

CONFERENCE COMMITTEE SUBSTITUTE

FOR

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 62

AN ACT

To repeal sections 43.500, 43.503, 43.506, 174.700, 192.925, 217.450, 217.460, 217.665, 229.110, 303.024, 311.325, 311.326, 409.5-508, 409.6-604, 544.665, 545.050, 550.040, 550.050, 550.070, 550.080, 550.090, 556.036, 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, 578.250, 578.255, 578.260, 578.265, 589.400, 589.425, 595.027, 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.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Sections 43.500, 43.503, 43.506, 174.700,
2 192.925, 217.450, 217.460, 217.665, 229.110, 303.024, 311.325,
3 311.326, 409.5-508, 409.6-604, 544.665, 545.050, 550.040,
4 550.050, 550.070, 550.080, 550.090, 556.036, 561.031, 565.063,
5 565.081, 565.082, 565.083, 565.084, 566.147, 566.149, 568.045,
6 570.030, 570.040, 570.080, 573.020, 573.023, 573.025, 573.030,
7 573.035, 573.037, 573.040, 573.060, 573.065, 575.150, 575.260,
8 576.050, 577.029, 578.250, 578.255, 578.260, 578.265, 589.400,
9 589.425, 595.027, 650.052, and 650.055, RSMo, section 302.060 as
10 enacted by conference committee substitute for house committee
11 substitute for senate committee substitute for senate bills nos.
12 930 & 947, ninety-fourth general assembly, second regular session
13 and section 302.060 as enacted by house committee substitute for
14 senate committee substitute for senate bills nos. 37, 322, 78,
15 351 & 424, ninety-third general assembly, first regular session,
16 and section 577.023 as enacted by senate committee substitute for
17 house committee substitute for house bill no. 1715 merged with
18 conference committee substitute for house committee substitute
19 for senate committee substitute for senate bills nos. 930 & 947,
20 ninety-fourth general assembly, second regular session, and
21 section 577.023 as enacted by senate committee substitute for
22 house committee substitute for house bill no. 1715, ninety-fourth
23 general assembly, second regular session, are repealed and
24 seventy-four new sections enacted in lieu thereof, to be known as

sections 43.500, 43.503, 43.506, 173.754, 174.700, 192.925,
217.439, 217.450, 217.460, 217.665, 273.033, 273.036, 302.060,
303.024, 304.820, 306.109, 311.325, 311.326, 407.1500, 409.5-508,
409.6-604, 544.665, 545.050, 550.040, 556.036, 561.031, 565.063,
565.081, 565.082, 565.083, 565.084, 566.013, 566.147, 566.148,
566.149, 566.150, 566.155, 568.045, 570.030, 570.040, 570.080,
573.013, 573.020, 573.023, 573.025, 573.030, 573.035, 573.037,
573.040, 573.060, 573.065, 575.150, 575.153, 575.260, 576.050,
577.023, 577.029, 578.022, 578.024, 578.028, 578.250, 578.255,
578.260, 578.265, 589.400, 589.425, 590.701, 595.027, 650.052,
650.055, 650.059, 1, 2, and 3, to read as follows:

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

(1) "Administration of criminal justice", performance of
any of the following activities: detection, apprehension,
detention, pretrial release, post-trial release, prosecution,
adjudication, correctional supervision, or rehabilitation of
accused persons or criminal offenders. The administration of
criminal justice shall include criminal identification activities
and the collection, storage, and dissemination of criminal
history information, including fingerprint searches, photographs,
and other [indicia of] unique biometric identification;

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

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

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

6 (5) "Criminal history record information", information
7 collected by criminal justice agencies on individuals consisting
8 of identifiable descriptions and notations of arrests,
9 detentions, indictments, informations, or other formal criminal
10 charges, and any disposition arising therefrom, sentencing,
11 correctional supervision, and release;

12 [(5)] (6) "Final disposition", the formal conclusion of a
13 criminal proceeding at whatever stage it occurs in the criminal
14 justice system;

15 [(6)] (7) "Missouri charge code", a unique number assigned
16 by the office of state courts administrator to an offense for
17 tracking and grouping offenses. Beginning January 1, 2005, the
18 complete charge code shall consist of digits assigned by the
19 office of state courts administrator, the two-digit national
20 crime information center modifiers and a single digit designating
21 attempt, accessory, or conspiracy. The only exception to the
22 January 1, 2005, date shall be the courts that are not using the
23 statewide court automation case management pursuant to section
24 476.055, RSMo; the effective date will be as soon thereafter as
25 economically feasible for all other courts;

26 [(7)] (8) "State offense cycle number", a unique number,
27 supplied by or approved by the Missouri state highway patrol, on
28 the state criminal fingerprint card. The offense cycle number,

1 OCN, is used to link the identity of a person, through
2 [fingerprints] unique biometric identification, to one or many
3 offenses for which the person is arrested or charged. The OCN
4 will be used to track an offense incident from the date of arrest
5 to the final disposition when the offender exits from the
6 criminal justice system[.];

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

13 43.503. 1. For the purpose of maintaining complete and
14 accurate criminal history record information, all police officers
15 of this state, the clerk of each court, the department of
16 corrections, the sheriff of each county, the chief law
17 enforcement official of a city not within a county and the
18 prosecuting attorney of each county or the circuit attorney of a
19 city not within a county shall submit certain criminal arrest,
20 charge, and disposition information to the central repository for
21 filing without undue delay in the form and manner required by
22 sections 43.500 to 43.543.

23 2. All law enforcement agencies making misdemeanor and
24 felony arrests as determined by section 43.506 shall furnish
25 without undue delay, to the central repository, fingerprints,
26 photograph, and if available, any other unique biometric
27 identification collected, charges, appropriate charge codes, and
28 descriptions of all persons who are arrested for such offenses on

1 standard fingerprint forms supplied or approved by the highway
2 patrol or electronically in a format and manner approved by the
3 highway patrol and in compliance with the standards set by the
4 Federal Bureau of Investigation in its Automated Fingerprint
5 Identification System or its successor program. All such
6 agencies shall also notify the central repository of all
7 decisions not to refer such arrests for prosecution. An agency
8 making such arrests may enter into arrangements with other law
9 enforcement agencies for the purpose of furnishing without undue
10 delay such fingerprints, photograph, and if available, any other
11 unique biometric identification collected, charges, appropriate
12 charge codes, and descriptions to the central repository upon its
13 behalf.

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

1 custody. The juvenile's fingerprints and other information shall
2 be forwarded to the central repository and the courts without
3 undue delay. The fingerprint information from the card shall be
4 captured and stored in the automated fingerprint identification
5 system operated by the central repository. In the event the
6 fingerprints are found to match other tenprints or unsolved
7 latent prints, the central repository shall notify the submitting
8 agency who shall notify the court of jurisdiction as per local
9 agreement. Under section 211.031, RSMo, in instances where a
10 juvenile over fifteen and one-half years of age is alleged to
11 have violated a state or municipal traffic ordinance or
12 regulation, which does not constitute a felony, and the juvenile
13 court does not have jurisdiction, the juvenile shall not be
14 fingerprinted unless certified as an adult.

15 4. Upon certification of the individual as an adult, the
16 certifying court shall order a law enforcement agency to
17 immediately fingerprint and photograph the individual and
18 certification papers will be forwarded to the appropriate law
19 enforcement agency with the order for fingerprinting. The law
20 enforcement agency shall submit such fingerprints, photograph,
21 and certification papers to the central repository within fifteen
22 days and shall furnish the offense cycle number associated with
23 the fingerprints to the prosecuting attorney or the circuit
24 attorney of a city not within a county and to the clerk of the
25 court ordering the subject fingerprinted. If the juvenile is
26 acquitted of the crime and is no longer certified as an adult,
27 the prosecuting attorney shall notify within fifteen days the
28 central repository of the change of status of the juvenile.

1 Records of a child who has been fingerprinted and photographed
2 after being taken into custody shall be closed records as
3 provided under section 610.100, RSMo, if a petition has not been
4 filed within thirty days of the date that the child was taken
5 into custody; and if a petition for the child has not been filed
6 within one year of the date the child was taken into custody, any
7 records relating to the child concerning the alleged offense may
8 be expunged under the procedures in sections 610.122 to 610.126,
9 RSMo.

10 5. The prosecuting attorney of each county or the circuit
11 attorney of a city not within a county or the municipal
12 prosecuting attorney shall notify the central repository on
13 standard forms supplied by the highway patrol or in a manner
14 approved by the highway patrol [of all charges filed, including
15 all those added subsequent to the filing of a criminal court
16 case, and whether charges were not filed in criminal cases for
17 which the central repository has a record of an arrest] of his or
18 her decision to not file a criminal charge on any charge referred
19 to such prosecuting attorney or circuit attorney for criminal
20 charges. All records forwarded to the central repository and the
21 courts by prosecutors or circuit attorneys as required by
22 sections 43.500 to 43.530 shall include the state offense cycle
23 number of the offense, the charge code for the offense, and the
24 originating agency identifier number of the reporting prosecutor,
25 using such numbers as assigned by the highway patrol.

26 6. The clerk of the courts of each county or city not
27 within a county or municipal court clerk shall furnish the
28 central repository, on standard forms supplied by the highway

1 patrol or in a manner approved by the highway patrol, with a
2 record of all charges filed, including all those added subsequent
3 to the filing of a criminal court case, amended charges, and all
4 final dispositions of cases for which the central repository has
5 a record of an arrest or a record of fingerprints reported
6 pursuant to sections 43.500 to 43.506. Such information shall
7 include, for each charge:

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

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

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

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

21 7. The clerk of the courts of each county or city not
22 within a county shall furnish, to the department of corrections
23 or department of mental health, court judgment and sentence
24 documents and the state offense cycle number and the charge code
25 of the offense which resulted in the commitment or assignment of
26 an offender to the jurisdiction of the department of corrections
27 or the department of mental health if the person is committed
28 pursuant to chapter 552, RSMo. This information shall be

1 reported to the department of corrections or the department of
2 mental health at the time of commitment or assignment. If the
3 offender was already in the custody of the department of
4 corrections or the department of mental health at the time of
5 such subsequent conviction, the clerk shall furnish notice of
6 such subsequent conviction to the appropriate department by
7 certified mail, return receipt requested, or in a manner and
8 format mutually agreed to, within fifteen days of such
9 disposition.

10 8. Information and fingerprints, [and other indicia]
11 photograph and if available, and any other unique biometric
12 identification collected, forwarded to the central repository,
13 normally obtained from a person at the time of the arrest, may be
14 obtained at any time the subject is in the criminal justice
15 system or committed to the department of mental health. A law
16 enforcement agency or the department of corrections may
17 fingerprint, photograph, and capture any other unique biometric
18 identification of the person unless collecting other unique
19 biometric identification of the person is not financially
20 feasible for the law enforcement agency, and obtain the necessary
21 information at any time the subject is in custody. If at the
22 time of [disposition] any court appearance, the defendant has not
23 been fingerprinted and photographed for an offense in which a
24 fingerprint and photograph is required by statute to be
25 collected, maintained, or disseminated by the central repository,
26 the court shall order a law enforcement agency or court marshal
27 to fingerprint and photograph immediately the defendant. The
28 order for fingerprints shall contain the offense, charge code,

1 date of offense, and any other information necessary to complete
2 the fingerprint card. The law enforcement agency or court
3 marshal shall submit such fingerprints, photograph, and if
4 available, any other unique biometric identification collected,
5 to the central repository without undue delay and within thirty
6 days and shall furnish the offense cycle number associated with
7 the fingerprints to the prosecuting attorney or the circuit
8 attorney of a city not within a county and to the court clerk of
9 the court ordering the subject fingerprinted.

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

23 43.506. 1. Those offenses considered reportable for the
24 purposes of sections 43.500 to 43.543 include all felonies [and
25 serious or aggravated]; class A misdemeanors; all violations for
26 driving under the influence of drugs or alcohol; any offense that
27 can be enhanced to a class A misdemeanor or higher for subsequent
28 violations; and comparable ordinance violations consistent with

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

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

26 3. In addition to the repository of fingerprint records for
27 individual offenders and applicants, the central repository of
28 criminal history and identification records for the state shall

1 maintain a repository of latent prints, palm prints and other
2 [prints] unique biometric identification submitted to the
3 repository.

4 173.754. 1. It is unlawful for a person to knowingly use
5 or attempt to use, in connection with admission to any
6 institution of higher education or in connection with any
7 business, employment, occupation, profession, trade, or public
8 office:

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

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

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

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

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

28 (3) Is awarded, bestowed, conferred, given, granted,

1 conveyed, or sold in violation of this chapter.

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

4 4. For purposes of this section, the term "board" shall
5 mean the coordinating board for higher education.

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

15 192.925. 1. To increase public awareness of the problem of
16 elder abuse and neglect and financial exploitation of the
17 elderly, the department of health and senior services shall
18 implement an education and awareness program. Such program shall
19 have the goal of reducing the incidences of elder abuse and
20 neglect and financial exploitation of the elderly, and may focus
21 on:

22 (1) The education and awareness of mandatory reporters on
23 their responsibility to report elder abuse and neglect and
24 financial exploitation of the elderly;

25 (2) Targeted education and awareness for the public on the
26 problem, identification and reporting of elder abuse and neglect
27 and financial exploitation of the elderly;

28 (3) Publicizing the elder abuse and neglect hot line

1 telephone number;

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

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

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

13 217.439. Upon the victim's request, a photograph shall be
14 taken of the incarcerated individual prior to release from
15 incarceration and a copy of the photograph shall be provided to
16 the crime victim.

17 217.450. 1. Any person confined in a department
18 correctional facility may request a final disposition of any
19 untried indictment, information or complaint pending in this
20 state on the basis of which a law enforcement agency, prosecuting
21 attorney's office, or circuit attorney's office has delivered a
22 certified copy of a warrant and has requested that a detainer
23 [has been] be lodged against him [while so imprisoned] with the
24 facility where the offender is confined. The request shall be in
25 writing addressed to the court in which the indictment,
26 information or complaint is pending and to the prosecuting
27 attorney charged with the duty of prosecuting it, and shall set
28 forth the place of imprisonment.

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

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

18 217.460. Within one hundred eighty days after the receipt
19 of the request and certificate, pursuant to sections 217.450 and
20 217.455, by the court and the prosecuting attorney or within such
21 additional necessary or reasonable time as the court may grant,
22 for good cause shown in open court, the offender or his counsel
23 being present, the indictment, information or complaint shall be
24 brought to trial. The parties may stipulate for a continuance or
25 a continuance may be granted if notice is given to the attorney
26 of record with an opportunity for him to be heard. If the
27 indictment, information or complaint is not brought to trial
28 within the period and if the court finds that the offender's

1 constitutional right to a speedy trial has been denied, no court
2 of this state shall have jurisdiction of such indictment,
3 information or complaint, nor shall the untried indictment,
4 information or complaint be of any further force or effect; and
5 the court shall issue an order dismissing the same with
6 prejudice.

7 217.665. 1. Beginning August 28, 1996, the board of
8 probation and parole shall consist of seven members appointed by
9 the governor by and with the advice and consent of the senate.

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

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

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

23 5. The governor shall designate one member of the board as
24 chairman and one member as vice-chairman. The chairman shall be
25 the director of the division and shall have charge of the
26 division's operations, funds and expenditures. In the event of
27 the chairman's removal, death, resignation, or inability to
28 serve, the vice-chairman shall act as chairman upon written order

1 of the governor or chairman. [The chairman shall designate by
2 order of record another member to act as chairman in the event of
3 absence or sickness of the chairman, and during such time the
4 member so appointed by the chairman shall possess all powers of
5 the chairman.]

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

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

23 8. Any person who served as a member of the board of
24 probation and parole prior to July 1, 2000, shall be made,
25 constituted, appointed and employed by the board of trustees of
26 the state employees' retirement system as a special consultant on
27 the problems of retirement, aging and other state matters. As
28 compensation for such services, such consultant shall not be

1 denied use of any unused sick leave, or the ability to receive
2 credit for unused sick leave pursuant to chapter 104, RSMo,
3 provided such sick leave was maintained by the board of probation
4 and parole in the regular course of business prior to July 1,
5 2000, but only to the extent of such sick leave records are
6 consistent with the rules promulgated pursuant to section 36.350,
7 RSMo. Nothing in this section shall authorize the use of any
8 other form of leave that may have been maintained by the board
9 prior to July 1, 2000.

10 273.033. 1. In any action for damages or a criminal
11 prosecution against any person for killing or injuring a dog, a
12 showing by a preponderance of the evidence that such person was
13 in reasonable apprehension of imminent harmful contact by the dog
14 or was acting to prevent such imminent harmful contact against
15 another person by the dog shall constitute an absolute defense to
16 criminal prosecution or civil liability for the killing or
17 injuring of such animal.

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

1 county sheriff or animal control authority to which any complaint
2 under this section is made shall notify the owner of the alleged
3 trespassing dog of such complaint. Failure by a county sheriff
4 or animal control authority to notify a dog owner under this
5 subsection shall not invalidate or be construed in any way to
6 limit any other provision of this subsection.

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

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

19 273.036. 1. The owner or possessor of any dog that bites,
20 without provocation, any person while such person is on public
21 property, or lawfully on private property, including the property
22 of the owner or possessor of the dog, is strictly liable for
23 damages suffered by persons bitten, regardless of the former
24 viciousness of the dog or the owner's or possessor's knowledge of
25 such viciousness. Owners and possessors of dogs shall also be
26 strictly liable for any damage to property or livestock
27 proximately caused by their dogs. If it is determined that the
28 damaged party had fault in the incident, any damages owed by the

1 owner or possessor of the biting dog shall be reduced by the same
2 percentage that the damaged party's fault contributed to the
3 incident. The provisions of this section shall not apply to dogs
4 killing or maiming sheep or other domestic animals under section
5 273.020.

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

11 302.060. 1. The director shall not issue any license and
12 shall immediately deny any driving privilege:

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

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

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

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

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

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

28 (7) To any person who has an unsatisfied judgment against

1 such person, as defined in chapter 303, RSMo, until such judgment
2 has been satisfied or the financial responsibility of such
3 person, as defined in section 303.120, RSMo, has been
4 established;

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

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

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

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

24 (12) To any person who is under the age of eighteen years,
25 if such person's parents or legal guardians file a certified
26 document with the department of revenue stating that the director
27 shall not issue such person a driver's license. Each document
28 filed by the person's parents or legal guardians shall be made

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

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

26 [302.060. The director shall not issue any
27 license and shall immediately deny any driving
28 privilege:

29 (1) To any person who is under the age of
30 eighteen years, if such person operates a motor vehicle
31 in the transportation of persons or property as

1 classified in section 302.015;

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

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

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

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

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

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

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

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

50 (10) To any person who has been convicted twice
51 within a five-year period of violating state law, or a

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

18 (11) To any person who is otherwise disqualified
19 pursuant to the provisions of sections 302.010 to
20 302.780, chapter 303, RSMo, or section 544.046, RSMo;

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

39
40 303.024. 1. Each insurer issuing motor vehicle liability
41 policies in this state, or an agent of the insurer, shall furnish
42 an insurance identification card to the named insured for each
43 motor vehicle insured by a motor vehicle liability policy that
44 complies with the requirements of sections 303.010 to 303.050,
45 303.060, 303.140, 303.220, 303.290, 303.330 and 303.370.

46 2. The insurance identification card shall include all of

1 the following information:

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

3 (2) The name of the named insured;

4 (3) The policy number;

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

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

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

14 3. A new insurance identification card shall be issued when
15 the insured motor vehicle is changed, when an additional motor
16 vehicle is insured, and when a new policy number is assigned. A
17 replacement insurance identification card shall be issued at the
18 request of the insured in the event of loss of the original
19 insurance identification card.

20 4. The director shall furnish each self-insurer, as
21 provided for in section 303.220, an insurance identification card
22 for each motor vehicle so insured. The insurance identification
23 card shall include all of the following information:

24 (1) Name of the self-insurer;

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

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

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

16 6. Any person who knowingly or intentionally produces,
17 manufactures, sells, or otherwise distributes a fraudulent
18 document intended to serve as an insurance identification card is
19 guilty of a class D felony. Any person who knowingly or
20 intentionally possesses a fraudulent document intended to serve
21 as an insurance identification card is guilty of a class B
22 misdemeanor.

23 304.820. 1. Except as otherwise provided in this section,
24 no person twenty-one years of age or younger operating a moving
25 motor vehicle upon the highways of this state shall, by means of
26 a hand-held electronic wireless communications device, send,
27 read, or write a text message or electronic message.

28 2. The provisions of subsection 1 of this section shall not

1 apply to a person operating:

2 (1) An authorized emergency vehicle; or

3 (2) A moving motor vehicle while using a hand-held
4 electronic wireless communications device to:

5 (a) Report illegal activity;

6 (b) Summon medical or other emergency help;

7 (c) Prevent injury to a person or property; or

8 (d) Relay information between a transit or for-hire
9 operator and that operator's dispatcher, in which the device is
10 permanently affixed to the vehicle.

11 3. Nothing in this section shall be construed or
12 interpreted as prohibiting a person from making or taking part in
13 a telephone call, by means of a hand-held electronic wireless
14 communications device, while operating a motor vehicle upon the
15 highways of this state.

16 4. As used in this section, "electronic message" means a
17 self-contained piece of digital communication that is designed or
18 intended to be transmitted between hand-held electronic wireless
19 communication devices. "Electronic message" includes, but is not
20 limited to, electronic mail, a text message, an instant message,
21 or a command or request to access an Internet site.

22 5. As used in this section, "hand-held electronic wireless
23 communications device" includes any hand-held cellular phone,
24 palm pilot, blackberry, or other mobile electronic device used to
25 communicate verbally or by text or electronic messaging, but
26 shall not apply to any device that is permanently embedded into
27 the architecture and design of the motor vehicle.

28 6. As used in this section, "making or taking part in a

1 telephone call" means listening to or engaging in verbal
2 communication through a hand-held electronic wireless
3 communication device.

4 7. As used in this section, "send, read, or write a text
5 message or electronic message" means using a hand-held electronic
6 wireless telecommunications device to manually communicate with
7 any person by using an electronic message. Sending, reading, or
8 writing a text message or electronic message does not include
9 reading, selecting, or entering a phone number or name into a
10 hand-held electronic wireless communications device for the
11 purpose of making a telephone call.

12 8. A violation of this section shall be deemed an
13 infraction and shall be deemed a moving violation for purposes of
14 point assessment under section 302.302, RSMo.

15 9. The state preempts the field of regulating the use of
16 hand-held electronic wireless communications devices in motor
17 vehicles, and the provisions of this section shall supercede any
18 local laws, ordinances, orders, rules, or regulations enacted by
19 a county, municipality, or other political subdivision to
20 regulate the use of hand-held electronic wireless communication
21 devices by the operator of a motor vehicle.

22 10. The provisions of this section shall not apply to:

23 (1) The operator of a vehicle that is lawfully parked or
24 stopped;

25 (2) Any of the following while in the performance of their
26 official duties: a law enforcement officer; a member of a fire
27 department; or the operator of a public or private ambulance;

28 (3) The use of factory-installed or aftermarket global

1 positioning systems (GPS) or wireless communications devices used
2 to transmit or receive data as part of a digital dispatch system;

3 (4) The use of voice operated technology;

4 (5) The use of two-way radio transmitters or receivers by a
5 licensee of the Federal Communications Commission in the Amateur
6 Radio Service.

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

14 2. No person shall possess or use any large volume alcohol
15 containers that hold more than four gallons of an alcoholic
16 beverage on the rivers of this state.

17 3. No person shall possess expanded polypropylene coolers
18 on or within fifty feet of any river of this state, except in
19 developed campgrounds, picnic areas, landings, roads and parking
20 lots located within fifty feet of such rivers. This subsection
21 shall not apply to high density bait containers used solely for
22 such purpose.

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

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

27 311.325. 1. Any person under the age of twenty-one years,
28 who purchases or attempts to purchase, or has in his or her

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

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

28 3. Any person under the age of twenty-one years who

1 purchases or attempts to purchase, or has in his or her
2 possession, any intoxicating liquor, or who is visibly in an
3 intoxicated condition as defined in section 577.001, RSMo, shall
4 be deemed to have given consent to a chemical test or tests of
5 the person's breath, blood, saliva, or urine for the purpose of
6 determining the alcohol or drug content of the person's blood.
7 The implied consent to submit to the chemical tests listed in
8 this subsection shall be limited to not more than two such tests
9 arising from the same arrest, incident, or charge. Chemical
10 analysis of the person's breath, blood, saliva, or urine shall be
11 performed according to methods approved by the state department
12 of health and senior services by licensed medical personnel or by
13 a person possessing a valid permit issued by the state department
14 of health and senior services for this purpose. The state
15 department of health and senior services shall approve
16 satisfactory techniques, devices, equipment, or methods to be
17 considered valid and shall establish standards to ascertain the
18 qualifications and competence of individuals to conduct analyses
19 and to issue permits which shall be subject to termination or
20 revocation by the state department of health and senior services.
21 The person tested may have a physician, or a qualified
22 technician, chemist, registered nurse, or other qualified person
23 at the choosing and expense of the person to be tested,
24 administer a test in addition to any administered at the
25 direction of a law enforcement officer. The failure or inability
26 to obtain an additional test by a person shall not preclude the
27 admission of evidence relating to the test taken at the direction
28 of a law enforcement officer. Upon the request of the person who

1 is tested, full information concerning the test shall be made
2 available to such person. "Full information" is limited to the
3 following:

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

6 (2) The time of the collection of the blood or breath
7 sample or urine analyzed;

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

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

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

15 _____
16 "Full information" does not include manuals, schematics, or
17 software of the instrument used to test the person or any other
18 material that is not in the actual possession of the state.
19 Additionally, "full information" does not include information in
20 the possession of the manufacturer of the test instrument.

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

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

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

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

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

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

15 311.326. After a period of not less than one year[, or
16 upon] after reaching the age of twenty-one[, whichever occurs
17 first,] a person who has pleaded guilty to or has been found
18 guilty of violating section 311.325 for the first time, and who
19 since such conviction has not been convicted of any other
20 alcohol-related offense, may apply to the court in which he or
21 she was sentenced for an order to expunge all official records of
22 his or her arrest, plea, trial and conviction. If the court
23 determines, upon review, that such person has not been convicted
24 of any other alcohol-related offense at the time of the
25 application for expungement, and the person has had no other
26 alcohol-related enforcement contacts, as defined in section
27 302.525, RSMo, the court shall enter an order of expungement.
28 The effect of such an order shall be to restore such person to

1 the status he or she occupied prior to such arrest, plea or
2 conviction, as if such event had never happened. No person as to
3 whom such order has been entered shall be held thereafter under
4 any provision of any law to be guilty of perjury or otherwise
5 giving a false statement by reason of his or her failure to
6 recite or acknowledge such arrest, plea, trial, conviction or
7 expungement in response to any inquiry made of him or her for any
8 purpose whatsoever. A person shall be entitled to only one
9 expungement pursuant to this section. Nothing contained in this
10 section shall prevent courts or other state officials from
11 maintaining such records as are necessary to ensure that an
12 individual receives only one expungement pursuant to this
13 section.

14 407.1500. 1. As used in this section, the following terms
15 mean:

16 (1) "Breach of security" or "breach", unauthorized access
17 to and unauthorized acquisition of personal information
18 maintained in computerized form by a person that compromises the
19 security, confidentiality, or integrity of the personal
20 information. Good faith acquisition of personal information by a
21 person or that person's employee or agent for a legitimate
22 purpose of that person is not a breach of security, provided that
23 the personal information is not used in violation of applicable
24 law or in a manner that harms or poses an actual threat to the
25 security, confidentiality, or integrity of the personal
26 information;

27 (2) "Consumer", an individual who is a resident of this
28 state;

1 (3) "Consumer reporting agency", the same as defined by the
2 federal Fair Credit Reporting Act, 15 U.S.C. Section 1681a;

3 (4) "Encryption", the use of an algorithmic process to
4 transform data into a form in which the data is rendered
5 unreadable or unusable without the use of a confidential process
6 or key;

7 (5) "Health insurance information", an individual's health
8 insurance policy number or subscriber identification number, any
9 unique identifier used by a health insurer to identify the
10 individual;

11 (6) "Medical information", any information regarding an
12 individual's medical history, mental or physical condition, or
13 medical treatment or diagnosis by a health care professional;

14 (7) "Owns or licenses" includes, but is not limited to,
15 personal information that a business retains as part of the
16 internal customer account of the business or for the purpose of
17 using the information in transactions with the person to whom the
18 information relates;

19 (8) "Person", any individual, corporation, business trust,
20 estate, trust, partnership, limited liability company,
21 association, joint venture, government, governmental subdivision,
22 governmental agency, governmental instrumentality, public
23 corporation, or any other legal or commercial entity;

24 (9) "Personal information", an individual's first name or
25 first initial and last name in combination with any one or more
26 of the following data elements that relate to the individual if
27 any of the data elements are not encrypted, redacted, or
28 otherwise altered by any method or technology in such a manner

1 that the name or data elements are unreadable or unusable:

2 (a) Social Security number;

3 (b) Driver's license number or other unique identification
4 number created or collected by a government body;

5 (c) Financial account number, credit card number, or debit
6 card number in combination with any required security code,
7 access code, or password that would permit access to an
8 individual's financial account;

9 (d) Unique electronic identifier or routing code, in
10 combination with any required security code, access code, or
11 password that would permit access to an individual's financial
12 account;

13 (e) Medical information; or

14 (f) Health insurance information.

15
16 "Personal information" does not include information that is
17 lawfully obtained from publicly available sources, or from
18 federal, state, or local government records lawfully made
19 available to the general public;

20 (10) "Redacted", altered or truncated such that no more
21 than five digits of a social security number or the last four
22 digits of a driver's license number, state identification card
23 number, or account number is accessible as part of the personal
24 information.

25 2. (1) Any person that owns or licenses personal
26 information of residents of Missouri or any person that conducts
27 business in Missouri that owns or licenses personal information
28 in any form of a resident of Missouri shall provide notice to the

1 affected consumer that there has been a breach of security
2 following discovery or notification of the breach. The
3 disclosure notification shall be:

4 (a) Made without unreasonable delay;

5 (b) Consistent with the legitimate needs of law
6 enforcement, as provided in this section; and

7 (c) Consistent with any measures necessary to determine
8 sufficient contact information and to determine the scope of the
9 breach and restore the reasonable integrity, security, and
10 confidentiality of the data system.

11 (2) Any person that maintains or possesses records or data
12 containing personal information of residents of Missouri that the
13 person does not own or license, or any person that conducts
14 business in Missouri that maintains or possesses records or data
15 containing personal information of a resident of Missouri that
16 the person does not own or license, shall notify the owner or
17 licensee of the information of any breach of security immediately
18 following discovery of the breach, consistent with the legitimate
19 needs of law enforcement as provided in this section.

20 (3) The notice required by this section may be delayed if a
21 law enforcement agency informs the person that notification may
22 impede a criminal investigation or jeopardize national or
23 homeland security, provided that such request by law enforcement
24 is made in writing or the person documents such request
25 contemporaneously in writing, including the name of the law
26 enforcement officer making the request and the officer's law
27 enforcement agency engaged in the investigation. The notice
28 required by this section shall be provided without unreasonable

delay after the law enforcement agency communicates to the person its determination that notice will no longer impede the investigation or jeopardize national or homeland security.

(4) The notice shall at minimum include a description of the following:

(a) The incident in general terms;

(b) The type of personal information that was obtained as a result of the breach of security;

(c) A telephone number that the affected consumer may call for further information and assistance, if one exists;

(d) Contact information for consumer reporting agencies;

(e) Advice that directs the affected consumer to remain vigilant by reviewing account statements and monitoring free credit reports.

(5) Notwithstanding subdivisions (1) and (2) of this subsection, notification is not required if, after an appropriate investigation by the person or after consultation with the relevant federal, state, or local agencies responsible for law enforcement, the person determines that a risk of identity theft or other fraud to any consumer is not reasonably likely to occur as a result of the breach. Such a determination shall be documented in writing and the documentation shall be maintained for five years.

(6) For purposes of this section, notice to affected consumers shall be provided by one of the following methods:

(a) Written notice;

(b) Electronic notice for those consumers for whom the person has a valid e-mail address and who have agreed to receive

1 communications electronically, if the notice provided is
2 consistent with the provisions of 15 U.S.C. Section 7001
3 regarding electronic records and signatures for notices legally
4 required to be in writing;

5 (c) Telephonic notice, if such contact is made directly
6 with the affected consumers; or

7 (d) Substitute notice, if:

8 a. The person demonstrates that the cost of providing
9 notice would exceed one hundred thousand dollars; or

10 b. The class of affected consumers to be notified exceeds
11 one hundred fifty thousand; or

12 c. The person does not have sufficient contact information
13 or consent to satisfy paragraphs (a), (b), or (c) of this
14 subdivision, for only those affected consumers without sufficient
15 contact information or consent; or

16 d. The person is unable to identify particular affected
17 consumers, for only those unidentifiable consumers.

18 (7) Substitute notice under paragraph (d) of subdivision
19 (6) of this subsection shall consist of all the following:

20 a. E-mail notice when the person has an electronic mail
21 address for the affected consumer;

22 b. Conspicuous posting of the notice or a link to the
23 notice on the Internet web site of the person if the person
24 maintains an Internet web site; and

25 c. Notification to major statewide media.

26 (8) In the event a person provides notice to more than one
27 thousand consumers at one time pursuant to this section, the
28 person shall notify, without unreasonable delay, the attorney

1 general's office and all consumer reporting agencies that compile
2 and maintain files on consumers on a nationwide basis, as defined
3 in 15 U.S.C. Section 1681a(p), of the timing, distribution, and
4 content of the notice.

5 3. (1) A person that maintains its own notice procedures
6 as part of an information security policy for the treatment of
7 personal information, and whose procedures are otherwise
8 consistent with the timing requirements of this section, is
9 deemed to be in compliance with the notice requirements of this
10 section if the person notifies affected consumers in accordance
11 with its policies in the event of a breach of security of the
12 system.

13 (2) A person that is regulated by state or federal law and
14 that maintains procedures for a breach of the security of the
15 system pursuant to the laws, rules, regulations, guidances, or
16 guidelines established by its primary or functional state or
17 federal regulator is deemed to be in compliance with this section
18 if the person notifies affected consumers in accordance with the
19 maintained procedures when a breach occurs.

20 (3) A financial institution that is:

21 (a) Subject to and in compliance with the Federal
22 Interagency Guidance Response Programs for Unauthorized Access to
23 Customer Information and Customer Notice, issued on March 29,
24 2005, by the board of governors of the Federal Reserve System,
25 the Federal Deposit Insurance Corporation, the Office of the
26 Comptroller of the Currency, and the Office of Thrift
27 Supervision, and any revisions, additions, or substitutions
28 relating to said interagency guidance; or

1 (b) Subject to and in compliance with the National Credit
2 Union Administration regulations in 12 CFR Part 748; or

3 (c) Subject to and in compliance with the provisions of
4 Title V of the Gramm-Leach-Bliley Financial Modernization Act of
5 1999, 15 U.S.C Sections 6801 to 6809;

6
7 shall be deemed to be in compliance with this section.

8 4. The attorney general shall have exclusive authority to
9 bring an action to obtain actual damages for a willful and
10 knowing violation of this section and may seek a civil penalty
11 not to exceed one hundred fifty thousand dollars per breach of
12 the security of the system or series of breaches of a similar
13 nature that are discovered in a single investigation.

14 409.5-508. (a) A person [that] commits the crime of
15 criminal securities fraud when such person willfully violates
16 section 409.5-501.

17 (b) A person commits a criminal securities violation when
18 such person willfully violates any other provision of this act,
19 or a rule adopted or order issued under this act, except Section
20 409.5-504 or the notice filing requirements of section 409.3-302
21 or 409.4-405, or that willfully violates section 409.5-505
22 knowing the statement made to be false or misleading in a
23 material respect[, upon conviction, shall be fined not more than
24 one million dollars or imprisoned not more than ten years, or
25 both].

26 (c) A person convicted of criminal securities fraud or any
27 other criminal securities violation shall be fined not more than
28 one million dollars or imprisoned not more than ten years, or

1 both, and if the violation was committed against an elderly or
2 disabled person, then the fine shall be not less than fifty
3 thousand dollars. For purposes of this section, the following
4 terms mean:

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

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

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

13 ~~[(b)]~~ (e) The attorney general or the proper prosecuting
14 attorney with or without a reference from the commissioner may
15 institute criminal proceedings under this act.

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

19 409.6-604. (a) If the commissioner determines that a
20 person has engaged, is engaging, or is about to engage in an act,
21 practice, or course of business constituting a violation of this
22 act or a rule adopted or order issued under this act or that a
23 person has materially aided, is materially aiding, or is about to
24 materially aid an act, practice, or course of business
25 constituting a violation of this act or a rule adopted or order
26 issued under this act, the commissioner may:

27 (1) Issue an order directing the person to cease and desist
28 from engaging in the act, practice, or course of business or to

1 take other action necessary or appropriate to comply with this
2 act;

3 (2) Issue an order denying, suspending, revoking, or
4 conditioning the exemptions for a broker-dealer under section
5 409.4-401(b)(1)(D) or (F) or an investment adviser under section
6 409.4-403(b)(1)(C); or

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

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

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

1 and procedural rules promulgated by the commissioner. The final
2 order may make final, vacate, or modify the order issued under
3 subsection (a).

4 (d) In a final order under subsection (c), the commissioner
5 may:

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

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

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

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

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

26 (e) In a final order, the commissioner may charge the
27 actual cost of an investigation or proceeding for a violation of
28 this act or a rule adopted or order issued under this act. These

1 funds may be paid into the investor education and protection
2 fund.

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

9 (g) If a person does not comply with an order under this
10 section, the commissioner may petition a court of competent
11 jurisdiction to enforce the order. The court may not require the
12 commissioner to post a bond in an action or proceeding under this
13 section. If the court finds, after service and opportunity for
14 hearing, that the person was not in compliance with the order,
15 the court may adjudge the person in civil contempt of the order.
16 The court may impose a further civil penalty against the person
17 for contempt in an amount not less than five thousand dollars but
18 not greater than one hundred thousand dollars for each violation
19 and may grant any other relief the court determines is just and
20 proper in the circumstances.

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

24 544.665. 1. In addition to the forfeiture of any security
25 which was given or pledged for a person's release, any person
26 who, having been released [pursuant to sections 544.040 to
27 544.665, or] upon a recognizance or bond pursuant to any other
28 provisions of law while pending preliminary hearing, trial,

1 sentencing, appeal, probation or parole revocation, or any other
2 stage of a criminal matter against him or her, [willfully]
3 knowingly fails to appear before any court or judicial officer as
4 required shall be guilty of [an offense and punished as follows:]
5 the crime of failure to appear.

6 [(1)] 2. Failure to appear is:

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

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

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

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

27 [2.] 3. Nothing in sections 544.040 to 544.665 shall

1 prevent the exercise by any court of its power to punish for
2 contempt.

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

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

13 550.040. In all capital cases, and those in which
14 imprisonment in the penitentiary is the sole punishment for the
15 offense, if the defendant is acquitted, the costs shall be paid
16 by the state; and in all other trials on indictments or
17 information, if the defendant is acquitted, the costs shall be
18 paid by the county in which the indictment was found or
19 information filed[, except when the prosecutor shall be adjudged
20 to pay them or it shall be otherwise provided by law].

21 556.036. 1. A prosecution for murder, forcible rape,
22 attempted forcible rape, forcible sodomy, attempted forcible
23 sodomy, or any class A felony may be commenced at any time.

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

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

1 (2) For any misdemeanor, one year;

2 (3) For any infraction, six months;

3 (4) For any violation of section 569.040, RSMo, when
4 classified as a class B felony, or any violation of section
5 569.050 or 569.055, RSMo, five years.

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

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

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

25 (3) Any offense based upon an intentional and willful
26 fraudulent claim of child support arrearage to a public servant
27 in the performance of his or her duties within one year after
28 discovery of the offense, but in no case shall this provision

1 extend the period of limitation by more than three years.

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

7 5. A prosecution is commenced for a misdemeanor or
8 infraction when the information is filed and for a felony when
9 the complaint or indictment is filed.

10 6. The period of limitation does not run:

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

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

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

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

20 561.031. 1. In the following proceedings, the provisions
21 of section 544.250, 544.270, 544.275, RSMo, 546.030, RSMo, or of
22 any other statute, or the provisions of supreme court rules
23 21.10, 22.07, 24.01, 24.02, 27.01, 29.07, 31.02, 31.03, 36.01,
24 37.16, 37.47, 37.48, 37.50, 37.57, 37.58, 37.59, and 37.64 to the
25 contrary notwithstanding, when the physical appearance in person
26 in court is required of any person held in a place of custody or
27 confinement, such personal appearance may be made by means of
28 two-way audio-visual communication, including but not limited to,

1 closed circuit television or computerized video conferencing;
2 provided that such audio-visual communication facilities provide
3 two-way audio-visual communication between the court and the
4 place of custody or confinement [and that a full record of such
5 proceedings be made by split-screen imaging and recording of the
6 proceedings in the courtroom and the place of confinement or
7 custody in addition to such other record as may be required]:

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

10 (2) Waiver of preliminary hearing;

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

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

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

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

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

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

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

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

1 of custody or confinement provide a two-way audio-visual
2 communication system.

3 565.063. 1. As used in this section, the following terms
4 mean:

5 (1) "Domestic assault offense":

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

9 (b) The commission of the crime of assault in the first
10 degree [pursuant to the provisions of section 565.050] or assault
11 in the second degree [pursuant to the provisions of section
12 565.060,] if the victim of the assault was a family or household
13 member;

14 (c) The commission of a crime in another state, or any
15 federal, tribal, or military offense which, if committed in this
16 state, would be a violation of any offense listed in paragraph
17 (a) or (b) of this subdivision;

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

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

28 (4) "Prior domestic violence offender", a person who has

1 pleaded guilty to or has been found guilty of one domestic
2 assault offense, where such prior offense occurred within five
3 years of the occurrence of the domestic assault offense for which
4 the person is charged.

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

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

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

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

23 (3) The court makes findings of fact that warrant a finding
24 beyond a reasonable doubt by the court that the defendant is a
25 prior domestic violence offender or persistent domestic violence
26 offender.

27 4. In a jury trial, such facts shall be pleaded,
28 established and found prior to submission to the jury outside of

1 its hearing.

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

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

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

9 8. Nothing in this section shall prevent the use of
10 presentence investigations or commitments.

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

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

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

21 12. Evidence of prior convictions shall be heard and
22 determined by the trial court out of the hearing of the jury
23 prior to the submission of the case to the jury, and shall
24 include but not be limited to evidence of convictions received by
25 a search of the records of the Missouri uniform law enforcement
26 system maintained by the Missouri state highway patrol. After
27 hearing the evidence, the court shall enter its findings thereon.

28 13. Evidence of similar criminal convictions of domestic

1 violence pursuant to this chapter, chapter 566, RSMo, or chapter
2 568, RSMo, within five years of the offense at issue, shall be
3 admissible for the purposes of showing a past history of domestic
4 violence.

5 14. Any person who has pleaded guilty to or been found
6 guilty of a violation of section 565.072 shall be sentenced to
7 the authorized term of imprisonment for a class A felony if the
8 court finds the offender is a prior domestic violence offender.
9 The offender shall be sentenced to the authorized term of
10 imprisonment for a class A felony which term shall be served
11 without probation or parole if the court finds the offender is a
12 persistent domestic violence offender or the prior domestic
13 violence offender inflicts serious physical injury on the victim.

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

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

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

22 565.081. 1. A person commits the crime of assault of a law
23 enforcement officer, corrections officer, emergency personnel, or
24 probation and parole officer in the first degree if such person
25 attempts to kill or knowingly causes or attempts to cause serious
26 physical injury to a law enforcement officer **[or]**, corrections
27 officer, emergency personnel, or probation and parole officer.

28 2. As used in this section, "emergency personnel" means any

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

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

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

11 565.082. 1. A person commits the crime of assault of a law
12 enforcement officer, corrections officer, emergency personnel, or
13 probation and parole officer in the second degree if such person:

14 (1) Knowingly causes or attempts 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 (2) Knowingly causes or attempts to cause physical injury
19 to a law enforcement officer, corrections officer, emergency
20 personnel, highway worker in a construction zone or work zone, or
21 probation and parole officer by means other than a deadly weapon
22 or dangerous instrument;

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

26 (4) While in an intoxicated condition or under the
27 influence of controlled substances or drugs, operates a motor
28 vehicle or vessel in this state and when so operating, acts with

1 criminal negligence to cause physical injury to a law enforcement
2 officer, corrections officer, emergency personnel, or probation
3 and parole officer;

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

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

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

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

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

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

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

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

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

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

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

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

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

27 565.084. 1. A person commits the crime of tampering with a
28 judicial officer if, with the purpose to harass, intimidate or

1 influence a judicial officer in the performance of such officer's
2 official duties, [he] such person:

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

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

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

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

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

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

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

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

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

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

27 566.013. In the course of a criminal investigation under
28 this chapter, when the venue of the alleged criminal conduct

1 cannot be readily determined without further investigation, the
2 attorney general may request the prosecuting attorney of Cole
3 County to request a circuit or associate circuit judge of Cole
4 County to issue a subpoena to any witness who may have
5 information for the purpose of oral examination under oath or to
6 require access to data or the production of books, papers,
7 records, or other material of evidentiary nature at the office of
8 the attorney general. If, upon review of the evidence produced
9 pursuant to the subpoenas, it appears that a violation of this
10 chapter may have been committed, the attorney general shall
11 provide the evidence produced pursuant to subpoena to an
12 appropriate county prosecuting attorney or circuit attorney
13 having venue over the criminal offense.

14 566.147. 1. Any person who, since July 1, 1979, has been
15 or hereafter has pleaded guilty or nolo contendere to, or been
16 convicted of, or been found guilty of:

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

28 (2) Any offense in any other state or foreign country, or

1 under federal, tribal, or military jurisdiction which, if
2 committed in this state, would be a violation listed in this
3 section;

4
5 shall not reside within one thousand feet of any public school as
6 defined in section 160.011, RSMo, or any private school giving
7 instruction in a grade or grades not higher than the twelfth
8 grade, or child-care facility as defined in section 210.201,
9 RSMo, which is in existence at the time the individual begins to
10 reside at the location.

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

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

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

provisions of subsection 2 of this section is a class A misdemeanor except that the second or subsequent violation is a class D felony.

566.148. 1. Any person who has pleaded guilty or nolo contendere 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 in the first degree; section 573.035, RSMo, promoting child pornography in the second degree; section 573.037, RSMo, possession of 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 knowingly be physically present in or loiter within five hundred feet of or to approach, contact, or communicate with any child under eighteen years of age in any child care facility building, on the real property comprising any child care facility when persons under the age of eighteen are present in the building, on the grounds, or in the conveyance, unless the offender is a parent, legal guardian, or custodian of a student

1 present in the building or on the grounds.

2 2. For purposes of this section, "child care facility"
3 shall have the same meaning as such term is defined in section
4 210.201, RSMo.

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

7 566.149. 1. Any person who has pleaded guilty or nolo
8 contendere to, or been convicted of, or been found guilty of:

9 (1) Violating any of the provisions of this chapter or the
10 provisions of subsection 2 of section 568.020, RSMo, incest;
11 section 568.045, RSMo, endangering the welfare of a child in the
12 first degree; subsection 2 of section 568.080, RSMo, use of a
13 child in a sexual performance; section 568.090, RSMo, promoting a
14 sexual performance by a child; section 573.023, RSMo, sexual
15 exploitation of a minor; section 573.025, RSMo, promoting child
16 pornography; or section 573.040, RSMo, furnishing pornographic
17 material to minors; or [for an]

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

22
23 shall not be present in or loiter within five hundred feet of any
24 school building, on real property comprising any school, or in
25 any conveyance owned, leased, or contracted by a school to
26 transport students to or from school or a school-related activity
27 when persons under the age of eighteen are present in the
28 building, on the grounds, or in the conveyance, unless the

1 offender is a parent, legal guardian, or custodian of a student
2 present in the building and has met the conditions set forth in
3 subsection 2 of this section.

4 2. No parent, legal guardian, or custodian who has pleaded
5 guilty or nolo contendere to, or been convicted of, or been found
6 guilty of violating any of the offenses listed in subsection 1 of
7 this section shall be present in any school building, on real
8 property comprising any school, or in any conveyance owned,
9 leased, or contracted by a school to transport students to or
10 from school or a school-related activity when persons under the
11 age of eighteen are present in the building, on the grounds or in
12 the conveyance unless the parent, legal guardian, or custodian
13 has permission to be present from the superintendent or school
14 board or in the case of a private school from the principal. In
15 the case of a public school, if permission is granted, the
16 superintendent or school board president must inform the
17 principal of the school where the sex offender will be present.
18 Permission may be granted by the superintendent, school board, or
19 in the case of a private school from the principal for more than
20 one event at a time, such as a series of events, however, the
21 parent, legal guardian, or custodian must obtain permission for
22 any other event he or she wishes to attend for which he or she
23 has not yet had permission granted.

24 3. Regardless of the person's knowledge of his or her
25 proximity to school property or a school-related activity,
26 violation of the provisions of this section shall be a class A
27 misdemeanor.

28 566.150. 1. Any person who has pleaded guilty to, or been

1 convicted of, or been found guilty of:

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

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

15
16 shall not knowingly be present in or loiter within five hundred
17 feet of any real property comprising any public park with
18 playground equipment or a public swimming pool.

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

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

23 566.155. 1. Any person who has pleaded guilty to, or been
24 convicted of, or been found guilty of:

25 (1) Violating any of the provisions of this chapter or the
26 provisions of subsection 2 of section 568.020, RSMo, incest;
27 section 568.045, RSMo, endangering the welfare of a child in the
28 first degree; subsection 2 of section 568.080, RSMo, use of a

1 child in a sexual performance; section 568.090, RSMo, promoting a
2 sexual performance by a child; section 573.023, RSMo, sexual
3 exploitation of a minor; section 573.025, RSMo, promoting child
4 pornography; or section 573.040, RSMo, furnishing pornographic
5 material to minors; or

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

10
11 shall not serve as an athletic coach, manager, or athletic
12 trainer for any sports team in which a child less than seventeen
13 years of age is a member.

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

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

18 568.045. 1. A person commits the crime of endangering the
19 welfare of a child in the first degree if:

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

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

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

1 (4) Such person enlists the aid, either through payment or
2 coercion, of a person less than seventeen years of age to
3 unlawfully manufacture, compound, produce, prepare, sell,
4 transport, test or analyze amphetamine or methamphetamine or any
5 of their analogues, or to obtain any material used to
6 manufacture, compound, produce, prepare, test or analyze
7 amphetamine or methamphetamine or any of their analogues; or

8 (5) Such person, in the presence of a person less than
9 seventeen years of age or in a residence where a person less than
10 seventeen years of age resides, unlawfully manufactures, or
11 attempts to manufacture compounds, possesses, produces, prepares,
12 sells, transports, tests or analyzes amphetamine or
13 methamphetamine or any of their analogues.

14 2. Endangering the welfare of a child in the first degree
15 is a class C felony unless the offense is committed as part of a
16 ritual or ceremony, or except on a second or subsequent offense,
17 in which case the crime is a class B felony.

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

19 570.030. 1. A person commits the crime of stealing if he
20 or she appropriates property or services of another with the
21 purpose to deprive him or her thereof, either without his or her
22 consent or by means of deceit or coercion.

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

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

28 (2) That he or she gave in payment for property or services

1 of a hotel, restaurant, inn or boardinghouse a check or
2 negotiable paper on which payment was refused;

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

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

8 (5) That he or she, with intent to cheat or defraud a
9 retailer, possesses, uses, utters, transfers, makes, alters,
10 counterfeits, or reproduces a retail sales receipt, price tag, or
11 universal price code label, or possesses with intent to cheat or
12 defraud, the device that manufactures fraudulent receipts or
13 universal price code labels.

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

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

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

22 (3) The property appropriated consists of:

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

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

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

26 (d) Any firearms; or

27 (e) Any explosive weapon as defined in section 571.010,
28 RSMo; or

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

4 [(f)] (g) Any original copy of an act, bill or resolution,
5 introduced or acted upon by the legislature of the state of
6 Missouri; or

7 [(g)] (h) Any pleading, notice, judgment or any other
8 record or entry of any court of this state, any other state or of
9 the United States; or

10 [(h)] (i) Any book of registration or list of voters
11 required by chapter 115, RSMo; or

12 [(i)] (j) Any animal [of the species of horse, mule, ass,
13 cattle, swine, sheep, or goat] considered livestock as that term
14 is defined in section 144.010, RSMo; or

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

17 (l) Captive wildlife held under permit issued by the
18 conservation commission; or

19 [(k)] (m) Any controlled substance as defined by section
20 195.010, RSMo; or

21 [(l)] (n) Anhydrous ammonia;

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

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

25 4. If an actor appropriates any material with a value less
26 than five hundred dollars in violation of this section with the
27 intent to use such material to manufacture, compound, produce,
28 prepare, test or analyze amphetamine or methamphetamine or any of

1 their analogues, then such violation is a class C felony. The
2 theft of any amount of anhydrous ammonia or liquid nitrogen, or
3 any attempt to steal any amount of anhydrous ammonia or liquid
4 nitrogen, is a class B felony. The theft of any amount of
5 anhydrous ammonia by appropriation of a tank truck, tank trailer,
6 rail tank car, bulk storage tank, field (nurse) tank or field
7 applicator is a class A felony.

8 5. The theft of any item of property or services pursuant
9 to subsection 3 of this section which exceeds five hundred
10 dollars may be considered a separate felony and may be charged in
11 separate counts.

12 6. Any person with a prior conviction of **[paragraph (I)]**
13 paragraphs (j) or (l) of subdivision (3) of subsection 3 of this
14 section and who violates the provisions of **[paragraph (I)]**
15 paragraphs (j) or (l) of subdivision (3) of subsection 3 of this
16 section when the value of the animal or animals stolen exceeds
17 three thousand dollars is guilty of a class B felony.
18 Notwithstanding any provision of law to the contrary, such person
19 shall serve a minimum prison term of not less than eighty percent
20 of his or her sentence before he or she is eligible for
21 probation, parole, conditional release, or other early release by
22 the department of corrections.

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

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

28 570.040. 1. Every person who has previously pled guilty to

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

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

20 3. Evidence of prior guilty pleas or findings of guilt
21 shall be heard by the court, out of the hearing of the jury,
22 prior to the submission of the case to the jury, and the court
23 shall determine the existence of the prior guilty pleas or
24 findings of guilt.

25 570.080. 1. A person commits the crime of receiving stolen
26 property if for the purpose of depriving the owner of a lawful
27 interest therein, he or she receives, retains or disposes of
28 property of another knowing that it has been stolen, or believing

1 that it has been stolen.

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

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

8 (2) That he or she received other stolen property in
9 another transaction within the year preceding the transaction
10 charged;

11 (3) That he or she acquired the stolen property for a
12 consideration which he or she knew was far below its reasonable
13 value;

14 (4) That he or she obtained control over stolen property
15 knowing the property to have been stolen or under such
16 circumstances as would reasonably induce a person to believe the
17 property was stolen.

18 3. Receiving stolen property is a class A misdemeanor
19 unless the property involved has a value of five hundred dollars
20 or more, or the person receiving the property is a dealer in
21 goods of the type in question, or the property involved is an
22 explosive weapon as that term is defined in section 571.010,
23 RSMo, in which cases receiving stolen property is a class C
24 felony.

25 573.013. In the course of a criminal investigation under
26 this chapter, when the venue of the alleged criminal conduct
27 cannot be readily determined without further investigation, the
28 attorney general may request the prosecuting attorney of Cole

County to request a circuit or associate circuit judge of Cole
County to issue a subpoena to any witness who may have
information for the purpose of oral examination under oath or to
require access to data or the production of books, papers,
records, or other material of evidentiary nature at the office of
the attorney general. If, upon review of the evidence produced
pursuant to the subpoenas, it appears that a violation of this
chapter may have been committed, the attorney general shall
provide the evidence produced pursuant to subpoena to an
appropriate county prosecuting attorney or circuit attorney
having venue over the criminal offense.

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

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

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

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

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

573.023. 1. A person commits the crime of sexual
exploitation of a minor if[, knowing of its content and

1 character,] such person knowingly or recklessly photographs,
2 films, videotapes, produces or otherwise creates obscene material
3 with a minor or child pornography.

4 2. Sexual exploitation of a minor is a class B felony
5 unless the minor is a child, in which case it is a class A
6 felony.

7 573.025. 1. A person commits the crime of promoting child
8 pornography in the first degree if[, knowing of its content and
9 character,] such person possesses with the intent to promote or
10 promotes child pornography of a child less than fourteen years of
11 age or obscene material portraying what appears to be a child
12 less than fourteen years of age.

13 2. Promoting child pornography in the first degree is a
14 class B felony unless the person knowingly promotes such material
15 to a minor, in which case it is a class A felony. No person who
16 pleads guilty to or is found guilty of, or is convicted of,
17 promoting child pornography in the first degree shall be eligible
18 for probation, parole, or conditional release for a period of
19 three calendar years.

20 3. Nothing in this section shall be construed to require a
21 provider of electronic communication services or remote computing
22 services to monitor any user, subscriber or customer of the
23 provider, or the content of any communication of any user,
24 subscriber or customer of the provider.

25 573.030. 1. A person commits the crime of promoting
26 pornography for minors or obscenity in the second degree if[,
27 knowing its content or character,] he or she:

28 (1) Promotes or possesses with the purpose to promote any

1 obscene material for pecuniary gain; or

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

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

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

8 (5) Promotes, possesses with the purpose to promote,
9 produces, presents, directs or participates in any performance
10 that is pornographic for minors via computer, electronic
11 transfer, Internet or computer network if the person made the
12 matter available to a specific individual known by the defendant
13 to be a minor.

14 2. Promoting pornography for minors or obscenity in the
15 second degree is a class A misdemeanor unless the person has
16 pleaded guilty to or has been found guilty of an offense pursuant
17 to this section committed at a different time, in which case it
18 is a class D felony.

19 573.035. 1. A person commits the crime of promoting child
20 pornography in the second degree if [knowing of its content and
21 character] such person possesses with the intent to promote or
22 promotes child pornography of a minor under the age of eighteen
23 or obscene material portraying what appears to be a minor under
24 the age of eighteen.

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

1 promoting child pornography in the second degree shall be
2 eligible for probation.

3 573.037. 1. A person commits the crime of possession of
4 child pornography if[, knowing of its content and character,]
5 such person knowingly or recklessly possesses any child
6 pornography of a minor under the age of eighteen or obscene
7 material portraying what appears to be a minor under the age of
8 eighteen.

9 2. Possession of child pornography is a class C felony
10 unless the person possesses more than twenty still images of
11 child pornography, possesses one motion picture, film, videotape,
12 videotape production, or other moving image of child pornography,
13 or has pleaded guilty to or has been found guilty of an offense
14 under this section, in which case it is a class B felony.

15 573.040. 1. A person commits the crime of furnishing
16 pornographic material to minors if[, knowing its content and
17 character,] he or she:

18 (1) Furnishes any material pornographic for minors, knowing
19 that the person to whom it is furnished is a minor or acting in
20 reckless disregard of the likelihood that such person is a minor;
21 or

22 (2) Produces, presents, directs or participates in any
23 performance pornographic for minors that is furnished to a minor
24 knowing that any person viewing such performance is a minor or
25 acting in reckless disregard of the likelihood that a minor is
26 viewing the performance; or

27 (3) Furnishes, produces, presents, directs, participates in
28 any performance or otherwise makes available material that is

1 pornographic for minors via computer, electronic transfer,
2 Internet or computer network if the person made the matter
3 available to a specific individual known by the defendant to be a
4 minor.

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

8 3. Furnishing pornographic material to minors or attempting
9 to furnish pornographic material to minors is a class A
10 misdemeanor unless the person has pleaded guilty to or has been
11 found guilty of an offense committed at a different time pursuant
12 to this chapter, chapter 566 or chapter 568, RSMo, in which case
13 it is a class D felony.

14 573.060. 1. A person commits the crime of public display
15 of explicit sexual material if he knowingly or recklessly:

16 (1) Displays publicly explicit sexual material; or

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

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

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

25 573.065. 1. A person commits the crime of coercing
26 acceptance of obscene material if[, knowing its content and
27 character]:

28 (1) He requires acceptance of obscene material as a

1 condition to any sale, allocation, consignment or delivery of any
2 other material; or

3 (2) He denies any franchise or imposes any penalty,
4 financial or otherwise, by reason of the failure or refusal of
5 any person to accept any material obscene or pornographic for
6 minors.

7 2. Coercing acceptance of obscene material is a class D
8 felony.

9 575.150. 1. A person commits the crime of resisting or
10 interfering with arrest, detention, or stop if, knowing that a
11 law enforcement officer is making an arrest, or attempting to
12 lawfully detain or stop an individual or vehicle, or the person
13 reasonably should know that a law enforcement officer is making
14 an arrest or attempting to lawfully detain or lawfully stop an
15 individual or vehicle, for the purpose of preventing the officer
16 from effecting the arrest, stop or detention, the person:

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

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

23 2. This section applies to:

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

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

28 (3) Arrests for warrants issued by a court or a probation

1 and parole officer.

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

7 4. It is no defense to a prosecution pursuant to subsection
8 1 of this section that the law enforcement officer was acting
9 unlawfully in making the arrest. However, nothing in this
10 section shall be construed to bar civil suits for unlawful
11 arrest.

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

14 (1) Felony;

15 (2) Warrant issued for failure to appear on a felony case;
16 or

17 (3) Warrant issued for a probation violation on a felony
18 case.

19
20 Resisting an arrest, detention or stop by fleeing in such a
21 manner that the person fleeing creates a substantial risk of
22 serious physical injury or death to any person is a class D
23 felony; otherwise, resisting or interfering with an arrest,
24 detention or stop in violation of subdivision (1) or (2) of
25 subsection 1 of this section is a class A misdemeanor.

26 575.153. 1. A person commits the crime of disarming a
27 peace officer, as defined in section 590.100, RSMo, or a
28 correctional officer if such person intentionally:

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

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

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

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

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

16 3. Disarming a peace officer or correctional officer is a
17 class C felony.

18 575.260. 1. A person commits the crime of tampering with a
19 judicial proceeding if, with purpose to influence the official
20 action of a judge, juror, special master, referee [or],
21 arbitrator, state prosecuting or circuit attorney, state
22 assistant prosecuting or circuit attorney, or attorney general in
23 a judicial proceeding, he or she:

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

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

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

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

3 576.050. 1. A public servant commits the crime of misuse
4 of official information if, in contemplation of official action
5 by himself or herself or by a governmental unit with which he or
6 she is associated, or in reliance on information to which he or
7 she has access in his or her official capacity and which has not
8 been made public, he or she knowingly:

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

12 (2) Speculates or wagers on the basis of such information
13 or official action; or

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

17 2. A person commits **[this]** the crime of misuse of official
18 information if he or she knowingly or recklessly obtains or
19 **[recklessly]** discloses information from the Missouri uniform law
20 enforcement system (MULES) or the National Crime Information
21 Center System (NCIC), or any other criminal justice information
22 sharing system that contains individually identifiable
23 information for private or personal use, or for a purpose other
24 than in connection with their official duties and performance of
25 their job.

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

27 **[577.023. 1. For purposes of this section,**
28 **unless the context clearly indicates otherwise:**

- 29 (1) An "aggravated offender" is a person who:
30 (a) Has pleaded guilty to or has been found

1 guilty of three or more intoxication-related traffic
2 offenses; or

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

15 (2) A "chronic offender" is:

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

19 (b) A person who has pleaded guilty to or has
20 been found guilty of, on two or more separate
21 occasions, any combination of the following:
22 involuntary manslaughter under subdivision (2) or (3)
23 of subsection 1 of section 565.024, RSMo; murder in the
24 second degree under section 565.021, RSMo, where the
25 underlying felony is an intoxication-related traffic
26 offense; assault in the second degree under subdivision
27 (4) of subsection 1 of section 565.060, RSMo; or
28 assault of a law enforcement officer in the second
29 degree under subdivision (4) of subsection 1 of section
30 565.082, RSMo; or

31 (c) A person who has pleaded guilty to or has
32 been found guilty of two or more intoxication-related
33 traffic offenses and, in addition, any of the
34 following: involuntary manslaughter under subdivision
35 (2) or (3) of subsection 1 of section 565.024, RSMo;
36 murder in the second degree under section 565.021,
37 RSMo, where the underlying felony is an
38 intoxication-related traffic offense; assault in the
39 second degree under subdivision (4) of subsection 1 of
40 section 565.060, RSMo; or assault of a law enforcement
41 officer in the second degree under subdivision (4) of
42 subsection 1 of section 565.082, RSMo;

43 (3) An "intoxication-related traffic offense" is
44 driving while intoxicated, driving with excessive blood
45 alcohol content, involuntary manslaughter pursuant to
46 subdivision (2) or (3) of subsection 1 of section
47 565.024, RSMo, murder in the second degree under
48 section 565.021, RSMo, where the underlying felony is
49 an intoxication-related traffic offense, assault in the
50 second degree pursuant to subdivision (4) of subsection
51 1 of section 565.060, RSMo, assault of a law

1 enforcement officer in the second degree pursuant to
2 subdivision (4) of subsection 1 of section 565.082,
3 RSMo, or driving under the influence of alcohol or
4 drugs in violation of state law or a county or
5 municipal ordinance, where the defendant was
6 represented by or waived the right to an attorney in
7 writing;

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

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

13 (b) A person who has pleaded guilty to or has
14 been found guilty of involuntary manslaughter pursuant
15 to subdivision (2) or (3) of subsection 1 of section
16 565.024, RSMo, assault in the second degree pursuant to
17 subdivision (4) of subsection 1 of section 565.060,
18 RSMo, assault of a law enforcement officer in the
19 second degree pursuant to subdivision (4) of subsection
20 1 of section 565.082, RSMo; and

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

27 2. Any person who pleads guilty to or is found
28 guilty of a violation of section 577.010 or 577.012 who
29 is alleged and proved to be a prior offender shall be
30 guilty of a class A misdemeanor.

31 3. Any person who pleads guilty to or is found
32 guilty of a violation of section 577.010 or 577.012 who
33 is alleged and proved to be a persistent offender shall
34 be guilty of a class D felony.

35 4. Any person who pleads guilty to or is found
36 guilty of a violation of section 577.010 or section
37 577.012 who is alleged and proved to be an aggravated
38 offender shall be guilty of a class C felony.

39 5. Any person who pleads guilty to or is found
40 guilty of a violation of section 577.010 or section
41 577.012 who is alleged and proved to be a chronic
42 offender shall be guilty of a class B felony.

43 6. No state, county, or municipal court shall
44 suspend the imposition of sentence as to a prior
45 offender, persistent offender, aggravated offender, or
46 chronic offender under this section nor sentence such
47 person to pay a fine in lieu of a term of imprisonment,
48 section 557.011, RSMo, to the contrary notwithstanding.
49 No prior offender shall be eligible for parole or
50 probation until he or she has served a minimum of five
51 days imprisonment, unless as a condition of such parole

1 or probation such person performs at least thirty days
2 of community service under the supervision of the court
3 in those jurisdictions which have a recognized program
4 for community service. No persistent offender shall be
5 eligible for parole or probation until he or she has
6 served a minimum of ten days imprisonment, unless as a
7 condition of such parole or probation such person
8 performs at least sixty days of community service under
9 the supervision of the court. No aggravated offender
10 shall be eligible for parole or probation until he or
11 she has served a minimum of sixty days imprisonment.
12 No chronic offender shall be eligible for parole or
13 probation until he or she has served a minimum of two
14 years imprisonment.

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

18 (1) The indictment or information, original or
19 amended, or the information in lieu of an indictment
20 pleads all essential facts warranting a finding that
21 the defendant is a prior offender or persistent
22 offender; and

23 (2) Evidence is introduced that establishes
24 sufficient facts pleaded to warrant a finding beyond a
25 reasonable doubt the defendant is a prior offender,
26 persistent offender, aggravated offender, or chronic
27 offender; and

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

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

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

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

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

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

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

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

51 15. The court shall not instruct the jury as to

1 the range of punishment or allow the jury, upon a
2 finding of guilt, to assess and declare the punishment
3 as part of its verdict in cases of prior offenders,
4 persistent offenders, aggravated offenders, or chronic
5 offenders.

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

23 577.023. 1. For purposes of this section, unless the
24 context clearly indicates otherwise:

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

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

28 (b) Has pleaded guilty to or has been found guilty of one
29 or more intoxication-related traffic offense and, in addition,
30 any of the following: involuntary manslaughter under subdivision
31 (2) or (3) of subsection 1 of section 565.024, RSMo; murder in
32 the second degree under section 565.021, RSMo, where the
33 underlying felony is an intoxication-related traffic offense; or
34 assault in the second degree under subdivision (4) of subsection
35 1 of section 565.060, RSMo; or assault of a law enforcement
36 officer in the second degree under subdivision (4) of subsection
37 1 of section 565.082, RSMo;

38 (2) A "chronic offender" is:

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

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

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

23 (3) "Continuous alcohol monitoring", automatically testing
24 breath, blood, or transdermal alcohol concentration levels and
25 tampering attempts at least once every hour, regardless of the
26 location of the person who is being monitored, and regularly
27 transmitting the data. Continuous alcohol monitoring shall be
28 considered an electronic monitoring service under subsection 3 of

1 section 217.690, RSMo;

2 (4) An "intoxication-related traffic offense" is driving
3 while intoxicated, driving with excessive blood alcohol content,
4 involuntary manslaughter pursuant to subdivision (2) or (3) of
5 subsection 1 of section 565.024, RSMo, murder in the second
6 degree under section 565.021, RSMo, where the underlying felony
7 is an intoxication-related traffic offense, assault in the second
8 degree pursuant to subdivision (4) of subsection 1 of section
9 565.060, RSMo, assault of a law enforcement officer in the second
10 degree pursuant to subdivision (4) of subsection 1 of section
11 565.082, RSMo, or driving under the influence of alcohol or drugs
12 in violation of state law or a county or municipal ordinance[,
13 where the defendant was represented by or waived the right to an
14 attorney in writing];

15 **[(4)]** (5) A "persistent offender" is one of the following:

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

18 (b) A person who has pleaded guilty to or has been found
19 guilty of involuntary manslaughter pursuant to subdivision (2) or
20 (3) of subsection 1 of section 565.024, RSMo, assault in the
21 second degree pursuant to subdivision (4) of subsection 1 of
22 section 565.060, RSMo, assault of a law enforcement officer in
23 the second degree pursuant to subdivision (4) of subsection 1 of
24 section 565.082, RSMo; and

25 **[(5)]** (6) A "prior offender" is a person who has pleaded
26 guilty to or has been found guilty of one intoxication-related
27 traffic offense, where such prior offense occurred within five
28 years of the occurrence of the intoxication-related traffic

1 offense for which the person is charged.

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

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

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

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

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

1 condition of such parole or probation such person performs at
2 least sixty days of community service under the supervision of
3 the court. No aggravated offender shall be eligible for parole
4 or probation until he or she has served a minimum of sixty days
5 imprisonment. No chronic offender shall be eligible for parole
6 or probation until he or she has served a minimum of two years
7 imprisonment. In addition to any other terms or conditions of
8 probation, the court shall consider, as a condition of probation
9 for any person who pleads guilty to or is found guilty of an
10 intoxication-related traffic offense, requiring the offender to
11 abstain from consuming or using alcohol or any products
12 containing alcohol as demonstrated by continuous alcohol
13 monitoring or by verifiable breath alcohol testing performed a
14 minimum of four times per day as scheduled by the court for such
15 duration as determined by the court, but not less than ninety
16 days. The court may, in addition to imposing any other fine,
17 costs, or assessments provided by law, require the offender to
18 bear any costs associated with continuous alcohol monitoring or
19 verifiable breath alcohol testing.

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

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

27 (2) Evidence is introduced that establishes sufficient
28 facts pleaded to warrant a finding beyond a reasonable doubt the

1 defendant is a prior offender, persistent offender, aggravated
2 offender, or chronic offender; and

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

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

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

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

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

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

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

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

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

28 16. Evidence of a prior conviction, plea of guilty, or

1 finding of guilt in an intoxication-related traffic offense shall
2 be heard and determined by the trial court out of the hearing of
3 the jury prior to the submission of the case to the jury, and
4 shall include but not be limited to evidence of convictions
5 received by a search of the records of the Missouri uniform law
6 enforcement system maintained by the Missouri state highway
7 patrol. After hearing the evidence, the court shall enter its
8 findings thereon. A plea of guilty or a finding of guilt
9 followed by incarceration, a fine, a suspended imposition of
10 sentence, suspended execution of sentence, probation or parole or
11 any combination thereof in any intoxication-related traffic
12 offense in a state, county or municipal court or any combination
13 thereof, shall be treated as a prior plea of guilty or finding of
14 guilt for purposes of this section.

15 577.029. A licensed physician, registered nurse, or trained
16 medical technician, acting at the request and direction of the
17 law enforcement officer, shall withdraw blood for the purpose of
18 determining the alcohol content of the blood, unless such medical
19 personnel, in his or her good faith medical judgment, believes
20 such procedure would endanger the life or health of the person in
21 custody. Blood may be withdrawn only by such medical personnel,
22 but such restriction shall not apply to the taking of a breath
23 test, a saliva specimen, or a urine specimen. In withdrawing
24 blood for the purpose of determining the alcohol content thereof,
25 only a previously unused and sterile needle and sterile vessel
26 shall be utilized and the withdrawal shall otherwise be in strict
27 accord with accepted medical practices. Upon the request of the
28 person who is tested, full information concerning the test taken

1 at the direction of the law enforcement officer shall be made
2 available to him or her.

3 578.022. Any dog that is owned, or the service of which is
4 employed, by a law enforcement agency and that bites another
5 animal or human in the course of their official duties is exempt
6 from the provisions of sections 273.033 and 273.036, RSMo, and
7 section 578.024.

8 578.024. 1. If a dog that has previously bitten a person
9 or a domestic animal without provocation bites any person on a
10 subsequent occasion, the owner or possessor is guilty of a class
11 B misdemeanor unless such attack:

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

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

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

20 2. In addition to the penalty included in subsection 1 of
21 this section, if any dog that has previously bitten a person or a
22 domestic animal without provocation bites any person on a
23 subsequent occasion or if a dog that has not previously bitten a
24 person attacks and causes serious injury to or the death of any
25 human, the dog shall be seized immediately by an animal control
26 authority or by the county sheriff. The dog shall be impounded
27 and held for ten business days after the owner or possessor is
28 given written notification and thereafter destroyed.

1 3. The owner or possessor of the dog that has been
2 impounded may file a written appeal to the circuit court to
3 contest the impoundment and destruction of such dog. The owner
4 or possessor shall provide notice of the filing of the appeal to
5 the animal control authority or county sheriff who seized the
6 dog. If the owner or possessor files such an appeal and provides
7 proper notice, the dog shall remain impounded and shall not be
8 destroyed while such appeal is pending and until the court issues
9 an order for the destruction of the dog. The court shall hold a
10 disposition hearing within thirty days of the filing of the
11 appeal to determine whether such dog shall be humanely destroyed.
12 The court may order the owner or possessor of the dog to pay the
13 costs associated with the animal's keeping and care during the
14 pending appeal.

15 4. Notwithstanding any provision of sections 273.033 and
16 273.036, RSMo, section 578.022 and this section to the contrary,
17 if a dog attacks or bites a person who is engaged in or
18 attempting to engage in a criminal activity at the time of the
19 attack, the owner or possessor is not guilty of any crime
20 specified under this section or section 273.036, RSMo, and is not
21 civilly liable under this section or section 273.036, RSMo, nor
22 shall such dog be destroyed as provided in subsection 2 of this
23 section, nor shall such person engaged in or attempting to engage
24 in a criminal activity at the time of the attack be entitled to
25 the defenses set forth in section 273.033, RSMo. For purposes of
26 this section "criminal activity" shall not include the act of
27 trespass upon private property under section 569.150, RSMo, as
28 long as the trespasser does not otherwise engage in, attempt to

1 engage in, or have intent to engage in other criminal activity
2 nor shall it include any trespass upon private property by a
3 person under the age of twelve under section 569.140, RSMo.

4 578.028. Any person who removes an electronic or radio
5 transmitting collar from a dog without the permission of the
6 owner of the dog with the intent to prevent or hinder the owner
7 from locating the dog, is guilty of a class A misdemeanor. Upon
8 a plea or finding of guilt, the court shall order that the
9 defendant pay as restitution the actual value of any dog lost or
10 killed as a result of such removal. The court may also order
11 restitution to the owner for any lost breeding revenues.

12 578.250. No person shall intentionally smell or inhale the
13 fumes of any solvent, particularly toluol, amyl nitrite, butyl
14 nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and
15 propyl nitrite and their iso-analogues or induce any other person
16 to do so, for the purpose of causing a condition of, or inducing
17 symptoms of, intoxication, elation, euphoria, dizziness,
18 excitement, irrational behavior, exhilaration, paralysis,
19 stupefaction, or dulling of senses or nervous system, or for the
20 purpose of, in any manner, changing, distorting, or disturbing
21 the audio, visual, or mental processes; except that this section
22 shall not apply to the inhalation of any anesthesia for medical
23 or dental purposes.

24 578.255. 1. As used in this section "alcohol beverage
25 vaporizer" means any device which, by means of heat, a vibrating
26 element, or any method, is capable of producing a breathable
27 mixture containing one or more alcoholic beverages to be
28 dispensed for inhalation into the lungs via the nose or mouth or

1 both.

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

9 (1) Solvents, particularly toluol;

10 (2) Ethyl alcohol;

11 (3) Amyl nitrite and its iso-analogues;

12 (4) Butyl nitrite and its iso-analogues;

13 (5) Cyclohexyl nitrite and its iso-analogues;

14 (6) Ethyl nitrite and its iso-analogues;

15 (7) Pentyl nitrite and its iso-analogues; and

16 (8) Propyl nitrite and its iso-analogues.

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

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

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

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

5 578.260. 1. No person shall intentionally possess or buy
6 any solvent, particularly toluol, amyl nitrite, butyl nitrite,
7 cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and propyl
8 nitrite and their iso-analogues for the purpose of inducing or
9 aiding any other person to violate the provisions of sections
10 578.250 and 578.255.

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

15 578.265. 1. No person shall knowingly and intentionally
16 sell or otherwise transfer possession of any solvent,
17 particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl
18 nitrite, ethyl nitrite, pentyl nitrite, and propyl nitrite and
19 their iso-analogues to any person for the purpose of causing a
20 condition of, or inducing symptoms of, intoxication, elation,
21 euphoria, dizziness, excitement, irrational behavior,
22 exhilaration, paralysis, stupefaction, or dulling of senses or
23 nervous system, or for the purpose of, in any manner, changing,
24 distorting, or disturbing the audio, visual, or mental processes.

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

1 nitrite, pentyl nitrite, and propyl nitrite and their iso-
2 analogues, or any toxic glue.

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

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

11 589.400. 1. Sections 589.400 to 589.425 shall apply to:

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

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

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

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

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

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

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

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

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

19 (8) Any person who has been or is required to register in
20 another state or has been or is required to register under
21 tribal, federal, or military law and who works or attends an
22 educational institution, whether public or private in nature,
23 including any secondary school, trade school, professional
24 school, or institution of higher education on a full-time or on a
25 part-time basis or has a temporary residence in Missouri.

26 "Part-time" in this subdivision means for more than seven days in
27 any twelve-month period.

28 2. Any person to whom sections 589.400 to 589.425 apply

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

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

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

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

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

27 (4) The registrant may petition the court for removal or
28 exemption from the registry under subsection 7 or 8 of this

1 section and the court orders the removal or exemption of such
2 person from the registry.

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

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

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

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

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

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

1 her name from the registry upon his or her conviction or finding
2 or 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.

17 650.052. 1. The state's DNA profiling system shall:

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

23 (2) If personally identifiable information is removed,
24 support development of forensic validation studies, forensic
25 protocols, and the establishment and maintenance of a population
26 statistics database for federal, state, or local crime
27 laboratories of law enforcement agencies; and

28 (3) Assist in the recovery or identification of human

1 remains from mass disasters, or for other humanitarian purposes,
2 including identification of missing persons.

3 2. The Missouri state highway patrol shall act as the
4 central repository for the DNA profiling system and shall
5 collaborate with the Federal Bureau of Investigation and other
6 criminal justice agencies relating to the state's participation
7 in CODIS and the National DNA Index System or in any DNA
8 database.

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

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

22 (1) For qualified offenders as defined by section 650.055
23 who are under custody and control of the department of
24 corrections, the fingerprint and DNA sample collection shall be
25 performed by the department of corrections and the division of
26 probation and parole, or their authorized designee or contracted
27 third party.

28 (2) For qualified offenders as defined by section 650.055

1 who are under custody and control of a city or county jail, the
2 fingerprint and DNA sample collections shall be performed by the
3 city or county jail or its authorized designee or contracted
4 third party.

5 (3) For qualified offenders as defined by section 650.055
6 who are under the custody and control of companies contracted by
7 the county or court to perform supervision and/or treatment of
8 the offender, the sheriff's department of the [county assigned to
9 the offender] sentencing court shall perform the DNA sample
10 collection and obtain a fingerprint.

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

14 5. The specimens shall thereafter be forwarded to the
15 Missouri state highway patrol crime laboratory. Any DNA
16 profiling analysis or collection of DNA samples by the state or
17 any county performed pursuant to sections 650.050 to 650.100
18 shall be subject to appropriations.

19 **[5.]** 6. The state's participating forensic DNA laboratories
20 shall meet quality assurance standards specified by the Missouri
21 state highway patrol crime laboratory and the Federal Bureau of
22 Investigation to ensure quality DNA identification records
23 submitted to the central repository.

24 **[6.]** 7. The state's participating forensic DNA laboratories
25 may provide the system for identification purposes to criminal
26 justice, law enforcement officials and prosecutors in the
27 preparation and utilization of DNA evidence for presentation in
28 court and provide expert testimony in court on DNA evidentiary

1 issues.

2 [7.] 8. The department of public safety shall have the
3 authority to promulgate rules and regulations to carry out the
4 provisions of sections 650.050 to 650.100. Any rule or portion
5 of a rule, as that term is defined in section 536.010, RSMo, that
6 is created under the authority delegated in this section shall
7 become effective only if it complies with and is subject to all
8 of the provisions of chapter 536, RSMo, and, if applicable,
9 section 536.028, RSMo. This section and chapter 536, RSMo, are
10 nonseverable and if any of the powers vested with the general
11 assembly pursuant to chapter 536, RSMo, to review, to delay the
12 effective date, or to disapprove and annul a rule are
13 subsequently held unconstitutional, then the grant of rulemaking
14 authority and any rule proposed or adopted after August 28, 2004,
15 shall be invalid and void.

16 650.055. 1. Every individual, in a Missouri circuit court,
17 who pleads guilty to or is found guilty of a felony or any
18 offense under chapter 566, RSMo, or has been determined [beyond a
19 reasonable doubt] to be a sexually violent predator pursuant to
20 sections 632.480 to 632.513, RSMo, or is an individual required
21 to register as a sexual offender under sections 589.400 to
22 589.425, RSMo, shall have a fingerprint and blood or
23 scientifically accepted biological sample collected for purposes
24 of DNA profiling analysis:

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

27 (2) Upon entering or before release from a county jail or
28 detention facility, state correctional facility, or any other

1 detention facility or institution, whether operated by private,
2 local, or state agency, or any mental health facility if
3 committed as a sexually violent predator pursuant to sections
4 632.480 to 632.513, RSMo; or

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

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

21 2. The Missouri state highway patrol and department of
22 corrections shall be responsible for ensuring adherence to the
23 law. Any person required to provide a DNA sample pursuant to
24 this section shall be required to provide such sample, without
25 the right of refusal, at a collection site designated by the
26 Missouri state highway patrol and the department of corrections.
27 Authorized personnel collecting or assisting in the collection of
28 samples shall not be liable in any civil or criminal action when

1 the act is performed in a reasonable manner. Such force may be
2 used as necessary to the effectual carrying out and application
3 of such processes and operations. The enforcement of these
4 provisions by the authorities in charge of state correctional
5 institutions and others having custody or jurisdiction over those
6 who have been convicted of, pleaded guilty to, or pleaded nolo
7 contendere to felony offenses which shall not be set aside or
8 reversed is hereby made mandatory. The board of probation or
9 parole shall recommend that an individual who refuses to provide
10 a DNA sample have his or her probation or parole revoked. In the
11 event that a person's DNA sample is not adequate for any reason,
12 the person shall provide another sample for analysis.

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

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

22 5. Implementation of sections 650.050 to 650.100 shall be
23 subject to future appropriations to keep Missouri's DNA system
24 compatible with the Federal Bureau of Investigation's DNA
25 databank system.

26 6. All DNA records and biological materials retained in the
27 DNA profiling system are considered closed records pursuant to
28 chapter 610, RSMo. All records containing any information held

1 or maintained by any person or by any agency, department, or
2 political subdivision of the state concerning an individual's DNA
3 profile shall be strictly confidential and shall not be
4 disclosed, except to:

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

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

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

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

16 7. Any person who obtains records pursuant to the
17 provisions of this section shall use such records only for
18 investigative and prosecutorial purposes, including but not
19 limited to use at any criminal trial, hearing, or proceeding; or
20 for law enforcement identification purposes, including
21 identification of human remains. Such records shall be
22 considered strictly confidential and shall only be released as
23 authorized by this section.

24 8. An individual may request expungement of his or her DNA
25 sample and DNA profile through the court issuing the reversal or
26 dismissal. A certified copy of the court order establishing that
27 such conviction has been reversed or guilty plea or plea of nolo
28 contendere has been set aside shall be sent to the Missouri state

1 highway patrol crime laboratory. Upon receipt of the court
2 order, the laboratory will determine that the requesting
3 individual has no other qualifying offense as a result of any
4 separate plea or conviction prior to expungement.

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

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

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

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

6 650.059. 1. There is hereby established within the
7 department of public safety a "Crime Laboratory Review
8 Commission" to provide independent review of any state or local
9 Missouri crime laboratory receiving state-administered funding.

10 2. The commission shall consist of five members who shall
11 be citizens of this state, including one senior manager from a
12 crime laboratory within the state that is accredited by a body
13 approved by the department of public safety, one licensed law
14 enforcement officer employed by a county or municipality in a
15 management position, one prosecuting attorney, one criminal
16 defense attorney, and the director of the department of public
17 safety or his or her designee.

18 3. Except for the director of the department of public
19 safety or his or her designee, the members shall be appointed by
20 the governor with the advice and consent of the senate. For the
21 initial term, the prosecuting attorney and criminal defense
22 attorney shall serve a term of two years. The law enforcement
23 officer and the crime laboratory senior manager shall serve an
24 initial term of four years. Thereafter, all appointments shall
25 be for terms of four years. Except for the director of the
26 department of public safety or his or her designee, the governor
27 shall fill any vacancy by appointment for the unexpired term and
28 each member of the board shall hold office until such member's

1 successor is appointed and qualified.

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

5 5. The members of the commission shall not receive
6 compensation for their services other than to receive
7 reimbursement costs directly associated with the execution of
8 their commission duties.

9 6. The director of the department of public safety or his
10 or her designee shall serve as chairman of the commission. The
11 commission shall meet at least annually to review the current
12 status of crime laboratories in this state. Three members of the
13 commission shall constitute a quorum.

14 7. For the purposes of this section, the term "crime
15 laboratory" shall mean any forensic science laboratory operated
16 or supported financially by the state or any unit of city,
17 county, or other local Missouri government receiving state-
18 administered funding, and employs at least one scientist who
19 examines physical evidence in criminal matters and provides
20 expert or opinion testimony with respect to such physical
21 evidence in a state court of law.

22 8. The commission shall have the power to:

23 (1) Assess the capabilities and needs of Missouri crime
24 laboratories, as well as their ability to deliver quality
25 forensic services in a timely manner to law enforcement agencies
26 in the state of Missouri;

27 (2) Authorize independent external investigations into
28 allegations of serious negligence or misconduct committed by

1 employees or contractors of a crime laboratory substantially
2 affecting the integrity of forensic results. The commission
3 shall solicit input and guidance from any appropriate expert as
4 it deems necessary in the investigation process;

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

8 (4) Issue reprimands to crime laboratories and to
9 employees or contractors of crime laboratories found to be
10 negligent or engaging in misconduct in the execution of their
11 responsibilities;

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

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

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

27 10. The department of public safety shall have the
28 authority to revoke any grant money from a crime laboratory if

1 the laboratory does not cooperate with the commission or if
2 allegations of serious misconduct or negligence are substantiated
3 by the commission.

4 11. In the event the commission takes a vote concerning
5 only a particular crime laboratory, the appointee serving as a
6 senior manager of a crime laboratory or licensed law enforcement
7 officer shall recuse himself or herself from such vote if it
8 involves the crime laboratory employing such senior manager or a
9 crime laboratory operated by the municipality employing such
10 officer.

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

26 (1) The name of the licensee;

27 (2) The name and mailing address of the licensee where the
28 livestock is held;

1 (3) The name, title, and identification number of the law
2 enforcement officer placing the hold order;

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

6 (5) A description of the livestock; and

7 (6) The time of expiration of the holding period.

8
9 The hold order shall be signed and dated by the issuing officer
10 and signed and dated by the licensee or the licensee's designee
11 as evidence of the hold order's issuance by the officer, receipt
12 by the licensee and the beginning time of the holding period.

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

16 2. For the purposes of this section, the term "hold order"
17 shall mean a written legal instrument issued to a licensee by a
18 law enforcement officer ordering the licensee to retain physical
19 possession of livestock in the possession of a licensee or
20 livestock purchased by and in the possession of a licensee and
21 not to return, sell or otherwise dispose of such livestock that
22 is believed to be misappropriated for up to twenty-four hours.

23 3. Upon receiving the hold order, the licensee shall retain
24 physical possession of the livestock subject to the order in a
25 secured area.

26 4. A violation of, or noncompliance with, this section
27 shall be a class A misdemeanor. Gross negligence or willful
28 noncompliance with the provisions of this section by a licensee

1 shall be cause for the licensing authority to suspend or revoke
2 the licensee's license. Any imposed suspensions or revocation
3 provided for by this subsection may be appealed by the licensee
4 to the licensing authority or to a court of competent
5 jurisdiction.

6 5. All records and information that relate to a licensee's
7 purchases or transactions and that are delivered to or otherwise
8 obtained by an appropriate law enforcement officer under this
9 section are confidential and may be used only by such appropriate
10 law enforcement officer and only for the following official law
11 enforcement purposes:

12 (1) The investigation of a crime specifically involving the
13 livestock delivered to the licensee in a purchase or transaction;
14 or

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

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

20 Section 3. 1. A person or entity commits the offense of
21 promoting online sexual solicitation if such person or entity
22 knowingly permits a web-based classified service owned or
23 operated by such person or entity to be used by individuals to
24 post advertisements promoting prostitution, enticing a child to
25 engage in sexual conduct, or promoting sexual trafficking of a
26 child after receiving notice under this section.

27 2. As used in this section, the term "web-based classified
28 service" means a person or entity in whose name a specific URL or

1 internet domain name is registered which has advertisements for
2 goods and services or personal advertisements.

3 3. An advertisement may be deemed to promote prostitution,
4 entice a child to engage in sexual conduct, or promote sexual
5 trafficking of a child, if the content of such advertisement
6 would be interpreted by a reasonable person as offering to
7 exchange sexual conduct for goods or services in violation of
8 chapter 567, RSMo, as seeking a child for the purpose of sexual
9 conduct or commercial sex act, or as offering a child as a
10 participant in sexual conduct or commercial sex act in violation
11 of section 566.151, RSMo or sections 566.212 or 566.213, RSMo.

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

17 5. Notice under this section may be provided by certified
18 mail or facsimile transmission by the attorney general or any
19 prosecuting attorney or circuit attorney.

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

25 7. Original jurisdiction for prosecution of a violation of
26 this section shall be with the local prosecuting attorney or
27 circuit attorney.

28 [229.110. 1. Every person owning a hedge fence
29 situated along or near the right-of-way of any public

1 road shall between the first days of May and August of
2 each year cut the same down to a height of not more
3 than five feet, and any owner of such fence failing to
4 comply with this section shall forfeit and pay to the
5 capital school fund of the county wherein such fence is
6 situated not less than fifty nor more than five hundred
7 dollars, to be recovered in a civil action in the name
8 of the county upon the relation of the prosecuting
9 attorney, and any judgment of forfeiture obtained shall
10 be a lien upon the real estate of the owner of such
11 fence upon which same is situated, and a special
12 execution shall issue against said real estate and no
13 exemption shall be allowed.

14 2. Any prosecuting attorney who shall fail or
15 refuse to institute suit as herein provided within
16 thirty days after being notified by any road overseer,
17 county or state highway engineer, that any hedge fence
18 has not been cut down to the height herein required
19 within the time required, shall be removed from office
20 by the governor and some other person appointed to fill
21 the vacancy thus created. The cutting of any such
22 fence after the time herein required shall not be a
23 defense to the action herein provided for.]
24

25 [550.050. 1. Every person who shall institute
26 any prosecution to recover a fine, penalty or
27 forfeiture shall be adjudged to pay all costs if the
28 defendant is acquitted although he may not be entitled
29 to any part of the same.

30 2. When such prosecutions are commenced by a
31 public officer whose duty it is to institute the same,
32 and the defendant is acquitted, the county shall pay
33 the costs; if he is convicted, and unable to pay the
34 costs, the county shall pay all the costs, except such
35 as were incurred on the part of the defendant.]
36

37 [550.070. If a person, charged with a felony,
38 shall be discharged by the officer taking his
39 examination, the costs shall be paid by the prosecutor
40 or person on whose oath the prosecution was instituted,
41 and the officer taking such examination shall enter
42 judgment against such person for the same, and issue
43 execution therefor immediately; and in no such case
44 shall the state or county pay the costs.]
45

46 [550.080. If, upon the trial of any indictment or
47 information, the defendant shall be acquitted or
48 discharged, and the prosecutor or prosecuting witness
49 shall be liable to pay the costs according to law,
50 judgment shall be rendered against such prosecutor for

1 the costs in the case, and in no such case shall the
2 same be paid by either the county or state.】
3

4 【550.090. When the proceedings are prosecuted
5 before any associate circuit judge, at the instance of
6 the injured party, for the disturbance of the peace of
7 a person, or for libel or slander, or for any trespass
8 against the person or property of another, not
9 amounting to a felony, except for petit larceny, the
10 name of such injured party shall be entered by the
11 associate circuit judge on his record as a prosecutor;
12 and if the defendant shall be discharged or acquitted,
13 such prosecutor shall be adjudged to pay the costs not
14 otherwise adjudged; and in every other case of
15 acquittal, if the associate circuit judge or jury
16 trying the case shall state in the finding that the
17 prosecution was malicious or without probable cause,
18 the associate circuit judge shall enter judgment for
19 costs against the prosecution or party at whose
20 instance the information was filed, and shall issue
21 execution therefor; but in no case shall the
22 prosecuting attorney be liable for costs. In other
23 cases of discharge or acquittal the costs shall be paid
24 by the county, except when the prosecution is commenced
25 by complaint and the prosecuting attorney declines to
26 file information thereon, in which case the proceedings
27 shall be dismissed at the cost of the party filing the
28 complaint.】
29

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

49 Section B. Because immediate action is necessary to ensure

1 for the safe operation of motor vehicles on Missouri's highways,
2 the repeal and reenactment of sections 577.023 and 577.029 of
3 this act is deemed necessary for the immediate preservation of
4 the public health, welfare, peace and safety, and is hereby
5 declared to be an emergency act within the meaning of the
6 constitution, and the repeal and reenactment of sections 577.023
7 and 577.029 of this act shall be in full force and effect upon
8 its passage and approval.

9 ✓

10 _____
11
12
13
14
15 _____
16 Scott Lipke
