

## SENATE SUBSTITUTE

FOR

## SENATE COMMITTEE SUBSTITUTE

FOR

## HOUSE COMMITTEE SUBSTITUTE

FOR

## HOUSE BILL NO. 62

## AN ACT

To repeal sections 43.540, 115.350, 174.700, 195.214, 195.217, 195.218, 217.450, 217.460, 217.665, 229.110, 302.311, 302.750, 303.024, 311.325, 311.326, 544.665, 545.050, 550.040, 550.050, 550.070, 550.080, 550.090, 556.036, 561.021, 561.031, 565.063, 565.081, 565.082, 565.083, 565.084, 566.147, 566.149, 568.045, 570.030, 570.040, 570.080, 573.020, 573.023, 573.025, 573.030, 573.035, 573.037, 573.040, 573.060, 573.065, 575.150, 575.260, 576.050, 577.029, 578.030, 578.250, 578.255, 578.260, 578.265, 589.400, 589.425, 595.027, 650.050, 650.052, and 650.055, RSMo, 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 section 577.023 as enacted by senate committee substitute for house committee substitute for house bill no. 1715 merged with 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 577.023 as enacted by senate committee substitute for house committee substitute for house bill no. 1715, ninety-fourth general assembly, second regular session, and to enact in lieu thereof seventy-four new sections relating to crime, with penalty provisions and an emergency clause for certain sections.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,

AS FOLLOWS:

1           Section A. Sections 43.540, 115.350, 174.700, 195.214,  
2   195.217, 195.218, 217.450, 217.460, 217.665, 229.110, 302.311,  
3   302.750, 303.024, 311.325, 311.326, 544.665, 545.050, 550.040,  
4   550.050, 550.070, 550.080, 550.090, 556.036, 561.021, 561.031,  
5   565.063, 565.081, 565.082, 565.083, 565.084, 566.147, 566.149,  
6   568.045, 570.030, 570.040, 570.080, 573.020, 573.023, 573.025,  
7   573.030, 573.035, 573.037, 573.040, 573.060, 573.065, 575.150,  
8   575.260, 576.050, 577.029, 578.030, 578.250, 578.255, 578.260,  
9   578.265, 589.400, 589.425, 595.027, 650.050, 650.052, and  
10  650.055, RSMo, section 302.060 as enacted by conference committee  
11  substitute for house committee substitute for senate committee  
12  substitute for senate bills nos. 930 & 947, ninety-fourth general  
13  assembly, second regular session and section 302.060 as enacted  
14  by house committee substitute for senate committee substitute for  
15  senate bills nos. 37, 322, 78, 351 & 424, ninety-third general  
16  assembly, first regular session, and section 577.023 as enacted  
17  by senate committee substitute for house committee substitute for  
18  house bill no. 1715 merged with conference committee substitute  
19  for house committee substitute for senate committee substitute  
20  for senate bills nos. 930 & 947, ninety-fourth general assembly,  
21  second regular session, and section 577.023 as enacted by senate  
22  committee substitute for house committee substitute for house  
23  bill no. 1715, ninety-fourth general assembly, second regular  
24  session, are repealed and seventy-four new sections enacted in  
25  lieu thereof, to be known as sections 43.540, 173.754, 174.700,  
26  195.214, 195.217, 195.218, 217.450, 217.460, 217.665, 273.033,  
27  273.036, 302.060, 302.311, 302.750, 303.024, 306.109, 311.325,

1 311.326, 544.665, 545.050, 550.040, 556.036, 561.021, 561.031,  
2 565.063, 565.081, 565.082, 565.083, 565.084, 566.013, 566.147,  
3 566.148, 566.149, 566.150, 566.155, 568.045, 570.030, 570.040,  
4 570.080, 573.013, 573.020, 573.023, 573.025, 573.030, 573.035,  
5 573.037, 573.040, 573.060, 573.065, 575.150, 575.153, 575.260,  
6 576.050, 577.023, 577.029, 578.022, 578.024, 578.026, 578.030,  
7 578.250, 578.255, 578.260, 578.265, 589.400, 589.425, 590.701,  
8 595.027, 650.050, 650.052, 650.055, 650.059, 1, 2, and 3, to read  
9 as follows:

10 43.540. 1. As used in this section, the following terms  
11 mean:

12 (1) "Authorized state agency", a division of state  
13 government or an office of state government designated by the  
14 statutes of Missouri to issue or renew a license, permit,  
15 certification, or registration of authority to a qualified  
16 entity;

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

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

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

26 (5) "Patient or resident", a person who by reason of age,  
27 illness, disease or physical or mental infirmity receives or  
28 requires care or services furnished by a provider, as defined in

1 this section, or who resides or boards in, or is otherwise kept,  
2 cared for, treated or accommodated in a facility as defined in  
3 section 198.006, RSMo, for a period exceeding twenty-four  
4 consecutive hours;

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

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

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

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

12 c. Owns or operates a qualified entity;

13 (7) "Qualified entity", a person, business, or  
14 organization, whether public or private, for profit, not for  
15 profit, or voluntary, that provides care, placement, or  
16 educational services for children, the elderly, or persons with  
17 disabilities as patients or residents, including a business or  
18 organization that licenses or certifies others to provide care or  
19 placement services;

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

23 2. A qualified entity may obtain a Missouri criminal record  
24 review of a provider from the highway patrol by furnishing  
25 information on forms and in the manner approved by the highway  
26 patrol. The qualified entity shall register with the highway  
27 patrol before submitting a request for screening under this  
28 section and:

1       (1) Each such request shall be voluntary and conform to the  
2 requirements established in the National Child Protection Act of  
3 1993, as amended. As a part of the registration, the qualified  
4 entity shall agree to comply with state and federal law and shall  
5 so indicate by signing an agreement approved by the highway  
6 patrol. The highway patrol may periodically audit qualified  
7 entities to ensure compliance with federal law and this section;

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

13       (3) Each such request shall be accompanied by a fee, which  
14 shall approximate the actual cost of producing the record  
15 information, as provided in section 43.530, plus the amount  
16 required by the Federal Bureau of Investigation for the national  
17 criminal history check in compliance with the National Child  
18 Protection Act of 1993, as amended;

19       (4) Any current or prospective employee or volunteer who is  
20 subject to a request for screening shall indicate to the  
21 qualified entity submitting the request the name and address of  
22 each qualified entity that has submitted a previous request for  
23 screening regarding that employee or volunteer;

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

28       (6) The national criminal history data is available to

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

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

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

1 subject to the required screening;

2 (9) A qualified entity is not liable for damages for  
3 failing, in the exercise of just ordinary care, to obtain the  
4 information under this section with respect to an employee or  
5 volunteer. The state, any political subdivision of the state, or  
6 any agency, officer, or employee of the state or a political  
7 subdivision is liable for damages for providing the information  
8 requested under this section only in accordance with the terms of  
9 sections 537.600 and 537.610, RSMo.

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

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

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

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

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

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

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

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

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

8 4. The authorized state agency shall forward the required  
9 forms and fees to the highway patrol. The results of the record  
10 review shall be forwarded to the authorized state agency who will  
11 notify the qualified entity. The authorized state agency may  
12 assess a fee to the qualified entity to cover the cost of  
13 handling the criminal record review and may establish an account  
14 solely for the collection and dissemination of fees associated  
15 with the criminal record reviews.

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

25 [6.] 4. The highway patrol shall make available or approve  
26 the necessary forms, procedures, and agreements necessary to  
27 implement the provisions of this section.

28 173.754. 1. It is unlawful for a person to knowingly use



1 or attempt to use, in connection with admission to any  
2 institution of higher education or in connection with any  
3 business, employment, occupation, profession, trade, or public  
4 office:

5 (1) A false or misleading degree from any institution of  
6 higher education, regardless of whether that institution is  
7 located in Missouri and regardless of whether the institution has  
8 been issued a certificate of approval or temporary certificate of  
9 approval by the board; or

10 (2) A degree from any institution of higher education in a  
11 false or misleading manner, regardless of whether that  
12 institution is located in Missouri and regardless of whether the  
13 institution has been issued a certificate of approval or  
14 temporary certificate of approval by the board.

15 2. For the purposes of this section, a degree is false or  
16 misleading or is used in a false or misleading manner if it:

17 (1) States or suggests that the person named in the degree  
18 has completed the requirements of an academic or professional  
19 program of study in a particular field of endeavor beyond the  
20 secondary school level and the person has not, in fact, completed  
21 the requirements of the program of study;

22 (2) Is offered as his or her own by a person other than the  
23 person who completed the requirements of the program of study; or

24 (3) Is awarded, bestowed, conferred, given, granted,  
25 conveyed, or sold in violation of this chapter.

26 3. The penalty for a violation of this section shall be a  
27 class C misdemeanor.

28 4. For purposes of this section, the term "board" shall

1 mean the coordinating board for higher education.

2 174.700. The board of regents or board of governors of any  
3 state college or university may appoint and employ as many  
4 college or university police officers as it may deem necessary to  
5 protect persons, property, and to preserve peace and good order  
6 only in the public buildings, properties, grounds, and other  
7 facilities and locations over which it has charge or control and  
8 to respond to emergencies or natural disasters outside of the  
9 boundaries of university property and provide services if  
10 requested by the law enforcement agency with jurisdiction.

11 195.214. 1. A person commits the offense of distribution  
12 of a controlled substance near schools if, regardless of  
13 knowledge of his or her proximity to a school, college, or  
14 university, such person violates section 195.211 by unlawfully  
15 distributing or delivering any controlled substance to a person  
16 in or on, or within two thousand feet of, the real property  
17 comprising a public or private elementary or secondary school,  
18 public vocational school, or a public or private community  
19 college, college or university or on any school bus.

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

24 195.217. 1. A person commits the offense of distribution  
25 of a controlled substance near a park if, regardless of knowledge  
26 of his or her proximity to a park, such person violates section  
27 195.211 by unlawfully distributing or delivering heroin, cocaine,  
28 LSD, amphetamine, or methamphetamine to a person in or on, or

1 within one thousand feet of, the real property comprising a  
2 public park, state park, county park, or municipal park or a  
3 public or private park designed for public recreational purposes,  
4 as park is defined in section 253.010, RSMo.

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

7 195.218. 1. A person commits the offense of distribution  
8 of a controlled substance near public housing or other  
9 governmental assisted housing if [he], regardless of knowledge of  
10 his or her proximity to public or other governmental assisted  
11 housing, such person violates section 195.211 by unlawfully  
12 distributing or delivering any controlled substance to a person  
13 in or on, or within one thousand feet of the real property  
14 comprising public housing or other governmental assisted housing.

15 2. Distribution of a controlled substance near public  
16 housing or other governmental assisted housing is a class A  
17 felony which term shall be served without probation or parole if  
18 the court finds the defendant is a persistent drug offender.

19 217.450. 1. Any person confined in a department  
20 correctional facility may request a final disposition of any  
21 untried indictment, information or complaint pending in this  
22 state on the basis of which a law enforcement agency, prosecuting  
23 attorney's office, or circuit attorney's office has delivered a  
24 certified copy of a warrant and has requested that a detainer  
25 [has been] be lodged against him [while so imprisoned] with the  
26 facility where the offender is confined. The request shall be in  
27 writing addressed to the court in which the indictment,  
28 information or complaint is pending and to the prosecuting

1 attorney charged with the duty of prosecuting it, and shall set  
2 forth the place of imprisonment.

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

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

20 217.460. Within one hundred eighty days after the receipt  
21 of the request and certificate, pursuant to sections 217.450 and  
22 217.455, by the court and the prosecuting attorney or within such  
23 additional necessary or reasonable time as the court may grant,  
24 for good cause shown in open court, the offender or his counsel  
25 being present, the indictment, information or complaint shall be  
26 brought to trial. The parties may stipulate for a continuance or  
27 a continuance may be granted if notice is given to the attorney  
28 of record with an opportunity for him to be heard. If the

1 indictment, information or complaint is not brought to trial  
2 within the period and if the court finds that the offender's  
3 constitutional right to a speedy trial has been denied, no court  
4 of this state shall have jurisdiction of such indictment,  
5 information or complaint, nor shall the untried indictment,  
6 information or complaint be of any further force or effect; and  
7 the court shall issue an order dismissing the same with  
8 prejudice.

9 217.665. 1. Beginning August 28, 1996, the board of  
10 probation and parole shall consist of seven members appointed by  
11 the governor by and with the advice and consent of the senate.

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

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

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

25 5. The governor shall designate one member of the board as  
26 chairman and one member as vice-chairman. The chairman shall be  
27 the director of the division and shall have charge of the  
28 division's operations, funds and expenditures. In the event of

1 the chairman's removal, death, resignation, or inability to  
2 serve, the vice-chairman shall act as chairman upon written order  
3 of the governor or chairman. [The chairman shall designate by  
4 order of record another member to act as chairman in the event of  
5 absence or sickness of the chairman, and during such time the  
6 member so appointed by the chairman shall possess all powers of  
7 the chairman.]

8         6. Members of the board shall devote full time to the  
9 duties of their office and before taking office shall subscribe  
10 to an oath or affirmation to support the Constitution of the  
11 United States and the Constitution of the State of Missouri. The  
12 oath shall be signed in the office of the secretary of state.

13         7. The annual compensation for each member of the board  
14 whose term commenced before August 28, 1999, shall be forty-five  
15 thousand dollars plus any salary adjustment, including prior  
16 salary adjustments, provided pursuant to section 105.005, RSMo.  
17 Salaries for board members whose terms commence after August 27,  
18 1999, shall be set as provided in section 105.950, RSMo;  
19 provided, however, that the compensation of a board member shall  
20 not be increased during the member's term of office, except as  
21 provided in section 105.005, RSMo. In addition to compensation  
22 provided by law, the members shall be entitled to reimbursement  
23 for necessary travel and other expenses incurred pursuant to  
24 section 33.090, RSMo.

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

1 the problems of retirement, aging and other state matters. As  
2 compensation for such services, such consultant shall not be  
3 denied use of any unused sick leave, or the ability to receive  
4 credit for unused sick leave pursuant to chapter 104, RSMo,  
5 provided such sick leave was maintained by the board of probation  
6 and parole in the regular course of business prior to July 1,  
7 2000, but only to the extent of such sick leave records are  
8 consistent with the rules promulgated pursuant to section 36.350,  
9 RSMo. Nothing in this section shall authorize the use of any  
10 other form of leave that may have been maintained by the board  
11 prior to July 1, 2000.

12 273.033. 1. In any action for damages or a criminal  
13 prosecution against any person for killing or injuring a dog, a  
14 showing by a preponderance of the evidence that such person was  
15 in reasonable apprehension of imminent harmful contact by the dog  
16 or was acting to prevent such imminent harmful contact against  
17 another person by the dog shall constitute an absolute defense to  
18 criminal prosecution or civil liability for the killing or  
19 injuring of such animal.

20 2. If a person has, on at least two occasions, complained  
21 to the county sheriff or to the appropriate animal control  
22 authority in his or her jurisdiction that a dog, not on a leash,  
23 has trespassed on property that such person owns, rents, or  
24 leases or on any property that constitutes such person's  
25 residence, and when at least one of the prior two complaints was  
26 motivated by reasonable apprehension for such person's safety or  
27 the safety of another person or apprehension of substantial  
28 damage to livestock or property, then any subsequent trespass by

1 such dog shall constitute prima facie evidence that such person  
2 was in reasonable apprehension of imminent harmful contact. The  
3 county sheriff or animal control authority to which any complaint  
4 under this section is made shall notify the owner of the alleged  
5 trespassing dog of such complaint. Failure by a county sheriff  
6 or animal control authority to notify a dog owner under this  
7 subsection shall not invalidate or be construed in any way to  
8 limit any other provision of this subsection.

9 3. The court shall award attorney's fees, court costs, and  
10 all reasonable expenses incurred by the defendant in defense of  
11 any criminal prosecution or in any civil action brought by a  
12 plaintiff if the court finds that the defendant has an absolute  
13 defense as provided in subsection 1 of this section.

14 4. This section shall not be construed to provide an  
15 absolute defense to a person who is engaged in or attempting to  
16 engage in a criminal activity at the time of the apprehension of  
17 imminent harmful contact, or to a person for any damage or injury  
18 to any person or property other than the dog itself that may  
19 result from actions taken in an attempt to injure or kill such  
20 dog.

21 273.036. 1. The owner or possessor of any dog that bites,  
22 without provocation, any person while such person is on public  
23 property, or lawfully on private property, including the property  
24 of the owner or possessor of the dog, is strictly liable for  
25 damages suffered by persons bitten, regardless of the former  
26 viciousness of the dog or the owner's or possessor's knowledge of  
27 such viciousness. Owners and possessors of dogs shall also be  
28 strictly liable for any damage to property or livestock



1 proximately caused by their dogs. If it is determined that the  
2 damaged party had fault in the incident, any damages owed by the  
3 owner or possessor of the biting dog shall be reduced by the same  
4 percentage that the damaged party's fault contributed to the  
5 incident. The provisions of this section shall not apply to dogs  
6 killing or maiming sheep or other domestic animals under section  
7 273.020.

8 2. Any person who is held liable under the provisions of  
9 subsection 1 of this section shall pay a fine not exceeding one  
10 thousand dollars. The remedies provided by this section are in  
11 addition to and cumulative with any other remedy provided by  
12 statute or common law.

13 302.060. 1. The director shall not issue any license and  
14 shall immediately deny any driving privilege:

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

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

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

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

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

28 (6) To any person who, when required by this law to take an

1 examination, has failed to pass such examination;

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

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

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

1 person may obtain a license pursuant to the provisions of this  
2 subdivision through court action more than one time;

3 (10) To any person who has been convicted twice within a  
4 five-year period of violating state law, or a county or municipal  
5 ordinance [where the defendant was represented by or waived the  
6 right to an attorney in writing], of driving while intoxicated,  
7 or any other intoxication-related traffic offense as defined in  
8 subdivision (3) of subsection 1 of section 577.023, RSMo, or who  
9 has been convicted of the crime of involuntary manslaughter while  
10 operating a motor vehicle in an intoxicated condition. The  
11 director shall not issue a license to such person for five years  
12 from the date such person was convicted or pled guilty for  
13 involuntary manslaughter while operating a motor vehicle in an  
14 intoxicated condition or for driving while intoxicated or any  
15 other intoxication-related traffic offense as defined in  
16 subdivision (3) of subsection 1 of section 577.023, RSMo, for the  
17 second time[. Any person who has been denied a license for two  
18 convictions of driving while intoxicated prior to July 27, 1989,  
19 shall have the person's license issued, upon application, unless  
20 the two convictions occurred within a five-year period, in which  
21 case, no license shall be issued to the person for five years  
22 from the date of the second conviction];

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

26 (12) To any person who is under the age of eighteen years,  
27 if such person's parents or legal guardians file a certified  
28 document with the department of revenue stating that the director

1 shall not issue such person a driver's license. Each document  
2 filed by the person's parents or legal guardians shall be made  
3 upon a form furnished by the director and shall include  
4 identifying information of the person for whom the parents or  
5 legal guardians are denying the driver's license. The document  
6 shall also contain identifying information of the person's  
7 parents or legal guardians. The document shall be certified by  
8 the parents or legal guardians to be true and correct. This  
9 provision shall not apply to any person who is legally  
10 emancipated. The parents or legal guardians may later file an  
11 additional document with the department of revenue which  
12 reinstates the person's ability to receive a driver's license.

13 2. Any person whose license is reinstated under the  
14 provisions of subdivisions (9) and (10) of subsection 1 of this  
15 section shall be required to file proof with the director of  
16 revenue that any motor vehicle operated by the person is equipped  
17 with a functioning, certified ignition interlock device as a  
18 required condition of reinstatement. The ignition interlock  
19 device shall further be required to be maintained on all motor  
20 vehicles operated by the person for a period of not less than six  
21 months immediately following the date of reinstatement. If the  
22 person fails to maintain such proof with the director, the  
23 license shall be suspended for the remainder of the six-month  
24 period or until proof as required by this section is filed with  
25 the director. Upon the completion of the six-month period, the  
26 license shall be shown as reinstated, if the person is otherwise  
27 eligible.

28 [302.060. The director shall not issue any  
29 license and shall immediately deny any driving

1 privilege:

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

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

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

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

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

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

20 (7) To any person who has an unsatisfied judgment  
21 against such person, as defined in chapter 303, RSMo,  
22 until such judgment has been satisfied or the financial  
23 responsibility of such person, as defined in section  
24 303.120, RSMo, has been established;

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

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

1 license pursuant to the provisions of this subdivision  
2 through court action more than one time;

3 (10) To any person who has been convicted twice  
4 within a five-year period of violating state law, or a  
5 county or municipal ordinance where the defendant was  
6 represented by or waived the right to an attorney in  
7 writing, of driving while intoxicated, or who has been  
8 convicted of the crime of involuntary manslaughter  
9 while operating a motor vehicle in an intoxicated  
10 condition. The director shall not issue a license to  
11 such person for five years from the date such person  
12 was convicted for involuntary manslaughter while  
13 operating a motor vehicle in an intoxicated condition  
14 or for driving while intoxicated for the second time.  
15 Any person who has been denied a license for two  
16 convictions of driving while intoxicated prior to July  
17 27, 1989, shall have the person's license issued, upon  
18 application, unless the two convictions occurred within  
19 a five-year period, in which case, no license shall be  
20 issued to the person for five years from the date of  
21 the second conviction;

22 (11) To any person who is otherwise disqualified  
23 pursuant to the provisions of sections 302.010 to  
24 302.780, chapter 303, RSMo, or section 544.046, RSMo;

25 (12) To any person who is under the age of  
26 eighteen years, if such person's parents or legal  
27 guardians file a certified document with the department  
28 of revenue stating that the director shall not issue  
29 such person a driver's license. Each document filed by  
30 the person's parents or legal guardians shall be made  
31 upon a form furnished by the director and shall include  
32 identifying information of the person for whom the  
33 parents or legal guardians are denying the driver's  
34 license. The document shall also contain identifying  
35 information of the person's parents or legal guardians.  
36 The document shall be certified by the parents or legal  
37 guardians to be true and correct. This provision shall  
38 not apply to any person who is legally emancipated.  
39 The parents or legal guardians may later file an  
40 additional document with the department of revenue  
41 which reinstates the person's ability to receive a  
42 driver's license.]

43  
44 302.311. In the event an application for a license is  
45 denied or withheld, or in the event that a license is suspended  
46 or revoked by the director, the applicant or licensee so  
47 aggrieved may appeal to the circuit court of the county of his  
48 residence in the manner provided by chapter 536, RSMo, for the

1 review of administrative decisions at any time within thirty days  
2 after notice that a license is denied or withheld or that a  
3 license is suspended or revoked. Upon such appeal the cause  
4 shall be heard de novo and the circuit court may order the  
5 director to grant such license, sustain the suspension or  
6 revocation by the director, set aside or modify the same, or  
7 revoke such license. Appeals from the judgment of the circuit  
8 court may be taken as in civil cases. Effective July 1, 2010,  
9 the prosecuting attorney of the county where such appeal is  
10 taken, shall not be required to appear [in] on behalf of the  
11 director, and prosecute or defend, as the case may require.

12 302.750. 1. If a person refuses, upon the request of a law  
13 enforcement officer pursuant to section 302.745, to submit to any  
14 test allowed under that section, then none shall be given and  
15 evidence of the refusal shall be admissible in any proceeding to  
16 determine whether a person was operating a commercial motor  
17 vehicle while under the influence of alcohol or controlled  
18 substances. In this event, the officer shall make a sworn report  
19 to the director that he requested a test pursuant to section  
20 302.745 and that the person refused to submit to such testing.

21 2. A person requested to submit to a test as provided by  
22 section 302.745 shall be warned by the law enforcement officer  
23 requesting the test that a refusal to submit to the test will  
24 result in that person being immediately placed out of service for  
25 a period of twenty-four hours and being disqualified from  
26 operating a commercial motor vehicle for a period of not less  
27 than one year if for a first refusal to submit to the test and  
28 for life if for a second or subsequent refusal to submit to the

1 test. The director may issue rules and regulations, in  
2 accordance with guidelines established by the secretary, under  
3 which a disqualification for life under this section may be  
4 reduced to a period of not less than ten years.

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

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

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

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

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

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

28 303.024. 1. Each insurer issuing motor vehicle liability



1 policies in this state, or an agent of the insurer, shall furnish  
2 an insurance identification card to the named insured for each  
3 motor vehicle insured by a motor vehicle liability policy that  
4 complies with the requirements of sections 303.010 to 303.050,  
5 303.060, 303.140, 303.220, 303.290, 303.330 and 303.370.

6 2. The insurance identification card shall include all of  
7 the following information:

8 (1) The name and address of the insurer;

9 (2) The name of the named insured;

10 (3) The policy number;

11 (4) The effective dates of the policy, including month, day  
12 and year;

13 (5) A description of the insured motor vehicle, including  
14 year and make or at least five digits of the vehicle  
15 identification number or the word "Fleet" if the insurance policy  
16 covers five or more motor vehicles; and

17 (6) The statement "THIS CARD MUST BE CARRIED IN THE INSURED  
18 MOTOR VEHICLE FOR PRODUCTION UPON DEMAND" prominently displayed  
19 on the card.

20 3. A new insurance identification card shall be issued when  
21 the insured motor vehicle is changed, when an additional motor  
22 vehicle is insured, and when a new policy number is assigned. A  
23 replacement insurance identification card shall be issued at the  
24 request of the insured in the event of loss of the original  
25 insurance identification card.

26 4. The director shall furnish each self-insurer, as  
27 provided for in section 303.220, an insurance identification card  
28 for each motor vehicle so insured. The insurance identification

1 card shall include all of the following information:

2 (1) Name of the self-insurer;

3 (2) The word "self-insured"; and

4 (3) The statement "THIS CARD MUST BE CARRIED IN THE  
5 SELF-INSURED MOTOR VEHICLE FOR PRODUCTION UPON DEMAND"  
6 prominently displayed on the card.

7 5. An insurance identification card shall be carried in the  
8 insured motor vehicle at all times. The operator of an insured  
9 motor vehicle shall exhibit the insurance identification card on  
10 the demand of any peace officer, commercial vehicle enforcement  
11 officer or commercial vehicle inspector who lawfully stops such  
12 operator or investigates an accident while that officer or  
13 inspector is engaged in the performance of the officer's or  
14 inspector's duties. If the operator fails to exhibit an  
15 insurance identification card, the officer or inspector shall  
16 issue a citation to the operator for a violation of section  
17 303.025. A motor vehicle liability insurance policy, a motor  
18 vehicle liability insurance binder, or receipt which contains the  
19 policy information required in subsection 2 of this section,  
20 shall be satisfactory evidence of insurance in lieu of an  
21 insurance identification card.

22 6. Any person who knowingly or intentionally produces,  
23 manufactures, sells, or otherwise distributes a fraudulent  
24 document intended to serve as an insurance identification card is  
25 guilty of a class D felony. Any person who knowingly or  
26 intentionally possesses a fraudulent document intended to serve  
27 as an insurance identification card is guilty of a class B  
28 misdemeanor.

1       306.109. 1. No person shall possess or use beer bong  
2 or other drinking devices used to consume similar amounts of alcohol  
3 on the rivers of this state. As used in this section, the term  
4 "beer bong" includes any device that is intended and designed for  
5 the rapid consumption or intake of an alcoholic beverage,  
6 including but not limited to funnels, tubes, hoses, and modified  
7 containers with additional vents.

8       2. No person shall possess or use any large volume alcohol  
9 containers that hold more than one gallon of an alcoholic  
10 beverage on the rivers of this state.

11       3. No person shall possess expanded polypropylene coolers  
12 on or within fifty feet of any river of this state, except in  
13 developed campgrounds, picnic areas, landings, roads and parking  
14 lots located within fifty feet of such rivers. This subsection  
15 shall not apply to high density bait containers used solely for  
16 such purpose.

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

19       5. The provisions of this section shall not apply to  
20 persons on the Mississippi River, Missouri River, or Osage River.

21       311.325. 1. Any person under the age of twenty-one years,  
22 who purchases or attempts to purchase, or has in his or her  
23 possession, any intoxicating liquor as defined in section 311.020  
24 or who is visibly in an intoxicated condition as defined in  
25 section 577.001, RSMo, or has a detectable blood alcohol content  
26 of more than two-hundredths of one percent or more by weight of  
27 alcohol in such person's blood is guilty of a misdemeanor. For  
28 purposes of prosecution under this section or any other provision

1 of this chapter involving an alleged illegal sale or transfer of  
2 intoxicating liquor to a person under twenty-one years of age, a  
3 manufacturer-sealed container describing that there is  
4 intoxicating liquor therein need not be opened or the contents  
5 therein tested to verify that there is intoxicating liquor in  
6 such container. The alleged violator may allege that there was  
7 not intoxicating liquor in such container, but the burden of  
8 proof of such allegation is on such person, as it shall be  
9 presumed that such a sealed container describing that there is  
10 intoxicating liquor therein contains intoxicating liquor.

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

22 3. Any person under the age of twenty-one years who  
23 purchases or attempts to purchase, or has in his or her  
24 possession, any intoxicating liquor, or who is visibly in an  
25 intoxicated condition as defined in section 577.001, RSMo, shall  
26 be deemed to have given consent to a chemical test or tests of  
27 the person's breath, blood, saliva, or urine for the purpose of  
28 determining the alcohol or drug content of the person's blood.

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

(1) The type of test administered and the procedures followed;

(2) The time of the collection of the blood or breath

1 sample or urine analyzed;

2 (3) The numerical results of the test indicating the  
3 alcohol content of the blood and breath and urine;

4 (4) The type and status of any permit which was held by the  
5 person who performed the test;

6 (5) If the test was administered by means of a  
7 breath-testing instrument, the date of performance of the most  
8 recent required maintenance of such instrument.

9 \_\_\_\_\_  
10 Full information does not include manuals, schematics, or  
11 software of the instrument used to test the person or any other  
12 material that is not in the actual possession of the state.  
13 Additionally, full information does not include information in  
14 the possession of the manufacturer of the test instrument.

15 4. The provisions of this section shall not apply to a  
16 student who:

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

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

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

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

27  
28 The beverage must at all times remain in the possession and

1 control of an authorized instructor of the college or university,  
2 who must be twenty-one years of age or older. Nothing in this  
3 subsection may be construed to allow a student under the age of  
4 twenty-one to receive any beer, ale, porter, wine, or other  
5 similar malt or fermented beverage unless the beverage is  
6 delivered as part of the student's required curriculum and the  
7 beverage is used only for instructional purposes during classes  
8 conducted as part of the curriculum.

9 311.326. After a period of not less than one year[, or  
10 upon] after reaching the age of twenty-one[, whichever occurs  
11 first,] a person who has pleaded guilty to or has been found  
12 guilty of violating section 311.325 for the first time, and who  
13 since such conviction has not been convicted of any other  
14 alcohol-related offense, may apply to the court in which he or  
15 she was sentenced for an order to expunge all official records of  
16 his or her arrest, plea, trial and conviction. If the court  
17 determines, upon review, that such person has not been convicted  
18 of any other alcohol-related offense at the time of the  
19 application for expungement, and the person has had no other  
20 alcohol-related enforcement contacts, as defined in section  
21 302.525, RSMo, the court shall enter an order of expungement.  
22 The effect of such an order shall be to restore such person to  
23 the status he or she occupied prior to such arrest, plea or  
24 conviction, as if such event had never happened. No person as to  
25 whom such order has been entered shall be held thereafter under  
26 any provision of any law to be guilty of perjury or otherwise  
27 giving a false statement by reason of his or her failure to  
28 recite or acknowledge such arrest, plea, trial, conviction or

1 expungement in response to any inquiry made of him or her for any  
2 purpose whatsoever. A person shall be entitled to only one  
3 expungement pursuant to this section. Nothing contained in this  
4 section shall prevent courts or other state officials from  
5 maintaining such records as are necessary to ensure that an  
6 individual receives only one expungement pursuant to this  
7 section.

8 544.665. 1. In addition to the forfeiture of any security  
9 which was given or pledged for a person's release, any person  
10 who, having been released [pursuant to sections 544.040 to  
11 544.665, or] upon a recognizance or bond pursuant to any other  
12 provisions of law while pending preliminary hearing, trial,  
13 sentencing, appeal, probation or parole revocation, or any other  
14 stage of a criminal matter against him or her, [willfully]  
15 knowingly fails to appear before any court or judicial officer as  
16 required shall be guilty of [an offense and punished as follows:]  
17 the crime of failure to appear.

18 [(1)] 2. Failure to appear is:

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

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

28 (3) An infraction if [arrested for or charged with] the



1 criminal matter for which the person was released includes only  
2 an infraction[, by a fine of not more than five hundred dollars]  
3 or infractions;

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

11 [2.] 3. Nothing in sections 544.040 to 544.665 shall  
12 prevent the exercise by any court of its power to punish for  
13 contempt.

14 545.050. [1.] No indictment for any trespass against the  
15 person or property of another, not amounting to a felony, except  
16 for petit larceny, and no indictment for the disturbance of the  
17 peace of a person, or for libel or slander, shall be preferred  
18 unless the name of a prosecutor is affixed thereto, thus: "A B,  
19 prosecutor", except where the same is preferred upon the  
20 information and testimony of one or more grand jurors, or of some  
21 public officer in the necessary discharge of his or her duty.

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

24 550.040. In all capital cases, and those in which  
25 imprisonment in the penitentiary is the sole punishment for the  
26 offense, if the defendant is acquitted, the costs shall be paid  
27 by the state; and in all other trials on indictments or  
28 information, if the defendant is acquitted, the costs shall be

1 paid by the county in which the indictment was found or  
2 information filed[, except when the prosecutor shall be adjudged  
3 to pay them or it shall be otherwise provided by law].

4 556.036. 1. A prosecution for murder, forcible rape,  
5 attempted forcible rape, forcible sodomy, attempted forcible  
6 sodomy, or any class A felony may be commenced at any time.

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

10 (1) For any felony, three years, except as provided in  
11 subdivision (4) of this subsection;

12 (2) For any misdemeanor, one year;

13 (3) For any infraction, six months;

14 (4) For any violation of section 569.040, RSMo, when  
15 classified as a class B felony, or any violation of section  
16 569.050 or 569.055, RSMo, five years.

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

19 (1) Any offense a material element of which is either fraud  
20 or a breach of fiduciary obligation within one year after  
21 discovery of the offense by an aggrieved party or by a person who  
22 has a legal duty to represent an aggrieved party and who is  
23 himself or herself not a party to the offense, but in no case  
24 shall this provision extend the period of limitation by more than  
25 three years. As used in this subdivision, the term "person who  
26 has a legal duty to represent an aggrieved party" shall mean the  
27 attorney general or the prosecuting or circuit attorney having  
28 jurisdiction pursuant to section 407.553, RSMo, for purposes of

1 offenses committed pursuant to sections 407.511 to 407.556, RSMo;  
2 and

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

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

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

18 5. A prosecution is commenced for a misdemeanor or  
19 infraction when the information is filed and for a felony when  
20 the complaint or indictment is filed.

21 6. The period of limitation does not run:

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

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

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

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

3           561.021. 1. A person holding any public office, elective  
4 or appointive, under the government of this state or any agency  
5 or political subdivision thereof, who is convicted of a crime  
6 shall, upon sentencing, forfeit such office if:

7           (1) He is convicted under the laws of this state of a  
8 felony or under the laws of another jurisdiction of a crime  
9 which, if committed within this state, would be a felony, or he  
10 pleads guilty or nolo contendere of such a crime; or

11           (2) He is convicted of or pleads guilty or nolo contendere  
12 to a crime involving misconduct in office, or dishonesty; or

13           (3) The constitution or a statute other than the code so  
14 provides.

15           2. [Except as provided in subsection 3 of this section,] A  
16 person who pleads guilty or nolo contendere or is convicted under  
17 the laws of this state of a felony or under the laws of another  
18 jurisdiction of a crime which, if committed within this state,  
19 would be a felony, shall be ineligible to qualify as a candidate  
20 for or hold any public office, elective or appointive, under the  
21 government of this state or any agency or political subdivision  
22 thereof[, until the completion of his sentence or period of  
23 probation].

24           [3. A person who pleads guilty or nolo contendere or is  
25 convicted under the laws of this state or under the laws of  
26 another jurisdiction of a felony connected with the exercise of  
27 the right of suffrage shall be forever disqualified from holding  
28 any public office, elective or appointive, under the government

1 of this state or any agency or political subdivision thereof.]

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

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

20 (2) Waiver of preliminary hearing;

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

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

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

28 (6) Sentencing after conviction at trial upon waiver of any

1 right such person might have to be physically present;

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

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

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

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

13 565.063. 1. As used in this section, the following terms  
14 mean:

15 (1) "Domestic assault offense":

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

19 (b) The commission of the crime of assault in the first  
20 degree [pursuant to the provisions of section 565.050] or assault  
21 in the second degree [pursuant to the provisions of section  
22 565.060,] if the victim of the assault was a family or household  
23 member;

24 (c) The commission of a crime in another state, or any  
25 federal, tribal, or military offense which, if committed in this  
26 state, would be a violation of any offense listed in paragraph  
27 (a) or (b) of this subdivision;

28 (2) "Family" or "household member", spouses, former

1 spouses, adults related by blood or marriage, adults who are  
2 presently residing together or have resided together in the past  
3 and adults who have a child in common regardless of whether they  
4 have been married or have resided together at any time;

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

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

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

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

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

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

5           (3) The court makes findings of fact that warrant a finding  
6 beyond a reasonable doubt by the court that the defendant is a  
7 prior domestic violence offender or persistent domestic violence  
8 offender.

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

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

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

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

19           8. Nothing in this section shall prevent the use of  
20 presentence investigations or commitments.

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

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

26           11. The court shall not instruct the jury as to the range  
27 of punishment or allow the jury, upon a finding of guilty, to  
28 assess and declare the punishment as part of its verdict in cases



1 of prior domestic violence offenders or persistent domestic  
2 violence offenders.

3 12. Evidence of prior convictions shall be heard and  
4 determined by the trial court out of the hearing of the jury  
5 prior to the submission of the case to the jury, and shall  
6 include but not be limited to evidence of convictions received by  
7 a search of the records of the Missouri uniform law enforcement  
8 system maintained by the Missouri state highway patrol. After  
9 hearing the evidence, the court shall enter its findings thereon.

10 13. Evidence of similar criminal convictions of domestic  
11 violence pursuant to this chapter, chapter 566, RSMo, or chapter  
12 568, RSMo, within five years of the offense at issue, shall be  
13 admissible for the purposes of showing a past history of domestic  
14 violence.

15 14. Any person who has pleaded guilty to or been found  
16 guilty of a violation of section 565.072 shall be sentenced to  
17 the authorized term of imprisonment for a class A felony if the  
18 court finds the offender is a prior domestic violence offender.  
19 The offender shall be sentenced to the authorized term of  
20 imprisonment for a class A felony which term shall be served  
21 without probation or parole if the court finds the offender is a  
22 persistent domestic violence offender or the prior domestic  
23 violence offender inflicts serious physical injury on the victim.

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

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

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

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

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

15 3. As used in this section the term "corrections officer"  
16 includes any jailer or corrections officer of the state or any  
17 political subdivision of the state.

18 4. Assault of a law enforcement officer, corrections  
19 officer, emergency personnel, or probation and parole officer in  
20 the first degree is a class A felony.

21 565.082. 1. A person commits the crime of assault of a law  
22 enforcement officer, corrections officer, emergency personnel, or  
23 probation and parole officer in the second degree if such person:

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

28 (2) Knowingly causes or attempts to cause physical injury

1 to a law enforcement officer, corrections officer, emergency  
2 personnel, highway worker in a construction zone or work zone, or  
3 probation and parole officer by means other than a deadly weapon  
4 or dangerous instrument;

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

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

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

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

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

26 2. As used in this section, "emergency personnel" means any  
27 paid or volunteer firefighter, emergency room or trauma center  
28 personnel, or emergency medical technician as defined in

subdivisions (15), (16), [and] (17), and (18) of section 190.100, RSMo.

3. As used in this section the term "corrections officer" includes any jailer or corrections officer of the state or any political subdivision of the state.

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

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

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

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

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

2. As used in this section, "emergency personnel" means any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician as defined in

subdivisions (15), (16), [and] (17), and (18) of section 190.100, RSMo.

3. As used in this section the term "corrections officer" includes any jailor or corrections officer of the state or any political subdivision of the state.

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

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

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

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

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

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

2. A judicial officer for purposes of this section shall be a judge, arbitrator, special master, juvenile officer, deputy juvenile officer, state prosecuting or circuit attorney, state assistant prosecuting or circuit attorney, juvenile court commissioner, state probation or parole officer, or referee.

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

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

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

6           (3) [His] Such officer's stepchild, while the marriage  
7 creating that relationship exists.

8           4. Tampering with a judicial officer is a class C felony.

9           566.013. In the course of a criminal investigation under  
10 this chapter, when the venue of the alleged criminal conduct  
11 cannot be readily determined without further investigation, the  
12 attorney general may request the prosecuting attorney of Cole  
13 County to request a circuit or associate circuit judge of Cole  
14 County to issue a subpoena to any witness who may have  
15 information for the purpose of oral examination under oath or to  
16 require access to data or the production of books, papers,  
17 records, or other material of evidentiary nature at the office of  
18 the attorney general. If, upon review of the evidence produced  
19 pursuant to the subpoenas, it appears that a violation of this  
20 chapter may have been committed, the attorney general shall  
21 provide the evidence produced pursuant to subpoena to an  
22 appropriate county prosecuting attorney or circuit attorney  
23 having venue over the criminal offense.

24           566.147. 1. Any person who, since July 1, 1979, has been  
25 or hereafter has pleaded guilty or nolo contendere to, or been  
26 convicted of, or been found guilty of:

27           (1) Violating any of the provisions of this chapter or the  
28 provisions of subsection 2 of section 568.020, RSMo, incest;

1 section 568.045, RSMo, endangering the welfare of a child in the  
2 first degree; subsection 2 of section 568.080, RSMo, use of a  
3 child in a sexual performance; section 568.090, RSMo, promoting a  
4 sexual performance by a child; section 573.023, RSMo, sexual  
5 exploitation of a minor; section 573.025, RSMo, promoting child  
6 pornography in the first degree; section 573.035, RSMo, promoting  
7 child pornography in the second degree; section 573.037, RSMo,  
8 possession of child pornography, or section 573.040, RSMo,  
9 furnishing pornographic material to minors; or [for an]

10 (2) Any offense in any other state or foreign country, or  
11 under federal, tribal, or military jurisdiction which, if  
12 committed in this state, would be a violation listed in this  
13 section;

14  
15 shall not reside within one thousand feet of any public school as  
16 defined in section 160.011, RSMo, or any private school giving  
17 instruction in a grade or grades not higher than the twelfth  
18 grade, or child-care facility as defined in section 210.201,  
19 RSMo, which is in existence at the time the individual begins to  
20 reside at the location.

21 2. If such person has already established a residence and a  
22 public school, a private school, or child-care facility is  
23 subsequently built or placed within one thousand feet of such  
24 person's residence, then such person shall, within one week of  
25 the opening of such public school, private school, or child-care  
26 facility, notify the county sheriff where such public school,  
27 private school, or child-care facility is located that he or she  
28 is now residing within one thousand feet of such public school,

1 private school, or child-care facility and shall provide  
2 verifiable proof to the sheriff that he or she resided there  
3 prior to the opening of such public school, private school, or  
4 child-care facility.

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

8 4.] Regardless of the person's knowledge of his or her  
9 residence's proximity to a public school, private school, or  
10 child-care facility, violation of the provisions of subsection 1  
11 of this section is a class D felony except that the second or any  
12 subsequent violation is a class B felony. Violation of the  
13 provisions of subsection 2 of this section is a class A  
14 misdemeanor except that the second or subsequent violation is a  
15 class D felony.

16 566.148. 1. Any person who has pleaded guilty or nolo  
17 contendere to, or been convicted of, or been found guilty of:

18 (1) Violating any of the provisions of this chapter or the  
19 provisions of subsection 2 of section 568.020, RSMo, incest;  
20 section 568.045, RSMo, endangering the welfare of a child in the  
21 first degree; subsection 2 of section 568.080, RSMo, use of a  
22 child in a sexual performance; section 568.090, RSMo, promoting a  
23 sexual performance by a child; section 573.023, RSMo, sexual  
24 exploitation of a minor; section 573.025, RSMo, promoting child  
25 pornography in the first degree; section 573.035, RSMo, promoting  
26 child pornography in the second degree; section 573.037, RSMo,  
27 possession of child pornography, or section 573.040, RSMo,  
28 furnishing pornographic material to minors; or



1       (2) Any offense in any other state or foreign country, or  
2 under federal, tribal, or military jurisdiction which, if  
3 committed in this state, would be a violation listed in this  
4 section;

5  
6 shall not knowingly be physically present in or loiter within  
7 five hundred feet of or to approach, contact, or communicate with  
8 any child under eighteen years of age in any child care facility  
9 building, on the real property comprising any child care facility  
10 when persons under the age of eighteen are present in the  
11 building, on the grounds, or in the conveyance, unless the  
12 offender is a parent, legal guardian, or custodian of a student  
13 present in the building or on the grounds.

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

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

19       566.149. 1. Any person who has pleaded guilty or nolo  
20 contendere to, or been convicted of, or been found guilty of:

21       (1) Violating any of the provisions of this chapter or the  
22 provisions of subsection 2 of section 568.020, RSMo, incest;  
23 section 568.045, RSMo, endangering the welfare of a child in the  
24 first degree; subsection 2 of section 568.080, RSMo, use of a  
25 child in a sexual performance; section 568.090, RSMo, promoting a  
26 sexual performance by a child; section 573.023, RSMo, sexual  
27 exploitation of a minor; section 573.025, RSMo, promoting child  
28 pornography; or section 573.040, RSMo, furnishing pornographic

1 material to minors; or [for an]

2 (2) Any offense in any other state or foreign country, or  
3 under tribal, federal, or military jurisdiction which, if  
4 committed in this state, would be a violation listed in this  
5 section;

6  
7 shall not be present in or loiter within five hundred feet of any  
8 school building, on real property comprising any school, or in  
9 any conveyance owned, leased, or contracted by a school to  
10 transport students to or from school or a school-related activity  
11 when persons under the age of eighteen are present in the  
12 building, on the grounds, or in the conveyance, unless the  
13 offender is a parent, legal guardian, or custodian of a student  
14 present in the building and has met the conditions set forth in  
15 subsection 2 of this section.

16 2. No parent, legal guardian, or custodian who has pleaded  
17 guilty or nolo contendere to, or been convicted of, or been found  
18 guilty of violating any of the offenses listed in subsection 1 of  
19 this section shall be present in any school building, on real  
20 property comprising any school, or in any conveyance owned,  
21 leased, or contracted by a school to transport students to or  
22 from school or a school-related activity when persons under the  
23 age of eighteen are present in the building, on the grounds or in  
24 the conveyance unless the parent, legal guardian, or custodian  
25 has permission to be present from the superintendent or school  
26 board or in the case of a private school from the principal. In  
27 the case of a public school, if permission is granted, the  
28 superintendent or school board president must inform the

1 principal of the school where the sex offender will be present.  
2 Permission may be granted by the superintendent, school board, or  
3 in the case of a private school from the principal for more than  
4 one event at a time, such as a series of events, however, the  
5 parent, legal guardian, or custodian must obtain permission for  
6 any other event he or she wishes to attend for which he or she  
7 has not yet had permission granted.

8 3. Regardless of the person's knowledge of his or her  
9 proximity to school property or a school-related activity,  
10 violation of the provisions of this section shall be a class A  
11 misdemeanor.

12 566.150. 1. Any person who has pleaded guilty to, or been  
13 convicted of, or been found guilty of:

14 (1) Violating any of the provisions of this chapter or the  
15 provisions of subsection 2 of section 568.020, RSMo, incest;  
16 section 568.045, RSMo, endangering the welfare of a child in the  
17 first degree; subsection 2 of section 568.080, RSMo, use of a  
18 child in a sexual performance; section 568.090, RSMo, promoting a  
19 sexual performance by a child; section 573.023, RSMo, sexual  
20 exploitation of a minor; section 573.025, RSMo, promoting child  
21 pornography; or section 573.040, RSMo, furnishing pornographic  
22 material to minors; or

23 (2) Any offense in any other state or foreign country, or  
24 under federal, tribal, or military jurisdiction which, if  
25 committed in this state, would be a violation listed in this  
26 section;

27  
28 shall not knowingly be present in or loiter within five hundred

feet of any real property comprising any public park with  
playground equipment or public swimming pool.

2. The first violation of the provisions of this section  
shall be a class D felony.

3. A second or subsequent violation of this section shall  
be a class C felony.

566.155. 1. Any person who has pleaded guilty to, or been  
convicted of, or been found guilty of:

(1) Violating any of the provisions of this chapter or the  
provisions of subsection 2 of section 568.020, RSMo, incest;  
section 568.045, RSMo, endangering the welfare of a child in the  
first degree; subsection 2 of section 568.080, RSMo, use of a  
child in a sexual performance; section 568.090, RSMo, promoting a  
sexual performance by a child; section 573.023, RSMo, sexual  
exploitation of a minor; section 573.025, RSMo, promoting child  
pornography; or section 573.040, RSMo, furnishing pornographic  
material to minors; or

(2) Any offense in any other state or foreign country, or  
under federal, tribal, or military jurisdiction which, if  
committed in this state, would be a violation listed in this  
section;

shall not serve as an athletic coach, manager, or athletic  
trainer for any sports team in which a child less than seventeen  
years of age is a member.

2. The first violation of the provisions of this section  
shall be a class D felony.

3. A second or subsequent violation of this section shall

1 be a class C felony.

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

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

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

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

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

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

26 2. Endangering the welfare of a child in the first degree  
27 is a class C felony unless the offense is committed as part of a  
28 ritual or ceremony, or except on a second or subsequent offense,

1 in which case the crime is a class B felony.

2 3. This section shall be known as "Hope's Law".

3 570.030. 1. A person commits the crime of stealing if he  
4 or she appropriates property or services of another with the  
5 purpose to deprive him or her thereof, either without his or her  
6 consent or by means of deceit or coercion.

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

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

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

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

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

20 (5) That he or she, with intent to cheat or defraud a  
21 retailer, possesses, uses, utters, transfers, makes, alters,  
22 counterfeits, or reproduces a retail sales receipt, price tag, or  
23 universal price code label, or possesses with intent to cheat or  
24 defraud, the device that manufactures fraudulent receipts or  
25 universal price code labels.

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

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

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

6           (3) The property appropriated consists of:

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

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

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

10          (d) Any firearms; or

11          (e) Any explosive weapon as defined in section 571.010,  
12 RSMo; or

13          (f) A United States national flag designed, intended and  
14 used for display on buildings or stationary flagstaffs in the  
15 open; or

16          ~~[(f)]~~ (g) Any original copy of an act, bill or resolution,  
17 introduced or acted upon by the legislature of the state of  
18 Missouri; or

19          ~~[(g)]~~ (h) Any pleading, notice, judgment or any other  
20 record or entry of any court of this state, any other state or of  
21 the United States; or

22          ~~[(h)]~~ (I) Any book of registration or list of voters  
23 required by chapter 115, RSMo; or

24          ~~[(I)]~~ (j) Any animal [of the species of horse, mule, ass,  
25 cattle, swine, sheep, or goat] considered livestock as that term  
26 is defined in section 144.010, RSMo; or

27          ~~[(j)]~~ (k) Live fish raised for commercial sale with a value  
28 of seventy-five dollars; or

1       (l) Captive wildlife held under permit issued by the  
2 conservation commission; or

3       [(k)] (m) Any controlled substance as defined by section  
4 195.010, RSMo; or

5       [(l)] (n) Anhydrous ammonia;

6       [(m)] (o) Ammonium nitrate; or

7       [(n)] (p) Any document of historical significance which has  
8 fair market value of five hundred dollars or more.

9       4. If an actor appropriates any material with a value less  
10 than five hundred dollars in violation of this section with the  
11 intent to use such material to manufacture, compound, produce,  
12 prepare, test or analyze amphetamine or methamphetamine or any of  
13 their analogues, then such violation is a class C felony. The  
14 theft of any amount of anhydrous ammonia or liquid nitrogen, or  
15 any attempt to steal any amount of anhydrous ammonia or liquid  
16 nitrogen, is a class B felony. The theft of any amount of  
17 anhydrous ammonia by appropriation of a tank truck, tank trailer,  
18 rail tank car, bulk storage tank, field (nurse) tank or field  
19 applicator is a class A felony.

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

24       6. Any person with a prior conviction of [paragraph (I)]  
25 paragraphs (j) or (l) of subdivision (3) of subsection 3 of this  
26 section and who violates the provisions of [paragraph (I)]  
27 paragraphs (j) or (l) of subdivision (3) of subsection 3 of this  
28 section when the value of the animal or animals stolen exceeds



1 three thousand dollars is guilty of a class B felony.  
2 Notwithstanding any provision of law to the contrary, such person  
3 shall serve a minimum prison term of not less than eighty percent  
4 of his or her sentence before he or she is eligible for  
5 probation, parole, conditional release, or other early release by  
6 the department of corrections.

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

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

12 570.040. 1. Every person who has previously pled guilty to  
13 or been found guilty [on two separate occasions] of [a] two  
14 stealing-related [offense] offenses committed on two separate  
15 occasions where such offenses occurred within ten years of the  
16 date of occurrence of the present offense [and where the person  
17 received a sentence of ten days or more on such previous offense]  
18 and who subsequently pleads guilty or is found guilty of a  
19 stealing-related offense is guilty of a class D felony, unless  
20 the subsequent plea or guilty verdict is pursuant to paragraph  
21 (a) of subdivision (3) of subsection 3 of section 570.030, in  
22 which case the person shall be guilty of a class B felony, and  
23 shall be punished accordingly.

24 2. As used in this section, the term "stealing-related  
25 offense" shall include federal and state violations of criminal  
26 statutes against stealing, robbery, or buying or receiving stolen  
27 property and shall also include municipal ordinances against same  
28 if the defendant was either represented by counsel or knowingly

1 waived counsel in writing and the judge accepting the plea or  
2 making the findings was a licensed attorney at the time of the  
3 court proceedings.

4 3. Evidence of prior guilty pleas or findings of guilt  
5 shall be heard by the court, out of the hearing of the jury,  
6 prior to the submission of the case to the jury, and the court  
7 shall determine the existence of the prior guilty pleas or  
8 findings of guilt.

9 570.080. 1. A person commits the crime of receiving stolen  
10 property if for the purpose of depriving the owner of a lawful  
11 interest therein, he or she receives, retains or disposes of  
12 property of another knowing that it has been stolen, or believing  
13 that it has been stolen.

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

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

20 (2) That he or she received other stolen property in  
21 another transaction within the year preceding the transaction  
22 charged;

23 (3) That he or she acquired the stolen property for a  
24 consideration which he or she knew was far below its reasonable  
25 value;

26 (4) That he or she obtained control over stolen property  
27 knowing the property to have been stolen or under such  
28 circumstances as would reasonably induce a person to believe the

1 property was stolen.

2 3. Receiving stolen property is a class A misdemeanor  
3 unless the property involved has a value of five hundred dollars  
4 or more, or the person receiving the property is a dealer in  
5 goods of the type in question, or the property involved is an  
6 explosive weapon as that term is defined in section 571.010,  
7 RSMo, in which cases receiving stolen property is a class C  
8 felony.

9 573.013. In the course of a criminal investigation under  
10 this chapter, when the venue of the alleged criminal conduct  
11 cannot be readily determined without further investigation, the  
12 attorney general may request the prosecuting attorney of Cole  
13 County to request a circuit or associate circuit judge of Cole  
14 County to issue a subpoena to any witness who may have  
15 information for the purpose of oral examination under oath or to  
16 require access to data or the production of books, papers,  
17 records, or other material of evidentiary nature at the office of  
18 the attorney general. If, upon review of the evidence produced  
19 pursuant to the subpoenas, it appears that a violation of this  
20 chapter may have been committed, the attorney general shall  
21 provide the evidence produced pursuant to subpoena to an  
22 appropriate county prosecuting attorney or circuit attorney  
23 having venue over the criminal offense.

24 573.020. 1. A person commits the crime of promoting  
25 obscenity in the first degree if[, knowing its content and  
26 character]:

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

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

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

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

11           573.023. 1. A person commits the crime of sexual  
12 exploitation of a minor if[, knowing of its content and  
13 character,] such person knowingly or recklessly photographs,  
14 films, videotapes, produces or otherwise creates obscene material  
15 with a minor or child pornography.

16           2. Sexual exploitation of a minor is a class B felony  
17 unless the minor is a child, in which case it is a class A  
18 felony.

19           573.025. 1. A person commits the crime of promoting child  
20 pornography in the first degree if[, knowing of its content and  
21 character,] such person possesses with the intent to promote or  
22 promotes child pornography of a child less than fourteen years of  
23 age or obscene material portraying what appears to be a child  
24 less than fourteen years of age.

25           2. Promoting child pornography in the first degree is a  
26 class B felony unless the person knowingly promotes such material  
27 to a minor, in which case it is a class A felony. No person who  
28 pleads guilty to or is found guilty of, or is convicted of,

1 promoting child pornography in the first degree shall be eligible  
2 for probation, parole, or conditional release for a period of  
3 three calendar years.

4 3. Nothing in this section shall be construed to require a  
5 provider of electronic communication services or remote computing  
6 services to monitor any user, subscriber or customer of the  
7 provider, or the content of any communication of any user,  
8 subscriber or customer of the provider.

9 573.030. 1. A person commits the crime of promoting  
10 pornography for minors or obscenity in the second degree if[,  
11 knowing its content or character,] he or she:

12 (1) Promotes or possesses with the purpose to promote any  
13 obscene material for pecuniary gain; or

14 (2) Produces, presents, directs or participates in any  
15 obscene performance for pecuniary gain; or

16 (3) Promotes or possesses with the purpose to promote any  
17 material pornographic for minors for pecuniary gain; or

18 (4) Produces, presents, directs or participates in any  
19 performance pornographic for minors for pecuniary gain; or

20 (5) Promotes, possesses with the purpose to promote,  
21 produces, presents, directs or participates in any performance  
22 that is pornographic for minors via computer, electronic  
23 transfer, Internet or computer network if the person made the  
24 matter available to a specific individual known by the defendant  
25 to be a minor.

26 2. Promoting pornography for minors or obscenity in the  
27 second degree is a class A misdemeanor unless the person has  
28 pleaded guilty to or has been found guilty of an offense pursuant

1 to this section committed at a different time, in which case it  
2 is a class D felony.

3 573.035. 1. A person commits the crime of promoting child  
4 pornography in the second degree if [knowing of its content and  
5 character] such person possesses with the intent to promote or  
6 promotes child pornography of a minor under the age of eighteen  
7 or obscene material portraying what appears to be a minor under  
8 the age of eighteen.

9 2. Promoting child pornography in the second degree is a  
10 class C felony unless the person knowingly promotes such material  
11 to a minor, in which case it is a class B felony. No person who  
12 is found guilty of, pleads guilty to, or is convicted of  
13 promoting child pornography in the second degree shall be  
14 eligible for probation.

15 573.037. 1. A person commits the crime of possession of  
16 child pornography if[, knowing of its content and character,]  
17 such person knowingly or recklessly possesses any child  
18 pornography of a minor under the age of eighteen or obscene  
19 material portraying what appears to be a minor under the age of  
20 eighteen.

21 2. Possession of child pornography is a class C felony  
22 unless the person possesses more than twenty still images of  
23 child pornography, possesses one motion picture, film, videotape,  
24 videotape production, or other moving image of child pornography,  
25 or has pleaded guilty to or has been found guilty of an offense  
26 under this section, in which case it is a class B felony.

27 573.040. 1. A person commits the crime of furnishing  
28 pornographic material to minors if[, knowing its content and

1 character,] he or she:

2 (1) Furnishes any material pornographic for minors, knowing  
3 that the person to whom it is furnished is a minor or acting in  
4 reckless disregard of the likelihood that such person is a minor;  
5 or

6 (2) Produces, presents, directs or participates in any  
7 performance pornographic for minors that is furnished to a minor  
8 knowing that any person viewing such performance is a minor or  
9 acting in reckless disregard of the likelihood that a minor is  
10 viewing the performance; or

11 (3) Furnishes, produces, presents, directs, participates in  
12 any performance or otherwise makes available material that is  
13 pornographic for minors via computer, electronic transfer,  
14 Internet or computer network if the person made the matter  
15 available to a specific individual known by the defendant to be a  
16 minor.

17 2. It is not an affirmative defense to a prosecution for a  
18 violation of this section that the person being furnished the  
19 pornographic material is a peace officer masquerading as a minor.

20 3. Furnishing pornographic material to minors or attempting  
21 to furnish pornographic material to minors is a class A  
22 misdemeanor unless the person has pleaded guilty to or has been  
23 found guilty of an offense committed at a different time pursuant  
24 to this chapter, chapter 566 or chapter 568, RSMo, in which case  
25 it is a class D felony.

26 573.060. 1. A person commits the crime of public display  
27 of explicit sexual material if he knowingly or recklessly:

28 (1) Displays publicly explicit sexual material; or

1           (2) Fails to take prompt action to remove such a display  
2 from property in his possession after learning of its existence.

3           2. Public display of explicit sexual material is a class A  
4 misdemeanor unless the person has pleaded guilty to or has been  
5 found guilty of an offense under this section committed at a  
6 different time, in which case it is a class D felony.

7           3. For purposes of this section, each day there is a  
8 violation of this section shall constitute a separate offense.

9           573.065. 1. A person commits the crime of coercing  
10 acceptance of obscene material if[, knowing its content and  
11 character]:

12           (1) He requires acceptance of obscene material as a  
13 condition to any sale, allocation, consignment or delivery of any  
14 other material; or

15           (2) He denies any franchise or imposes any penalty,  
16 financial or otherwise, by reason of the failure or refusal of  
17 any person to accept any material obscene or pornographic for  
18 minors.

19           2. Coercing acceptance of obscene material is a class D  
20 felony.

21           575.150. 1. A person commits the crime of resisting or  
22 interfering with arrest, detention, or stop if, knowing that a  
23 law enforcement officer is making an arrest, or attempting to  
24 lawfully detain or stop an individual or vehicle, or the person  
25 reasonably should know that a law enforcement officer is making  
26 an arrest or attempting to lawfully detain or lawfully stop an  
27 individual or vehicle, for the purpose of preventing the officer  
28 from effecting the arrest, stop or detention, the person:



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

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

7           2. This section applies to:

8           (1) Arrests, stops, or detentions, with or without warrants  
9 [and to];

10           (2) Arrests, stops, or detentions, for any crime,  
11 infraction, or ordinance violation; and

12           (3) Arrests for warrants issued by a court or a probation  
13 and parole officer.

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

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

24           5. Resisting or interfering with an arrest is a class D  
25 felony for an arrest for a [felony is a class D felony]:

26           (1) Felony;

27           (2) Warrant issued for failure to appear on a felony case;  
28 or

1     (3) Warrant issued for a probation violation on a felony  
2     case.

3  
4     Resisting an arrest, detention or stop by fleeing in such a  
5     manner that the person fleeing creates a substantial risk of  
6     serious physical injury or death to any person is a class D  
7     felony; otherwise, resisting or interfering with an arrest,  
8     detention or stop in violation of subdivision (1) or (2) of  
9     subsection 1 of this section is a class A misdemeanor.

10     575.153. 1. A person commits the crime of disarming a  
11     peace officer, as defined in section 590.100, RSMo, or a  
12     correctional officer if such person intentionally:

13     (1) Removes a firearm or other deadly weapon from the  
14     person of a peace officer or correctional officer while such  
15     officer is acting within the scope of his or her official duties;  
16     or

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

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

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

24     (2) The peace officer or correctional officer was engaged  
25     in an incident involving felonious conduct by the peace officer  
26     or correctional officer at the time the defendant disarmed such  
27     officer.

28     3. Disarming a peace officer or correctional officer is a

1 class C felony.

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

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

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

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

13 2. Tampering with a judicial proceeding is a class C  
14 felony.

15 576.050. 1. A public servant commits the crime of misuse  
16 of official information if, in contemplation of official action  
17 by himself or herself or by a governmental unit with which he or  
18 she is associated, or in reliance on information to which he or  
19 she has access in his or her official capacity and which has not  
20 been made public, he or she knowingly:

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

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

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

1           2. A person commits [this] the crime of misuse of official  
2 information if he or she knowingly or recklessly obtains or  
3 [recklessly] discloses information from the Missouri uniform law  
4 enforcement system (MULES) or the National Crime Information  
5 Center System (NCIC), or any other criminal justice information  
6 sharing system that contains individually identifiable  
7 information for private or personal use, or for a purpose other  
8 than in connection with their official duties and performance of  
9 their job.

10           3. Misuse of official information is a class A misdemeanor.

11                   [577.023. 1. For purposes of this section,  
12 unless the context clearly indicates otherwise:

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

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

17                   (b) Has pleaded guilty to or has been found  
18 guilty of one or more intoxication-related traffic  
19 offense and, in addition, any of the following:  
20 involuntary manslaughter under subdivision (2) or (3)  
21 of subsection 1 of section 565.024, RSMo; murder in the  
22 second degree under section 565.021, RSMo, where the  
23 underlying felony is an intoxication-related traffic  
24 offense; or assault in the second degree under  
25 subdivision (4) of subsection 1 of section 565.060,  
26 RSMo; or assault of a law enforcement officer in the  
27 second degree under subdivision (4) of subsection 1 of  
28 section 565.082, RSMo;

29                   (2) A "chronic offender" is:

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

33                   (b) A person who has pleaded guilty to or has  
34 been found guilty of, on two or more separate  
35 occasions, any combination of the following:  
36 involuntary manslaughter under subdivision (2) or (3)  
37 of subsection 1 of section 565.024, RSMo; murder in the  
38 second degree under section 565.021, RSMo, where the  
39 underlying felony is an intoxication-related traffic  
40 offense; assault in the second degree under subdivision  
41 (4) of subsection 1 of section 565.060, RSMo; or  
42 assault of a law enforcement officer in the second  
43 degree under subdivision (4) of subsection 1 of section

1       565.082, RSMo; or

2       (c) A person who has pleaded guilty to or has  
3       been found guilty of two or more intoxication-related  
4       traffic offenses and, in addition, any of the  
5       following: involuntary manslaughter under subdivision  
6       (2) or (3) of subsection 1 of section 565.024, RSMo;  
7       murder in the second degree under section 565.021,  
8       RSMo, where the underlying felony is an  
9       intoxication-related traffic offense; assault in the  
10      second degree under subdivision (4) of subsection 1 of  
11      section 565.060, RSMo; or assault of a law enforcement  
12      officer in the second degree under subdivision (4) of  
13      subsection 1 of section 565.082, RSMo;

14      (3) An "intoxication-related traffic offense" is  
15      driving while intoxicated, driving with excessive blood  
16      alcohol content, involuntary manslaughter pursuant to  
17      subdivision (2) or (3) of subsection 1 of section  
18      565.024, RSMo, murder in the second degree under  
19      section 565.021, RSMo, where the underlying felony is  
20      an intoxication-related traffic offense, assault in the  
21      second degree pursuant to subdivision (4) of subsection  
22      1 of section 565.060, RSMo, assault of a law  
23      enforcement officer in the second degree pursuant to  
24      subdivision (4) of subsection 1 of section 565.082,  
25      RSMo, or driving under the influence of alcohol or  
26      drugs in violation of state law or a county or  
27      municipal ordinance, where the defendant was  
28      represented by or waived the right to an attorney in  
29      writing;

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

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

35      (b) A person who has pleaded guilty to or has  
36      been found guilty of involuntary manslaughter pursuant  
37      to subdivision (2) or (3) of subsection 1 of section  
38      565.024, RSMo, assault in the second degree pursuant to  
39      subdivision (4) of subsection 1 of section 565.060,  
40      RSMo, assault of a law enforcement officer in the  
41      second degree pursuant to subdivision (4) of subsection  
42      1 of section 565.082, RSMo; and

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

49      2. Any person who pleads guilty to or is found  
50      guilty of a violation of section 577.010 or 577.012 who  
51      is alleged and proved to be a prior offender shall be

1 guilty of a class A misdemeanor.

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

6 4. Any person who pleads guilty to or is found  
7 guilty of a violation of section 577.010 or section  
8 577.012 who is alleged and proved to be an aggravated  
9 offender shall be guilty of a class C felony.

10 5. Any person who pleads guilty to or is found  
11 guilty of a violation of section 577.010 or section  
12 577.012 who is alleged and proved to be a chronic  
13 offender shall be guilty of a class B felony.

14 6. No state, county, or municipal court shall  
15 suspend the imposition of sentence as to a prior  
16 offender, persistent offender, aggravated offender, or  
17 chronic offender under this section nor sentence such  
18 person to pay a fine in lieu of a term of imprisonment,  
19 section 557.011, RSMo, to the contrary notwithstanding.  
20 No prior offender shall be eligible for parole or  
21 probation until he or she has served a minimum of five  
22 days imprisonment, unless as a condition of such parole  
23 or probation such person performs at least thirty days  
24 of community service under the supervision of the court  
25 in those jurisdictions which have a recognized program  
26 for community service. No persistent offender shall be  
27 eligible for parole or probation until he or she has  
28 served a minimum of ten days imprisonment, unless as a  
29 condition of such parole or probation such person  
30 performs at least sixty days of community service under  
31 the supervision of the court. No aggravated offender  
32 shall be eligible for parole or probation until he or  
33 she has served a minimum of sixty days imprisonment.  
34 No chronic offender shall be eligible for parole or  
35 probation until he or she has served a minimum of two  
36 years imprisonment.

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

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

45 (2) Evidence is introduced that establishes  
46 sufficient facts pleaded to warrant a finding beyond a  
47 reasonable doubt the defendant is a prior offender,  
48 persistent offender, aggravated offender, or chronic  
49 offender; and

50 (3) The court makes findings of fact that warrant  
51 a finding beyond a reasonable doubt by the court that

1 the defendant is a prior offender, persistent offender,  
2 aggravated offender, or chronic offender.

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

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

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

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

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

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

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

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

28 16. Evidence of a prior conviction, plea of  
29 guilty, or finding of guilt in an intoxication-related  
30 traffic offense shall be heard and determined by the  
31 trial court out of the hearing of the jury prior to the  
32 submission of the case to the jury, and shall include  
33 but not be limited to evidence of convictions received  
34 by a search of the records of the Missouri uniform law  
35 enforcement system maintained by the Missouri state  
36 highway patrol. After hearing the evidence, the court  
37 shall enter its findings thereon. A plea of guilty or  
38 a finding of guilt followed by incarceration, a fine, a  
39 suspended imposition of sentence, suspended execution  
40 of sentence, probation or parole or any combination  
41 thereof in any intoxication-related traffic offense in  
42 a state, county, or municipal court, or any combination  
43 thereof, shall be treated as a prior plea of guilty or  
44 finding of guilt for purposes of this section.]

45 577.023. 1. For purposes of this section, unless the  
46 context clearly indicates otherwise:

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

48 (a) Has pleaded guilty to or has been found guilty of three

1 or more intoxication-related traffic offenses; or

2 (b) Has pleaded guilty to or has been found guilty of one  
3 or more intoxication-related traffic offense and, in addition,  
4 any of the following: involuntary manslaughter under subdivision  
5 (2) or (3) of subsection 1 of section 565.024, RSMo; murder in  
6 the second degree under section 565.021, RSMo, where the  
7 underlying felony is an intoxication-related traffic offense; or  
8 assault in the second degree under subdivision (4) of subsection  
9 1 of section 565.060, RSMo; or assault of a law enforcement  
10 officer in the second degree under subdivision (4) of subsection  
11 1 of section 565.082, RSMo;

12 (2) A "chronic offender" is:

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

15 (b) A person who has pleaded guilty to or has been found  
16 guilty of, on two or more separate occasions, any combination of  
17 the following: involuntary manslaughter under subdivision (2) or  
18 (3) of subsection 1 of section 565.024, RSMo; murder in the  
19 second degree under section 565.021, RSMo, where the underlying  
20 felony is an intoxication-related traffic offense; assault in the  
21 second degree under subdivision (4) of subsection 1 of section  
22 565.060, RSMo; or assault of a law enforcement officer in the  
23 second degree under subdivision (4) of subsection 1 of section  
24 565.082, RSMo; or

25 (c) A person who has pleaded guilty to or has been found  
26 guilty of two or more intoxication-related traffic offenses and,  
27 in addition, any of the following: involuntary manslaughter  
28 under subdivision (2) or (3) of subsection 1 of section 565.024,



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

7 (3) "Continuous alcohol monitoring", automatically testing  
8 breath, blood, or transdermal alcohol concentration levels and  
9 tampering attempts at least once every hour, regardless of the  
10 location of the person who is being monitored, and regularly  
11 transmitting the data. Continuous alcohol monitoring shall be  
12 considered an electronic monitoring service under subsection 3 of  
13 section 217.690, RSMo;

14 (4) An "intoxication-related traffic offense" is driving  
15 while intoxicated, driving with excessive blood alcohol content,  
16 involuntary manslaughter pursuant to subdivision (2) or (3) of  
17 subsection 1 of section 565.024, RSMo, murder in the second  
18 degree under section 565.021, RSMo, where the underlying felony  
19 is an intoxication-related traffic offense, assault in the second  
20 degree pursuant to subdivision (4) of subsection 1 of section  
21 565.060, RSMo, assault of a law enforcement officer in the second  
22 degree pursuant to subdivision (4) of subsection 1 of section  
23 565.082, RSMo, or driving under the influence of alcohol or drugs  
24 in violation of state law or a county or municipal ordinance[,  
25 where the defendant was represented by or waived the right to an  
26 attorney in writing];

27 [(4)] (5) A "persistent offender" is one of the following:

28 (a) A person who has pleaded guilty to or has been found

1 guilty of two or more intoxication-related traffic offenses;

2 (b) A person who has pleaded guilty to or has been found  
3 guilty of involuntary manslaughter pursuant to subdivision (2) or  
4 (3) of subsection 1 of section 565.024, RSMo, assault in the  
5 second degree pursuant to subdivision (4) of subsection 1 of  
6 section 565.060, RSMo, assault of a law enforcement officer in  
7 the second degree pursuant to subdivision (4) of subsection 1 of  
8 section 565.082, RSMo; and

9 [(5)] (6) A "prior offender" is a person who has pleaded  
10 guilty to or has been found guilty of one intoxication-related  
11 traffic offense, where such prior offense occurred within five  
12 years of the occurrence of the intoxication-related traffic  
13 offense for which the person is charged.

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

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

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

24 5. Any person who pleads guilty to or is found guilty of a  
25 violation of section 577.010 or section 577.012 who is alleged  
26 and proved to be a chronic offender shall be guilty of a class B  
27 felony.

28 6. No state, county, or municipal court shall suspend the

1 imposition of sentence as to a prior offender, persistent  
2 offender, aggravated offender, or chronic offender under this  
3 section nor sentence such person to pay a fine in lieu of a term  
4 of imprisonment, section 557.011, RSMo, to the contrary  
5 notwithstanding. No prior offender shall be eligible for parole  
6 or probation until he or she has served a minimum of five days  
7 imprisonment, unless as a condition of such parole or probation  
8 such person performs at least thirty days of community service  
9 under the supervision of the court in those jurisdictions which  
10 have a recognized program for community service. No persistent  
11 offender shall be eligible for parole or probation until he or  
12 she has served a minimum of ten days imprisonment, unless as a  
13 condition of such parole or probation such person performs at  
14 least sixty days of community service under the supervision of  
15 the court. No aggravated offender shall be eligible for parole  
16 or probation until he or she has served a minimum of sixty days  
17 imprisonment. No chronic offender shall be eligible for parole  
18 or probation until he or she has served a minimum of two years  
19 imprisonment. In addition to any other terms or conditions of  
20 probation, the court shall consider, as a condition of probation  
21 for any person who pleads guilty to or is found guilty of an  
22 intoxication-related traffic offense, requiring the offender to  
23 abstain from consuming or using alcohol or any products  
24 containing alcohol as demonstrated by continuous alcohol  
25 monitoring or by verifiable breath alcohol testing performed a  
26 minimum of four times per day as scheduled by the court for such  
27 duration as determined by the court, but not less than ninety  
28 days. The court may, in addition to imposing any other fine,

1 costs, or assessments provided by law, require the offender to  
2 bear any costs associated with continuous alcohol monitoring or  
3 verifiable breath alcohol testing.

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

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

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

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

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

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

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

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

28         12. Nothing in this section shall prevent the use of

1 presentence investigations or commitments.

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

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

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

12 16. Evidence of a prior conviction, plea of guilty, or  
13 finding of guilt in an intoxication-related traffic offense shall  
14 be heard and determined by the trial court out of the hearing of  
15 the jury prior to the submission of the case to the jury, and  
16 shall include but not be limited to evidence of convictions  
17 received by a search of the records of the Missouri uniform law  
18 enforcement system maintained by the Missouri state highway  
19 patrol. After hearing the evidence, the court shall enter its  
20 findings thereon. A plea of guilty or a finding of guilt  
21 followed by incarceration, a fine, a suspended imposition of  
22 sentence, suspended execution of sentence, probation or parole or  
23 any combination thereof in any intoxication-related traffic  
24 offense in a state, county or municipal court or any combination  
25 thereof, shall be treated as a prior plea of guilty or finding of  
26 guilt for purposes of this section.

27 577.029. A licensed physician, registered nurse, or trained  
28 medical technician, acting at the request and direction of the

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

15 578.022. Any dog that is owned, or the service of which is  
16 employed, by a law enforcement agency and that bites another  
17 animal or human in the course of their official duties is exempt  
18 from the provisions of sections 273.033 and 273.036, RSMo, and  
19 section 578.024.

20 578.024. 1. If a dog that has previously bitten a person  
21 or a domestic animal without provocation bites any person on a  
22 subsequent occasion, the owner or possessor is guilty of a class  
23 B misdemeanor unless such attack:

24 (1) Results in serious injury to any person, in which case,  
25 the owner or possessor is guilty of a class A misdemeanor; or

26 (2) Results in serious injury to any person and any  
27 previous attack also resulted in serious injury to any person, in  
28 which case, the owner or possessor is guilty of a class D felony;

1 or

2 (3) Results in the death of any person, in which case, the  
3 owner or possessor shall be guilty of a class C felony.

4 2. In addition to the penalty included in subsection 1 of  
5 this section, if any dog that has previously bitten a person or a  
6 domestic animal without provocation bites any person on a  
7 subsequent occasion or if a dog that has not previously bitten a  
8 person attacks and causes serious injury to or the death of any  
9 human, the dog shall be seized immediately by an animal control  
10 authority or by the county sheriff. The dog shall be impounded  
11 and held for ten business days after the owner or possessor is  
12 given written notification and thereafter destroyed.

13 3. The owner or possessor of the dog that has been  
14 impounded may file a written appeal to the circuit court to  
15 contest the impoundment and destruction of such dog. The owner  
16 or possessor shall provide notice of the filing of the appeal to  
17 the animal control authority or county sheriff who seized the  
18 dog. If the owner or possessor files such an appeal and provides  
19 proper notice, the dog shall remain impounded and shall not be  
20 destroyed while such appeal is pending and until the court issues  
21 an order for the destruction of the dog. The court shall hold a  
22 disposition hearing within thirty days of the filing of the  
23 appeal to determine whether such dog shall be humanely destroyed.  
24 The court may order the owner or possessor of the dog to pay the  
25 costs associated with the animal's keeping and care during the  
26 pending appeal.

27 4. Notwithstanding any provision of sections 273.033 and  
28 273.036, RSMo, section 578.022 and this section to the contrary,

1 if a dog attacks or bites a person who is engaged in or  
2 attempting to engage in a criminal activity at the time of the  
3 attack, the owner or possessor is not guilty of any crime  
4 specified under this section or section 273.036, RSMo, and is not  
5 civilly liable under this section or section 273.036, RSMo, nor  
6 shall such dog be destroyed as provided in subsection 2 of this  
7 section, nor shall such person engaged in or attempting to engage  
8 in a criminal activity at the time of the attack be entitled to  
9 the defenses set forth in section 273.033, RSMo. For purposes of  
10 this section "criminal activity" shall not include the act of  
11 trespass upon private property under section 569.150, RSMo, as  
12 long as the trespasser does not otherwise engage in, attempt to  
13 engage in, or have intent to engage in other criminal activity  
14 nor shall it include any trespass upon private property by a  
15 person under the age of twelve under section 569.140, RSMo.

16 578.026. 1. A person performing a lawful seizure of any  
17 dog that is the subject of a violation of section 578.025,  
18 whether under the authority of a warrant or not, shall:

19 (1) Be given a disposition hearing within thirty days of  
20 the filing of the request for the purpose of granting immediate  
21 disposition of the dogs impounded;

22 (2) Place impounded dogs in the care or custody of a  
23 veterinarian, the appropriate animal control authority, or an  
24 animal shelter. If no appropriate veterinarian, animal control  
25 authority, or animal shelter is available, the dog shall not be  
26 impounded unless it is diseased or disabled beyond recovery for  
27 any useful purpose;

28 (3) Humanely kill any dog impounded if it is determined by



1 a licensed veterinarian that the dog is diseased or disabled  
2 beyond recovery for any useful purpose;

3 (4) Not be liable for any necessary damage to property if  
4 the dog has been lawfully seized.

5 2. The owner or custodian or any person claiming an  
6 interest in any dog that has been impounded because of being the  
7 subject of a violation of section 578.025 may prevent disposition  
8 of the dog by posting bond or security in an amount sufficient to  
9 provide for the dog's care and keeping for at least thirty days,  
10 inclusive of the date on which the animal was taken into custody.  
11 Notwithstanding the fact that bond may be posted pursuant to this  
12 subsection, the authority having custody of the animal may  
13 humanely dispose of the dog at the end of the time for which  
14 expenses are covered by the bond or security, unless there is a  
15 court order prohibiting such disposition. Such order shall  
16 provide for a bond or other security in the amount necessary to  
17 protect the authority having custody of the dog from any cost of  
18 the care, keeping or disposal of the dog. The authority taking  
19 custody of a dog shall give notice of the provisions of this  
20 section by posting a copy of this section at the place where the  
21 dog was taken into custody or by delivering it to a person  
22 residing on the property.

23 3. The owner or custodian of any dog humanely killed  
24 pursuant to this section shall not be entitled to recover any  
25 damages related to, nor the actual value of, the dog if the dog  
26 was found by a licensed veterinarian to be diseased or disabled,  
27 or if the owner or custodian failed to post bond or security for  
28 the care, keeping and disposition of the dog after being notified

1 of impoundment.

2       578.030. 1. The provisions of section 43.200, RSMo,  
3 notwithstanding, any member of the state highway patrol or other  
4 law enforcement officer may apply for and serve a search warrant,  
5 and shall have the power of search and seizure in order to  
6 enforce the provisions of sections 578.025 to 578.050.

7       2. Any member of the state highway patrol or other law  
8 enforcement officer making an arrest under section 578.025 shall  
9 lawfully take possession of all dogs or other animals and all  
10 paraphernalia, implements, or other property or things used or  
11 employed, or about to be employed, in the violation of any of the  
12 provisions of section 578.025. Such officer, after taking  
13 possession of such dogs, animals, paraphernalia, implements or  
14 other property or things, shall file with the court before whom  
15 the complaint is made against any person so arrested an affidavit  
16 stating therein the name of the person charged in such complaint,  
17 a description of the property so taken and the time and place of  
18 the taking thereof together with the name of the person from whom  
19 the same was taken and the name of the person who claims to own  
20 such property, if known, and that the affiant has reason to  
21 believe and does believe, stating the ground of such belief, that  
22 the property so taken was used or employed, or was about to be  
23 used or employed, in such violation of section 578.025. [He  
24 shall thereupon deliver the property so taken to the court, which  
25 shall, by order in writing, place the same in the custody of an  
26 officer or other proper person named and designated in such  
27 order, to be kept by him until the conviction or final discharge  
28 of such person complained against, and shall send a copy of such

1 order without delay to the prosecuting attorney of the county.  
2 The officer or person so named and designated in such order shall  
3 immediately thereupon assume the custody of such property and  
4 shall retain the same, subject to the order of the court before  
5 which such person so complained against may be required to appear  
6 for trial. Upon the conviction of the person so charged, all  
7 property so seized shall be adjudged by the court to be forfeited  
8 and shall thereupon be destroyed or otherwise disposed of as the  
9 court may order. In the event of the acquittal or final  
10 discharge without conviction of the person so charged, such court  
11 shall, on demand, direct the delivery of such property so held in  
12 custody to the owner thereof.]

13 578.250. No person shall intentionally smell or inhale the  
14 fumes of any solvent, particularly toluol, amyl nitrite, butyl  
15 nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and  
16 propyl nitrite and their iso-analogues or induce any other person  
17 to do so, for the purpose of causing a condition of, or inducing  
18 symptoms of, intoxication, elation, euphoria, dizziness,  
19 excitement, irrational behavior, exhilaration, paralysis,  
20 stupefaction, or dulling of senses or nervous system, or for the  
21 purpose of, in any manner, changing, distorting, or disturbing  
22 the audio, visual, or mental processes; except that this section  
23 shall not apply to the inhalation of any anesthesia for medical  
24 or dental purposes.

25 578.255. 1. As used in this section "alcohol beverage  
26 vaporizer" means any device which, by means of heat, a vibrating  
27 element, or any method, is capable of producing a breathable  
28 mixture containing one or more alcoholic beverages to be

1 dispensed for inhalation into the lungs via the nose or mouth or  
2 both.

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

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

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

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

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

1 vaporizer.

2 6. Nothing in this section shall be construed to prohibit  
3 the legal consumption of intoxicating liquor, as defined by  
4 section 311.020, RSMo, or nonintoxicating beer, as defined by  
5 section 312.010, RSMo.

6 578.260. 1. No person shall intentionally possess or buy  
7 any solvent, particularly toluol, amyl nitrite, butyl nitrite,  
8 cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and propyl  
9 nitrite and their iso-analogues for the purpose of inducing or  
10 aiding any other person to violate the provisions of sections  
11 578.250 and 578.255.

12 2. Any person who violates any provision of sections  
13 578.250 to 578.260 is guilty of a class B misdemeanor for the  
14 first violation and a class D felony for any subsequent  
15 violations.

16 578.265. 1. No person shall knowingly and intentionally  
17 sell or otherwise transfer possession of any solvent,  
18 particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl  
19 nitrite, ethyl nitrite, pentyl nitrite, and propyl nitrite and  
20 their iso-analogues to any person for the purpose of causing a  
21 condition of, or inducing symptoms of, intoxication, elation,  
22 euphoria, dizziness, excitement, irrational behavior,  
23 exhilaration, paralysis, stupefaction, or dulling of senses or  
24 nervous system, or for the purpose of, in any manner, changing,  
25 distorting, or disturbing the audio, visual, or mental processes.

26 2. No person who owns or operates any business which  
27 receives over fifty percent of its gross annual income from the  
28 sale of alcoholic beverages or beer shall sell or offer for sale

1    toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl  
2    nitrite, pentyl nitrite, and propyl nitrite and their iso-  
3    analogues, or any toxic glue.

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

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

12        589.400. 1. Sections 589.400 to 589.425 shall apply to:

13        (1) Any person who, since July 1, 1979, has been or is  
14    hereafter convicted of, been found guilty of, or pled guilty or  
15    nolo contendere to committing, attempting to commit, or  
16    conspiring to commit a felony offense of chapter 566, RSMo,  
17    including sexual trafficking of a child and sexual trafficking of  
18    a child under the age of twelve, or any offense of chapter 566,  
19    RSMo, where the victim is a minor, unless such person is exempted  
20    from registering under subsection 8 of this section; or

21        (2) Any person who, since July 1, 1979, has been or is  
22    hereafter convicted of, been found guilty of, or pled guilty or  
23    nolo contendere to committing, attempting to commit, or  
24    conspiring to commit one or more of the following offenses:  
25    kidnapping when the victim was a child and the defendant was not  
26    a parent or guardian of the child; abuse of a child under section  
27    568.060, RSMo, when such abuse is sexual in nature; felonious  
28    restraint when the victim was a child and the defendant is not a

1 parent or guardian of the child; sexual contact or sexual  
2 intercourse with a resident of a nursing home, under section  
3 565.200, RSMo; endangering the welfare of a child under section  
4 568.045, RSMo, when the endangerment is sexual in nature; genital  
5 mutilation of a female child, under section 568.065, RSMo;  
6 promoting prostitution in the first degree; promoting  
7 prostitution in the second degree; promoting prostitution in the  
8 third degree; sexual exploitation of a minor; promoting child  
9 pornography in the first degree; promoting child pornography in  
10 the second degree; possession of child pornography; furnishing  
11 pornographic material to minors; public display of explicit  
12 sexual material; coercing acceptance of obscene material;  
13 promoting obscenity in the first degree; promoting pornography  
14 for minors or obscenity in the second degree; incest; use of a  
15 child in a sexual performance; or promoting sexual performance by  
16 a child; [and committed or attempted to commit the offense  
17 against a victim who is a minor, defined for the purposes of  
18 sections 589.400 to 589.425 as a person under eighteen years of  
19 age;] or

20 (3) Any person who, since July 1, 1979, has been committed  
21 to the department of mental health as a criminal sexual  
22 psychopath; or

23 (4) Any person who, since July 1, 1979, has been found not  
24 guilty as a result of mental disease or defect of any offense  
25 listed in subdivision (1) or (2) of this subsection; or

26 (5) Any juvenile certified as an adult and transferred to a  
27 court of general jurisdiction who has been convicted of, found  
28 guilty of, or has pleaded guilty or nolo contendere to

1 committing, attempting to commit, or conspiring to commit a  
2 felony under chapter 566, RSMo, which is equal to or more severe  
3 than aggravated sexual abuse under 18 U.S.C. Section 2241, which  
4 shall include any attempt or conspiracy to commit such offense;

5 (6) Any juvenile fourteen years of age or older at the time  
6 of the offense who has been adjudicated for an offense which is  
7 equal to or more severe than aggravated sexual abuse under 18  
8 U.S.C. Section 2241, which shall include any attempt or  
9 conspiracy to commit such offense;

10 (7) Any person who is a resident of this state who has,  
11 since July 1, 1979, or is hereafter convicted of, been found  
12 guilty of, or pled guilty to or nolo contendere in any other  
13 state, or foreign country, or under federal, tribal, or military  
14 jurisdiction to committing, attempting to commit, or conspiring  
15 to commit an offense which, if committed in this state, would be  
16 a violation of chapter 566, RSMo, or a felony violation of any  
17 offense listed in subdivision (2) of this subsection or has been  
18 or is required to register in another state or has been or is  
19 required to register under tribal, federal, or military law; or

20 (8) Any person who has been or is required to register in  
21 another state or has been or is required to register under  
22 tribal, federal, or military law and who works or attends an  
23 educational institution, whether public or private in nature,  
24 including any secondary school, trade school, professional  
25 school, or institution of higher education on a full-time or on a  
26 part-time basis or has a temporary residence in Missouri.  
27 "Part-time" in this subdivision means for more than seven days in  
28 any twelve-month period.



1           2. Any person to whom sections 589.400 to 589.425 apply  
2 shall, within three days of conviction, release from  
3 incarceration, or placement upon probation, register with the  
4 chief law enforcement official of the county or city not within a  
5 county in which such person resides unless such person has  
6 already registered in that county for the same offense. Any  
7 person to whom sections 589.400 to 589.425 apply if not currently  
8 registered in their county of residence shall register with the  
9 chief law enforcement official of such county or city not within  
10 a county within three days. The chief law enforcement official  
11 shall forward a copy of the registration form required by section  
12 589.407 to a city, town, village, or campus law enforcement  
13 agency located within the county of the chief law enforcement  
14 official, if so requested. Such request may ask the chief law  
15 enforcement official to forward copies of all registration forms  
16 filed with such official. The chief law enforcement official may  
17 forward a copy of such registration form to any city, town,  
18 village, or campus law enforcement agency, if so requested.

19           3. The registration requirements of sections 589.400  
20 through 589.425 are lifetime registration requirements unless:

21           (1) All offenses requiring registration are reversed,  
22 vacated or set aside;

23           (2) The registrant is pardoned of the offenses requiring  
24 registration;

25           (3) The registrant is no longer required to register and  
26 his or her name shall be removed from the registry under the  
27 provisions of subsection 6 of this section; or

28           (4) The registrant may petition the court for removal or

1 exemption from the registry under subsection 7 or 8 of this  
2 section and the court orders the removal or exemption of such  
3 person from the registry.

4 4. For processing an initial sex offender registration the  
5 chief law enforcement officer of the county or city not within a  
6 county may charge the offender registering a fee of up to ten  
7 dollars.

8 5. For processing any change in registration required  
9 pursuant to section 589.414 the chief law enforcement official of  
10 the county or city not within a county may charge the person  
11 changing their registration a fee of five dollars for each change  
12 made after the initial registration.

13 6. Any person currently on the sexual offender registry for  
14 being convicted of, found guilty of, or pleading guilty or nolo  
15 contendere to committing, attempting to commit, or conspiring to  
16 commit, felonious restraint when the victim was a child and he or  
17 she was the parent or guardian of the child, nonsexual child  
18 abuse that was committed under section 568.060, RSMo, or  
19 kidnapping when the victim was a child and he or she was the  
20 parent or guardian of the child shall be removed from the  
21 registry. However, such person shall remain on the sexual  
22 offender registry for any other offense for which he or she is  
23 required to register under sections 589.400 to 589.425.

24 7. Any person currently on the sexual offender registry for  
25 having been convicted of, found guilty of, or having pleaded  
26 guilty or nolo contendere to committing, attempting to commit, or  
27 conspiring to commit promoting prostitution in the second degree,  
28 promoting prostitution in the third degree, public display of

1 explicit sexual material, statutory rape in the second degree,  
2 and no physical force or threat of physical force was used in the  
3 commission of the crime may file a petition in the civil division  
4 of the circuit court in the county in which the offender was  
5 convicted or found guilty of or pled guilty or nolo contendere to  
6 committing, attempting to commit, or conspiring to commit the  
7 offense or offenses for the removal of his or her name from the  
8 sexual offender registry after ten years have passed from the  
9 date he or she was required to register.

10 8. Effective August 28, [2006] 2009, any person on the  
11 sexual offender registry for having been convicted of, found  
12 guilty of, or having pled guilty or nolo contendere to an offense  
13 included under subsection 1 of this section may file a petition  
14 after two years have passed from the date the offender was  
15 convicted or found guilty of or pled guilty or nolo contendere to  
16 the offense or offenses in the civil division of the circuit  
17 court in the county in which the offender was convicted or found  
18 guilty of or pled guilty or nolo contendere to the offense or  
19 offenses for removal of his or her name from the registry if such  
20 person was nineteen years of age or younger and the victim was  
21 thirteen years of age or older at the time of the offense and no  
22 physical force or threat of physical force was used in the  
23 commission of the offense, unless such person meets the  
24 qualifications of this subsection and is convicted or found  
25 guilty of or pleads guilty or nolo contendere to a violation of  
26 sections 566.068, 566.090, 566.093, or 566.095, RSMo, when such  
27 offense is a misdemeanor, in which case, such person may  
28 immediately file a petition to remove or exempt his or her name

1 from the registry upon his or her conviction or finding or  
2 pleading of guilty or nolo contendere to such offense.

3       9. (1) The court may grant such relief under subsection 7  
4 or 8 of this section if such person demonstrates to the court  
5 that he or she has complied with the provisions of this section  
6 and is not a current or potential threat to public safety. The  
7 prosecuting attorney in the circuit court in which the petition  
8 is filed must be given notice, by the person seeking removal or  
9 exemption from the registry, of the petition to present evidence  
10 in opposition to the requested relief or may otherwise  
11 demonstrate the reasons why the petition should be denied.  
12 Failure of the person seeking removal or exemption from the  
13 registry to notify the prosecuting attorney of the petition shall  
14 result in an automatic denial of such person's petition. If the  
15 prosecuting attorney is notified of the petition he or she shall  
16 make reasonable efforts to notify the victim of the crime for  
17 which the person was required to register of the petition and the  
18 dates and times of any hearings or other proceedings in  
19 connection with that petition.

20       (2) If the petition is denied, such person shall wait at  
21 least twelve months before petitioning the court again. If the  
22 court finds that the petitioner is entitled to relief, which  
23 removes or exempts such person's name from the registry, a  
24 certified copy of the written findings or order shall be  
25 forwarded by the court to the chief law enforcement official  
26 having jurisdiction over the offender and to the Missouri state  
27 highway patrol in order to have such person's name removed or  
28 exempted from the registry.

1           10. Any nonresident worker or nonresident student shall  
2 register for the duration of such person's employment or  
3 attendance at any school of higher education and is not entitled  
4 to relief under the provisions of subsection 9 of this section.  
5 Any registered offender from another state who has a temporary  
6 residence in this state and resides more than seven days in a  
7 twelve-month period shall register for the duration of such  
8 person's temporary residency and is not entitled to the  
9 provisions of subsection 9 of this section.

10           11. Any person whose name is removed or exempted from the  
11 sexual offender registry under subsection 7 or 8 of this section  
12 shall no longer be required to fulfill the registration  
13 requirements of sections 589.400 to 589.425, unless such person  
14 is required to register for committing another offense after  
15 being removed from the registry.

16           589.425. 1. A person commits the crime of failing to  
17 register as a sex offender when the person is required to  
18 register under sections 589.400 to 589.425 and fails to comply  
19 with any requirement of sections 589.400 to 589.425. Failing to  
20 register as a sex offender is a class D felony unless the person  
21 is required to register based on having committed an offense in  
22 chapter 566, RSMo, which was an unclassified felony, a class A or  
23 B felony, or a felony involving a child under the age of  
24 fourteen, in which case it is a class C felony.

25           2. A person commits the crime of failing to register as a  
26 sex offender as a second offense by failing to comply with any  
27 requirement of sections 589.400 to 589.425 and he or she has  
28 previously pled guilty to or has previously been found guilty of

1 failing to register as a sex offender. Failing to register as a  
2 sex offender as a second offense is a class D felony unless the  
3 person is required to register based on having committed an  
4 offense in chapter 566, RSMo, or an offense in any other state or  
5 foreign country, or under federal, tribal, or military  
6 jurisdiction, which if committed in this state would be an  
7 offense under chapter 566, RSMo, which was an unclassified  
8 felony, a class A or B felony, or a felony involving a child  
9 under the age of fourteen, in which case it is a class C felony.

10 3. (1) A person commits the crime of failing to register as  
11 a sex offender as a third offense by failing to meet the  
12 requirements of sections 589.400 to 589.425 and he or she has, on  
13 two or more occasions, previously pled guilty to or has  
14 previously been found guilty of failing to register as a sex  
15 offender. Failing to register as a sex offender as a third  
16 offense is a felony which shall be punished by a term of  
17 imprisonment of not less than ten years and not more than thirty  
18 years.

19 ~~[(1)]~~ (2) No court may suspend the imposition or execution  
20 of sentence of a person who pleads guilty to or is found guilty  
21 of failing to register as a sex offender as a third offense. No  
22 court may sentence such person to pay a fine in lieu of a term of  
23 imprisonment.

24 ~~[(2)]~~ (3) A person sentenced under this subsection shall  
25 not be eligible for conditional release or parole until he or she  
26 has served at least two years of imprisonment.

27 ~~[(3)]~~ (4) Upon release, an offender who has committed  
28 failing to register as a sex offender as a third offense shall be

1 electronically monitored as a mandatory condition of supervision.  
2 Electronic monitoring may be based on a global positioning system  
3 or any other technology which identifies and records the  
4 offender's location at all times.

5 590.701. 1. As used in this section, the following terms  
6 shall mean:

7 (1) "Custodial interrogation", the questioning of a person  
8 under arrest, who is no longer at the scene of the crime, by a  
9 member of a law enforcement agency along with the answers and  
10 other statements of the person questioned. "Custodial  
11 interrogation" shall not include:

12 (a) A situation in which a person voluntarily agrees to  
13 meet with a member of a law enforcement agency;

14 (b) A detention by a law enforcement agency that has not  
15 risen to the level of an arrest;

16 (c) Questioning that is routinely asked during the  
17 processing of the arrest of the suspect;

18 (d) Questioning pursuant to an alcohol influence report;

19 (e) Questioning during the transportation of a suspect;

20 (2) "Recorded" and "recording", any form of audiotape,  
21 videotape, motion picture, or digital recording.

22 2. All custodial interrogations of persons suspected of  
23 committing or attempting to commit murder in the first degree,  
24 murder in the second degree, assault in the first degree, assault  
25 of a law enforcement officer in the first degree, domestic  
26 assault in the first degree, elder abuse in the first degree,  
27 robbery in the first degree, arson in the first degree, forcible  
28 rape, forcible sodomy, kidnapping, statutory rape in the first

1 degree, statutory sodomy in the first degree, child abuse, or  
2 child kidnapping shall be recorded when feasible.

3 3. Law enforcement agencies may record an interrogation in  
4 any circumstance with or without the knowledge or consent of a  
5 suspect, but they shall not be required to record an  
6 interrogation under subsection 2 of this section:

7 (1) If the suspect requests that the interrogation not be  
8 recorded;

9 (2) If the interrogation occurs outside the state of  
10 Missouri;

11 (3) If exigent public safety circumstances prevent  
12 recording;

13 (4) To the extent the suspect makes spontaneous statements;

14 (5) If the recording equipment fails; or

15 (6) If recording equipment is not available at the location  
16 where the interrogation takes place.

17 4. Each law enforcement agency shall adopt a written policy  
18 to record custodial interrogations of persons suspected of  
19 committing or attempting to commit the felony crimes described in  
20 subsection 2 of this section.

21 5. If a law enforcement agency fails to comply with the  
22 provisions of this section, the governor may withhold any state  
23 funds appropriated to the noncompliant law enforcement agency if  
24 the governor finds that the agency did not act in good faith in  
25 attempting to comply with the provisions of this section.

26 6. Nothing in this section shall be construed as a ground  
27 to exclude evidence, and a violation of this section shall not  
28 have impact other than that provided for in subsection 5 of this



1 section. Compliance or noncompliance with this section shall not  
2 be admitted as evidence, argued, referenced, considered or  
3 questioned during a criminal trial.

4 7. Nothing contained in this section shall be construed to  
5 authorize, create, or imply a private cause of action.

6 595.027. 1. Upon request by the [division] department for  
7 verification of injuries of victims, medical providers shall  
8 submit the information requested by the [division] department  
9 within twenty working days of the request at no cost to the fund.

10 2. For purposes of this section, "medical providers" means  
11 physicians, dentists, clinical psychologists, optometrists,  
12 podiatrists, registered nurses, physician's assistants,  
13 chiropractors, physical therapists, hospitals, ambulatory  
14 surgical centers, and nursing homes.

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

17 650.050. 1. The Missouri department of public safety shall  
18 develop and establish a "DNA Profiling System", referred to in  
19 sections 650.050 to 650.100 as the system to assist federal,  
20 state, and local criminal justice and law enforcement agencies in  
21 the identification, investigation, and prosecution of individuals  
22 as well as the identification of missing or unidentified persons.

23 2. This DNA profiling system shall consist of qualified  
24 Missouri forensic laboratories approved by the Federal Bureau of  
25 Investigation.

26 3. The Missouri state highway patrol crime laboratory shall  
27 be the administrator of the state's DNA index system.

28 4. The DNA profiling system as established in this section

1 shall be compatible with that used by the Federal Bureau of  
2 Investigation to ensure that DNA records are fully exchangeable  
3 between DNA laboratories and that quality assurance standards  
4 issued by the director of the Federal Bureau of Investigation are  
5 applied and performed.

6 5. DNA samples obtained under sections 650.050 to 650.100  
7 shall not be used in any manner to identify any medical or  
8 genetic diseases.

9 650.052. 1. The state's DNA profiling system shall:

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

15 (2) If personally identifiable information is removed,  
16 support development of forensic validation studies, forensic  
17 protocols, and the establishment and maintenance of a population  
18 statistics database for federal, state, or local crime  
19 laboratories of law enforcement agencies; and

20 (3) Assist in the recovery or identification of human  
21 remains from mass disasters, or for other humanitarian purposes,  
22 including identification of missing persons.

23 2. The Missouri state highway patrol shall act as the  
24 central repository for the DNA profiling system and shall  
25 collaborate with the Federal Bureau of Investigation and other  
26 criminal justice agencies relating to the state's participation  
27 in CODIS and the National DNA Index System or in any DNA  
28 database.

1           3. The Missouri state highway patrol may promulgate rules  
2 and regulations to implement the provisions of sections 650.050  
3 to 650.100 in accordance with Federal Bureau of Investigation  
4 recommendations for the form and manner of collection of blood or  
5 other scientifically accepted biological samples and other  
6 procedures for the operation of sections 650.050 to 650.100. No  
7 rule or portion of a rule promulgated pursuant to the authority  
8 of this section shall become effective unless it has been  
9 promulgated pursuant to the provisions of section 536.024, RSMo.

10           4. The Missouri state highway patrol shall provide the  
11 necessary components for collection of the [convicted offender's]  
12 biological samples from qualified individuals as defined in  
13 section 650.055 for the DNA profiling system.

14           (1) For qualified offenders as defined by section 650.055  
15 who are under custody and control of the department of  
16 corrections, the fingerprint and DNA sample collection shall be  
17 performed by the department of corrections and the division of  
18 probation and parole, or their authorized designee or contracted  
19 third party.

20           (2) For qualified offenders as defined by section 650.055  
21 who are under custody and control of a city or county jail, the  
22 fingerprint and DNA sample collections shall be performed by the  
23 city or county jail or its authorized designee or contracted  
24 third party.

25           (3) For qualified offenders as defined by section 650.055  
26 who are under the custody and control of companies contracted by  
27 the county or court to perform supervision and/or treatment of  
28 the offender, the sheriff's department of the [county assigned to

1 the offender] sentencing court shall perform the DNA sample  
2 collection and obtain a fingerprint.

3 (4) For a person who is required to register as a sexual  
4 offender under sections 589.400 to 589.425, RSMo, the registering  
5 agency shall obtain the DNA sample and fingerprint.

6 5. The specimens shall thereafter be forwarded to the  
7 Missouri state highway patrol crime laboratory. Any DNA  
8 profiling analysis or collection of DNA samples by the state or  
9 any county performed pursuant to sections 650.050 to 650.100  
10 shall be subject to appropriations.

11 [5.] 6. The state's participating forensic DNA laboratories  
12 shall meet quality assurance standards specified by the Missouri  
13 state highway patrol crime laboratory and the Federal Bureau of  
14 Investigation to ensure quality DNA identification records  
15 submitted to the central repository.

16 [6.] 7. The state's participating forensic DNA laboratories  
17 may provide the system for identification purposes to criminal  
18 justice, law enforcement officials and prosecutors in the  
19 preparation and utilization of DNA evidence for presentation in  
20 court and provide expert testimony in court on DNA evidentiary  
21 issues.

22 [7.] 8. The department of public safety shall have the  
23 authority to promulgate rules and regulations to carry out the  
24 provisions of sections 650.050 to 650.100. Any rule or portion  
25 of a rule, as that term is defined in section 536.010, RSMo, that  
26 is created under the authority delegated in this section shall  
27 become effective only if it complies with and is subject to all  
28 of the provisions of chapter 536, RSMo, and, if applicable,

1 section 536.028, RSMo. This section and chapter 536, RSMo, are  
2 nonseverable and if any of the powers vested with the general  
3 assembly pursuant to chapter 536, RSMo, to review, to delay the  
4 effective date, or to disapprove and annul a rule are  
5 subsequently held unconstitutional, then the grant of rulemaking  
6 authority and any rule proposed or adopted after August 28, 2004,  
7 shall be invalid and void.

8 650.055. 1. Every individual, in a Missouri circuit court,  
9 who pleads guilty to or is found guilty of a felony or any  
10 offense under chapter 566, RSMo, or has been determined [beyond a  
11 reasonable doubt] to be a sexually violent predator pursuant to  
12 sections 632.480 to 632.513, RSMo, or is an individual required  
13 to register as a sexual offender under sections 589.400 to  
14 589.425, RSMo, shall have a fingerprint and blood or  
15 scientifically accepted biological sample collected for purposes  
16 of DNA profiling analysis:

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

19 (2) Upon entering or before release from a county jail or  
20 detention facility, state correctional facility, or any other  
21 detention facility or institution, whether operated by private,  
22 local, or state agency, or any mental health facility if  
23 committed as a sexually violent predator pursuant to sections  
24 632.480 to 632.513, RSMo; or

25 (3) When the state accepts a person from another state  
26 under any interstate compact, or under any other reciprocal  
27 agreement with any county, state, or federal agency, or any other  
28 provision of law, whether or not the person is confined or

1 released, the acceptance is conditional on the person providing a  
2 DNA sample if the person was convicted of, pleaded guilty to, or  
3 pleaded nolo contendere to an offense in any other jurisdiction  
4 which would be considered a qualifying offense as defined in this  
5 section if committed in this state, or if the person was  
6 convicted of, pleaded guilty to, or pleaded nolo contendere to  
7 any equivalent offense in any other jurisdiction; or

8 (4) If such individual is under the jurisdiction of the  
9 department of corrections. Such jurisdiction includes persons  
10 currently incarcerated, persons on probation, as defined in  
11 section 217.650, RSMo, and on parole, as also defined in section  
12 217.650, RSMo.

13 2. The Missouri state highway patrol and department of  
14 corrections shall be responsible for ensuring adherence to the  
15 law. Any person required to provide a DNA sample pursuant to  
16 this section shall be required to provide such sample, without  
17 the right of refusal, at a collection site designated by the  
18 Missouri state highway patrol and the department of corrections.  
19 Authorized personnel collecting or assisting in the collection of  
20 samples shall not be liable in any civil or criminal action when  
21 the act is performed in a reasonable manner. Such force may be  
22 used as necessary to the effectual carrying out and application  
23 of such processes and operations. The enforcement of these  
24 provisions by the authorities in charge of state correctional  
25 institutions and others having custody or jurisdiction over those  
26 who have been convicted of, pleaded guilty to, or pleaded nolo  
27 contendere to felony offenses which shall not be set aside or  
28 reversed is hereby made mandatory. The board of probation or

1 parole shall recommend that an individual who refuses to provide  
2 a DNA sample have his or her probation or parole revoked. In the  
3 event that a person's DNA sample is not adequate for any reason,  
4 the person shall provide another sample for analysis.

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

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

14 5. Implementation of sections 650.050 to 650.100 shall be  
15 subject to future appropriations to keep Missouri's DNA system  
16 compatible with the Federal Bureau of Investigation's DNA  
17 databank system.

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

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

28 (2) The attorney general or any assistant attorneys general

1 acting on his or her behalf, as defined in chapter 27, RSMo;

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

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

8 7. Any person who obtains records pursuant to the  
9 provisions of this section shall use such records only for  
10 investigative and prosecutorial purposes, including but not  
11 limited to use at any criminal trial, hearing, or proceeding; or  
12 for law enforcement identification purposes, including  
13 identification of human remains. Such records shall be  
14 considered strictly confidential and shall only be released as  
15 authorized by this section.

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

25 (1) A person whose DNA record or DNA profile has been  
26 included in the state DNA database in accordance with this  
27 section, section 488.5050, RSMo, and sections 650.050, 650.052,  
28 and 650.100 may request expungement on the grounds that the



1 conviction has been reversed, or the guilty plea or plea of nolo  
2 contendere on which the authority for including that person's DNA  
3 record or DNA profile was based has been set aside.

4 (2) Upon receipt of a written request for expungement, a  
5 certified copy of the final court order reversing the conviction  
6 or setting aside the plea and any other information necessary to  
7 ascertain the validity of the request, the Missouri state highway  
8 patrol crime laboratory shall expunge all DNA records and  
9 identifiable information in the database pertaining to the person  
10 and destroy the DNA sample of the person, unless the Missouri  
11 state highway patrol determines that the person is otherwise  
12 obligated to submit a DNA sample. Within thirty days after the  
13 receipt of the court order, the Missouri state highway patrol  
14 shall notify the individual that it has expunged his or her DNA  
15 sample and DNA profile, or the basis for its determination that  
16 the person is otherwise obligated to submit a DNA sample.

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

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

26 650.059. 1. There is hereby established within the  
27 department of public safety a "Crime Laboratory Review  
28 Commission" to provide independent review of any state or local

1 Missouri crime laboratory receiving state-administered funding.

2 2. The commission shall consist of five members who shall  
3 be citizens of this state, including one senior manager from a  
4 crime laboratory within the state that is accredited by a body  
5 approved by the department of public safety, one licensed law  
6 enforcement officer employed by a county or municipality in a  
7 management position, one prosecuting attorney, one criminal  
8 defense attorney, and the director of the department of public  
9 safety or his or her designee.

10 3. Except for the director of the department of public  
11 safety or his or her designee, the members shall be appointed by  
12 the governor with the advice and consent of the senate. For the  
13 initial term, the prosecuting attorney and criminal defense  
14 attorney shall serve a term of two years. The law enforcement  
15 officer and the crime laboratory senior manager shall serve an  
16 initial term of four years. Thereafter, all appointments shall  
17 be for terms of four years. Except for the director of the  
18 department of public safety or his or her designee, the governor  
19 shall fill any vacancy by appointment for the unexpired term and  
20 each member of the board shall hold office until such member's  
21 successor is appointed and qualified.

22 4. If a member no longer meets the qualifications for which  
23 he or she was appointed, the member's seat shall be deemed  
24 vacant.

25 5. The members of the commission shall not receive  
26 compensation for their services other than to receive  
27 reimbursement costs directly associated with the execution of  
28 their commission duties.

1       6. The director of the department of public safety or his  
2 or her designee shall serve as chairman of the commission. The  
3 commission shall meet at least annually to review the current  
4 status of crime laboratories in this state. Three members of the  
5 commission shall constitute a quorum.

6       7. For the purposes of this section, the term "crime  
7 laboratory" shall mean any forensic science laboratory operated  
8 or supported financially by the state or any unit of city,  
9 county, or other local Missouri government receiving state-  
10 administered funding, and employs at least one scientist who  
11 examines physical evidence in criminal matters and provides  
12 expert or opinion testimony with respect to such physical  
13 evidence in a state court of law.

14       8. The commission shall have the power to:

15       (1) Assess the capabilities and needs of Missouri crime  
16 laboratories, as well as their ability to deliver quality  
17 forensic services in a timely manner to law enforcement agencies  
18 in the state of Missouri;

19       (2) Authorize independent external investigations into  
20 allegations of serious negligence or misconduct committed by  
21 employees or contractors of a crime laboratory substantially  
22 affecting the integrity of forensic results. The commission  
23 shall solicit input and guidance from any appropriate expert as  
24 it deems necessary in the investigation process;

25       (3) Appoint members to inspection or investigative teams to  
26 assist in carrying out the duties described in subdivisions (1)  
27 and (2) of this subsection;

28       (4) Issue reprimands to crime laboratories and to

employees or contractors of crime laboratories found to be negligent or engaging in misconduct in the execution of their responsibilities;

(5) Make recommendations for changes in procedure of crime laboratories found to be negligent in the execution of their responsibilities; and

(6) Issue reports to the director of the department of public safety summarizing any findings of negligence or misconduct of a crime laboratory or an employee or contractor of a crime laboratory and making recommendations regarding revocation or suspension of grant funding that the commission deems warranted.

9. The commission shall submit an annual report to the governor summarizing its activities and any suggestions to improve the quality management systems within the crime laboratories in the state, but shall not make recommendations related to relocation or consolidation of these crime laboratories.

10. The department of public safety shall have the authority to revoke any grant money from a crime laboratory if the laboratory does not cooperate with the commission or if allegations of serious misconduct or negligence are substantiated by the commission.

11. In the event the commission takes a vote concerning only a particular crime laboratory, the appointee serving as a senior manager of a crime laboratory or licensed law enforcement officer shall recuse himself or herself from such vote if it involves the crime laboratory employing such senior manager or a

1 crime laboratory operated by the municipality employing such  
2 officer.

3 Section 1. 1. Notwithstanding any provision of law to the  
4 contrary, upon request of a law enforcement officer to inspect  
5 any record open to inspection by the state veterinarian under  
6 section 277.120, RSMo, or any record open to inspection by the  
7 department of agriculture, of any livestock sales or market  
8 licensee to determine the origin and destination of any livestock  
9 handled by the licensee, the law enforcement officer shall be  
10 entitled to inspect such records of the licensee without prior  
11 notice or the necessity of obtaining a search warrant during  
12 regular business hours in a manner so as to minimize interference  
13 with or delay to the licensee's business operation. When a law  
14 enforcement officer has probable cause to believe that livestock  
15 in the possession of a licensee is misappropriated, the officer  
16 may place a hold order on the livestock. The hold order shall  
17 contain the following information:

18 \_\_\_\_\_ (1) The name of the licensee;

19 \_\_\_\_\_ (2) The name and mailing address of the licensee where the  
20 livestock is held;

21 \_\_\_\_\_ (3) The name, title, and identification number of the law  
22 enforcement officer placing the hold order;

23 \_\_\_\_\_ (4) The name and address of the agency to which the law  
24 enforcement officer is attached and the claim or case number, if  
25 any, assigned by the agency to the claim regarding the livestock;

26 \_\_\_\_\_ (5) A description of the livestock; and

27 \_\_\_\_\_ (6) The time of expiration of the holding period.

1 The hold order shall be signed and dated by the issuing officer  
2 and signed and dated by the licensee or the licensee's designee  
3 as evidence of the hold order's issuance by the officer, receipt  
4 by the licensee and the beginning time of the holding period.

5 The officer issuing the hold order shall provide an executed copy  
6 of the hold order to the licensee for the licensee's  
7 record-keeping purposes at no cost to the licensee.

8 2. For the purposes of this section, the term "hold order"  
9 shall mean a written legal instrument issued to a licensee by a  
10 law enforcement officer ordering the licensee to retain physical  
11 possession of livestock in the possession of a licensee or  
12 livestock purchased by and in the possession of a licensee and  
13 not to return, sell or otherwise dispose of such livestock that  
14 is believed to be misappropriated for up to twenty-four hours.

15 3. Upon receiving the hold order, the licensee shall retain  
16 physical possession of the livestock subject to the order in a  
17 secured area.

18 4. A violation of, or noncompliance with, this section  
19 shall be a class A misdemeanor. Gross negligence or willful  
20 noncompliance with the provisions of this section by a licensee  
21 shall be cause for the licensing authority to suspend or revoke  
22 the licensee's license. Any imposed suspensions or revocation  
23 provided for by this subsection may be appealed by the licensee  
24 to the licensing authority or to a court of competent  
25 jurisdiction.

26 5. All records and information that relate to a licensee's  
27 purchases or transactions and that are delivered to or otherwise  
28 obtained by an appropriate law enforcement officer under this

1 section are confidential and may be used only by such appropriate  
2 law enforcement officer and only for the following official law  
3 enforcement purposes:

4 (1) The investigation of a crime specifically involving the  
5 livestock delivered to the licensee in a purchase or transaction;  
6 or

7 (2) The notification of property crime victims of where  
8 livestock that has been reported misappropriated can be located.

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

12 Section 3. 1. A person or entity commits the offense of  
13 promoting online sexual solicitation if such person or entity  
14 knowingly permits a web-based classified service owned or  
15 operated by such person or entity to be used by individuals to  
16 post advertisements promoting prostitution, enticing a child to  
17 engage in sexual conduct, or promoting sexual trafficking of a  
18 child after receiving notice under this section.

19 2. As used in this section, the term "web-based classified  
20 service" means a person or entity in whose name a specific URL or  
21 internet domain name is registered which has advertisements for  
22 goods and services or personal advertisements.

23 3. An advertisement may be deemed to promote prostitution,  
24 entice a child to engage in sexual conduct, or promote sexual  
25 trafficking of a child, if the content of such advertisement  
26 would be interpreted by a reasonable person as offering to  
27 exchange sexual conduct for goods or services in violation of  
28 chapter 567, RSMo, as seeking a child for the purpose of sexual

1 conduct or commercial sex act, or as offering a child as a  
2 participant in sexual conduct or commercial sex act in violation  
3 of section 566.151, RSMo or sections 566.212 or 566.213, RSMo.

4 4. It shall be prima facie evidence that a person or entity  
5 acts knowingly if an advertisement is not removed from the web-  
6 based classified service within seventy-two hours of that person  
7 or entity being notified that an advertisement has been posted on  
8 that service which is prohibited under this section.

9 5. Notice under this section may be provided by certified  
10 mail or facsimile transmission by the attorney general or any  
11 prosecuting attorney or circuit attorney.

12 6. A violation of this section shall be a felony,  
13 punishable by a fine in the amount of five thousand dollars per  
14 day that the advertisement remains posted on the web-based  
15 classified service after seventy-two hours of when notice has  
16 been provided pursuant to this section.

17 7. Original jurisdiction for prosecution of a violation of  
18 this section shall be with the local prosecuting attorney or  
19 circuit attorney.

20 [115.350. No person shall qualify as a candidate  
21 for elective public office in the state of Missouri who  
22 has been convicted of or found guilty of or pled guilty  
23 to a felony under the laws of this state.]  
24

25 [229.110. 1. Every person owning a hedge fence  
26 situated along or near the right-of-way of any public  
27 road shall between the first days of May and August of  
28 each year cut the same down to a height of not more  
29 than five feet, and any owner of such fence failing to  
30 comply with this section shall forfeit and pay to the  
31 capital school fund of the county wherein such fence is  
32 situated not less than fifty nor more than five hundred  
33 dollars, to be recovered in a civil action in the name  
34 of the county upon the relation of the prosecuting  
35 attorney, and any judgment of forfeiture obtained shall



1 be a lien upon the real estate of the owner of such  
2 fence upon which same is situated, and a special  
3 execution shall issue against said real estate and no  
4 exemption shall be allowed.

5 2. Any prosecuting attorney who shall fail or  
6 refuse to institute suit as herein provided within  
7 thirty days after being notified by any road overseer,  
8 county or state highway engineer, that any hedge fence  
9 has not been cut down to the height herein required  
10 within the time required, shall be removed from office  
11 by the governor and some other person appointed to fill  
12 the vacancy thus created. The cutting of any such  
13 fence after the time herein required shall not be a  
14 defense to the action herein provided for.]  
15

16 [550.050. 1. Every person who shall institute  
17 any prosecution to recover a fine, penalty or  
18 forfeiture shall be adjudged to pay all costs if the  
19 defendant is acquitted although he may not be entitled  
20 to any part of the same.

21 2. When such prosecutions are commenced by a  
22 public officer whose duty it is to institute the same,  
23 and the defendant is acquitted, the county shall pay  
24 the costs; if he is convicted, and unable to pay the  
25 costs, the county shall pay all the costs, except such  
26 as were incurred on the part of the defendant.]  
27

28 [550.070. If a person, charged with a felony,  
29 shall be discharged by the officer taking his  
30 examination, the costs shall be paid by the prosecutor  
31 or person on whose oath the prosecution was instituted,  
32 and the officer taking such examination shall enter  
33 judgment against such person for the same, and issue  
34 execution therefor immediately; and in no such case  
35 shall the state or county pay the costs.]  
36

37 [550.080. If, upon the trial of any indictment or  
38 information, the defendant shall be acquitted or  
39 discharged, and the prosecutor or prosecuting witness  
40 shall be liable to pay the costs according to law,  
41 judgment shall be rendered against such prosecutor for  
42 the costs in the case, and in no such case shall the  
43 same be paid by either the county or state.]  
44

45 [550.090. When the proceedings are prosecuted  
46 before any associate circuit judge, at the instance of  
47 the injured party, for the disturbance of the peace of  
48 a person, or for libel or slander, or for any trespass  
49 against the person or property of another, not  
50 amounting to a felony, except for petit larceny, the

1 name of such injured party shall be entered by the  
2 associate circuit judge on his record as a prosecutor;  
3 and if the defendant shall be discharged or acquitted,  
4 such prosecutor shall be adjudged to pay the costs not  
5 otherwise adjudged; and in every other case of  
6 acquittal, if the associate circuit judge or jury  
7 trying the case shall state in the finding that the  
8 prosecution was malicious or without probable cause,  
9 the associate circuit judge shall enter judgment for  
10 costs against the prosecution or party at whose  
11 instance the information was filed, and shall issue  
12 execution therefor; but in no case shall the  
13 prosecuting attorney be liable for costs. In other  
14 cases of discharge or acquittal the costs shall be paid  
15 by the county, except when the prosecution is commenced  
16 by complaint and the prosecuting attorney declines to  
17 file information thereon, in which case the proceedings  
18 shall be dismissed at the cost of the party filing the  
19 complaint.]

20  
21 [577.029. A licensed physician, registered nurse,  
22 or trained medical technician at the place of his  
23 employment, acting at the request and direction of the  
24 law enforcement officer, shall withdraw blood for the  
25 purpose of determining the alcohol content of the  
26 blood, unless such medical personnel, in his good faith  
27 medical judgment, believes such procedure would  
28 endanger the life or health of the person in custody.  
29 Blood may be withdrawn only by such medical personnel,  
30 but such restriction shall not apply to the taking of a  
31 breath test, a saliva specimen, or a urine specimen.  
32 In withdrawing blood for the purpose of determining the  
33 alcohol content thereof, only a previously unused and  
34 sterile needle and sterile vessel shall be utilized and  
35 the withdrawal shall otherwise be in strict accord with  
36 accepted medical practices. Upon the request of the  
37 person who is tested, full information concerning the  
38 test taken at the direction of the law enforcement  
39 officer shall be made available to him.]

40 Section B. Because immediate action is necessary to ensure  
41 for the safe operation of motor vehicles on Missouri's highways,  
42 the repeal and reenactment of sections 577.023 and 577.029 of  
43 this act is deemed necessary for the immediate preservation of  
44 the public health, welfare, peace and safety, and is hereby  
45 declared to be an emergency act within the meaning of the

1 constitution, and the repeal and reenactment of sections 577.023  
2 and 577.029 of this act shall be in full force and effect upon  
3 its passage and approval.

4