

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 62
95TH GENERAL ASSEMBLY

0468L.05C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 43.500, 43.503, 43.506, 43.540, 82.300, 191.225, 217.450, 217.460, 217.665, 217.670, 302.311, 302.750, 311.310, 311.325, 311.326, 409.5-508, 409.6-604, 544.665, 556.036, 559.106, 561.031, 565.063, 565.081, 565.084, 570.040, 575.060, 575.080, 575.150, 575.260, 577.029, 578.250, 578.255, 578.260, 578.265, 595.010, 595.015, 595.020, 595.025, 595.027, 595.030, 595.035, 595.037, 595.040, 595.045, 595.060, 595.209, and 650.055, RSMo, and section 302.060 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session and section 302.060 as enacted by house committee substitute for senate committee substitute for senate bills nos. 37, 322, 78, 351 & 424, ninety-third general assembly, first regular session, and to enact in lieu thereof fifty-two new sections relating to crime, with penalty provisions.

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

Section A. Sections 43.500, 43.503, 43.506, 43.540, 82.300, 191.225, 217.450, 217.460,
2 217.665, 217.670, 302.311, 302.750, 311.310, 311.325, 311.326, 409.5-508, 409.6-604, 544.665,
3 556.036, 559.106, 561.031, 565.063, 565.081, 565.084, 570.040, 575.060, 575.080, 575.150,
4 575.260, 577.029, 578.250, 578.255, 578.260, 578.265, 595.010, 595.015, 595.020, 595.025,
5 595.027, 595.030, 595.035, 595.037, 595.040, 595.045, 595.060, 595.209, and 650.055, RSMo,
6 and section 302.060 as enacted by conference committee substitute for house committee
7 substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general
8 assembly, second regular session and section 302.060 as enacted by house committee substitute

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

9 for senate committee substitute for senate bills nos. 37, 322, 78, 351 & 424, ninety-third general
10 assembly, first regular session, are repealed and fifty-two new sections enacted in lieu thereof,
11 to be known as sections 43.500, 43.503, 43.506, 43.540, 82.300, 217.439, 217.450, 217.460,
12 217.665, 217.670, 302.060, 302.311, 302.750, 311.310, 311.325, 311.326, 409.5-508, 409.6-604,
13 544.665, 556.036, 559.106, 561.031, 565.063, 565.081, 565.084, 570.040, 575.060, 575.080,
14 575.150, 575.153, 575.260, 577.029, 578.250, 578.255, 578.260, 578.265, 595.010, 595.015,
15 595.020, 595.025, 595.027, 595.030, 595.035, 595.037, 595.040, 595.045, 595.060, 595.209,
16 595.220, 650.055, 650.470, and 1, to read as follows:

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] **unique biometric** 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] **unique biometric**
31 **identification**, to one or many offenses for which the person is arrested or charged. The OCN
32 will be used to track an offense incident from the date of arrest to the final disposition when the
33 offender exits from the criminal justice system[.] ;

34 (9) **"Unique biometric identification", automated methods of recognizing and**
35 **identifying an individual based on a physiological characteristic. Biometric identification**
36 **methods may include but are not limited to facial recognition, fingerprints, palm prints,**
37 **hand geometry, iris recognition, and retinal scan.**

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 **photograph and any other unique biometric identification collected**, charges, appropriate
10 charge codes, and descriptions of all persons who are arrested for such offenses on standard
11 fingerprint forms supplied or approved by the highway patrol or electronically in a format and
12 manner approved by the highway patrol **and in compliance with the standards set by the**
13 **Federal Bureau of Investigation in its Automated Fingerprint Identification System or its**
14 **successor program**. All such agencies shall also notify the central repository of all decisions
15 not to refer such arrests for prosecution. An agency making such arrests may enter into
16 arrangements with other law enforcement agencies for the purpose of furnishing without undue
17 delay such fingerprints, **photograph and any other unique biometric identification collected**,
18 charges, appropriate charge codes, and descriptions to the central repository upon its behalf.

19 3. In instances where an individual less than seventeen years of age and not currently
20 certified as an adult is taken into custody for an offense which would be a felony if committed
21 by an adult, the arresting officer shall take fingerprints for the central repository. These
22 fingerprints shall be taken on fingerprint cards supplied by or approved by the highway patrol
23 or transmitted electronically in a format and manner approved by the highway patrol **and in**
24 **compliance with the standards set by the Federal Bureau of Investigation in its Automated**
25 **Fingerprint Identification System or its successor program**. The fingerprint cards shall be
26 so constructed that the name of the juvenile should not be made available to the central

27 repository. The individual's name and the unique number associated with the fingerprints and
28 other pertinent information shall be provided to the court of jurisdiction by the agency taking the
29 juvenile into custody. The juvenile's fingerprints and other information shall be forwarded to the
30 central repository and the courts without undue delay. The fingerprint information from the card
31 shall be captured and stored in the automated fingerprint identification system operated by the
32 central repository. In the event the fingerprints are found to match other tenprints or unsolved
33 latent prints, the central repository shall notify the submitting agency who shall notify the court
34 of jurisdiction as per local agreement. **Under section 211.031, RSMo, in instances where a**
35 **juvenile over fifteen and one-half years of age is alleged to have violated a state or**
36 **municipal traffic ordinance or regulation, which does not constitute a felony, and the**
37 **juvenile court does not have jurisdiction, the juvenile shall not be fingerprinted unless**
38 **certified as an adult.**

39 4. Upon certification of the individual as an adult, the certifying court shall order a law
40 enforcement agency to immediately fingerprint **and photograph** the individual **and certification**
41 **papers will be forwarded to the appropriate law enforcement agency with the order for**
42 **fingerprinting.** The law enforcement agency shall submit such fingerprints, **photograph and**
43 **certification papers** to the central repository within fifteen days and shall furnish the offense
44 cycle number associated with the fingerprints to the prosecuting attorney or the circuit attorney
45 of a city not within a county and to the clerk of the court ordering the subject fingerprinted. If
46 the juvenile is acquitted of the crime and is no longer certified as an adult, the prosecuting
47 attorney shall notify within fifteen days the central repository of the change of status of the
48 juvenile. Records of a child who has been fingerprinted and photographed after being taken into
49 custody shall be closed records as provided under section 610.100, RSMo, if a petition has not
50 been filed within thirty days of the date that the child was taken into custody; and if a petition
51 for the child has not been filed within one year of the date the child was taken into custody, any
52 records relating to the child concerning the alleged offense may be expunged under the
53 procedures in sections 610.122 to 610.126, RSMo.

54 5. The prosecuting attorney of each county or the circuit attorney of a city not within a
55 county **or the municipal prosecuting attorney** shall notify the central repository on standard
56 forms supplied by the highway patrol or in a manner approved by the highway patrol [of all
57 charges filed, including all those added subsequent to the filing of a criminal court case, and
58 whether charges were not filed in criminal cases for which the central repository has a record of
59 an arrest] **of his or her decision to not file a criminal charge on any charge referred to such**
60 **prosecuting attorney or circuit attorney for criminal charges.** All records forwarded to the
61 central repository **and the courts** by prosecutors or circuit attorneys as required by sections
62 43.500 to 43.530 shall include the state offense cycle number of the offense, the charge code for

63 the offense, and the originating agency identifier number of the reporting prosecutor, using such
64 numbers as assigned by the highway patrol.

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

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

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

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

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

81 7. The clerk of the courts of each county or city not within a county shall furnish, to the
82 department of corrections or department of mental health, court judgment and sentence
83 documents and the state offense cycle number and the charge code of the offense which resulted
84 in the commitment or assignment of an offender to the jurisdiction of the department of
85 corrections or the department of mental health if the person is committed pursuant to chapter
86 552, RSMo. This information shall be reported to the department of corrections or the
87 department of mental health at the time of commitment or assignment. If the offender was
88 already in the custody of the department of corrections or the department of mental health at the
89 time of such subsequent conviction, the clerk shall furnish notice of such subsequent conviction
90 to the appropriate department by certified mail, return receipt requested, or in a manner and
91 format mutually agreed to, within fifteen days of such disposition.

92 8. Information and fingerprints, [and other indicia] **photograph and any other unique**
93 **biometric identification collected**, forwarded to the central repository, normally obtained from
94 a person at the time of the arrest, may be obtained at any time the subject is in the criminal
95 justice system or committed to the department of mental health. A law enforcement agency or
96 the department of corrections may fingerprint, **photograph and capture any other unique**
97 **biometric identification of** the person and obtain the necessary information at any time the
98 subject is in custody. If at the time of [disposition] **any court appearance**, the defendant has

not been fingerprinted **and photographed** for an offense in which a fingerprint **and photograph** is required by statute to be collected, maintained, or disseminated by the central repository, the court shall order a law enforcement agency **or court marshal** to fingerprint **and photograph** immediately the defendant. **The order for fingerprints shall contain the offense, charge code, date of offense, and any other information necessary to complete the fingerprint card.** The law enforcement agency **or court marshal** shall submit such fingerprints, **photograph and any other unique biometric identification collected**, to the central repository without undue delay and within thirty days and shall furnish the offense cycle number associated with the fingerprints to the prosecuting attorney or the circuit attorney of a city not within a county and to the court clerk of the court ordering the subject fingerprinted.

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

43.506. 1. Those offenses considered reportable for the purposes of sections 43.500 to 43.543 include all felonies [and serious or aggravated] ; **class A misdemeanors; all violations for driving under the influence of drugs or alcohol; any offense that can be enhanced to a class A misdemeanor or higher for subsequent violations; and comparable ordinance violations** consistent with the reporting standards established by the National Crime Information Center, Federal Bureau of Investigation, for the Federal Interstate Identification Index System[. In addition,] ; **and** all cases arising [pursuant to sections 566.010 to 566.141, RSMo, where the defendant pleads guilty to an offense involving a child under seventeen years of age and the court imposes a suspended imposition of sentence shall be reported] **under chapter 566, RSMo.** The following types of offenses shall not be considered reportable for the purposes of sections 57.403, RSMo, 43.500 to 43.543, and 595.200 to 595.218, RSMo: [disturbing the peace, curfew violation, loitering, false fire alarm, disorderly conduct,] nonspecific charges of suspicion or investigation, [and] general traffic violations and all misdemeanor violations of the state wildlife code. [All violations for driving under the influence of drugs or alcohol are reportable.] All offenses considered reportable shall be reviewed annually and noted in the Missouri charge code manual established in section 43.512. All information collected pursuant to sections 43.500 to 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] **unique biometric**
25 **identification** 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;**

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

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

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

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

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

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

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

89 (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

entity to cover the cost of handling the criminal record review and may establish an account solely for the collection and dissemination of fees associated with the criminal record reviews.

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

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

82.300. 1. Any city with a population of four hundred thousand or more inhabitants which is located in more than one county may enact all needful ordinances for preserving order, securing persons or property from violence, danger and destruction, protecting public and private property and for promoting the general interests and ensuring the good government of the city, and for the protection, regulation and orderly government of parks, public grounds and other public property of the city, both within and beyond the corporate limits of such city; and to prescribe and impose, enforce and collect fines, forfeitures and penalties for the breach of any provisions of such ordinances and to punish the violation of such ordinances by fine or imprisonment, or by both fine and imprisonment; but no fine shall exceed [five hundred] **one thousand** dollars nor imprisonment exceed twelve months for any such offense, except as provided in subsection 2 of this section.

2. Any city with a population of four hundred thousand or more inhabitants which is located in more than one county which operates a publicly owned treatment works in accordance with an approved pretreatment program pursuant to the federal Clean Water Act, 33 U.S.C. 1251, et seq. and chapter 644, RSMo, may enact all necessary ordinances which require compliance by an industrial user with any pretreatment standard or requirement. Such ordinances may authorize injunctive relief or the imposition of a fine of at least one thousand dollars but not more than five thousand dollars per violation for noncompliance with such pretreatment standards or requirements. For any continuing violation, each day of the violation shall be considered a separate offense.

3. Any city with a population of more than four hundred thousand inhabitants may enact all needful ordinances to protect public and private property from illegal and unauthorized dumping and littering, and to punish the violation of such ordinances by a fine not to exceed one thousand dollars or by imprisonment not to exceed twelve months for each offense, or by both such fine and imprisonment.

26 4. Any city with a population of more than four hundred thousand inhabitants may enact
27 all needful ordinances to protect public and private property from nuisance and property
28 maintenance code violations, and to punish the violation of such ordinances by a fine not to
29 exceed one thousand dollars or by imprisonment not to exceed twelve months for each offense,
30 or by both such fine and imprisonment.

**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
2 final disposition of any untried indictment, information or complaint pending in this state on the
3 basis of which a **law enforcement agency, prosecuting attorney's office, or circuit attorney's**
4 **office has delivered a certified copy of a warrant and has requested that a** detainer [has
5 been] **be** lodged against him [while so imprisoned] **with the facility where the offender is**
6 **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 of which the director has knowledge, and of his right to make a request for
14 final disposition of such indictment, information or complaint on which the detainer is based.

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

217.460. Within one hundred eighty days after the receipt of the request and certificate,
2 pursuant to sections 217.450 and 217.455, by the court and the prosecuting attorney or within
3 such additional necessary or reasonable time as the court may grant, for good cause shown in
4 open court, the offender or his counsel being present, the indictment, information or complaint
5 shall be brought to trial. The parties may stipulate for a continuance or a continuance may be
6 granted if notice is given to the attorney of record with an opportunity for him to be heard. If the
7 indictment, information or complaint is not brought to trial within the period **and if the court**
8 **finds that the offender's constitutional right to a speedy trial has been denied,** no court of
9 this state shall have jurisdiction of such indictment, information or complaint, nor shall the

10 untried indictment, information or complaint be of any further force or effect; and the court shall
11 issue an order dismissing the same with prejudice.

217.665. 1. Beginning August 28, 1996, the board of probation and parole shall consist
2 of seven members appointed by the governor by and with the advice and consent of the senate.

3 2. Beginning August 28, 1996, members of the board shall be persons of recognized
4 integrity and honor, known to possess education and ability in decision making through career
5 experience and other qualifications for the successful performance of their official duties. Not
6 more than four members of the board shall be of the same political party.

7 3. At the expiration of the term of each member and of each succeeding member, the
8 governor shall appoint a successor who shall hold office for a term of six years and until his
9 successor has been appointed and qualified. Members may be appointed to succeed themselves.

10 4. Vacancies occurring in the office of any member shall be filled by appointment by the
11 governor for the unexpired term.

12 5. The governor shall designate one member of the board as chairman **and one member**
13 **as vice-chairman**. The chairman shall be the director of the division and shall have charge of
14 the division's operations, funds and expenditures. **In the event of the chairman's removal,**
15 **death, resignation, or inability to serve, the vice-chairman shall act as chairman upon**
16 **written order of the governor or chairman.** [The chairman shall designate by order of record
17 another member to act as chairman in the event of absence or sickness of the chairman, and
18 during such time the member so appointed by the chairman shall possess all powers of the
19 chairman.]

20 6. Members of the board shall devote full time to the duties of their office and before
21 taking office shall subscribe to an oath or affirmation to support the Constitution of the United
22 States and the Constitution of the State of Missouri. The oath shall be signed in the office of the
23 secretary of state.

24 7. The annual compensation for each member of the board whose term commenced
25 before August 28, 1999, shall be forty-five thousand dollars plus any salary adjustment, including
26 prior salary adjustments, provided pursuant to section 105.005, RSMo. Salaries for board
27 members whose terms commence after August 27, 1999, shall be set as provided in section
28 105.950, RSMo; provided, however, that the compensation of a board member shall not be
29 increased during the member's term of office, except as provided in section 105.005, RSMo. In
30 addition to compensation provided by law, the members shall be entitled to reimbursement for
31 necessary travel and other expenses incurred pursuant to section 33.090, RSMo.

32 8. Any person who served as a member of the board of probation and parole prior to July
33 1, 2000, shall be made, constituted, appointed and employed by the board of trustees of the state
34 employees' retirement system as a special consultant on the problems of retirement, aging and

35 other state matters. As compensation for such services, such consultant shall not be denied use
36 of any unused sick leave, or the ability to receive credit for unused sick leave pursuant to chapter
37 104, RSMo, provided such sick leave was maintained by the board of probation and parole in
38 the regular course of business prior to July 1, 2000, but only to the extent of such sick leave
39 records are consistent with the rules promulgated pursuant to section 36.350, RSMo. Nothing
40 in this section shall authorize the use of any other form of leave that may have been maintained
41 by the board prior to July 1, 2000.

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.**

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

- 3 (1) To any person who is under the age of eighteen years, if such person operates a motor
4 vehicle in the transportation of persons or property as classified in section 302.015;
- 5 (2) To any person who is under the age of sixteen years, except as hereinafter provided;
- 6 (3) To any person whose license has been suspended, during such suspension, or to any
7 person whose license has been revoked, until the expiration of one year after such license was
8 revoked;
- 9 (4) To any person who is an habitual drunkard or is addicted to the use of narcotic drugs;
- 10 (5) To any person who has previously been adjudged to be incapacitated and who at the
11 time of application has not been restored to partial capacity;
- 12 (6) To any person who, when required by this law to take an examination, has failed to
13 pass such examination;
- 14 (7) To any person who has an unsatisfied judgment against such person, as defined in
15 chapter 303, RSMo, until such judgment has been satisfied or the financial responsibility of such
16 person, as defined in section 303.120, RSMo, has been established;
- 17 (8) To any person whose application shows that the person has been convicted within
18 one year prior to such application of violating the laws of this state relating to failure to stop after
19 an accident and to disclose the person's identity or driving a motor vehicle without the owner's
20 consent;
- 21 (9) To any person who has been convicted more than twice of violating state law, or a
22 county or municipal ordinance where the defendant was represented by or waived the right to an
23 attorney in writing, relating to driving while intoxicated; except that, after the expiration of ten
24 years from the date of conviction of the last offense of violating such law or ordinance relating
25 to driving while intoxicated, a person who was so convicted may petition the circuit court of the
26 county in which such last conviction was rendered and the court shall review the person's habits
27 and conduct since such conviction. If the court finds that the petitioner has not been convicted
28 of any offense related to alcohol, controlled substances or drugs during the preceding ten years
29 and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the
30 public safety of this state, the court may order the director to issue a license to the petitioner if
31 the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540.
32 No person may obtain a license pursuant to the provisions of this subdivision through court
33 action more than one time;
- 34 (10) To any person who has been convicted twice within a five-year period of violating
35 state law, or a county or municipal ordinance where the defendant was represented by or waived
36 the right to an attorney in writing, of driving while intoxicated, **or any other intoxication-**
37 **related traffic offense as defined in subdivision (3) of subsection 1 of section 577.023,**
38 **RSMo,** or who has been convicted of the crime of involuntary manslaughter while operating a

39 motor vehicle in an intoxicated condition. The director shall not issue a license to such person
40 for five years from the date such person was convicted **or pled guilty** for involuntary
41 manslaughter while operating a motor vehicle in an intoxicated condition or for driving while
42 intoxicated **or any other intoxication-related traffic offense as defined in subdivision (3) of**
43 **subsection 1 of section 577.023, RSMo**, for the second time[. Any person who has been denied
44 a license for two convictions of driving while intoxicated prior to July 27, 1989, shall have the
45 person's license issued, upon application, unless the two convictions occurred within a five-year
46 period, in which case, no license shall be issued to the person for five years from the date of the
47 second conviction];

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

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

60 2. Any person whose license is reinstated under the provisions of subdivisions (9) and
61 (10) of subsection 1 of this section shall be required to file proof with the director of revenue that
62 any motor vehicle operated by the person is equipped with a functioning, certified ignition
63 interlock device as a required condition of reinstatement. The ignition interlock device shall
64 further be required to be maintained on all motor vehicles operated by the person for a period of
65 not less than six months immediately following the date of reinstatement. If the person fails to
66 maintain such proof with the director, the license shall be suspended for the remainder of the
67 six-month period or until proof as required by this section is filed with the director. Upon the
68 completion of the six-month period, the license shall be shown as reinstated, if the person is
69 otherwise eligible.

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

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

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

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

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

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

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

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

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

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

40 (10) To any person who has been convicted twice within a five-year
41 period of violating state law, or a county or municipal ordinance where the
42 defendant was represented by or waived the right to an attorney in writing, of
43 driving while intoxicated, or who has been convicted of the crime of involuntary
44 manslaughter while operating a motor vehicle in an intoxicated condition. The
45 director shall not issue a license to such person for five years from the date such
46 person was convicted for involuntary manslaughter while operating a motor
47 vehicle in an intoxicated condition or for driving while intoxicated for the second
48 time. Any person who has been denied a license for two convictions of driving

49 while intoxicated prior to July 27, 1989, shall have the person's license issued,
50 upon application, unless the two convictions occurred within a five-year period,
51 in which case, no license shall be issued to the person for five years from the date
52 of the second conviction;

53 (11) To any person who is otherwise disqualified pursuant to the
54 provisions of sections 302.010 to 302.780, chapter 303, RSMo, or section
55 544.046, RSMo;

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

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

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

7 2. A person requested to submit to a test as provided by section 302.745 shall be warned
8 by the law enforcement officer requesting the test that a refusal to submit to the test will result
9 in that person being immediately placed out of service for a period of twenty-four hours and
10 being disqualified from operating a commercial motor vehicle for a period of not less than one

11 year if for a first refusal to submit to the test and for life if for a second or subsequent refusal to
12 submit to the test. The director may issue rules and regulations, in accordance with guidelines
13 established by the secretary, under which a disqualification for life under this section may be
14 reduced to a period of not less than ten years.

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

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

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

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

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

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

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

14 2. Any owner, occupant, or other person or legal entity with a lawful right to the
15 exclusive use and enjoyment of any property who knowingly allows a person under the age of
16 twenty-one to drink or possess intoxicating liquor or knowingly fails to stop a person under the
17 age of twenty-one from drinking or possessing intoxicating liquor on such property, unless such

18 person allowing the person under the age of twenty-one to drink or possess intoxicating liquor
19 is his or her parent or guardian, is guilty of a class B misdemeanor. Any second or subsequent
20 violation of this subsection is a class A misdemeanor.

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

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

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

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

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

25 purpose of determining the alcohol or drug content of the person's blood. The implied
26 consent to submit to the chemical tests listed in this subsection shall be limited to not more
27 than two such tests arising from the same arrest, incident, or charge. Chemical analysis
28 of the person's breath, blood, saliva, or urine shall be performed according to methods
29 approved by the state department of health and senior services by licensed medical
30 personnel or by a person possessing a valid permit issued by the state department of health
31 and senior services for this purpose. The state department of health and senior services
32 shall approve satisfactory techniques, devices, equipment, or methods to be considered
33 valid and shall establish standards to ascertain the qualifications and competence of
34 individuals to conduct analyses and to issue permits which shall be subject to termination
35 or revocation by the state department of health and senior services. The person tested may
36 have a physician, or a qualified technician, chemist, registered nurse, or other qualified
37 person at the choosing and expense of the person to be tested, administer a test in addition
38 to any administered at the direction of a law enforcement officer. The failure or inability
39 to obtain an additional test by a person shall not preclude the admission of evidence
40 relating to the test taken at the direction of a law enforcement officer. Upon the request
41 of the person who is tested, full information concerning the test shall be made available to
42 such person. Full information is limited to the following:

- 43 (1) The type of test administered and the procedures followed;
- 44 (2) The time of the collection of the blood or breath sample or urine analyzed;
- 45 (3) The numerical results of the test indicating the alcohol content of the blood and
46 breath and urine;
- 47 (4) The type and status of any permit which was held by the person who performed
48 the test;
- 49 (5) If the test was administered by means of a breath-testing instrument, the date
50 of performance of the most recent required maintenance of such instrument.

51
52 Full information does not include manuals, schematics, or software of the instrument used
53 to test the person or any other material that is not in the actual possession of the state.
54 Additionally, full information does not include information in the possession of the
55 manufacturer of the test instrument.

- 56 4. The provisions of this section shall not apply to a student who:
- 57 (1) Is eighteen years of age or older;
 - 58 (2) Is enrolled in an accredited college or university and is a student in a culinary course;
 - 59 (3) Is required to taste, but not consume or imbibe, any beer, ale, porter, wine, or other
60 similar malt or fermented beverage as part of the required curriculum; and

61 (4) Tastes a beverage under subdivision (3) of this subsection only for instructional
62 purposes during classes that are part of the curriculum of the accredited college or university.
63
64 The beverage must at all times remain in the possession and control of an authorized instructor
65 of the college or university, who must be twenty-one years of age or older. Nothing in this
66 subsection may be construed to allow a student under the age of twenty-one to receive any beer,
67 ale, porter, wine, or other similar malt or fermented beverage unless the beverage is delivered
68 as part of the student's required curriculum and the beverage is used only for instructional
69 purposes during classes conducted as part of the curriculum.

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

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

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

9 (c) **A person convicted of criminal securities fraud or any other criminal securities**
10 **violation shall be fined not more than one million dollars or imprisoned not more than ten**
11 **years, or both. 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 (d) 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)] (e) 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)] (f) 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 of
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.

544.665. 1. In addition to the forfeiture of any security which was given or pledged for
2 a person's release, any person who, having been released [pursuant to sections 544.040 to
3 544.665, or] upon a recognizance or bond pursuant to any other provisions of law **while pending**
4 **preliminary hearing, trial, sentencing, appeal, probation or parole revocation, or any other**
5 **stage of a criminal matter against him or her**, [willfully] **knowingly** fails to appear before any
6 court or judicial officer as required shall be guilty of [an offense and punished as follows:] **the**
7 **crime of failure to appear.**

8 [(1)] **2. Failure to appear is:**

9 (1) **A class D felony** if [arrested for or charged with] **the criminal matter for which the**
10 **person was released included** a felony[, by a fine of not more than five thousand dollars or
11 imprisoned for not more than five years];

12 (2) **A class A misdemeanor** if [arrested for or charged with] **the criminal matter for**
13 **which the person was released includes** a misdemeanor[, by a fine of not more than one
14 thousand dollars or confinement in the county jail for not more than one year] **or misdemeanors**
15 **but no felony or felonies;**

16 (3) **An infraction** if [arrested for or charged with] **the criminal matter for which the**
17 **person was released includes only** an infraction[, by a fine of not more than five hundred
18 dollars] **or infractions;**

19 (4) **An infraction** if [arrested for] **the criminal matter for which the person was**
20 **released includes only** the violation of a municipal ordinance, [by a fine not to exceed five
21 hundred dollars;] provided that the sentence imposed shall not exceed the maximum fine [or
22 maximum period of imprisonment] which could be imposed for the [offense] **municipal**
23 **ordinance** for which the accused was arrested.

24 [2.] **3.** Nothing in sections 544.040 to 544.665 shall prevent the exercise by any court
25 of its power to punish for contempt.

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.

559.106. 1. Notwithstanding any statutory provision to the contrary, when a court grants
2 probation to an offender who has pleaded guilty to or has been found guilty of an offense in
3 section [566.030,] 566.032, [566.060,] or 566.062, RSMo, based on an act committed on or after
4 August 28, 2006, or the offender has pleaded guilty to or has been found guilty of an offense
5 under section 566.067, 566.083, 566.100, 566.151, 566.212, 566.213, 568.020, 568.080, or

6 568.090, RSMo, based on an act committed on or after August 28, 2006, against a victim who
7 was less than fourteen years old and the offender is a prior sex offender as defined in subsection
8 2 of this section, the court shall order that the offender be supervised by the board of probation
9 and parole for the duration of his or her natural life.

10 2. For the purpose of this section, a prior sex offender is a person who has previously
11 pleaded guilty to or has been found guilty of an offense contained in chapter 566, RSMo, or
12 violating section 568.020, RSMo, when the person had sexual intercourse or deviate sexual
13 intercourse with the victim, or of violating subdivision (2) of subsection 1 of section 568.045,
14 RSMo.

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

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

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

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

13 (2) Waiver of preliminary hearing;

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

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

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

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

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

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

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

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

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

2 (1) "Domestic assault offense":

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

62 14. Any person who has pleaded guilty to or been found guilty of a violation of section
63 565.072 shall be sentenced to the authorized term of imprisonment for a class A felony if the
64 court finds the offender is a prior domestic violence offender. The offender shall be sentenced

65 to the authorized term of imprisonment for a class A felony which term shall be served without
66 probation or parole if the court finds the offender is a persistent domestic violence offender or
67 the prior domestic violence offender inflicts serious physical injury on the victim.

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

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

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

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

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

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

565.084. 1. A person commits the crime of tampering with a judicial officer if, with the
2 purpose to harass, intimidate or influence a judicial officer in the performance of such officer's
3 official duties, [he] **such person**:

4 (1) Threatens or causes harm to such judicial officer or members of such judicial officer's
5 family;

6 (2) Uses force, threats, or deception against or toward such judicial officer or members
7 of such judicial officer's family;

8 (3) Offers, conveys or agrees to convey any benefit direct or indirect upon such judicial
9 officer or such judicial officer's family;

10 (4) Engages in conduct reasonably calculated to harass or alarm such judicial officer or
11 such judicial officer's family, including stalking pursuant to section 565.225.

12 2. A judicial officer for purposes of this section shall be a judge, arbitrator, special
13 master, **juvenile officer, deputy juvenile officer**, juvenile court commissioner, state probation
14 or parole officer, or referee.

15 3. A judicial officer's family for purposes of this section shall be:

16 (1) [His] **Such officer's** spouse; or

17 (2) [His] **Such officer** or [his] **such officer's** spouse's ancestor or descendant by blood
18 or adoption; or

- 19 (3) [His] **Such officer's** stepchild, while the marriage creating that relationship exists.
20 4. Tampering with a judicial officer is a class C felony.

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

9 2. As used in this section, the term "stealing-related offense" shall include federal and
10 state violations of criminal statutes against stealing, **robbery**, or buying or receiving stolen
11 property and shall also include municipal ordinances against same if the defendant was either
12 represented by counsel or knowingly waived counsel in writing and the judge accepting the plea
13 or making the findings was a licensed attorney at the time of the court proceedings.

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

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. **This section also**
13 **applies to arrests on warrants issued for probation or parole warrants and arrests on**
14 **capias warrants or bench warrants issued by federal, state, or municipal judges.**

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

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

22 5. Resisting or interfering with an arrest for a felony is a class [D] C felony. **Resisting**
23 **or interfering with an arrest for a probation warrant, a parole warrant, a capias warrant,**
24 **or a bench warrant where such warrant issued was related to a felony, is a class D felony.**
25 Resisting an arrest, detention or stop by fleeing in such a manner that the person fleeing creates
26 a substantial risk of serious physical injury or death to any person is a class [D] C felony;
27 otherwise, resisting or interfering with an arrest, detention or stop in violation of subdivision (1)
28 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.**

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

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

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

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

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

**577.029. A licensed physician, registered nurse, or trained medical technician at the
2 place of his or her employment, acting at the request and direction of the law enforcement
3 officer, shall withdraw blood for the purpose of determining the alcohol content of the
4 blood, unless such medical personnel, in his or her good faith medical judgment, believes
5 such procedure would endanger the life or health of the person in custody. Blood may be
6 withdrawn only by such medical personnel, but such restriction shall not apply to the
7 taking of a breath test, a saliva specimen, or a urine specimen. In withdrawing blood for
8 the purpose of determining the alcohol content thereof, only a previously unused and
9 sterile needle and sterile vessel shall be utilized and the withdrawal shall otherwise be in
10 strict accord with accepted medical practices. Upon the request of the person who is tested,
11 full information concerning the test taken at the direction of the law enforcement officer
12 shall be made available to him or her.**

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

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

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

- 9 (1) **Solvents, particularly toluol;**
10 (2) **Ethyl alcohol;**
11 (3) **Amyl nitrite and its iso-analogues;**

- 12 (4) Butyl nitrite and its iso-analogues;
13 (5) Cyclohexyl nitrite and its iso-analogues;
14 (6) Ethyl nitrite and its iso-analogues;
15 (7) Pentyl nitrite and its iso-analogues; and
16 (8) Propyl nitrite and its iso-analogues.

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

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

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

26 6. Nothing in this section shall be construed to prohibit the legal consumption of
27 intoxicating liquor, as defined by section 311.020, RSMo, or nonintoxicating beer, as
28 defined by section 312.010, RSMo.

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

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

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

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

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

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

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

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

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

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

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

16 (5) "Crime", an act committed in this state which, if committed by a mentally competent,
17 criminally responsible person who had no legal exemption or defense, would constitute a crime;
18 provided that, such act involves the application of force or violence or the threat of force or
19 violence by the offender upon the victim but shall include the crime of driving while intoxicated,
20 vehicular manslaughter and hit and run; and provided, further, that no act involving the operation
21 of a motor vehicle except driving while intoxicated, vehicular manslaughter and hit and run
22 which results in injury to another shall constitute a crime for the purpose of sections 595.010 to
23 595.075, unless such injury was intentionally inflicted through the use of a motor vehicle. A
24 crime shall also include an act of terrorism, as defined in 18 U.S.C. section 2331, which has been
25 committed outside of the United States against a resident of Missouri;

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

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

29 (8) "Dependent", mother, father, spouse, spouse's mother, spouse's father, child,
30 grandchild, adopted child, illegitimate child, niece or nephew, who is wholly or partially

31 dependent for support upon, and living with, but shall include children entitled to child support
32 but not living with, the victim at the time of his injury or death due to a crime alleged in a claim
33 pursuant to sections 595.010 to [595.070] **595.075**;

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

37 (10) "Director", the director of public safety of this state or a person designated by him
38 for the purposes of sections 595.010 to [595.070] **595.075**;

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

43 (12) ["Division", the division of workers' compensation of the state of Missouri;

44 (13)] "Emergency service", those services provided within thirty days to alleviate the
45 immediate effects of the criminal act or offense, and may include cash grants of not more than
46 one hundred dollars;

47 [(14)] **(13)** "Earnings", net income or net wages;

48 [(15)] **(14)** "Family", the spouse, parent, grandparent, stepmother, stepfather, child,
49 grandchild, brother, sister, half brother, half sister, adopted children of parent, or spouse's
50 parents;

51 [(16)] **(15)** "Funeral expenses", the expenses of the funeral, burial, cremation or other
52 chosen method of interment, including plot or tomb and other necessary incidents to the
53 disposition of the remains;

54 [(17)] **(16)** "Gainful employment", engaging on a regular and continuous basis, up to
55 the date of the incident upon which the claim is based, in a lawful activity from which a person
56 derives a livelihood;

57 [(18)] **(17)** "Guardian", one appointed by a court to have the care and custody of the
58 person of a minor or of an incapacitated person, including a limited guardian;

59 [(19)] **(18)** "Hit and run", the crime of leaving the scene of a motor vehicle accident as
60 defined in section 577.060, RSMo;

61 [(20)] **(19)** "Incapacitated person", one who is unable by reason of any physical or
62 mental condition to receive and evaluate information or to communicate decisions to such an
63 extent that he lacks capacity to meet essential requirements for food, clothing, shelter, safety or
64 other care such that serious physical injury, illness, or disease is likely to occur, including a
65 partially incapacitated person who lacks the capacity to meet, in part, such essential
66 requirements;

67 [(21)] (20) "Injured victim", a person:

68 (a) Killed or receiving a personal physical injury in this state as a result of another
69 person's commission of or attempt to commit any crime;

70 (b) Killed or receiving a personal physical injury in this state while in a good faith
71 attempt to assist a person against whom a crime is being perpetrated or attempted;

72 (c) Killed or receiving a personal physical injury in this state while assisting a law
73 enforcement officer in the apprehension of a person who the officer has reason to believe has
74 perpetrated or attempted a crime;

75 [(22)] (21) "Law enforcement official", a sheriff and his regular deputies, municipal
76 police officer or member of the Missouri state highway patrol and such other persons as may be
77 designated by law as peace officers;

78 [(23)] (22) "Offender", a person who commits a crime;

79 [(24)] (23) "Personal physical injury", actual bodily harm only with respect to the
80 victim. Personal physical injury may include mental or nervous shock resulting from the specific
81 incident upon which the claim is based;

82 [(25)] (24) "Private agency", a not-for-profit corporation, in good standing in this state,
83 which provides services to victims of crime and their dependents;

84 [(26)] (25) "Public agency", a part of any local or state government organization which
85 provides services to victims of crime;

86 [(27)] (26) "Relative", the spouse of the victim or a person related to the victim within
87 the third degree of consanguinity or affinity as calculated according to civil law;

88 [(28)] (27) "Survivor", the spouse, parent, legal guardian, grandparent, sibling or child
89 of the deceased victim of the victim's household at the time of the crime;

90 [(29)] (28) "Victim", a person who suffers personal physical injury or death as a direct
91 result of a crime, as defined in subdivision (5) of this subsection;

92 [(30)] (29) "Victim advocacy", assisting the victim of a crime and his dependents to
93 acquire services from existing community resources.

94 2. As used in sections 565.024 and 565.060, RSMo, and sections 595.010 to 595.075,
95 the term "alcohol-related traffic offense" means those offenses defined by sections 577.001,
96 577.010, and 577.012, RSMo, and any county or municipal ordinance which prohibits operation
97 of a motor vehicle while under the influence of alcohol.

595.015. 1. The [division of workers' compensation] **department of public safety** shall,
2 pursuant to the provisions of sections 595.010 to 595.075, have jurisdiction to determine and
3 award compensation to, or on behalf of, victims of crimes. The [division of workers'
4 compensation] **department of public safety** may pay directly to the provider of the services
5 compensation for medical or funeral expenses, or expenses for other services as described in

6 section 595.030, incurred by the claimant. The [division] **department** is not required to provide
7 compensation in any case, nor is it required to award the full amount claimed. The [division]
8 **department** shall make its award of compensation based upon independent verification obtained
9 during its investigation.

10 2. Such claims shall be made by filing an application for compensation with the [division
11 of workers' compensation] **department of public safety**. The application form shall be
12 furnished by the [division] **department** and the signature shall be notarized. The application
13 shall include:

14 (1) The name and address of the victim;

15 (2) If the claimant is not the victim, the name and address of the claimant and
16 relationship to the victim, the names and addresses of the victim's dependents, if any, and the
17 extent to which each is so dependent;

18 (3) The date and nature of the crime or attempted crime on which the application for
19 compensation is based;

20 (4) The date and place where, and the law enforcement officials to whom, notification
21 of the crime was given;

22 (5) The nature and extent of the injuries sustained by the victim, the names and addresses
23 of those giving medical and hospital treatment to the victim and whether death resulted;

24 (6) The loss to the claimant or a dependent resulting from the injury or death;

25 (7) The amount of benefits, payments or awards, if any, payable from any source which
26 the claimant or dependent has received or for which the claimant or dependent is eligible as a
27 result of the injury or death;

28 (8) Releases authorizing the surrender to the [division] **department** of reports,
29 documents and other information relating to the matters specified under this section; and

30 (9) Such other information as the [division] **department**
31 determines is necessary.

32 3. In addition to the application, the [division] **department** may require that the claimant
33 submit materials substantiating the facts stated in the application.

34 4. If the [division] **department** finds that an application does not contain the required
35 information or that the facts stated therein have not been substantiated, it shall notify the
36 claimant in writing of the specific additional items of information or materials required and that
37 the claimant has thirty days from the date of mailing in which to furnish those items to the
38 [division] **department**. Unless a claimant requests and is granted an extension of time by the
39 [division] **department**, the [division] **department** shall reject with prejudice the claim of the
40 claimant for failure to file the additional information or materials within the specified time.

41 5. The claimant may file an amended application or additional substantiating materials
42 to correct inadvertent errors or omissions at any time before the [division] **department** has
43 completed its consideration of the original application.

44 6. The claimant, victim or dependent shall cooperate with law enforcement officials in
45 the apprehension and prosecution of the offender in order to be eligible, or the [division]
46 **department** has found that the failure to cooperate was for good cause.

47 7. Any state or local agency, including a prosecuting attorney or law enforcement agency,
48 shall make available without cost to the fund, all reports, files and other appropriate information
49 which the [division] **department** requests in order to make a determination that a claimant is
50 eligible for an award pursuant to sections 595.010 to 595.075.

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

3 (1) A victim of a crime;

4 (2) In the case of a sexual assault victim:

5 (a) A relative of the victim requiring counseling in order to better assist the victim in his
6 recovery; and

7 (3) In the case of the death of the victim as a direct result of the crime:

8 (a) A dependent of the victim;

9 (b) Any member of the family who legally assumes the obligation, or who pays the
10 medical or burial expenses incurred as a direct result thereof; and

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

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

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

24 4. No compensation of any kind may be made to a victim who has been finally
25 adjudicated and found guilty, in a criminal prosecution under the laws of this state, of two
26 felonies within the past ten years, of which one or both involves illegal drugs or violence. The

27 [division] **department** may waive this restriction if it determines that the interest of justice
28 would be served otherwise.

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

33 (1) The [division] **department** shall suspend all proceedings and payments until such
34 time as the claimant is released from incarceration;

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

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

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

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

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

52 (2) The place that the crime occurred is a state, possession or territory of the United
53 States, or location outside of the United States that is covered and defined in 18 U.S.C. section
54 2331, that does not have a crime victims' compensation program for which the victim is eligible
55 and which provides at least the same compensation that the victim would have received if he had
56 been injured in Missouri.

595.025. 1. A claim for compensation may be filed by a person eligible for
2 compensation or, if the person is an incapacitated or disabled person, or a minor, by the person's
3 spouse, parent, conservator, or guardian.

4 2. A claim shall be filed not later than two years after the occurrence of the crime or the
5 discovery of the crime upon which it is based.

6 3. Each claim shall be filed in person or by mail. The [division of workers'
7 compensation] **department of public safety** shall investigate such claim, prior to the opening
8 of formal proceedings. The claimant shall be notified of the date and time of any hearing on such
9 claim. In determining the amount of compensation for which a claimant is eligible, the [division]
10 **department** shall consider the facts stated on the application filed pursuant to section 595.015,
11 and:

12 (1) Need not consider whether or not the alleged assailant has been apprehended or
13 brought to trial or the result of any criminal proceedings against that person; however, if any
14 person is convicted of the crime which is the basis for an application for compensation, proof
15 of the conviction shall be conclusive evidence that the crime was committed;

16 (2) Shall determine the amount of the loss to the claimant, or the victim's survivors or
17 dependents;

18 (3) Shall determine the degree or extent to which the victim's acts or conduct provoked,
19 incited, or contributed to the injuries or death of the victim.

20 4. The claimant may present evidence and testimony on his own behalf or may retain
21 counsel. The [division of workers' compensation] **department of public safety** may, as part of
22 any award entered under sections 595.010 to 595.075, determine and allow reasonable attorney's
23 fees, which shall not exceed fifteen percent of the amount awarded as compensation under
24 sections 595.010 to 595.075, which fee shall be paid out of, but not in addition to, the amount
25 of compensation, to the attorney representing the claimant. No attorney for the claimant shall
26 ask for, contract for or receive any larger sum than the amount so allowed.

27 5. The person filing a claim shall, prior to any hearing thereon, submit reports, if
28 available, from all hospitals, physicians or surgeons who treated or examined the victim for the
29 injury for which compensation is sought. If, in the opinion of the [division of workers'
30 compensation] **department of public safety**, an examination of the injured victim and a report
31 thereon, or a report on the cause of death of the victim, would be of material aid, the [division
32 of workers' compensation] **department of public safety** may appoint a duly qualified, impartial
33 physician to make such examination and report.

34 6. Each and every payment shall be exempt from attachment, garnishment or any other
35 remedy available to creditors for the collection of a debt.

36 7. Payments of compensation shall not be made directly to any person legally
37 incompetent to receive them but shall be made to the parent, guardian or conservator for the
38 benefit of such minor, disabled or incapacitated person.

2 595.027. 1. Upon request by the [division] **department** for verification of injuries of
3 victims, medical providers shall submit the information requested by the [division] **department**
within twenty working days of the request at no cost to the fund.

4 2. For purposes of this section, "medical providers" means physicians, **pharmacists**,
5 dentists, clinical psychologists, optometrists, podiatrists, registered nurses, physician's assistants,
6 chiropractors, physical therapists, hospitals, **pharmacies**, ambulatory surgical centers, and
7 nursing homes.

8 3. Failure to submit the information as required by this section shall be an infraction.

595.030. 1. No compensation shall be paid unless the claimant has incurred an
2 out-of-pocket loss of at least fifty dollars or has lost two continuous weeks of earnings or support
3 from gainful employment. "Out-of-pocket loss" shall mean unreimbursed or unreimbursable
4 expenses or indebtedness reasonably incurred:

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

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

12 2. No compensation shall be paid unless the [division of workers' compensation]
13 **department of public safety** finds that a crime was committed, that such crime directly resulted
14 in personal physical injury to, or the death of, the victim, and that police records show that such
15 crime was promptly reported to the proper authorities. In no case may compensation be paid if
16 the police records show that such report was made more than forty-eight hours after the
17 occurrence of such crime, unless the [division of workers' compensation] **department of public**
18 **safety** finds that the report to the police was delayed for good cause. If the victim is under
19 eighteen years of age such report may be made by the victim's parent, guardian or custodian; by
20 a physician, a nurse, or hospital emergency room personnel; by the division of family services
21 personnel; or by any other member of the victim's family. In the case of a sexual offense, filing
22 a report of the offense to the proper authorities may include, but not be limited to, the filing of
23 the report of the forensic examination by the appropriate medical provider, as defined in section
24 [191.225, RSMo] **595.220**, with the prosecuting attorney of the county in which the alleged
25 incident occurred.

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

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

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

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

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

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

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

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

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

54 [7.] 8. The method and timing of the payment of any compensation pursuant to sections
55 595.010 to 595.075 shall be determined by the [division] **department**.

595.035. 1. For the purpose of determining the amount of compensation payable
2 pursuant to sections 595.010 to 595.075, the [division of workers' compensation] **department**
3 **of public safety** shall, insofar as practicable, formulate standards for the uniform application of
4 sections 595.010 to 595.075, taking into consideration the provisions of sections 595.010 to
5 595.075, the rates and amounts of compensation payable for injuries and death pursuant to other
6 laws of this state and of the United States, excluding pain and suffering, and the availability of
7 funds appropriated for the purpose of sections 595.010 to 595.075. All decisions of the [division
8 of workers' compensation] **department of public safety** on claims [heard] pursuant to sections
9 595.010 to 595.075 shall be in writing, setting forth the name of the claimant, the amount of
10 compensation and the reasons for the decision. The [division of workers' compensation]
11 **department of public safety** shall immediately notify the claimant in writing of the decision and

12 shall forward to the state treasurer a certified copy of the decision and a warrant for the amount
13 of the claim. The state treasurer, upon certification by the commissioner of administration, shall,
14 if there are sufficient funds in the crime victims' compensation fund, pay to or on behalf of the
15 claimant the amount determined by the [division] **department**.

16 2. The crime victims' compensation fund is not a state health program and is not intended
17 to be used as a primary payor to other health care assistance programs, but is a public,
18 quasi-charitable fund whose fundamental purpose is to assist victims of violent crimes through
19 a period of financial hardship, as a payor of last resort. Accordingly, any compensation paid
20 pursuant to sections 595.010 to 595.075 shall be reduced by the amount of any payments,
21 benefits or awards received or to be received as a result of the injury or death:

22 (1) From or on behalf of the offender;

23 (2) Under private or public insurance programs, including champus, Medicare, Medicaid
24 and other state or federal programs, but not including any life insurance proceeds; or

25 (3) From any other public or private funds, including an award payable pursuant to the
26 workers' compensation laws of this state.

27 3. In determining the amount of compensation payable, the [division of workers'
28 compensation] **department of public safety** shall determine whether, because of the victim's
29 consent, provocation, incitement or negligence, the victim contributed to the infliction of the
30 victim's injury or death, and shall reduce the amount of the compensation or deny the claim
31 altogether, in accordance with such determination; provided, however, that the [division of
32 workers' compensation] **department of public safety** may disregard the responsibility of the
33 victim for his or her own injury where such responsibility was attributable to efforts by the
34 victim to aid a victim, or to prevent a crime or an attempted crime from occurring in his or her
35 presence, or to apprehend a person who had committed a crime in his or her presence or had in
36 fact committed a felony.

37 4. In determining the amount of compensation payable pursuant to sections 595.010 to
38 [595.070] **595.075**, monthly Social Security disability or retirement benefits received by the
39 victim shall not be considered by the [division] **department** as a factor for reduction of benefits.

40 5. The [division] **department** shall not be liable for payment of compensation for any
41 out-of-pocket expenses incurred more than three years following the date of the occurrence of
42 the crime upon which the claim is based.

595.037. 1. All information submitted to the **department or division of workers'**
2 **compensation** and any hearing of the division of **workers' compensation** on a claim filed
3 pursuant to sections 595.010 to [595.070] **595.075** shall be open to the public except for the
4 following claims which shall be deemed closed and confidential:

5 (1) A claim in which the alleged assailant has not been brought to trial and disclosure
6 of the information or a public hearing would adversely affect either the apprehension, or the trial,
7 of the alleged assailant;

8 (2) A claim in which the offense allegedly perpetrated against the victim is rape, sodomy
9 or sexual abuse and it is determined by the **department or division of workers' compensation**
10 to be in the best interest of the victim or of the victim's dependents that the information be kept
11 confidential or that the public be excluded from the hearing;

12 (3) A claim in which the victim or alleged assailant is a minor; or

13 (4) A claim in which any record or report obtained by the **department or division of**
14 **workers' compensation**, the confidentiality of which is protected by any other law, shall remain
15 confidential subject to such law.

16 2. The **department and division of workers' compensation**, by separate order, may
17 close any record, report or hearing if it determines that the interest of justice would be frustrated
18 rather than furthered if such record or report was disclosed or if the hearing was open to the
19 public.

595.040. 1. Acceptance of any compensation under sections 595.010 to 595.075 shall
2 subrogate this state, to the extent of such compensation paid, to any right or right of action
3 accruing to the claimant or to the victim to recover payments on account of losses resulting from
4 the crime with respect to which the compensation has been paid. The attorney general may
5 enforce the subrogation, and he shall bring suit to recover from any person to whom
6 compensation is paid, to the extent of the compensation actually paid under sections 595.010 to
7 595.075, any amount received by the claimant from any source exceeding the actual loss to the
8 victim.

9 2. The [division] **department** shall have a lien on any compensation received by the
10 claimant, in addition to compensation received under provisions of sections 595.010 to 595.075,
11 for injuries or death resulting from the incident upon which the claim is based. The claimant
12 shall retain, as trustee for the [division] **department**, so much of the recovered funds as
13 necessary to reimburse the Missouri crime victims' compensation fund to the extent that
14 compensation was awarded to the claimant from that fund.

15 3. If a claimant initiates any legal proceeding to recover restitution or damages related
16 to the crime upon which the claim is based, or if the claimant enters into negotiations to receive
17 any proceeds in settlement of a claim for restitution or damages related to the crime, the claimant
18 shall give the [division] **department** written notice within fifteen days of the filing of the action
19 or entering into negotiations. The [division] **department** may intervene in the proceeding of a
20 complainant to recover the compensation awarded. If a claimant fails to give such written notice
21 to the [division] **department** within the stated time period, or prior to any attempt by claimant

22 to reach a negotiated settlement of claims for recovery of damages related to the crime upon
23 which the claim is based, the [division's] **department's** right of subrogation to receive or recover
24 funds from claimant, to the extent that compensation was awarded by the [division] **department**,
25 shall not be reduced in any amount or percentage by the costs incurred by claimant attributable
26 to such legal proceedings or settlement, including, but not limited to, attorney's fees,
27 investigative cost or cost of court. If such notice is given, attorney fees may be awarded in an
28 amount not to exceed fifteen percent of the amount subrogated to the [division] **department**.

29 4. Whenever compensation is awarded to a claimant who is entitled to restitution from
30 a criminal defendant, the [division] **department** may initiate restitution hearings in such criminal
31 proceedings or intervene in the same. The [division] **department** shall be entitled to receive
32 restitution in such proceedings to the extent compensation was awarded; provided, however, the
33 [division] **department** shall be exempt from the payment of any fees or other charges for the
34 recording of restitution orders in the offices of the judges of probate. The claimant shall notify
35 this [division] **department** when restitution is ordered. Failure to notify the [division]
36 **department** will result in possible forfeiture of any amount already received from the [division]
37 **department**.

38 5. Whenever the [division] **department** shall deem it necessary to protect, maintain or
39 enforce the [division's] **department's** right to subrogation or to exercise any of its powers or to
40 carry out any of its duties or responsibilities, the attorney general may initiate legal proceedings
41 or intervene in legal proceedings as the [division's] **department's** legal representative.

595.045. 1. There is established in the state treasury the "Crime Victims' Compensation
2 Fund". A surcharge of seven dollars and fifty cents shall be assessed as costs in each court
3 proceeding filed in any court in the state in all criminal cases including violations of any county
4 ordinance or any violation of criminal or traffic laws of the state, including an infraction and
5 violation of a municipal ordinance; except that no such fee shall be collected in any proceeding
6 in any court when the proceeding or the defendant has been dismissed by the court or when costs
7 are to be paid by the state, county, or municipality. A surcharge of seven dollars and fifty cents
8 shall be assessed as costs in a juvenile court proceeding in which a child is found by the court
9 to come within the applicable provisions of subdivision (3) of subsection 1 of section 211.031,
10 RSMo.

11 2. Notwithstanding any other provision of law to the contrary, the moneys collected by
12 clerks of the courts pursuant to the provisions of subsection 1 of this section shall be collected
13 and disbursed in accordance with sections 488.010 to 488.020, RSMo, and shall be payable to
14 the director of the department of revenue.

15 3. The director of revenue shall deposit annually the amount of two hundred fifty
16 thousand dollars to the state forensic laboratory account administered by the department of public

17 safety to provide financial assistance to defray expenses of crime laboratories if such analytical
18 laboratories are registered with the federal Drug Enforcement Agency or the Missouri department
19 of health and senior services. Subject to appropriations made therefor, such funds shall be
20 distributed by the department of public safety to the crime laboratories serving the courts of this
21 state making analysis of a controlled substance or analysis of blood, breath or urine in relation
22 to a court proceeding.

23 4. The remaining funds collected under subsection 1 of this section shall be denoted to
24 the payment of an annual appropriation for the administrative and operational costs of the office
25 for victims of crime and, if a statewide automated crime victim notification system is established
26 pursuant to section 650.310, RSMo, to the monthly payment of expenditures actually incurred
27 in the operation of such system. Additional remaining funds shall be subject to the following
28 provisions:

29 (1) On the first of every month, the director of revenue or the director's designee shall
30 determine the balance of the funds in the crime victims' compensation fund available to satisfy
31 the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections
32 595.050 and 595.055;

33 (2) Beginning on September 1, 2004, and on the first of each month, the director of
34 revenue or the director's designee shall deposit fifty percent of the balance of funds available to
35 the credit of the crime victims' compensation fund and fifty percent to the services to victims'
36 fund established in section 595.100.

37 5. The director of revenue or such director's designee shall at least monthly report the
38 moneys paid pursuant to this section into the crime victims' compensation fund and the services
39 to victims fund to the [division of workers' compensation and the] department of public safety[,
40 respectively].

41 6. The moneys collected by clerks of municipal courts pursuant to subsection 1 of this
42 section shall be collected and disbursed as provided by sections 488.010 to 488.020, RSMo.
43 Five percent of such moneys shall be payable to the city treasury of the city from which such
44 funds were collected. The remaining ninety-five percent of such moneys shall be payable to the
45 director of revenue. The funds received by the director of revenue pursuant to this subsection
46 shall be distributed as follows:

47 (1) On the first of every month, the director of revenue or the director's designee shall
48 determine the balance of the funds in the crime victims' compensation fund available to satisfy
49 the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections
50 595.050 and 595.055;

51 (2) Beginning on September 1, 2004, and on the first of each month the director of
52 revenue or the director's designee shall deposit fifty percent of the balance of funds available to

53 the credit of the crime victims' compensation fund and fifty percent to the services to victims'
54 fund established in section 595.100.

55 7. These funds shall be subject to a biennial audit by the Missouri state auditor. Such
56 audit shall include all records associated with crime victims' compensation funds collected, held
57 or disbursed by any state agency.

58 8. In addition to the moneys collected pursuant to subsection 1 of this section, the court
59 shall enter a judgment in favor of the state of Missouri, payable to the crime victims'
60 compensation fund, of sixty-eight dollars upon a plea of guilty or a finding of guilt for a class
61 A or B felony; forty-six dollars upon a plea of guilty or finding of guilt for a class C or D felony;
62 and ten dollars upon a plea of guilty or a finding of guilt for any misdemeanor under Missouri
63 law except for those in chapter 252, RSMo, relating to fish and game, chapter 302, RSMo,
64 relating to drivers' and commercial drivers' license, chapter 303, RSMo, relating to motor vehicle
65 financial responsibility, chapter 304, RSMo, relating to traffic regulations, chapter 306, RSMo,
66 relating to watercraft regulation and licensing, and chapter 307, RSMo, relating to vehicle
67 equipment regulations. Any clerk of the court receiving moneys pursuant to such judgments
68 shall collect and disburse such crime victims' compensation judgments in the manner provided
69 by sections 488.010 to 488.020, RSMo. Such funds shall be payable to the state treasury and
70 deposited to the credit of the crime victims' compensation fund.

71 9. The clerk of the court processing such funds shall maintain records of all dispositions
72 described in subsection 1 of this section and all dispositions where a judgment has been entered
73 against a defendant in favor of the state of Missouri in accordance with this section; all payments
74 made on judgments for alcohol-related traffic offenses; and any judgment or portion of a
75 judgment entered but not collected. These records shall be subject to audit by the state auditor.
76 The clerk of each court transmitting such funds shall report separately the amount of dollars
77 collected on judgments entered for alcohol-related traffic offenses from other crime victims'
78 compensation collections or services to victims collections.

79 10. The department of revenue shall maintain records of funds transmitted to the crime
80 victims' compensation fund by each reporting court and collections pursuant to subsection 16 of
81 this section and shall maintain separate records of collection for alcohol-related offenses.

82 11. The state courts administrator shall include in the annual report required by section
83 476.350, RSMo, the circuit court caseloads and the number of crime victims' compensation
84 judgments entered.

85 12. All awards made to injured victims under sections 595.010 to 595.105 and all
86 appropriations for administration of sections 595.010 to 595.105, except sections 595.050 and
87 595.055, shall be made from the crime victims' compensation fund. Any unexpended balance
88 remaining in the crime victims' compensation fund at the end of each biennium shall not be

89 subject to the provision of section 33.080, RSMo, requiring the transfer of such unexpended
90 balance to the ordinary revenue fund of the state, but shall remain in the crime victims'
91 compensation fund. In the event that there are insufficient funds in the crime victims'
92 compensation fund to pay all claims in full, all claims shall be paid on a pro rata basis. If there
93 are no funds in the crime victims' compensation fund, then no claim shall be paid until funds
94 have again accumulated in the crime victims' compensation fund. When sufficient funds become
95 available from the fund, awards which have not been paid shall be paid in chronological order
96 with the oldest paid first. In the event an award was to be paid in installments and some
97 remaining installments have not been paid due to a lack of funds, then when funds do become
98 available that award shall be paid in full. All such awards on which installments remain due
99 shall be paid in full in chronological order before any other postdated award shall be paid. Any
100 award pursuant to this subsection is specifically not a claim against the state, if it cannot be paid
101 due to a lack of funds in the crime victims' compensation fund.

102 13. When judgment is entered against a defendant as provided in this section and such
103 sum, or any part thereof, remains unpaid, there shall be withheld from any disbursement,
104 payment, benefit, compensation, salary, or other transfer of money from the state of Missouri to
105 such defendant an amount equal to the unpaid amount of such judgment. Such amount shall be
106 paid forthwith to the crime victims' compensation fund and satisfaction of such judgment shall
107 be entered on the court record. Under no circumstances shall the general revenue fund be used
108 to reimburse court costs or pay for such judgment. The director of the department of corrections
109 shall have the authority to pay into the crime victims' compensation fund from an offender's
110 compensation or account the amount owed by the offender to the crime victims' compensation
111 fund, provided that the offender has failed to pay the amount owed to the fund prior to entering
112 a correctional facility of the department of corrections.

113 14. All interest earned as a result of investing funds in the crime victims' compensation
114 fund shall be paid into the crime victims' compensation fund and not into the general revenue of
115 this state.

116 15. Any person who knowingly makes a fraudulent claim or false statement in
117 connection with any claim hereunder is guilty of a class A misdemeanor.

118 16. [Any gifts, contributions, grants or federal funds specifically given to the division
119 for the benefit of victims of crime shall be credited to the crime victims' compensation fund.
120 Payment or expenditure of moneys in such funds shall comply with any applicable federal crime
121 victims' compensation laws, rules, regulations or other applicable federal guidelines] **The**
122 **department may receive gifts and contributions for the benefit of crime victims. Such gifts**
123 **and contributions shall be credited to the crime victims' compensation fund as used solely**
124 **for compensating victims under the provisions of sections 595.010 to 595.075.**

595.060. The director shall promulgate rules and regulations necessary to implement the provisions of sections 595.010 to [595.070] **595.220** as provided in this section and chapter 536, RSMo. In the performance of its functions under sections 595.010 to [595.070] **section 595.036**, the division of **workers' compensation** is authorized to promulgate rules pursuant to chapter 536, RSMo, prescribing the procedures to be followed in the filing of applications and the proceedings under sections 595.010 to [595.070] **section 595.036**. [No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.] **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 pursuant to 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, 2009, shall be invalid and void.**

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

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

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

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

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

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 from the department of**
118 **corrections a photograph taken of the 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.

**595.220. 1. The department of public safety shall make payments to appropriate
2 medical providers, out of appropriations made for that purpose, to cover the charges of the
3 forensic examination of persons who may be a victim of a sexual offense if:**

4 **(1) The victim or the victim's guardian consents in writing to the examination; and**

5 **(2) The report of the examination is made on a form approved by the attorney
6 general with the advice of the department of public safety.**

7 **2. A minor may consent to examination under this section. Such consent is not**
8 **subject to disaffirmance because of minority, and consent of parent or guardian of the**
9 **minor is not required for such examination. The appropriate medical provider making the**
10 **examination shall give written notice to the parent or guardian of a minor that such an**
11 **examination has taken place.**

12 **3. The attorney general, with the advice of the department of public safety, shall**
13 **develop the forms and procedures for gathering evidence during the forensic examination**
14 **under the provisions of this section. The department of health and senior services shall**
15 **develop a checklist, protocols, and procedures for appropriate medical providers to refer**
16 **to while providing medical treatment to victims of a sexual offense, including those specific**
17 **to victims who are minors.**

18 **4. Evidentiary collection kits shall be developed and made available, subject to**
19 **appropriation, to appropriate medical providers by the highway patrol or its designees and**
20 **eligible crime laboratories. Such kits shall be distributed with the forms and procedures**
21 **for gathering evidence during forensic examinations of victims of a sexual offense to**

22 appropriate medical providers upon request of the provider, in the amount requested, and
23 at no charge to the medical provider. All appropriate medical providers shall, with the
24 written consent of the victim, perform a forensic examination using the evidentiary
25 collection kit, or other collection procedures developed for victims who are minors, and
26 forms and procedures for gathering evidence following the checklist for any person
27 presenting as a victim of a sexual offense.

28 **5. All appropriate medical provider charges for eligible forensic examinations shall**
29 **be billed to and paid by the department of public safety. No appropriate medical provider**
30 **conducting forensic examinations and providing medical treatment to victims of sexual**
31 **offenses shall charge the victim for the forensic examination. For appropriate medical**
32 **provider charges related to the medical treatment of victims of sexual offenses, if the victim**
33 **is an eligible claimant under the crime victims' compensation fund, the appropriate**
34 **medical provider shall seek compensation under sections 595.010 to 595.075.**

35 **6. For purposes of this section, the following terms mean:**

36 **(1) "Appropriate medical provider", any licensed nurse, physician, or physician**
37 **assistant, and any institution employing licensed nurses, physicians, or physician assistants,**
38 **provided that such licensed professionals are the only persons at such institution to**
39 **perform tasks under the provisions of this section;**

40 **(2) "Evidentiary collection kit", a kit used during a forensic examination that**
41 **includes materials necessary for appropriate medical providers to gather evidence in**
42 **accordance with the forms and procedures developed by the attorney general for forensic**
43 **examinations;**

44 **(3) "Forensic examination", an examination performed by an appropriate medical**
45 **provider on a victim of an alleged sexual offense to gather evidence for the evidentiary**
46 **collection kit or using other collection procedures developed for victims who are minors;**

47 **(4) "Medical treatment", the treatment of all injuries and health concerns resulting**
48 **directly from a patient's sexual assault or victimization.**

650.055. 1. Every individual, in a Missouri circuit court, who pleads guilty to or is
2 found guilty of a felony or any offense under chapter 566, RSMo, or has been determined
3 [beyond a reasonable doubt] to be a sexually violent predator pursuant to sections 632.480 to
4 632.513, RSMo, shall have a blood or scientifically accepted biological sample collected for
5 purposes of DNA profiling analysis:

6 (1) Upon entering or before release from the department of corrections reception and
7 diagnostic centers; or

8 (2) Upon entering or before release from a county jail or detention facility, state
9 correctional facility, or any other detention facility or institution, whether operated by private,

10 local, or state agency, or any mental health facility if committed as a sexually violent predator
11 pursuant to sections 632.480 to 632.513, RSMo; or

12 (3) When the state accepts a person from another state under any interstate compact, or
13 under any other reciprocal agreement with any county, state, or federal agency, or any other
14 provision of law, whether or not the person is confined or released, the acceptance is conditional
15 on the person providing a DNA sample if the person was convicted of, pleaded guilty to, or
16 pleaded nolo contendere to an offense in any other jurisdiction which would be considered a
17 qualifying offense as defined in this section if committed in this state, or if the person was
18 convicted of, pleaded guilty to, or pleaded nolo contendere to any equivalent offense in any other
19 jurisdiction; or

20 (4) If such individual is under the jurisdiction of the department of corrections. Such
21 jurisdiction includes persons currently incarcerated, persons on probation, as defined in section
22 217.650, RSMo, and on parole, as also defined in section 217.650, RSMo.

23 2. The Missouri state highway patrol and department of corrections shall be responsible
24 for ensuring adherence to the law. Any person required to provide a DNA sample pursuant to
25 this section shall be required to provide such sample, without the right of refusal, at a collection
26 site designated by the Missouri state highway patrol and the department of corrections.
27 Authorized personnel collecting or assisting in the collection of samples shall not be liable in any
28 civil or criminal action when the act is performed in a reasonable manner. Such force may be
29 used as necessary to the effectual carrying out and application of such processes and operations.
30 The enforcement of these provisions by the authorities in charge of state correctional institutions
31 and others having custody or jurisdiction over those who have been convicted of, pleaded guilty
32 to, or pleaded nolo contendere to felony offenses which shall not be set aside or reversed is
33 hereby made mandatory. The board of probation or parole shall recommend that an individual
34 who refuses to provide a DNA sample have his or her probation or parole revoked. In the event
35 that a person's DNA sample is not adequate for any reason, the person shall provide another
36 sample for analysis.

37 3. The procedure and rules for the collection, analysis, storage, expungement, use of
38 DNA database records and privacy concerns shall not conflict with procedures and rules
39 applicable to the Missouri DNA profiling system and the Federal Bureau of Investigation's DNA
40 databank system.

41 4. Unauthorized uses or dissemination of individually identifiable DNA information in
42 a database for purposes other than criminal justice or law enforcement is a class A misdemeanor.

43 5. Implementation of sections 650.050 to 650.100 shall be subject to future
44 appropriations to keep Missouri's DNA system compatible with the Federal Bureau of
45 Investigation's DNA databank system.

46 6. All DNA records and biological materials retained in the DNA profiling system are
47 considered closed records pursuant to chapter 610, RSMo. All records containing any
48 information held or maintained by any person or by any agency, department, or political
49 subdivision of the state concerning an individual's DNA profile shall be strictly confidential and
50 shall not be disclosed, except to:

51 (1) Peace officers, as defined in section 590.010, RSMo, and other employees of law
52 enforcement agencies who need to obtain such records to perform their public duties;

53 (2) The attorney general or any assistant attorneys general acting on his or her behalf, as
54 defined in chapter 27, RSMo;

55 (3) Prosecuting attorneys or circuit attorneys as defined in chapter 56, RSMo, and their
56 employees who need to obtain such records to perform their public duties; or

57 (4) Associate circuit judges, circuit judges, judges of the courts of appeals, supreme court
58 judges, and their employees who need to obtain such records to perform their public duties.

59 7. Any person who obtains records pursuant to the provisions of this section shall use
60 such records only for investigative and prosecutorial purposes, including but not limited to use
61 at any criminal trial, hearing, or proceeding; or for law enforcement identification purposes,
62 including identification of human remains. Such records shall be considered strictly confidential
63 and shall only be released as authorized by this section.

64 8. An individual may request expungement of his or her DNA sample and DNA profile
65 through the court issuing the reversal or dismissal. A certified copy of the court order
66 establishing that such conviction has been reversed or guilty plea or plea of nolo contendere has
67 been set aside shall be sent to the Missouri state highway patrol crime laboratory. Upon receipt
68 of the court order, the laboratory will determine that the requesting individual has no other
69 qualifying offense as a result of any separate plea or conviction prior to expungement.

70 (1) A person whose DNA record or DNA profile has been included in the state DNA
71 database in accordance with this section, section 488.5050, RSMo, and sections 650.050,
72 650.052, and 650.100 may request expungement on the grounds that the conviction has been
73 reversed, or the guilty plea or plea of nolo contendere on which the authority for including that
74 person's DNA record or DNA profile was based has been set aside.

75 (2) Upon receipt of a written request for expungement, a certified copy of the final court
76 order reversing the conviction or setting aside the plea and any other information necessary to
77 ascertain the validity of the request, the Missouri state highway patrol crime laboratory shall
78 expunge all DNA records and identifiable information in the database pertaining to the person
79 and destroy the DNA sample of the person, unless the Missouri state highway patrol determines
80 that the person is otherwise obligated to submit a DNA sample. Within thirty days after the
81 receipt of the court order, the Missouri state highway patrol shall notify the individual that it has

82 expunged his or her DNA sample and DNA profile, or the basis for its determination that the
83 person is otherwise obligated to submit a DNA sample.

84 (3) The Missouri state highway patrol is not required to destroy any item of physical
85 evidence obtained from a DNA sample if evidence relating to another person would thereby be
86 destroyed.

87 (4) Any identification, warrant, arrest, or evidentiary use of a DNA match derived from
88 the database shall not be excluded or suppressed from evidence, nor shall any conviction be
89 invalidated or reversed or plea set aside due to the failure to expunge or a delay in expunging
90 DNA records.

**650.470. 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, 2009, 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.

Section 1. The revisor of statutes shall change all references in statute from
2 "criminal records and identification division" or "criminal records division" to "central
3 repository".

2 [191.225. 1. The department of health and senior services shall make
3 payments to appropriate medical providers, out of appropriations made for that
4 purpose, to cover the charges of the forensic examination of persons who may be
5 a victim of a sexual offense if:

6 (1) The victim or the victim's guardian consents in writing to the
7 examination;

8 (2) The report of the examination is made on a form approved by the
9 attorney general with the advice of the department of health and senior services;
10 and

11 (3) The report of the examination is filed with the prosecuting attorney
of the county in which the alleged incident occurred.

12 The appropriate medical provider shall file the report of the examination within
13 three business days of completion of the forensic exam.

14 2. A minor may consent to examination under this section. Such consent
15 is not subject to disaffirmance because of minority, and consent of parent or
16 guardian of the minor is not required for such examination. The appropriate
17 medical provider making the examination shall give written notice to the parent
18 or guardian of a minor that such an examination has taken place.

19 3. The attorney general, with the advice of the department of health and
20 senior services, shall develop the forms and procedures for gathering evidence
21 during the forensic examination under the provisions of this section. The
22 department of health and senior services shall develop a checklist for appropriate
23 medical providers to refer to while providing medical treatment to victims of a
24 sexual offense.

25 4. Evidentiary collection kits shall be developed and made available,
26 subject to appropriation, to appropriate medical providers by the highway patrol
27 or its designees and eligible crime laboratories. Such kits shall be distributed
28 with the forms and procedures for gathering evidence during forensic
29 examinations of victims of a sexual offense to appropriate medical providers
30 upon request of the provider, in the amount requested, and at no charge to the
31 medical provider. All appropriate medical providers shall, with the written
32 consent of the victim, perform a forensic examination using the evidentiary
33 collection kit and forms and procedures for gathering evidence following the
34 checklist for any person presenting as a victim of a sexual offense.

35 5. All appropriate medical provider charges for eligible forensic
36 examinations shall be billed to and paid by the department of health and senior
37 services. No appropriate medical provider conducting forensic examinations and
38 providing medical treatment to victims of sexual offenses shall charge the victim
39 for the forensic examination. For appropriate medical provider charges related
40 to the medical treatment of victims of sexual offenses, if the victim is an eligible
41 claimant under the crime victims' compensation fund, the appropriate medical
42 provider shall seek compensation under sections 595.010 to 595.075, RSMo.

43 6. For purposes of this section, the following terms mean:

44 (1) "Appropriate medical provider", any licensed nurse, physician, or
45 physician assistant, and any institution employing licensed nurses, physicians, or
46 physician assistants; provided that such licensed professionals are the only
47 persons at such institution to perform tasks under the provisions of this section;

48 (2) "Evidentiary collection kit", a kit used during a forensic examination
49 that includes materials necessary for appropriate medical providers to gather
50 evidence in accordance with the forms and procedures developed by the attorney
51 general for forensic examinations;

52 (3) "Forensic examination", an examination performed by an appropriate
53 medical provider on a victim of an alleged sexual offense to gather evidence for
54 the evidentiary collection kit;

55 (4) "Medical treatment", the treatment of all injuries and health concerns
56 resulting directly from a patient's sexual assault or victimization.]
57

2 [577.029. A licensed physician, registered nurse, or trained medical
3 technician at the place of his employment, acting at the request and direction of
4 the law enforcement officer, shall withdraw blood for the purpose of determining
5 the alcohol content of the blood, unless such medical personnel, in his good faith
6 medical judgment, believes such procedure would endanger the life or health of
7 the person in custody. Blood may be withdrawn only by such medical personnel,
8 but such restriction shall not apply to the taking of a breath test, a saliva
9 specimen, or a urine specimen. In withdrawing blood for the purpose of
10 determining the alcohol content thereof, only a previously unused and sterile
11 needle and sterile vessel shall be utilized and the withdrawal shall otherwise be
12 in strict accord with accepted medical practices. Upon the request of the person
13 who is tested, full information concerning the test taken at the direction of the
law enforcement officer shall be made available to him.]

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