conviction
71 or vacate or modify a sentence;

72 (3) Judgments terminating or revoking a sentence to probation, supervision or
73 conditional release and any resentencing after such revocation; and

74 (4) The offense cycle number of the offense, and the originating agency identifier
75 number of the sentencing court, using such numbers as assigned by the highway patrol.

76 7. The clerk of the courts of each county or city not within a county shall furnish, to the
77 department of corrections or department of mental health, court judgment and sentence
78 documents and the state offense cycle number and the charge code of the offense which resulted

79 in the commitment or assignment of an offender to the jurisdiction of the department of
80 corrections or the department of mental health if the person is committed pursuant to chapter
81 552, RSMo. This information shall be reported to the department of corrections or the
82 department of mental health at the time of commitment or assignment. If the offender was
83 already in the custody of the department of corrections or the department of mental health at the
84 time of such subsequent conviction, the clerk shall furnish notice of such subsequent conviction
85 to the appropriate department by certified mail, return receipt requested, or in a manner and
86 format mutually agreed to, within fifteen days of such disposition.

87 8. Information and fingerprints, and other indicia forwarded to the central repository,
88 normally obtained from a person at the time of the arrest, may be obtained at any time the subject
89 is in the criminal justice system or committed to the department of mental health. A law
90 enforcement agency or the department of corrections may fingerprint the person and obtain the
91 necessary information at any time the subject is in custody. If at the time of [disposition] **any**
92 **court appearance**, the defendant has not been fingerprinted for an offense in which a fingerprint
93 is required by statute to be collected, maintained, or disseminated by the central repository, the
94 court shall order a law enforcement agency **or court marshal** to fingerprint immediately the
95 defendant. **The order for fingerprints shall contain the offense, charge code, date of offense,**
96 **and any other information necessary to complete the fingerprint card.** The law enforcement
97 agency **or court marshal** shall submit such fingerprints to the central repository without undue
98 delay and within thirty days and shall furnish the offense cycle number associated with the
99 fingerprints to the prosecuting attorney or the circuit attorney of a city not within a county and
100 to the court clerk of the court ordering the subject fingerprinted.

101 9. The department of corrections and the department of mental health shall furnish the
102 central repository with all information concerning the receipt, escape, execution, death, release,
103 pardon, parole, commutation of sentence, granting of executive clemency, legal name change,
104 or discharge of an individual who has been sentenced to that department's custody for any
105 offenses which are mandated by law to be collected, maintained or disseminated by the central
106 repository. All records forwarded to the central repository by the department as required by
107 sections 43.500 to 43.543 shall include the offense cycle number of the offense, and the
108 originating agency identifier number of the department using such numbers as assigned by the
109 highway patrol.

43.506. 1. Those offenses considered reportable for the purposes of sections 43.500 to
2 43.543 include all felonies [and serious or aggravated] ; **class A misdemeanors; all violations**
3 **for driving under the influence of drugs or alcohol; any offense that can be enhanced to a**
4 **class A misdemeanor or higher for subsequent violations; and comparable ordinance**
5 **violations** consistent with the reporting standards established by the National Crime Information

6 Center, Federal Bureau of Investigation, for the Federal Interstate Identification Index System[.
7 In addition,] ; **and** all cases arising [pursuant to sections 566.010 to 566.141, RSMo, where the
8 defendant pleads guilty to an offense involving a child under seventeen years of age and the court
9 imposes a suspended imposition of sentence shall be reported] **under chapter 566, RSMo**. The
10 following types of offenses shall not be considered reportable for the purposes of sections
11 57.403, RSMo, 43.500 to 43.543, and 595.200 to 595.218, RSMo: [disturbing the peace, curfew
12 violation, loitering, false fire alarm, disorderly conduct,] nonspecific charges of suspicion or
13 investigation, [and] general traffic violations and all misdemeanor violations of the state wildlife
14 code. [All violations for driving under the influence of drugs or alcohol are reportable.] All
15 offenses considered reportable shall be reviewed annually and noted in the Missouri charge code
16 manual established in section 43.512. All information collected pursuant to sections 43.500 to
17 43.543 shall be available only as set forth in section 610.120, RSMo.

18 2. Law enforcement agencies, court clerks, prosecutors and custody agencies may report
19 required information by electronic medium either directly to the central repository or indirectly
20 to the central repository via other criminal justice agency computer systems in the state with the
21 approval of the highway patrol, based upon standards established by the advisory committee.

22 3. In addition to the repository of fingerprint records for individual offenders and
23 applicants, the central repository of criminal history and identification records for the state shall
24 maintain a repository of latent prints, palm prints and other prints submitted to the repository.

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

2 (1) "Authorized state agency", a division of state government or an office of state
3 government designated by the statutes of Missouri to issue or renew a license, permit,
4 certification, or registration of authority to a qualified entity;

5 (2) "Care", the provision of care, treatment, education, training, instruction, supervision,
6 or recreation;

7 (3) "Missouri criminal record review", a review of criminal history records and sex
8 offender registration records pursuant to sections 589.400 to 589.425, RSMo, maintained by the
9 Missouri state highway patrol in the Missouri criminal records repository;

10 (4) "National criminal record review", a review of the criminal history records
11 maintained by the Federal Bureau of Investigation;

12 (5) "Patient or resident", a person who by reason of age, illness, disease or physical or
13 mental infirmity receives or requires care or services furnished by a provider, as defined in this
14 section, or who resides or boards in, or is otherwise kept, cared for, treated or accommodated in
15 a facility as defined in section 198.006, RSMo, for a period exceeding twenty-four consecutive
16 hours;

17 (6) "Provider", a person who:

18 (a) Has or may have unsupervised access to children, the elderly, or persons with
19 disabilities; and

20 (b) a. Is employed by or seeks employment with a qualified entity; or

21 b. Volunteers or seeks to volunteer with a qualified entity; or

22 c. Owns or operates a qualified entity;

23 (7) "Qualified entity", a person, business, or organization, whether public or private, for
24 profit, not for profit, or voluntary, that provides care, placement, or educational services for
25 children, the elderly, or persons with disabilities as patients or residents, including a business or
26 organization that licenses or certifies others to provide care or placement services;

27 (8) "Youth services agency", any public or private agency, school, or association which
28 provides programs, care or treatment for or which exercises supervision over minors.

29 2. A qualified entity may obtain a Missouri criminal record review of a provider from
30 the highway patrol by furnishing information on forms and in the manner approved by the
31 highway patrol. **The qualified entity must register with the highway patrol before**
32 **submitting a request for screening under this section and:**

33 (1) **Each such request must be voluntary and conform to the requirements**
34 **established in the National Child Protection Act of 1993, as amended. As a part of the**
35 **registration, the qualified entity must agree to comply with state and federal law and must**
36 **so indicate by signing an agreement approved by the highway patrol. The highway patrol**
37 **may periodically audit qualified entities to ensure compliance with federal law and this**
38 **section;**

39 (2) **A qualified entity shall submit to the highway patrol a request for screening an**
40 **employee or volunteer or person applying to be an employee or volunteer on a completed**
41 **fingerprint card, with a signed waiver allowing the release of state and national criminal**
42 **history record information to the qualified entity;**

43 (3) **Each such request must be accompanied by a fee, which shall approximate the**
44 **actual cost of producing the record information, as provided in section 43.530, plus the**
45 **amount required by the Federal Bureau of Investigation for the national criminal history**
46 **check in compliance with the National Child Protection Act of 1993, as amended;**

47 (4) **Any current or prospective employee or volunteer who is subject to a request**
48 **for screening must indicate to the qualified entity submitting the request the name and**
49 **address of each qualified entity that has submitted a previous request for screening**
50 **regarding that employee or volunteer;**

51 (5) **The highway patrol shall provide directly to the qualified entity the state**
52 **criminal history records that are not exempt from disclosure under section 610.120, RSMo,**
53 **or otherwise confidential under law;**

(6) The national criminal history data is available to qualified entities to use only for the purpose of screening employees and volunteers or persons applying to be an employee or volunteer with a qualified entity. The highway patrol shall provide this national criminal history record information directly to the qualified entity as authorized by the written waiver required for submission of a request to the highway patrol;

(7) The determination whether the criminal history record shows that the employee or volunteer has been convicted of or is under pending indictment for any crime that bears upon the fitness of the employee or volunteer to have responsibility for the safety and well-being of children, the elderly, or disabled persons shall solely be made by the qualified entity. This section does not require the highway patrol to make such a determination on behalf of any qualified entity;

(8) The qualified entity must notify, in writing, the person of his or her right to obtain a copy of any background screening report, including the criminal history records, if any, contained in the report, and of the person's right to challenge the accuracy and completeness of any information contained in any such report and to obtain a determination as to the validity of such challenge before a final determination regarding the person is made by the qualified entity reviewing the criminal history information. A qualified entity that is required by law to apply screening criteria, including any right to contest or request an exemption from disqualification, shall apply such screening criteria to the state and national criminal history record information received from the highway patrol for those persons subject to the required screening;

(9) A qualified entity is not liable for damages solely for failing to obtain the information under this section with respect to an employee or volunteer. The state, any political subdivision of the state, or any agency, officer, or employee of the state or a political subdivision is not liable for damages for providing the information requested under this section.

3. [A qualified entity may request a Missouri criminal record review and a national criminal record review of a provider through an authorized state agency. No authorized state agency is required by this section to process Missouri or national criminal record reviews for a qualified entity, however, if an authorized state agency agrees to process Missouri and national criminal record reviews for a qualified entity, the qualified entity shall provide to the authorized state agency on forms and in a manner approved by the highway patrol the following:

(1) Two sets of fingerprints of the provider if a national criminal record review is requested;

(2) A statement signed by the provider which contains:

(a) The provider's name, address, and date of birth;

90 (b) Whether the provider has been convicted of or has pled guilty to a crime which
91 includes a suspended imposition of sentence;

92 (c) If the provider has been convicted of or has pled guilty to a crime, a description of
93 the crime, and the particulars of the conviction or plea;

94 (d) The authority of the qualified entity to check the provider's criminal history;

95 (e) The right of the provider to review the report received by the qualified entity; and

96 (f) The right of the provider to challenge the accuracy of the report. If the challenge is
97 to the accuracy of the criminal record review, the challenge shall be made to the highway patrol.

98 4. The authorized state agency shall forward the required forms and fees to the highway
99 patrol. The results of the record review shall be forwarded to the authorized state agency who
100 will notify the qualified entity. The authorized state agency may assess a fee to the qualified
101 entity to cover the cost of handling the criminal record review and may establish an account
102 solely for the collection and dissemination of fees associated with the criminal record reviews.

103 5. Any information received by an authorized state agency or a qualified entity pursuant
104 to the provisions of this section shall be used solely for internal purposes in determining the
105 suitability of a provider. The dissemination of criminal history information from the Federal
106 Bureau of Investigation beyond the authorized state agency or related governmental entity is
107 prohibited.] All criminal record check information shall be confidential and any person who
108 discloses the information beyond the scope allowed is guilty of a class A misdemeanor.

109 [6.] 4. The highway patrol shall make available or approve the necessary forms,
110 procedures, and agreements necessary to implement the provisions of this section.

43.545. The state highway patrol shall include in its voluntary system of reporting for
2 compilation in the "Missouri Crime Index" all reported incidents of domestic violence, whether
3 or not an arrest is made. All incidents shall be reported on forms provided by the highway patrol
4 and in a manner prescribed by the patrol. For purposes of this section only, "domestic violence"
5 shall be defined as any dispute arising between spouses, former spouses, persons related by blood
6 or marriage, individuals who are presently residing together or have resided together in the past,
7 **a person who is or has been in a continuing social relationship of a romantic or intimate**
8 **nature with the victim**, and persons who have a child in common regardless of whether they
9 have been married or have resided together at any time.

44.090. 1. The executive officer of any political subdivision **or public safety agency**
2 may enter into mutual-aid arrangements or agreements with other public and private agencies
3 within and without the state for reciprocal emergency aid. Such arrangements or agreements
4 shall be consistent with the state disaster plan and program and the provisions of section 70.837,
5 RSMo, and section 320.090, RSMo. In time of emergency it shall be the duty of each local

6 organization for emergency management to render assistance in accordance with the provisions
7 of such mutual-aid arrangements or agreements.

8 2. Any contracts that are agreed upon may provide for compensation from the parties and
9 other terms that are agreeable to the parties and may be for an indefinite period as long as they
10 include a sixty-day cancellation notice provision by either party. The contracts agreed upon may
11 not be entered into for the purpose of reduction of staffing by either party.

12 3. At the time of significant emergency such as fire, earthquake, flood, tornado,
13 hazardous material incident, terrorist incident, or other such manmade or natural emergency
14 disaster **or public safety need** anywhere within the state or bordering states, the highest ranking
15 official of [a] **any** political subdivision [available] **or public safety agency or their designee**
16 may render aid to **or request aid from** any [requesting political] jurisdiction, **agency or**
17 **organization** even without written agreement, as long as he or she is in accordance with the
18 policies and procedures set forth by the governing [board] **boards** of [that jurisdiction] **those**
19 **jurisdictions, agencies, or organizations. A public safety need, as used in this section, shall**
20 **include any event or incident necessitating mutual aid assistance from another public**
21 **safety agency.**

22 4. When responding to mutual aid or emergency aid requests, political subdivisions **or**
23 **public safety agencies** shall be subject to all provisions of law as if it were providing service
24 within its own jurisdiction.

25 5. All political subdivisions **and public safety agencies** within the state are, upon
26 enactment of this legislation or execution of an agreement, automatically a part of the Missouri
27 statewide mutual aid system. A political subdivision within the state may elect not to participate
28 in the statewide mutual aid system upon enacting an appropriate resolution by its governing body
29 declaring that it elects not to participate in the statewide mutual aid system and by providing a
30 copy of the resolution to the [state fire marshal and state emergency management agency]
31 **director of the department of public safety or his or her designee.**

32 6. [Emergency response] **The statewide mutual aid system shall be administered by**
33 **the department of public safety, which may authorize any organization to assist in the**
34 **administration of the mutual aid system. The department of public safety may promulgate**
35 **rules for this section. Any rule or portion of a rule, as that term is defined in section**
36 **536.010, RSMo, that is created under the authority delegated in this section shall become**
37 **effective only if it complies with and is subject to all of the provisions of chapter 536,**
38 **RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are**
39 **nonseverable and if any of the powers vested with the general assembly pursuant to**
40 **chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule**

41 **are subsequently held unconstitutional, then the grant of rulemaking authority and any**
42 **rule proposed or adopted after August 28, 2008, shall be invalid and void.**

43 **7. For the purpose of this section, public safety** agencies shall include, **but shall not**
44 **be limited to** fire service organizations, law enforcement agencies, emergency medical service
45 organizations, public health and medical personnel, emergency management officials,
46 infrastructure departments, public works agencies, and those other agencies, organizations, [and]
47 departments **and specialized emergency response teams** that have personnel with special skills
48 or training that are needed to provide services during an emergency, **public safety need** or
49 **disaster, declared or undeclared.**

50 [7.] **8.** It shall be the responsibility of each political subdivision **and public safety**
51 **agency** to adopt and put into practice the National Incident Management System promulgated
52 by the United States Department of Homeland Security.

53 [8.] **9.** In the event of a disaster **or other public safety need** that is beyond the capability
54 of local political subdivisions, the local governing authority **or public safety agency's**
55 **jurisdiction** may request assistance under this section.

56 [9.] **10.** Any entity or individual that holds a license, certificate, or other permit issued
57 by a participating political subdivision, **public safety agency** or state shall be deemed licensed,
58 certified, or permitted in the requesting political subdivision **or public safety agency's**
59 **jurisdiction** for the duration of the [declared] emergency or authorized drill.

60 [10.] **11.** Reimbursement for services rendered under this section shall be in accordance
61 with **any local**, state and federal guidelines. Any political subdivision **or public safety agency**
62 providing assistance shall receive appropriate reimbursement according to those guidelines.

63 [11.] **12.** Applicable benefits normally available to personnel while performing duties
64 for their jurisdiction are also available to such persons when an injury or death occurs when
65 rendering assistance to another political subdivision **or public safety agency** under this section.
66 Responders shall be eligible for the same state and federal benefits that may be available to them
67 for line-of-duty deaths **or injuries**, if such services are otherwise provided for within their
68 jurisdiction.

69 [12.] **13.** All activities performed under this section **during any emergency, disaster**
70 **or public safety need not declared by the governor as an emergency** are deemed to be
71 governmental functions. For the purposes of liability, all [participating] **members of any**
72 political [subdivisions] **subdivision** responding under operational control of the requesting
73 political subdivision **or public safety agency** are deemed employees of such [participating]
74 **responding political subdivision or public safety agency and are subject to the liability and**
75 **workers' compensation provisions provided to them as employees of their respective**
76 **political subdivisions or public safety agency.**

77 **14. During an emergency declared by the governor, responders of any public safety**
78 **agency or political subdivision deployed by the governor or any state agency shall not be**
79 **liable for any civil damages or administrative sanctions for any failure, in the delivery of**
80 **services necessitated by the emergency during deployment, to exercise the skill and**
81 **learning of an ordinarily careful public safety professional in similar circumstances, but**
82 **shall be liable for damages due to willful and wanton acts or omissions in rendering such**
83 **services.**

67.180. 1. No political subdivision shall prohibit any emergency personnel as
2 **defined in section 565.081, RSMo, from the following activities:**

3 **(1) Becoming or continuing to be members of any political party, club, or**
4 **organization;**

5 **(2) Attending political meetings;**

6 **(3) Expressing views in private on political matters outside working hours and off**
7 **political subdivision premises;**

8 **(4) Voting with complete freedom in any election;**

9 **(5) Being a candidate for or serving in elective or appointed office in any political**
10 **subdivision that does not have jurisdiction over or provide services to such emergency**
11 **personnel's place of employment.**

12 **2. A political subdivision may prohibit emergency personnel from engaging in any**
13 **activity listed in subsection 1 of this section while in uniform or on duty, and may prohibit**
14 **such emergency personnel from soliciting votes, campaigning for funds, or challenging**
15 **voters for the office for which such emergency personnel is a candidate while in uniform**
16 **or on duty.**

84.120. 1. No person shall be appointed or employed as policeman, turnkey, or officer
2 **of police who shall have been convicted of, or against whom any indictment may be pending,**
3 **for any offense, the punishment of which may be confinement in the penitentiary; nor shall any**
4 **person be so appointed who is not of good character, or who is not a citizen of the United States,**
5 **or who is not able to read and write the English language, or who does not possess ordinary**
6 **physical strength and courage. The board may develop a test to measure ordinary physical**
7 **strength for employed commissioned police officers; however, the test shall not be used as**
8 **the sole factor in determining a police officer's continuing employment.** The patrolmen and
9 turnkeys hereafter appointed shall serve while they shall faithfully perform their duties and
10 possess mental [and physical] ability and be subject to removal only for cause after a hearing by
11 the boards, who are hereby invested with the jurisdiction in the premises.

12 **2. The board shall have the sole discretion whether to delegate portions of its jurisdiction**
13 **to hearing officers. The board shall retain final and ultimate authority over such matters and over**

14 the person to whom the delegation may be made. In any hearing before the board under this
15 section, the member involved may make application to the board to waive a hearing before the
16 board and request that a hearing be held before a hearing officer.

17 3. Nothing in this section or chapter shall be construed to prohibit the board of police
18 commissioners from delegating any task related to disciplinary matters, disciplinary hearings,
19 or any other hearing or proceeding which could otherwise be heard by the board or concerning
20 any determination related to whether an officer is able to perform the necessary functions of the
21 position. Tasks related to the preceding matter may be delegated by the board to a hearing
22 officer under the provisions of subsection 4 of this section.

23 4. (1) The hearing officer to whom a delegation has been made by the board may, at the
24 sole discretion of the board, perform certain functions, including but not limited to the following:

- 25 (a) Presiding over a disciplinary matter from its inception through to the final hearing;
26 (b) Preparing a report to the board of police commissioners; and
27 (c) Making recommendations to the board of police commissioners as to the allegations
28 and the appropriateness of the recommended discipline.

29 (2) The board shall promulgate rules, which may be changed from time to time as
30 determined by the board, and shall make such rules known to the hearing officer or others.

31 (3) The board shall at all times retain the authority to render the final decision after a
32 review of the relevant documents, evidence, transcripts, videotaped testimony, or report prepared
33 by the hearing officer.

34 5. Hearing officers shall be selected in the following manner:

35 (1) The board shall establish a panel of not less than five persons, all who are to be
36 licensed attorneys in good standing with the Missouri Bar. The composition of the panel may
37 change from time to time at the board's discretion;

38 (2) From the panel, the relevant member or officer and a police department
39 representative shall alternatively and independently strike names from the list with the last
40 remaining name being the designated hearing officer. The board shall establish a process to be
41 utilized for each hearing which will determine which party makes the first strike and the process
42 may change from time to time;

43 (3) After the hearing officer is chosen and presides over a matter, such hearing officer
44 shall become ineligible until all hearing officers listed have been utilized, at which time the list
45 shall renew, subject to officers' availability.

105.711. 1. There is hereby created a "State Legal Expense Fund" which shall consist
2 of moneys appropriated to the fund by the general assembly and moneys otherwise credited to
3 such fund pursuant to section 105.716.

4 2. Moneys in the state legal expense fund shall be available for the payment of any claim
5 or any amount required by any final judgment rendered by a court of competent jurisdiction
6 against:

7 (1) The state of Missouri, or any agency of the state, pursuant to section 536.050 or
8 536.087, RSMo, or section 537.600, RSMo;

9 (2) Any officer or employee of the state of Missouri or any agency of the state, including,
10 without limitation, elected officials, appointees, members of state boards or commissions, and
11 members of the Missouri national guard upon conduct of such officer or employee arising out
12 of and performed in connection with his or her official duties on behalf of the state, or any
13 agency of the state, provided that moneys in this fund shall not be available for payment of
14 claims made under chapter 287, RSMo. **As used in this subdivision, "officer or employee"**
15 **shall not include an offender in the custody, which includes work release outside of a**
16 **correctional facility, of the department of corrections;**

17 (3) (a) Any physician, psychiatrist, pharmacist, podiatrist, dentist, nurse, or other health
18 care provider licensed to practice in Missouri under the provisions of chapter 330, 332, 334, 335,
19 336, 337 or 338, RSMo, who is employed by the state of Missouri or any agency of the state,
20 under formal contract to conduct disability reviews on behalf of the department of elementary
21 and secondary education or provide services to patients or inmates of state correctional facilities
22 on a part-time basis, and any physician, psychiatrist, pharmacist, podiatrist, dentist, nurse, or
23 other health care provider licensed to practice in Missouri under the provisions of chapter 330,
24 332, 334, 335, 336, 337, or 338, RSMo, who is under formal contract to provide services to
25 patients or inmates at a county jail on a part-time basis;

26 (b) Any physician licensed to practice medicine in Missouri under the provisions of
27 chapter 334, RSMo, and his professional corporation organized pursuant to chapter 356, RSMo,
28 who is employed by or under contract with a city or county health department organized under
29 chapter 192, RSMo, or chapter 205, RSMo, or a city health department operating under a city
30 charter, or a combined city-county health department to provide services to patients for medical
31 care caused by pregnancy, delivery, and child care, if such medical services are provided by the
32 physician pursuant to the contract without compensation or the physician is paid from no other
33 source than a governmental agency except for patient co-payments required by federal or state
34 law or local ordinance;

35 (c) Any physician licensed to practice medicine in Missouri under the provisions of
36 chapter 334, RSMo, who is employed by or under contract with a federally funded community
37 health center organized under Section 315, 329, 330 or 340 of the Public Health Services Act (42
38 U.S.C. 216, 254c) to provide services to patients for medical care caused by pregnancy, delivery,
39 and child care, if such medical services are provided by the physician pursuant to the contract

40 or employment agreement without compensation or the physician is paid from no other source
41 than a governmental agency or such a federally funded community health center except for
42 patient co-payments required by federal or state law or local ordinance. In the case of any claim
43 or judgment that arises under this paragraph, the aggregate of payments from the state legal
44 expense fund shall be limited to a maximum of one million dollars for all claims arising out of
45 and judgments based upon the same act or acts alleged in a single cause against any such
46 physician, and shall not exceed one million dollars for any one claimant;

47 (d) Any physician licensed pursuant to chapter 334, RSMo, who is affiliated with and
48 receives no compensation from a nonprofit entity qualified as exempt from federal taxation under
49 Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, which offers a free health
50 screening in any setting or any physician, nurse, physician assistant, dental hygienist, dentist, or
51 other health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336,
52 337, or 338, RSMo, who provides health care services within the scope of his or her license or
53 registration at a city or county health department organized under chapter 192, RSMo, or chapter
54 205, RSMo, a city health department operating under a city charter, or a combined city-county
55 health department, or a nonprofit community health center qualified as exempt from federal
56 taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, if such
57 services are restricted to primary care and preventive health services, provided that such services
58 shall not include the performance of an abortion, and if such health services are provided by the
59 health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337,
60 or 338, RSMo, without compensation. MO HealthNet or Medicare payments for primary care
61 and preventive health services provided by a health care professional licensed or registered under
62 chapter 330, 331, 332, 334, 335, 336, 337, or 338, RSMo, who volunteers at a free health clinic
63 is not compensation for the purpose of this section if the total payment is assigned to the free
64 health clinic. For the purposes of the section, "free health clinic" means a nonprofit community
65 health center qualified as exempt from federal taxation under Section 501 (c)(3) of the Internal
66 Revenue Code of 1987, as amended, that provides primary care and preventive health services
67 to people without health insurance coverage for the services provided without charge. In the case
68 of any claim or judgment that arises under this paragraph, the aggregate of payments from the
69 state legal expense fund shall be limited to a maximum of five hundred thousand dollars, for all
70 claims arising out of and judgments based upon the same act or acts alleged in a single cause and
71 shall not exceed five hundred thousand dollars for any one claimant, and insurance policies
72 purchased pursuant to the provisions of section 105.721 shall be limited to five hundred thousand
73 dollars. Liability or malpractice insurance obtained and maintained in force by or on behalf of
74 any health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336,

75 337, or 338, RSMo, shall not be considered available to pay that portion of a judgment or claim
76 for which the state legal expense fund is liable under this paragraph;

77 (e) Any physician, nurse, physician assistant, dental hygienist, or dentist licensed or
78 registered to practice medicine, nursing, or dentistry or to act as a physician assistant or dental
79 hygienist in Missouri under the provisions of chapter 332, RSMo, chapter 334, RSMo, or chapter
80 335, RSMo, who provides medical, nursing, or dental treatment within the scope of his license
81 or registration to students of a school whether a public, private, or parochial elementary or
82 secondary school, if such physician's treatment is restricted to primary care and preventive health
83 services and if such medical, dental, or nursing services are provided by the physician, dentist,
84 physician assistant, dental hygienist, or nurse without compensation. In the case of any claim
85 or judgment that arises under this paragraph, the aggregate of payments from the state legal
86 expense fund shall be limited to a maximum of five hundred thousand dollars, for all claims
87 arising out of and judgments based upon the same act or acts alleged in a single cause and shall
88 not exceed five hundred thousand dollars for any one claimant, and insurance policies purchased
89 pursuant to the provisions of section 105.721 shall be limited to five hundred thousand dollars;
90 or

91 (f) Any physician licensed under chapter 334, RSMo, or dentist licensed under chapter
92 332, RSMo, providing medical care without compensation to an individual referred to his or her
93 care by a city or county health department organized under chapter 192 or 205, RSMo, a city
94 health department operating under a city charter, or a combined city-county health department,
95 or nonprofit health center qualified as exempt from federal taxation under Section 501(c)(3) of
96 the Internal Revenue Code of 1986, as amended, or a federally funded community health center
97 organized under Section 315, 329, 330, or 340 of the Public Health Services Act, 42 U.S.C.
98 Section 216, 254c; provided that such treatment shall not include the performance of an abortion.
99 In the case of any claim or judgment that arises under this paragraph, the aggregate of payments
100 from the state legal expense fund shall be limited to a maximum of one million dollars for all
101 claims arising out of and judgments based upon the same act or acts alleged in a single cause and
102 shall not exceed one million dollars for any one claimant, and insurance policies purchased under
103 the provisions of section 105.721 shall be limited to one million dollars. Liability or malpractice
104 insurance obtained and maintained in force by or on behalf of any physician licensed under
105 chapter 334, RSMo, or any dentist licensed under chapter 332, RSMo, shall not be considered
106 available to pay that portion of a judgment or claim for which the state legal expense fund is
107 liable under this paragraph;

108 (4) Staff employed by the juvenile division of any judicial circuit;

109 (5) Any attorney licensed to practice law in the state of Missouri who practices law at
110 or through a nonprofit community social services center qualified as exempt from federal

111 taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or through
112 any agency of any federal, state, or local government, if such legal practice is provided by the
113 attorney without compensation. In the case of any claim or judgment that arises under this
114 subdivision, the aggregate of payments from the state legal expense fund shall be limited to a
115 maximum of five hundred thousand dollars for all claims arising out of and judgments based
116 upon the same act or acts alleged in a single cause and shall not exceed five hundred thousand
117 dollars for any one claimant, and insurance policies purchased pursuant to the provisions of
118 section 105.721 shall be limited to five hundred thousand dollars; or

119 (6) Any social welfare board created under section 205.770, RSMo, and the members
120 and officers thereof upon conduct of such officer or employee while acting in his or her capacity
121 as a board member or officer, and any physician, nurse, physician assistant, dental hygienist,
122 dentist, or other health care professional licensed or registered under chapter 330, 331, 332, 334,
123 335, 336, 337, or 338, RSMo, who is referred to provide medical care without compensation by
124 the board and who provides health care services within the scope of his or her license or
125 registration as prescribed by the board.

126 3. The department of health and senior services shall promulgate rules regarding contract
127 procedures and the documentation of care provided under paragraphs (b), (c), (d), (e), and (f) of
128 subdivision (3) of subsection 2 of this section. The limitation on payments from the state legal
129 expense fund or any policy of insurance procured pursuant to the provisions of section 105.721,
130 provided in subsection 7 of this section, shall not apply to any claim or judgment arising under
131 paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of this section. Any claim
132 or judgment arising under paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection
133 2 of this section shall be paid by the state legal expense fund or any policy of insurance procured
134 pursuant to section 105.721, to the extent damages are allowed under sections 538.205 to
135 538.235, RSMo. Liability or malpractice insurance obtained and maintained in force by any
136 health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337,
137 or 338, RSMo, for coverage concerning his or her private practice and assets shall not be
138 considered available under subsection 7 of this section to pay that portion of a judgment or claim
139 for which the state legal expense fund is liable under paragraph (a), (b), (c), (d), (e), or (f) of
140 subdivision (3) of subsection 2 of this section. However, a health care professional licensed or
141 registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338, RSMo, may purchase liability
142 or malpractice insurance for coverage of liability claims or judgments based upon care rendered
143 under paragraphs (c), (d), (e), and (f) of subdivision (3) of subsection 2 of this section which
144 exceed the amount of liability coverage provided by the state legal expense fund under those
145 paragraphs. Even if paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of
146 this section is repealed or modified, the state legal expense fund shall be available for damages

147 which occur while the pertinent paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of
148 subsection 2 of this section is in effect.

149 4. The attorney general shall promulgate rules regarding contract procedures and the
150 documentation of legal practice provided under subdivision (5) of subsection 2 of this section.
151 The limitation on payments from the state legal expense fund or any policy of insurance procured
152 pursuant to section 105.721 as provided in subsection 7 of this section shall not apply to any
153 claim or judgment arising under subdivision (5) of subsection 2 of this section. Any claim or
154 judgment arising under subdivision (5) of subsection 2 of this section shall be paid by the state
155 legal expense fund or any policy of insurance procured pursuant to section 105.721 to the extent
156 damages are allowed under sections 538.205 to 538.235, RSMo. Liability or malpractice
157 insurance otherwise obtained and maintained in force shall not be considered available under
158 subsection 7 of this section to pay that portion of a judgment or claim for which the state legal
159 expense fund is liable under subdivision (5) of subsection 2 of this section. However, an
160 attorney may obtain liability or malpractice insurance for coverage of liability claims or
161 judgments based upon legal practice rendered under subdivision (5) of subsection 2 of this
162 section that exceed the amount of liability coverage provided by the state legal expense fund
163 under subdivision (5) of subsection 2 of this section. Even if subdivision (5) of subsection 2 of
164 this section is repealed or amended, the state legal expense fund shall be available for damages
165 that occur while the pertinent subdivision (5) of subsection 2 of this section is in effect.

166 5. All payments shall be made from the state legal expense fund by the commissioner
167 of administration with the approval of the attorney general. Payment from the state legal expense
168 fund of a claim or final judgment award against a health care professional licensed or registered
169 under chapter 330, 331, 332, 334, 335, 336, 337, or 338, RSMo, described in paragraph (a), (b),
170 (c), (d), (e), or (f) of subdivision (3) of subsection 2 of this section, or against an attorney in
171 subdivision (5) of subsection 2 of this section, shall only be made for services rendered in
172 accordance with the conditions of such paragraphs. In the case of any claim or judgment against
173 an officer or employee of the state or any agency of the state based upon conduct of such officer
174 or employee arising out of and performed in connection with his or her official duties on behalf
175 of the state or any agency of the state that would give rise to a cause of action under section
176 537.600, RSMo, the state legal expense fund shall be liable, excluding punitive damages, for:

177 (1) Economic damages to any one claimant; and

178 (2) Up to three hundred fifty thousand dollars for noneconomic damages.

179

180 The state legal expense fund shall be the exclusive remedy and shall preclude any other civil
181 actions or proceedings for money damages arising out of or relating to the same subject matter
182 against the state officer or employee, or the officer's or employee's estate. No officer or

183 employee of the state or any agency of the state shall be individually liable in his or her personal
184 capacity for conduct of such officer or employee arising out of and performed in connection with
185 his or her official duties on behalf of the state or any agency of the state. The provisions of this
186 subsection shall not apply to any defendant who is not an officer or employee of the state or any
187 agency of the state in any proceeding against an officer or employee of the state or any agency
188 of the state. Nothing in this subsection shall limit the rights and remedies otherwise available
189 to a claimant under state law or common law in proceedings where one or more defendants is
190 not an officer or employee of the state or any agency of the state.

191 6. The limitation on awards for noneconomic damages provided for in this subsection
192 shall be increased or decreased on an annual basis effective January first of each year in
193 accordance with the Implicit Price Deflator for Personal Consumption Expenditures as published
194 by the Bureau of Economic Analysis of the United States Department of Commerce. The current
195 value of the limitation shall be calculated by the director of the department of insurance, who
196 shall furnish that value to the secretary of state, who shall publish such value in the Missouri
197 Register as soon after each January first as practicable, but it shall otherwise be exempt from the
198 provisions of section 536.021, RSMo.

199 7. Except as provided in subsection 3 of this section, in the case of any claim or
200 judgment that arises under sections 537.600 and 537.610, RSMo, against the state of Missouri,
201 or an agency of the state, the aggregate of payments from the state legal expense fund and from
202 any policy of insurance procured pursuant to the provisions of section 105.721 shall not exceed
203 the limits of liability as provided in sections 537.600 to 537.610, RSMo. No payment shall be
204 made from the state legal expense fund or any policy of insurance procured with state funds
205 pursuant to section 105.721 unless and until the benefits provided to pay the claim by any other
206 policy of liability insurance have been exhausted.

207 8. The provisions of section 33.080, RSMo, notwithstanding, any moneys remaining to
208 the credit of the state legal expense fund at the end of an appropriation period shall not be
209 transferred to general revenue.

210 9. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
211 is promulgated under the authority delegated in sections 105.711 to 105.726 shall become
212 effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo.
213 Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or
214 adopted prior to August 28, 1999, if it fully complied with the provisions of chapter 536, RSMo.
215 This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the
216 general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to
217 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking
218 authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

172.975. The university of Missouri geographic resources center shall identify, by
2 utilization of geographic information system technology, any registered sexual offender
3 who has registered an address of residency in violation of section 566.147, RSMo, and shall
4 publish an annual study that includes such information. Such study shall be provided to
5 the state highway patrol for distribution to all law enforcement agencies in this state.

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

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

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

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

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

174.709. 1. For the purpose of promoting public safety, health, and general welfare
2 and to protect life and property, the board of regents or board of governors of any state
3 college or university may establish regulations to control vehicular traffic, including speed

4 regulations, on any thoroughfare owned or maintained by the state college or university
5 and located within any of its campuses. Such regulations shall be consistent with the
6 provisions of the general motor vehicle laws of this state. Upon adoption of such
7 regulations, the state college or university shall have the authority to place official traffic
8 control signals, as defined in section 300.010, RSMo, on campus property.

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

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

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

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

190.056. 1. Each member of an ambulance district board of directors shall be
2 subject to recall from office by the registered voters of the election district from which he
3 or she was elected. Proceedings may be commenced for the recall of any such member by
4 the filing of a notice of intention to circulate a recall petition under this section.

5 2. Proceedings shall not be commenced against any member if, at the time of
6 commencement, such member:

7 (1) Has not held office during his or her current term for a period of more than one
8 hundred eighty days; or

9 (2) Has one hundred eighty days or less remaining in his or her term; or

10 (3) Has had a recall election determined in his or her favor within the current term
11 of office.

12 3. The notice of intention to circulate a recall petition shall be served personally,
13 or by certified mail, on the board member sought to be recalled. A copy thereof shall be
14 filed, along with an affidavit of the time and manner of service, with the election authority,
15 as defined in chapter 115, RSMo. A separate notice shall be filed for each board member
16 sought to be recalled and shall contain all of the following:

- 17 (1) The name of the board member sought to be recalled;
- 18 (2) A statement, not exceeding two hundred words in length, of the reasons for the
- 19 proposed recall; and
- 20 (3) The names and business or residential addresses of at least one but not more
- 21 than five proponents of the recall.
- 22 4. Within seven days after the filing of the notice of intention, the board member
- 23 may file with the election authority a statement, not exceeding two hundred words in
- 24 length, in answer to the statement of the proponents. If an answer is filed, the board
- 25 member shall also serve a copy of it, personally or by certified mail, on one of the
- 26 proponents named in the notice of intention. The statement and answer are intended solely
- 27 to be used for the information of the voters. No insufficiency in form or substance of such
- 28 statements shall affect the validity of the election proceedings.
- 29 5. Before any signature may be affixed to a recall petition, the petition is required
- 30 to bear all of the following:
- 31 (1) A request that an election be called to elect a successor to the board member;
- 32 (2) A copy of the notice of intention, including the statement of grounds for recall;
- 33 (3) The answer of the board member sought to be recalled, if any exists. If the
- 34 board member has not answered, the petition shall so state; and
- 35 (4) A place for each signer to affix his or her signature, printed name and
- 36 residential address, including any address in a city, town, village, or unincorporated
- 37 community.
- 38 6. Each section of the petition, when submitted to the election authority, shall have
- 39 attached to it an affidavit signed by the person circulating such section, setting forth all of
- 40 the following:
- 41 (1) The printed name of the affiant;
- 42 (2) The residential address of the affiant;
- 43 (3) That the affiant circulated that section and saw the appended signatures be
- 44 written;
- 45 (4) That according to the best information and belief of the affiant, each signature
- 46 is the genuine signature of the person whose name it purports to be;
- 47 (5) That the affiant is a registered voter of the election district of the board member
- 48 sought to be recalled; and
- 49 (6) The dates between which all the signatures to the petition were obtained.
- 50 7. A recall petition shall be filed with the election authority not more than one
- 51 hundred eighty days after the filing of the notice of intention.

52 **8. The number of qualified signatures required in order to recall a board member**
53 **shall be equal in number to at least twenty-five percent of the number of voters who voted**
54 **in the most recent gubernatorial election in such election district.**

55 **9. Within twenty days from the filing of the recall petition the election authority**
56 **shall determine whether or not the petition was signed by the required number of qualified**
57 **signatures. The election authority shall file with the petition a certificate showing the**
58 **results of the examination. The election authority shall give the proponents a copy of the**
59 **certificate upon their request.**

60 **10. If the election authority certifies the petition to be insufficient, it may be**
61 **supplemented within ten days of the date of certification by filing additional petition**
62 **sections containing all of the information required by this section. Within ten days after**
63 **the supplemental copies are filed, the election authority shall file with them a certificate**
64 **stating whether or not the petition as supplemented is sufficient.**

65 **11. If the certificate shows that the petition as supplemented is insufficient, no**
66 **action shall be taken on it; however, the petition shall remain on file.**

67 **12. If the election authority finds the signatures on the petition, together with the**
68 **supplementary petition sections, if any, to be sufficient, it shall submit its certificate as to**
69 **the sufficiency of the petition to the ambulance district board of directors prior to its next**
70 **meeting. The certificate shall contain:**

71 **(1) The name of the member whose recall is sought;**

72 **(2) The number of signatures required by law;**

73 **(3) The total number of signatures on the petition; and**

74 **(4) The number of valid signatures on the petition.**

75 **13. Following the ambulance district board's receipt of the certificate, the election**
76 **authority shall order an election to be held on one of the election days specified in section**
77 **115.123, RSMo. The election shall be held not less than forty-five days but not more than**
78 **one hundred twenty days from the date the ambulance district board receives the petition.**
79 **Nominations for board membership openings under this section shall be made by filing a**
80 **statement of candidacy with the election authority.**

81 **14. At any time prior to forty-two days before the election, the member sought to**
82 **be recalled may offer his or her resignation. If his or her resignation is offered, the recall**
83 **question shall be removed from the ballot and the office declared vacant. The member**
84 **who resigned shall not fill the vacancy, which shall be filled as otherwise provided by law.**

85 **15. The provisions of chapter 115, RSMo, governing the conduct of elections shall**
86 **apply, where appropriate, to recall elections held under this section. The costs of the**
87 **election shall be paid as provided in chapter 115, RSMo.**

190.308. 1. In any county that has established an emergency telephone service pursuant to sections 190.300 to 190.320, it shall be unlawful for any person to misuse the emergency telephone service. For the purposes of this section, "emergency" means any incident involving danger to life or property that calls for an emergency response dispatch of police, fire, EMS or other public safety organization, "misuse the emergency telephone service", includes, but is not limited to, repeatedly calling the "911" for nonemergency situations causing operators or equipment to be in use when emergency situations may need such operators or equipment and "repeatedly" means three or more times within a one-month period.

2. Any violation of this section is a class B misdemeanor.

3. No political subdivision shall impose any fine or penalty on the owner of a pay telephone or on the owner of any property upon which a pay telephone is located for calls to the emergency telephone service made from the pay telephone. Any such fine or penalty is hereby void.

195.010. The following words and phrases as used in sections 195.005 to [195.425] **195.557**, unless the context otherwise requires, mean:

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

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

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

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

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

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

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

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

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

24 (b) With respect to a particular individual, which that individual represents or intends
25 to have a stimulant, depressant, or hallucinogenic effect on the central nervous system
26 substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous
27 system of a controlled substance included in Schedule I or II. The term does not include a
28 controlled substance; any substance for which there is an approved new drug application; any
29 substance for which an exemption is in effect for investigational use, for a particular person,
30 under Section 505 of the federal Food, Drug and Cosmetic Act (21 U.S.C. 355) to the extent
31 conduct with respect to the substance is pursuant to the exemption; or any substance to the extent
32 not intended for human consumption before such an exemption takes effect with respect to the
33 substance;

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

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

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

42 (10) "Depressant or stimulant substance":

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

46 (b) A drug containing any quantity of:

47 a. Amphetamine or any of its isomers;

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

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

52 (c) Lysergic acid diethylamide; or

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

57 (11) "Dispense", to deliver a narcotic or controlled dangerous drug to an ultimate user
58 or research subject by or pursuant to the lawful order of a practitioner including the prescribing,

59 administering, packaging, labeling, or compounding necessary to prepare the substance for such
60 delivery. "Dispenser" means a practitioner who dispenses;

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

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

64 (14) "Drug":

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

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

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

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

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

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

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

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

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

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

- 129 k. Chillums;
130 l. Bongs;
131 m. Ice pipes or chillers;
132 (m) Substances used, intended for use, or designed for use in the manufacture of a
133 controlled substance;
134
- 135 In determining whether an object, product, substance or material is drug paraphernalia, a court
136 or other authority should consider, in addition to all other logically relevant factors, the
137 following:
- 138 (a) Statements by an owner or by anyone in control of the object concerning its use;
139 (b) Prior convictions, if any, of an owner, or of anyone in control of the object, under any
140 state or federal law relating to any controlled substance or imitation controlled substance;
141 (c) The proximity of the object, in time and space, to a direct violation of sections
142 195.005 to 195.425;
143 (d) The proximity of the object to controlled substances or imitation controlled
144 substances;
145 (e) The existence of any residue of controlled substances or imitation controlled
146 substances on the object;
147 (f) Direct or circumstantial evidence of the intent of an owner, or of anyone in control
148 of the object, to deliver it to persons who he knows, or should reasonably know, intend to use
149 the object to facilitate a violation of sections 195.005 to 195.425; the innocence of an owner, or
150 of anyone in control of the object, as to direct violation of sections 195.005 to 195.425 shall not
151 prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
152 (g) Instructions, oral or written, provided with the object concerning its use;
153 (h) Descriptive materials accompanying the object which explain or depict its use;
154 (i) National or local advertising concerning its use;
155 (j) The manner in which the object is displayed for sale;
156 (k) Whether the owner, or anyone in control of the object, is a legitimate supplier of like
157 or related items to the community, such as a licensed distributor or dealer of tobacco products;
158 (l) Direct or circumstantial evidence of the ratio of sales of the object to the total sales
159 of the business enterprise;
160 (m) The existence and scope of legitimate uses for the object in the community;
161 (n) Expert testimony concerning its use;
162 (o) The quantity, form or packaging of the product, substance or material in relation to
163 the quantity, form or packaging associated with any legitimate use for the product, substance or
164 material;

165 (18) "Federal narcotic laws", the laws of the United States relating to controlled
166 substances;

167 (19) "Hospital", a place devoted primarily to the maintenance and operation of facilities
168 for the diagnosis, treatment or care, for not less than twenty-four hours in any week, of three or
169 more nonrelated individuals suffering from illness, disease, injury, deformity or other abnormal
170 physical conditions; or a place devoted primarily to provide, for not less than twenty-four
171 consecutive hours in any week, medical or nursing care for three or more nonrelated individuals.
172 The term "hospital" does not include convalescent, nursing, shelter or boarding homes as defined
173 in chapter 198, RSMo;

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

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

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

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

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

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

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

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

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

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

199 (f) Whether the consideration tendered in exchange for the noncontrolled substance
200 substantially exceeds the reasonable value of the substance considering the actual chemical

201 composition of the substance and, where applicable, the price at which over-the-counter
202 substances of like chemical composition sell. An imitation controlled substance does not include
203 a placebo or registered investigational drug either of which was manufactured, distributed,
204 possessed or delivered in the ordinary course of professional practice or research;

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

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

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

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

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

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

232 (26) "Narcotic drug", any of the following, whether produced directly or indirectly by
233 extraction from substances of vegetable origin, or independently by means of chemical synthesis,
234 or by a combination of extraction and chemical analysis:

235 (a) Opium, opiate, and any derivative, of opium or opiate, including their isomers, esters,
236 ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers,

237 esters, ethers, and salts is possible within the specific chemical designation. The term does not
238 include the isoquinoline alkaloids of opium;

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

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

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

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

245 (27) "Official written order", an order written on a form provided for that purpose by the
246 United States Commissioner of Narcotics, under any laws of the United States making provision
247 therefor, if such order forms are authorized and required by federal law, and if no such order
248 form is provided, then on an official form provided for that purpose by the department of health
249 and senior services;

250 (28) "Opiate", any substance having an addiction-forming or addiction-sustaining
251 liability similar to morphine or being capable of conversion into a drug having addiction-forming
252 or addiction-sustaining liability. The term includes its racemic and levorotatory forms. It does
253 not include, unless specifically controlled under section 195.017, the dextrorotatory isomer of
254 3-methoxy-n-methyl-morphinan and its salts (dextromethorphan);

255 (29) "Opium poppy", the plant of the species *Papaver somniferum* L., except its seeds;

256 (30) "Over-the-counter sale", a retail sale licensed pursuant to chapter 144, RSMo, of
257 a drug other than a controlled substance;

258 (31) "Person", an individual, corporation, government or governmental subdivision or
259 agency, business trust, estate, trust, partnership, joint venture, association, or any other legal or
260 commercial entity;

261 (32) "Pharmacist", a licensed pharmacist as defined by the laws of this state, and where
262 the context so requires, the owner of a store or other place of business where controlled
263 substances are compounded or dispensed by a licensed pharmacist; but nothing in sections
264 195.005 to 195.425 shall be construed as conferring on a person who is not registered nor
265 licensed as a pharmacist any authority, right or privilege that is not granted to him by the
266 pharmacy laws of this state;

267 (33) "Poppy straw", all parts, except the seeds, of the opium poppy, after mowing;

268 (34) "Possessed" or "possessing a controlled substance", a person, with the knowledge
269 of the presence and nature of a substance, has actual or constructive possession of the substance.
270 A person has actual possession if he has the substance on his person or within easy reach and
271 convenient control. A person who, although not in actual possession, has the power and the
272 intention at a given time to exercise dominion or control over the substance either directly or

273 through another person or persons is in constructive possession of it. Possession may also be
274 sole or joint. If one person alone has possession of a substance possession is sole. If two or
275 more persons share possession of a substance, possession is joint;

276 (35) "Practitioner", a physician, dentist, optometrist, podiatrist, veterinarian, scientific
277 investigator, pharmacy, hospital or other person licensed, registered or otherwise permitted by
278 this state to distribute, dispense, conduct research with respect to or administer or to use in
279 teaching or chemical analysis, a controlled substance in the course of professional practice or
280 research in this state, or a pharmacy, hospital or other institution licensed, registered, or
281 otherwise permitted to distribute, dispense, conduct research with respect to or administer a
282 controlled substance in the course of professional practice or research;

283 (36) "Production", includes the manufacture, planting, cultivation, growing, or
284 harvesting of drug paraphernalia or of a controlled substance or an imitation controlled
285 substance;

286 (37) "Registry number", the number assigned to each person registered under the federal
287 controlled substances laws;

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

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

296 [(39)] (40) "State" when applied to a part of the United States, includes any state, district,
297 commonwealth, territory, insular possession thereof, and any area subject to the legal authority
298 of the United States of America;

299 [(40)] (41) "Ultimate user", a person who lawfully possesses a controlled substance or
300 an imitation controlled substance for his own use or for the use of a member of his household
301 or for administering to an animal owned by him or by a member of his household;

302 [(41)] (42) "Wholesaler", a person who supplies drug paraphernalia or controlled
303 substances or imitation controlled substances that he himself has not produced or prepared, on
304 official written orders, but not on prescriptions.

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

3 **2. It is not a violation of subsection 1 of this section for any person to own, possess,**
4 **manage, or otherwise have control over land on which a restricted natural substance**

5 naturally grows unless such person knowingly plants or cultivates such restricted natural
6 substance, or harvests such a substance for the purpose of any person drinking, inhaling
7 or otherwise ingesting such restricted natural substance, or unless such person knowingly
8 allows or authorizes another person to plant or cultivate such restricted natural substance,
9 or to harvest such a substance on his or her land for the purpose of anyone drinking,
10 inhaling or otherwise ingesting such restricted natural substance.

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

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

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

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

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

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

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

5 2. For a first offense, any person who violates or attempts to violate this section
6 with respect to any restricted natural substance is guilty of a class C felony. For a second
7 or subsequent offense any person who violates or attempts to violate this section with
8 respect to any restricted natural substance is guilty of a class B felony.

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

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

6 (a) The parents, or other persons legally responsible for the care and support of the child
7 or person seventeen years of age, neglect or refuse to provide proper support, education which
8 is required by law, medical, surgical or other care necessary for his or her well-being; except that
9 reliance by a parent, guardian or custodian upon remedial treatment other than medical or

10 surgical treatment for a child or person seventeen years of age shall not be construed as neglect
11 when the treatment is recognized or permitted pursuant to the laws of this state;

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

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

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

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

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

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

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

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

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

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

45 have concurrent jurisdiction with the circuit court on any child who is alleged to have violated
46 a state or municipal ordinance or regulation prohibiting possession or use of any tobacco product;

47 (4) For the adoption of a person;

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

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

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

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

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

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

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

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

79 3. In any proceeding involving any child or person seventeen years of age taken into
80 custody in a county other than the county of the child's residence or the residence of a person

81 seventeen years of age, the juvenile court of the county of the child's residence or the residence
82 of a person seventeen years of age shall be notified of such taking into custody within
83 seventy-two hours.

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

**217.439. 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.**

217.450. 1. Any person confined in a department correctional facility may request a final
2 disposition of any untried indictment, information or complaint pending in this state on the basis
3 of which **a law enforcement agency, prosecuting attorney's office, or circuit attorney's office**
4 **has delivered a certified copy of a warrant and has requested that** a detainer [has been] be
5 lodged against [him while so imprisoned] **the offender with the facility where the offender**
6 **is confined.** The request shall be in writing addressed to the court in which the indictment,
7 information or complaint is pending and to the prosecuting attorney charged with the duty of
8 prosecuting it, and shall set forth the place of imprisonment.

9 2. **When the director receives a certified copy of a warrant and a written request**
10 **by the issuing agency to place a detainer, the director shall lodge a detainer in favor of the**
11 **requesting agency.** The director shall promptly inform each offender in writing of the source
12 and nature of any untried indictment, information or complaint for which a detainer has been
13 lodged against [him] **the offender** of which the director has knowledge, and of [his] **the**
14 **offender's** right to make a request for final disposition of such indictment, information or
15 complaint on which the detainer is based.

16 3. Failure of the director to [inform an offender, as required by this section, within one
17 year after a detainer has been filed at the facility shall entitle him to a final dismissal of the
18 indictment, information or complaint with prejudice] **comply with this section shall not be the**
19 **basis for dismissing the indictment, information, or complaint unless the court also finds**
20 **that the offender has been denied his or her constitutional right to a speedy trial.**

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. (1) The board may, at its discretion, require any offender seeking parole to meet
56 certain conditions during the term of that parole so long as said conditions are not illegal or
57 impossible for the offender to perform. These conditions may include an amount of restitution
58 to the state for the cost of that offender's incarceration **and the performance of a designated**
59 **amount of free work for a public or charitable purpose as determined by the board.**

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

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

217.827. As used in sections 217.825 to 217.841, the following terms shall mean:

- 2 (1) (a) "Assets", property, tangible or intangible, real or personal, belonging to or due
3 an offender or a former offender, including income or payments to such offender from Social
4 Security, workers' compensation, veterans' compensation, pension benefits, previously earned
5 salary or wages, bonuses, annuities, retirement benefits, **gifts**, or from any other source
6 whatsoever, including any of the following:
 - 7 a. Money or other tangible assets received by the offender as a result of a settlement of
8 a claim against the state, any agency thereof, or any claim against an employee or independent
9 contractor arising from and in the scope of said employee's or contractor's official duties on
10 behalf of the state or any agency thereof;
 - 11 b. A money judgment received by the offender from the state as a result of a civil action
12 in which the state, an agency thereof or any state employee or independent contractor where such
13 judgment arose from a claim arising from the conduct of official duties on behalf of the state by
14 said employee or subcontractor or for any agency of the state;
 - 15 c. A current stream of income from any source whatsoever, including a salary, wages,
16 disability, retirement, pension, insurance or annuity benefits or similar payments;
- 17 (b) "Assets" shall not include:
 - 18 a. The homestead of the offender up to fifty thousand dollars in value;
 - 19 b. Money saved by the offender from wages and bonuses up to two thousand five
20 hundred dollars paid the offender while he or she was confined to a state correctional center;
- 21 (2) "Cost of care", the cost to the department of corrections for providing transportation,
22 room, board, clothing, security, medical, and other normal living expenses of offenders under
23 the jurisdiction of the department, as determined by the director of the department;
- 24 (3) "Department", the department of corrections of this state;
- 25 (4) "Director", the director of the department;
- 26 (5) "Offender", any person who is under the jurisdiction of the department and is
27 confined in any state correctional center or is under the continuing jurisdiction of the department;
- 28 (6) "State correctional center", a facility or institution which houses an offender
29 population under the jurisdiction of the department. State correctional center includes a
30 correctional camp, community correction center, honor center, or state prison.

217.831. 1. The director shall forward to the attorney general a report on each offender containing a completed form pursuant to the provisions of section 217.829 together with all other information available on the assets of the offender and an estimate of the total cost of care for that offender.

2. The attorney general may investigate or cause to be investigated all reports furnished pursuant to the provisions of subsection 1 of this section. This investigation may include seeking information from any source that may have relevant information concerning an offender's assets. The director shall provide all information possessed by the department and its divisions and agencies, upon request of the attorney general, in order to assist the attorney general in completing his duties pursuant to sections 217.825 to 217.841.

3. If the attorney general upon completing the investigation under subsection 2 of this section has good cause to believe that [an offender or former offender has sufficient assets to recover not less than ten percent of the estimated cost of care of the offender or ten percent of the estimated cost of care of the offender for two years, whichever is less, or has a stream of income sufficient to pay such amounts within a five-year period] **filing a petition under section 217.835 would be cost effective**, the attorney general [may] **shall** seek to secure reimbursement for the expense of the state of Missouri for the cost of care of such offender or former offender.

4. The attorney general, or any prosecuting attorney on behalf of the attorney general, shall not bring an action pursuant to this section against an offender or former offender after the expiration of five years after [his] **the offender's** release from the jurisdiction of the department.

260.282. 1. Any person or entity in this state that accepts or purchases from the public any form of copper or copper alloy as scrap, refuse, recyclable waste, or surplus building materials shall register with the department of natural resources in such manner as shall be prescribed by the department by rule for the purposes of complying with section 407.300, RSMo.

2. The department of natural resources shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly under chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

287.067. 1. In this chapter the term "occupational disease" is hereby defined to mean, unless a different meaning is clearly indicated by the context, an identifiable disease arising with

3 or without human fault out of and in the course of the employment. Ordinary diseases of life to
4 which the general public is exposed outside of the employment shall not be compensable, except
5 where the diseases follow as an incident of an occupational disease as defined in this section.
6 The disease need not to have been foreseen or expected but after its contraction it must appear
7 to have had its origin in a risk connected with the employment and to have flowed from that
8 source as a rational consequence.

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

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

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

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

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

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

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

287.243. 1. Sections 287.243 and 287.245 shall be known and may be cited as the
2 **"Line of Duty Compensation Act".**

3 **2. As used in sections 287.243 and 287.245, unless otherwise provided, the following**
4 **words shall mean:**

5 **(1) "Aviation medical crew member", a person serving as a flight paramedic, a**
6 **flight nurse, or as a pilot in command;**

7 **(2) "Department of corrections employee" or "juvenile justice employee",**
8 **supervisors, wardens, superintendents and their assistants, guards and keepers,**
9 **correctional officers, youth supervisors, parole agents, school teachers, correctional**
10 **counselors, or any employee having daily contact with inmates in any facility of either the**
11 **department of corrections or within the juvenile justice system;**

12 **(3) "Emergency medical technician", a person licensed in emergency medical care**
13 **in accordance with standards prescribed by sections 190.001 to 190.245, RSMo, and by**
14 **rules adopted by the department of health and senior services under sections 190.001 to**
15 **190.245, RSMo;**

16 **(4) "Firefighter", any person, including a volunteer firefighter, employed by the**
17 **state or a local governmental entity as, or otherwise serving as, a member or officer of a**
18 **fire department either for the purpose of the prevention or control of fire or the**
19 **underwater recovery of drowning victims;**

20 **(5) "Killed in the line of duty", when any individual defined in this section loses**
21 **one's life as a result of injury received in the active performance of duties in his or her**
22 **respective profession, if the death occurs within one year from the date the injury was**
23 **received and if that injury arose from violence of another or accidental cause subject to the**
24 **provisions of paragraph (a) and (b) of this subdivision. The term excludes death resulting**
25 **from the willful misconduct or intoxication of the officer, emergency medical technician,**
26 **paramedic, firefighter, aviation medical crew member, juvenile justice employee, or**
27 **department of corrections employee. The division of workers' compensation shall have the**
28 **burden of proving such willful misconduct or intoxication;**

29 (a) For juvenile justice employees and department of corrections employees, the
30 death shall be caused by the direct or indirect willful act of an inmate, work releasee,
31 parolee, parole violator, person under conditional release, or any person sentenced or
32 committed, or otherwise subject to confinement by the department of corrections or
33 juvenile justice employees while the individual is within the facilities under the control of
34 the department of corrections or the juvenile justice system, the individual is in the act of
35 transporting inmates from one location to another, or the individual is performing any
36 other official duty;

37 (b) For firefighters, law enforcement officers, emergency medical technicians,
38 aviation medical crew members, and paramedics, the death shall be caused as a result of
39 a willful act of violence committed by a person other than the officer, firefighter,
40 emergency medical technician, aviation medical crew member, or paramedic, and a
41 relationship exists between the commission of such act and the individual's performance
42 of his or her duties as a law enforcement officer, firefighter, emergency medical technician,
43 aviation medical crew member, or paramedic, regardless of whether the injury is received
44 while the individual is on duty; the injury is received by a law enforcement officer while
45 he or she is attempting to prevent the commission of a criminal act of another person or
46 attempting to apprehend an individual suspected of committing a crime, regardless of
47 whether the injury is received while the individual is on duty as a law enforcement officer;
48 or the injury is received by the individual while traveling to or from his or her employment
49 or during any meal break, or other break, which takes place during the period in which
50 the law enforcement officer, firefighter, emergency medical technician, aviation medical
51 crew member, or paramedic is on duty;

52 (6) "Law enforcement officer" or "officer", any person employed by the state or
53 a local governmental entity as a policeman, peace officer, auxiliary policeman or in some
54 like position involving the enforcement of the law and protection of the public interest at
55 the risk of that person's life;

56 (7) "Local governmental entity", includes counties, municipalities, fire protection
57 districts, and municipal corporations;

58 (8) "Paramedic", an emergency medical technician paramedic certified by the
59 department of health and senior services of the state;

60 (9) "State", the state of Missouri and its departments, divisions, boards, bureaus,
61 commissions, authorities, and colleges and universities;

62 (10) "Volunteer firefighter", a person having principal employment other than as
63 a firefighter, but who is carried on the rolls of a regularly constituted fire department
64 either for the purpose of the prevention or control of fire or the underwater recovery of

65 drowning victims, the members of which are under the jurisdiction of the corporate
66 authorities of a city, village, incorporated town, or fire protection district. Volunteer
67 firefighter shall not mean an individual who volunteers assistance without being regularly
68 enrolled as a firefighter.

69 3. (1) A claim for compensation under this section shall be filed with the division
70 of workers' compensation not later than one year from the date of death of a law
71 enforcement officer, emergency medical technician, paramedic, aviation medical crew
72 member, firefighter, juvenile justice employee, or department of corrections employee
73 killed in the line of duty. A claim may be filed by a dependent or spouse of the deceased,
74 or if such person is an incapacitated or disabled person, or a minor, by the person's parent,
75 conservator, or guardian on behalf of the eligible claimant. If a claim is made within one
76 year of the date of death of a law enforcement officer, emergency medical technician,
77 paramedic, aviation medical crew member, firefighter, juvenile justice employee, or
78 department of corrections employee killed in the line of duty, compensation shall be paid,
79 if the claim is found to be valid, by the division of workers' compensation from the line of
80 duty compensation fund established in section 287.245 to the person designated by the law
81 enforcement officer, emergency medical technician, paramedic, aviation medical crew
82 member, firefighter, juvenile justice employee, or department of corrections employee.

83 (2) The amount of compensation paid to the spouse or dependent shall be one
84 hundred thousand dollars, subject to appropriations, paid from the line of duty
85 compensation fund established in section 287.245 for death occurring on or after January
86 1, 2010.

87 4. A burial benefit of up to a maximum of ten thousand dollars, subject to
88 appropriations paid from the line of duty compensation fund established under section
89 287.245, shall be payable to the surviving spouse, dependent, or estate of a law enforcement
90 officer, firefighter, emergency medical technician, paramedic, aviation medical crew
91 member, juvenile justice employee, or department of corrections employee, who is killed
92 in the line of duty on or after the effective date of this section.

93 5. Notwithstanding subsection 3 of this section, no compensation is payable under
94 this section unless a claim is filed within the time specified under this section setting forth:

95 (1) The name, address, and title or designation of the position in which the officer,
96 emergency medical technician, paramedic, aviation medical crew member, firefighter,
97 juvenile justice employee, or department of corrections employee was serving at the time
98 of his or her death;

99 (2) The names and addresses of the dependents or spouse making a claim to receive
100 the compensation, or if there has been no such designation, the name and address of the
101 personal representative of the deceased;

102 (3) A full, factual account of the circumstances resulting in or the course of events
103 causing the death at issue; and

104 (4) Such other information that is reasonably required by the division.

105 When a claim is filed, the division of workers' compensation shall make an investigation
106 for substantiation of matters set forth in the application.

107 6. The compensation provided for under this section is in addition to, and not
108 exclusive of, any pension rights, death benefits, or other compensation the claimant may
109 otherwise be entitled to by law.

110 7. Any person seeking compensation under the provisions of sections 287.243 and
111 287.245, who is aggrieved by the decision of the division of workers' compensation
112 regarding his or her compensation claim, may make application for a hearing as provided
113 in section 287.450. The procedures applicable to the processing of such hearings and
114 determinations shall be those established by this chapter. Decisions of the administrative
115 law judge under this section shall be binding, subject to review by either party under the
116 provisions of section 287.480.

117 8. Under section 23.253, RSMo, of the Missouri Sunset Act:

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

121 (2) If such program is reauthorized, the program authorized under this section
122 shall automatically sunset twelve years after the effective date of the reauthorization of this
123 section; and

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

287.245. 1. There is hereby established in the state treasury, the "Line of Duty
2 Compensation Fund". Funds transferred to the line of duty compensation fund shall be
3 made from general revenue and appropriated solely for the purpose set out in section
4 287.243. The state treasurer shall be custodian of the fund and may approve
5 disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. The
6 state treasurer shall invest moneys in the fund in the same manner as other funds are
7 invested. Any interest and moneys earned on such investments shall be credited to the
8 fund.

9 **2. The division of workers' compensation shall annually submit to the governor and**
10 **members of the general assembly by February first of each year, a report containing a full**
11 **and complete account of compensation payments made from the line of duty compensation**
12 **fund.**

13 **3. All compensation paid under sections 287.243 and 287.245 and all appropriations**
14 **for administration of sections 287.243 and 287.245 shall be made from the line of duty**
15 **compensation fund. Any unexpended balance remaining in the line of duty compensation**
16 **fund at the end of each biennium shall not be subject to the provisions of section 33.080,**
17 **RSMo, requiring the transfer of such unexpended balance to the general revenue fund of**
18 **the state, but shall remain in the line of duty compensation fund. In the event that there**
19 **are insufficient funds in the line of duty compensation fund to pay all claims in full, all**
20 **claims shall be paid on a pro rata basis. If there are no funds in the line of duty**
21 **compensation fund, then no claim shall be paid until funds have again accumulated in the**
22 **line of duty compensation fund. When sufficient funds become available from the fund,**
23 **compensation which has not been paid shall be paid in chronological order with the oldest**
24 **paid first. In the event compensation was to be paid in installments and some remaining**
25 **installments have not been paid due to a lack of funds, then when funds do become**
26 **available, that compensation shall be paid in full. All such compensation on which**
27 **installments remain due shall be paid in full in chronological order before any other**
28 **postdated compensation shall be paid. Any compensation pursuant to this subsection is**
29 **specifically not a claim against the state if it cannot be paid due to a lack of funds in the**
30 **line of duty compensation fund.**

31 **4. Any gifts, contributions, grants, or federal funds specifically given to the division**
32 **of workers' compensation for the benefit of claimants under sections 287.243 and 287.245**
33 **shall be credited to the line of duty compensation fund.**

292.600. As used in sections 292.600 to 292.625, the following terms mean:

2 (1) "Department", the state department of public safety;

3 (2) "District or local emergency planning committee", a committee established by the
4 Missouri emergency response commission and may include one or more counties or cities in
5 Missouri;

6 (3) "Employer", a person engaged in business and including the state and any political
7 subdivision thereof;

8 (4) "Hazardous substance", any substance which is:

9 (a) Listed in Title III, Emergency Planning and Community Right-to-Know, of the
10 federal Superfund Amendments and Reauthorization Act of 1986, Public Law 99-499; or

11 (b) A pesticide for which a registration has been canceled or suspended under the
12 provisions of section 281.260, RSMo, or the federal Insecticide, Fungicide and Rodenticide Act
13 of 1972, Public Law 92-516, as amended; or

14 (c) An extremely hazardous substance or hazardous chemical as defined in Title III,
15 Emergency Planning and Community Right-to-Know, as enacted under the federal Superfund
16 Amendments and Reauthorization Act of 1986, Public Law 99-499; and which an employer
17 stores, uses or produces, but shall not include any substance which is a food or drug as defined
18 in the federal Food, Drug and Cosmetic Act, 21 U.S.C., Section 321, et seq.; packaged for
19 distribution to, and used by, the general public, including any product used by an employer in
20 the same form, approximate amount, concentration, and manner as it is sold to the consumer;
21 present in a physical state, volume, or concentration for which there is no valid and substantial
22 evidence that a significant risk to human health may occur from exposure; used in a laboratory
23 for experimentation, research, development or testing by or under the direct supervision of a
24 technically qualified individual, provided that the toxic substance or mixture is not produced in
25 the laboratory for commercial purposes;

26 (5) "Person", one or more individuals, partnerships, associations, corporations, business
27 trusts, legal representatives or any organized group of persons;

28 **(6) "Railroad", includes every railroad and railway, other than street railroad or**
29 **light rail, with whatsoever power operated for public use in the conveyance of persons or**
30 **property for compensation, with all bridges, ferries, tunnels, equipment, switches, spurs,**
31 **tracks, stations, real estate and terminal facilities of every kind used, operated, controlled,**
32 **or owned by or in connection with any such railroad;**

33 **(7) "Railroad corporation", includes every corporation, company, association, joint**
34 **stock company association, partnership and person, their lessees, trustees or receivers**
35 **appointed by any court whatsoever, owning, holding, operating, controlling or managing**
36 **any railroad or railway as defined in this section, or any cars or other equipment used**
37 **thereon or in connection therewith.**

302.780. 1. It shall be unlawful for a person to:

2 (1) Drive a commercial motor vehicle in a willful or wanton disregard for the safety of
3 persons or property;

4 (2) Drive a commercial motor vehicle while having an alcohol concentration of four
5 one-hundredths of a percent or more as prescribed by the secretary or such other alcohol
6 concentration as may be later determined by the secretary by regulation; or

7 (3) Drive a commercial motor vehicle while under the influence of any substance so
8 classified under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), including

9 any substance listed in schedules I through V of 21 CFR part 1308, as they may be revised from
10 time to time.

11 2. Except as otherwise provided for in sections 302.700 to 302.780, whenever the doing
12 of anything is required or is prohibited or is declared to be unlawful, any person who shall be
13 convicted of a violation thereof shall be guilty of a class [B] A misdemeanor.

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.

304.810. 1. No person with a temporary instruction permit issued under section
2 **302.130, RSMo, or an intermediate driver's license issued under section 302.178, RSMo,**
3 **shall operate a motor vehicle while using a cellular telephone.**

4 2. A "cellular telephone" is any device used to access wireless telephone service.

5 3. The provisions of this section shall not apply to a person using a cellular
6 telephone for emergency purposes, including, but not limited to, an emergency call to a law
7 enforcement agency, health care provider, fire department, or other emergency services
8 agency or entity.

9 4. The provisions of this section shall not apply to motor vehicles operated on
10 private property.

11 5. Violation of this section shall be deemed an infraction punishable by a twenty
12 dollar fine for a first offense, and a fifty dollar fine for a second offense.

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.

317.006. 1. The division shall have general charge and supervision of all professional
2 boxing, sparring, professional wrestling, professional kickboxing [and], professional full-contact
3 karate **and professional and amateur mixed martial arts** contests held in the state of Missouri,
4 and it shall have the power, and it shall be its duty:

5 (1) To make and publish rules governing in every particular professional boxing,
6 sparring, professional wrestling, professional kickboxing and professional full-contact karate
7 contests;

8 (2) To make and publish rules governing the approval of amateur sanctioning bodies;

9 (3) To accept applications for and issue licenses to contestants in professional boxing,
10 sparring, professional wrestling, professional kickboxing and professional full-contact karate
11 contests held in the state of Missouri, and referees, judges, matchmakers, managers, promoters,
12 seconds, announcers, timekeepers and physicians involved in professional boxing, sparring,
13 professional wrestling, professional kickboxing and professional full-contact karate contests held
14 in the state of Missouri, as authorized herein. Such licenses shall be issued in accordance with
15 rules duly adopted by the division;

16 (4) To charge fees to be determined by the director and established by rule for every
17 license issued and to assess a tax of five percent of the gross receipts of any person, organization,
18 corporation, partnership, limited liability company, or association holding a promoter's license
19 and permit under sections 317.001 to 317.021, derived from admission charges connected with
20 or as an incident to the holding of any professional boxing, sparring, professional wrestling,
21 professional kickboxing or professional full-contact karate contest in the state of Missouri. Such
22 funds shall be paid to the division of professional registration which shall pay said funds into the
23 Missouri state treasury to be set apart into a fund to be known as the "Athletic Fund" which is
24 hereby established;

25 (5) To assess a tax of five percent of the gross receipts of any person, organization,
26 corporation, partnership, limited liability company or association holding a promoter's license
27 under sections 317.001 to 317.021 derived from the sale, lease or other exploitation in this state
28 of broadcasting, television, pay-per-view, closed-circuit telecast, and motion picture rights for
29 any professional boxing, sparring, professional wrestling, professional kickboxing or
30 professional full-contact karate contest. Such funds shall be paid to the division which shall pay
31 said funds into the Missouri state treasury to be set apart into a fund to be known as the "Athletic
32 Fund";

33 (6) Each cable television system operator whose pay-per-view or closed-circuit facilities
34 are utilized to telecast a bout or contest shall, within thirty calendar days following the date of
35 the telecast, file a report with the office stating the number of orders sold and the price per order.

36 2. All fees established pursuant to sections 317.001 to 317.021 shall be determined by
37 the director by rule in such amount as to produce sufficient revenue to fund the necessary
38 expenses and operating costs incurred in the administration of the provisions of sections 317.001
39 to 317.021. All expenses shall be paid as otherwise provided by law.

317.011. 1. The division shall have the power, and it shall be its duty, to accept
2 application for and issue permits to hold professional boxing, sparring, professional wrestling,
3 professional kickboxing [or] , professional full-contact karate, **or professional and amateur**
4 **mixed martial arts** contests in the state of Missouri, and to charge a fee for the issuance of same
5 in an amount established by rule; such funds to be paid to the division which shall pay such
6 funds into the Missouri state treasury to be set apart into the athletic fund.

7 2. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in
8 this fund shall not be transferred and placed to the credit of general revenue until the amount in
9 the fund at the end of the biennium exceeds two times the amount of the appropriation from the
10 fund for the preceding fiscal year or, if the division requires by rule renewal less frequently than
11 yearly then three times the appropriation from the fund for the preceding fiscal year. The
12 amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the
13 appropriate multiple of the appropriations from the fund for the preceding fiscal year.

14 3. The division shall not grant any permit to hold professional boxing, sparring,
15 professional wrestling, professional kickboxing or professional full-contact karate contests in the
16 state of Missouri except:

17 (1) Where such professional boxing, sparring, professional wrestling, professional
18 kickboxing or professional full-contact karate contest is to be held under the auspices of a
19 promoter duly licensed by the division; and

20 (2) Where a fee has been paid for such permit, in an amount established by rule; **and**

21 **(3) Where all of the contestants in any amateur or professional full-contact karate**
22 **or mixed martial arts contest are sixteen years of age or older.**

23 4. In such contests a decision shall be rendered by three judges licensed by the division,
24 **except as otherwise provided by the office by rule.**

25 **5. Except as otherwise provided herein,** specifically exempted from the provisions of
26 this chapter are contests or exhibitions for amateur boxing, amateur kickboxing, amateur
27 wrestling and amateur full-contact karate. However, all amateur boxing, amateur kickboxing,
28 amateur wrestling and amateur full-contact karate must be sanctioned by a nationally recognized
29 amateur sanctioning body approved by the office.

 317.015. 1. Any person wishing to make a complaint against a licensee under sections
2 317.001 to 317.014 shall file the written complaint with the division setting forth supporting
3 details. If the division determines that the charges warrant a hearing to ascertain whether the
4 licensee shall be disciplined, it shall file a complaint with the administrative hearing commission
5 as provided in chapter 621, RSMo. Any person holding more than one license issued by the
6 division and disciplined under one license will automatically be disciplined under all licenses.

7 2. (1) The division may refuse to issue any permit or license pursuant to this chapter for
8 one or any combination of reasons stated in paragraphs (a) through (m) of subdivision (2) of this
9 subsection. The division shall notify the applicant in writing of the reasons for the refusal and
10 shall advise the applicant of their rights to file a complaint or an appeal with the administrative
11 hearing commission as provided in chapter 621, RSMo.

12 (2) The division may file a complaint with the administrative hearing commission, as
13 provided in chapter 621, RSMo, against any holder of any permit or license issued pursuant to
14 this chapter, or against any person who has failed to renew or has surrendered their permit or
15 license, for any one or more of the following reasons:

16 (a) Use of an alcoholic beverage or any controlled substance, as defined in chapter 195,
17 RSMo, before or during a bout;

18 (b) The person has been found guilty or has entered a plea of guilty or nolo contendere
19 in a criminal prosecution under any state or federal law for any offense reasonably related to the
20 qualifications, functions or duties of any profession licensed or regulated under this chapter, for
21 any offense an essential element of which is fraud, dishonesty or an act of violence, or for any
22 offense involving moral turpitude, whether or not a sentence is imposed;

23 (c) Use of fraud, deception, misrepresentation or bribery in securing any permit or
24 license issued pursuant to this chapter;

25 (d) Providing false information on applications or medical forms;

26 (e) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty
27 in the performing of the functions or duties of any profession licensed or regulated by this
28 chapter;

29 (f) Violating or enabling any person to violate any provision of this chapter or any rule
30 adopted pursuant to this chapter;

31 (g) Impersonating any permit or license holder or allowing any person to use their permit
32 or license;

33 (h) Contestants failing to put forth their best effort during a bout;

34 (i) Disciplinary action against the holder of a license or other right to practice any
35 profession regulated by this chapter and issued by another state, territory, federal agency or
36 country upon grounds for which revocation or suspension is authorized in this state;

37 (j) A person adjudged mentally incompetent by a court of competent jurisdiction;

38 (k) Use of any advertisement or solicitation which is false, misleading or deceptive to
39 the general public or persons to whom the advertisement or solicitation is primarily directed;

40 (l) Use of foul or abusive language or mannerisms or threats of physical harm by any
41 person associated with any bout or contest licensed pursuant to this chapter; [or]

42 (m) Issuance of a permit or license based upon a mistake of fact; or

43 (n) **Permitting participation by a person less than sixteen years of age in an**
44 **amateur or professional full-contact karate or mixed martial arts contest in violation of**
45 **subdivision (3) of subsection 3 of section 317.011.**

46 (3) After the complaint is filed, the proceeding shall be conducted in accordance with
47 the provisions of chapter 621, RSMo. If the administrative hearing commission finds that a
48 person has violated one or more of the grounds as provided in paragraphs (a) through (m) of
49 subdivision (2) of this subsection, the division may censure or place the person named in the
50 complaint on probation on appropriate terms and conditions for a period not to exceed five years,
51 may suspend the person's license for a period not to exceed three years, or may revoke the
52 person's license.

53 3. Upon a finding that the grounds provided in subsection 2 of this section for
54 disciplinary action are met, the office may, singly or in combination, censure or place on
55 probation on such terms and conditions as the office deems appropriate for a period not to exceed
56 five years, or may suspend for a period not to exceed three years or revoke the certificate, license,
57 or permit. In any order of revocation, the office may provide that the person shall not apply for
58 a new license for a maximum of three years and one day following the date of the order of
59 revocation. All stay orders shall toll the disciplinary time periods allotted herein. In lieu of or

60 in addition to any remedy specifically provided in subsection 1 of this section, the office may
61 require of a licensee:

62 (1) Satisfactory completion of medical testing and/or rehabilitation programs as the
63 office may specify; and/or

64 (2) A review conducted as the office may specify and satisfactory completion of medical
65 testing and/or rehabilitation programs as the office may specify.

321.015. No person holding any lucrative office or employment under [this state, or] any
2 political subdivision thereof as defined in section 70.120, RSMo, shall hold the office of fire
3 protection district director under this chapter. When any fire protection district director accepts
4 any office or employment under [this state or] any political subdivision thereof, his office shall
5 thereby be vacated and he shall thereafter perform no duty and receive no salary or expenses as
6 fire protection district director. This section shall not apply to members of the organized militia,
7 of the reserve corps, public school employees and notaries public, or to fire protection districts
8 located wholly within counties of the second, third or fourth class or located within first class
9 counties not adjoining any other first class county, nor shall this section apply to any county of
10 the first or second class not having more than nine hundred thousand inhabitants which borders
11 any three first class counties; nor shall this section apply to any first class county without a
12 charter form of government which adjoins both a first class county with a charter form of
13 government with at least nine hundred thousand inhabitants, and adjoins at least four other
14 counties. The term "lucrative office or employment" does not include receiving retirement
15 benefits, compensation for expenses, or a stipend or per diem, in an amount not to exceed
16 seventy-five dollars for each day of service, for service rendered to a fire protection district, [the
17 state] or any political subdivision thereof.

407.300. 1. Every collector of or dealer in junk, **scrap metal, excluding aluminum**
2 **beverage cans**, or any secondhand property shall [keep a register which shall contain the name
3 and address of the person from whom] **obtain from the seller of** any copper wire, **alloy**, or cable
4 [is purchased, whatever may be the condition or length of such copper wire or cable; the
5 residence or place of business and driver's license number of such person; a full description of
6 each purchase including the quantity by weight thereof; and shall permit any peace officer to
7 inspect the register at any reasonable time] , **or any brass, aluminum, or aluminum alloy scrap**
8 **proper identification consisting of the seller's name, the seller's home or business address,**
9 **the seller's driver license number, the license plate number of the vehicle in which the seller**
10 **arrived at the place of business of the dealer, and the manufacturer and model of such**
11 **vehicle. The collector, dealer, or secondhand property shall also record the amount and**
12 **type of metal that was purchased from the seller.**

13 2. [Anyone convicted of violating this section shall be fined not less than twenty-five
14 dollars nor more than five hundred dollars, or imprisoned for not less than thirty days nor more
15 than six months, or both.] **All dealers in used or surplus building materials shall obtain from**
16 **the seller of such used or surplus building materials proper identification consisting of the**
17 **seller's name, the seller's home or business address, the seller's driver license number, the**
18 **license plate number of the vehicle in which the seller arrived at the place of business of the**
19 **dealer, and the manufacturer and model of such vehicle. The dealer shall also record the**
20 **amount and type of metal that was purchased from the seller. For purposes of this**
21 **subsection, surplus or used building materials includes copper.**

22 3. **All records required under this section shall be kept for a period of three years,**
23 **and such records shall be filed by the date of purchase. All records kept in accordance**
24 **with the provisions of this section shall be open at all times to peace or law enforcement**
25 **officers. If the required information is maintained in electronic format, the collector,**
26 **dealer, or secondhand property shall provide a printout of the information to peace or law**
27 **enforcement officers upon request.**

28 4. **A violation of this section is a class C misdemeanor. A second or subsequent**
29 **violation of this section is a class B misdemeanor.**

407.934. 1. No person shall sell cigarettes or tobacco products unless the person has a
2 retail sales tax license. **No retailer shall sell cigarettes or tobacco products unless the retailer**
3 **has a retail tobacco license as defined in subsection 5 of this section**

4 2. [Beginning January 1, 2002, the department of revenue shall permit persons to
5 designate through the Internet or by including a place on all sales tax license applications for the
6 applicant to designate himself or herself as a seller of tobacco products and to provide a list of
7 all locations where the applicant sells such products.

8 3. On or before July first of each year, the department of revenue shall make available
9 to the division of liquor control and the department of mental health a complete list of every
10 establishment which sells cigarettes and other tobacco products in this state.

11 4.] The division of [liquor] **alcohol and tobacco** control shall have the authority to
12 inspect stores and tobacco outlets for compliance with all laws related to access of tobacco
13 products to minors. The division may employ a person seventeen years of age, with parental
14 consent, to attempt to purchase tobacco for the purpose of inspection or enforcement of tobacco
15 laws.

16 [5.] 3. The supervisor of the division of [liquor] **alcohol and tobacco** control shall not
17 use minors to enforce the provisions of this chapter unless the supervisor promulgates rules that
18 establish standards for the use of minors. The supervisor shall establish mandatory guidelines

19 for the use of minors in investigations by a state, county, municipal or other local law
20 enforcement authority which shall be followed by such authority and which shall, at a minimum,
21 provide for the following:

22 (1) The minor shall be seventeen years of age;

23 (2) The minor shall have a youthful appearance, and the minor, if a male, shall not have
24 facial hair or a receding hairline and if a female, shall not wear excessive makeup or excessive
25 jewelry;

26 (3) The state, county, municipal or other local law enforcement agency shall obtain the
27 consent of the minor's parent or legal guardian before the use of such minor on a form approved
28 by the supervisor;

29 (4) The state, county, municipal or other local law enforcement agency shall make a
30 photocopy of the minor's valid identification showing the minor's correct date of birth;

31 (5) Any attempt by such minor to purchase tobacco products shall be videotaped or
32 audiotaped with equipment sufficient to record all statements made by the minor and the seller
33 of the tobacco product;

34 (6) The minor shall carry his or her own identification showing the minor's correct date
35 of birth and shall, upon request, produce such identification to the seller of the tobacco product;

36 (7) The minor shall answer truthfully any questions about his or her age and shall not
37 remain silent when asked questions regarding his or her age;

38 (8) The minor shall not lie to the seller of the tobacco product to induce a sale of tobacco
39 products;

40 (9) The minor shall not be employed by the state, county, municipal or other local law
41 enforcement agency on an incentive or quota basis;

42 (10) The state, county, municipal or other local law enforcement agency shall, within
43 forty-eight hours, contact or take all reasonable steps to contact the owner or manager of the
44 establishment if a violation occurs;

45 (11) The state, county, municipal or other local law enforcement agency shall maintain
46 records of each visit to an establishment where a minor is used by the state, county, municipal
47 or other local law enforcement agency for a period of at least one year following the incident,
48 regardless of whether a violation occurs at each visit, and such records shall, at a minimum,
49 include the following information:

50 (a) The signed consent form of the minor's parent or legal guardian;

51 (b) A Polaroid photograph of the minor;

52 (c) A photocopy of the minor's valid identification, showing the minor's correct date of
53 birth;

54 (d) An information sheet completed by the minor on a form approved by the supervisor;
55 and

56 (e) The name of each establishment visited by the minor, and the date and time of each
57 visit.

58 [6.] **4.** If the state, county, municipal or other local law enforcement authority uses
59 minors in investigations or in enforcing or determining violations of this chapter or any local
60 ordinance and does not comply with the mandatory guidelines established by the supervisor of
61 [liquor] **alcohol and tobacco** control in subsection [5] **3** of this section, the supervisor of [liquor]
62 **alcohol and tobacco** control shall not take any disciplinary action against the establishment or
63 seller pursuant to this chapter based on an alleged violation discovered when using a minor and
64 shall not cooperate in any way with the state, county, municipal or other local law enforcement
65 authority in prosecuting any alleged violation discovered when using a minor.

66 **5.** Every retailer of cigarettes or tobacco products, as defined in section 149.011,
67 RSMo, located in this state shall, as a condition of carrying on such business, annually
68 secure a written license from the supervisor of the division of alcohol and tobacco control
69 and pay an annual fee of twenty-five dollars. The license shall be kept on public display
70 in the retailer's place of business at all times.

71 **6.** On approval of the application and payment of the license fee provided in this
72 section, the supervisor of alcohol and tobacco control shall grant the applicant a license to
73 conduct business in the state for a term to expire on the thirtieth day of June the year
74 following the date the license was issued. A separate license shall be required for each
75 place of business.

76 **7.** Every license issued under the provisions of this chapter shall describe the
77 premises at which cigarettes or tobacco products may be sold and such license shall not be
78 deemed to authorize or permit the sale of cigarettes or tobacco products at any place other
79 than that described in the license.

80 **8.** Applications for renewal of any license issued under this section shall be filed on
81 or before the first day of May each calendar year.

82 **9.** The supervisor of alcohol and tobacco control shall receive a statement from the
83 director of revenue that states whether or not the applicant has paid all sales and use taxes
84 due, including, but not limited to, all penalties and interest, before any license may be
85 issued or renewed under this section.

86 **10.** Any person, firm, partnership, limited liability company, or corporation who
87 sells or offers for sale in this state any cigarette or tobacco products without first having
88 procured a license as required in this section from the supervisor of alcohol and tobacco

89 control authorizing him or her to sell such cigarettes or tobacco products shall be deemed
90 guilty of a misdemeanor and upon conviction shall be subject to a fine of not less than one
91 hundred dollars nor more than one thousand dollars, or by imprisonment for not more
92 than one year, or by both such fine and imprisonment.

93 11. The supervisor of alcohol and tobacco control may take action against the
94 license holder for unlawful sale or distribution of cigarettes or tobacco products in
95 violation of this section and section 3 of this act.

407.1380. As used in sections 407.1380 to 407.1384, the following terms shall mean:

2 (1) "Consumer", any individual;

3 (2) "Consumer credit reporting agency", any entity that, for monetary fees, dues,
4 or on a cooperative nonprofit basis, regularly engages, in whole or in part, in the practice
5 of assembling or evaluating consumer credit information or other information on
6 consumers for the purpose of furnishing consumer credit reports to third parties;

7 (3) "Credit report", any written or electronic communication of any information
8 by a consumer credit reporting agency that in any way bears upon a person's credit
9 worthiness, credit capacity, or credit standing;

10 (4) "Security freeze", a notice placed in a consumer's credit report, at the request
11 of the consumer and subject to certain exceptions, that prohibits the consumer credit
12 reporting agency from releasing the consumer's credit report or score relating to the
13 extension of credit.

407.1382. 1. A consumer may request that a consumer credit reporting agency
2 place a security freeze on that consumer's credit report, if that request is made:

3 (1) In writing by certified mail; or

4 (2) By other reliable means, including Internet, telephone, or other secure
5 electronic means if provided by the consumer credit reporting agency; and

6 (3) Proper identification is presented to adequately identify the requestor as the
7 consumer subject to the credit report.

8 2. A consumer credit reporting agency shall honor a consumer's request for a
9 security freeze within five business days of receipt of such request. A consumer credit
10 reporting agency may assess a fee up to ten dollars for any placement or temporary lift of
11 a security freeze. No fee shall be charged for a removal of a security freeze.

12 3. A consumer credit reporting agency shall, within ten business days of placing a
13 security freeze on the consumer's credit report, send the consumer:

14 (1) Written confirmation of compliance with the consumer's request;

(2) Instructions explaining the process of placing, removing, and temporarily lifting a security freeze for allowing access to information from the consumer's credit report for a specific period of time;

(3) A unique temporary personal identification number or password to be used by the consumer to temporarily lift or permanently remove the security freeze.

4. A consumer credit reporting agency shall not furnish a credit report to any person if the consumer who is subject to the credit report has requested a security freeze be placed on that report unless the credit report:

(1) Is requested by the consumer who is subject to the report;

(2) Is furnished under a court order;

(3) Is furnished during a period in which the consumer has temporarily removed the freeze;

(4) Is requested for the purposes of prescreening as provided by the Fair Credit Reporting Act under 15 U.S.C. 1681 et seq.;

(5) Is requested by a child support enforcement agency;

(6) Is requested for use in setting or adjusting a rate, underwriting, adjusting a claim, or servicing a policy for insurance purposes;

(7) Is furnished to a person, or the subsidiary, affiliate, agent, assignee, or prospective assignee of such person, with whom the consumer has or prior to the assignment had an account, contract, or a debtor-creditor relationship, including a demand deposit account, or to whom the consumer issued a negotiable instrument for the purpose of account review or collecting the financial obligation owing for the account contract or debt. For purposes of this section, account review includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements;

(8) Is requested by the state or its agents or assigns for the purpose of investigating fraud or investigating or collecting delinquent taxes;

(9) Is requested by a person or entity administering a credit file monitoring service or similar service to which the consumer has subscribed; or

(10) Is requested for any other purpose that is otherwise allowable under the Fair Credit Reporting Act under 15 U.S.C. 1681 et seq.

A consumer credit reporting agency that acts only as a reseller of credit information by assembling and merging credit information contained in the database of another consumer reporting agency or multiple consumer reporting agencies and does not maintain a

49 permanent database of credit information from which new consumer reports are produced
50 is not required to place a security freeze on a consumer report.

51 **5. If a security freeze is in place, a consumer credit reporting agency shall not**
52 **change any of the following official information in a consumer credit report without**
53 **sending a written confirmation of the change to the consumer within thirty days of the**
54 **change being posted to the consumer's file: name, date of birth, social security number, and**
55 **address. Written confirmation is not required for technical modifications of a consumer's**
56 **official information, including name and street abbreviations, complete spellings, or**
57 **transposition of numbers or letters. In the case of an address change, the written**
58 **confirmation shall be sent to both the new address and to the former address.**

59 **6. A consumer may request that the consumer credit reporting agency temporarily**
60 **lift a security freeze for a period of time despite the consumer request for a security freeze**
61 **under subsection 1 of this section, if that request is made:**

62 **(1) In writing by certified mail; or**

63 **(2) By other reliable means, including Internet, telephone, or other secure**
64 **electronic means if provided by the consumer credit reporting agency; and**

65 **(3) Proper identification is presented to adequately identify the requestor as the**
66 **consumer subject to the credit report, which shall include the unique personal**
67 **identification number or password issued to the consumer under subsection 3 of this**
68 **section.**

69 **7. (1) A consumer credit reporting agency shall temporarily lift a security freeze**
70 **within fifteen minutes of receiving a request for removal from a consumer, if that request**
71 **is made:**

72 **(a) By reliable means, including Internet, telephone, or other secure electronic**
73 **means if provided by the consumer credit reporting agency; and**

74 **(b) Proper identification is presented to adequately identify the requestor as the**
75 **consumer subject to the credit report, which shall include the unique personal**
76 **identification number or password issued to the consumer under subsection 3 of this**
77 **section; and**

78 **(c) In the case of a request for temporary removal, the time period is specified for**
79 **which the freeze shall be temporarily removed.**

80 **(2) A consumer credit reporting agency shall not be required to remove a security**
81 **freeze within the time provided in this subsection if the consumer credit reporting agency's**
82 **ability to remove such freeze is prevented by:**

83 (a) An act of God, including fire, earthquakes, hurricanes, storms, or similar
84 natural disaster or phenomena;

85 (b) Unauthorized or illegal acts by a third party, including terrorism, sabotage, riot,
86 vandalism, labor strikes or disputes disrupting operations, or similar occurrence;

87 (c) Operational interruption, including electrical failure, unanticipated delay in
88 equipment or replacement part delivery, computer hardware or software failures
89 inhibiting response time, or similar disruption;

90 (d) Governmental action, including emergency orders or regulations, judicial or
91 law enforcement actions, or similar directives;

92 (e) Regularly scheduled maintenance during other than normal business hours or
93 updates to the consumer credit reporting agency's systems;

94 (f) Commercially reasonable maintenance of or repair to the consumer credit
95 reporting agency's systems that is unexpected or unscheduled; or

96 (g) Receipt of a removal request outside of normal business hours.

97 8. If a third party requests access to a consumer credit report on which a security
98 freeze is in effect and such request is in connection with an application for credit or any
99 other use and the consumer does not allow his or her credit report to be accessed for that
100 period of time, the third party may treat the application as incomplete.

101 9. A consumer credit reporting agency shall remove a security freeze within three
102 business days of receiving a request for removal from a consumer, if that request is made:

103 (1) In writing by certified mail; or

104 (2) By other reliable means, including Internet, telephone, or other secure
105 electronic means if provided by the consumer credit reporting agency; and

106 (3) Proper identification is presented to adequately identify the requestor as the
107 consumer subject to the credit report, which shall include the unique personal
108 identification number or password issued to the consumer under subsection 3 of this
109 section.

110 10. At any time a consumer is required to receive a summary of rights under 15
111 U.S.C. Section 1681g(d), the following notice shall be included:

112

113 "Missouri Consumers Have the Right to Obtain a Security Freeze.

114 You have a right to place a "security freeze" on your credit report, which will
115 prohibit a consumer credit reporting agency from releasing information in your credit
116 report without your express authorization. A security freeze must be requested in writing
117 by certified mail or via other approved methods. The security freeze is designed to prevent

credit, loans, and services from being approved in your name without your consent. However, you should be aware that using a security freeze to take control over who gets access to the personal and financial information in your credit report may delay, interfere with, or prohibit the timely approval of any subsequent request or application you make regarding a new loan, credit, mortgage, government services or payments, rental housing, employment, investment, license, cellular phone, utilities, digital signature, Internet credit card transaction, or other services, including an extension of credit at point of sale. When you place a security freeze on your credit report, you will be provided a temporary personal identification number or password together with instructions to use if you choose to remove the freeze on your credit report or authorize the release of your credit report for a period of time after the freeze is in place. To provide that authorization you must contact the consumer credit reporting agency and provide all of the following:

- (1) The personal identification number or password;
- (2) Proper identification to verify your identity;
- (3) The proper information regarding the period of time for which the report shall be available.

A consumer credit reporting agency must authorize the release of your credit report no later than fifteen minutes for a temporary lift or three business days for a removal after receiving the above information unless by law such information must be released sooner.

A security freeze does not apply to a person or entity, or its affiliates, or collection agencies acting on behalf of the person or entity, with which you have an existing account, that requests information in your credit report for the purposes of reviewing or collecting the account. Reviewing the account includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements.

You have a right to bring civil action against anyone, including a consumer credit reporting agency, who improperly obtains access to a file, knowingly misuses file data, or fails to correct inaccurate file data."

407.1384. 1. Any consumer credit reporting agency that knowingly or willfully fails to comply with the provisions of sections 407.1380 to 407.1384 shall be liable to the consumer who is subject to the credit report in an amount equal to:

- (1) Any actual damages sustained by the consumer due to such failure; and
- (2) Any court costs and fees assessed in maintaining the action, as well as reasonable attorney's fees.

2. In addition to the foregoing monetary sums, a court, upon request of the damaged consumer, shall award such equitable relief as may be necessary to restore the

9 damaged consumer's credit and to discourage future violations of sections 407.1380 to
10 407.1384 by the consumer credit reporting agency.

407.2040. 1. As used in this section, the following terms mean:

2 (1) "Breach of the security of the data", unauthorized acquisition of computerized
3 or noncomputerized data that compromises the security, confidentiality, or integrity of
4 personal information maintained by the entity. Good faith acquisition of personal
5 information by an employee or agent of the entity for a legitimate purpose of the entity is
6 not a breach of the security of the data, provided that the personal information is not used
7 for a purpose unrelated to the entity or subject to further unauthorized disclosure. Breach
8 of the security of noncomputerized data includes but is not limited to unauthorized
9 photocopying, facsimiles, or other paper-based transmittal of documents;

10 (2) "Credit card", any card, plate, coupon book, or other credit device existing for
11 the purpose of obtaining money, property, labor, or services on credit;

12 (3) "Debit card", any card or device issued by a financial institution to a consumer
13 for use in initiating an electronic fund transfer from the account holding assets of the
14 consumer at such financial institution, for the purpose of transferring money between
15 accounts or obtaining money, property, labor, or services;

16 (4) "Entity", a sole proprietorship, partnership, corporation, association, or other
17 group, however organized and whether or not organized to operate at a profit, including
18 a financial institution organized, chartered, or holding a license or authorization certificate
19 under the laws of this state, any other state, the United States, or of any other country, or
20 the parent or the subsidiary of a financial institution;

21 (5) "Payment device", a card, code, or other means to access or place a charge on
22 a consumer's account or bill;

23 (6) "Person", any individual, firm, partnership, association, corporation, limited
24 liability company, organization or other entity, but shall not include the state or any
25 political subdivision of the state, or any agency thereof;

26 (7) "Personal information":

27 (a) An individual's last name, address, or phone number in combination with any
28 one or more of the following data elements, when either the name or the data elements are
29 not encrypted or redacted, or encrypted with an encryption key that was also acquired:

30 a. Social Security number;

31 b. Driver's license number or state identification card number;

32 c. Account number, credit, debit, or other number identifying a payment device,
33 if circumstances exist in which such a number could be used without additional identifying
34 information, access codes, or passwords;

35 d. Account passwords or personal identification numbers (PINs) or other access
36 codes;

37 e. Biometric data, other than a photograph;

38 f. Any of the items in subparagraphs a. to e. in this paragraph when not in
39 connection with the individual's last name, address, or phone number if the information
40 compromised would be sufficient to perform or attempt to perform identity theft or other
41 illegal conduct against the person whose information was compromised;

42 (b) "Personal information" shall not include information that is lawfully obtained
43 from a single public record of federal, state, or local government record, provided that
44 such information has not been aggregated or consolidated into an electronic database or
45 similar system by the entity;

46 (8) "Social Security number", any portion of three or more consecutive digits of a
47 Social Security number.

48 2. (1) Except as provided in subdivision (2) of this subsection, any person or entity
49 that owns or uses personal information in any form, whether computerized, paper, or
50 otherwise, that includes personal information concerning a Missouri resident shall notify
51 the resident that there has been a breach of the security of the data following discovery or
52 notification of the breach. The disclosure notification shall be made in the most expedient
53 time possible and without unreasonable delay, consistent with the legitimate needs of law
54 enforcement, as provided in subdivision (2) of this subsection, or with any measures
55 necessary to determine the scope of the breach and restore the reasonable integrity,
56 security and confidentiality of the data system.

57 (2) The notification required by this subsection may be delayed if a law
58 enforcement agency determines in writing that the notification may materially impede a
59 criminal investigation.

60 (3) For purposes of this section, notice to consumers may be provided by one of the
61 following methods:

62 (a) Written notice;

63 (b) Electronic notice, if the notice provided is consistent with the provisions
64 regarding electronic records and signatures, for notices legally required to be in writing,
65 set forth in Section 7001 of Title 15 of the United States Code;

66 (c) Substitute notice, if the agency demonstrates that the cost of providing notice
67 to persons in this state would exceed two hundred fifty thousand dollars or that the
68 affected class of subject persons to be notified in this state exceeds five hundred thousand
69 dollars or the agency does not have sufficient contact information. Substitute notice shall
70 consist of all of the following:

71 a. Conspicuous posting of the notice on the Internet site of the agency or person,
72 if the agency or person maintains a public Internet site; and

73 b. Notification to major statewide media. The notice to media shall include a
74 toll-free phone number where an individual can learn whether or not that individual's
75 personal data is included in the security breach.

76 (4) Such notice shall include:

77 (a) To the extent possible, a description of the categories of information that were,
78 or are reasonably believed to have been, accessed or acquired by an unauthorized person,
79 including Social Security numbers, driver's license or state identification numbers and
80 financial data;

81 (b) A toll-free number:

82 a. That the individual may use to contact the agency or person, or the agent of the
83 agency or person; and

84 b. From which the individual may learn:

85 (i) What types of information the agency or person maintained about that
86 individual or about individuals in general; and

87 (ii) Whether or not the agency or person maintained information about that
88 individual; and

89 (iii) The toll-free contact telephone numbers and addresses for the major credit
90 reporting agencies.

91 (5) The notification required by this subsection may be delayed if a law
92 enforcement agency determines, in writing, that the notification may seriously impede a
93 criminal investigation. This notification shall state the duration of the delay requested,
94 or shall be renewed after ninety days.

95 (6) A person required to provide notification shall provide or arrange for the
96 provision of, to each individual to whom notification is provided under this subsection and
97 on request and at no cost to such individual to either provide at the choice of the consumer
98 credit reports from at least one of the major credit reporting agencies beginning not later
99 than two months following a breach of security and continuing on a quarterly basis for a
100 period of two years thereafter or pay for freeze fees, which include placement with each

101 of the major nationwide credit reporting agencies and temporary lift twice per credit
102 reporting agency during a twelve-month period.

103 3. (1) All remedies, penalties, and authority granted to the attorney general shall
104 be available to the attorney general for enforcement of this section.

105 (2) The remedies and penalties provided by this section are cumulative to each
106 other and the remedies or penalties available under all other laws of this state.

107 4. Any waiver of the provisions of this section is contrary to public policy, and is
108 void and unenforceable.

409.5-508. (a) A person [that] commits a criminal violation of this act when such
2 person willfully violates this act, or a rule adopted or order issued under this act, except Section
3 409.5-504 or the notice filing requirements of section 409.3-302 or 409.4-405, or that willfully
4 violates section 409.5-505 knowing the statement made to be false or misleading in a material
5 respect[, upon conviction, shall be fined not more than one million dollars or imprisoned not
6 more than ten years, or both].

7 (b) A person convicted under subsection (a) of this section shall be fined not more
8 than one million dollars or imprisoned not more than ten years, or both, unless the
9 violation was committed against an elderly or disabled person, in which case the person
10 shall be fined not less than fifty thousand dollars and imprisoned not less than five years.
11 For purposes of this section, the following terms mean:

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

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

16 (c) An individual convicted of violating a rule or order under this act may be fined, but
17 may not be imprisoned, if the individual did not have knowledge of the rule or order.

18 [(b)] (d) The attorney general or the proper prosecuting attorney with or without a
19 reference from the commissioner may institute criminal proceedings under this act.

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

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

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

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

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

13 (b) An order under subsection (a) is effective on the date of issuance. Upon issuance of
14 the order, the commissioner shall promptly serve each person subject to the order with a copy
15 of the order and a notice that the order has been entered. The order must include a statement
16 whether the commissioner will seek a civil penalty or costs of the investigation, a statement of
17 the reasons for the order, and notice that, within fifteen days after receipt of a request in a record
18 from the person, the matter will be scheduled for a hearing. If a person subject to the order does
19 not request a hearing and none is ordered by the commissioner within thirty days after the date
20 of service of the order, the order becomes final as to that person by operation of law. If a hearing
21 is requested or ordered, the commissioner, after notice of and opportunity for hearing to each
22 person subject to the order, may modify or vacate the order or extend it until final determination.

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

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

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

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

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

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

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

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

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

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

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

455.200. As used in sections 455.200 to 455.230, unless the context clearly requires
2 otherwise, the following words and phrases mean:

3 (1) "Designated authority", the board, commission, agency, or other body designated
4 under the provisions of section 455.210 as the authority to administer the allocation and
5 distribution of funds to shelters;

6 (2) "Domestic violence", [attempting to cause or causing bodily injury to a family or
7 household member, or placing a family or household member by threat of force in fear of
8 imminent physical harm] **includes but is not limited to the occurrence of any acts, attempts,**
9 **or threats against a person who may be protected under sections 455.010 to 455.085;**

10 (3) "Family or household member", a spouse, a former spouse, [person living with
11 another person whether or not as spouses, parent, or other adult person related by consanguinity
12 or affinity, who is residing or has resided with the person committing the domestic violence and
13 dependents of such persons] **adults who are presently residing together or have resided**
14 **together in the past, an adult who is or has been in a continuing social relationship of a**

15 **romantic or intimate nature with the victim, and adults who have a child in common**
16 **regardless of whether they have been married or have resided together at any time;**

17 (4) "Shelter for victims of domestic violence" or "shelter", a facility established for the
18 purpose of providing temporary residential service or facilities to family or household members
19 who are victims of domestic violence.

455.545. The highway patrol shall compile an annual report of homicides and suicides
2 related to domestic violence, **as defined in section 455.200**. Such report shall be presented by
3 February first of the subsequent year to the governor, speaker of the house of representatives, and
4 president pro tempore of the senate.

478.466. 1. In the sixteenth judicial circuit consisting of the county of Jackson, a
2 majority of the court en banc may appoint one person, who shall possess the same qualifications
3 as an associate circuit judge, to act as drug court commissioner. The commissioner shall be
4 appointed for a term of four years. The compensation of the commissioner shall be the same as
5 that of an associate circuit judge and[, subject to appropriation from the county legislature of the
6 county wherein such circuit is wholly located, reimbursed from proceeds from the county
7 antidrug sales tax adopted pursuant to section 67.547, RSMo. The county wherein such circuit
8 is wholly located shall pay to and reimburse the state for the actual costs of the salary and
9 benefits of the drug commissioner appointed pursuant to this section] **paid out of the same**
10 **source as the compensation of all other drug court commissioners in the state**. The
11 retirement benefits of such commissioner shall be the same as those of an associate circuit judge,
12 payable in the same manner and from the same source as those of an associate circuit judge.
13 Subject to approval or rejection by a circuit judge, the commissioner shall have all the powers
14 and duties of a circuit judge. A circuit judge shall by order of record reject or confirm any order,
15 judgment and decree of the commissioner within the time the judge could set aside such order,
16 judgment or decree had the same been made by him. If so confirmed, the order, judgment or
17 decree shall have the same effect as if made by the judge on the date of its confirmation.

18 2. The court administrator of the sixteenth judicial circuit shall charge and collect a
19 surcharge of thirty dollars in all proceedings assigned to the drug commissioner for disposition,
20 provided that the surcharge shall not be charged in any proceeding when costs are waived or are
21 to be paid by the state, county or municipality. Moneys obtained from such surcharge shall be
22 collected and disbursed in the manner provided by sections 488.010 to 488.020, RSMo, and
23 payable to the drug commissioner for operation of the drug court.

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.

488.429. 1. Moneys collected pursuant to section 488.426 shall be payable to the judges
2 of the circuit court, en banc, of the county from which such surcharges were collected, or to such
3 person as is designated by local circuit court rule as treasurer of said fund, and said fund shall
4 be applied and expended under the direction and order of the judges of the circuit court, en banc,
5 of any such county for the maintenance and upkeep of the law library maintained by the bar
6 association in any such county, or such other law library in any such county as may be designated
7 by the judges of the circuit court, en banc, of any such county; provided, that the judges of the
8 circuit court, en banc, of any such county, and the officers of all courts of record of any such
9 county, shall be entitled at all reasonable times to use the library to the support of which said
10 funds are applied.

11 2. In addition, such fund may also be applied and expended for that county's or circuit's
12 family services and justice fund.

13 3. In any county, other than a county on the nonpartisan court plan, such fund may also
14 be applied and expended for courtroom renovation and technology enhancement, **courthouse**
15 **security**, or for debt service on county bonds for such renovation or enhancement projects.

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, against any defendant if the defendant consents to paying
4 the costs except in those cases where the defendant is found by the judge to be indigent and
5 unable to pay the costs.**

537.035. 1. As used in this section, unless the context clearly indicates otherwise, the
2 following words and terms shall have the meanings indicated:

3 (1) "Health care professional", a physician or surgeon licensed under the provisions of
4 chapter 334, RSMo, **or a physical therapist licensed under the provisions of chapter 334,**
5 **RSMo**, or a dentist licensed under the provisions of chapter 332, RSMo, or a podiatrist licensed
6 under the provisions of chapter 330, RSMo, or an optometrist licensed under the provisions of
7 chapter 336, RSMo, or a pharmacist licensed under the provisions of chapter 338, RSMo, or a
8 chiropractor licensed under the provisions of chapter 331, RSMo, or a psychologist licensed
9 under the provisions of chapter 337, RSMo, or a nurse licensed under the provisions of chapter
10 335, RSMo, or a social worker licensed under the provisions of chapter 337, RSMo, or a
11 professional counselor licensed under the provisions of chapter 337, RSMo, or a mental health
12 professional as defined in section 632.005, RSMo, **or an emergency medical technician,**
13 **including an emergency medical technician-basic, emergency medical technician-**
14 **intermediate, and an emergency medical technician-paramedic, and emergency medical**

15 **dispatcher licensed or authorized under the provisions of chapter 190, RSMo**, while acting
16 within their scope of practice;

17 (2) "Peer review committee", a committee of health care professionals with the
18 responsibility to evaluate, maintain, or monitor the quality and utilization of health care services
19 or to exercise any combination of such responsibilities.

20 2. A peer review committee may be constituted as follows:

21 (1) Comprised of, and appointed by, a state, county or local society of health care
22 professionals;

23 (2) Comprised of, and appointed by, the partners, shareholders, or employed health care
24 professionals of a partnership or professional corporation of health care professionals, or
25 employed health care professionals of a university or an entity affiliated with a university
26 operating under chapter 172, 174, 352, or 355, RSMo;

27 (3) Appointed by the board of trustees, chief executive officer, or the organized medical
28 staff of a licensed hospital, or other health facility operating under constitutional or statutory
29 authority, including long-term care facilities licensed under chapter 198, RSMo, or an
30 administrative entity of the department of mental health recognized pursuant to the provisions
31 of subdivision (3) of subsection 1 of section 630.407, RSMo;

32 (4) **Appointed by a board of trustees or chief executive officer of:**

33 (a) **A licensed ambulance service;**

34 (b) **A licensed emergency medical response agency; or**

35 (c) **Any not-for-profit organization that provides or contracts for ambulance**
36 **services under authority granted to such not-for-profit organization by a city, county,**
37 **town, village, or ambulance district and of which a majority of the governing body of such**
38 **not-for-profit organization consists of elected officials or individuals appointed by a mayor,**
39 **board of aldermen, city council, county commission, county legislature, or ambulance**
40 **district;**

41 (5) Any other organization formed pursuant to state or federal law authorized to exercise
42 the responsibilities of a peer review committee and acting within the scope of such authorization;

43 [(5)] (6) Appointed by the board of directors, chief executive officer or the medical
44 director of the licensed health maintenance organization;

45 (7) **Appointed by a mayor, city council, board of aldermen, county commission,**
46 **county legislature, or ambulance district.**

47 3. Each member of a peer review committee and each person, hospital governing board,
48 **ambulance service governing board, emergency medical response agency governing board,**
49 health maintenance organization board of directors, and chief executive officer of a licensed

50 hospital or other hospital operating under constitutional or statutory authority, **chief executive**
51 **officer of an ambulance service or emergency medical response agency**, chief executive
52 officer or medical director of a licensed health maintenance organization who testifies before,
53 or provides information to, acts upon the recommendation of, or otherwise participates in the
54 operation of, such a committee shall be immune from civil liability for such acts so long as the
55 acts are performed in good faith, without malice and are reasonably related to the scope of
56 inquiry of the peer review committee.

57 4. Except as otherwise provided in this section, the interviews, memoranda, proceedings,
58 findings, deliberations, reports, and minutes of peer review committees, or the existence of the
59 same, concerning the health care provided any patient are privileged and shall not be subject to
60 discovery, subpoena, or other means of legal compulsion for their release to any person or entity
61 or be admissible into evidence in any judicial or administrative action for failure to provide
62 appropriate care. Except as otherwise provided in this section, no person who was in attendance
63 at any peer review committee proceeding shall be permitted or required to disclose any
64 information acquired in connection with or in the course of such proceeding, or to disclose any
65 opinion, recommendation, or evaluation of the committee or board, or any member thereof;
66 provided, however, that information otherwise discoverable or admissible from original sources
67 is not to be construed as immune from discovery or use in any proceeding merely because it was
68 presented during proceedings before a peer review committee nor is a member, employee, or
69 agent of such committee, or other person appearing before it, to be prevented from testifying as
70 to matters within his personal knowledge and in accordance with the other provisions of this
71 section, but such witness cannot be questioned about testimony or other proceedings before any
72 health care review committee or board or about opinions formed as a result of such committee
73 hearings. The disclosure of any interview, memoranda, proceedings, findings, deliberations,
74 reports, or minutes to any person or entity, including but not limited to governmental agencies,
75 professional accrediting agencies, or other health care providers, whether proper or improper,
76 shall not waive or have any effect upon its confidentiality, nondiscoverability, or
77 nonadmissibility.

78 5. The provisions of subsection 4 of this section limiting discovery and admissibility of
79 testimony as well as the proceedings, findings, records, and minutes of peer review committees
80 do not apply in any judicial or administrative action brought by a peer review committee or the
81 legal entity which formed or within which such committee operates to deny, restrict, or revoke
82 the hospital staff privileges or license to practice of a physician or other health care providers;
83 or when a member, employee, or agent of the peer review committee or the legal entity which
84 formed such committee or within which such committee operates is sued for actions taken by

85 such committee which operate to deny, restrict or revoke the hospital staff privileges or license
86 to practice of a physician or other health care provider.

87 6. Nothing in this section shall limit authority otherwise provided by law of a health care
88 licensing board of the state of Missouri to obtain information by subpoena or other authorized
89 process from peer review committees or to require disclosure of otherwise confidential
90 information relating to matters and investigations within the jurisdiction of such health care
91 licensing boards.

537.600. 1. Such sovereign or governmental tort immunity as existed at common law
2 in this state prior to September 12, 1977, except to the extent waived, abrogated or modified by
3 statutes in effect prior to that date, shall remain in full force and effect; except that, the immunity
4 of the public entity from liability and suit for compensatory damages for negligent acts or
5 omissions is hereby expressly waived in the following instances:

6 (1) Injuries directly resulting from the negligent acts or omissions by public employees
7 arising out of the operation of motor vehicles or motorized vehicles within the course of their
8 employment;

9 (2) Injuries caused by the condition of a public entity's property if the plaintiff establishes
10 that the property was in dangerous condition at the time of the injury, that the injury directly
11 resulted from the dangerous condition, that the dangerous condition created a reasonably
12 foreseeable risk of harm of the kind of injury which was incurred, and that either a negligent or
13 wrongful act or omission of an employee of the public entity within the course of his
14 employment created the dangerous condition or a public entity had actual or constructive notice
15 of the dangerous condition in sufficient time prior to the injury to have taken measures to protect
16 against the dangerous condition. In any action under this subdivision wherein a plaintiff alleges
17 that he was damaged by the negligent, defective or dangerous design of a highway or road, which
18 was designed and constructed prior to September 12, 1977, the public entity shall be entitled to
19 a defense which shall be a complete bar to recovery whenever the public entity can prove by a
20 preponderance of the evidence that the alleged negligent, defective, or dangerous design
21 reasonably complied with highway and road design standards generally accepted at the time the
22 road or highway was designed and constructed.

23 2. The express waiver of sovereign immunity in the instances specified in subdivisions
24 (1) and (2) of subsection 1 of this section are absolute waivers of sovereign immunity in all cases
25 within such situations whether or not the public entity was functioning in a governmental or
26 proprietary capacity and whether or not the public entity is covered by a liability insurance for
27 tort.

28 3. The term "public entity" as used in this section shall include any multistate compact
29 agency created by a compact formed between this state and any other state which has been
30 approved by the Congress of the United States.

31 **4. As used in this section, the terms "public employees" and "employee of the**
32 **public entity" shall not include an offender in the custody of the department of corrections**
33 **or a prisoner in the custody of a county or municipal jail. As used in this subsection, the**
34 **term "custody" includes work release outside of a correctional center or jail. Any court**
35 **decision issued after August 13, 1978, holding to the contrary of this subsection erroneously**
36 **interprets the law and public policy of this state.**

 544.157. 1. Any law enforcement officer certified pursuant to chapter 590, RSMo, of
2 any political subdivision of this state, any authorized agent of the department of conservation,
3 any commissioned member of the Missouri capitol police, any commissioned member of the
4 Missouri state park rangers, **any college or university police officer**, and any authorized agent
5 of the Missouri state water patrol in fresh pursuit of a person who is reasonably believed by such
6 officer to have committed a felony in this state or who has committed, or attempted to commit,
7 in the presence of such officer or agent, any criminal offense or violation of a municipal or
8 county ordinance, or for whom such officer holds a warrant of arrest for a criminal offense, shall
9 have the authority to arrest and hold in custody such person anywhere in this state. Fresh pursuit
10 may only be initiated from within the pursuing peace officer's, conservation agent's, capitol
11 police officer's, state park ranger's, **college or university police officer's**, or water patrol
12 officer's jurisdiction and shall be terminated once the pursuing peace officer is outside of such
13 officer's jurisdiction and has lost contact with the person being pursued. If the offense is a traffic
14 violation, the uniform traffic ticket shall be used as if the violator had been apprehended in the
15 municipality or county in which the offense occurred.

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

25 3. The term "fresh pursuit", as used in this section, shall include hot or fresh pursuit as
26 defined by the common law and also the pursuit of a person who has committed a felony or is

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

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

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

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

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

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

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

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

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

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

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

5 (1) For any felony, three years;

6 (2) For any misdemeanor, one year;

7 (3) For any infraction, six months.

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

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

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

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

25 **(4) Any violation of sections 569.010 to 569.055, RSMo, within five years.**

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

30 5. A prosecution is commenced for a misdemeanor or infraction when the information
31 is filed and for a felony when the complaint or indictment is filed.

32 6. The period of limitation does not run:

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

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

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

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

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

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

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

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

(3) Offender treatment programs;

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

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

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

3. The defendant may refuse probation conditioned on the performance of free work. If he does so, the court shall decide the extent or duration of sentence or other disposition to be imposed and render judgment accordingly. Any county, city, person, organization, or agency, or employee of a county, city, organization or agency charged with the supervision of such free work or who benefits from its performance shall be immune from any suit by the defendant or any person deriving a cause of action from him if such cause of action arises from such supervision of performance, except for an intentional tort or gross negligence. The services performed by the defendant shall not be deemed employment within the meaning of the provisions of chapter 288, RSMo. A defendant performing services pursuant to this section shall not be deemed an employee within the meaning of the provisions of chapter 287, RSMo.

4. In addition to such other authority as exists to order conditions of probation, in the case of a plea of guilty or a finding of guilt, the court may order the assessment and payment of a designated amount of restitution to a county law enforcement restitution fund established by the county commission pursuant to section 50.565, RSMo. Such contribution shall not exceed 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, 544.275, RSMo, 546.030, RSMo, or of any other statute, or the provisions of supreme court rules 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, 37.58, 37.59, and 37.64 to the contrary notwithstanding, when the physical appearance in person in court is required of any person held in a place of custody or confinement, such personal appearance may be made by means of two-way audio-visual communication, including but not limited to, closed circuit television or computerized video conferencing; provided that such audio-visual communication facilities provide two-way audio-visual communication between the court and the place of custody or confinement [and that a full record of such proceedings be made by split-screen imaging and recording of the proceedings in the courtroom and the place of confinement or custody in addition to such other record as may be required]:

- (1) First appearance before an associate circuit judge on a criminal complaint;
- (2) Waiver of preliminary hearing;
- (3) Arraignment on an information or indictment where a plea of not guilty is entered;
- (4) Arraignment on an information or indictment where a plea of guilty is entered upon waiver of any right such person might have to be physically present;
- (5) Any pretrial or posttrial criminal proceeding not allowing the cross-examination of witnesses;
- (6) Sentencing after conviction at trial upon waiver of any right such person might have to be physically present;
- (7) Sentencing after entry of a plea of guilty; and
- (8) Any civil proceeding other than trial by jury.

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

3. Nothing contained in this section shall be construed as establishing a right for any person held in custody to appear on television or as requiring that any governmental entity or 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:

- (1) "Domestic assault offense":
 - (a) The commission of the crime of domestic assault in the first degree [pursuant to section 565.072] or domestic assault in the second degree pursuant to section 565.073; or
 - (b) The commission of the crime of assault in the first degree [pursuant to the provisions of section 565.050] or assault in the second degree [pursuant to the provisions of section 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, **an**
13 **adult who is or has been in a continuing social relationship of a romantic or intimate**
14 **nature with the victim**, and adults who have a child in common regardless of whether they have
15 been married or have resided together at any time;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

69 15. Any person who has pleaded guilty to or been found guilty of a violation of section
70 565.073 shall be sentenced:

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

73 (b) To the authorized term of imprisonment for a class A felony if the court finds the
74 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, **highway worker in a construction zone or work zone**, or probation and
3 parole officer in the first degree if such person attempts to kill or knowingly causes or attempts

4 to cause serious physical injury to a law enforcement officer [or] , emergency personnel,
5 **highway worker in a construction zone or work zone, or probation and parole officer.**

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

9 3. **As used in this section, the terms "highway worker", "construction zone", or**
10 **"work zone" shall have the same meanings as such terms are defined in section 304.580,**
11 **RSMo.**

12 4. Assault of a law enforcement officer, emergency personnel, **highway worker in a**
13 **construction zone or work zone,** or probation and parole officer in the first degree is a class A
14 felony.

565.082. 1. A person commits the crime of assault of a law enforcement officer,
2 emergency personnel, **highway worker in a construction zone or work zone,** or probation and
3 parole officer in the second degree if such person:

4 (1) Knowingly causes or attempts to cause physical injury to a law enforcement officer,
5 emergency personnel, **highway worker in a construction zone or work zone,** or probation and
6 parole officer by means of a deadly weapon or dangerous instrument;

7 (2) Knowingly causes or attempts to cause physical injury to a law enforcement officer,
8 emergency personnel, **highway worker in a construction zone or work zone,** or probation and
9 parole officer by means other than a deadly weapon or dangerous instrument;

10 (3) Recklessly causes serious physical injury to a law enforcement officer, emergency
11 personnel, **highway worker in a construction zone or work zone,** or probation and parole
12 officer; or

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

17 (5) Acts with criminal negligence to cause physical injury to a law enforcement officer,
18 emergency personnel, **highway worker in a construction zone or work zone,** or probation and
19 parole officer by means of a deadly weapon or dangerous instrument;

20 (6) Purposely or recklessly places a law enforcement officer, emergency personnel,
21 **highway worker in a construction zone or work zone,** or probation and parole officer in
22 apprehension of immediate serious physical injury; or

23 (7) Acts with criminal negligence to create a substantial risk of death or serious physical
24 injury to a law enforcement officer, emergency personnel, **highway worker in a construction**
25 **zone or work zone**, or probation and parole officer.

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

29 3. As used in this section, the terms "**highway worker**", "**construction zone**" or
30 "**work zone**" shall have the same meaning as such terms are defined in section 304.580,
31 RSMo.

32 4. Assault of a law enforcement officer, emergency personnel, **highway worker in a**
33 **construction zone or work zone**, or probation and parole officer in the second degree is a class
34 B felony unless committed pursuant to subdivision (2), (5), (6), or (7) of subsection 1 of this
35 section in which case it is a class C felony. **For any violation of subdivision (1), (3) or (4) of**
36 **subsection 1 of this section, the defendant must serve mandatory jail time as part of his or**
37 **her sentence.**

565.083. 1. A person commits the crime of assault of a law enforcement officer,
2 emergency personnel, **highway worker in a construction zone or work zone**, or probation and
3 parole officer in the third degree if:

4 (1) Such person recklessly causes physical injury to a law enforcement officer,
5 emergency personnel, **highway worker in a construction zone or work zone**, or probation and
6 parole officer;

7 (2) Such person purposely places a law enforcement officer, emergency personnel,
8 **highway worker in a construction zone or work zone**, or probation and parole officer in
9 apprehension of immediate physical injury;

10 (3) Such person knowingly causes or attempts to cause physical contact with a law
11 enforcement officer, emergency personnel, **highway worker in a construction zone or work**
12 **zone**, or probation and parole officer without the consent of the law enforcement officer [or] ,
13 emergency personnel, **highway worker in a construction zone or work zone, or probation**
14 **and parole officer.**

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

18 3. As used in this section, the terms "**highway worker**", "**construction zone**" or
19 "**work zone**" shall have the same meaning as such terms are defined in section 304.580,
20 RSMo.

21 **4. Assault of a law enforcement officer, emergency personnel, highway worker in a**
22 **construction zone or work zone,** or probation and parole officer in the third degree is a class
23 A misdemeanor.

566.146. 1. Any person required by sections 589.400 to 589.425, RSMo, to register,
2 **or any person who has committed an offense in another state, or any federal offense, or any**
3 **military offense which, if committed in this state would require such person to register**
4 **under sections 589.400 to 589.425, RSMo, shall not be present in or loiter within five**
5 **hundred feet of any state park.**

6 **2. For a first offense violation of the provisions of this section shall be a class A**
7 **misdemeanor. For a second or subsequent offense violation of the provisions of this section**
8 **shall be a class D felony.**

 566.147. 1. Any person who, since July 1, 1979, has been or hereafter has pleaded guilty
2 or nolo contendere to, or been convicted of, or been found guilty of violating any of the
3 provisions of this chapter or the provisions of subsection 2 of section 568.020, RSMo, incest;
4 section 568.045, RSMo, endangering the welfare of a child in the first degree; subsection 2 of
5 section 568.080, RSMo, use of a child in a sexual performance; section 568.090, RSMo,
6 promoting a sexual performance by a child; section 573.023, RSMo, sexual exploitation of a
7 minor; section 573.025, RSMo, promoting child pornography in the first degree; section 573.035,
8 RSMo, promoting child pornography in the second degree; section 573.037, RSMo, possession
9 of child pornography, or section 573.040, RSMo, furnishing pornographic material to minors;
10 **or any offense committed in another state, or any federal offense, or any military offense**
11 **which, if committed in this state, would be a violation of any offense listed in this**
12 **subsection;** shall not reside within one thousand feet of any public school as defined in section
13 160.011, RSMo, or any private school giving instruction in a grade or grades not higher than the
14 twelfth grade, or child-care facility as defined in section 210.201, RSMo, which is in existence
15 at the time the individual begins to reside at the location.

16 2. If such person has already established a residence and a public school, a private
17 school, or child-care facility is subsequently built or placed within one thousand feet of such
18 person's residence, then such person shall, within one week of the opening of such public school,
19 private school, or child-care facility, notify the county sheriff where such public school, private
20 school, or child-care facility is located that he or she is now residing within one thousand feet
21 of such public school, private school, or child-care facility and shall provide verifiable proof to
22 the sheriff that he or she resided there prior to the opening of such public school, private school,
23 or child-care facility.

24 3. For purposes of this section, "resides" means sleeps in a residence, which may include
25 more than one location and may be mobile or transitory.

26 4. Violation of the provisions of subsection 1 of this section is a class D felony except
27 that the second or any subsequent violation is a class B felony. Violation of the provisions of
28 subsection 2 of this section is a class A misdemeanor except that the second or subsequent
29 violation is a class D felony.

566.148. 1. Beginning August 28, 2008, any person who has pleaded guilty or nolo
2 **contendere to, or been convicted of, or been found guilty of violating any of the provisions**
3 **of this chapter or the provisions of subsection 2 of section 568.020, RSMo, incest; section**
4 **568.045, RSMo, endangering the welfare of a child in the first degree; subsection 2 of**
5 **section 568.080, RSMo, use of a child in a sexual performance; section 568.090, RSMo,**
6 **promoting a sexual performance by a child; section 573.023, RSMo, sexual exploitation of**
7 **a minor; section 573.025, RSMo, promoting child pornography in the first degree; section**
8 **573.035, RSMo, promoting child pornography in the second degree; section 573.037,**
9 **RSMo, possession of child pornography, or section 573.040, RSMo, furnishing**
10 **pornographic material to minors shall not knowingly be physically present in or loiter**
11 **within five hundred feet of or to approach, contact, or communicate with any child under**
12 **eighteen years of age in any child care facility building, on the real property comprising**
13 **any child care facility when persons under the age of eighteen are present in the building,**
14 **on the grounds, or in the conveyance, unless the offender is a parent, legal guardian, or**
15 **custodian of a student present in the building or on the grounds.**

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

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

566.150. 1. Beginning August 28, 2008, any person who has pleaded guilty to, or
2 **been convicted of, or been found guilty of violating any of the provisions of this chapter or**
3 **the provisions of subsection 2 of section 568.020, RSMo, incest; section 568.045, RSMo,**
4 **endangering the welfare of a child in the first degree; subsection 2 of section 568.080,**
5 **RSMo, use of a child in a sexual performance; section 568.090, RSMo, promoting a sexual**
6 **performance by a child; section 573.023, RSMo, sexual exploitation of a minor; section**
7 **573.025, RSMo, promoting child pornography; or section 573.040, RSMo, furnishing**
8 **pornographic material to minors shall not be present in or loiter within five hundred feet**
9 **of any real property comprising any public park with playground equipment or public**
10 **swimming pool.**

11 **2. The first violation of the provisions of this section shall be a class A**
12 **misdemeanor.**

13 **3. A second or subsequent violation of this section shall be a class D felony.**

568.045. 1. **This section shall be known and may be cited as "Karra's and Jocelyn's**
2 **Law".**

3 **2.** A person commits the crime of endangering the welfare of a child in the first degree
4 if:

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

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

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

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

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

21 **[2.] 3. Except as provided in subsection 4 of this section,** endangering the welfare of
22 a child in the first degree is a class C felony unless the offense is committed as part of a ritual
23 or ceremony, or except on a second or subsequent offense, in which case the crime is a class B
24 felony.

25 **4. Endangering the welfare of a child in the first degree when committed under**
26 **subdivision (1) of subsection 2 of this section, and in so doing, acts in a manner in which**
27 **such person creates a substantial risk to the life, body, or health of a child is by shaking a**
28 **child under the age of five by any body part, including but not limited to the arms, legs,**
29 **chest, or shoulders, is a felony for which the authorized term of imprisonment is any term**
30 **of years but not less than fifteen years.**

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.

571.070. 1. A person commits the crime of unlawful possession of a [concealable]
2 firearm if [he] **such person knowingly** has any [concealable] firearm in his **or her** possession
3 and:

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

9 (2) [He] **Such person** is a fugitive from justice, is habitually in an intoxicated or drugged
10 condition, or is currently adjudged mentally incompetent.

11 2. Unlawful possession of a [concealable] firearm is a class C felony.

573.020. 1. A person commits the crime of promoting obscenity in the first degree if,
2 [knowing its content and character] **knowingly or recklessly**:

3 (1) He or she wholesale promotes or possesses with the purpose to wholesale promote
4 any obscene material; or

5 (2) He or she wholesale promotes for minors or possesses with the purpose to wholesale
6 promote for minors any material pornographic for minors; or

7 (3) He or she promotes, wholesale promotes or possesses with the purpose to wholesale
8 promote for minors material that is pornographic for minors via computer, Internet or computer
9 network if the person made the matter available to a specific individual known by the defendant
10 to be a minor.

11 2. Promoting obscenity in the first degree is a class D felony.

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.

575.060. 1. A person commits the crime of making a false declaration if, with the
2 purpose to mislead a public servant in the performance of his **or her** duty, [he] **such person**:

3 (1) Submits any written false statement, which he **or she** does not believe to be true

4 (a) In an application for any pecuniary benefit or other consideration; or

5 (b) On a form bearing notice, authorized by law, that false statements made therein are
6 punishable; or

7 (2) Submits or invites reliance on:

8 (a) Any writing which he **or she** knows to be forged, altered or otherwise lacking in
9 authenticity; or

10 (b) Any sample, specimen, map, boundary mark, or other object which he **or she** knows
11 to be false; **or**

12 **(3) Provides any verbal false statement regarding their identity, which he or she**
13 **believes or knows not to be true.**

14 2. The falsity of the statement or the item under subsection 1 of this section must be as
15 to a fact which is material to the purposes for which the statement is made or the item submitted;
16 and the provisions of subsections 2 and 3 of section 575.040 shall apply to prosecutions under
17 subsection 1 of this section.

18 3. It is a defense to a prosecution under subsection 1 of this section that the actor
19 retracted the false statement or item but this defense shall not apply if the retraction was made
20 after:

21 (1) The falsity of the statement or item was exposed; or

22 (2) The public servant took substantial action in reliance on the statement or item.

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

25 5. For the purpose of this section, "written" shall include filings submitted in an
26 electronic or other format or medium approved or prescribed by the secretary of state.

27 6. Making a false declaration is a class B misdemeanor.

- 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, **or for any warrant**
13 **issued by a court of record or by a probation and parole officer**.
14 3. A person is presumed to be fleeing a vehicle stop if that person continues to operate
15 a motor vehicle after that person has seen or should have seen clearly visible emergency lights
16 or has heard or should have heard an audible signal emanating from the law enforcement vehicle
17 pursuing that person.

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

21 5. Resisting or interfering with an arrest for a felony is a class [D] C felony. Resisting
22 an arrest, detention or stop by fleeing in such a manner that the person fleeing creates a
23 substantial risk of serious physical injury or death to any person is a class [D] C felony;
24 otherwise, resisting or interfering with an arrest, detention or stop in violation of subdivision (1)
25 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.**

**577.016. 1. Except as provided in subsection 2 of this section, in addition to any
2 other penalty which may be imposed upon a person convicted of a violation of section
3 577.010 or 577.012, the court may order that the convicted person's motor vehicle or
4 vehicles be impounded or immobilized for a period of up to one year and that the convicted
5 person pay all reasonable towing, impoundment, and storage fees or other immobilization
6 costs.**

7 **2. The court shall not order the impoundment or immobilization of a motor vehicle
8 driven by a person convicted of a violation of section 577.010 or 577.012 if the motor
9 vehicle had been stolen or converted at the time it was driven in violation of section 577.010
10 or 577.012.**

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

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

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

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

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

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

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

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;**

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 this paragraph;**

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;

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 this paragraph; 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;

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 this paragraph;**

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 **subparagraph a. of this paragraph;**

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; **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 this paragraph; and**

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

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

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

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

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

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

86 aggravated offender shall be eligible for parole or probation until he or she has served a
87 minimum of sixty days imprisonment. No chronic offender shall be eligible for parole or
88 probation until he or she has served a minimum of two years imprisonment.

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

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

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

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

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

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

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

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

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

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

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

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

116 16. Evidence of prior [convictions] **conviction, plea of guilty, or finding of guilty in**
117 **an intoxication-related traffic offense** shall be heard and determined by the trial court out of
118 the hearing of the jury prior to the submission of the case to the jury, and shall include but not
119 be limited to evidence of convictions received by a search of the records of the Missouri uniform
120 law enforcement system maintained by the Missouri state highway patrol. After hearing the

121 evidence, the court shall enter its findings thereon. A [conviction of a violation of a municipal
122 or county ordinance in a county or municipal court for driving while intoxicated or a conviction
123 or a] plea of guilty or a finding of guilty followed by a suspended imposition of sentence,
124 suspended execution of sentence, probation or parole or any combination thereof in **any**
125 **intoxication-related traffic offense in a state, county, or municipal court or any combination**
126 **thereof**, shall be treated as a prior [conviction] **plea of guilty or finding of guilty for purposes**
127 **of this section.**

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

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

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

13 (3) Any offense involving the possession or use of a controlled substance **or the**
14 **unlawful use or possession of drug paraphernalia** as defined in chapter 195, RSMo, in
15 violation of the state law or, beginning July 1, 1992, a county or municipal ordinance, where the
16 defendant was represented by or waived the right to an attorney in writing;

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

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

25 2. A court of competent jurisdiction [shall] **may**, upon a plea of guilty or nolo
26 contendere, conviction or finding of guilt, or, if the court is a juvenile court, upon a finding of
27 fact [that] **involving the possession or use of alcohol for a second time, and** the offense was
28 committed by a juvenile, enter an order suspending or revoking the driving privileges of any

29 person determined to have committed a crime or violation of section 311.325, RSMo, **or,**
30 **beginning July 1, 1992, a county or municipal ordinance, where the defendant was**
31 **represented by or waived the right to an attorney in writing;** and who, at the time said crime
32 or violation was committed, was more than fifteen years of age and under twenty-one years of
33 age.

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

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

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

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

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

577.505. A court of competent jurisdiction shall enter an order revoking the driving
2 privileges of any person determined to have violated any state, county, or municipal law
3 involving the possession or use of a controlled substance **or the unlawful use or possession of**
4 **drug paraphernalia**, as defined in chapter 195, RSMo, while operating a motor vehicle and
5 who, at the time said offense was committed, was twenty-one years of age or older when the

6 person pleads guilty, or is convicted or found guilty of such offense by the court. The court shall
7 require the surrender to it of all operator's and chauffeur's licenses then held by such person. The
8 court shall forward to the director of revenue the order of revocation of driving privileges and
9 any licenses surrendered.

578.009. 1. A person is guilty of animal neglect when he has custody or ownership or
2 both of an animal and fails to provide adequate care [or adequate control], which results in
3 substantial harm to the animal.

4 2. A person is guilty of abandonment when he has knowingly abandoned an animal in
5 any place without making provisions for its adequate care.

6 3. Animal neglect and abandonment is a class C misdemeanor upon first conviction and
7 for each offense, punishable by imprisonment or a fine not to exceed five hundred dollars, or
8 both, and a class B misdemeanor punishable by imprisonment or a fine not to exceed one
9 thousand dollars, or both upon the second and all subsequent convictions. All fines and penalties
10 for a first conviction of animal neglect or abandonment may be waived by the court provided that
11 the person found guilty of animal neglect or abandonment shows that adequate, permanent
12 remedies for the neglect or abandonment have been made. Reasonable costs incurred for the care
13 and maintenance of neglected or abandoned animals may not be waived. This section shall not
14 apply to the provisions of section 578.007.

15 4. In addition to any other penalty imposed by this section, the court may order a person
16 found guilty of animal neglect or abandonment to pay all reasonable costs and expenses
17 necessary for:

18 (1) The care and maintenance of neglected or abandoned animals within the person's
19 custody or ownership;

20 (2) The disposal of any dead or diseased animals within the person's custody or
21 ownership;

22 (3) The reduction of resulting organic debris affecting the immediate area of the neglect
23 or abandonment; and

24 (4) The avoidance or minimization of any public health risks created by the neglect or
25 abandonment of the animals.

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

dulling of the senses or nervous system, distortion of audio, visual or mental processes by the use **or abuse** of any [solvent, particularly toluol.] **of the following substances:**

(1) Solvents, particularly toluol;

(2) Ethyl alcohol.

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

[2.] **4. No person shall intentionally possess any solvent, particularly toluol, for the purpose of using it in the manner prohibited by section 578.250 and this section.**

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

6. These provisions shall not be construed to prohibit the legal consumption of intoxicating liquor, including wine and beer, and nonintoxicating beer.

595.031. 1. Notwithstanding the provisions of section 595.035, a program is hereby created within the crime victim's compensation fund to ensure that any victim of section 565.110 or 565.115, RSMo, who was confined for a period of at least one hundred eighty days, shall be reimbursed for any expenses associated with any academic tutoring necessary to replace primary or secondary school studies lost during the time such person was confined. Such compensation shall be paid to the victim, or if the victim is a minor, to the victim's parent or legal guardian from the crime victims' compensation fund in an amount equal to the actual loss sustained.

2. The program described in subsection 1 of this section shall be known as the "Shawn Hornbeck Educational Reimbursement Program" and shall be administered by the division of workers' compensation in conjunction with the crime victims' compensation fund under the provisions of sections 595.010 to 595.075.

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;

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

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

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

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

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

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

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

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

36 (6) For victims, the right to be informed by appropriate juvenile authorities of probation
37 revocation hearings initiated by the juvenile authority and the right to be heard at such hearings
38 or to offer a written statement, video or audio tape, **counsel** or a [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.

610.019. Sections 610.021, 610.100, and section 1 of this act, shall be known as the
2 **"Law Enforcement Safety Act".**

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] **2012**;
- 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] **2012**;

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; **and**

111 **(22) Records and documents of and pertaining to internal investigations by law**
112 **enforcement agencies into matters of fitness and conduct of law enforcement officers**
113 **employed by such investigating law enforcement agencies used solely in connection with**

114 **matters relating to the employment of such law enforcement officers, 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. Notwithstanding whether**
117 **the subject matter or allegations involved in the internal investigation involve criminal**
118 **conduct on the part of a law enforcement officer, such records shall be considered records**
119 **authorized to be closed under this section, including subdivisions (3) and (13) of this**
120 **section, and not incident reports, investigative reports or other documents covered under**
121 **section 610.100, unless such records and documents are used or shared by the agency in**
122 **a criminal investigation by the law enforcement agency involving the officer.**

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 2. **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 officer's employment, as described in subdivision (22)**
29 **of section 610.021.**

30 **3.** Each law enforcement agency of this state, of any county, and of any municipality
31 shall maintain records of all incidents reported to the agency, investigations and arrests made by
32 such law enforcement agency. All incident reports and arrest reports shall be open records.
33 Notwithstanding any other provision of law other than the provisions of subsections [4.] 5 [and]
34 , 6, **and 7** of this section or section 320.083, RSMo, investigative reports of all law enforcement
35 agencies are closed records until the investigation becomes inactive. If any person is arrested
36 and not charged with an offense against the law within thirty days of the person's arrest, the arrest
37 report shall thereafter be a closed record except that the disposition portion of the record may be
38 accessed and except as provided in section 610.120.

39 [3.] **4.** Except as provided in subsections [4.] 5, 6 [and] , 7, **and 8** of this section, if any
40 portion of a record or document of a law enforcement officer or agency, other than an arrest
41 report, which would otherwise be open, contains information that is reasonably likely to pose a
42 clear and present danger to the safety of any victim, witness, undercover officer, or other person;
43 or jeopardize a criminal investigation, including records which would disclose the identity of a
44 source wishing to remain confidential or a suspect not in custody; or which would disclose
45 techniques, procedures or guidelines for law enforcement investigations or prosecutions, that
46 portion of the record shall be closed and shall be redacted from any record made available
47 pursuant to this chapter.

48 [4.] **5.** Any person, including a family member of such person within the first degree of
49 consanguinity if such person is deceased or incompetent, attorney for a person, or insurer of a
50 person involved in any incident or whose property is involved in an incident, may obtain any
51 records closed pursuant to this section or section 610.150 for purposes of investigation of any
52 civil claim or defense, as provided by this subsection. Any individual, his or her family member
53 within the first degree of consanguinity if such individual is deceased or incompetent, his or her
54 attorney or insurer, involved in an incident or whose property is involved in an incident, upon
55 written request, may obtain a complete unaltered and unedited incident report concerning the
56 incident, and may obtain access to other records closed by a law enforcement agency pursuant
57 to this section. Within thirty days of such request, the agency shall provide the requested
58 material or file a motion pursuant to this subsection with the circuit court having jurisdiction
59 over the law enforcement agency stating that the safety of the victim, witness or other individual
60 cannot be reasonably ensured, or that a criminal investigation is likely to be jeopardized. If,
61 based on such motion, the court finds for the law enforcement agency, the court shall either order

62 the record closed or order such portion of the record that should be closed to be redacted from
63 any record made available pursuant to this subsection.

64 [5.] 6. Any person may bring an action pursuant to this section in the circuit court having
65 jurisdiction to authorize disclosure of the information contained in an investigative report of any
66 law enforcement agency, which would otherwise be closed pursuant to this section. The court
67 may order that all or part of the information contained in an investigative report be released to
68 the person bringing the action. In making the determination as to whether information contained
69 in an investigative report shall be disclosed, the court shall consider whether the benefit to the
70 person bringing the action or to the public outweighs any harm to the public, to the law
71 enforcement agency or any of its officers, or to any person identified in the investigative report
72 in regard to the need for law enforcement agencies to effectively investigate and prosecute
73 criminal activity. The investigative report in question may be examined by the court in camera.
74 The court may find that the party seeking disclosure of the investigative report shall bear the
75 reasonable and necessary costs and attorneys' fees of both parties, unless the court finds that the
76 decision of the law enforcement agency not to open the investigative report was substantially
77 unjustified under all relevant circumstances, and in that event, the court may assess such
78 reasonable and necessary costs and attorneys' fees to the law enforcement agency.

79 [6.] 7. Any person may apply pursuant to this subsection to the circuit court having
80 jurisdiction for an order requiring a law enforcement agency to open incident reports and arrest
81 reports being unlawfully closed pursuant to this section. If the court finds by a preponderance
82 of the evidence that the law enforcement officer or agency has knowingly violated this section,
83 the officer or agency shall be subject to a civil penalty in an amount up to one thousand dollars.
84 If the court finds that there is a knowing violation of this section, the court may order payment
85 by such officer or agency of all costs and attorneys' fees, as provided by section 610.027. If the
86 court finds by a preponderance of the evidence that the law enforcement officer or agency has
87 purposely violated this section, the officer or agency shall be subject to a civil penalty in an
88 amount up to five thousand dollars and the court shall order payment by such officer or agency
89 of all costs and attorney fees, as provided in section 610.027. The court shall determine the
90 amount of the penalty by taking into account the size of the jurisdiction, the seriousness of the
91 offense, and whether the law enforcement officer or agency has violated this section previously.

92 [7.] 8. The victim of an offense as provided in chapter 566, RSMo, may request that his
93 or her identity be kept confidential until a charge relating to such incident is filed.

650.052. 1. The state's DNA profiling system shall:

2 (1) Assist federal, state and local criminal justice and law enforcement agencies in the
3 identification, detection or exclusion of individuals who are subjects of the investigation or
4 prosecution of criminal offenses in which biological evidence is recovered or obtained; and

5 (2) If personally identifiable information is removed, support development of forensic
6 validation studies, forensic protocols, and the establishment and maintenance of a population
7 statistics database for federal, state, or local crime laboratories of law enforcement agencies; and

8 (3) Assist in the recovery or identification of human remains from mass disasters, or for
9 other humanitarian purposes, including identification of missing persons.

10 2. The Missouri state highway patrol shall act as the central repository for the DNA
11 profiling system and shall collaborate with the Federal Bureau of Investigation and other criminal
12 justice agencies relating to the state's participation in CODIS and the National DNA Index
13 System or in any DNA database.

14 3. The Missouri state highway patrol may promulgate rules and regulations to implement
15 the provisions of sections 650.050 to 650.100 in accordance with Federal Bureau of Investigation
16 recommendations for the form and manner of collection of blood or other scientifically accepted
17 biological samples and other procedures for the operation of sections 650.050 to 650.100. No
18 rule or portion of a rule promulgated pursuant to the authority of this section shall become
19 effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

20 4. The Missouri state highway patrol shall provide the necessary components for
21 collection of the [convicted] offender's biological samples. For qualified offenders as defined
22 by section 650.055 who are under custody and control of the department of corrections, the DNA
23 sample collection shall be performed by the department of corrections and the division of
24 probation and parole, or their authorized designee or contracted third party. For qualified
25 offenders as defined by section 650.055 who are under custody and control of a county jail, the
26 DNA sample collections shall be performed by the county jail or its authorized designee or
27 contracted third party. For qualified offenders as defined by section 650.055 who are under the
28 custody and control of companies contracted by the county or court to perform supervision
29 and/or treatment of the offender, the sheriff's department of the county assigned to the offender
30 shall perform the DNA sample collection. The specimens shall thereafter be forwarded to the
31 Missouri state highway patrol crime laboratory. Any DNA profiling analysis or collection of
32 DNA samples by the state or any county performed pursuant to sections 650.050 to 650.100 shall
33 be subject to appropriations.

34 5. The state's participating forensic DNA laboratories shall meet quality assurance
35 standards specified by the Missouri state highway patrol crime laboratory and the Federal Bureau
36 of Investigation to ensure quality DNA identification records submitted to the central repository.

37 6. The state's participating forensic DNA laboratories may provide the system for
38 identification purposes to criminal justice, law enforcement officials and prosecutors in the
39 preparation and utilization of DNA evidence for presentation in court and provide expert
40 testimony in court on DNA evidentiary issues.

41 7. The department of public safety shall have the authority to promulgate rules and
42 regulations to carry out the provisions of sections 650.050 to 650.100. Any rule or portion of
43 a rule, as that term is defined in section 536.010, RSMo, that is created under the authority
44 delegated in this section shall become effective only if it complies with and is subject to all of
45 the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section
46 and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general
47 assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove
48 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority
49 and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

 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 who is seventeen years of**
3 **age or older and who is arrested for a felony offense under chapter 565 or 566, RSMo,** or
4 has been determined [beyond a reasonable doubt] to be a sexually violent predator pursuant to
5 sections 632.480 to 632.513, RSMo, shall have a blood or scientifically accepted biological
6 sample collected for purposes of DNA profiling analysis:

7 (1) **Upon booking at a county jail or detention facility; or**

8 (2) Upon entering or before release from the department of corrections reception and
9 diagnostic centers; or

10 [(2)] (3) Upon entering or before release from a county jail or detention facility, state
11 correctional facility, or any other detention facility or institution, whether operated by private,
12 local, or state agency, or any mental health facility if committed as a sexually violent predator
13 pursuant to sections 632.480 to 632.513, RSMo; or

14 [(3)] (4) When the state accepts a person from another state under any interstate compact,
15 or under any other reciprocal agreement with any county, state, or federal agency, or any other
16 provision of law, whether or not the person is confined or released, the acceptance is conditional
17 on the person providing a DNA sample if the person was convicted of, pleaded guilty to, or
18 pleaded nolo contendere to an offense in any other jurisdiction which would be considered a
19 qualifying offense as defined in this section if committed in this state, or if the person was

20 convicted of, pleaded guilty to, or pleaded nolo contendere to any equivalent offense in any other
21 jurisdiction; or

22 [(4)] (5) If such individual is under the jurisdiction of the department of corrections.
23 Such jurisdiction includes persons currently incarcerated, persons on probation, as defined in
24 section 217.650, RSMo, and on parole, as also defined in section 217.650, RSMo.

25 2. The Missouri state highway patrol and department of corrections shall be responsible
26 for ensuring adherence to the law. Any person required to provide a DNA sample pursuant to
27 this section shall be required to provide such sample, without the right of refusal, at a collection
28 site designated by the Missouri state highway patrol and the department of corrections.
29 Authorized personnel collecting or assisting in the collection of samples shall not be liable in any
30 civil or criminal action when the act is performed in a reasonable manner. Such force may be
31 used as necessary to the effectual carrying out and application of such processes and operations.
32 The enforcement of these provisions by the authorities in charge of state correctional institutions
33 and others having custody or jurisdiction over those who have been convicted of, pleaded guilty
34 to, or pleaded nolo contendere to felony offenses which shall not be set aside or reversed is
35 hereby made mandatory. The board of probation or parole shall recommend that an individual
36 who refuses to provide a DNA sample have his or her probation or parole revoked. In the event
37 that a person's DNA sample is not adequate for any reason, the person shall provide another
38 sample for analysis.

39 3. The procedure and rules for the collection, analysis, storage, expungement, use of
40 DNA database records and privacy concerns shall not conflict with procedures and rules
41 applicable to the Missouri DNA profiling system and the Federal Bureau of Investigation's DNA
42 databank system.

43 4. Unauthorized uses or dissemination of individually identifiable DNA information in
44 a database for purposes other than criminal justice or law enforcement is a class A misdemeanor.

45 5. Implementation of sections 650.050 to 650.100 shall be subject to future
46 appropriations to keep Missouri's DNA system compatible with the Federal Bureau of
47 Investigation's DNA databank system.

48 6. All DNA records and biological materials retained in the DNA profiling system are
49 considered closed records pursuant to chapter 610, RSMo. All records containing any
50 information held or maintained by any person or by any agency, department, or political
51 subdivision of the state concerning an individual's DNA profile shall be strictly confidential and
52 shall not be disclosed, except to:

53 (1) Peace officers, as defined in section 590.010, RSMo, and other employees of law
54 enforcement agencies who need to obtain such records to perform their public duties;

55 (2) The attorney general or any assistant attorneys general acting on his or her behalf, as
56 defined in chapter 27, RSMo;

57 (3) Prosecuting attorneys or circuit attorneys as defined in chapter 56, RSMo, and their
58 employees who need to obtain such records to perform their public duties; or

59 (4) Associate circuit judges, circuit judges, judges of the courts of appeals, supreme court
60 judges, and their employees who need to obtain such records to perform their public duties.

61 7. Any person who obtains records pursuant to the provisions of this section shall use
62 such records only for investigative and prosecutorial purposes, including but not limited to use
63 at any criminal trial, hearing, or proceeding; or for law enforcement identification purposes,
64 including identification of human remains. Such records shall be considered strictly confidential
65 and shall only be released as authorized by this section.

66 8. An individual may request expungement of his or her DNA sample and DNA profile
67 through the court issuing the reversal or dismissal. A certified copy of the court order
68 establishing that such conviction has been reversed or guilty plea or plea of nolo contendere has
69 been set aside shall be sent to the Missouri state highway patrol crime laboratory. Upon receipt
70 of the court order, the laboratory will determine that the requesting individual has no other
71 qualifying offense as a result of any separate plea or conviction prior to expungement.

72 (1) A person whose DNA record or DNA profile has been included in the state DNA
73 database in accordance with this section, section 488.5050, RSMo, and sections 650.050,
74 650.052, and 650.100 may request expungement on the grounds that the conviction has been
75 reversed, or the guilty plea or plea of nolo contendere on which the authority for including that
76 person's DNA record or DNA profile was based has been set aside.

77 (2) Upon receipt of a written request for expungement, a certified copy of the final court
78 order reversing the conviction or setting aside the plea and any other information necessary to
79 ascertain the validity of the request, the Missouri state highway patrol crime laboratory shall
80 expunge all DNA records and identifiable information in the database pertaining to the person
81 and destroy the DNA sample of the person, unless the Missouri state highway patrol determines
82 that the person is otherwise obligated to submit a DNA sample. Within thirty days after the
83 receipt of the court order, the Missouri state highway patrol shall notify the individual that it has
84 expunged his or her DNA sample and DNA profile, or the basis for its determination that the
85 person is otherwise obligated to submit a DNA sample.

86 (3) The Missouri state highway patrol is not required to destroy any item of physical
87 evidence obtained from a DNA sample if evidence relating to another person would thereby be
88 destroyed.

89 (4) Any identification, warrant, arrest, or evidentiary use of a DNA match derived from
90 the database shall not be excluded or suppressed from evidence, nor shall any conviction be
91 invalidated or reversed or plea set aside due to the failure to expunge or a delay in expunging
92 DNA records.

650.120. 1. [Subject to appropriation.] **There is hereby created in the state treasury**
2 **the "Cyber Crime Investigation Fund". The treasurer shall be custodian of the fund and**
3 **may approve disbursements from the fund in accordance with sections 30.170 and 30.180,**
4 **RSMo. Beginning with the 2010 fiscal year and in each subsequent fiscal year, the general**
5 **assembly shall appropriate three million dollars to the cyber crime investigation fund. The**
6 **department of public safety shall be the administrator of the fund. Money in the fund shall**
7 **be used solely for the administration of the grant program established under this section.**
8 **Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys**
9 **remaining in the fund at the end of the biennium shall not revert to the credit of the**
10 **general revenue fund. The state treasurer shall invest moneys in the fund in the same**
11 **manner as other funds are invested. Any interest and moneys earned on such investments**
12 **shall be credited to the fund.**

13 2. The department of public safety shall create a program to distribute grants to
14 multijurisdictional Internet cyber crime law enforcement task forces, multijurisdictional
15 enforcement groups, as defined in section 195.503, RSMo, that are investigating Internet sex
16 crimes against children, and other law enforcement agencies. **The program shall be funded**
17 **by the cyber crime investigation fund created under subsection 1 of this section.** Not more
18 than three percent of the money [appropriated] **in the fund** may be used by the department to pay
19 the administrative costs of the grant program. The grants shall be awarded and used to pay the
20 salaries of detectives and computer forensic personnel whose focus is investigating Internet sex
21 crimes against children, including but not limited to enticement of a child, possession or
22 promotion of child pornography, provide funding for the training of law enforcement personnel
23 **and prosecuting and circuit attorneys as well as their assistant prosecuting and circuit**
24 **attorneys,** and purchase necessary equipment, supplies, and services. The funding for such
25 training may be used to cover the travel expenses of those persons participating.

26 [2.] 3. A panel is hereby established in the department of public safety to award grants
27 under this program and shall be comprised of the following members:

- 28 (1) The director of the department of public safety, or his or her designee;
29 (2) Two members shall be appointed by the director of the department of public safety
30 from a list of six nominees submitted by the Missouri Police Chiefs Association;

31 (3) Two members shall be appointed by the director of the department of public safety
32 from a list of six nominees submitted by the Missouri Sheriffs' Association;

33 (4) Two members of the state highway patrol shall be appointed by the director of the
34 department of public safety from a list of six nominees submitted by the Missouri State Troopers
35 Association;

36 (5) One member of the house of representatives who shall be appointed by the speaker
37 of the house of representatives; and

38 (6) One member of the senate who shall be appointed by the president pro tem.

39

40 The panel members who are appointed under subdivisions (2), (3), and (4) of this subsection
41 shall serve a four-year term ending four years from the date of expiration of the term for which
42 his or her predecessor was appointed. However, a person appointed to fill a vacancy prior to the
43 expiration of such a term shall be appointed for the remainder of the term. Such members shall
44 hold office for the term of his or her appointment and until a successor is appointed. The
45 members of the panel shall receive no additional compensation but shall be eligible for
46 reimbursement for mileage directly related to the performance of panel duties.

47 [3.] 4. Local matching amounts, which may include new or existing funds or in-kind
48 resources including but not limited to equipment or personnel, are required for
49 multijurisdictional Internet cyber crime law enforcement task forces and other law enforcement
50 agencies to receive grants awarded by the panel. Such amounts shall be determined by the state
51 appropriations process or by the panel.

52 [4.] 5. When awarding grants, priority should be given to newly hired detectives and
53 computer forensic personnel.

54 [5.] 6. The panel shall establish minimum training standards for detectives and computer
55 forensic personnel participating in the grant program established in subsection 1 of this section.

56 [6.] 7. Multijurisdictional Internet cyber crime law enforcement task forces and other law
57 enforcement agencies participating in the grant program established in subsection 1 of this
58 section shall share information and cooperate with the highway patrol and with existing Internet
59 crimes against children task force programs.

60 [7.] 8. The panel may make recommendations to the general assembly regarding the need
61 for additional resources or appropriations.

62 [8.] 9. The power of arrest of any peace officer who is duly authorized as a member of
63 a multijurisdictional Internet cyber crime law enforcement task force shall only be exercised
64 during the time such peace officer is an active member of such task force and only within the
65 scope of the investigation on which the task force is working. Notwithstanding other provisions

66 of law to the contrary, such task force officer shall have the power of arrest, as limited in this
67 subsection, anywhere in the state and shall provide prior notification to the chief of police of a
68 municipality or the sheriff of the county in which the arrest is to take place. If exigent
69 circumstances exist, such arrest may be made and notification shall be made to the chief of police
70 or sheriff as appropriate and as soon as practical. The chief of police or sheriff may elect to work
71 with the multijurisdictional Internet cyber crime law enforcement task force at his or her option
72 when such task force is operating within the jurisdiction of such chief of police or sheriff.

73 [9.] **10.** Under section 23.253, RSMo, of the Missouri sunset act:

74 (1) The provisions of the new program authorized under this section shall sunset
75 automatically six years after June 5, 2006, unless reauthorized by an act of the general assembly;
76 and

77 (2) If such program is reauthorized, the program authorized under this section shall
78 sunset automatically twelve years after the effective date of the reauthorization of this section;
79 and

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

**650.465. All law enforcement, ambulance, and fire protection agencies shall remove
2 all emergency lights, sirens, and decals designating a vehicle as an emergency vehicle prior
3 to selling or consigning such vehicle unless such vehicle is being sold directly to another
4 public or private public safety agency.**

**650.470. 1. There is hereby created in the state treasury the "Reverend Nathaniel
2 Cole Memorial Pursuit Reduction Grant", which shall consist of all moneys duly
3 authorized and appropriated by the general assembly, all moneys received from federal
4 funds, gifts, bequests, donations, and any other moneys so designated, and all interest
5 earned on and income generated from moneys in the fund. The state treasurer shall be the
6 custodian of the fund and shall approve disbursements from the fund in accordance with
7 sections 30.170 and 30.180, RSMo. Moneys in the fund shall be used solely to provide
8 grants in the amount of a fifty percent match to urban police departments which purchase
9 real-time tagging and tracking pursuit management systems.**

10 **2. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any
11 moneys remaining in the fund at the end of the biennium shall not revert to the credit of
12 the general revenue fund.**

13 **3. The state treasurer shall invest moneys in the fund in the same manner as other
14 funds are invested.**

15 **4. Only urban police departments which have a pursuit policy in place that is**
16 **consistent with the state laws governing police pursuits shall be eligible for such grants.**
17 **The director of the department of public safety shall determine an applicant's eligibility**
18 **according to the requirements of this subsection and shall disqualify from consideration**
19 **any urban police department that is not in compliance with state laws governing police**
20 **pursuit.**

21 **5. Applications for matching grants shall be filed with the department of public**
22 **safety on forms prescribed and furnished by the director of the department of public**
23 **safety. The applications shall include the number of pursuits engaged in by the applicant**
24 **department per year for each of the five years preceding the application.**

25 **6. The director shall approve all applications which are not disqualified under the**
26 **provisions of subsection 4 of this section. If funding is not sufficient to award grants to all**
27 **eligible applicants who were not disqualified by the director of the department of public**
28 **safety then the director shall determine which applicants shall be awarded grants on the**
29 **basis of need. Need shall be determined by the average number of pursuits engaged in by**
30 **a department over the five years preceding application with grants being awarded first to**
31 **those applicants with the highest average number of pursuits per year. The director shall**
32 **continue to award grants based on need until funds dip below the dollar amount needed**
33 **to provide a fifty percent match to the next applicant.**

34 **7. The director of the department of public safety shall administer the provisions**
35 **of this section and may adopt all rules and regulations necessary to administer the**
36 **provisions of this section. Any rule or portion of a rule, as that term is defined in section**
37 **536.010, RSMo, that is created under the authority delegated in this section shall become**
38 **effective only if it complies with and is subject to all of the provisions of chapter 536,**
39 **RSMo, and, if applicable, section 536.028, RSMo. The provisions of this section are**
40 **nonseverable and if any of the powers vested with the general assembly under chapter 536,**
41 **RSMo, to review, to delay the effective date, or to disapprove and annul a rule are**
42 **subsequently held unconstitutional, then the grant of rulemaking authority and any rule**
43 **proposed or adopted after August 28, 2008, shall be invalid and void.**

44 **8. As used in this section the following terms shall mean:**

45 **(1) "Real-time tagging and tracking pursuit management system", any system**
46 **which deploys a projectile that attaches to a fleeing vehicle during police pursuit and can**
47 **be monitored in real-time using GPS technology;**

48 (2) **"Urban police department", any police department, sheriffs' department, or**
49 **law enforcement agency which is located in a metropolitan area in this state with a**
50 **population of at least four hundred thousand inhabitants.**

701.355. The board shall have the following powers:

2 (1) To consult with engineering authorities and organizations who are studying and
3 developing elevator safety codes;

4 (2) To adopt a code of rules and regulations governing construction, maintenance,
5 testing, **licensing of elevator mechanics and elevator contractors**, and inspection of both new
6 and existing installations. The board shall have the power to adopt a safety code only for those
7 types of equipment defined in the rule. In promulgating the elevator safety code the board may
8 consider any existing or future American National Standards Institute safety code affecting
9 elevators as defined in sections 701.350 to 701.380, or any other nationally acceptable standard;

10 (3) To certify state, municipal inspectors and political subdivision inspectors, and special
11 inspectors, who shall enforce the provisions of a safety code adopted pursuant to sections
12 701.350 to 701.380;

13 (4) To appoint a chief safety inspector together with a staff for the purpose of ensuring
14 compliance with any safety code established pursuant to sections 701.350 to 701.380.

Section 1. 1. Every railroad corporation that operates within the state shall provide
2 **the Missouri emergency response commission with a monthly report of all key shipments**
3 **of hazardous substances transported by the railroad corporation through or within the**
4 **state. The report shall be due within sixty days following the last day of the month being**
5 **reported and shall include the following information:**

6 (1) **The railroad that handled the reported shipment;**

7 (2) **The car initials and number;**

8 (3) **The weight and quantity of railcar, trailer, or container;**

9 (4) **The material transported in railcar, trailer, or container, including proper**
10 **shipping name and number; and**

11 (5) **The route of shipment from the point where it either originated within or**
12 **entered the state and until it exited the state or reaches its final destination for unloading**
13 **or storage within the state. Route includes timetable station names at intervals of not more**
14 **than sixty miles.**

15 **2. Any key shipments moved less than a total distance of ten miles through or**
16 **within the state shall be exempt from the requirements set forth in subsection 1 of this**
17 **section.**

18 **3. For the purposes of this section, "key shipments" shall include loads containing**
19 **spent nuclear fuel or high level radioactive waste moving under Hazardous Materials**
20 **Response Codes 4529135, 4929125, 4929135, 4929140, or 4929150, materials that are**
21 **classified as a Poison Inhalation Hazard, anhydrous ammonia, and class 1.1 or 1.2**
22 **explosives.**

Section 2. 1. Notwithstanding any other provision of law or rule, court personnel
2 **shall, prior to disclosure to the public, omit the Social Security number, date of birth, and**
3 **address of any law enforcement officer other than the address of the law enforcement**
4 **agency that employs the officer, or any other personal identifier for a law enforcement**
5 **officer from any case record involving any criminal case filed, whether written or**
6 **published on the Internet, unless the law enforcement officer is named as the defendant.**

7 **2. If the court determines that a person or entity who is requesting a record has a**
8 **legitimate interest in obtaining any information listed in subsection 1 of this section, the**
9 **court may allow access, but only if the court determines that disclosure will not cause harm**
10 **to the officer or the family of the officer whose Social Security number, date of birth,**
11 **address, or other personal identifiers are disclosed.**

12 **3. Any person who discloses any information listed in subsection 1 of this section,**
13 **when such disclosure results in physical or financial harm to a law enforcement officer or**
14 **any member of his or her family, shall be guilty of a class A misdemeanor for a first offense**
15 **and a class D felony for a second or subsequent offense.**

Section 3. 1. There is established in the state treasury a special trust fund to be
2 **known as the "Alcohol and Tobacco Enforcement Trust Fund". The state treasurer shall**
3 **credit to and deposit in the fund all amounts received under section 407.934, RSMo.**

4 **2. The state treasurer shall invest moneys in the alcohol and tobacco enforcement**
5 **trust fund in the same manner as surplus state funds are invested under section 30.260,**
6 **RSMo. All earnings resulting from the investment of moneys in the fund shall be credited**
7 **to the fund.**

8 **3. Funds appropriated by the general assembly from the alcohol and tobacco**
9 **enforcement trust fund shall be used only for purposes authorized under this section.**

10 **4. Appropriation of funds by the general assembly from the alcohol and tobacco**
11 **enforcement fund shall be used to support the division of alcohol and tobacco control for**
12 **enforcement of the liquor control and tobacco enforcement laws under chapters 311 and**
13 **312, RSMo, and section 407.934, RSMo, and this section.**

Section 4. 1. Any city which now has or may hereafter attain a population of five
2 **hundred thousand inhabitants or over shall provide its law enforcement officers with**

3 firearms with a caliber of .40 or greater. Under section 513.651, RSMo, funds collected
4 under the criminal activity forfeiture act (CAFA) shall be used to purchase firearms
5 necessary for compliance with this section. If adequate funds are not available on August
6 28, 2008, firearms may be purchased as funds become available until full compliance has
7 been met.

8 2. Any city described in subsection 1 of this section is hereby authorized to sell any
9 firearm that is in need of being replaced so long as the city complies with all other federal
10 and state statutory guidelines. Funds from the sale of such firearm shall be used to
11 supplement the costs of purchasing new firearms as required by subsection 1 of this
12 section.

Section 5. The owner of an animal commits the crime of failure to adequately
2 control an animal if an owner intentionally or negligently fails to adequately control or
3 restrain such animal and the animal bites or otherwise causes physical injury to a person
4 or damage to property. Any owner who commits the crime of failure to adequately control
5 an animal is guilty of a class C misdemeanor. For any second or subsequent offense, the
6 owner is guilty of a class A misdemeanor. Any owner who violates the provisions of this
7 section shall be liable to an injured party for all damages done by the animal.

Section 6. Any government entity or political subdivision may, for law enforcement
2 purposes, collect and share the identity of natural persons with the Federal Bureau of
3 Investigation or its successor agency. Such agencies may share information in the same
4 manner as the Federal Bureau of Investigation uses in its Automated Fingerprint
5 Identification System or its successor program.

Section B. Because immediate action is necessary to protect young children within
2 Missouri from potentially serious injury, the repeal and reenactment of sections 317.006,
3 317.011, and 317.015 of section A of this act is deemed necessary for the immediate preservation
4 of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act
5 within the meaning of the constitution, and the repeal and reenactment of sections 317.006,
6 317.011, and 317.015 of section A of this act shall be in full force and effect upon its passage
7 and approval.

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