

## SENATE SUBSTITUTE

FOR

## SENATE COMMITTEE SUBSTITUTE

FOR

## HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 1371

## AN ACT

To repeal sections 160.261, 167.115, 167.171, 188.030, 195.130, 210.117, 211.038, 217.010, 217.703, 260.211, 260.212, 556.061, 558.019, 559.036, 559.106, 559.115, 559.633, 565.002, 565.073, 566.135, 566.147, 566.148, 566.149, 577.001, 577.010, 577.020, 577.037, 577.041, and 660.315, RSMo, and section 476.055 as enacted by senate committee substitute for house bill no. 1460 merged with conference committee substitute for house committee substitute for senate bill no. 628, ninety-sixth general assembly, second regular session, section 476.055 as enacted by conference committee substitute for house committee substitute for senate bill no. 636, ninety-sixth general assembly, second regular session, and sections 160.261, 167.115, 167.171, 188.030, 197.1036, 210.117, 211.038, 217.010, 217.703, 260.211, 260.212, 476.055, 545.940, 556.061, 558.019, 559.036, 559.106, 559.115, 559.633, 565.002, 565.073, 566.147, 566.148, 566.149, 577.001, 577.010, 577.013, 577.020, 577.037, 577.041, 579.060, and 579.105 as enacted by house committee substitute for senate substitute for senate committee substitute for senate bill no. 491, ninety-seventh general assembly, second regular session, and to enact in lieu thereof thirty-two new sections relating to the Missouri criminal code restructuring, with penalty provisions and an effective date for certain sections.

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

1           Section A. Sections 160.261, 167.115, 167.171, 188.030,  
2   195.130, 210.117, 211.038, 217.010, 217.703, 260.211, 260.212,

1 556.061, 558.019, 559.036, 559.106, 559.115, 559.633, 565.002,  
2 565.073, 566.135, 566.147, 566.148, 566.149, 577.001, 577.010,  
3 577.020, 577.037, 577.041, and 660.315, RSMo, and section 476.055  
4 as enacted by senate committee substitute for house bill no. 1460  
5 merged with conference committee substitute for house committee  
6 substitute for senate bill no. 628, ninety-sixth general  
7 assembly, second regular session, section 476.055 as enacted by  
8 conference committee substitute for house committee substitute  
9 for senate bill no. 636, ninety-sixth general assembly, second  
10 regular session, and sections 160.261, 167.115, 167.171, 188.030,  
11 197.1036, 210.117, 211.038, 217.010, 217.703, 260.211, 260.212,  
12 476.055, 545.940, 556.061, 558.019, 559.036, 559.106, 559.115,  
13 559.633, 565.002, 565.073, 566.147, 566.148, 566.149, 577.001,  
14 577.010, 577.013, 577.020, 577.037, 577.041, 579.060, and 579.105  
15 as enacted by house committee substitute for senate substitute  
16 for senate committee substitute for senate bill no. 491, ninety-  
17 seventh general assembly, second regular session, RSMo, are  
18 repealed and thirty-two new sections enacted in lieu thereof, to  
19 be known as sections 160.261, 167.115, 167.171, 188.030,  
20 197.1036, 210.117, 211.038, 217.010, 217.703, 260.211, 260.212,  
21 476.055, 545.940, 556.061, 558.019, 559.036, 559.106, 559.115,  
22 559.633, 565.002, 565.073, 566.147, 566.148, 566.149, 577.001,  
23 577.010, 577.013, 577.020, 577.037, 577.041, 579.060, and  
24 579.105, to read as follows:

25 160.261. 1. The local board of education of each school  
26 district shall clearly establish a written policy of discipline,  
27 including the district's determination on the use of corporal  
28 punishment and the procedures in which punishment will be

1 applied. A written copy of the district's discipline policy and  
2 corporal punishment procedures, if applicable, shall be provided  
3 to the pupil and parent or legal guardian of every pupil enrolled  
4 in the district at the beginning of each school year and also  
5 made available in the office of the superintendent of such  
6 district, during normal business hours, for public inspection.  
7 All employees of the district shall annually receive instruction  
8 related to the specific contents of the policy of discipline and  
9 any interpretations necessary to implement the provisions of the  
10 policy in the course of their duties, including but not limited  
11 to approved methods of dealing with acts of school violence,  
12 disciplining students with disabilities and instruction in the  
13 necessity and requirements for confidentiality.

14 2. The policy shall require school administrators to report  
15 acts of school violence to all teachers at the attendance center  
16 and, in addition, to other school district employees with a need  
17 to know. For the purposes of this chapter or chapter 167, "need  
18 to know" is defined as school personnel who are directly  
19 responsible for the student's education or who otherwise interact  
20 with the student on a professional basis while acting within the  
21 scope of their assigned duties. As used in this section, the  
22 phrase "act of school violence" or "violent behavior" means the  
23 exertion of physical force by a student with the intent to do  
24 serious physical injury as defined in [subdivision (6) of]  
25 section [565.002] 556.061 to another person while on school  
26 property, including a school bus in service on behalf of the  
27 district, or while involved in school activities. The policy  
28 shall at a minimum require school administrators to report, as

1 soon as reasonably practical, to the appropriate law enforcement  
2 agency any of the following crimes, or any act which if committed  
3 by an adult would be one of the following crimes:

4 (1) First degree murder under section 565.020;

5 (2) Second degree murder under section 565.021;

6 (3) Kidnapping under section 565.110 as it existed prior to  
7 January 1, 2017, or kidnapping in the first degree under section  
8 565.110;

9 (4) First degree assault under section 565.050;

10 (5) Rape in the first degree under section 566.030;

11 (6) Sodomy in the first degree under section 566.060;

12 (7) Burglary in the first degree under section 569.160;

13 (8) Burglary in the second degree under section 569.170;

14 (9) Robbery in the first degree under section 569.020 as it  
15 existed prior to January 1, 2017, or robbery in the first degree  
16 under section 570.023;

17 (10) Distribution of drugs under section 195.211 as it  
18 existed prior to January 1, 2017, or manufacture of a controlled  
19 substance under section 579.055;

20 (11) Distribution of drugs to a minor under section 195.212  
21 as it existed prior to January 1, 2017, or delivery of a  
22 controlled substance under section 579.020;

23 (12) Arson in the first degree under section 569.040;

24 (13) Voluntary manslaughter under section 565.023;

25 (14) Involuntary manslaughter under section 565.024 as it  
26 existed prior to January 1, 2017, involuntary manslaughter in the  
27 first degree under section 565.024, or involuntary manslaughter  
28 in the second degree under section 565.027;

1           (15) Second degree assault under section 565.060 as it  
2 existed prior to January 1, 2017, or second degree assault under  
3 section 565.052;

4           (16) Rape in the second degree under section 566.031;

5           (17) Felonious restraint under section 565.120 as it  
6 existed prior to January 1, 2017, or kidnapping in the second  
7 degree under section 565.120;

8           (18) Property damage in the first degree under section  
9 569.100;

10          (19) The possession of a weapon under chapter 571;

11          (20) Child molestation in the first degree pursuant to  
12 section 566.067 as it existed prior to January 1, 2017, or child  
13 molestation in the first, second, or third degree pursuant to  
14 section 566.067, 566.068, or 566.069;

15          (21) Sodomy in the second degree pursuant to section  
16 566.061;

17          (22) Sexual misconduct involving a child pursuant to  
18 section 566.083;

19          (23) Sexual abuse in the first degree pursuant to section  
20 566.100;

21          (24) Harassment under section 565.090 as it existed prior  
22 to January 1, 2017, or harassment in the first degree under  
23 section 565.090; or

24          (25) Stalking under section 565.225 as it existed prior to  
25 January 1, 2017, or stalking in the first degree under section  
26 565.225;

27  
28 committed on school property, including but not limited to

1 actions on any school bus in service on behalf of the district or  
2 while involved in school activities. The policy shall require  
3 that any portion of a student's individualized education program  
4 that is related to demonstrated or potentially violent behavior  
5 shall be provided to any teacher and other school district  
6 employees who are directly responsible for the student's  
7 education or who otherwise interact with the student on an  
8 educational basis while acting within the scope of their assigned  
9 duties. The policy shall also contain the consequences of  
10 failure to obey standards of conduct set by the local board of  
11 education, and the importance of the standards to the maintenance  
12 of an atmosphere where orderly learning is possible and  
13 encouraged.

14 3. The policy shall provide that any student who is on  
15 suspension for any of the offenses listed in subsection 2 of this  
16 section or any act of violence or drug-related activity defined  
17 by school district policy as a serious violation of school  
18 discipline pursuant to subsection 9 of this section shall have as  
19 a condition of his or her suspension the requirement that such  
20 student is not allowed, while on such suspension, to be within  
21 one thousand feet of any school property in the school district  
22 where such student attended school or any activity of that  
23 district, regardless of whether or not the activity takes place  
24 on district property unless:

25 (1) Such student is under the direct supervision of the  
26 student's parent, legal guardian, or custodian and the  
27 superintendent or the superintendent's designee has authorized  
28 the student to be on school property;

1           (2) Such student is under the direct supervision of another  
2 adult designated by the student's parent, legal guardian, or  
3 custodian, in advance, in writing, to the principal of the school  
4 which suspended the student and the superintendent or the  
5 superintendent's designee has authorized the student to be on  
6 school property;

7           (3) Such student is enrolled in and attending an  
8 alternative school that is located within one thousand feet of a  
9 public school in the school district where such student attended  
10 school; or

11           (4) Such student resides within one thousand feet of any  
12 public school in the school district where such student attended  
13 school in which case such student may be on the property of his  
14 or her residence without direct adult supervision.

15           4. Any student who violates the condition of suspension  
16 required pursuant to subsection 3 of this section may be subject  
17 to expulsion or further suspension pursuant to the provisions of  
18 sections 167.161, 167.164, and 167.171. In making this  
19 determination consideration shall be given to whether the student  
20 poses a threat to the safety of any child or school employee and  
21 whether such student's unsupervised presence within one thousand  
22 feet of the school is disruptive to the educational process or  
23 undermines the effectiveness of the school's disciplinary policy.  
24 Removal of any pupil who is a student with a disability is  
25 subject to state and federal procedural rights. This section  
26 shall not limit a school district's ability to:

27           (1) Prohibit all students who are suspended from being on  
28 school property or attending an activity while on suspension;

1           (2) Discipline students for off-campus conduct that  
2 negatively affects the educational environment to the extent  
3 allowed by law.

4           5. The policy shall provide for a suspension for a period  
5 of not less than one year, or expulsion, for a student who is  
6 determined to have brought a weapon to school, including but not  
7 limited to the school playground or the school parking lot,  
8 brought a weapon on a school bus or brought a weapon to a school  
9 activity whether on or off of the school property in violation of  
10 district policy, except that:

11           (1) The superintendent or, in a school district with no  
12 high school, the principal of the school which such child attends  
13 may modify such suspension on a case-by-case basis; and

14           (2) This section shall not prevent the school district from  
15 providing educational services in an alternative setting to a  
16 student suspended under the provisions of this section.

17           6. For the purpose of this section, the term "weapon" shall  
18 mean a firearm as defined under 18 U.S.C. 921 and the following  
19 items, as defined in section 571.010: a blackjack, a concealable  
20 firearm, an explosive weapon, a firearm, a firearm silencer, a  
21 gas gun, a knife, knuckles, a machine gun, a projectile weapon, a  
22 rifle, a shotgun, a spring gun or a switchblade knife; except  
23 that this section shall not be construed to prohibit a school  
24 board from adopting a policy to allow a Civil War reenactor to  
25 carry a Civil War era weapon on school property for educational  
26 purposes so long as the firearm is unloaded. The local board of  
27 education shall define weapon in the discipline policy. Such  
28 definition shall include the weapons defined in this subsection

1 but may also include other weapons.

2 7. All school district personnel responsible for the care  
3 and supervision of students are authorized to hold every pupil  
4 strictly accountable for any disorderly conduct in school or on  
5 any property of the school, on any school bus going to or  
6 returning from school, during school-sponsored activities, or  
7 during intermission or recess periods.

8 8. Teachers and other authorized district personnel in  
9 public schools responsible for the care, supervision, and  
10 discipline of schoolchildren, including volunteers selected with  
11 reasonable care by the school district, shall not be civilly  
12 liable when acting in conformity with the established policies  
13 developed by each board, including but not limited to policies of  
14 student discipline or when reporting to his or her supervisor or  
15 other person as mandated by state law acts of school violence or  
16 threatened acts of school violence, within the course and scope  
17 of the duties of the teacher, authorized district personnel or  
18 volunteer, when such individual is acting in conformity with the  
19 established policies developed by the board. Nothing in this  
20 section shall be construed to create a new cause of action  
21 against such school district, or to relieve the school district  
22 from liability for the negligent acts of such persons.

23 9. Each school board shall define in its discipline policy  
24 acts of violence and any other acts that constitute a serious  
25 violation of that policy. "Acts of violence" as defined by  
26 school boards shall include but not be limited to exertion of  
27 physical force by a student with the intent to do serious bodily  
28 harm to another person while on school property, including a

1 school bus in service on behalf of the district, or while  
2 involved in school activities. School districts shall for each  
3 student enrolled in the school district compile and maintain  
4 records of any serious violation of the district's discipline  
5 policy. Such records shall be made available to teachers and  
6 other school district employees with a need to know while acting  
7 within the scope of their assigned duties, and shall be provided  
8 as required in section 167.020 to any school district in which  
9 the student subsequently attempts to enroll.

10 10. Spanking, when administered by certificated personnel  
11 and in the presence of a witness who is an employee of the school  
12 district, or the use of reasonable force to protect persons or  
13 property, when administered by personnel of a school district in  
14 a reasonable manner in accordance with the local board of  
15 education's written policy of discipline, is not abuse within the  
16 meaning of chapter 210. The provisions of sections 210.110 to  
17 210.165 notwithstanding, the children's division shall not have  
18 jurisdiction over or investigate any report of alleged child  
19 abuse arising out of or related to the use of reasonable force to  
20 protect persons or property when administered by personnel of a  
21 school district or any spanking administered in a reasonable  
22 manner by any certificated school personnel in the presence of a  
23 witness who is an employee of the school district pursuant to a  
24 written policy of discipline established by the board of  
25 education of the school district, as long as no allegation of  
26 sexual misconduct arises from the spanking or use of force.

27 11. If a student reports alleged sexual misconduct on the  
28 part of a teacher or other school employee to a person employed

1 in a school facility who is required to report such misconduct to  
2 the children's division under section 210.115, such person and  
3 the superintendent of the school district shall report the  
4 allegation to the children's division as set forth in section  
5 210.115. Reports made to the children's division under this  
6 subsection shall be investigated by the division in accordance  
7 with the provisions of sections 210.145 to 210.153 and shall not  
8 be investigated by the school district under subsections 12 to 20  
9 of this section for purposes of determining whether the  
10 allegations should or should not be substantiated. The district  
11 may investigate the allegations for the purpose of making any  
12 decision regarding the employment of the accused employee.

13 12. Upon receipt of any reports of child abuse by the  
14 children's division other than reports provided under subsection  
15 11 of this section, pursuant to sections 210.110 to 210.165 which  
16 allegedly involve personnel of a school district, the children's  
17 division shall notify the superintendent of schools of the  
18 district or, if the person named in the alleged incident is the  
19 superintendent of schools, the president of the school board of  
20 the school district where the alleged incident occurred.

21 13. If, after an initial investigation, the superintendent  
22 of schools or the president of the school board finds that the  
23 report involves an alleged incident of child abuse other than the  
24 administration of a spanking by certificated school personnel or  
25 the use of reasonable force to protect persons or property when  
26 administered by school personnel pursuant to a written policy of  
27 discipline or that the report was made for the sole purpose of  
28 harassing a public school employee, the superintendent of schools

1 or the president of the school board shall immediately refer the  
2 matter back to the children's division and take no further  
3 action. In all matters referred back to the children's division,  
4 the division shall treat the report in the same manner as other  
5 reports of alleged child abuse received by the division.

6 14. If the report pertains to an alleged incident which  
7 arose out of or is related to a spanking administered by  
8 certificated personnel or the use of reasonable force to protect  
9 persons or property when administered by personnel of a school  
10 district pursuant to a written policy of discipline or a report  
11 made for the sole purpose of harassing a public school employee,  
12 a notification of the reported child abuse shall be sent by the  
13 superintendent of schools or the president of the school board to  
14 the law enforcement in the county in which the alleged incident  
15 occurred.

16 15. The report shall be jointly investigated by the law  
17 enforcement officer and the superintendent of schools or, if the  
18 subject of the report is the superintendent of schools, by a law  
19 enforcement officer and the president of the school board or such  
20 president's designee.

21 16. The investigation shall begin no later than forty-eight  
22 hours after notification from the children's division is  
23 received, and shall consist of, but need not be limited to,  
24 interviewing and recording statements of the child and the  
25 child's parents or guardian within two working days after the  
26 start of the investigation, of the school district personnel  
27 allegedly involved in the report, and of any witnesses to the  
28 alleged incident.

1           17. The law enforcement officer and the investigating  
2 school district personnel shall issue separate reports of their  
3 findings and recommendations after the conclusion of the  
4 investigation to the school board of the school district within  
5 seven days after receiving notice from the children's division.

6           18. The reports shall contain a statement of conclusion as  
7 to whether the report of alleged child abuse is substantiated or  
8 is unsubstantiated.

9           19. The school board shall consider the separate reports  
10 referred to in subsection 17 of this section and shall issue its  
11 findings and conclusions and the action to be taken, if any,  
12 within seven days after receiving the last of the two reports.  
13 The findings and conclusions shall be made in substantially the  
14 following form:

15           (1) The report of the alleged child abuse is  
16 unsubstantiated. The law enforcement officer and the  
17 investigating school board personnel agree that there was not a  
18 preponderance of evidence to substantiate that abuse occurred;

19           (2) The report of the alleged child abuse is substantiated.  
20 The law enforcement officer and the investigating school district  
21 personnel agree that the preponderance of evidence is sufficient  
22 to support a finding that the alleged incident of child abuse did  
23 occur;

24           (3) The issue involved in the alleged incident of child  
25 abuse is unresolved. The law enforcement officer and the  
26 investigating school personnel are unable to agree on their  
27 findings and conclusions on the alleged incident.

28           20. The findings and conclusions of the school board under

1 subsection 19 of this section shall be sent to the children's  
2 division. If the findings and conclusions of the school board  
3 are that the report of the alleged child abuse is  
4 unsubstantiated, the investigation shall be terminated, the case  
5 closed, and no record shall be entered in the children's division  
6 central registry. If the findings and conclusions of the school  
7 board are that the report of the alleged child abuse is  
8 substantiated, the children's division shall report the incident  
9 to the prosecuting attorney of the appropriate county along with  
10 the findings and conclusions of the school district and shall  
11 include the information in the division's central registry. If  
12 the findings and conclusions of the school board are that the  
13 issue involved in the alleged incident of child abuse is  
14 unresolved, the children's division shall report the incident to  
15 the prosecuting attorney of the appropriate county along with the  
16 findings and conclusions of the school board, however, the  
17 incident and the names of the parties allegedly involved shall  
18 not be entered into the central registry of the children's  
19 division unless and until the alleged child abuse is  
20 substantiated by a court of competent jurisdiction.

21 21. Any superintendent of schools, president of a school  
22 board or such person's designee or law enforcement officer who  
23 knowingly falsifies any report of any matter pursuant to this  
24 section or who knowingly withholds any information relative to  
25 any investigation or report pursuant to this section is guilty of  
26 a class A misdemeanor.

27 22. In order to ensure the safety of all students, should a  
28 student be expelled for bringing a weapon to school, violent

1 behavior, or for an act of school violence, that student shall  
2 not, for the purposes of the accreditation process of the  
3 Missouri school improvement plan, be considered a dropout or be  
4 included in the calculation of that district's educational  
5 persistence ratio.

6 167.115. 1. Notwithstanding any provision of chapter 211  
7 or chapter 610 to the contrary, the juvenile officer, sheriff,  
8 chief of police or other appropriate law enforcement authority  
9 shall, as soon as reasonably practical, notify the  
10 superintendent, or the superintendent's designee, of the school  
11 district in which the pupil is enrolled when a petition is filed  
12 pursuant to subsection 1 of section 211.031 alleging that the  
13 pupil has committed one of the following acts:

14 (1) First degree murder under section 565.020;

15 (2) Second degree murder under section 565.021;

16 (3) Kidnapping under section 565.110 as it existed prior to  
17 January 1, 2017, or kidnapping in the first degree under section  
18 565.110;

19 (4) First degree assault under section 565.050;

20 (5) Forcible rape under section 566.030 as it existed prior  
21 to August 28, 2013, or rape in the first degree under section  
22 566.030;

23 (6) Forcible sodomy under section 566.060 as it existed  
24 prior to August 28, 2013, or sodomy in the first degree under  
25 section 566.060;

26 (7) Burglary in the first degree under section 569.160;

27 (8) Robbery in the first degree under section 569.020 as it  
28 existed prior to January 1, 2017, or robbery in the first degree

1 under section 570.023;

2 (9) Distribution of drugs under section 195.211 as it  
3 existed prior to January 1, 2017, or manufacture of a controlled  
4 substance under section 579.055;

5 (10) Distribution of drugs to a minor under section 195.212  
6 as it existed prior to January 1, 2017, or delivery of a  
7 controlled substance under section 579.020;

8 (11) Arson in the first degree under section 569.040;

9 (12) Voluntary manslaughter under section 565.023;

10 (13) Involuntary manslaughter under section 565.024 as it  
11 existed prior to January 1, 2017, involuntary manslaughter in the  
12 first degree under section 565.024, or involuntary manslaughter  
13 in the second degree under section 565.027;

14 (14) Second degree assault under section 565.060 as it  
15 existed prior to January 1, 2017, or second degree assault under  
16 section 565.052;

17 (15) Sexual assault under section 566.040 as it existed  
18 prior to August 28, 2013, or rape in the second degree under  
19 section 566.031;

20 (16) Felonious restraint under section 565.120 as it  
21 existed prior to January 1, 2017, or kidnapping in the second  
22 degree under section 565.120;

23 (17) Property damage in the first degree under section  
24 569.100;

25 (18) The possession of a weapon under chapter 571;

26 (19) Child molestation in the first degree pursuant to  
27 section 566.067 as it existed prior to January 1, 2017;

28 (20) Child molestation in the first, second, or third

1 degree pursuant to sections 566.067, 566.068, or 566.069;

2 (21) Deviate sexual assault pursuant to section 566.070 as  
3 it existed prior to August 28, 2013, or sodomy in the second  
4 degree under section 566.061;

5 ~~[(21)]~~ (22) Sexual misconduct involving a child pursuant to  
6 section 566.083; or

7 ~~[(22)]~~ (23) Sexual abuse pursuant to section 566.100 as it  
8 existed prior to August 28, 2013, or sexual abuse in the first  
9 degree under section 566.100.

10 2. The notification shall be made orally or in writing, in  
11 a timely manner, no later than five days following the filing of  
12 the petition. If the report is made orally, written notice shall  
13 follow in a timely manner. The notification shall include a  
14 complete description of the conduct the pupil is alleged to have  
15 committed and the dates the conduct occurred but shall not  
16 include the name of any victim. Upon the disposition of any such  
17 case, the juvenile office or prosecuting attorney or their  
18 designee shall send a second notification to the superintendent  
19 providing the disposition of the case, including a brief summary  
20 of the relevant finding of facts, no later than five days  
21 following the disposition of the case.

22 3. The superintendent or the designee of the superintendent  
23 shall report such information to teachers and other school  
24 district employees with a need to know while acting within the  
25 scope of their assigned duties. Any information received by  
26 school district officials pursuant to this section shall be  
27 received in confidence and used for the limited purpose of  
28 assuring that good order and discipline is maintained in the

1 school. This information shall not be used as the sole basis for  
2 not providing educational services to a public school pupil.

3 4. The superintendent shall notify the appropriate division  
4 of the juvenile or family court upon any pupil's suspension for  
5 more than ten days or expulsion of any pupil that the school  
6 district is aware is under the jurisdiction of the court.

7 5. The superintendent or the superintendent's designee may  
8 be called to serve in a consultant capacity at any dispositional  
9 proceedings pursuant to section 211.031 which may involve  
10 reference to a pupil's academic treatment plan.

11 6. Upon the transfer of any pupil described in this section  
12 to any other school district in this state, the superintendent or  
13 the superintendent's designee shall forward the written  
14 notification given to the superintendent pursuant to subsection 2  
15 of this section to the superintendent of the new school district  
16 in which the pupil has enrolled. Such written notification shall  
17 be required again in the event of any subsequent transfer by the  
18 pupil.

19 7. As used in this section, the terms "school" and "school  
20 district" shall include any charter, private or parochial school  
21 or school district, and the term "superintendent" shall include  
22 the principal or equivalent chief school officer in the cases of  
23 charter, private or parochial schools.

24 8. The superintendent or the designee of the superintendent  
25 or other school employee who, in good faith, reports information  
26 in accordance with the terms of this section and section 160.261  
27 shall not be civilly liable for providing such information.

28 167.171. 1. The school board in any district, by general

1 rule and for the causes provided in section 167.161, may  
2 authorize the summary suspension of pupils by principals of  
3 schools for a period not to exceed ten school days and by the  
4 superintendent of schools for a period not to exceed one hundred  
5 and eighty school days. In case of a suspension by the  
6 superintendent for more than ten school days, the pupil, the  
7 pupil's parents or others having such pupil's custodial care may  
8 appeal the decision of the superintendent to the board or to a  
9 committee of board members appointed by the president of the  
10 board which shall have full authority to act in lieu of the  
11 board. Any suspension by a principal shall be immediately  
12 reported to the superintendent who may revoke the suspension at  
13 any time. In event of an appeal to the board, the superintendent  
14 shall promptly transmit to it a full report in writing of the  
15 facts relating to the suspension, the action taken by the  
16 superintendent and the reasons therefor and the board, upon  
17 request, shall grant a hearing to the appealing party to be  
18 conducted as provided in section 167.161.

19 2. No pupil shall be suspended unless:

20 (1) The pupil shall be given oral or written notice of the  
21 charges against such pupil;

22 (2) If the pupil denies the charges, such pupil shall be  
23 given an oral or written explanation of the facts which form the  
24 basis of the proposed suspension;

25 (3) The pupil shall be given an opportunity to present such  
26 pupil's version of the incident; and

27 (4) In the event of a suspension for more than ten school  
28 days, where the pupil gives notice that such pupil wishes to

1 appeal the suspension to the board, the suspension shall be  
2 stayed until the board renders its decision, unless in the  
3 judgment of the superintendent of schools, or of the district  
4 superintendent, the pupil's presence poses a continuing danger to  
5 persons or property or an ongoing threat of disrupting the  
6 academic process, in which case the pupil may be immediately  
7 removed from school, and the notice and hearing shall follow as  
8 soon as practicable.

9 3. No school board shall readmit or enroll a pupil properly  
10 suspended for more than ten consecutive school days for an act of  
11 school violence as defined in subsection 2 of section 160.261  
12 regardless of whether or not such act was committed at a public  
13 school or at a private school in this state, provided that such  
14 act shall have resulted in the suspension or expulsion of such  
15 pupil in the case of a private school, or otherwise permit such  
16 pupil to attend school without first holding a conference to  
17 review the conduct that resulted in the expulsion or suspension  
18 and any remedial actions needed to prevent any future occurrences  
19 of such or related conduct. The conference shall include the  
20 appropriate school officials including any teacher employed in  
21 that school or district directly involved with the conduct that  
22 resulted in the suspension or expulsion, the pupil, the parent or  
23 guardian of the pupil or any agency having legal jurisdiction,  
24 care, custody or control of the pupil. The school board shall  
25 notify in writing the parents or guardians and all other parties  
26 of the time, place, and agenda of any such conference. Failure  
27 of any party to attend this conference shall not preclude holding  
28 the conference. Notwithstanding any provision of this subsection

1 to the contrary, no pupil shall be readmitted or enrolled to a  
2 regular program of instruction if:

3 (1) Such pupil has been convicted of; or

4 (2) An indictment or information has been filed alleging  
5 that the pupil has committed one of the acts enumerated in  
6 subdivision (4) of this subsection to which there has been no  
7 final judgment; or

8 (3) A petition has been filed pursuant to section 211.091  
9 alleging that the pupil has committed one of the acts enumerated  
10 in subdivision (4) of this subsection to which there has been no  
11 final judgment; or

12 (4) The pupil has been adjudicated to have committed an act  
13 which if committed by an adult would be one of the following:

14 (a) First degree murder under section 565.020;

15 (b) Second degree murder under section 565.021;

16 (c) First degree assault under section 565.050;

17 (d) Forcible rape under section 566.030 as it existed prior  
18 to August 28, 2013, or rape in the first degree under section  
19 566.030;

20 (e) Forcible sodomy under section 566.060 as it existed  
21 prior to August 28, 2013, or sodomy in the first degree under  
22 section 566.060;

23 (f) Statutory rape under section 566.032;

24 (g) Statutory sodomy under section 566.062;

25 (h) Robbery in the first degree under section 569.020 as it  
26 existed prior to January 1, 2017, or robbery in the first degree  
27 under section 570.023;

28 (i) Distribution of drugs to a minor under section 195.212

1 as it existed prior to January 1, 2017, or delivery of a  
2 controlled substance under section 579.020;

3 (j) Arson in the first degree under section 569.040;

4 (k) Kidnapping or kidnapping in the first degree, when  
5 classified as a class A felony under section 565.110.

6  
7 Nothing in this subsection shall prohibit the readmittance or  
8 enrollment of any pupil if a petition has been dismissed, or when  
9 a pupil has been acquitted or adjudicated not to have committed  
10 any of the above acts. This subsection shall not apply to a  
11 student with a disability, as identified under state eligibility  
12 criteria, who is convicted or adjudicated guilty as a result of  
13 an action related to the student's disability. Nothing in this  
14 subsection shall be construed to prohibit a school district which  
15 provides an alternative education program from enrolling a pupil  
16 in an alternative education program if the district determines  
17 such enrollment is appropriate.

18 4. If a pupil is attempting to enroll in a school district  
19 during a suspension or expulsion from another in-state or  
20 out-of-state school district including a private, charter or  
21 parochial school or school district, a conference with the  
22 superintendent or the superintendent's designee may be held at  
23 the request of the parent, court-appointed legal guardian,  
24 someone acting as a parent as defined by rule in the case of a  
25 special education student, or the pupil to consider if the  
26 conduct of the pupil would have resulted in a suspension or  
27 expulsion in the district in which the pupil is enrolling. Upon  
28 a determination by the superintendent or the superintendent's

1     designee that such conduct would have resulted in a suspension or  
2     expulsion in the district in which the pupil is enrolling or  
3     attempting to enroll, the school district may make such  
4     suspension or expulsion from another school or district effective  
5     in the district in which the pupil is enrolling or attempting to  
6     enroll. Upon a determination by the superintendent or the  
7     superintendent's designee that such conduct would not have  
8     resulted in a suspension or expulsion in the district in which  
9     the student is enrolling or attempting to enroll, the school  
10    district shall not make such suspension or expulsion effective in  
11    its district in which the student is enrolling or attempting to  
12    enroll.

13         188.030. 1. Except in the case of a medical emergency, no  
14    abortion of a viable unborn child shall be performed or induced  
15    unless the abortion is necessary to preserve the life of the  
16    pregnant woman whose life is endangered by a physical disorder,  
17    physical illness, or physical injury, including a  
18    life-endangering physical condition caused by or arising from the  
19    pregnancy itself, or when continuation of the pregnancy will  
20    create a serious risk of substantial and irreversible physical  
21    impairment of a major bodily function of the pregnant woman. For  
22    purposes of this section, "major bodily function" includes, but  
23    is not limited to, functions of the immune system, normal cell  
24    growth, digestive, bowel, bladder, neurological, brain,  
25    respiratory, circulatory, endocrine, and reproductive functions.

26         2. Except in the case of a medical emergency:

27         (1) Prior to performing or inducing an abortion upon a  
28    woman, the physician shall determine the gestational age of the

1     unborn child in a manner consistent with accepted obstetrical and  
2     neonatal practices and standards. In making such determination,  
3     the physician shall make such inquiries of the pregnant woman and  
4     perform or cause to be performed such medical examinations,  
5     imaging studies, and tests as a reasonably prudent physician,  
6     knowledgeable about the medical facts and conditions of both the  
7     woman and the unborn child involved, would consider necessary to  
8     perform and consider in making an accurate diagnosis with respect  
9     to gestational age;

10         (2) If the physician determines that the gestational age of  
11     the unborn child is twenty weeks or more, prior to performing or  
12     inducing an abortion upon the woman, the physician shall  
13     determine if the unborn child is viable by using and exercising  
14     that degree of care, skill, and proficiency commonly exercised by  
15     a skillful, careful, and prudent physician. In making this  
16     determination of viability, the physician shall perform or cause  
17     to be performed such medical examinations and tests as are  
18     necessary to make a finding of the gestational age, weight, and  
19     lung maturity of the unborn child and shall enter such findings  
20     and determination of viability in the medical record of the  
21     woman;

22         (3) If the physician determines that the gestational age of  
23     the unborn child is twenty weeks or more, and further determines  
24     that the unborn child is not viable and performs or induces an  
25     abortion upon the woman, the physician shall report such findings  
26     and determinations and the reasons for such determinations to the  
27     health care facility in which the abortion is performed and to  
28     the state board of registration for the healing arts, and shall

1 enter such findings and determinations in the medical records of  
2 the woman and in the individual abortion report submitted to the  
3 department under section 188.052;

4 (4) (a) If the physician determines that the unborn child  
5 is viable, the physician shall not perform or induce an abortion  
6 upon the woman unless the abortion is necessary to preserve the  
7 life of the pregnant woman or that a continuation of the  
8 pregnancy will create a serious risk of substantial and  
9 irreversible physical impairment of a major bodily function of  
10 the woman.

11 (b) Before a physician may proceed with performing or  
12 inducing an abortion upon a woman when it has been determined  
13 that the unborn child is viable, the physician shall first  
14 certify in writing the medical threat posed to the life of the  
15 pregnant woman, or the medical reasons that continuation of the  
16 pregnancy would cause a serious risk of substantial and  
17 irreversible physical impairment of a major bodily function of  
18 the pregnant woman. Upon completion of the abortion, the  
19 physician shall report the reasons and determinations for the  
20 abortion of a viable unborn child to the health care facility in  
21 which the abortion is performed and to the state board of  
22 registration for the healing arts, and shall enter such findings  
23 and determinations in the medical record of the woman and in the  
24 individual abortion report submitted to the department under  
25 section 188.052.

26 (c) Before a physician may proceed with performing or  
27 inducing an abortion upon a woman when it has been determined  
28 that the unborn child is viable, the physician who is to perform

1 the abortion shall obtain the agreement of a second physician  
2 with knowledge of accepted obstetrical and neonatal practices and  
3 standards who shall concur that the abortion is necessary to  
4 preserve the life of the pregnant woman, or that continuation of  
5 the pregnancy would cause a serious risk of substantial and  
6 irreversible physical impairment of a major bodily function of  
7 the pregnant woman. This second physician shall also report such  
8 reasons and determinations to the health care facility in which  
9 the abortion is to be performed and to the state board of  
10 registration for the healing arts, and shall enter such findings  
11 and determinations in the medical record of the woman and the  
12 individual abortion report submitted to the department under  
13 section 188.052. The second physician shall not have any legal  
14 or financial affiliation or relationship with the physician  
15 performing or inducing the abortion, except that such prohibition  
16 shall not apply to physicians whose legal or financial  
17 affiliation or relationship is a result of being employed by or  
18 having staff privileges at the same hospital as the term  
19 "hospital" is defined in section 197.020.

20 (d) Any physician who performs or induces an abortion upon  
21 a woman when it has been determined that the unborn child is  
22 viable shall utilize the available method or technique of  
23 abortion most likely to preserve the life or health of the unborn  
24 child. In cases where the method or technique of abortion most  
25 likely to preserve the life or health of the unborn child would  
26 present a greater risk to the life or health of the woman than  
27 another legally permitted and available method or technique, the  
28 physician may utilize such other method or technique. In all

1 cases where the physician performs an abortion upon a viable  
2 unborn child, the physician shall certify in writing the  
3 available method or techniques considered and the reasons for  
4 choosing the method or technique employed.

5 (e) No physician shall perform or induce an abortion upon a  
6 woman when it has been determined that the unborn child is viable  
7 unless there is in attendance a physician other than the  
8 physician performing or inducing the abortion who shall take  
9 control of and provide immediate medical care for a child born as  
10 a result of the abortion. During the performance of the  
11 abortion, the physician performing it, and subsequent to the  
12 abortion, the physician required to be in attendance, shall take  
13 all reasonable steps in keeping with good medical practice,  
14 consistent with the procedure used, to preserve the life or  
15 health of the viable unborn child; provided that it does not pose  
16 an increased risk to the life of the woman or does not pose an  
17 increased risk of substantial and irreversible physical  
18 impairment of a major bodily function of the woman.

19 3. Any person who knowingly performs or induces an abortion  
20 of an unborn child in violation of the provisions of this section  
21 is guilty of a class [C] D felony, and, upon a finding of guilt  
22 or plea of guilty, shall be imprisoned for a term of not less  
23 than one year, and, notwithstanding the provisions of section  
24 [560.011] 558.002, shall be fined not less than ten thousand nor  
25 more than fifty thousand dollars.

26 4. Any physician who pleads guilty to or is found guilty of  
27 performing or inducing an abortion of an unborn child in  
28 violation of this section shall be subject to suspension or

1 revocation of his or her license to practice medicine in the  
2 state of Missouri by the state board of registration for the  
3 healing arts under the provisions of sections 334.100 and  
4 334.103.

5 5. Any hospital licensed in the state of Missouri that  
6 knowingly allows an abortion of an unborn child to be performed  
7 or induced in violation of this section may be subject to  
8 suspension or revocation of its license under the provisions of  
9 section 197.070.

10 6. Any ambulatory surgical center licensed in the state of  
11 Missouri that knowingly allows an abortion of an unborn child to  
12 be performed or induced in violation of this section may be  
13 subject to suspension or revocation of its license under the  
14 provisions of section 197.220.

15 7. A woman upon whom an abortion is performed or induced in  
16 violation of this section shall not be prosecuted for a  
17 conspiracy to violate the provisions of this section.

18 8. Nothing in this section shall be construed as creating  
19 or recognizing a right to abortion, nor is it the intention of  
20 this section to make lawful any abortion that is currently  
21 unlawful.

22 9. It is the intent of the legislature that this section be  
23 severable as noted in section 1.140. In the event that any  
24 section, subsection, subdivision, paragraph, sentence, or clause  
25 of this section be declared invalid under the Constitution of the  
26 United States or the Constitution of the State of Missouri, it is  
27 the intent of the legislature that the remaining provisions of  
28 this section remain in force and effect as far as capable of

1 being carried into execution as intended by the legislature.

2 10. The general assembly may, by concurrent resolution,  
3 appoint one or more of its members who sponsored or co-sponsored  
4 this act in his or her official capacity to intervene as a matter  
5 of right in any case in which the constitutionality of this law  
6 is challenged.

7 [660.315.] 197.1036. 1. After an investigation and a  
8 determination has been made to place a person's name on the  
9 employee disqualification list, that person shall be notified in  
10 writing mailed to his or her last known address that:

11 (1) An allegation has been made against the person, the  
12 substance of the allegation and that an investigation has been  
13 conducted which tends to substantiate the allegation;

14 (2) The person's name will be included in the employee  
15 disqualification list of the department;

16 (3) The consequences of being so listed including the  
17 length of time to be listed; and

18 (4) The person's rights and the procedure to challenge the  
19 allegation.

20 2. If no reply has been received within thirty days of  
21 mailing the notice, the department may include the name of such  
22 person on its list. The length of time the person's name shall  
23 appear on the employee disqualification list shall be determined  
24 by the director or the director's designee, based upon the  
25 criteria contained in subsection 9 of this section.

26 3. If the person so notified wishes to challenge the  
27 allegation, such person may file an application for a hearing  
28 with the department. The department shall grant the application

1 within thirty days after receipt by the department and set the  
2 matter for hearing, or the department shall notify the applicant  
3 that, after review, the allegation has been held to be unfounded  
4 and the applicant's name will not be listed.

5 4. If a person's name is included on the employee  
6 disqualification list without the department providing notice as  
7 required under subsection 1 of this section, such person may file  
8 a request with the department for removal of the name or for a  
9 hearing. Within thirty days after receipt of the request, the  
10 department shall either remove the name from the list or grant a  
11 hearing and set a date therefor.

12 5. Any hearing shall be conducted in the county of the  
13 person's residence by the director of the department or the  
14 director's designee. The provisions of chapter 536 for a  
15 contested case except those provisions or amendments which are in  
16 conflict with this section shall apply to and govern the  
17 proceedings contained in this section and the rights and duties  
18 of the parties involved. The person appealing such an action  
19 shall be entitled to present evidence, pursuant to the provisions  
20 of chapter 536, relevant to the allegations.

21 6. Upon the record made at the hearing, the director of the  
22 department or the director's designee shall determine all  
23 questions presented and shall determine whether the person shall  
24 be listed on the employee disqualification list. The director of  
25 the department or the director's designee shall clearly state the  
26 reasons for his or her decision and shall include a statement of  
27 findings of fact and conclusions of law pertinent to the  
28 questions in issue.

1           7. A person aggrieved by the decision following the hearing  
2 shall be informed of his or her right to seek judicial review as  
3 provided under chapter 536. If the person fails to appeal the  
4 director's findings, those findings shall constitute a final  
5 determination that the person shall be placed on the employee  
6 disqualification list.

7           8. A decision by the director shall be inadmissible in any  
8 civil action brought against a facility or the in-home services  
9 provider agency and arising out of the facts and circumstances  
10 which brought about the employment disqualification proceeding,  
11 unless the civil action is brought against the facility or the  
12 in-home services provider agency by the department of health and  
13 senior services or one of its divisions.

14           9. The length of time the person's name shall appear on the  
15 employee disqualification list shall be determined by the  
16 director of the department of health and senior services or the  
17 director's designee, based upon the following:

18           (1) Whether the person acted recklessly or knowingly, as  
19 defined in chapter 562;

20           (2) The degree of the physical, sexual, or emotional injury  
21 or harm; or the degree of the imminent danger to the health,  
22 safety or welfare of a resident or in-home services client;

23           (3) The degree of misappropriation of the property or  
24 funds, or falsification of any documents for service delivery of  
25 an in-home services client;

26           (4) Whether the person has previously been listed on the  
27 employee disqualification list;

28           (5) Any mitigating circumstances;

1 (6) Any aggravating circumstances; and

2 (7) Whether alternative sanctions resulting in conditions  
3 of continued employment are appropriate in lieu of placing a  
4 person's name on the employee disqualification list. Such  
5 conditions of employment may include, but are not limited to,  
6 additional training and employee counseling. Conditional  
7 employment shall terminate upon the expiration of the designated  
8 length of time and the person's submitting documentation which  
9 fulfills the department of health and senior services'  
10 requirements.

11 10. The removal of any person's name from the list under  
12 this section shall not prevent the director from keeping records  
13 of all acts finally determined to have occurred under this  
14 section.

15 11. The department shall provide the list maintained  
16 pursuant to this section to other state departments upon request  
17 and to any person, corporation, organization, or association who:

18 (1) Is licensed as an operator under chapter 198;

19 (2) Provides in-home services under contract with the  
20 department;

21 (3) Employs nurses and nursing assistants for temporary or  
22 intermittent placement in health care facilities;

23 (4) Is approved by the department to issue certificates for  
24 nursing assistants training;

25 (5) Is an entity licensed under this chapter [197];

26 (6) Is a recognized school of nursing, medicine, or other  
27 health profession for the purpose of determining whether students  
28 scheduled to participate in clinical rotations with entities

1 described in subdivision (1), (2), or (5) of this subsection are  
2 included in the employee disqualification list; or

3 (7) Is a consumer reporting agency regulated by the federal  
4 Fair Credit Reporting Act that conducts employee background  
5 checks on behalf of entities listed in subdivisions (1), (2),  
6 (5), or (6) of this subsection. Such a consumer reporting agency  
7 shall conduct the employee disqualification list check only upon  
8 the initiative or request of an entity described in subdivisions  
9 (1), (2), (5), or (6) of this subsection when the entity is  
10 fulfilling its duties required under this section. The  
11 information shall be disclosed only to the requesting entity.  
12 The department shall inform any person listed above who inquires  
13 of the department whether or not a particular name is on the  
14 list. The department may require that the request be made in  
15 writing. No person, corporation, organization, or association  
16 who is entitled to access the employee disqualification list may  
17 disclose the information to any person, corporation,  
18 organization, or association who is not entitled to access the  
19 list. Any person, corporation, organization, or association who  
20 is entitled to access the employee disqualification list who  
21 discloses the information to any person, corporation,  
22 organization, or association who is not entitled to access the  
23 list shall be guilty of an infraction.

24 12. No person, corporation, organization, or association  
25 who received the employee disqualification list under  
26 subdivisions (1) to (7) of subsection 11 of this section shall  
27 knowingly employ any person who is on the employee  
28 disqualification list. Any person, corporation, organization, or

1 association who received the employee disqualification list under  
2 subdivisions (1) to (7) of subsection 11 of this section, or any  
3 person responsible for providing health care service, who  
4 declines to employ or terminates a person whose name is listed in  
5 this section shall be immune from suit by that person or anyone  
6 else acting for or in behalf of that person for the failure to  
7 employ or for the termination of the person whose name is listed  
8 on the employee disqualification list.

9 13. Any employer or vendor as defined in sections 197.250,  
10 197.400, 198.006, 208.900, or ~~[660.250]~~ 197.1000 required to deny  
11 employment to an applicant or to discharge an employee,  
12 provisional or otherwise, as a result of information obtained  
13 through any portion of the background screening and employment  
14 eligibility determination process under section 210.903, or  
15 subsequent, periodic screenings, shall not be liable in any  
16 action brought by the applicant or employee relating to discharge  
17 where the employer is required by law to terminate the employee,  
18 provisional or otherwise, and shall not be charged for  
19 unemployment insurance benefits based on wages paid to the  
20 employee for work prior to the date of discharge, pursuant to  
21 section 288.100, if the employer terminated the employee because  
22 the employee:

23 (1) Has been found guilty, pled guilty or nolo contendere  
24 in this state or any other state of a crime as listed in  
25 subsection 6 of section ~~[660.317]~~ 197.1038;

26 (2) Was placed on the employee disqualification list under  
27 this section after the date of hire;

28 (3) Was placed on the employee disqualification registry

1 maintained by the department of mental health after the date of  
2 hire;

3 (4) Has a disqualifying finding under this section, section  
4 [660.317] 197.1038, or is on any of the background check lists in  
5 the family care safety registry under sections 210.900 to  
6 210.936; or

7 (5) Was denied a good cause waiver as provided for in  
8 subsection 10 of section [660.317] 197.1038.

9 14. Any person who has been listed on the employee  
10 disqualification list may request that the director remove his or  
11 her name from the employee disqualification list. The request  
12 shall be written and may not be made more than once every twelve  
13 months. The request will be granted by the director upon a clear  
14 showing, by written submission only, that the person will not  
15 commit additional acts of abuse, neglect, misappropriation of the  
16 property or funds, or the falsification of any documents of  
17 service delivery to an in-home services client. The director may  
18 make conditional the removal of a person's name from the list on  
19 any terms that the director deems appropriate, and failure to  
20 comply with such terms may result in the person's name being  
21 relisted. The director's determination of whether to remove the  
22 person's name from the list is not subject to appeal.

23 210.117. 1. A child taken into the custody of the state  
24 shall not be reunited with a parent or placed in a home in which  
25 the parent or any person residing in the home has been found  
26 guilty of[, or pled guilty to,] any of the following offenses  
27 when a child was the victim:

28 (1) A felony violation of section 566.030, 566.031,

1 566.032, [566.040,] 566.060, 566.061, 566.062, 566.064, 566.067,  
2 566.068, [566.070,] 566.069, 566.071, 566.083, [566.090,]  
3 566.100, 566.101, 566.111, 566.151, 566.203, 566.206, 566.209,  
4 [566.212] 566.211, or 566.215;

5 (2) A violation of section 568.020;

6 (3) [A violation of subdivision (2) of subsection 1 of  
7 section 568.060] Abuse of a child under section 568.060 when such  
8 abuse is sexual in nature;

9 (4) A violation of section 568.065;

10 (5) A violation of section [568.080] 573.200;

11 (6) A violation of section [568.090] 573.205; or

12 (7) A violation of section 568.175;

13 (8) A violation of section 566.040, 566.070, or 566.090 as  
14 such sections existed prior to August 28, 2013; or

15 (9) A violation of section 566.212, 568.080, or 568.090 as  
16 such sections existed prior to January 1, 2017.

17 2. For all other violations of offenses in chapters 566 and  
18 568 not specifically listed in subsection 1 of this section or  
19 for a violation of an offense committed in another state when a  
20 child is the victim that would be a violation of chapter 566 or  
21 568, if committed in Missouri, the division may exercise its  
22 discretion regarding the placement of a child taken into the  
23 custody of the state in which a parent or any person residing in  
24 the home has been found guilty of[, or pled guilty to,] any such  
25 offense.

26 3. In any case where the children's division determines  
27 based on a substantiated report of child abuse that a child has  
28 abused another child, the abusing child shall be prohibited from

1 returning to or residing in any residence, facility, or school  
2 within one thousand feet of the residence of the abused child or  
3 any child care facility or school that the abused child attends,  
4 unless and until a court of competent jurisdiction determines  
5 that the alleged abuse did not occur or the abused child reaches  
6 the age of eighteen, whichever earlier occurs. The provisions of  
7 this subsection shall not apply when the abusing child and the  
8 abused child are siblings or children living in the same home.

9 211.038. 1. A child under the jurisdiction of the juvenile  
10 court shall not be reunited with a parent or placed in a home in  
11 which the parent or any person residing in the home has been  
12 found guilty of[, or pled guilty to,] any of the following  
13 offenses when a child was the victim:

14 (1) A felony violation of section 566.030, 566.031,  
15 566.032, [566.040,] 566.060, 566.061, 566.062, 566.064, 566.067,  
16 566.068, [566.070,] 566.069, 566.071, 566.083, [566.090,]  
17 566.100, 566.101, 566.111, 566.151, 566.203, 566.206, 566.209,  
18 [566.212] 566.211, or 566.215;

19 (2) A violation of section 568.020;

20 (3) [A violation of subdivision (2) of subsection 1 of  
21 section 568.060] Abuse of a child under section 568.060 when such  
22 abuse is sexual in nature;

23 (4) A violation of section 568.065;

24 (5) A violation of section [568.080] 573.200;

25 (6) A violation of section [568.090] 573.205; or

26 (7) A violation of section 568.175;

27 (8) A violation of section 566.040, 566.070, or 566.090 as  
28 such sections existed prior to August 28, 2013; or

1       (9) A violation of section 566.212, 568.080, or 568.090 as  
2       such sections existed prior to January 1, 2017.

3           2. For all other violations of offenses in chapters 566 and  
4       568 not specifically listed in subsection 1 of this section or  
5       for a violation of an offense committed in another state when a  
6       child is the victim that would be a violation of chapter 566 or  
7       568 if committed in Missouri, the juvenile court may exercise its  
8       discretion regarding the placement of a child under the  
9       jurisdiction of the juvenile court in a home in which a parent or  
10      any person residing in the home has been found guilty of, or pled  
11      guilty to, any such offense.

12          3. If the juvenile court determines that a child has abused  
13      another child, such abusing child shall be prohibited from  
14      returning to or residing in any residence located within one  
15      thousand feet of the residence of the abused child, or any child  
16      care facility or school that the abused child attends, until the  
17      abused child reaches eighteen years of age. The prohibitions of  
18      this subsection shall not apply where the alleged abuse occurred  
19      between siblings or children living in the same home.

20          217.010. As used in this chapter and chapter 558, unless  
21      the context clearly indicates otherwise, the following terms  
22      shall mean:

23           (1) "Administrative segregation unit", a cell for the  
24      segregation of offenders from the general population of a  
25      facility for relatively extensive periods of time;

26           (2) "Board", the board of probation and parole;

27           (3) "Chief administrative officer", the institutional head  
28      of any correctional facility or his designee;

1           (4) "Correctional center", any premises or institution  
2 where incarceration, evaluation, care, treatment, or  
3 rehabilitation is provided to persons who are under the  
4 department's authority;

5           (5) "Department", the department of corrections of the  
6 state of Missouri;

7           (6) "Director", the director of the department of  
8 corrections or his designee;

9           (7) "Disciplinary segregation", a cell for the segregation  
10 of offenders from the general population of a correctional center  
11 because the offender has been found to have committed a violation  
12 of a division or facility rule and other available means are  
13 inadequate to regulate the offender's behavior;

14           (8) "Division", a statutorily created agency within the  
15 department or an agency created by the departmental  
16 organizational plan;

17           (9) "Division director", the director of a division of the  
18 department or his designee;

19           (10) "Local volunteer community board", a board of  
20 qualified local community volunteers selected by the court for  
21 the purpose of working in partnership with the court and the  
22 department of corrections in a reparative probation program;

23           (11) "Nonviolent offender", any offender who is convicted  
24 of a crime other than murder in the first or second degree,  
25 involuntary manslaughter, involuntary manslaughter in the first  
26 or second degree, kidnapping, kidnapping in the first degree,  
27 rape in the first degree, forcible rape, sodomy in the first  
28 degree, forcible sodomy, robbery in the first degree or assault

1 in the first degree;

2 (12) "Offender", a person under supervision or an inmate in  
3 the custody of the department;

4 (13) "Probation", a procedure under which a defendant found  
5 guilty of a crime upon verdict or plea is released by the court  
6 without imprisonment, subject to conditions imposed by the court  
7 and subject to the supervision of the board;

8 (14) "Volunteer", any person who, of his own free will,  
9 performs any assigned duties for the department or its divisions  
10 with no monetary or material compensation.

11 217.703. 1. The division of probation and parole shall  
12 award earned compliance credits to any offender who is:

13 (1) Not subject to lifetime supervision under sections  
14 217.735 and 559.106 or otherwise found to be ineligible to earn  
15 credits by a court pursuant to subsection 2 of this section;

16 (2) On probation, parole, or conditional release for an  
17 offense listed in chapter [195] 579, or an offense previously  
18 listed in chapter 195, or for a class [C or] D or E felony,  
19 excluding the offenses of [aggravated] stalking in the first  
20 degree, rape in the second degree, sexual assault, sodomy in the  
21 second degree, deviate sexual assault, assault in the second  
22 degree under subdivision (2) of subsection 1 of section [565.060]  
23 565.052, sexual misconduct involving a child, endangering the  
24 welfare of a child in the first degree under subdivision (2) of  
25 subsection 1 of section 568.045, incest, invasion of privacy,  
26 [and] abuse of a child, and any offense of aggravated stalking or  
27 assault in the second degree under subdivision (2) of subsection  
28 1 of section 565.060 as such offenses existed prior to January 1,

1     2017;

2             (3) Supervised by the board; and

3             (4) In compliance with the conditions of supervision  
4 imposed by the sentencing court or board.

5             2. If an offender was placed on probation, parole, or  
6 conditional release for an offense of:

7             (1) [Involuntary manslaughter in the first degree;

8             (2)] Involuntary manslaughter in the second degree;

9             [(3)] (2) Assault in the second degree except under  
10 subdivision (2) of subsection 1 of section [565.060] 565.052 or  
11 section 565.060 as it existed prior to January 1, 2017;

12             [(4)] (3) Domestic assault in the second degree;

13             [(5)] (4) Assault [of a law enforcement officer in the  
14 second] in the third degree when the victim is a special victim  
15 or assault of a law enforcement officer in the second degree as  
16 it existed prior to January 1, 2017;

17             [(6)] (5) Statutory rape in the second degree;

18             [(7)] (6) Statutory sodomy in the second degree;

19             [(8)] (7) Endangering the welfare of a child in the first  
20 degree under subdivision (1) of subsection 1 of section 568.045;  
21 or

22             [(9)] (8) Any case in which the defendant is found guilty  
23 of a felony offense under chapter 571[,];

24  
25 the sentencing court may, upon its own motion or a motion of the  
26 prosecuting or circuit attorney, make a finding that the offender  
27 is ineligible to earn compliance credits because the nature and  
28 circumstances of the offense or the history and character of the

1 offender indicate that a longer term of probation, parole, or  
2 conditional release is necessary for the protection of the public  
3 or the guidance of the offender. The motion may be made any time  
4 prior to the first month in which the person may earn compliance  
5 credits under this section. The offender's ability to earn  
6 credits shall be suspended until the court or board makes its  
7 finding. If the court or board finds that the offender is  
8 eligible for earned compliance credits, the credits shall begin  
9 to accrue on the first day of the next calendar month following  
10 the issuance of the decision.

11 3. Earned compliance credits shall reduce the term of  
12 probation, parole, or conditional release by thirty days for each  
13 full calendar month of compliance with the terms of supervision.  
14 Credits shall begin to accrue for eligible offenders after the  
15 first full calendar month of supervision or on October 1, 2012,  
16 if the offender began a term of probation, parole, or conditional  
17 release before September 1, 2012.

18 4. For the purposes of this section, the term "compliance"  
19 shall mean the absence of an initial violation report submitted  
20 by a probation or parole officer during a calendar month, or a  
21 motion to revoke or motion to suspend filed by a prosecuting or  
22 circuit attorney, against the offender.

23 5. Credits shall not accrue during any calendar month in  
24 which a violation report has been submitted or a motion to revoke  
25 or motion to suspend has been filed, and shall be suspended  
26 pending the outcome of a hearing, if a hearing is held. If no  
27 hearing is held or the court or board finds that the violation  
28 did not occur, then the offender shall be deemed to be in

1 compliance and shall begin earning credits on the first day of  
2 the next calendar month following the month in which the report  
3 was submitted or the motion was filed. All earned credits shall  
4 be rescinded if the court or board revokes the probation or  
5 parole or the court places the offender in a department program  
6 under subsection 4 of section 559.036. Earned credits shall  
7 continue to be suspended for a period of time during which the  
8 court or board has suspended the term of probation, parole, or  
9 release, and shall begin to accrue on the first day of the next  
10 calendar month following the lifting of the suspension.

11 6. Offenders who are deemed by the division to be  
12 absconders shall not earn credits. For purposes of this  
13 subsection, "absconder" shall mean an offender under supervision  
14 who has left such offender's place of residency without the  
15 permission of the offender's supervising officer for the purpose  
16 of avoiding supervision. An offender shall no longer be deemed  
17 an absconder when such offender is available for active  
18 supervision.

19 7. Notwithstanding subsection 2 of section 217.730 to the  
20 contrary, once the combination of time served in custody, if  
21 applicable, time served on probation, parole, or conditional  
22 release, and earned compliance credits satisfy the total term of  
23 probation, parole, or conditional release, the board or  
24 sentencing court shall order final discharge of the offender, so  
25 long as the offender has completed at least two years of his or  
26 her probation or parole, which shall include any time served in  
27 custody under section 217.718 and sections 559.036 and 559.115.

28 8. The award or rescission of any credits earned under this

1 section shall not be subject to appeal or any motion for  
2 postconviction relief.

3 9. At least twice a year, the division shall calculate the  
4 number of months the offender has remaining on his or her term of  
5 probation, parole, or conditional release, taking into  
6 consideration any earned compliance credits, and notify the  
7 offender of the length of the remaining term.

8 10. No less than sixty days before the date of final  
9 discharge, the division shall notify the sentencing court, the  
10 board, and, for probation cases, the circuit or prosecuting  
11 attorney of the impending discharge. If the sentencing court,  
12 the board, or the circuit or prosecuting attorney upon receiving  
13 such notice does not take any action under subsection 5 of this  
14 section, the offender shall be discharged under subsection 7 of  
15 this section.

16 11. Any offender who was sentenced prior to January 1,  
17 2017, to an offense that was eligible for earned compliance  
18 credits under subsection 1 or 2 of this section at the time of  
19 sentencing shall continue to remain eligible for earned  
20 compliance credits so long as the offender meets all the other  
21 requirements provided under this section.

22 260.211. 1. A person commits the offense of criminal  
23 disposition of demolition waste if he purposely or knowingly  
24 disposes of or causes the disposal of more than two thousand  
25 pounds or four hundred cubic feet of such waste on property in  
26 this state other than in a solid waste processing facility or  
27 solid waste disposal area having a permit as required by section  
28 260.205; provided that, this subsection shall not prohibit the

1 use or require a solid waste permit for the use of solid wastes  
2 in normal farming operations or in the processing or  
3 manufacturing of other products in a manner that will not create  
4 a public nuisance or adversely affect public health and shall not  
5 prohibit the disposal of or require a solid waste permit for the  
6 disposal by an individual of solid wastes resulting from his or  
7 her own residential activities on property owned or lawfully  
8 occupied by him or her when such wastes do not thereby create a  
9 public nuisance or adversely affect the public health.

10 Demolition waste shall not include clean fill or vegetation.

11 Criminal disposition of demolition waste is a class [D] E felony.

12 In addition to other penalties prescribed by law, a person  
13 convicted of criminal disposition of demolition waste is subject  
14 to a fine not to exceed twenty thousand dollars, except as  
15 provided below. The magnitude of the fine shall reflect the  
16 seriousness or potential seriousness of the threat to human  
17 health and the environment posed by the violation, but shall not  
18 exceed twenty thousand dollars, except that if a court of  
19 competent jurisdiction determines that the person responsible for  
20 illegal disposal of demolition waste under this subsection did so  
21 for remuneration as a part of an ongoing commercial activity, the  
22 court shall set a fine which reflects the seriousness or  
23 potential threat to human health and the environment which at  
24 least equals the economic gain obtained by the person, and such  
25 fine may exceed the maximum established herein.

26 2. Any person who purposely or knowingly disposes of or  
27 causes the disposal of more than two thousand pounds or four  
28 hundred cubic feet of his or her personal construction or

1 demolition waste on his or her own property shall be guilty of a  
2 class ~~[C]~~ D misdemeanor. If such person receives any amount of  
3 money, goods, or services in connection with permitting any other  
4 person to dispose of construction or demolition waste on his or  
5 her property, such person shall be guilty of a class ~~[D]~~ E  
6 felony.

7 3. The court shall order any person convicted of illegally  
8 disposing of demolition waste upon his or her own property for  
9 remuneration to clean up such waste and, if he or she fails to  
10 clean up the waste or if he or she is unable to clean up the  
11 waste, the court may notify the county recorder of the county  
12 containing the illegal disposal site. The notice shall be  
13 designed to be recorded on the record.

14 4. The court may order restitution by requiring any person  
15 convicted under this section to clean up any demolition waste he  
16 illegally dumped and the court may require any such person to  
17 perform additional community service by cleaning up and properly  
18 disposing of demolition waste illegally dumped by other persons.

19 5. The prosecutor of any county or circuit attorney of any  
20 city not within a county may, by information or indictment,  
21 institute a prosecution for any violation of the provisions of  
22 this section.

23 6. Any person shall be guilty of conspiracy as defined in  
24 section ~~[564.016]~~ 562.014 if he or she knows or should have known  
25 that his or her agent or employee has committed the acts  
26 described in sections 260.210 to 260.212 while engaged in the  
27 course of employment.

28 260.212. 1. A person commits the offense of criminal

1 disposition of solid waste if he purposely or knowingly disposes  
2 of or causes the disposal of more than five hundred pounds or one  
3 hundred cubic feet of commercial or residential solid waste on  
4 property in this state other than a solid waste processing  
5 facility or solid waste disposal area having a permit as required  
6 by section 260.205; provided that, this subsection shall not  
7 prohibit the use or require a solid waste permit for the use of  
8 solid wastes in normal farming operations or in the processing or  
9 manufacturing of other products in a manner that will not create  
10 a public nuisance or adversely affect public health and shall not  
11 prohibit the disposal of or require a solid waste permit for the  
12 disposal by an individual of solid wastes resulting from his or  
13 her own residential activities on property owned or lawfully  
14 occupied by him or her when such wastes do not thereby create a  
15 public nuisance or adversely affect the public health. Criminal  
16 disposition of solid waste is a class **[D]** E felony. In addition  
17 to other penalties prescribed by law, a person convicted of  
18 criminal disposition of solid waste is subject to a fine, and the  
19 magnitude of the fine shall reflect the seriousness or potential  
20 seriousness of the threat to human health and the environment  
21 posed by the violation, but shall not exceed twenty thousand  
22 dollars, except that if a court of competent jurisdiction  
23 determines that the person responsible for illegal disposal of  
24 solid waste under this subsection did so for remuneration as a  
25 part of an ongoing commercial activity, the court shall set a  
26 fine which reflects the seriousness or potential threat to human  
27 health and the environment which at least equals the economic  
28 gain obtained by the person, and such fine may exceed the maximum

1 established herein.

2 2. The court shall order any person convicted of illegally  
3 disposing of solid waste upon his or her own property for  
4 remuneration to clean up such waste and, if he or she fails to  
5 clean up the waste or if he or she is unable to clean up the  
6 waste, the court may notify the county recorder of the county  
7 containing the illegal disposal site. The notice shall be  
8 designed to be recorded on the record.

9 3. The court may order restitution by requiring any person  
10 convicted under this section to clean up any commercial or  
11 residential solid waste he illegally dumped and the court may  
12 require any such person to perform additional community service  
13 by cleaning up commercial or residential solid waste illegally  
14 dumped by other persons.

15 4. The prosecutor of any county or circuit attorney of any  
16 city not within a county may, by information or indictment,  
17 institute a prosecution for any violation of the provisions of  
18 this section.

19 5. Any person shall be guilty of conspiracy as defined in  
20 section ~~[564.016]~~ 562.014 if he knows or should have known that  
21 his or her agent or employee has committed the acts described in  
22 sections 260.210 to 260.212 while engaged in the course of  
23 employment.

24 476.055. 1. There is hereby established in the state  
25 treasury the "Statewide Court Automation Fund". All moneys  
26 collected pursuant to section 488.027, as well as gifts,  
27 contributions, devises, bequests, and grants received relating to  
28 automation of judicial record keeping, and moneys received by the

1 judicial system for the dissemination of information and sales of  
2 publications developed relating to automation of judicial record  
3 keeping, shall be credited to the fund. Moneys credited to this  
4 fund may only be used for the purposes set forth in this section  
5 and as appropriated by the general assembly. Any unexpended  
6 balance remaining in the statewide court automation fund at the  
7 end of each biennium shall not be subject to the provisions of  
8 section 33.080 requiring the transfer of such unexpended balance  
9 to general revenue; except that, any unexpended balance remaining  
10 in the fund on September 1, 2018, shall be transferred to general  
11 revenue.

12 2. The statewide court automation fund shall be  
13 administered by a court automation committee consisting of the  
14 following: the chief justice of the supreme court, a judge from  
15 the court of appeals, four circuit judges, four associate circuit  
16 judges, four employees of the circuit court, the commissioner of  
17 administration, two members of the house of representatives  
18 appointed by the speaker of the house, two members of the senate  
19 appointed by the president pro tem of the senate and two members  
20 of the Missouri Bar. The judge members and employee members  
21 shall be appointed by the chief justice. The commissioner of  
22 administration shall serve ex officio. The members of the  
23 Missouri Bar shall be appointed by the board of governors of the  
24 Missouri Bar. Any member of the committee may designate another  
25 person to serve on the committee in place of the committee  
26 member.

27 3. The committee shall develop and implement a plan for a  
28 statewide court automation system. The committee shall have the

1 authority to hire consultants, review systems in other  
2 jurisdictions and purchase goods and services to administer the  
3 provisions of this section. The committee may implement one or  
4 more pilot projects in the state for the purposes of determining  
5 the feasibility of developing and implementing such plan. The  
6 members of the committee shall be reimbursed from the court  
7 automation fund for their actual expenses in performing their  
8 official duties on the committee.

9 4. Any purchase of computer software or computer hardware  
10 that exceeds five thousand dollars shall be made pursuant to the  
11 requirements of the office of administration for lowest and best  
12 bid. Such bids shall be subject to acceptance by the office of  
13 administration. The court automation committee shall determine  
14 the specifications for such bids.

15 5. The court automation committee shall not require any  
16 circuit court to change any operating system in such court,  
17 unless the committee provides all necessary personnel, funds and  
18 equipment necessary to effectuate the required changes. No  
19 judicial circuit or county may be reimbursed for any costs  
20 incurred pursuant to this subsection unless such judicial circuit  
21 or county has the approval of the court automation committee  
22 prior to incurring the specific cost.

23 6. Any court automation system, including any pilot  
24 project, shall be implemented, operated and maintained in  
25 accordance with strict standards for the security and privacy of  
26 confidential judicial records. Any person who knowingly releases  
27 information from a confidential judicial record is guilty of a  
28 class B misdemeanor. Any person who, knowing that a judicial

1 record is confidential, uses information from such confidential  
2 record for financial gain is guilty of a class [D] E felony.

3 7. On the first day of February, May, August and November  
4 of each year, the court automation committee shall file a report  
5 on the progress of the statewide automation system with [the  
6 joint legislative committee on court automation. Such committee  
7 shall consist of the following]:

8 (1) The chair of the house budget committee;

9 (2) The chair of the senate appropriations committee;

10 (3) The chair of the house judiciary committee; and

11 (4) The chair of the senate judiciary committee[;

12 (5) One member of the minority party of the house appointed  
13 by the speaker of the house of representatives; and

14 (6) One member of the minority party of the senate  
15 appointed by the president pro tempore of the senate.

16 8. The members of the joint legislative committee shall be  
17 reimbursed from the court automation fund for their actual  
18 expenses incurred in the performance of their official duties as  
19 members of the joint legislative committee on court automation].

20 [9.] 8. Section 488.027 shall expire on September 1, 2018.  
21 The court automation committee established pursuant to this  
22 section may continue to function until completion of its duties  
23 prescribed by this section, but shall complete its duties prior  
24 to September 1, 2020.

25 [10.] 9. This section shall expire on September 1, 2020.

26 [476.055. 1. There is hereby established in the  
27 state treasury the "Statewide Court Automation Fund".  
28 All moneys collected pursuant to section 488.027, as  
29 well as gifts, contributions, devises, bequests, and  
30 grants received relating to automation of judicial

1 record keeping, and moneys received by the judicial  
2 system for the dissemination of information and sales  
3 of publications developed relating to automation of  
4 judicial record keeping, shall be credited to the fund.  
5 Moneys credited to this fund may only be used for the  
6 purposes set forth in this section and as appropriated  
7 by the general assembly. Any unexpended balance  
8 remaining in the statewide court automation fund at the  
9 end of each biennium shall not be subject to the  
10 provisions of section 33.080 requiring the transfer of  
11 such unexpended balance to general revenue; except  
12 that, any unexpended balance remaining in the fund on  
13 September 1, 2015, shall be transferred to general  
14 revenue.

15 2. The statewide court automation fund shall be  
16 administered by a court automation committee consisting  
17 of the following: the chief justice of the supreme  
18 court, a judge from the court of appeals, four circuit  
19 judges, four associate circuit judges, four employees  
20 of the circuit court, the commissioner of  
21 administration, two members of the house of  
22 representatives appointed by the speaker of the house,  
23 two members of the senate appointed by the president  
24 pro tem of the senate and two members of the Missouri  
25 Bar. The judge members and employee members shall be  
26 appointed by the chief justice. The commissioner of  
27 administration shall serve ex officio. The members of  
28 the Missouri Bar shall be appointed by the board of  
29 governors of the Missouri Bar. Any member of the  
30 committee may designate another person to serve on the  
31 committee in place of the committee member.

32 3. The committee shall develop and implement a plan for a  
33 statewide court automation system. The committee shall have the  
34 authority to hire consultants, review systems in other  
35 jurisdictions and purchase goods and services to administer the  
36 provisions of this section. The committee may implement one or  
37 more pilot projects in the state for the purposes of determining  
38 the feasibility of developing and implementing such plan. The  
39 members of the committee shall be reimbursed from the court  
40 automation fund for their actual expenses in performing their  
41 official duties on the committee.

42 4. Any purchase of computer software or computer  
43 hardware that exceeds five thousand dollars shall be  
44 made pursuant to the requirements of the office of  
45 administration for lowest and best bid. Such bids  
46 shall be subject to acceptance by the office of  
47 administration. The court automation committee shall  
48 determine the specifications for such bids.

49 5. The court automation committee shall not  
50 require any circuit court to change any operating  
51 system in such court, unless the committee provides all

1 necessary personnel, funds and equipment necessary to  
2 effectuate the required changes. No judicial circuit  
3 or county may be reimbursed for any costs incurred  
4 pursuant to this subsection unless such judicial  
5 circuit or county has the approval of the court  
6 automation committee prior to incurring the specific  
7 cost.

8 6. Any court automation system, including any  
9 pilot project, shall be implemented, operated and  
10 maintained in accordance with strict standards for the  
11 security and privacy of confidential judicial records.  
12 Any person who knowingly releases information from a  
13 confidential judicial record is guilty of a class B  
14 misdemeanor. Any person who, knowing that a judicial  
15 record is confidential, uses information from such  
16 confidential record for financial gain is guilty of a  
17 class D felony.

18 7. On the first day of February, May, August and  
19 November of each year, the court automation committee  
20 shall file a report on the progress of the statewide  
21 automation system with the joint legislative committee  
22 on court automation. Such committee shall consist of  
23 the following:

- 24 (1) The chair of the house budget committee;
- 25 (2) The chair of the senate appropriations  
26 committee;
- 27 (3) The chair of the house judiciary committee;
- 28 (4) The chair of the senate judiciary committee;
- 29 (5) One member of the minority party of the house  
30 appointed by the speaker of the house of  
31 representatives; and
- 32 (6) One member of the minority party of the  
33 senate appointed by the president pro tempore of the  
34 senate.

35 8. The members of the joint legislative committee  
36 shall be reimbursed from the court automation fund for  
37 their actual expenses incurred in the performance of  
38 their official duties as members of the joint  
39 legislative committee on court automation.

40 9. Section 488.027 shall expire on September 1,  
41 2015. The court automation committee established  
42 pursuant to this section may continue to function until  
43 completion of its duties prescribed by this section,  
44 but shall complete its duties prior to September 1,  
45 2017.

46 10. This section shall expire on September 1,  
47 2017.]

48 [566.135.] 545.940. 1. Pursuant to a motion filed by the  
49 prosecuting attorney or circuit attorney with notice given to the

1 defense attorney and for good cause shown, in any criminal case  
2 in which a defendant has been charged by the prosecuting  
3 attorney's office or circuit attorney's office with any offense  
4 under [this chapter or pursuant to section 575.150, 567.020,  
5 565.050, 565.060, 565.070,] chapter 566 or section 565.050,  
6 assault in the first degree; section 565.052 or 565.060, assault  
7 in the second degree; section 565.054 or 565.070, assault in the  
8 third degree; section 565.056, assault in the fourth degree;  
9 section 565.072, domestic assault in the first degree; section  
10 565.073, domestic assault in the second degree; section 565.074,  
11 [565.075, 565.081, 565.082, 565.083,] domestic assault in the  
12 third degree; section 565.075, assault while on school property;  
13 section 565.076, domestic assault in the fourth degree; section  
14 565.081, 565.082, or 565.083, assault of a law enforcement  
15 officer, corrections officer, emergency personnel, highway worker  
16 in a construction zone or work zone, utility worker, cable  
17 worker, or probation and parole officer in the first, second, or  
18 third degree; section 567.020, prostitution; section 568.045,  
19 endangering the welfare of a child in the first degree; section  
20 568.050, [or] endangering the welfare of a child in the second  
21 degree; section 568.060, abuse of a child; section 575.150,  
22 resisting or interfering with an arrest; or paragraph (a), (b),  
23 or (c), of subdivision (2) of subsection 1 of section 191.677,  
24 recklessly exposing a person to HIV, the court may order that the  
25 defendant be conveyed to a state-, city-, or county-operated HIV  
26 clinic for testing for HIV, hepatitis B, hepatitis C, syphilis,  
27 gonorrhea, and chlamydia. The results of [the defendant's HIV,  
28 hepatitis B, hepatitis C, syphilis, gonorrhea, and chlamydia]

1 such tests shall be released to the victim and his or her parent  
2 or legal guardian if the victim is a minor. The results of [the  
3 defendant's HIV, hepatitis B, hepatitis C, syphilis, gonorrhea,  
4 and chlamydia] such tests shall also be released to the  
5 prosecuting attorney or circuit attorney and the defendant's  
6 attorney. The state's motion to obtain said testing, the court's  
7 order of the same, and the test results shall be sealed in the  
8 court file.

9 2. As used in this section, "HIV" means the human  
10 immunodeficiency virus that causes acquired immunodeficiency  
11 syndrome.

12 556.061. In this code, unless the context requires a  
13 different definition, the following [shall apply] terms shall  
14 mean:

15 (1) "Access", to instruct, communicate with, store data in,  
16 retrieve or extract data from, or otherwise make any use of any  
17 resources of, a computer, computer system, or computer network;

18 (2) "Affirmative defense" [has the meaning specified in  
19 section 556.056] :

20 (a) The defense referred to is not submitted to the trier  
21 of fact unless supported by evidence; and

22 (b) If the defense is submitted to the trier of fact the  
23 defendant has the burden of persuasion that the defense is more  
24 probably true than not;

25 [(2)] (3) "Burden of injecting the issue" [has the meaning  
26 specified in section 556.051] :

27 (a) The issue referred to is not submitted to the trier of  
28 fact unless supported by evidence; and

1       **(b) If the issue is submitted to the trier of fact any**  
2 **reasonable doubt on the issue requires a finding for the**  
3 **defendant on that issue;**

4       **[(3)] (4) "Commercial film and photographic print**  
5 **processor", any person who develops exposed photographic film**  
6 **into negatives, slides or prints, or who makes prints from**  
7 **negatives or slides, for compensation. The term commercial film**  
8 **and photographic print processor shall include all employees of**  
9 **such persons but shall not include a person who develops film or**  
10 **makes prints for a public agency;**

11       **(5) "Computer", the box that houses the central processing**  
12 **unit (cpu), along with any internal storage devices, such as**  
13 **internal hard drives, and internal communication devices, such as**  
14 **internal modems capable of sending or receiving electronic mail**  
15 **or fax cards, along with any other hardware stored or housed**  
16 **internally. Thus, computer refers to hardware, software and data**  
17 **contained in the main unit. Printers, external modems attached**  
18 **by cable to the main unit, monitors, and other external**  
19 **attachments will be referred to collectively as peripherals and**  
20 **discussed individually when appropriate. When the computer and**  
21 **all peripherals are referred to as a package, the term "computer**  
22 **system" is used. Information refers to all the information on a**  
23 **computer system including both software applications and data;**

24       **(6) "Computer equipment", computers, terminals, data**  
25 **storage devices, and all other computer hardware associated with**  
26 **a computer system or network;**

27       **(7) "Computer hardware", all equipment which can collect,**  
28 **analyze, create, display, convert, store, conceal or transmit**

electronic, magnetic, optical or similar computer impulses or data. Hardware includes, but is not limited to, any data processing devices, such as central processing units, memory typewriters and self-contained laptop or notebook computers; internal and peripheral storage devices, transistor-like binary devices and other memory storage devices, such as floppy disks, removable disks, compact disks, digital video disks, magnetic tape, hard drive, optical disks and digital memory; local area networks, such as two or more computers connected together to a central computer server via cable or modem; peripheral input or output devices, such as keyboards, printers, scanners, plotters, video display monitors and optical readers; and related communication devices, such as modems, cables and connections, recording equipment, RAM or ROM units, acoustic couplers, automatic dialers, speed dialers, programmable telephone dialing or signaling devices and electronic tone-generating devices; as well as any devices, mechanisms or parts that can be used to restrict access to computer hardware, such as physical keys and locks;

(8) "Computer network", two or more interconnected computers or computer systems;

(9) "Computer program", a set of instructions, statements, or related data that directs or is intended to direct a computer to perform certain functions;

(10) "Computer software", digital information which can be interpreted by a computer and any of its related components to direct the way they work. Software is stored in electronic, magnetic, optical or other digital form. The term commonly

includes programs to run operating systems and applications, such as word processing, graphic, or spreadsheet programs, utilities, compilers, interpreters and communications programs;

(11) "Computer-related documentation", written, recorded, printed or electronically stored material which explains or illustrates how to configure or use computer hardware, software or other related items;

(12) "Computer system", a set of related, connected or unconnected, computer equipment, data, or software;

[(4)] (13) "Confinement":

(a) A person is in confinement when such person is held in a place of confinement pursuant to arrest or order of a court, and remains in confinement until:

a. A court orders the person's release; or

b. The person is released on bail, bond, or recognizance, personal or otherwise; or

c. A public servant having the legal power and duty to confine the person authorizes his release without guard and without condition that he return to confinement;

(b) A person is not in confinement if:

a. The person is on probation or parole, temporary or otherwise; or

b. The person is under sentence to serve a term of confinement which is not continuous, or is serving a sentence under a work-release program, and in either such case is not being held in a place of confinement or is not being held under guard by a person having the legal power and duty to transport the person to or from a place of confinement;

1           [(5)] (14) "Consent": consent or lack of consent may be  
2 expressed or implied. Assent does not constitute consent if:

3           (a) It is given by a person who lacks the mental capacity  
4 to authorize the conduct charged to constitute the offense and  
5 such mental incapacity is manifest or known to the actor; or

6           (b) It is given by a person who by reason of youth, mental  
7 disease or defect, intoxication, a drug-induced state, or any  
8 other reason is manifestly unable or known by the actor to be  
9 unable to make a reasonable judgment as to the nature or  
10 harmfulness of the conduct charged to constitute the offense; or

11           (c) It is induced by force, duress or deception;

12           (15) "Controlled substance", a drug, substance, or  
13 immediate precursor in schedules I through V as defined in  
14 chapter 195;

15           [(6)] (16) "Criminal negligence" [has the meaning specified  
16 in section 562.016] , failure to be aware of a substantial and  
17 unjustifiable risk that circumstances exist or a result will  
18 follow, and such failure constitutes a gross deviation from the  
19 standard of care which a reasonable person would exercise in the  
20 situation;

21           [(7)] (17) "Custody", a person is in custody when [the  
22 person] he or she has been arrested but has not been delivered to  
23 a place of confinement;

24           (18) "Damage", when used in relation to a computer system  
25 or network, means any alteration, deletion, or destruction of any  
26 part of the computer system or network;

27           [(8)] (19) "Dangerous felony" [means], the felonies of  
28 arson in the first degree, assault in the first degree, attempted

1 rape in the first degree if physical injury results, attempted  
2 forcible rape if physical injury results, attempted sodomy in the  
3 first degree if physical injury results, attempted forcible  
4 sodomy if physical injury results, rape in the first degree,  
5 forcible rape, sodomy in the first degree, forcible sodomy,  
6 assault in the second degree if the victim of such assault is a  
7 special victim as defined in subdivision (14) of section 565.002,  
8 kidnapping in the first degree, kidnapping, murder in the second  
9 degree, assault of a law enforcement officer in the first degree,  
10 domestic assault in the first degree, elder abuse in the first  
11 degree, robbery in the first degree, statutory rape in the first  
12 degree when the victim is a child less than twelve years of age  
13 at the time of the commission of the act giving rise to the  
14 offense, statutory sodomy in the first degree when the victim is  
15 a child less than twelve years of age at the time of the  
16 commission of the act giving rise to the offense, [and,] child  
17 molestation in the first or second degree, abuse of a child if  
18 the child dies as a result of injuries sustained from conduct  
19 chargeable under section 568.060, child kidnapping, [and]  
20 parental kidnapping committed by detaining or concealing the  
21 whereabouts of the child for not less than one hundred twenty  
22 days under section 565.153, and an "intoxication-related traffic  
23 offense" or "intoxication-related boating offense" if the person  
24 is found to be a "habitual offender" or "habitual boating  
25 offender" as such terms are defined in section 577.001;

26 [(9)] (20) "Dangerous instrument" [means], any instrument,  
27 article or substance, which, under the circumstances in which it  
28 is used, is readily capable of causing death or other serious

1 physical injury;

2 (21) "Data", a representation of information, facts,  
3 knowledge, concepts, or instructions prepared in a formalized or  
4 other manner and intended for use in a computer or computer  
5 network. Data may be in any form including, but not limited to,  
6 printouts, microfiche, magnetic storage media, punched cards and  
7 as may be stored in the memory of a computer;

8 [(10)] (22) "Deadly weapon" [means] , any firearm, loaded  
9 or unloaded, or any weapon from which a shot, readily capable of  
10 producing death or serious physical injury, may be discharged, or  
11 a switchblade knife, dagger, billy club, blackjack or metal  
12 knuckles;

13 (23) "Digital camera", a camera that records images in a  
14 format which enables the images to be downloaded into a computer;

15 (24) "Disability", a mental, physical, or developmental  
16 impairment that substantially limits one or more major life  
17 activities or the ability to provide adequately for one's care or  
18 protection, whether the impairment is congenital or acquired by  
19 accident, injury or disease, where such impairment is verified by  
20 medical findings;

21 (25) "Elderly person", a person sixty years of age or  
22 older;

23 [(11)] (26) "Felony" [has the meaning specified in section  
24 556.016], an offense so designated or an offense for which  
25 persons found guilty thereof may be sentenced to death or  
26 imprisonment for a term of more than one year;

27 [(12)] (27) "Forcible compulsion" [means] either:

28 (a) Physical force that overcomes reasonable resistance; or

1 (b) A threat, express or implied, that places a person in  
2 reasonable fear of death, serious physical injury or kidnapping  
3 of such person or another person;

4 [(13)] (28) "Incapacitated" [means that], a temporary or  
5 permanent physical or mental condition[, temporary or permanent,]  
6 in which a person is unconscious, unable to appraise the nature  
7 of [such person's] his or her conduct, or unable to communicate  
8 unwillingness to an act;

9 [(14)] (29) "Infraction" [has the meaning specified in  
10 section 556.021], a violation defined by this code or by any  
11 other statute of this state if it is so designated or if no  
12 sentence other than a fine, or fine and forfeiture or other civil  
13 penalty, is authorized upon conviction;

14 [(15)] (30) "Inhabitable structure" [has the meaning  
15 specified in section 569.010], a vehicle, vessel or structure:

16 (a) Where any person lives or carries on business or other  
17 calling; or

18 (b) Where people assemble for purposes of business,  
19 government, education, religion, entertainment, or public  
20 transportation; or

21 (c) Which is used for overnight accommodation of persons.  
22 Any such vehicle, vessel, or structure is "inhabitable"  
23 regardless of whether a person is actually present.  
24 If a building or structure is divided into separately occupied  
25 units, any unit not occupied by the actor is an "inhabitable  
26 structure of another";

27 [(16)] (31) "Knowingly" [has the meaning specified in  
28 section 562.016], when used with respect to:

1        (a) Conduct or attendant circumstances, means a person is  
2 aware of the nature of his or her conduct or that those  
3 circumstances exist; or

4        (b) A result of conduct, means a person is aware that his  
5 or her conduct is practically certain to cause that result;

6        [(17)] (32) "Law enforcement officer" [means], any public  
7 servant having both the power and duty to make arrests for  
8 violations of the laws of this state, and federal law enforcement  
9 officers authorized to carry firearms and to make arrests for  
10 violations of the laws of the United States;

11       [(18)] (33) "Misdemeanor" [has the meaning specified in  
12 section 556.016], an offense so designated or an offense for  
13 which persons found guilty thereof may be sentenced to  
14 imprisonment for a term of which the maximum is one year or less;

15       (34) "Of another", property that any entity, including but  
16 not limited to any natural person, corporation, limited liability  
17 company, partnership, association, governmental subdivision or  
18 instrumentality, other than the actor, has a possessory or  
19 proprietary interest therein, except that property shall not be  
20 deemed property of another who has only a security interest  
21 therein, even if legal title is in the creditor pursuant to a  
22 conditional sales contract or other security arrangement;

23       [(19)] (35) "Offense" [means], any felony[, ] or misdemeanor  
24 [or infraction];

25       [(20)] (36) "Physical injury" [means physical pain,  
26 illness, or any impairment of physical condition], slight  
27 impairment of any function of the body or temporary loss of use  
28 of any part of the body;

1           [(21)] (37) "Place of confinement" [means], any building or  
2 facility and the grounds thereof wherein a court is legally  
3 authorized to order that a person charged with or convicted of a  
4 crime be held;

5           [(22)] (38) "Possess" or "possessed" [means], having actual  
6 or constructive possession of an object with knowledge of its  
7 presence. A person has actual possession if such person has the  
8 object on his or her person or within easy reach and convenient  
9 control. A person has constructive possession if such person has  
10 the power and the intention at a given time to exercise dominion  
11 or control over the object either directly or through another  
12 person or persons. Possession may also be sole or joint. If one  
13 person alone has possession of an object, possession is sole. If  
14 two or more persons share possession of an object, possession is  
15 joint;

16           (39) "Property", anything of value, whether real or  
17 personal, tangible or intangible, in possession or in action;

18           [(23)] (40) "Public servant" [means], any person employed  
19 in any way by a government of this state who is compensated by  
20 the government by reason of such person's employment, any person  
21 appointed to a position with any government of this state, or any  
22 person elected to a position with any government of this state.  
23 It includes, but is not limited to, legislators, jurors, members  
24 of the judiciary and law enforcement officers. It does not  
25 include witnesses;

26           [(24)] (41) "Purposely" [has the meaning specified in  
27 section 562.016], when used with respect to a person's conduct or  
28 to a result thereof, means when it is his or her conscious object

1 to engage in that conduct or to cause that result;

2 [(25)] (42) "Recklessly" [has the meaning specified in  
3 section 562.016], consciously disregarding a substantial and  
4 unjustifiable risk that circumstances exist or that a result will  
5 follow, and such disregard constitutes a gross deviation from the  
6 standard of care which a reasonable person would exercise in the  
7 situation;

8 [(26) "Ritual" or "ceremony" means an act or series of acts  
9 performed by two or more persons as part of an established or  
10 prescribed pattern of activity;

11 (27)] (43) "Serious emotional injury", an injury that  
12 creates a substantial risk of temporary or permanent medical or  
13 psychological damage, manifested by impairment of a behavioral,  
14 cognitive or physical condition. Serious emotional injury shall  
15 be established by testimony of qualified experts upon the  
16 reasonable expectation of probable harm to a reasonable degree of  
17 medical or psychological certainty;

18 [(28)] (44) "Serious physical injury" [means], physical  
19 injury that creates a substantial risk of death or that causes  
20 serious disfigurement or protracted loss or impairment of the  
21 function of any part of the body;

22 [(29) "Sexual conduct" means acts of human masturbation;  
23 deviate sexual intercourse; sexual intercourse; or physical  
24 contact with a person's clothed or unclothed genitals, pubic  
25 area, buttocks, or the breast of a female in an act of apparent  
26 sexual stimulation or gratification;

27 (30) "Sexual contact" means any touching of the genitals or  
28 anus of any person, or the breast of any female person, or any

1 such touching through the clothing, for the purpose of arousing  
2 or gratifying sexual desire of any person;

3 (31) "Sexual performance", any performance, or part  
4 thereof, which includes sexual conduct by a child who is less  
5 than seventeen years of age;]

6 (45) "Services", when used in relation to a computer system  
7 or network, means use of a computer, computer system, or computer  
8 network and includes, but is not limited to, computer time, data  
9 processing, and storage or retrieval functions;

10 (46) "Sexual orientation", male or female heterosexuality,  
11 homosexuality or bisexuality by inclination, practice, identity  
12 or expression, or having a self-image or identity not  
13 traditionally associated with one's gender;

14 (47) "Vehicle", a self-propelled mechanical device designed  
15 to carry a person or persons, excluding vessels or aircraft;

16 (48) "Vessel", any boat or craft propelled by a motor or by  
17 machinery, whether or not such motor or machinery is a principal  
18 source of propulsion used or capable of being used as a means of  
19 transportation on water, or any boat or craft more than twelve  
20 feet in length which is powered by sail alone or by a combination  
21 of sail and machinery, and used or capable of being used as a  
22 means of transportation on water, but not any boat or craft  
23 having, as the only means of propulsion, a paddle or oars;

24 [(32)] (49) "Voluntary act" [has the meaning specified in  
25 section 562.011]:

26 (a) A bodily movement performed while conscious as a result  
27 of effort or determination. Possession is a voluntary act if the  
28 possessor knowingly procures or receives the thing possessed, or

1 having acquired control of it was aware of his or her control for  
2 a sufficient time to have enabled him or her to dispose of it or  
3 terminate his or her control; or

4 (b) An omission to perform an act of which the actor is  
5 physically capable. A person is not guilty of an offense based  
6 solely upon an omission to perform an act unless the law defining  
7 the offense expressly so provides, or a duty to perform the  
8 omitted act is otherwise imposed by law;

9 (50) "Vulnerable person", any person in the custody, care,  
10 or control of the department of mental health who is receiving  
11 services from an operated, funded, licensed, or certified  
12 program.

13 558.019. 1. This section shall not be construed to affect  
14 the powers of the governor under article IV, section 7, of the  
15 Missouri Constitution. This statute shall not affect those  
16 provisions of section 565.020, section [558.018] 566.125, or  
17 section 571.015, which set minimum terms of sentences, or the  
18 provisions of section 559.115, relating to probation.

19 2. The provisions of subsections 2 to 5 of this section  
20 shall be applicable to all classes of felonies except those set  
21 forth in chapter [195] 579, or in chapter 195 prior to January 1,  
22 2017, and those otherwise excluded in subsection 1 of this  
23 section. For the purposes of this section, "prison commitment"  
24 means and is the receipt by the department of corrections of an  
25 offender after sentencing. For purposes of this section, prior  
26 prison commitments to the department of corrections shall not  
27 include [commitment to a regimented discipline program  
28 established pursuant to section 217.378] an offender's first

1 incarceration prior to release on probation under section 217.362  
2 or 559.115. Other provisions of the law to the contrary  
3 notwithstanding, any offender who has [pleaded guilty to or has]  
4 been found guilty of a felony other than a dangerous felony as  
5 defined in section 556.061 and is committed to the department of  
6 corrections shall be required to serve the following minimum  
7 prison terms:

8 (1) If the offender has one previous prison commitment to  
9 the department of corrections for a felony offense, the minimum  
10 prison term which the offender must serve shall be forty percent  
11 of his or her sentence or until the offender attains seventy  
12 years of age, and has served at least thirty percent of the  
13 sentence imposed, whichever occurs first;

14 (2) If the offender has two previous prison commitments to  
15 the department of corrections for felonies unrelated to the  
16 present offense, the minimum prison term which the offender must  
17 serve shall be fifty percent of his or her sentence or until the  
18 offender attains seventy years of age, and has served at least  
19 forty percent of the sentence imposed, whichever occurs first;

20 (3) If the offender has three or more previous prison  
21 commitments to the department of corrections for felonies  
22 unrelated to the present offense, the minimum prison term which  
23 the offender must serve shall be eighty percent of his or her  
24 sentence or until the offender attains seventy years of age, and  
25 has served at least forty percent of the sentence imposed,  
26 whichever occurs first.

27 3. Other provisions of the law to the contrary  
28 notwithstanding, any offender who has [pleaded guilty to or has]

1    been found guilty of a dangerous felony as defined in section  
2    556.061 and is committed to the department of corrections shall  
3    be required to serve a minimum prison term of eighty-five percent  
4    of the sentence imposed by the court or until the offender  
5    attains seventy years of age, and has served at least forty  
6    percent of the sentence imposed, whichever occurs first.

7           4. For the purpose of determining the minimum prison term  
8    to be served, the following calculations shall apply:

9           (1) A sentence of life shall be calculated to be thirty  
10   years;

11          (2) Any sentence either alone or in the aggregate with  
12   other consecutive sentences for ~~[crimes]~~ offenses committed at or  
13   near the same time which is over seventy-five years shall be  
14   calculated to be seventy-five years.

15          5. For purposes of this section, the term "minimum prison  
16   term" shall mean time required to be served by the offender  
17   before he or she is eligible for parole, conditional release or  
18   other early release by the department of corrections.

19          6. (1) A sentencing advisory commission is hereby created  
20   to consist of eleven members. One member shall be appointed by  
21   the speaker of the house. One member shall be appointed by the  
22   president pro tem of the senate. One member shall be the  
23   director of the department of corrections. Six members shall be  
24   appointed by and serve at the pleasure of the governor from among  
25   the following: the public defender commission; private citizens;  
26   a private member of the Missouri Bar; the board of probation and  
27   parole; and a prosecutor. Two members shall be appointed by the  
28   supreme court, one from a metropolitan area and one from a rural

1 area. All members shall be appointed to a four-year term. All  
2 members of the sentencing commission appointed prior to August  
3 28, 1994, shall continue to serve on the sentencing advisory  
4 commission at the pleasure of the governor.

5 (2) The commission shall study sentencing practices in the  
6 circuit courts throughout the state for the purpose of  
7 determining whether and to what extent disparities exist among  
8 the various circuit courts with respect to the length of  
9 sentences imposed and the use of probation for offenders  
10 convicted of the same or similar [crimes] offenses and with  
11 similar criminal histories. The commission shall also study and  
12 examine whether and to what extent sentencing disparity among  
13 economic and social classes exists in relation to the sentence of  
14 death and if so, the reasons therefor, if sentences are  
15 comparable to other states, if the length of the sentence is  
16 appropriate, and the rate of rehabilitation based on sentence.  
17 It shall compile statistics, examine cases, draw conclusions, and  
18 perform other duties relevant to the research and investigation  
19 of disparities in death penalty sentencing among economic and  
20 social classes.

21 (3) The commission shall study alternative sentences,  
22 prison work programs, work release, home-based incarceration,  
23 probation and parole options, and any other programs and report  
24 the feasibility of these options in Missouri.

25 (4) The governor shall select a chairperson who shall call  
26 meetings of the commission as required or permitted pursuant to  
27 the purpose of the sentencing commission.

28 (5) The members of the commission shall not receive

1 compensation for their duties on the commission, but shall be  
2 reimbursed for actual and necessary expenses incurred in the  
3 performance of these duties and for which they are not reimbursed  
4 by reason of their other paid positions.

5 (6) The circuit and associate circuit courts of this state,  
6 the office of the state courts administrator, the department of  
7 public safety, and the department of corrections shall cooperate  
8 with the commission by providing information or access to  
9 information needed by the commission. The office of the state  
10 courts administrator will provide needed staffing resources.

11 7. Courts shall retain discretion to lower or exceed the  
12 sentence recommended by the commission as otherwise allowable by  
13 law, and to order restorative justice methods, when applicable.

14 8. If the imposition or execution of a sentence is  
15 suspended, the court may order any or all of the following  
16 restorative justice methods, or any other method that the court  
17 finds just or appropriate:

18 (1) Restitution to any victim or a statutorily created fund  
19 for costs incurred as a result of the offender's actions;

20 (2) Offender treatment programs;

21 (3) Mandatory community service;

22 (4) Work release programs in local facilities; and

23 (5) Community-based residential and nonresidential  
24 programs.

25 9. The provisions of this section shall apply only to  
26 offenses occurring on or after August 28, 2003.

27 10. Pursuant to subdivision (1) of subsection 8 of this  
28 section, the court may order the assessment and payment of a

1 designated amount of restitution to a county law enforcement  
2 restitution fund established by the county commission pursuant to  
3 section 50.565. Such contribution shall not exceed three hundred  
4 dollars for any charged offense. Any restitution moneys  
5 deposited into the county law enforcement restitution fund  
6 pursuant to this section shall only be expended pursuant to the  
7 provisions of section 50.565.

8 11. A judge may order payment to a restitution fund only if  
9 such fund had been created by ordinance or resolution of a county  
10 of the state of Missouri prior to sentencing. A judge shall not  
11 have any direct supervisory authority or administrative control  
12 over any fund to which the judge is ordering a [defendant] person  
13 to make payment.

14 12. A [defendant] person who fails to make a payment to a  
15 county law enforcement restitution fund may not have his or her  
16 probation revoked solely for failing to make such payment unless  
17 the judge, after evidentiary hearing, makes a finding supported  
18 by a preponderance of the evidence that the [defendant] person  
19 either willfully refused to make the payment or that the  
20 [defendant] person willfully, intentionally, and purposefully  
21 failed to make sufficient bona fide efforts to acquire the  
22 resources to pay.

23 13. Nothing in this section shall be construed to allow the  
24 sentencing advisory commission to issue recommended sentences in  
25 specific cases pending in the courts of this state.

26 559.036. 1. A term of probation commences on the day it is  
27 imposed. Multiple terms of Missouri probation, whether imposed at  
28 the same time or at different times, shall run concurrently.

1 Terms of probation shall also run concurrently with any federal  
2 or other state jail, prison, probation or parole term for another  
3 offense to which the defendant is or becomes subject during the  
4 period, unless otherwise specified by the Missouri court.

5 2. The court may terminate a period of probation and  
6 discharge the defendant at any time before completion of the  
7 specific term fixed under section 559.016 if warranted by the  
8 conduct of the defendant and the ends of justice. The court may  
9 extend the term of the probation, but no more than one extension  
10 of any probation may be ordered except that the court may extend  
11 the term of probation by one additional year by order of the  
12 court if the defendant admits he or she has violated the  
13 conditions of probation or is found by the court to have violated  
14 the conditions of his or her probation. Total time on any  
15 probation term, including any extension shall not exceed the  
16 maximum term established in section 559.016. Procedures for  
17 termination, discharge and extension may be established by rule  
18 of court.

19 3. If the defendant violates a condition of probation at  
20 any time prior to the expiration or termination of the probation  
21 term, the court may continue him or her on the existing  
22 conditions, with or without modifying or enlarging the conditions  
23 or extending the term.

24 4. (1) Unless the defendant consents to the revocation of  
25 probation, if a continuation, modification, enlargement or  
26 extension is not appropriate under this section, the court shall  
27 order placement of the offender in one of the department of  
28 corrections' one hundred twenty-day programs so long as:

1           (a) The underlying offense for the probation is a class [C  
2 or] D or E felony or an offense listed in chapter [195] 579 or an  
3 offense previously listed in chapter 195; except that, the court  
4 may, upon its own motion or a motion of the prosecuting or  
5 circuit attorney, make a finding that an offender is not eligible  
6 if the underlying offense is [involuntary manslaughter in the  
7 first degree,] involuntary manslaughter in the second degree,  
8 [aggravated] stalking in the first degree, assault in the second  
9 degree, sexual assault, rape in the second degree, domestic  
10 assault in the second degree, assault [of a law enforcement  
11 officer in the second degree] in the third degree when the victim  
12 is a special victim, statutory rape in the second degree,  
13 statutory sodomy in the second degree, deviate sexual assault,  
14 sodomy in the second degree, sexual misconduct involving a child,  
15 incest, endangering the welfare of a child in the first degree  
16 under subdivision (1) or (2) of subsection 1 of section 568.045,  
17 abuse of a child, invasion of privacy [or], any case in which the  
18 defendant is found guilty of a felony offense under chapter 571,  
19 or an offense of aggravated stalking or assault of a law  
20 enforcement officer in the second degree as such offenses existed  
21 prior to January 1, 2017;

22           (b) The probation violation is not the result of the  
23 defendant being an absconder or being found guilty of, pleading  
24 guilty to, or being arrested on suspicion of any felony,  
25 misdemeanor, or infraction. For purposes of this subsection,  
26 "absconder" shall mean an offender under supervision who has left  
27 such offender's place of residency without the permission of the  
28 offender's supervising officer for the purpose of avoiding

1 supervision;

2 (c) The defendant has not violated any conditions of  
3 probation involving the possession or use of weapons, or a  
4 stay-away condition prohibiting the defendant from contacting a  
5 certain individual; and

6 (d) The defendant has not already been placed in one of the  
7 programs by the court for the same underlying offense or during  
8 the same probation term.

9 (2) Upon receiving the order, the department of corrections  
10 shall conduct an assessment of the offender and place such  
11 offender in the appropriate one hundred twenty-day program under  
12 subsection 3 of section 559.115.

13 (3) Notwithstanding any of the provisions of subsection 3  
14 of section 559.115 to the contrary, once the defendant has  
15 successfully completed the program under this subsection, the  
16 court shall release the defendant to continue to serve the term  
17 of probation, which shall not be modified, enlarged, or extended  
18 based on the same incident of violation. Time served in the  
19 program shall be credited as time served on any sentence imposed  
20 for the underlying offense.

21 5. If the defendant consents to the revocation of probation  
22 or if the defendant is not eligible under subsection 4 of this  
23 section for placement in a program and a continuation,  
24 modification, enlargement, or extension of the term under this  
25 section is not appropriate, the court may revoke probation and  
26 order that any sentence previously imposed be executed. If  
27 imposition of sentence was suspended, the court may revoke  
28 probation and impose any sentence available under section

1 557.011. The court may mitigate any sentence of imprisonment by  
2 reducing the prison or jail term by all or part of the time the  
3 defendant was on probation. The court may, upon revocation of  
4 probation, place an offender on a second term of probation. Such  
5 probation shall be for a term of probation as provided by section  
6 559.016, notwithstanding any amount of time served by the  
7 offender on the first term of probation.

8 6. Probation shall not be revoked without giving the  
9 probationer notice and an opportunity to be heard on the issues  
10 of whether such probationer violated a condition of probation  
11 and, if a condition was violated, whether revocation is warranted  
12 under all the circumstances. Not less than five business days  
13 prior to the date set for a hearing on the violation, except for  
14 a good cause shown, the judge shall inform the probationer that  
15 he or she may have the right to request the appointment of  
16 counsel if the probationer is unable to retain counsel. If the  
17 probationer requests counsel, the judge shall determine whether  
18 counsel is necessary to protect the probationer's due process  
19 rights. If the judge determines that counsel is not necessary,  
20 the judge shall state the grounds for the decision in the record.

21 7. The prosecuting or circuit attorney may file a motion to  
22 revoke probation or at any time during the term of probation, the  
23 court may issue a notice to the probationer to appear to answer a  
24 charge of a violation, and the court may issue a warrant of  
25 arrest for the violation. Such notice shall be personally served  
26 upon the probationer. The warrant shall authorize the return of  
27 the probationer to the custody of the court or to any suitable  
28 detention facility designated by the court. Upon the filing of

1 the prosecutor's or circuit attorney's motion or on the court's  
2 own motion, the court may immediately enter an order suspending  
3 the period of probation and may order a warrant for the  
4 defendant's arrest. The probation shall remain suspended until  
5 the court rules on the prosecutor's or circuit attorney's motion,  
6 or until the court otherwise orders the probation reinstated.

7 8. The power of the court to revoke probation shall extend  
8 for the duration of the term of probation designated by the court  
9 and for any further period which is reasonably necessary for the  
10 adjudication of matters arising before its expiration, provided  
11 that some affirmative manifestation of an intent to conduct a  
12 revocation hearing occurs prior to the expiration of the period  
13 and that every reasonable effort is made to notify the  
14 probationer and to conduct the hearing prior to the expiration of  
15 the period.

16 9. A defendant who was sentenced prior to January 1, 2017  
17 to an offense that was eligible at the time of sentencing under  
18 paragraph (a) of subdivision (1) of subsection 4 of this section  
19 for the court ordered detention sanction shall continue to remain  
20 eligible for the sanction so long as the defendant meets all the  
21 other requirements provided under subsection 4 of this section.

22 559.106. 1. Notwithstanding any statutory provision to the  
23 contrary, when a court grants probation to an offender who has  
24 [pleaded guilty to or has] been found guilty of an offense in:

25 (1) Section 566.030, 566.032, 566.060, [or] 566.062, [based  
26 on an act committed on or after August 28, 2006, or the offender  
27 has pleaded guilty to or has been found guilty of an offense  
28 under section] 566.067, 566.083, 566.100, 566.151, 566.212,

566.213, 568.020, 568.080, or 568.090, based on an act committed  
on or after August 28, 2006[,]; or  
(2) Section 566.068, 566.069, 566.210, 566.211, 573.200, or  
573.205 based on an act committed on or after January 1, 2017,  
against a victim who was less than fourteen years [old] of age  
and the offender is a prior sex offender as defined in subsection  
2 of this section[,];

the court shall order that the offender be supervised by the  
board of probation and parole for the duration of his or her  
natural life.

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

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

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

559.115. 1. Neither probation nor parole shall be granted

1 by the circuit court between the time the transcript on appeal  
2 from the offender's conviction has been filed in appellate court  
3 and the disposition of the appeal by such court.

4 2. Unless otherwise prohibited by subsection 8 of this  
5 section, a circuit court only upon its own motion and not that of  
6 the state or the offender shall have the power to grant probation  
7 to an offender anytime up to one hundred twenty days after such  
8 offender has been delivered to the department of corrections but  
9 not thereafter. The court may request information and a  
10 recommendation from the department concerning the offender and  
11 such offender's behavior during the period of incarceration.  
12 Except as provided in this section, the court may place the  
13 offender on probation in a program created pursuant to section  
14 217.777, or may place the offender on probation with any other  
15 conditions authorized by law.

16 3. The court may recommend placement of an offender in a  
17 department of corrections one hundred twenty-day program under  
18 this subsection or order such placement under subsection 4 of  
19 section 559.036. Upon the recommendation or order of the court,  
20 the department of corrections shall assess each offender to  
21 determine the appropriate one hundred twenty-day program in which  
22 to place the offender, which may include placement in the shock  
23 incarceration program or institutional treatment program. When  
24 the court recommends and receives placement of an offender in a  
25 department of corrections one hundred twenty-day program, the  
26 offender shall be released on probation if the department of  
27 corrections determines that the offender has successfully  
28 completed the program except as follows. Upon successful

1 completion of a program under this subsection, the board of  
2 probation and parole shall advise the sentencing court of an  
3 offender's probationary release date thirty days prior to  
4 release. The court shall follow the recommendation of the  
5 department unless the court determines that probation is not  
6 appropriate. If the court determines that probation is not  
7 appropriate, the court may order the execution of the offender's  
8 sentence only after conducting a hearing on the matter within  
9 ninety to one hundred twenty days from the date the offender was  
10 delivered to the department of corrections. If the department  
11 determines the offender has not successfully completed a one  
12 hundred twenty-day program under this subsection, the offender  
13 shall be removed from the program and the court shall be advised  
14 of the removal. The department shall report on the offender's  
15 participation in the program and may provide recommendations for  
16 terms and conditions of an offender's probation. The court shall  
17 then have the power to grant probation or order the execution of  
18 the offender's sentence.

19 4. If the court is advised that an offender is not eligible  
20 for placement in a one hundred twenty-day program under  
21 subsection 3 of this section, the court shall consider other  
22 authorized dispositions. If the department of corrections one  
23 hundred twenty-day program under subsection 3 of this section is  
24 full, the court may place the offender in a private program  
25 approved by the department of corrections or the court, the  
26 expenses of such program to be paid by the offender, or in an  
27 available program offered by another organization. If the  
28 offender is convicted of a class C [or], class D, or class E

1 nonviolent felony, the court may order probation while awaiting  
2 appointment to treatment.

3 5. Except when the offender has been found to be a  
4 predatory sexual offender pursuant to section [558.018] 566.125,  
5 the court shall request the department of corrections to conduct  
6 a sexual offender assessment if the defendant [has pleaded guilty  
7 to or] has been found guilty of sexual abuse when classified as a  
8 class B felony. Upon completion of the assessment, the  
9 department shall provide to the court a report on the offender  
10 and may provide recommendations for terms and conditions of an  
11 offender's probation. The assessment shall not be considered a  
12 one hundred twenty-day program as provided under subsection 3 of  
13 this section. The process for granting probation to an offender  
14 who has completed the assessment shall be as provided under  
15 subsections 2 and 6 of this section.

16 6. Unless the offender is being granted probation pursuant  
17 to successful completion of a one hundred twenty-day program the  
18 circuit court shall notify the state in writing when the court  
19 intends to grant probation to the offender pursuant to the  
20 provisions of this section. The state may, in writing, request a  
21 hearing within ten days of receipt of the court's notification  
22 that the court intends to grant probation. Upon the state's  
23 request for a hearing, the court shall grant a hearing as soon as  
24 reasonably possible. If the state does not respond to the  
25 court's notice in writing within ten days, the court may proceed  
26 upon its own motion to grant probation.

27 7. An offender's first incarceration under this section  
28 prior to release on probation shall not be considered a previous

1 prison commitment for the purpose of determining a minimum prison  
2 term under the provisions of section 558.019.

3 8. Notwithstanding any other provision of law, probation  
4 may not be granted pursuant to this section to offenders who have  
5 been convicted of murder in the second degree pursuant to section  
6 565.021; forcible rape pursuant to section 566.030 as it existed  
7 prior to August 28, 2013; rape in the first degree under section  
8 566.030; forcible sodomy pursuant to section 566.060 as it  
9 existed prior to August 28, 2013; sodomy in the first degree  
10 under section 566.060; statutory rape in the first degree  
11 pursuant to section 566.032; statutory sodomy in the first degree  
12 pursuant to section 566.062; child molestation in the first  
13 degree pursuant to section 566.067 when classified as a class A  
14 felony; abuse of a child pursuant to section 568.060 when  
15 classified as a class A felony; or an offender who has been found  
16 to be a predatory sexual offender pursuant to section [558.018]  
17 566.125; or any offense in which there exists a statutory  
18 prohibition against either probation or parole.

19 559.633. 1. Upon [a plea of guilty or] a finding of  
20 [guilty for a commission of] guilt for a felony offense pursuant  
21 to chapter 195 or 579, except for those offenses in which there  
22 exists a statutory prohibition against either probation or  
23 parole, when placing the person on probation, the court shall  
24 order the person to begin a required educational assessment and  
25 community treatment program within the first sixty days of  
26 probation as a condition of probation. Persons who are placed on  
27 probation after a period of incarceration pursuant to section  
28 559.115 may not be required to participate in a required

1 educational assessment and community treatment program.

2 2. The fees for the required educational assessment and  
3 community treatment program, or a portion of such fees, to be  
4 determined by the department of corrections, shall be paid by the  
5 person receiving the assessment. Any person who is assessed  
6 shall pay, in addition to any fee charged for the assessment, a  
7 supplemental fee of sixty dollars. The administrator of the  
8 program shall remit to the department of corrections the  
9 supplemental fees for all persons assessed, less two percent for  
10 administrative costs. The supplemental fees received by the  
11 department of corrections pursuant to this section shall be  
12 deposited in the correctional substance abuse earnings fund  
13 created pursuant to section 559.635.

14 565.002. As used in this chapter, unless a different  
15 meaning is otherwise plainly required the following terms mean:

16 (1) "Adequate cause" [means], cause that would reasonably  
17 produce a degree of passion in a person of ordinary temperament  
18 sufficient to substantially impair an ordinary person's capacity  
19 for self-control;

20 (2) "Child", a person under seventeen years of age;

21 (3) "Conduct", includes any act or omission;

22 (4) "Course of conduct", a pattern of conduct composed of  
23 two or more acts, which may include communication by any means,  
24 over a period of time, however short, evidencing a continuity of  
25 purpose. Constitutionally protected activity is not included  
26 within the meaning of course of conduct. Such constitutionally  
27 protected activity includes picketing or other organized  
28 protests;

1           [(3)] (5) "Deliberation" means cool reflection for any  
2 length of time no matter how brief;

3           (4) "Intoxicated condition" means under the influence of  
4 alcohol, a controlled substance, or drug, or any combination  
5 thereof;

6           (5) "Operates" means physically driving or operating or  
7 being in actual physical control of a motor vehicle;

8           (6) "Serious physical injury" means physical injury that  
9 creates a substantial risk of death or that causes serious  
10 disfigurement or protracted loss or impairment of the function of  
11 any part of the body;]

12           (6) "Domestic victim", a household or family member as the  
13 term "family" or "household member" is defined in section  
14 455.010, including any child who is a member of the household or  
15 family;

16           (7) "Emotional distress", something markedly greater than  
17 the level of uneasiness, nervousness, unhappiness, or the like  
18 which are commonly experienced in day-to-day living;

19           (8) "Full or partial nudity", the showing of all or any  
20 part of the human genitals, pubic area, buttock, or any part of  
21 the nipple of the breast of any female person, with less than a  
22 fully opaque covering;

23           (9) "Legal custody", the right to the care, custody and  
24 control of a child;

25           (10) "Parent", either a biological parent or a parent by  
26 adoption;

27           (11) "Person having a right of custody", a parent or legal  
28 guardian of the child;

1       (12) "Photographs" or "films", the making of any  
2 photograph, motion picture film, videotape, or any other  
3 recording or transmission of the image of a person;

4       (13) "Place where a person would have a reasonable  
5 expectation of privacy", any place where a reasonable person  
6 would believe that a person could disrobe in privacy, without  
7 being concerned that the person's undressing was being viewed,  
8 photographed or filmed by another;

9       (14) "Special victim", any of the following:

10       (a) A law enforcement officer assaulted in the performance  
11 of his or her official duties or as a direct result of such  
12 official duties;

13       (b) Emergency personnel, any paid or volunteer firefighter,  
14 emergency room or trauma center personnel, or emergency medical  
15 technician, assaulted in the performance of his or her official  
16 duties or as a direct result of such official duties;

17       (c) A probation and parole officer assaulted in the  
18 performance of his or her official duties or as a direct result  
19 of such official duties;

20       (d) An elderly person;

21       (e) A person with a disability;

22       (f) A vulnerable person;

23       (g) Any jailer or corrections officer of the state or one  
24 of its political subdivisions assaulted in the performance of his  
25 or her official duties or as a direct result of such official  
26 duties;

27       (h) A highway worker in a construction or work zone as the  
28 terms "highway worker", "construction zone", and "work zone" are

1 defined under section 304.580;

2 (i) Any utility worker, meaning any employee of a utility  
3 that provides gas, heat, electricity, water, steam,  
4 telecommunications services, or sewer services, whether  
5 privately, municipally, or cooperatively owned, while in the  
6 performance of his or her job duties, including any person  
7 employed under a contract;

8 (j) Any cable worker, meaning any employee of a cable  
9 operator, as such term is defined in section 67.2677, including  
10 any person employed under contract, while in the performance of  
11 his or her job duties; and

12 (k) Any employee of a mass transit system, including any  
13 employee of public bus or light rail companies, while in the  
14 performance of his or her job duties;

15 ~~[(7)]~~ (15) "Sudden passion" ~~[means]~~, passion directly  
16 caused by and arising out of provocation by the victim or another  
17 acting with the victim which passion arises at the time of the  
18 offense and is not solely the result of former provocation;

19 ~~[(8)]~~ (16) "Trier" ~~[means]~~, the judge or jurors to whom  
20 issues of fact, guilt or innocence, or the assessment and  
21 declaration of punishment are submitted for decision;

22 (17) "Views", the looking upon of another person, with the  
23 unaided eye or with any device designed or intended to improve  
24 visual acuity, for the purpose of arousing or gratifying the  
25 sexual desire of any person.

26 565.073. 1. A person commits the ~~[crime]~~ offense of  
27 domestic assault in the second degree if the act involves a  
28 ~~[family or household member, including any child who is a member~~

1 of the family or household, as defined in section 455.010]  
2 domestic victim, as the term "domestic victim" is defined under  
3 section 565.002, and he or she:

4 (1) [Attempts to cause or] Knowingly causes physical injury  
5 to such [family or household member] domestic victim by any  
6 means, including but not limited to, [by] use of a deadly weapon  
7 or dangerous instrument, or by choking or strangulation; or

8 (2) Recklessly causes serious physical injury to such  
9 [family or household member] domestic victim; or

10 (3) Recklessly causes physical injury to such [family or  
11 household member] domestic victim by means of any deadly weapon.

12 2. The offense of domestic assault in the second degree is  
13 a class [C] D felony.

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, incest; section  
19 568.045, endangering the welfare of a child in the first degree;  
20 subsection 2 of section 568.080 as it existed prior to January 1,  
21 2017, or section 573.200, use of a child in a sexual performance;  
22 section 568.090 as it existed prior to January 1, 2017, or  
23 section 573.205, promoting a sexual performance by a child;  
24 section 573.023, sexual exploitation of a minor; section 573.025,  
25 promoting child pornography in the first degree; section 573.035,  
26 promoting child pornography in the second degree; section  
27 573.037, possession of child pornography, or section 573.040,  
28 furnishing pornographic material to minors; or

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

5  
6 shall not reside within one thousand feet of any public school as  
7 defined in section 160.011, any private school giving instruction  
8 in a grade or grades not higher than the twelfth grade, or any  
9 child care facility that is licensed under chapter 210, or any  
10 child care facility as defined in section 210.201 that is exempt  
11 from state licensure but subject to state regulation under  
12 section 210.252 and holds itself out to be a child care facility,  
13 where the school or facility is in existence at the time the  
14 individual begins to reside at the location.

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

27           3. For purposes of this section, "resides" means sleeps in  
28 a residence, which may include more than one location and may be

mobile or transitory.

4. Violation of the provisions of subsection 1 of this section is a class ~~[D]~~ E felony except that the second or any 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]~~ E 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, incest; section 568.045, endangering the welfare of a child in the first degree; subsection 2 of section 568.080 as it existed prior to January 1, 2017, or section 573.200, use of a child in a sexual performance; section 568.090 as it existed prior to January 1, 2017, or section 573.205, promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography in the first degree; section 573.035, promoting child pornography in the second degree; section 573.037, possession of child pornography, or section 573.040, 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

1 any child under eighteen years of age in any child care facility  
2 building, on the real property comprising any child care facility  
3 when persons under the age of eighteen are present in the  
4 building, on the grounds, or in the conveyance, unless the  
5 offender is a parent, legal guardian, or custodian of a student  
6 present in the building or on the grounds.

7 2. For purposes of this section, "child care facility"  
8 shall [have the same meaning as such term is defined in section  
9 210.201] include any child care facility licensed under chapter  
10 210, or any child care facility that is exempt from state  
11 licensure but subject to state regulation under section 210.252  
12 and holds itself out to be a child care facility.

13 3. [Any person who violates] Violation of the provisions of  
14 this section is [guilty of] a class A misdemeanor.

15 566.149. 1. Any person who has [pleaded guilty or nolo  
16 contendere to, or been 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, incest; section  
19 568.045, endangering the welfare of a child in the first degree;  
20 subsection 2 of section 568.080 as it existed prior to January 1,  
21 2017, or section 573.200, use of a child in a sexual performance;  
22 section 568.090 as it existed prior to January 1, 2017, or  
23 section 573.205, promoting a sexual performance by a child;  
24 section 573.023, sexual exploitation of a minor; section 573.025,  
25 promoting child pornography; or section 573.040, furnishing  
26 pornographic material to minors; or

27 (2) Any offense in any other [state or foreign country, or  
28 under tribal, federal, or military] jurisdiction which, if

1 committed in this state, would be a violation listed in this  
2 section;

3  
4 shall not be present in or loiter within five hundred feet of any  
5 school building, on real property comprising any school, or in  
6 any conveyance owned, leased, or contracted by a school to  
7 transport students to or from school or a school-related activity  
8 when persons under the age of eighteen are present in the  
9 building, on the grounds, or in the conveyance, unless the  
10 offender is a parent, legal guardian, or custodian of a student  
11 present in the building and has met the conditions set forth in  
12 subsection 2 of this section.

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

1 from the principal for more than one event at a time, such as a  
2 series of events, however, the parent, legal guardian, or  
3 custodian must obtain permission for any other event he or she  
4 wishes to attend for which he or she has not yet had permission  
5 granted.

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

10 577.001. [1.] As used in this chapter, [the term "court"  
11 means any circuit, associate circuit, or municipal court,  
12 including traffic court, but not any juvenile court or drug  
13 court.

14 2. As used in this chapter, the term "drive", "driving",  
15 "operates" or "operating" means physically driving or operating a  
16 motor vehicle.

17 3. As used in this chapter, a person is in an "intoxicated  
18 condition" when he is under the influence of alcohol, a  
19 controlled substance, or drug, or any combination thereof.

20 4. As used in this chapter, the term "law enforcement  
21 officer" or "arresting officer" includes the definition of law  
22 enforcement officer in subdivision (17) of section 556.061 and  
23 military policemen conducting traffic enforcement operations on a  
24 federal military installation under military jurisdiction in the  
25 state of Missouri.

26 5. As used in this chapter, "substance abuse traffic  
27 offender program" means a program certified by the division of  
28 alcohol and drug abuse of the department of mental health to

1 provide education or rehabilitation services pursuant to a  
2 professional assessment screening to identify the individual  
3 needs of the person who has been referred to the program as the  
4 result of an alcohol- or drug-related traffic offense.

5 Successful completion of such a program includes participation in  
6 any education or rehabilitation program required to meet the  
7 needs identified in the assessment screening. The assignment  
8 recommendations based upon such assessment shall be subject to  
9 judicial review as provided in subsection 7 of section 577.041]

10 the following terms mean:

11 (1) "Aggravated offender", a person who has been found  
12 guilty of:

13 (a) Three or more intoxication-related traffic offenses  
14 committed on separate occasions; or

15 (b) Two or more intoxication-related traffic offenses  
16 committed on separate occasions where at least one of the  
17 intoxication-related traffic offenses is an offense committed in  
18 violation of any state law, county or municipal ordinance, any  
19 federal offense, or any military offense in which the defendant  
20 was operating a vehicle while intoxicated and another person was  
21 injured or killed;

22 (2) "Aggravated boating offender", a person who has been  
23 found guilty of:

24 (a) Three or more intoxication-related boating offenses; or

25 (b) Has been found guilty of one or more intoxication-  
26 related boating offenses committed on separate occasions where at  
27 least one of the intoxication-related traffic offenses is an  
28 offense committed in violation of any state law, county or

municipal ordinance, any federal offense, or any military offense  
in which the defendant was operating a vessel while intoxicated  
and another person was injured or killed;

(3) "All-terrain vehicle", any motorized vehicle  
manufactured and used exclusively for off-highway use which is  
fifty inches or less in width, with an unladen dry weight of one  
thousand pounds or less, traveling on three, four or more low  
pressure tires, with a seat designed to be straddled by the  
operator, or with a seat designed to carry more than one person,  
and handlebars for steering control;

(4) "Court", any circuit, associate circuit, or municipal  
court, including traffic court, but not any juvenile court or  
drug court;

(5) "Chronic offender", a person who has been found guilty  
of:

(a) Four or more intoxication-related traffic offenses  
committed on separate occasions; or

(b) Three or more intoxication-related traffic offenses  
committed on separate occasions where at least one of the  
intoxication-related traffic offenses is an offense committed in  
violation of any state law, county or municipal ordinance, any  
federal offense, or any military offense in which the defendant  
was operating a vehicle while intoxicated and another person was  
injured or killed; or

(c) Two or more intoxication-related traffic offenses  
committed on separate occasions where both intoxication-related  
traffic offenses were offenses committed in violation of any  
state law, county or municipal ordinance, any federal offense, or

1 any military offense in which the defendant was operating a  
2 vehicle while intoxicated and another person was injured or  
3 killed;

4 (6) "Chronic boating offender", a person who has been found  
5 guilty of:

6 (a) Four or more intoxication-related boating offenses; or

7 (b) Three or more intoxication-related boating offenses  
8 committed on separate occasions where at least one of the  
9 intoxication-related boating offenses is an offense committed in  
10 violation of any state law, county or municipal ordinance, any  
11 federal offense, or any military offense in which the defendant  
12 was operating a vessel while intoxicated and another person was  
13 injured or killed; or

14 (c) Two or more intoxication-related boating offenses  
15 committed on separate occasions where both intoxication-related  
16 boating offenses were offenses committed in violation of any  
17 state law, county or municipal ordinance, any federal offense, or  
18 any military offense in which the defendant was operating a  
19 vessel while intoxicated and another person was injured or  
20 killed;

21 (7) "Controlled substance", a drug, substance, or immediate  
22 precursor in schedules I to V listed in section 195.017;

23 (8) "Drive", "driving", "operates" or "operating", means  
24 physically driving or operating a vehicle or vessel;

25 (9) "Flight crew member", the pilot in command, copilots,  
26 flight engineers, and flight navigators;

27 (10) "Habitual offender", a person who has been found  
28 guilty of:

1       (a) Five or more intoxication-related traffic offenses  
2       committed on separate occasions; or

3       (b) Four or more intoxication-related traffic offenses  
4       committed on separate occasions where at least one of the  
5       intoxication-related traffic offenses is an offense committed in  
6       violation of any state law, county or municipal ordinance, any  
7       federal offense, or any military offense in which the defendant  
8       was operating a vehicle while intoxicated and another person was  
9       injured or killed; or

10       (c) Three or more intoxication-related traffic offenses  
11       committed on separate occasions where at least two of the  
12       intoxication-related traffic offenses were offenses committed in  
13       violation of any state law, county or municipal ordinance, any  
14       federal offense, or any military offense in which the defendant  
15       was operating a vehicle while intoxicated and another person was  
16       injured or killed; or

17       (d) While driving while intoxicated, the defendant acted  
18       with criminal negligence to:

19       a. Cause the death of any person not a passenger in the  
20       vehicle operated by the defendant, including the death of an  
21       individual that results from the defendant's vehicle leaving a  
22       highway, as defined by section 301.010, or the highway's  
23       right-of-way; or

24       b. Cause the death of two or more persons; or

25       c. Cause the death of any person while he or she has a  
26       blood alcohol content of at least eighteen-hundredths of one  
27       percent by weight of alcohol in such person's blood;

28       (11) "Habitual boating offender", a person who has been

1 found guilty of:

2 (a) Five or more intoxication-related boating offenses; or

3 (b) Four or more intoxication-related boating offenses  
4 committed on separate occasions where at least one of the  
5 intoxication-related boating offenses is an offense committed in  
6 violation of any state law, county or municipal ordinance, any  
7 federal offense, or any military offense in which the defendant  
8 was operating a vessel while intoxicated and another person was  
9 injured or killed; or

10 (c) Three or more intoxication-related boating offenses  
11 committed on separate occasions where at least two of the  
12 intoxication-related boating offenses were offenses committed in  
13 violation of any state law, county or municipal ordinance, any  
14 federal offense, or any military offense in which the defendant  
15 was operating a vessel while intoxicated and another person was  
16 injured or killed; or

17 (d) While boating while intoxicated, the defendant acted  
18 with criminal negligence to:

19 a. Cause the death of any person not a passenger in the  
20 vessel operated by the defendant, including the death of an  
21 individual that results from the defendant's vessel leaving the  
22 water; or

23 b. Cause the death of two or more persons; or

24 c. Cause the death of any person while he or she has a  
25 blood alcohol content of at least eighteen-hundredths of one  
26 percent by weight of alcohol in such person's blood;

27 (12) "Intoxicated" or "intoxicated condition", when a  
28 person is under the influence of alcohol, a controlled substance,

1 or drug, or any combination thereof;

2 (13) "Intoxication-related boating offense", operating a  
3 vessel while intoxicated; boating while intoxicated; operating a  
4 vessel with excessive blood alcohol content or an offense in  
5 which the defendant was operating a vessel while intoxicated and  
6 another person was injured or killed in violation of any state  
7 law, county or municipal ordinance, any federal offense, or any  
8 military offense;

9 (14) "Intoxication-related traffic offense", driving while  
10 intoxicated, driving with excessive blood alcohol content or an  
11 offense in which the defendant was operating a vehicle while  
12 intoxicated and another person was injured or killed in violation  
13 of any state law, county or municipal ordinance, any federal  
14 offense, or any military offense;

15 (15) "Law enforcement officer" or "arresting officer",  
16 includes the definition of law enforcement officer in section  
17 556.061 and military policemen conducting traffic enforcement  
18 operations on a federal military installation under military  
19 jurisdiction in the state of Missouri;

20 (16) "Operate a vessel", to physically control the movement  
21 of a vessel in motion under mechanical or sail power in water;

22 (17) "Persistent offender", a person who has been found  
23 guilty of two or more intoxication-related traffic offenses  
24 committed on separate occasions;

25 (18) "Persistent boating offender", a person who has been  
26 found guilty of two or more intoxication-related boating offenses  
27 committed on separate occasions;

28 (19) "Prior offender", a person who has been found guilty

1 of one intoxication-related traffic offense, where such prior  
2 offense occurred within five years of the occurrence of the  
3 intoxication-related traffic offense for which the person is  
4 charged;

5 (20) "Prior boating offender", a person who has been found  
6 guilty of one intoxication-related boating offense, where such  
7 prior offense occurred within five years of the occurrence of the  
8 intoxication-related boating offense for which the person is  
9 charged.

10 577.010. 1. A person commits the [crime] offense of  
11 ["]driving while intoxicated["] if he or she operates a [motor]  
12 vehicle while in an intoxicated [or drugged] condition.

13 2. The offense of driving while intoxicated is [for the  
14 first offense, a class B misdemeanor. No person convicted of or  
15 pleading guilty to the offense of driving while intoxicated shall  
16 be granted a suspended imposition of sentence for such offense,  
17 unless such person shall be placed on probation for a minimum of  
18 two years]:

19 (1) A class B misdemeanor;

20 (2) A class A misdemeanor if:

21 (a) The defendant is a prior offender; or

22 (b) A person less than seventeen years of age is present in  
23 the vehicle;

24 (3) A class E felony if:

25 (a) The defendant is a persistent offender; or

26 (b) While driving while intoxicated, the defendant acts  
27 with criminal negligence to cause physical injury to another  
28 person;

1       (4) A class D felony if:

2       (a) The defendant is an aggravated offender;

3       (b) While driving while intoxicated, the defendant acts  
4 with criminal negligence to cause physical injury to a law  
5 enforcement officer or emergency personnel; or

6       (c) While driving while intoxicated, the defendant acts  
7 with criminal negligence to cause serious physical injury to  
8 another person;

9       (5) A class C felony if:

10      (a) The defendant is a chronic offender;

11      (b) While driving while intoxicated, the defendant acts  
12 with criminal negligence to cause serious physical injury to a  
13 law enforcement officer or emergency personnel; or

14      (c) While driving while intoxicated, the defendant acts  
15 with criminal negligence to cause the death of another person;

16      (6) A class B felony if:

17      (a) The defendant is a habitual offender; or

18      (b) While driving while intoxicated, the defendant acts  
19 with criminal negligence to cause the death of a law enforcement  
20 officer or emergency personnel;

21      (7) A class A felony if the defendant is a habitual  
22 offender as a result of being found guilty of an act described  
23 under paragraph (d) of subdivision (10) of section 577.001 and is  
24 found guilty of a subsequent violation of such paragraph.

25           3. Notwithstanding the provisions of subsection 2 of this  
26 section, [in a circuit where a DWI court or docket created under  
27 section 478.007 or other court-ordered treatment program is  
28 available, no person who operated a motor vehicle with

1     fifteen-hundredths of one percent or more by weight of alcohol in  
2     such person's blood shall be granted a suspended imposition of  
3     sentence unless the individual participates and successfully  
4     completes a program under such DWI court or docket or other  
5     court-ordered treatment program] a person found guilty of the  
6     offense of driving while intoxicated as a first offense shall not  
7     be granted a suspended imposition of sentence:

8     (1) Unless such person shall be placed on probation for a  
9     minimum of two years; or

10    (2) In a circuit where a DWI court or docket created under  
11    section 478.007 or other court-ordered treatment program is  
12    available, and where the offense was committed with fifteen-  
13    hundredths of one percent or more by weight of alcohol in such  
14    person's blood, unless the individual participates and  
15    successfully completes a program under such DWI court or docket  
16    or other court-ordered treatment program.

17           4. If a person is not granted a suspended imposition of  
18     sentence for the reasons described in subsection 3 of this  
19     section [for such first offense]:

20           (1) If the individual operated the [motor] vehicle with  
21     fifteen-hundredths to twenty-hundredths of one percent by weight  
22     of alcohol in such person's blood, the required term of  
23     imprisonment shall be not less than forty-eight hours;

24           (2) If the individual operated the [motor] vehicle with  
25     greater than twenty-hundredths of one percent by weight of  
26     alcohol in such person's blood, the required term of imprisonment  
27     shall be not less than five days.

28           5. A person found guilty of the offense of driving while

1 intoxicated:

2 (1) As a prior offender, persistent offender, aggravated  
3 offender, chronic offender, or habitual offender shall not be  
4 granted a suspended imposition of sentence or be sentenced to pay  
5 a fine in lieu of a term of imprisonment, section 557.011 to the  
6 contrary notwithstanding;

7 (2) As a prior offender shall not be granted parole or  
8 probation until he or she has served a minimum of ten days  
9 imprisonment:

10 (a) Unless as a condition of such parole or probation such  
11 person performs at least thirty days of community service under  
12 the supervision of the court in those jurisdictions which have a  
13 recognized program for community service; or

14 (b) The offender participates in and successfully completes  
15 a program established under section 478.007 or other court-  
16 ordered treatment program, if available, and as part of either  
17 program, the offender performs at least thirty days of community  
18 service under the supervision of the court;

19 (3) As a persistent offender shall not be eligible for  
20 parole or probation until he or she has served a minimum of  
21 thirty days imprisonment:

22 (a) Unless as a condition of such parole or probation such  
23 person performs at least sixty days of community service under  
24 the supervision of the court in those jurisdictions which have a  
25 recognized program for community service; or

26 (b) The offender participates in and successfully completes  
27 a program established under section 478.007 or other court-  
28 ordered treatment program, if available, and as part of either

1 program, the offender performs at least sixty days of community  
2 service under the supervision of the court;

3 (4) As an aggravated offender shall not be eligible for  
4 parole or probation until he or she has served a minimum of sixty  
5 days imprisonment;

6 (5) As a chronic offender shall not be eligible for parole  
7 or probation until he or she has served a minimum of two years  
8 imprisonment.

9 577.013. 1. A person commits the offense of boating while  
10 intoxicated if he or she operates a vessel while in an  
11 intoxicated condition.

12 2. The offense of boating while intoxicated is:

13 (1) A class B misdemeanor;

14 (2) A class A misdemeanor if:

15 (a) The defendant is a prior boating offender; or

16 (b) A person less than seventeen years of age is present in  
17 the vessel;

18 (3) A class E felony if:

19 (a) The defendant is a persistent boating offender; or

20 (b) While boating while intoxicated, the defendant acts  
21 with criminal negligence to cause physical injury to another  
22 person;

23 (4) A class D felony if:

24 (a) The defendant is an aggravated boating offender;

25 (b) While boating while intoxicated, the defendant acts  
26 with criminal negligence to cause physical injury to a law  
27 enforcement officer or emergency personnel; or

28 (c) While boating while intoxicated, the defendant acts

1 with criminal negligence to cause serious physical injury to  
2 another person;

3 (5) A class C felony if:

4 (a) The defendant is a chronic boating offender;

5 (b) While boating while intoxicated, the defendant acts  
6 with criminal negligence to cause serious physical injury to a  
7 law enforcement officer or emergency personnel; or

8 (c) While boating while intoxicated, the defendant acts  
9 with criminal negligence to cause the death of another person;

10 (6) A class B felony if:

11 (a) The defendant is a habitual boating offender; or

12 (b) While boating while intoxicated, the defendant acts  
13 with criminal negligence to cause the death of a law enforcement  
14 officer or emergency personnel;

15 (7) A class A felony if the defendant is a habitual  
16 offender as a result of being found guilty of an act described  
17 under paragraph (d) of subdivision (11) of section 577.001 and is  
18 found guilty of a subsequent violation of such paragraph.

19 3. Notwithstanding the provisions of subsection 2 of this  
20 section, a person found guilty of the offense of boating while  
21 intoxicated as a first offense shall not be granted a suspended  
22 imposition of sentence:

23 (1) Unless such person shall be placed on probation for a  
24 minimum of two years; or

25 (2) In a circuit where a DWI court or docket created under  
26 section 478.007 or other court-ordered treatment program is  
27 available, and where the offense was committed with fifteen-  
28 hundredths of one percent or more by weight of alcohol in such

1 person's blood, unless the individual participates in and  
2 successfully completes a program under such DWI court or docket  
3 or other court-ordered treatment program.

4 4. If a person is not granted a suspended imposition of  
5 sentence for the reasons described in subsection 3 of this  
6 section:

7 (1) If the individual operated the vessel with fifteen-  
8 hundredths to twenty-hundredths of one percent by weight of  
9 alcohol in such person's blood, the required term of imprisonment  
10 shall be not less than forty-eight hours;

11 (2) If the individual operated the vessel with greater than  
12 twenty-hundredths of one percent by weight of alcohol in such  
13 person's blood, the required term of imprisonment shall be not  
14 less than five days.

15 5. A person found guilty of the offense of boating while  
16 intoxicated:

17 (1) As a prior boating offender, persistent boating  
18 offender, aggravated boating offender, chronic boating offender  
19 or habitual boating offender shall not be granted a suspended  
20 imposition of sentence or be sentenced to pay a fine in lieu of a  
21 term of imprisonment, section 557.011 to the contrary  
22 notwithstanding;

23 (2) As a prior boating offender shall not be granted parole  
24 or probation until he or she has served a minimum of ten days  
25 imprisonment;

26 (a) Unless as a condition of such parole or probation such  
27 person performs at least two hundred forty hours of community  
28 service under the supervision of the court in those jurisdictions

1 which have a recognized program for community service; or

2 (b) The offender participates in and successfully completes  
3 a program established under section 478.007 or other court-  
4 ordered treatment program, if available;

5 (3) As a persistent offender shall not be eligible for  
6 parole or probation until he or she has served a minimum of  
7 thirty days imprisonment:

8 (a) Unless as a condition of such parole or probation such  
9 person performs at least four hundred eighty hours of community  
10 service under the supervision of the court in those jurisdictions  
11 which have a recognized program for community service; or

12 (b) The offender participates in and successfully completes  
13 a program established under section 478.007 or other court-  
14 ordered treatment program, if available;

15 (4) As an aggravated boating offender shall not be eligible  
16 for parole or probation until he or she has served a minimum of  
17 sixty days imprisonment;

18 (5) As a chronic boating offender shall not be eligible for  
19 parole or probation until he or she has served a minimum of two  
20 years imprisonment.

21 577.020. 1. Any person who operates a [motor] vehicle upon  
22 the public highways of this state, a vessel, or any aircraft, or  
23 acts as a flight crew member of an aircraft shall be deemed to  
24 have given consent [to], subject to the provisions of sections  
25 577.019 to 577.041, to a chemical test or tests of the person's  
26 breath, blood, saliva, or urine for the purpose of determining  
27 the alcohol or drug content of the person's blood pursuant to the  
28 following circumstances:

1           (1) If the person is arrested for any offense arising out  
2 of acts which the arresting officer had reasonable grounds to  
3 believe were committed while the person was [driving a motor]  
4 operating a vehicle or a vessel while in an intoxicated [or  
5 drugged] condition; [or]

6           (2) If the person is detained for any offense of operating  
7 an aircraft while intoxicated under section 577.015 or operating  
8 an aircraft with excessive blood alcohol content under section  
9 577.016;

10          (3) If the person is under the age of twenty-one, has been  
11 stopped by a law enforcement officer, and the law enforcement  
12 officer has reasonable grounds to believe that such person was  
13 [driving a motor] operating a vehicle or a vessel with a blood  
14 alcohol content of two-hundredths of one percent or more by  
15 weight; [or]

16          [(3)] (4) If the person is under the age of twenty-one, has  
17 been stopped by a law enforcement officer, and the law  
18 enforcement officer has reasonable grounds to believe that such  
19 person has committed a violation of the traffic laws of the  
20 state, or any political subdivision of the state, and such  
21 officer has reasonable grounds to believe, after making such  
22 stop, that such person has a blood alcohol content of  
23 two-hundredths of one percent or greater;

24          [(4)] (5) If the person is under the age of twenty-one, has  
25 been stopped at a sobriety checkpoint or roadblock and the law  
26 enforcement officer has reasonable grounds to believe that such  
27 person has a blood alcohol content of two-hundredths of one  
28 percent or greater; or

1           [(5)] (6) If the person, while operating a [motor] vehicle,  
2 has been involved in a [motor vehicle] collision or accident  
3 which resulted in a fatality or a readily apparent serious  
4 physical injury as defined in section [565.002] 556.061, or has  
5 been arrested as evidenced by the issuance of a uniform traffic  
6 ticket for the violation of any state law or county or municipal  
7 ordinance with the exception of equipment violations contained in  
8 [chapter] chapters 306 and 307, or similar provisions contained  
9 in county or municipal ordinances[; or].

10           [(6) If the person, while operating a motor vehicle, has  
11 been involved in a motor vehicle collision which resulted in a  
12 fatality or serious physical injury as defined in section  
13 565.002.]

14  
15 The test shall be administered at the direction of the law  
16 enforcement officer whenever the person has been [arrested or]  
17 stopped, detained, or arrested for any reason.

18           2. The implied consent to submit to the chemical tests  
19 listed in subsection 1 of this section shall be limited to not  
20 more than two such tests arising from the same stop, detention,  
21 arrest, incident or charge.

22           3. To be considered valid, chemical analysis of the  
23 person's breath, blood, saliva, or urine [to be considered valid  
24 pursuant to the provisions of sections 577.019 to 577.041] shall  
25 be performed, according to methods approved by the state  
26 department of health and senior services, by licensed medical  
27 personnel or by a person possessing a valid permit issued by the  
28 state department of health and senior services for this purpose.

1           4. The state department of health and senior services shall  
2 approve satisfactory techniques, devices, equipment, or methods  
3 to be ~~considered valid~~ used in the chemical test pursuant to  
4 the provisions of sections 577.019 to 577.041 ~~and~~. The  
5 department shall also establish standards to ascertain the  
6 qualifications and competence of individuals to conduct such  
7 analyses and ~~to~~ issue permits which shall be subject to  
8 termination or revocation by the state department of health and  
9 senior services.

10           5. The person tested may have a physician, or a qualified  
11 technician, chemist, registered nurse, or other qualified person  
12 at the choosing and expense of the person to be tested,  
13 administer a test in addition to any administered at the  
14 direction of a law enforcement officer. The failure or inability  
15 to obtain an additional test by a person shall not preclude the  
16 admission of evidence relating to the test taken at the direction  
17 of a law enforcement officer.

18           6. Upon the request of the person who is tested, full  
19 information concerning the test shall be made available to such  
20 person. Full information is limited to the following:

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

23           (2) The time of the collection of the blood ~~or~~ breath  
24 [sample] or urine sample analyzed;

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

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

1           (5) If the test was administered by means of a  
2 breath-testing instrument, the date [of performance] of the most  
3 recent [required] maintenance of such instrument. Full  
4 information does not include manuals, schematics, or software of  
5 the instrument used to test the person or any other material that  
6 is not in the actual possession of the state. Additionally, full  
7 information does not include information in the possession of the  
8 manufacturer of the test instrument.

9           7. Any person given a chemical test of the person's breath  
10 pursuant to subsection 1 of this section or a field sobriety test  
11 may be videotaped during any such test at the direction of the  
12 law enforcement officer. Any such video recording made during  
13 the chemical test pursuant to this subsection or a field sobriety  
14 test shall be admissible as evidence at [either] any trial of  
15 such person for [either] a violation of any state law or county  
16 or municipal ordinance, [or] and at any license revocation or  
17 suspension proceeding held pursuant to the provisions of chapter  
18 302.

19           577.037. 1. Upon the trial of any person for [violation of  
20 any of the provisions of section 565.024, or section 565.060, or  
21 section 577.010 or 577.012, or upon the trial of any criminal  
22 action] any criminal offense or violations of county or municipal  
23 ordinances, or in any license suspension or revocation proceeding  
24 pursuant to the provisions of chapter 302, arising out of acts  
25 alleged to have been committed by any person while [driving]  
26 operating a [motor] vehicle, vessel, or aircraft, or acting as a  
27 flight crew member of any aircraft, while in an intoxicated  
28 condition or with an excessive blood alcohol content, the amount

1 of alcohol in the person's blood at the time of the act  
2 [alleged], as shown by any chemical analysis of the person's  
3 blood, breath, saliva, or urine, is admissible in evidence and  
4 the provisions of subdivision (5) of section 491.060 shall not  
5 prevent the admissibility or introduction of such evidence if  
6 otherwise admissible. [If there was eight-hundredths of one  
7 percent or more by weight of alcohol in the person's blood, this  
8 shall be prima facie evidence that the person was intoxicated at  
9 the time the specimen was taken.]

10 2. If a chemical analysis of the defendant's breath, blood,  
11 saliva, or urine demonstrates there was eight-hundredths of one  
12 percent or more by weight of alcohol in the person's blood, this  
13 shall be prima facie evidence that the person was intoxicated at  
14 the time the specimen was taken. If a chemical analysis of the  
15 defendant's breath, blood, saliva, or urine demonstrates that  
16 there was less than eight-hundredths of one percent of alcohol in  
17 the defendant's blood, any charge alleging a criminal offense  
18 related to the operation of a vehicle, vessel, or aircraft while  
19 in an intoxicated condition or with an excessive blood alcohol  
20 content shall be dismissed with prejudice unless one or more of  
21 the following considerations cause the court to find a dismissal  
22 unwarranted:

23 (1) There is evidence that the chemical analysis is  
24 unreliable as evidence of the defendant's intoxication at the  
25 time of the alleged violation due to the lapse of time between  
26 the alleged violation and the obtaining of the specimen;

27 (2) There is evidence that the defendant was under the  
28 influence of a controlled substance, or drug, or a combination of

1 either or both with or without alcohol; or

2 (3) There is substantial evidence of intoxication from  
3 physical observations of witnesses or admissions of the  
4 defendant.

5 3. Percent by weight of alcohol in the blood shall be based  
6 upon grams of alcohol per one hundred milliliters of blood or  
7 grams of alcohol per two hundred ten liters of breath.

8 [3.] 4. The foregoing provisions of this section shall not  
9 be construed as limiting the introduction of any other competent  
10 evidence bearing upon the question of whether the person was  
11 intoxicated.

12 [4.] 5. A chemical analysis of a person's breath, blood,  
13 saliva or urine, in order to give rise to the presumption or to  
14 have the effect provided for in subsection [1] 2 of this section,  
15 shall have been performed as provided in sections 577.020 to  
16 577.041 and in accordance with methods and standards approved by  
17 the state department of health and senior services.

18 [5. Any charge alleging a violation of section 577.010 or  
19 577.012 or any county or municipal ordinance prohibiting driving  
20 while intoxicated or driving under the influence of alcohol shall  
21 be dismissed with prejudice if a chemical analysis of the  
22 defendant's breath, blood, saliva, or urine performed in  
23 accordance with sections 577.020 to 577.041 and rules promulgated  
24 thereunder by the state department of health and senior services  
25 demonstrate that there was less than eight-hundredths of one  
26 percent of alcohol in the defendant's blood unless one or more of  
27 the following considerations cause the court to find a dismissal  
28 unwarranted:

1           (1) There is evidence that the chemical analysis is  
2 unreliable as evidence of the defendant's intoxication at the  
3 time of the alleged violation due to the lapse of time between  
4 the alleged violation and the obtaining of the specimen;

5           (2) There is evidence that the defendant was under the  
6 influence of a controlled substance, or drug, or a combination of  
7 either or both with or without alcohol; or

8           (3) There is substantial evidence of intoxication from  
9 physical observations of witnesses or admissions of the  
10 defendant.]

11           577.041. 1. If a person under arrest, or who has been  
12 detained pursuant to subdivision (2) of subsection 1 of section  
13 577.020, or stopped pursuant to subdivision [(2) or] (3) or (4)  
14 of subsection 1 of section 577.020, refuses upon the request of  
15 the officer to submit to any test allowed pursuant to section  
16 577.020, then evidence of the refusal shall be admissible in [a]  
17 any proceeding [pursuant to section 565.024, 565.060, or 565.082,  
18 or section 577.010 or 577.012] related to the acts resulting in  
19 such detention, stop, or arrest.

20           2. The request of the officer to submit to any chemical  
21 test shall include the reasons of the officer for requesting the  
22 person to submit to a test and also shall inform the person that  
23 evidence of refusal to take the test may be used against such  
24 person [and that the person's]. If such person was operating a  
25 vehicle prior to such detention, stop, or arrest, he or she shall  
26 further be informed that his or her license shall be immediately  
27 revoked upon refusal to take the test.

28           3. If a person when requested to submit to any test allowed

1 pursuant to section 577.020 requests to speak to an attorney, the  
2 person shall be granted twenty minutes in which to attempt to  
3 contact an attorney. If, upon the completion of the  
4 twenty-minute period the person continues to refuse to submit to  
5 any test, it shall be deemed a refusal. [In this event, the  
6 officer shall, on behalf of the director of revenue, serve the  
7 notice of license revocation personally upon the person and shall  
8 take possession of any license to operate a motor vehicle issued  
9 by this state which is held by that person. The officer shall  
10 issue a temporary permit, on behalf of the director of revenue,  
11 which is valid for fifteen days and shall also give the person a  
12 notice of such person's right to file a petition for review to  
13 contest the license revocation.

14 2. The officer shall make a certified report under  
15 penalties of perjury for making a false statement to a public  
16 official. The report shall be forwarded to the director of  
17 revenue and shall include the following:

18 (1) That the officer has:

19 (a) Reasonable grounds to believe that the arrested person  
20 was driving a motor vehicle while in an intoxicated or drugged  
21 condition; or

22 (b) Reasonable grounds to believe that the person stopped,  
23 being under the age of twenty-one years, was driving a motor  
24 vehicle with a blood alcohol content of two-hundredths of one  
25 percent or more by weight; or

26 (c) Reasonable grounds to believe that the person stopped,  
27 being under the age of twenty-one years, was committing a  
28 violation of the traffic laws of the state, or political

1 subdivision of the state, and such officer has reasonable grounds  
2 to believe, after making such stop, that the person had a blood  
3 alcohol content of two-hundredths of one percent or greater;

4 (2) That the person refused to submit to a chemical test;

5 (3) Whether the officer secured the license to operate a  
6 motor vehicle of the person;

7 (4) Whether the officer issued a fifteen-day temporary  
8 permit;

9 (5) Copies of the notice of revocation, the fifteen-day  
10 temporary permit and the notice of the right to file a petition  
11 for review, which notices and permit may be combined in one  
12 document; and

13 (6) Any license to operate a motor vehicle which the  
14 officer has taken into possession.

15 3. Upon receipt of the officer's report, the director shall  
16 revoke the license of the person refusing to take the test for a  
17 period of one year; or if the person is a nonresident, such  
18 person's operating permit or privilege shall be revoked for one  
19 year; or if the person is a resident without a license or permit  
20 to operate a motor vehicle in this state, an order shall be  
21 issued denying the person the issuance of a license or permit for  
22 a period of one year.

23 4. If a person's license has been revoked because of the  
24 person's refusal to submit to a chemical test, such person may  
25 petition for a hearing before a circuit division or associate  
26 division of the court in the county in which the arrest or stop  
27 occurred. The person may request such court to issue an order  
28 staying the revocation until such time as the petition for review

1 can be heard. If the court, in its discretion, grants such stay,  
2 it shall enter the order upon a form prescribed by the director  
3 of revenue and shall send a copy of such order to the director.  
4 Such order shall serve as proof of the privilege to operate a  
5 motor vehicle in this state and the director shall maintain  
6 possession of the person's license to operate a motor vehicle  
7 until termination of any revocation pursuant to this section.  
8 Upon the person's request the clerk of the court shall notify the  
9 prosecuting attorney of the county and the prosecutor shall  
10 appear at the hearing on behalf of the director of revenue. At  
11 the hearing the court shall determine only:

12 (1) Whether or not the person was arrested or stopped;

13 (2) Whether or not the officer had:

14 (a) Reasonable grounds to believe that the person was  
15 driving a motor vehicle while in an intoxicated or drugged  
16 condition; or

17 (b) Reasonable grounds to believe that the person stopped,  
18 being under the age of twenty-one years, was driving a motor  
19 vehicle with a blood alcohol content of two-hundredths of one  
20 percent or more by weight; or

21 (c) Reasonable grounds to believe that the person stopped,  
22 being under the age of twenty-one years, was committing a  
23 violation of the traffic laws of the state, or political  
24 subdivision of the state, and such officer had reasonable grounds  
25 to believe, after making such stop, that the person had a blood  
26 alcohol content of two-hundredths of one percent or greater; and

27 (3) Whether or not the person refused to submit to the  
28 test.

1           5. If the court determines any issue not to be in the  
2 affirmative, the court shall order the director to reinstate the  
3 license or permit to drive.

4           6. Requests for review as provided in this section shall go  
5 to the head of the docket of the court wherein filed.

6           7. No person who has had a license to operate a motor  
7 vehicle suspended or revoked pursuant to the provisions of this  
8 section shall have that license reinstated until such person has  
9 participated in and successfully completed a substance abuse  
10 traffic offender program defined in section 577.001, or a program  
11 determined to be comparable by the department of mental health or  
12 the court. Assignment recommendations, based upon the needs  
13 assessment as described in subdivision (24) of section 302.010,  
14 shall be delivered in writing to the person with written notice  
15 that the person is entitled to have such assignment  
16 recommendations reviewed by the court if the person objects to  
17 the recommendations. The person may file a motion in the  
18 associate division of the circuit court of the county in which  
19 such assignment was given, on a printed form provided by the  
20 state courts administrator, to have the court hear and determine  
21 such motion pursuant to the provisions of chapter 517. The  
22 motion shall name the person or entity making the needs  
23 assessment as the respondent and a copy of the motion shall be  
24 served upon the respondent in any manner allowed by law. Upon  
25 hearing the motion, the court may modify or waive any assignment  
26 recommendation that the court determines to be unwarranted based  
27 upon a review of the needs assessment, the person's driving  
28 record, the circumstances surrounding the offense, and the

1 likelihood of the person committing a like offense in the future,  
2 except that the court may modify but may not waive the assignment  
3 to an education or rehabilitation program of a person determined  
4 to be a prior or persistent offender as defined in section  
5 577.023, or of a person determined to have operated a motor  
6 vehicle with fifteen-hundredths of one percent or more by weight  
7 in such person's blood. Compliance with the court determination  
8 of the motion shall satisfy the provisions of this section for  
9 the purpose of reinstating such person's license to operate a  
10 motor vehicle. The respondent's personal appearance at any  
11 hearing conducted pursuant to this subsection shall not be  
12 necessary unless directed by the court.

13 8. The fees for the substance abuse traffic offender  
14 program, or a portion thereof to be determined by the division of  
15 alcohol and drug abuse of the department of mental health, shall  
16 be paid by the person enrolled in the program. Any person who is  
17 enrolled in the program shall pay, in addition to any fee charged  
18 for the program, a supplemental fee to be determined by the  
19 department of mental health for the purposes of funding the  
20 substance abuse traffic offender program defined in section  
21 302.010 and section 577.001. The administrator of the program  
22 shall remit to the division of alcohol and drug abuse of the  
23 department of mental health on or before the fifteenth day of  
24 each month the supplemental fee for all persons enrolled in the  
25 program, less two percent for administrative costs. Interest  
26 shall be charged on any unpaid balance of the supplemental fees  
27 due the division of alcohol and drug abuse pursuant to this  
28 section and shall accrue at a rate not to exceed the annual rates

1 established pursuant to the provisions of section 32.065, plus  
2 three percentage points. The supplemental fees and any interest  
3 received by the department of mental health pursuant to this  
4 section shall be deposited in the mental health earnings fund  
5 which is created in section 630.053.

6 9. Any administrator who fails to remit to the division of  
7 alcohol and drug abuse of the department of mental health the  
8 supplemental fees and interest for all persons enrolled in the  
9 program pursuant to this section shall be subject to a penalty  
10 equal to the amount of interest accrued on the supplemental fees  
11 due the division pursuant to this section. If the supplemental  
12 fees, interest, and penalties are not remitted to the division of  
13 alcohol and drug abuse of the department of mental health within  
14 six months of the due date, the attorney general of the state of  
15 Missouri shall initiate appropriate action of the collection of  
16 said fees and interest accrued. The court shall assess attorney  
17 fees and court costs against any delinquent program.

18 10. Any person who has had a license to operate a motor  
19 vehicle revoked under this section and who has a prior  
20 alcohol-related enforcement contact, as defined in section  
21 302.525, shall be required to file proof with the director of  
22 revenue that any motor vehicle operated by the person is equipped  
23 with a functioning, certified ignition interlock device as a  
24 required condition of license reinstatement. Such ignition  
25 interlock device shall further be required to be maintained on  
26 all motor vehicles operated by the person for a period of not  
27 less than six months immediately following the date of  
28 reinstatement. If the monthly monitoring reports show that the

1 ignition interlock device has registered any confirmed blood  
2 alcohol concentration readings above the alcohol setpoint  
3 established by the department of transportation or that the  
4 person has tampered with or circumvented the ignition interlock  
5 device, then the period for which the person must maintain the  
6 ignition interlock device following the date of reinstatement  
7 shall be extended for an additional six months. If the person  
8 fails to maintain such proof with the director as required by  
9 this section, the license shall be rerevoked and the person shall  
10 be guilty of a class A misdemeanor.

11 11. The revocation period of any person whose license and  
12 driving privilege has been revoked under this section and who has  
13 filed proof of financial responsibility with the department of  
14 revenue in accordance with chapter 303 and is otherwise eligible,  
15 shall be terminated by a notice from the director of revenue  
16 after one year from the effective date of the revocation. Unless  
17 proof of financial responsibility is filed with the department of  
18 revenue, the revocation shall remain in effect for a period of  
19 two years from its effective date. If the person fails to  
20 maintain proof of financial responsibility in accordance with  
21 chapter 303, the person's license and driving privilege shall be  
22 rerevoked and the person shall be guilty of a class A  
23 misdemeanor.]

24 579.060. 1. A person commits the offense of unlawful sale,  
25 distribution, or purchase of over-the-counter methamphetamine  
26 precursor drugs if he or she knowingly:

27 (1) Sells, distributes, dispenses, or otherwise provides  
28 any number of packages of any drug product containing detectable

amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, in a total amount greater than nine grams to the same individual within a thirty-day period, unless the amount is dispensed, sold, or distributed pursuant to a valid prescription; or

(2) Purchases, receives, or otherwise acquires within a thirty-day period any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers in a total amount greater than nine grams, without regard to the number of transactions, unless the amount is purchased, received, or acquired pursuant to a valid prescription; or

(3) Purchases, receives, or otherwise acquires within a twenty-four-hour period any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers in a total amount greater than three and six-tenths grams, without regard to the number of transactions, unless the amount is purchased, received, or acquired pursuant to a valid prescription; or

(4) Dispenses or offers drug products that are not excluded from Schedule V in subsection 17 or 18 of section 195.017 and that contain detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, without ensuring that such products are located behind a pharmacy counter where the public is not permitted and that such products are dispensed

1 by a registered pharmacist or pharmacy technician under  
2 subsection 11 of section 195.017; or

3 (5) Holds a retail sales license issued under chapter 144  
4 and knowingly sells or dispenses packages that do not conform to  
5 the packaging requirements of section 195.418.

6 2. A pharmacist, intern pharmacist, or registered pharmacy  
7 technician commits the offense of unlawful sale, distribution, or  
8 purchase of over-the-counter methamphetamine precursor drugs if  
9 he or she knowingly:

10 (1) Sells, distributes, dispenses, or otherwise provides  
11 any number of packages of any drug product containing detectable  
12 amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or  
13 any of their salts or optical isomers, or salts of optical  
14 isomers, in a total amount greater than three and six-tenth grams  
15 to the same individual within a twenty-four hour period, unless  
16 the amount is dispensed, sold, or distributed pursuant to a valid  
17 prescription; or

18 (2) Fails to submit information under subsection 13 of  
19 section 195.017 and subsection 5 of section 195.417 about the  
20 sales of any compound, mixture, or preparation of products  
21 containing detectable amounts of ephedrine, phenylpropanolamine,  
22 or pseudoephedrine, or any of their salts, optical isomers, or  
23 salts of optical isomers, in accordance with transmission methods  
24 and frequency established by the department of health and senior  
25 services; or

26 (3) Fails to implement and maintain an electronic log, as  
27 required by subsection 12 of section 195.017, of each transaction  
28 involving any detectable quantity of pseudoephedrine, its salts,

1 isomers, or salts of optical isomers or ephedrine, its salts,  
2 optical isomers, or salts of optical isomers; or

3 (4) Sells, distributes, dispenses or otherwise provides to  
4 an individual under eighteen years of age without a valid  
5 prescription any number of packages of any drug product  
6 containing any detectable quantity of pseudoephedrine, its salts,  
7 isomers, or salts of optical isomers, or ephedrine, its salts or  
8 optical isomers, or salts of optical isomers.

9 3. Any person who violates the packaging requirements of  
10 section 195.418 and is considered the general owner or operator  
11 of the outlet where ephedrine, pseudoephedrine, or  
12 phenylpropanolamine products are available for sale shall not be  
13 penalized if he or she documents that an employee training  
14 program was in place to provide the employee who made the  
15 unlawful retail sale with information on the state and federal  
16 regulations regarding ephedrine, pseudoephedrine, or  
17 phenylpropanolamine.

18 4. The offense of unlawful sale, distribution, or purchase  
19 of over-the-counter methamphetamine precursor drugs is a class A  
20 misdemeanor.

21 [195.130.] 579.105. 1. [Any room, building, structure or  
22 inhabitable structure as defined in section 569.010 which is used  
23 for the illegal use, keeping or selling of controlled substances  
24 is a "public nuisance". No person shall keep or maintain such a  
25 public nuisance.

26 2. The attorney general, circuit attorney or prosecuting  
27 attorney may, in addition to any criminal prosecutions, prosecute  
28 a suit in equity to enjoin the public nuisance. If the court

1 finds that the owner of the room, building, structure or  
2 inhabitable structure knew that the premises were being used for  
3 the illegal use, keeping or selling of controlled substances, the  
4 court may order that the premises shall not be occupied or used  
5 for such period as the court may determine, not to exceed one  
6 year.

7 3. All persons, including owners, lessees, officers,  
8 agents, inmates or employees, aiding or facilitating such a  
9 nuisance may be made defendants in any suit to enjoin the  
10 nuisance.

11 4. It is unlawful for a person to keep or maintain such a  
12 public nuisance.] A person commits the offense of keeping or  
13 maintaining a public nuisance if he or she knowingly keeps or  
14 maintains:

15 (1) Any room, building, structure or inhabitable structure,  
16 as defined in section 556.061, which is used for the illegal  
17 manufacture, distribution, storage, or sale of any amount of a  
18 controlled substance, except thirty-five grams or less of  
19 marijuana or thirty-five grams or less of any synthetic  
20 cannabinoid; or

21 (2) Any room, building, structure or inhabitable structure,  
22 as defined in section 556.061, where on three or more separate  
23 occasions within the period of a year, two or more persons, who  
24 were not residents of the room, building, structure, or  
25 inhabitable structure, gathered for the principal purpose of  
26 unlawfully ingesting, injecting, inhaling or using any amount of  
27 a controlled substance, except thirty-five grams or less of  
28 marijuana or thirty-five grams or less of any synthetic

1 cannabinoid.

2 2. In addition to any other criminal prosecutions, the  
3 prosecuting attorney or circuit attorney may by information or  
4 indictment charge the owner or the occupant, or both the owner  
5 and the occupant of the room, building, structure, or inhabitable  
6 structure with the [crime] offense of keeping or maintaining a  
7 public nuisance. [Keeping or maintaining a public nuisance is a  
8 class C felony.]

9 3. The offense of keeping or maintaining a public nuisance  
10 is a class E felony.

11 [5.] 4. Upon the conviction of the owner pursuant to  
12 [subsection 4 of] this section, the room, building, structure, or  
13 inhabitable structure is subject to the provisions of sections  
14 513.600 to 513.645.

15 [160.261. 1. The local board of education of  
16 each school district shall clearly establish a written  
17 policy of discipline, including the district's  
18 determination on the use of corporal punishment and the  
19 procedures in which punishment will be applied. A  
20 written copy of the district's discipline policy and  
21 corporal punishment procedures, if applicable, shall be  
22 provided to the pupil and parent or legal guardian of  
23 every pupil enrolled in the district at the beginning  
24 of each school year and also made available in the  
25 office of the superintendent of such district, during  
26 normal business hours, for public inspection. All  
27 employees of the district shall annually receive  
28 instruction related to the specific contents of the  
29 policy of discipline and any interpretations necessary  
30 to implement the provisions of the policy in the course  
31 of their duties, including but not limited to approved  
32 methods of dealing with acts of school violence,  
33 disciplining students with disabilities and instruction  
34 in the necessity and requirements for confidentiality.

35 2. The policy shall require school administrators  
36 to report acts of school violence to all teachers at  
37 the attendance center and, in addition, to other school  
38 district employees with a need to know. For the  
39 purposes of this chapter or chapter 167, "need to know"

1 is defined as school personnel who are directly  
2 responsible for the student's education or who  
3 otherwise interact with the student on a professional  
4 basis while acting within the scope of their assigned  
5 duties. As used in this section, the phrase "act of  
6 school violence" or "violent behavior" means the  
7 exertion of physical force by a student with the intent  
8 to do serious physical injury as defined in subdivision  
9 (6) of section 565.002 to another person while on  
10 school property, including a school bus in service on  
11 behalf of the district, or while involved in school  
12 activities. The policy shall at a minimum require  
13 school administrators to report, as soon as reasonably  
14 practical, to the appropriate law enforcement agency  
15 any of the following crimes, or any act which if  
16 committed by an adult would be one of the following  
17 crimes:

- 18 (1) First degree murder under section 565.020;
- 19 (2) Second degree murder under section 565.021;
- 20 (3) Kidnapping in the first degree under section  
21 565.110;
- 22 (4) First degree assault under section 565.050;
- 23 (5) Rape in the first degree under section  
24 566.030;
- 25 (6) Sodomy in the first degree under section  
26 566.060;
- 27 (7) Burglary in the first degree under section  
28 569.160;
- 29 (8) Burglary in the second degree under section  
30 569.170;
- 31 (9) Robbery in the first degree under section  
32 [569.020] 570.023;
- 33 (10) [Distribution of drugs] Manufacture of a  
34 controlled substance under section [195.211] 579.055;
- 35 (11) [Distribution of drugs to a minor] Delivery  
36 of a controlled substance under section [195.212]  
37 579.020;
- 38 (12) Arson in the first degree under section  
39 569.040;
- 40 (13) Voluntary manslaughter under section  
41 565.023;
- 42 (14) Involuntary manslaughter under section  
43 565.024;
- 44 (15) Second degree assault under section  
45 [565.060] 565.052;
- 46 (16) Rape in the second degree under section  
47 566.031;
- 48 (17) [Felony restraint] Kidnapping in the  
49 second degree under section 565.120;
- 50 (18) Property damage in the first degree under

1 section 569.100;

2 (19) The possession of a weapon under chapter  
3 571;

4 (20) Child molestation in the first, second, or  
5 third degree pursuant to section 566.067, 566.068, or  
6 566.069;

7 (21) Sodomy in the second degree pursuant to  
8 section 566.061;

9 (22) Sexual misconduct involving a child pursuant  
10 to section 566.083;

11 (23) Sexual abuse in the first degree pursuant to  
12 section 566.100;

13 (24) Harassment in the first degree under section  
14 565.090; or

15 (25) Stalking in the first degree under section  
16 565.225;

17 committed on school property, including but not limited  
18 to actions on any school bus in service on behalf of  
19 the district or while involved in school activities.  
20 The policy shall require that any portion of a  
21 student's individualized education program that is  
22 related to demonstrated or potentially violent behavior  
23 shall be provided to any teacher and other school  
24 district employees who are directly responsible for the  
25 student's education or who otherwise interact with the  
26 student on an educational basis while acting within the  
27 scope of their assigned duties. The policy shall also  
28 contain the consequences of failure to obey standards  
29 of conduct set by the local board of education, and the  
30 importance of the standards to the maintenance of an  
31 atmosphere where orderly learning is possible and  
32 encouraged.

33 3. The policy shall provide that any student who  
34 is on suspension for any of the offenses listed in  
35 subsection 2 of this section or any act of violence or  
36 drug-related activity defined by school district policy  
37 as a serious violation of school discipline pursuant to  
38 subsection 9 of this section shall have as a condition  
39 of his or her suspension the requirement that such  
40 student is not allowed, while on such suspension, to be  
41 within one thousand feet of any school property in the  
42 school district where such student attended school or  
43 any activity of that district, regardless of whether or  
44 not the activity takes place on district property  
45 unless:

46 (1) Such student is under the direct supervision  
47 of the student's parent, legal guardian, or custodian  
48 and the superintendent or the superintendent's designee  
49 has authorized the student to be on school property;

50 (2) Such student is under the direct supervision  
51 of another adult designated by the student's parent,

1 legal guardian, or custodian, in advance, in writing,  
2 to the principal of the school which suspended the  
3 student and the superintendent or the superintendent's  
4 designee has authorized the student to be on school  
5 property;

6 (3) Such student is enrolled in and attending an  
7 alternative school that is located within one thousand  
8 feet of a public school in the school district where  
9 such student attended school; or

10 (4) Such student resides within one thousand feet  
11 of any public school in the school district where such  
12 student attended school in which case such student may  
13 be on the property of his or her residence without  
14 direct adult supervision.

15 4. Any student who violates the condition of  
16 suspension required pursuant to subsection 3 of this  
17 section may be subject to expulsion or further  
18 suspension pursuant to the provisions of sections  
19 167.161, 167.164, and 167.171. In making this  
20 determination consideration shall be given to whether  
21 the student poses a threat to the safety of any child  
22 or school employee and whether such student's  
23 unsupervised presence within one thousand feet of the  
24 school is disruptive to the educational process or  
25 undermines the effectiveness of the school's  
26 disciplinary policy. Removal of any pupil who is a  
27 student with a disability is subject to state and  
28 federal procedural rights. This section shall not  
29 limit a school district's ability to:

30 (1) Prohibit all students who are suspended from  
31 being on school property or attending an activity while  
32 on suspension;

33 (2) Discipline students for off-campus conduct  
34 that negatively affects the educational environment to  
35 the extent allowed by law.

36 5. The policy shall provide for a suspension for  
37 a period of not less than one year, or expulsion, for a  
38 student who is determined to have brought a weapon to  
39 school, including but not limited to the school  
40 playground or the school parking lot, brought a weapon  
41 on a school bus or brought a weapon to a school  
42 activity whether on or off of the school property in  
43 violation of district policy, except that:

44 (1) The superintendent or, in a school district  
45 with no high school, the principal of the school which  
46 such child attends may modify such suspension on a  
47 case-by-case basis; and

48 (2) This section shall not prevent the school  
49 district from providing educational services in an  
50 alternative setting to a student suspended under the  
51 provisions of this section.

1           6. For the purpose of this section, the term  
2 "weapon" shall mean a firearm as defined under 18  
3 U.S.C. 921 and the following items, as defined in  
4 section 571.010: a blackjack, a concealable firearm,  
5 an explosive weapon, a firearm, a firearm silencer, a  
6 gas gun, a knife, knuckles, a machine gun, a projectile  
7 weapon, a rifle, a shotgun, a spring gun or a  
8 switchblade knife; except that this section shall not  
9 be construed to prohibit a school board from adopting a  
10 policy to allow a Civil War reenactor to carry a Civil  
11 War era weapon on school property for educational  
12 purposes so long as the firearm is unloaded. The local  
13 board of education shall define weapon in the  
14 discipline policy. Such definition shall include the  
15 weapons defined in this subsection but may also include  
16 other weapons.

17           7. All school district personnel responsible for  
18 the care and supervision of students are authorized to  
19 hold every pupil strictly accountable for any  
20 disorderly conduct in school or on any property of the  
21 school, on any school bus going to or returning from  
22 school, during school-sponsored activities, or during  
23 intermission or recess periods.

24           8. Teachers and other authorized district  
25 personnel in public schools responsible for the care,  
26 supervision, and discipline of schoolchildren,  
27 including volunteers selected with reasonable care by  
28 the school district, shall not be civilly liable when  
29 acting in conformity with the established policies  
30 developed by each board, including but not limited to  
31 policies of student discipline or when reporting to his  
32 or her supervisor or other person as mandated by state  
33 law acts of school violence or threatened acts of  
34 school violence, within the course and scope of the  
35 duties of the teacher, authorized district personnel or  
36 volunteer, when such individual is acting in conformity  
37 with the established policies developed by the board.  
38 Nothing in this section shall be construed to create a  
39 new cause of action against such school district, or to  
40 relieve the school district from liability for the  
41 negligent acts of such persons.

42           9. Each school board shall define in its  
43 discipline policy acts of violence and any other acts  
44 that constitute a serious violation of that policy.  
45 "Acts of violence" as defined by school boards shall  
46 include but not be limited to exertion of physical  
47 force by a student with the intent to do serious bodily  
48 harm to another person while on school property,  
49 including a school bus in service on behalf of the  
50 district, or while involved in school activities.  
51 School districts shall for each student enrolled in the

1 school district compile and maintain records of any  
2 serious violation of the district's discipline policy.  
3 Such records shall be made available to teachers and  
4 other school district employees with a need to know  
5 while acting within the scope of their assigned duties,  
6 and shall be provided as required in section 167.020 to  
7 any school district in which the student subsequently  
8 attempts to enroll.

9 10. Spanking, when administered by certificated  
10 personnel and in the presence of a witness who is an  
11 employee of the school district, or the use of  
12 reasonable force to protect persons or property, when  
13 administered by personnel of a school district in a  
14 reasonable manner in accordance with the local board of  
15 education's written policy of discipline, is not abuse  
16 within the meaning of chapter 210. The provisions of  
17 sections 210.110 to 210.165 notwithstanding, the  
18 children's division shall not have jurisdiction over or  
19 investigate any report of alleged child abuse arising  
20 out of or related to the use of reasonable force to  
21 protect persons or property when administered by  
22 personnel of a school district or any spanking  
23 administered in a reasonable manner by any certificated  
24 school personnel in the presence of a witness who is an  
25 employee of the school district pursuant to a written  
26 policy of discipline established by the board of  
27 education of the school district, as long as no  
28 allegation of sexual misconduct arises from the  
29 spanking or use of force.

30 11. If a student reports alleged sexual  
31 misconduct on the part of a teacher or other school  
32 employee to a person employed in a school facility who  
33 is required to report such misconduct to the children's  
34 division under section 210.115, such person and the  
35 superintendent of the school district shall report the  
36 allegation to the children's division as set forth in  
37 section 210.115. Reports made to the children's  
38 division under this subsection shall be investigated by  
39 the division in accordance with the provisions of  
40 sections 210.145 to 210.153 and shall not be  
41 investigated by the school district under subsections  
42 12 to 20 of this section for purposes of determining  
43 whether the allegations should or should not be  
44 substantiated. The district may investigate the  
45 allegations for the purpose of making any decision  
46 regarding the employment of the accused employee.

47 12. Upon receipt of any reports of child abuse by  
48 the children's division other than reports provided  
49 under subsection 11 of this section, pursuant to  
50 sections 210.110 to 210.165 which allegedly involve  
51 personnel of a school district, the children's division

1 shall notify the superintendent of schools of the  
2 district or, if the person named in the alleged  
3 incident is the superintendent of schools, the  
4 president of the school board of the school district  
5 where the alleged incident occurred.

6 13. If, after an initial investigation, the  
7 superintendent of schools or the president of the  
8 school board finds that the report involves an alleged  
9 incident of child abuse other than the administration  
10 of a spanking by certificated school personnel or the  
11 use of reasonable force to protect persons or property  
12 when administered by school personnel pursuant to a  
13 written policy of discipline or that the report was  
14 made for the sole purpose of harassing a public school  
15 employee, the superintendent of schools or the  
16 president of the school board shall immediately refer  
17 the matter back to the children's division and take no  
18 further action. In all matters referred back to the  
19 children's division, the division shall treat the  
20 report in the same manner as other reports of alleged  
21 child abuse received by the division.

22 14. If the report pertains to an alleged incident  
23 which arose out of or is related to a spanking  
24 administered by certificated personnel or the use of  
25 reasonable force to protect persons or property when  
26 administered by personnel of a school district pursuant  
27 to a written policy of discipline or a report made for  
28 the sole purpose of harassing a public school employee,  
29 a notification of the reported child abuse shall be  
30 sent by the superintendent of schools or the president  
31 of the school board to the law enforcement in the  
32 county in which the alleged incident occurred.

33 15. The report shall be jointly investigated by  
34 the law enforcement officer and the superintendent of  
35 schools or, if the subject of the report is the  
36 superintendent of schools, by a law enforcement officer  
37 and the president of the school board or such  
38 president's designee.

39 16. The investigation shall begin no later than  
40 forty-eight hours after notification from the  
41 children's division is received, and shall consist of,  
42 but need not be limited to, interviewing and recording  
43 statements of the child and the child's parents or  
44 guardian within two working days after the start of the  
45 investigation, of the school district personnel  
46 allegedly involved in the report, and of any witnesses  
47 to the alleged incident.

48 17. The law enforcement officer and the  
49 investigating school district personnel shall issue  
50 separate reports of their findings and recommendations  
51 after the conclusion of the investigation to the school

1 board of the school district within seven days after  
2 receiving notice from the children's division.

3 18. The reports shall contain a statement of  
4 conclusion as to whether the report of alleged child  
5 abuse is substantiated or is unsubstantiated.

6 19. The school board shall consider the separate  
7 reports referred to in subsection 17 of this section  
8 and shall issue its findings and conclusions and the  
9 action to be taken, if any, within seven days after  
10 receiving the last of the two reports. The findings  
11 and conclusions shall be made in substantially the  
12 following form:

13 (1) The report of the alleged child abuse is  
14 unsubstantiated. The law enforcement officer and the  
15 investigating school board personnel agree that there  
16 was not a preponderance of evidence to substantiate  
17 that abuse occurred;

18 (2) The report of the alleged child abuse is  
19 substantiated. The law enforcement officer and the  
20 investigating school district personnel agree that the  
21 preponderance of evidence is sufficient to support a  
22 finding that the alleged incident of child abuse did  
23 occur;

24 (3) The issue involved in the alleged incident of  
25 child abuse is unresolved. The law enforcement officer  
26 and the investigating school personnel are unable to  
27 agree on their findings and conclusions on the alleged  
28 incident.

29 20. The findings and conclusions of the school  
30 board under subsection 19 of this section shall be sent  
31 to the children's division. If the findings and  
32 conclusions of the school board are that the report of  
33 the alleged child abuse is unsubstantiated, the  
34 investigation shall be terminated, the case closed, and  
35 no record shall be entered in the children's division  
36 central registry. If the findings and conclusions of  
37 the school board are that the report of the alleged  
38 child abuse is substantiated, the children's division  
39 shall report the incident to the prosecuting attorney  
40 of the appropriate county along with the findings and  
41 conclusions of the school district and shall include  
42 the information in the division's central registry. If  
43 the findings and conclusions of the school board are  
44 that the issue involved in the alleged incident of  
45 child abuse is unresolved, the children's division  
46 shall report the incident to the prosecuting attorney  
47 of the appropriate county along with the findings and  
48 conclusions of the school board, however, the incident  
49 and the names of the parties allegedly involved shall  
50 not be entered into the central registry of the  
51 children's division unless and until the alleged child

1 abuse is substantiated by a court of competent  
2 jurisdiction.

3 21. Any superintendent of schools, president of a  
4 school board or such person's designee or law  
5 enforcement officer who knowingly falsifies any report  
6 of any matter pursuant to this section or who knowingly  
7 withholds any information relative to any investigation  
8 or report pursuant to this section is guilty of a class  
9 A misdemeanor.

10 22. In order to ensure the safety of all  
11 students, should a student be expelled for bringing a  
12 weapon to school, violent behavior, or for an act of  
13 school violence, that student shall not, for the  
14 purposes of the accreditation process of the Missouri  
15 school improvement plan, be considered a dropout or be  
16 included in the calculation of that district's  
17 educational persistence ratio.】

18  
19 [167.115. 1. Notwithstanding any provision of  
20 chapter 211 or chapter 610 to the contrary, the  
21 juvenile officer, sheriff, chief of police or other  
22 appropriate law enforcement authority shall, as soon as  
23 reasonably practical, notify the superintendent, or the  
24 superintendent's designee, of the school district in  
25 which the pupil is enrolled when a petition is filed  
26 pursuant to subsection 1 of section 211.031 alleging  
27 that the pupil has committed one of the following acts:

- 28 (1) First degree murder under section 565.020;
- 29 (2) Second degree murder under section 565.021;
- 30 (3) Kidnapping under section 565.110 as it  
31 existed prior to January 1, 2017, or kidnapping in the  
32 first degree under section 565.110;
- 33 (4) First degree assault under section 565.050;
- 34 (5) Forcible rape under section 566.030 as it  
35 existed prior to August 28, 2013, or rape in the first  
36 degree under section 566.030;
- 37 (6) Forcible sodomy under section 566.060 as it  
38 existed prior to August 28, 2013, or sodomy in the  
39 first degree under section 566.060;
- 40 (7) Burglary in the first degree under section  
41 569.160;
- 42 (8) Robbery in the first degree under section  
43 569.020 as it existed prior to January 1, 2017, or  
44 robbery in the first degree under section 570.023;
- 45 (9) Distribution of drugs under section 195.211  
46 as it existed prior to January 1, 2017, or manufacture  
47 of a controlled substance under section 579.055;
- 48 (10) Distribution of drugs to a minor under  
49 section 195.212 as it existed prior to January 1, 2017,  
50 or delivery of a controlled substance under section  
51 579.020;

(11) Arson in the first degree under section 569.040;

(12) Voluntary manslaughter under section 565.023;

(13) Involuntary manslaughter under section 565.024;

(14) Second degree assault under section 565.060 as it existed prior to January 1, 2017, or second degree assault under section 565.052;

(15) Sexual assault under section 566.040 as it existed prior to August 28, 2013, or rape in the second degree under section 566.031;

(16) Felonious restraint under section 565.120 as it existed prior to January 1, 2017, or kidnapping in the second degree for an act committed after December 31, 2016;

(17) Property damage in the first degree under section 569.100;

(18) The possession of a weapon under chapter 571;

(19) Child molestation in the first degree pursuant to section 566.067 as it existed prior to January 1, 2017;

(20) Child molestation in the first, second, or third degree pursuant to sections 566.067, 566.068, or 566.069 for an act committed after December 31, 2016;

(21) Deviate sexual assault pursuant to section 566.070 as it existed prior to August 28, 2013, or sodomy in the second degree under section 566.061;

[(21)] (22) Sexual misconduct involving a child pursuant to section 566.083; or

[(22)] (23) Sexual abuse pursuant to section 566.100 as it existed prior to August 28, 2013, or sexual abuse in the first degree under section 566.100.

2. The notification shall be made orally or in writing, in a timely manner, no later than five days following the filing of the petition. If the report is made orally, written notice shall follow in a timely manner. The notification shall include a complete description of the conduct the pupil is alleged to have committed and the dates the conduct occurred but shall not include the name of any victim. Upon the disposition of any such case, the juvenile office or prosecuting attorney or their designee shall send a second notification to the superintendent providing the disposition of the case, including a brief summary of the relevant finding of facts, no later than five days following the disposition of the case.

3. The superintendent or the designee of the superintendent shall report such information to teachers and other school district employees with a

1 need to know while acting within the scope of their  
2 assigned duties. Any information received by school  
3 district officials pursuant to this section shall be  
4 received in confidence and used for the limited purpose  
5 of assuring that good order and discipline is  
6 maintained in the school. This information shall not  
7 be used as the sole basis for not providing educational  
8 services to a public school pupil.

9 4. The superintendent shall notify the  
10 appropriate division of the juvenile or family court  
11 upon any pupil's suspension for more than ten days or  
12 expulsion of any pupil that the school district is  
13 aware is under the jurisdiction of the court.

14 5. The superintendent or the superintendent's  
15 designee may be called to serve in a consultant  
16 capacity at any dispositional proceedings pursuant to  
17 section 211.031 which may involve reference to a  
18 pupil's academic treatment plan.

19 6. Upon the transfer of any pupil described in  
20 this section to any other school district in this  
21 state, the superintendent or the superintendent's  
22 designee shall forward the written notification given  
23 to the superintendent pursuant to subsection 2 of this  
24 section to the superintendent of the new school  
25 district in which the pupil has enrolled. Such written  
26 notification shall be required again in the event of  
27 any subsequent transfer by the pupil.

28 7. As used in this section, the terms "school"  
29 and "school district" shall include any charter,  
30 private or parochial school or school district, and the  
31 term "superintendent" shall include the principal or  
32 equivalent chief school officer in the cases of  
33 charter, private or parochial schools.

34 8. The superintendent or the designee of the  
35 superintendent or other school employee who, in good  
36 faith, reports information in accordance with the terms  
37 of this section and section 160.261 shall not be  
38 civilly liable for providing such information.】  
39

40 [167.171. 1. The school board in any district,  
41 by general rule and for the causes provided in section  
42 167.161, may authorize the summary suspension of pupils  
43 by principals of schools for a period not to exceed ten  
44 school days and by the superintendent of schools for a  
45 period not to exceed one hundred and eighty school  
46 days. In case of a suspension by the superintendent  
47 for more than ten school days, the pupil, the pupil's  
48 parents or others having such pupil's custodial care  
49 may appeal the decision of the superintendent to the  
50 board or to a committee of board members appointed by  
51 the president of the board which shall have full

1 authority to act in lieu of the board. Any suspension  
2 by a principal shall be immediately reported to the  
3 superintendent who may revoke the suspension at any  
4 time. In event of an appeal to the board, the  
5 superintendent shall promptly transmit to it a full  
6 report in writing of the facts relating to the  
7 suspension, the action taken by the superintendent and  
8 the reasons therefor and the board, upon request, shall  
9 grant a hearing to the appealing party to be conducted  
10 as provided in section 167.161.

11 2. No pupil shall be suspended unless:

12 (1) The pupil shall be given oral or written  
13 notice of the charges against such pupil;

14 (2) If the pupil denies the charges, such pupil  
15 shall be given an oral or written explanation of the  
16 facts which form the basis of the proposed suspension;

17 (3) The pupil shall be given an opportunity to  
18 present such pupil's version of the incident; and

19 (4) In the event of a suspension for more than  
20 ten school days, where the pupil gives notice that such  
21 pupil wishes to appeal the suspension to the board, the  
22 suspension shall be stayed until the board renders its  
23 decision, unless in the judgment of the superintendent  
24 of schools, or of the district superintendent, the  
25 pupil's presence poses a continuing danger to persons  
26 or property or an ongoing threat of disrupting the  
27 academic process, in which case the pupil may be  
28 immediately removed from school, and the notice and  
29 hearing shall follow as soon as practicable.

30 3. No school board shall readmit or enroll a  
31 pupil properly suspended for more than ten consecutive  
32 school days for an act of school violence as defined in  
33 subsection 2 of section 160.261 regardless of whether  
34 or not such act was committed at a public school or at  
35 a private school in this state, provided that such act  
36 shall have resulted in the suspension or expulsion of  
37 such pupil in the case of a private school, or  
38 otherwise permit such pupil to attend school without  
39 first holding a conference to review the conduct that  
40 resulted in the expulsion or suspension and any  
41 remedial actions needed to prevent any future  
42 occurrences of such or related conduct. The conference  
43 shall include the appropriate school officials  
44 including any teacher employed in that school or  
45 district directly involved with the conduct that  
46 resulted in the suspension or expulsion, the pupil, the  
47 parent or guardian of the pupil or any agency having  
48 legal jurisdiction, care, custody or control of the  
49 pupil. The school board shall notify in writing the  
50 parents or guardians and all other parties of the time,  
51 place, and agenda of any such conference. Failure of

1 any party to attend this conference shall not preclude  
2 holding the conference. Notwithstanding any provision  
3 of this subsection to the contrary, no pupil shall be  
4 readmitted or enrolled to a regular program of  
5 instruction if:

6 (1) Such pupil has been convicted of; or  
7 (2) An indictment or information has been filed  
8 alleging that the pupil has committed one of the acts  
9 enumerated in subdivision (4) of this subsection to  
10 which there has been no final judgment; or  
11 (3) A petition has been filed pursuant to section  
12 211.091 alleging that the pupil has committed one of  
13 the acts enumerated in subdivision (4) of this  
14 subsection to which there has been no final judgment;  
15 or

16 (4) The pupil has been adjudicated to have  
17 committed an act which if committed by an adult would  
18 be one of the following:

19 (a) First degree murder under section 565.020;  
20 (b) Second degree murder under section 565.021;  
21 (c) First degree assault under section 565.050;  
22 (d) Forcible rape under section 566.030 as it  
23 existed prior to August 28, 2013, or rape in the first  
24 degree under section 566.030;

25 (e) Forcible sodomy under section 566.060 as it  
26 existed prior to August 28, 2013, or sodomy in the  
27 first degree under section 566.060;

28 (f) Statutory rape under section 566.032;

29 (g) Statutory sodomy under section 566.062;

30 (h) Robbery in the first degree under section  
31 569.020 as it existed prior to January 1, 2017, or  
32 robbery in the first degree under section 570.023;

33 (i) Distribution of drugs to a minor under  
34 section 195.212;

35 (j) Arson in the first degree under section  
36 569.040;

37 (k) Kidnapping or kidnapping in the first degree,  
38 when classified as a class A felony under section  
39 565.110.

40 Nothing in this subsection shall prohibit the  
41 readmittance or enrollment of any pupil if a petition  
42 has been dismissed, or when a pupil has been acquitted  
43 or adjudicated not to have committed any of the above  
44 acts. This subsection shall not apply to a student  
45 with a disability, as identified under state  
46 eligibility criteria, who is convicted or adjudicated  
47 guilty as a result of an action related to the  
48 student's disability. Nothing in this subsection shall  
49 be construed to prohibit a school district which  
50 provides an alternative education program from  
51 enrolling a pupil in an alternative education program

1 if the district determines such enrollment is  
2 appropriate.

3 4. If a pupil is attempting to enroll in a school  
4 district during a suspension or expulsion from another  
5 in-state or out-of-state school district including a  
6 private, charter or parochial school or school  
7 district, a conference with the superintendent or the  
8 superintendent's designee may be held at the request of  
9 the parent, court-appointed legal guardian, someone  
10 acting as a parent as defined by rule in the case of a  
11 special education student, or the pupil to consider if  
12 the conduct of the pupil would have resulted in a  
13 suspension or expulsion in the district in which the  
14 pupil is enrolling. Upon a determination by the  
15 superintendent or the superintendent's designee that  
16 such conduct would have resulted in a suspension or  
17 expulsion in the district in which the pupil is  
18 enrolling or attempting to enroll, the school district  
19 may make such suspension or expulsion from another  
20 school or district effective in the district in which  
21 the pupil is enrolling or attempting to enroll. Upon a  
22 determination by the superintendent or the  
23 superintendent's designee that such conduct would not  
24 have resulted in a suspension or expulsion in the  
25 district in which the student is enrolling or  
26 attempting to enroll, the school district shall not  
27 make such suspension or expulsion effective in its  
28 district in which the student is enrolling or  
29 attempting to enroll.]  
30

31 [188.030. 1. Except in the case of a medical  
32 emergency, no abortion of a viable unborn child shall  
33 be performed or induced unless the abortion is  
34 necessary to preserve the life of the pregnant woman  
35 whose life is endangered by a physical disorder,  
36 physical illness, or physical injury, including a  
37 life-endangering physical condition caused by or  
38 arising from the pregnancy itself, or when continuation  
39 of the pregnancy will create a serious risk of  
40 substantial and irreversible physical impairment of a  
41 major bodily function of the pregnant woman. For  
42 purposes of this section, "major bodily function"  
43 includes, but is not limited to, functions of the  
44 immune system, normal cell growth, digestive, bowel,  
45 bladder, neurological, brain, respiratory, circulatory,  
46 endocrine, and reproductive functions.

47 2. Except in the case of a medical emergency:

48 (1) Prior to performing or inducing an abortion  
49 upon a woman, the physician shall determine the  
50 gestational age of the unborn child in a manner  
51 consistent with accepted obstetrical and neonatal

1 practices and standards. In making such determination,  
2 the physician shall make such inquiries of the pregnant  
3 woman and perform or cause to be performed such medical  
4 examinations, imaging studies, and tests as a  
5 reasonably prudent physician, knowledgeable about the  
6 medical facts and conditions of both the woman and the  
7 unborn child involved, would consider necessary to  
8 perform and consider in making an accurate diagnosis  
9 with respect to gestational age;

10 (2) If the physician determines that the  
11 gestational age of the unborn child is twenty weeks or  
12 more, prior to performing or inducing an abortion upon  
13 the woman, the physician shall determine if the unborn  
14 child is viable by using and exercising that degree of  
15 care, skill, and proficiency commonly exercised by a  
16 skillful, careful, and prudent physician. In making  
17 this determination of viability, the physician shall  
18 perform or cause to be performed such medical  
19 examinations and tests as are necessary to make a  
20 finding of the gestational age, weight, and lung  
21 maturity of the unborn child and shall enter such  
22 findings and determination of viability in the medical  
23 record of the woman;

24 (3) If the physician determines that the  
25 gestational age of the unborn child is twenty weeks or  
26 more, and further determines that the unborn child is  
27 not viable and performs or induces an abortion upon the  
28 woman, the physician shall report such findings and  
29 determinations and the reasons for such determinations  
30 to the health care facility in which the abortion is  
31 performed and to the state board of registration for  
32 the healing arts, and shall enter such findings and  
33 determinations in the medical records of the woman and  
34 in the individual abortion report submitted to the  
35 department under section 188.052;

36 (4) (a) If the physician determines that the  
37 unborn child is viable, the physician shall not perform  
38 or induce an abortion upon the woman unless the  
39 abortion is necessary to preserve the life of the  
40 pregnant woman or that a continuation of the pregnancy  
41 will create a serious risk of substantial and  
42 irreversible physical impairment of a major bodily  
43 function of the woman.

44 (b) Before a physician may proceed with  
45 performing or inducing an abortion upon a woman when it  
46 has been determined that the unborn child is viable,  
47 the physician shall first certify in writing the  
48 medical threat posed to the life of the pregnant woman,  
49 or the medical reasons that continuation of the  
50 pregnancy would cause a serious risk of substantial and  
51 irreversible physical impairment of a major bodily

1 function of the pregnant woman. Upon completion of the  
2 abortion, the physician shall report the reasons and  
3 determinations for the abortion of a viable unborn  
4 child to the health care facility in which the abortion  
5 is performed and to the state board of registration for  
6 the healing arts, and shall enter such findings and  
7 determinations in the medical record of the woman and  
8 in the individual abortion report submitted to the  
9 department under section 188.052.

10 (c) Before a physician may proceed with  
11 performing or inducing an abortion upon a woman when it  
12 has been determined that the unborn child is viable,  
13 the physician who is to perform the abortion shall  
14 obtain the agreement of a second physician with  
15 knowledge of accepted obstetrical and neonatal  
16 practices and standards who shall concur that the  
17 abortion is necessary to preserve the life of the  
18 pregnant woman, or that continuation of the pregnancy  
19 would cause a serious risk of substantial and  
20 irreversible physical impairment of a major bodily  
21 function of the pregnant woman. This second physician  
22 shall also report such reasons and determinations to  
23 the health care facility in which the abortion is to be  
24 performed and to the state board of registration for  
25 the healing arts, and shall enter such findings and  
26 determinations in the medical record of the woman and  
27 the individual abortion report submitted to the  
28 department under section 188.052. The second physician  
29 shall not have any legal or financial affiliation or  
30 relationship with the physician performing or inducing  
31 the abortion, except that such prohibition shall not  
32 apply to physicians whose legal or financial  
33 affiliation or relationship is a result of being  
34 employed by or having staff privileges at the same  
35 hospital as the term "hospital" is defined in section  
36 197.020.

37 (d) Any physician who performs or induces an  
38 abortion upon a woman when it has been determined that  
39 the unborn child is viable shall utilize the available  
40 method or technique of abortion most likely to preserve  
41 the life or health of the unborn child. In cases where  
42 the method or technique of abortion most likely to  
43 preserve the life or health of the unborn child would  
44 present a greater risk to the life or health of the  
45 woman than another legally permitted and available  
46 method or technique, the physician may utilize such  
47 other method or technique. In all cases where the  
48 physician performs an abortion upon a viable unborn  
49 child, the physician shall certify in writing the  
50 available method or techniques considered and the  
51 reasons for choosing the method or technique employed.

1 (e) No physician shall perform or induce an  
2 abortion upon a woman when it has been determined that  
3 the unborn child is viable unless there is in  
4 attendance a physician other than the physician  
5 performing or inducing the abortion who shall take  
6 control of and provide immediate medical care for a  
7 child born as a result of the abortion. During the  
8 performance of the abortion, the physician performing  
9 it, and subsequent to the abortion, the physician  
10 required to be in attendance, shall take all reasonable  
11 steps in keeping with good medical practice, consistent  
12 with the procedure used, to preserve the life or health  
13 of the viable unborn child; provided that it does not  
14 pose an increased risk to the life of the woman or does  
15 not pose an increased risk of substantial and  
16 irreversible physical impairment of a major bodily  
17 function of the woman.

18 3. Any person who knowingly performs or induces  
19 an abortion of an unborn child in violation of the  
20 provisions of this section is guilty of a class [C] D  
21 felony, and, upon a finding of guilt or plea of guilty,  
22 shall be imprisoned for a term of not less than one  
23 year, and, notwithstanding the provisions of section  
24 560.011, shall be fined not less than ten thousand nor  
25 more than fifty thousand dollars.

26 4. Any physician who pleads guilty to or is found  
27 guilty of performing or inducing an abortion of an  
28 unborn child in violation of this section shall be  
29 subject to suspension or revocation of his or her  
30 license to practice medicine in the state of Missouri  
31 by the state board of registration for the healing arts  
32 under the provisions of sections 334.100 and 334.103.

33 5. Any hospital licensed in the state of Missouri  
34 that knowingly allows an abortion of an unborn child to  
35 be performed or induced in violation of this section  
36 may be subject to suspension or revocation of its  
37 license under the provisions of section 197.070.

38 6. Any ambulatory surgical center licensed in the  
39 state of Missouri that knowingly allows an abortion of  
40 an unborn child to be performed or induced in violation  
41 of this section may be subject to suspension or  
42 revocation of its license under the provisions of  
43 section 197.220.

44 7. A woman upon whom an abortion is performed or  
45 induced in violation of this section shall not be  
46 prosecuted for a conspiracy to violate the provisions  
47 of this section.

48 8. Nothing in this section shall be construed as  
49 creating or recognizing a right to abortion, nor is it  
50 the intention of this section to make lawful any  
51 abortion that is currently unlawful.

1           9. It is the intent of the legislature that this  
2 section be severable as noted in section 1.140. In the  
3 event that any section, subsection, subdivision,  
4 paragraph, sentence, or clause of this section be  
5 declared invalid under the Constitution of the United  
6 States or the Constitution of the State of Missouri, it  
7 is the intent of the legislature that the remaining  
8 provisions of this section remain in force and effect  
9 as far as capable of being carried into execution as  
10 intended by the legislature.

11           10. The general assembly may, by concurrent  
12 resolution, appoint one or more of its members who  
13 sponsored or co-sponsored this act in his or her  
14 official capacity to intervene as a matter of right in  
15 any case in which the constitutionality of this law is  
16 challenged.]

17  
18           [[660.315.] 197.1036. 1. After an investigation  
19 and a determination has been made to place a person's  
20 name on the employee disqualification list, that person  
21 shall be notified in writing mailed to his or her last  
22 known address that:

23           (1) An allegation has been made against the  
24 person, the substance of the allegation and that an  
25 investigation has been conducted which tends to  
26 substantiate the allegation;

27           (2) The person's name will be included in the  
28 employee disqualification list of the department;

29           (3) The consequences of being so listed including  
30 the length of time to be listed; and

31           (4) The person's rights and the procedure to  
32 challenge the allegation.

33           2. If no reply has been received within thirty  
34 days of mailing the notice, the department may include  
35 the name of such person on its list. The length of  
36 time the person's name shall appear on the employee  
37 disqualification list shall be determined by the  
38 director or the director's designee, based upon the  
39 criteria contained in subsection 9 of this section.

40           3. If the person so notified wishes to challenge  
41 the allegation, such person may file an application for  
42 a hearing with the department. The department shall  
43 grant the application within thirty days after receipt  
44 by the department and set the matter for hearing, or  
45 the department shall notify the applicant that, after  
46 review, the allegation has been held to be unfounded  
47 and the applicant's name will not be listed.

48           4. If a person's name is included on the employee  
49 disqualification list without the department providing  
50 notice as required under subsection 1 of this section,  
51 such person may file a request with the department for

1 removal of the name or for a hearing. Within thirty  
2 days after receipt of the request, the department shall  
3 either remove the name from the list or grant a hearing  
4 and set a date therefor.

5 5. Any hearing shall be conducted in the county  
6 of the person's residence by the director of the  
7 department or the director's designee. The provisions  
8 of chapter 536 for a contested case except those  
9 provisions or amendments which are in conflict with  
10 this section shall apply to and govern the proceedings  
11 contained in this section and the rights and duties of  
12 the parties involved. The person appealing such an  
13 action shall be entitled to present evidence, pursuant  
14 to the provisions of chapter 536, relevant to the  
15 allegations.

16 6. Upon the record made at the hearing, the  
17 director of the department or the director's designee  
18 shall determine all questions presented and shall  
19 determine whether the person shall be listed on the  
20 employee disqualification list. The director of the  
21 department or the director's designee shall clearly  
22 state the reasons for his or her decision and shall  
23 include a statement of findings of fact and conclusions  
24 of law pertinent to the questions in issue.

25 7. A person aggrieved by the decision following  
26 the hearing shall be informed of his or her right to  
27 seek judicial review as provided under chapter 536. If  
28 the person fails to appeal the director's findings,  
29 those findings shall constitute a final determination  
30 that the person shall be placed on the employee  
31 disqualification list.

32 8. A decision by the director shall be  
33 inadmissible in any civil action brought against a  
34 facility or the in-home services provider agency and  
35 arising out of the facts and circumstances which  
36 brought about the employment disqualification  
37 proceeding, unless the civil action is brought against  
38 the facility or the in-home services provider agency by  
39 the department of health and senior services or one of  
40 its divisions.

41 9. The length of time the person's name shall  
42 appear on the employee disqualification list shall be  
43 determined by the director of the department of health  
44 and senior services or the director's designee, based  
45 upon the following:

46 (1) Whether the person acted recklessly or  
47 knowingly, as defined in chapter 562;

48 (2) The degree of the physical, sexual, or  
49 emotional injury or harm; or the degree of the imminent  
50 danger to the health, safety or welfare of a resident  
51 or in-home services client;

(3) The degree of misappropriation of the property or funds, or falsification of any documents for service delivery of an in-home services client;

(4) Whether the person has previously been listed on the employee disqualification list;

(5) Any mitigating circumstances;

(6) Any aggravating circumstances; and

(7) Whether alternative sanctions resulting in conditions of continued employment are appropriate in lieu of placing a person's name on the employee disqualification list. Such conditions of employment may include, but are not limited to, additional training and employee counseling. Conditional employment shall terminate upon the expiration of the designated length of time and the person's submitting documentation which fulfills the department of health and senior services' requirements.

10. The removal of any person's name from the list under this section shall not prevent the director from keeping records of all acts finally determined to have occurred under this section.

11. The department shall provide the list maintained pursuant to this section to other state departments upon request and to any person, corporation, organization, or association who:

(1) Is licensed as an operator under chapter 198;

(2) Provides in-home services under contract with the department;

(3) Employs nurses and nursing assistants for temporary or intermittent placement in health care facilities;

(4) Is approved by the department to issue certificates for nursing assistants training;

(5) Is an entity licensed under this chapter [197];

(6) Is a recognized school of nursing, medicine, or other health profession for the purpose of determining whether students scheduled to participate in clinical rotations with entities described in subdivision (1), (2), or (5) of this subsection are included in the employee disqualification list; or

(7) Is a consumer reporting agency regulated by the federal Fair Credit Reporting Act that conducts employee background checks on behalf of entities listed in subdivisions (1), (2), (5), or (6) of this subsection. Such a consumer reporting agency shall conduct the employee disqualification list check only upon the initiative or request of an entity described in subdivisions (1), (2), (5), or (6) of this subsection when the entity is fulfilling its duties required under this section. The information shall be

disclosed only to the requesting entity. The department shall inform any person listed above who inquires of the department whether or not a particular name is on the list. The department may require that the request be made in writing. No person, corporation, organization, or association who is entitled to access the employee disqualification list may disclose the information to any person, corporation, organization, or association who is not entitled to access the list. Any person, corporation, organization, or association who is entitled to access the employee disqualification list who discloses the information to any person, corporation, organization, or association who is not entitled to access the list shall be guilty of an infraction.

12. No person, corporation, organization, or association who received the employee disqualification list under subdivisions (1) to (7) of subsection 11 of this section shall knowingly employ any person who is on the employee disqualification list. Any person, corporation, organization, or association who received the employee disqualification list under subdivisions (1) to (7) of subsection 11 of this section, or any person responsible for providing health care service, who declines to employ or terminates a person whose name is listed in this section shall be immune from suit by that person or anyone else acting for or in behalf of that person for the failure to employ or for the termination of the person whose name is listed on the employee disqualification list.

13. Any employer or vendor as defined in sections 197.250, 197.400, 198.006, 208.900, or 660.250 required to deny employment to an applicant or to discharge an employee, provisional or otherwise, as a result of information obtained through any portion of the background screening and employment eligibility determination process under section 210.903, or subsequent, periodic screenings, shall not be liable in any action brought by the applicant or employee relating to discharge where the employer is required by law to terminate the employee, provisional or otherwise, and shall not be charged for unemployment insurance benefits based on wages paid to the employee for work prior to the date of discharge, pursuant to section 288.100, if the employer terminated the employee because the employee:

(1) Has been found guilty, pled guilty or nolo contendere in this state or any other state of a crime as listed in subsection 6 of section [660.317]

197.1038;

(2) Was placed on the employee disqualification

list under this section after the date of hire;

(3) Was placed on the employee disqualification registry maintained by the department of mental health after the date of hire;

(4) Has a disqualifying finding under this section, section [660.317] 197.1038, or is on any of the background check lists in the family care safety registry under sections 210.900 to 210.936; or

(5) Was denied a good cause waiver as provided for in subsection 10 of section [660.317] 197.1038.

14. Any person who has been listed on the employee disqualification list may request that the director remove his or her name from the employee disqualification list. The request shall be written and may not be made more than once every twelve months. The request will be granted by the director upon a clear showing, by written submission only, that the person will not commit additional acts of abuse, neglect, misappropriation of the property or funds, or the falsification of any documents of service delivery to an in-home services client. The director may make conditional the removal of a person's name from the list on any terms that the director deems appropriate, and failure to comply with such terms may result in the person's name being relisted. The director's determination of whether to remove the person's name from the list is not subject to appeal.]

[210.117. 1. A child taken into the custody of the state shall not be reunited with a parent or placed in a home in which the parent or any person residing in the home has been found guilty of[, or pled guilty to,] any of the following offenses when a child was the victim:

(1) A felony violation of section 566.030, 566.031, 566.032, [566.040,] 566.060, 566.061, 566.062, 566.064, 566.067, 566.068, [566.070,] 566.069, 566.071, 566.083, [566.090,] 566.100, 566.101, 566.111, 566.151, 566.203, 566.206, 566.209, 566.212, or 566.215;

(2) A violation of section 568.020;

(3) [A violation of subdivision (2) of subsection 1 of section 568.060] Abuse of a child under section 568.060 when such abuse is sexual in nature;

(4) A violation of section 568.065;

(5) A violation of section [568.080] 573.200;

(6) A violation of section [568.090] 573.205; or

(7) A violation of section 568.175;

(8) A violation of section 566.040, 566.070, or 566.090 as such sections existed prior to August 28, 2013; or

1                   (9) A violation of section 568.080 or 568.090 as  
2 such sections existed prior to January 1, 2017.

3           2. For all other violations of offenses in  
4 chapters 566 and 568 not specifically listed in  
5 subsection 1 of this section or for a violation of an  
6 offense committed in another state when a child is the  
7 victim that would be a violation of chapter 566 or 568,  
8 if committed in Missouri, the division may exercise its  
9 discretion regarding the placement of a child taken  
10 into the custody of the state in which a parent or any  
11 person residing in the home has been found guilty of[,  
12 or pled guilty to,] any such offense.

13           3. In any case where the children's division  
14 determines based on a substantiated report of child  
15 abuse that a child has abused another child, the  
16 abusing child shall be prohibited from returning to or  
17 residing in any residence, facility, or school within  
18 one thousand feet of the residence of the abused child  
19 or any child care facility or school that the abused  
20 child attends, unless and until a court of competent  
21 jurisdiction determines that the alleged abuse did not  
22 occur or the abused child reaches the age of eighteen,  
23 whichever earlier occurs. The provisions of this  
24 subsection shall not apply when the abusing child and  
25 the abused child are siblings or children living in the  
26 same home.].

27  
28           [211.038. 1. A child under the jurisdiction of the  
29 juvenile court shall not be reunited with a parent or  
30 placed in a home in which the parent or any person  
31 residing in the home has been found guilty of[, or pled  
32 guilty to,] any of the following offenses when a child  
33 was the victim:

34           (1) A felony violation of section 566.030,  
35 566.031, 566.032, [566.040,] 566.060, 566.061, 566.062,  
36 566.064, 566.067, 566.068, [566.070,] 566.069, 566.071,  
37 566.083, [566.090,] 566.100, 566.101, 566.111, 566.151,  
38 566.203, 566.206, 566.209, 566.212, or 566.215;

39           (2) A violation of section 568.020;

40           (3) [A violation of subdivision (2) of subsection  
41 1 of section 568.060] Abuse of a child under section  
42 568.060 when such abuse is sexual in nature;

43           (4) A violation of section 568.065;

44           (5) A violation of section [568.080] 573.200;

45           (6) A violation of section [568.090] 573.205; or

46           (7) A violation of section 568.175;

47           (8) A violation of section 566.040, 566.070, or  
48 566.090 as such sections existed prior to August 28,  
49 2013; or

50           (9) A violation of section 568.080 or 568.090 as

1 such sections existed prior to January 1, 2017.

2 2. For all other violations of offenses in  
3 chapters 566 and 568 not specifically listed in  
4 subsection 1 of this section or for a violation of an  
5 offense committed in another state when a child is the  
6 victim that would be a violation of chapter 566 or 568  
7 if committed in Missouri, the juvenile court may  
8 exercise its discretion regarding the placement of a  
9 child under the jurisdiction of the juvenile court in a  
10 home in which a parent or any person residing in the  
11 home has been found guilty of, or pled guilty to, any  
12 such offense.

13 3. If the juvenile court determines that a child  
14 has abused another child, such abusing child shall be  
15 prohibited from returning to or residing in any  
16 residence located within one thousand feet of the  
17 residence of the abused child, or any child care  
18 facility or school that the abused child attends, until  
19 the abused child reaches eighteen years of age. The  
20 prohibitions of this subsection shall not apply where  
21 the alleged abuse occurred between siblings or children  
22 living in the same home.】

23  
24 [217.010. As used in this chapter and chapter  
25 558, unless the context clearly indicates otherwise,  
26 the following terms shall mean:

27 (1) "Administrative segregation unit", a cell for  
28 the segregation of offenders from the general  
29 population of a facility for relatively extensive  
30 periods of time;

31 (2) "Board", the board of probation and parole;

32 (3) "Chief administrative officer", the  
33 institutional head of any correctional facility or his  
34 designee;

35 (4) "Correctional center", any premises or  
36 institution where incarceration, evaluation, care,  
37 treatment, or rehabilitation is provided to persons who  
38 are under the department's authority;

39 (5) "Department", the department of corrections  
40 of the state of Missouri;

41 (6) "Director", the director of the department of  
42 corrections or his designee;

43 (7) "Disciplinary segregation", a cell for the  
44 segregation of offenders from the general population of  
45 a correctional center because the offender has been  
46 found to have committed a violation of a division or  
47 facility rule and other available means are inadequate  
48 to regulate the offender's behavior;

49 (8) "Division", a statutorily created agency  
50 within the department or an agency created by the  
51 departmental organizational plan;

1           (9) "Division director", the director of a  
2 division of the department or his designee;

3           (10) "Local volunteer community board", a board  
4 of qualified local community volunteers selected by the  
5 court for the purpose of working in partnership with  
6 the court and the department of corrections in a  
7 reparative probation program;

8           (11) "Nonviolent offender", any offender who is  
9 convicted of a crime other than murder in the first or  
10 second degree, involuntary manslaughter, kidnapping,  
11 kidnapping in the first degree, rape in the first  
12 degree, forcible rape, sodomy in the first degree,  
13 forcible sodomy, robbery in the first degree or assault  
14 in the first degree;

15           (12) "Offender", a person under supervision or an  
16 inmate in the custody of the department;

17           (13) "Probation", a procedure under which a  
18 defendant found guilty of a crime upon verdict or plea  
19 is released by the court without imprisonment, subject  
20 to conditions imposed by the court and subject to the  
21 supervision of the board;

22           (14) "Volunteer", any person who, of his own free  
23 will, performs any assigned duties for the department  
24 or its divisions with no monetary or material  
25 compensation.]  
26

27           [217.703. 1. The division of probation and  
28 parole shall award earned compliance credits to any  
29 offender who is:

30           (1) Not subject to lifetime supervision under  
31 sections 217.735 and 559.106 or otherwise found to be  
32 ineligible to earn credits by a court pursuant to  
33 subsection 2 of this section;

34           (2) On probation, parole, or conditional release  
35 for an offense listed in chapter [195] 579, or an  
36 offense previously listed in chapter 195, or for a  
37 class [C or] D or E felony, excluding the offenses of  
38 [aggravated] stalking in the first degree, rape in the  
39 second degree, sexual assault, sodomy in the second  
40 degree, deviate sexual assault, assault in the second  
41 degree under subdivision (2) of subsection 1 of section  
42 [565.060] 565.052, sexual misconduct involving a child,  
43 endangering the welfare of a child in the first degree  
44 under subdivision (2) of subsection 1 of section  
45 568.045, incest, invasion of privacy, [and] abuse of a  
46 child, and any offense of aggravated stalking or  
47 assault in the second degree under subdivision (2) of  
48 subsection 1 of section 565.060 as such offenses  
49 existed prior to January 1, 2017;

50           (3) Supervised by the board; and

1           (4) In compliance with the conditions of  
2 supervision imposed by the sentencing court or board.  
3           2. If an offender was placed on probation,  
4 parole, or conditional release for an offense of:  
5           (1) Involuntary manslaughter in the first degree;  
6           (2) Involuntary manslaughter in the second  
7 degree;  
8           (3) Assault in the second degree except under  
9 subdivision (2) of subsection 1 of section [565.060]  
10 565.052 or section 565.060 as it existed prior to  
11 January 1, 2017;  
12           (4) Domestic assault in the second degree;  
13           (5) Assault [of a law enforcement officer in the  
14 second] in the third degree when the victim is a  
15 special victim or assault of a law enforcement officer  
16 in the second degree as it existed prior to January 1,  
17 2017;  
18           (6) Statutory rape in the second degree;  
19           (7) Statutory sodomy in the second degree;  
20           (8) Endangering the welfare of a child in the  
21 first degree under subdivision (1) of subsection 1 of  
22 section 568.045; or  
23           (9) Any case in which the defendant is found  
24 guilty of a felony offense under chapter 571, the  
25 sentencing court may, upon its own motion or a motion  
26 of the prosecuting or circuit attorney, make a finding  
27 that the offender is ineligible to earn compliance  
28 credits because the nature and circumstances of the  
29 offense or the history and character of the offender  
30 indicate that a longer term of probation, parole, or  
31 conditional release is necessary for the protection of  
32 the public or the guidance of the offender. The motion  
33 may be made any time prior to the first month in which  
34 the person may earn compliance credits under this  
35 section. The offender's ability to earn credits shall  
36 be suspended until the court or board makes its  
37 finding. If the court or board finds that the offender  
38 is eligible for earned compliance credits, the credits  
39 shall begin to accrue on the first day of the next  
40 calendar month following the issuance of the decision.  
41           3. Earned compliance credits shall reduce the  
42 term of probation, parole, or conditional release by  
43 thirty days for each full calendar month of compliance  
44 with the terms of supervision. Credits shall begin to  
45 accrue for eligible offenders after the first full  
46 calendar month of supervision or on October 1, 2012, if  
47 the offender began a term of probation, parole, or  
48 conditional release before September 1, 2012.  
49           4. For the purposes of this section, the term  
50 "compliance" shall mean the absence of an initial  
51 violation report submitted by a probation or parole

1 officer during a calendar month, or a motion to revoke  
2 or motion to suspend filed by a prosecuting or circuit  
3 attorney, against the offender.

4 5. Credits shall not accrue during any calendar  
5 month in which a violation report has been submitted or  
6 a motion to revoke or motion to suspend has been filed,  
7 and shall be suspended pending the outcome of a  
8 hearing, if a hearing is held. If no hearing is held  
9 or the court or board finds that the violation did not  
10 occur, then the offender shall be deemed to be in  
11 compliance and shall begin earning credits on the first  
12 day of the next calendar month following the month in  
13 which the report was submitted or the motion was filed.  
14 All earned credits shall be rescinded if the court or  
15 board revokes the probation or parole or the court  
16 places the offender in a department program under  
17 subsection 4 of section 559.036. Earned credits shall  
18 continue to be suspended for a period of time during  
19 which the court or board has suspended the term of  
20 probation, parole, or release, and shall begin to  
21 accrue on the first day of the next calendar month  
22 following the lifting of the suspension.

23 6. Offenders who are deemed by the division to be  
24 absconders shall not earn credits. For purposes of  
25 this subsection, "absconder" shall mean an offender  
26 under supervision who has left such offender's place of  
27 residency without the permission of the offender's  
28 supervising officer for the purpose of avoiding  
29 supervision. An offender shall no longer be deemed an  
30 absconder when such offender is available for active  
31 supervision.

32 7. Notwithstanding subsection 2 of section  
33 217.730 to the contrary, once the combination of time  
34 served in custody, if applicable, time served on  
35 probation, parole, or conditional release, and earned  
36 compliance credits satisfy the total term of probation,  
37 parole, or conditional release, the board or sentencing  
38 court shall order final discharge of the offender, so  
39 long as the offender has completed at least two years  
40 of his or her probation or parole, which shall include  
41 any time served in custody under section 217.718 and  
42 sections 559.036 and 559.115.

43 8. The award or rescission of any credits earned  
44 under this section shall not be subject to appeal or  
45 any motion for postconviction relief.

46 9. At least twice a year, the division shall  
47 calculate the number of months the offender has  
48 remaining on his or her term of probation, parole, or  
49 conditional release, taking into consideration any  
50 earned compliance credits, and notify the offender of  
51 the length of the remaining term.

1           10. No less than sixty days before the date of  
2 final discharge, the division shall notify the  
3 sentencing court, the board, and, for probation cases,  
4 the circuit or prosecuting attorney of the impending  
5 discharge. If the sentencing court, the board, or the  
6 circuit or prosecuting attorney upon receiving such  
7 notice does not take any action under subsection 5 of  
8 this section, the offender shall be discharged under  
9 subsection 7 of this section.]

10  
11           [260.211. 1. A person commits the offense of  
12 criminal disposition of demolition waste if he  
13 purposely or knowingly disposes of or causes the  
14 disposal of more than two thousand pounds or four  
15 hundred cubic feet of such waste on property in this  
16 state other than in a solid waste processing facility  
17 or solid waste disposal area having a permit as  
18 required by section 260.205; provided that, this  
19 subsection shall not prohibit the use or require a  
20 solid waste permit for the use of solid wastes in  
21 normal farming operations or in the processing or  
22 manufacturing of other products in a manner that will  
23 not create a public nuisance or adversely affect public  
24 health and shall not prohibit the disposal of or  
25 require a solid waste permit for the disposal by an  
26 individual of solid wastes resulting from his or her  
27 own residential activities on property owned or  
28 lawfully occupied by him or her when such wastes do not  
29 thereby create a public nuisance or adversely affect  
30 the public health. Demolition waste shall not include  
31 clean fill or vegetation. Criminal disposition of  
32 demolition waste is a class [D] E felony. In addition  
33 to other penalties prescribed by law, a person  
34 convicted of criminal disposition of demolition waste  
35 is subject to a fine not to exceed twenty thousand  
36 dollars, except as provided below. The magnitude of  
37 the fine shall reflect the seriousness or potential  
38 seriousness of the threat to human health and the  
39 environment posed by the violation, but shall not  
40 exceed twenty thousand dollars, except that if a court  
41 of competent jurisdiction determines that the person  
42 responsible for illegal disposal of demolition waste  
43 under this subsection did so for remuneration as a part  
44 of an ongoing commercial activity, the court shall set  
45 a fine which reflects the seriousness or potential  
46 threat to human health and the environment which at  
47 least equals the economic gain obtained by the person,  
48 and such fine may exceed the maximum established  
49 herein.

50           2. Any person who purposely or knowingly disposes  
51 of or causes the disposal of more than two thousand

1 pounds or four hundred cubic feet of his or her  
2 personal construction or demolition waste on his or her  
3 own property shall be guilty of a class [C] D  
4 misdemeanor. If such person receives any amount of  
5 money, goods, or services in connection with permitting  
6 any other person to dispose of construction or  
7 demolition waste on his or her property, such person  
8 shall be guilty of a class [D] E felony.

9 3. The court shall order any person convicted of  
10 illegally disposing of demolition waste upon his or her  
11 own property for remuneration to clean up such waste  
12 and, if he or she fails to clean up the waste or if he  
13 or she is unable to clean up the waste, the court may  
14 notify the county recorder of the county containing the  
15 illegal disposal site. The notice shall be designed to  
16 be recorded on the record.

17 4. The court may order restitution by requiring  
18 any person convicted under this section to clean up any  
19 demolition waste he illegally dumped and the court may  
20 require any such person to perform additional community  
21 service by cleaning up and properly disposing of  
22 demolition waste illegally dumped by other persons.

23 5. The prosecutor of any county or circuit  
24 attorney of any city not within a county may, by  
25 information or indictment, institute a prosecution for  
26 any violation of the provisions of this section.

27 6. Any person shall be guilty of conspiracy as  
28 defined in section 564.016 if he or she knows or should  
29 have known that his or her agent or employee has  
30 committed the acts described in sections 260.210 to  
31 260.212 while engaged in the course of employment.]

32  
33 [260.212. 1. A person commits the offense of  
34 criminal disposition of solid waste if he purposely or  
35 knowingly disposes of or causes the disposal of more  
36 than five hundred pounds or one hundred cubic feet of  
37 commercial or residential solid waste on property in  
38 this state other than a solid waste processing facility  
39 or solid waste disposal area having a permit as  
40 required by section 260.205; provided that, this  
41 subsection shall not prohibit the use or require a  
42 solid waste permit for the use of solid wastes in  
43 normal farming operations or in the processing or  
44 manufacturing of other products in a manner that will  
45 not create a public nuisance or adversely affect public  
46 health and shall not prohibit the disposal of or  
47 require a solid waste permit for the disposal by an  
48 individual of solid wastes resulting from his or her  
49 own residential activities on property owned or  
50 lawfully occupied by him or her when such wastes do not  
51 thereby create a public nuisance or adversely affect

1 the public health. Criminal disposition of solid waste  
2 is a class [D] E felony. In addition to other  
3 penalties prescribed by law, a person convicted of  
4 criminal disposition of solid waste is subject to a  
5 fine, and the magnitude of the fine shall reflect the  
6 seriousness or potential seriousness of the threat to  
7 human health and the environment posed by the  
8 violation, but shall not exceed twenty thousand  
9 dollars, except that if a court of competent  
10 jurisdiction determines that the person responsible for  
11 illegal disposal of solid waste under this subsection  
12 did so for remuneration as a part of an ongoing  
13 commercial activity, the court shall set a fine which  
14 reflects the seriousness or potential threat to human  
15 health and the environment which at least equals the  
16 economic gain obtained by the person, and such fine may  
17 exceed the maximum established herein.

18 2. The court shall order any person convicted of  
19 illegally disposing of solid waste upon his or her own  
20 property for remuneration to clean up such waste and,  
21 if he or she fails to clean up the waste or if he or  
22 she is unable to clean up the waste, the court may  
23 notify the county recorder of the county containing the  
24 illegal disposal site. The notice shall be designed to  
25 be recorded on the record.

26 3. The court may order restitution by requiring  
27 any person convicted under this section to clean up any  
28 commercial or residential solid waste he illegally  
29 dumped and the court may require any such person to  
30 perform additional community service by cleaning up  
31 commercial or residential solid waste illegally dumped  
32 by other persons.

33 4. The prosecutor of any county or circuit  
34 attorney of any city not within a county may, by  
35 information or indictment, institute a prosecution for  
36 any violation of the provisions of this section.

37 5. Any person shall be guilty of conspiracy as  
38 defined in section 564.016 if he knows or should have  
39 known that his or her agent or employee has committed  
40 the acts described in sections 260.210 to 260.212 while  
41 engaged in the course of employment.]

42  
43 [476.055. 1. There is hereby established in the  
44 state treasury the "Statewide Court Automation Fund".  
45 All moneys collected pursuant to section 488.027, as  
46 well as gifts, contributions, devises, bequests, and  
47 grants received relating to automation of judicial  
48 record keeping, and moneys received by the judicial  
49 system for the dissemination of information and sales  
50 of publications developed relating to automation of  
51 judicial record keeping, shall be credited to the fund.

1 Moneys credited to this fund may only be used for the  
2 purposes set forth in this section and as appropriated  
3 by the general assembly. Any unexpended balance  
4 remaining in the statewide court automation fund at the  
5 end of each biennium shall not be subject to the  
6 provisions of section 33.080 requiring the transfer of  
7 such unexpended balance to general revenue; except  
8 that, any unexpended balance remaining in the fund on  
9 September 1, 2018, shall be transferred to general  
10 revenue.

11 2. The statewide court automation fund shall be  
12 administered by a court automation committee consisting  
13 of the following: the chief justice of the supreme  
14 court, a judge from the court of appeals, four circuit  
15 judges, four associate circuit judges, four employees  
16 of the circuit court, the commissioner of  
17 administration, two members of the house of  
18 representatives appointed by the speaker of the house,  
19 two members of the senate appointed by the president  
20 pro tem of the senate and two members of the Missouri  
21 Bar. The judge members and employee members shall be  
22 appointed by the chief justice. The commissioner of  
23 administration shall serve ex officio. The members of  
24 the Missouri Bar shall be appointed by the board of  
25 governors of the Missouri Bar. Any member of the  
26 committee may designate another person to serve on the  
27 committee in place of the committee member.

28 3. The committee shall develop and implement a  
29 plan for a statewide court automation system. The  
30 committee shall have the authority to hire consultants,  
31 review systems in other jurisdictions and purchase  
32 goods and services to administer the provisions of this  
33 section. The committee may implement one or more pilot  
34 projects in the state for the purposes of determining  
35 the feasibility of developing and implementing such  
36 plan. The members of the committee shall be reimbursed  
37 from the court automation fund for their actual  
38 expenses in performing their official duties on the  
39 committee.

40 4. Any purchase of computer software or computer  
41 hardware that exceeds five thousand dollars shall be  
42 made pursuant to the requirements of the office of  
43 administration for lowest and best bid. Such bids  
44 shall be subject to acceptance by the office of  
45 administration. The court automation committee shall  
46 determine the specifications for such bids.

47 5. The court automation committee shall not  
48 require any circuit court to change any operating  
49 system in such court, unless the committee provides all  
50 necessary personnel, funds and equipment necessary to  
51 effectuate the required changes. No judicial circuit

1 or county may be reimbursed for any costs incurred  
2 pursuant to this subsection unless such judicial  
3 circuit or county has the approval of the court  
4 automation committee prior to incurring the specific  
5 cost.

6 6. Any court automation system, including any  
7 pilot project, shall be implemented, operated and  
8 maintained in accordance with strict standards for the  
9 security and privacy of confidential judicial records.  
10 Any person who knowingly releases information from a  
11 confidential judicial record is guilty of a class B  
12 misdemeanor. Any person who, knowing that a judicial  
13 record is confidential, uses information from such  
14 confidential record for financial gain is guilty of a  
15 class [D] E felony.

16 7. On the first day of February, May, August and  
17 November of each year, the court automation committee  
18 shall file a report on the progress of the statewide  
19 automation system with [the joint legislative committee  
20 on court automation. Such committee shall consist of  
21 the following]:

- 22 (1) The chair of the house budget committee;  
23 (2) The chair of the senate appropriations  
24 committee;  
25 (3) The chair of the house judiciary committee;  
26 and  
27 (4) The chair of the senate judiciary committee[;  
28 (5) One member of the minority party of the house  
29 appointed by the speaker of the house of  
30 representatives; and  
31 (6) One member of the minority party of the  
32 senate appointed by the president pro tempore of the  
33 senate.

34 8. The members of the joint legislative committee  
35 shall be reimbursed from the court automation fund for  
36 their actual expenses incurred in the performance of  
37 their official duties as members of the joint  
38 legislative committee on court automation].

39 [9.] 8. Section 488.027 shall expire on September  
40 1, 2018. The court automation committee established  
41 pursuant to this section may continue to function until  
42 completion of its duties prescribed by this section,  
43 but shall complete its duties prior to September 1,  
44 2020.

45 10. This section shall expire on September 1,  
46 2020.]

47  
48 [[566.135.] 545.940. 1. Pursuant to a motion  
49 filed by the prosecuting attorney or circuit attorney  
50 with notice given to the defense attorney and for good

1 cause shown, in any criminal case in which a defendant  
2 has been charged by the prosecuting attorney's office  
3 or circuit attorney's office with any offense under  
4 [this chapter or pursuant to section 575.150, 567.020,  
5 565.050, 565.060, 565.070,] chapter 566 or section  
6 565.050, assault in the first degree; 565.052, assault  
7 in the second degree; 565.054, assault in the third  
8 degree; 565.056, assault in the fourth degree; section  
9 565.072, domestic assault in the first degree; section  
10 565.073, domestic assault in the second degree; section  
11 565.074, [565.075, 565.081, 565.082, 565.083,] domestic  
12 assault in the third degree; section 565.076, domestic  
13 assault in the fourth degree; section 567.020,  
14 prostitution; section 568.045, endangering the welfare  
15 of a child in the first degree; section 568.050, [or]  
16 endangering the welfare of a child in the second  
17 degree; section 568.060, abuse of a child; section  
18 575.150, resisting or interfering with an arrest; or  
19 paragraph (a), (b), or (c), of subdivision (2) of  
20 subsection 1 of section 191.677, recklessly exposing a  
21 person to HIV, the court may order that the defendant  
22 be conveyed to a state-, city-, or county-operated HIV  
23 clinic for testing for HIV, hepatitis B, hepatitis C,  
24 syphilis, gonorrhea, and chlamydia. The results of  
25 [the defendant's HIV, hepatitis B, hepatitis C,  
26 syphilis, gonorrhea, and chlamydia] such tests shall be  
27 released to the victim and his or her parent or legal  
28 guardian if the victim is a minor. The results of [the  
29 defendant's HIV, hepatitis B, hepatitis C, syphilis,  
30 gonorrhea, and chlamydia] such tests shall also be  
31 released to the prosecuting attorney or circuit  
32 attorney and the defendant's attorney. The state's  
33 motion to obtain said testing, the court's order of the  
34 same, and the test results shall be sealed in the court  
35 file.

36 2. As used in this section, "HIV" means the human  
37 immunodeficiency virus that causes acquired  
38 immunodeficiency syndrome.]  
39

40 [556.061. In this code, unless the context  
41 requires a different definition, the following [shall  
42 apply] terms shall mean:

43 (1) "Access", to instruct, communicate with,  
44 store data in, retrieve or extract data from, or  
45 otherwise make any use of any resources of, a computer,  
46 computer system, or computer network;

47 (2) "Affirmative defense" [has the meaning  
48 specified in section 556.056] :

49 (a) The defense referred to is not submitted to  
50 the trier of fact unless supported by evidence; and

1           (b) If the defense is submitted to the trier of  
2           fact the defendant has the burden of persuasion that  
3           the defense is more probably true than not;

4           [(2)] (3) "Burden of injecting the issue" [has  
5           the meaning specified in section 556.051] ;

6           (a) The issue referred to is not submitted to the  
7           trier of fact unless supported by evidence; and

8           (b) If the issue is submitted to the trier of  
9           fact any reasonable doubt on the issue requires a  
10           finding for the defendant on that issue;

11           [(3)] (4) "Commercial film and photographic  
12           print processor", any person who develops exposed  
13           photographic film into negatives, slides or prints, or  
14           who makes prints from negatives or slides, for  
15           compensation. The term commercial film and  
16           photographic print processor shall include all  
17           employees of such persons but shall not include a  
18           person who develops film or makes prints for a public  
19           agency;

20           (5) "Computer", the box that houses the central  
21           processing unit (cpu), along with any internal storage  
22           devices, such as internal hard drives, and internal  
23           communication devices, such as internal modems capable  
24           of sending or receiving electronic mail or fax cards,  
25           along with any other hardware stored or housed  
26           internally. Thus, computer refers to hardware,  
27           software and data contained in the main unit.  
28           Printers, external modems attached by cable to the main  
29           unit, monitors, and other external attachments will be  
30           referred to collectively as peripherals and discussed  
31           individually when appropriate. When the computer and  
32           all peripherals are referred to as a package, the term  
33           "computer system" is used. Information refers to all  
34           the information on a computer system including both  
35           software applications and data;

36           (6) "Computer equipment", computers, terminals,  
37           data storage devices, and all other computer hardware  
38           associated with a computer system or network;

39           (7) "Computer hardware", all equipment which can  
40           collect, analyze, create, display, convert, store,  
41           conceal or transmit electronic, magnetic, optical or  
42           similar computer impulses or data. Hardware includes,  
43           but is not limited to, any data processing devices,  
44           such as central processing units, memory typewriters  
45           and self-contained laptop or notebook computers;  
46           internal and peripheral storage devices, transistor-  
47           like binary devices and other memory storage devices,  
48           such as floppy disks, removable disks, compact disks,  
49           digital video disks, magnetic tape, hard drive, optical  
50           disks and digital memory; local area networks, such as  
51           two or more computers connected together to a central

1 computer server via cable or modem; peripheral input or  
2 output devices, such as keyboards, printers, scanners,  
3 plotters, video display monitors and optical readers;  
4 and related communication devices, such as modems,  
5 cables and connections, recording equipment, RAM or ROM  
6 units, acoustic couplers, automatic dialers, speed  
7 dialers, programmable telephone dialing or signaling  
8 devices and electronic tone-generating devices; as well  
9 as any devices, mechanisms or parts that can be used to  
10 restrict access to computer hardware, such as physical  
11 keys and locks;

12 (8) "Computer network", two or more

13 interconnected computers or computer systems;

14 (9) "Computer program", a set of instructions,  
15 statements, or related data that directs or is intended  
16 to direct a computer to perform certain functions;

17 (10) "Computer software", digital information  
18 which can be interpreted by a computer and any of its  
19 related components to direct the way they work.  
20 Software is stored in electronic, magnetic, optical or  
21 other digital form. The term commonly includes  
22 programs to run operating systems and applications,  
23 such as word processing, graphic, or spreadsheet  
24 programs, utilities, compilers, interpreters and  
25 communications programs;

26 (11) "Computer-related documentation", written,  
27 recorded, printed or electronically stored material  
28 which explains or illustrates how to configure or use  
29 computer hardware, software or other related items;

30 (12) "Computer system", a set of related,  
31 connected or unconnected, computer equipment, data, or  
32 software;

33 [(4)] (13) "Confinement":

34 (a) A person is in confinement when such person  
35 is held in a place of confinement pursuant to arrest or  
36 order of a court, and remains in confinement until:

37 a. A court orders the person's release; or  
38 b. The person is released on bail, bond, or  
39 recognizance, personal or otherwise; or  
40 c. A public servant having the legal power and  
41 duty to confine the person authorizes his release  
42 without guard and without condition that he return to  
43 confinement;

44 (b) A person is not in confinement if:

45 a. The person is on probation or parole,  
46 temporary or otherwise; or  
47 b. The person is under sentence to serve a term  
48 of confinement which is not continuous, or is serving a  
49 sentence under a work-release program, and in either  
50 such case is not being held in a place of confinement  
51 or is not being held under guard by a person having the

1 legal power and duty to transport the person to or from  
2 a place of confinement;

3 [(5)] (14) "Consent": consent or lack of  
4 consent may be expressed or implied. Assent does not  
5 constitute consent if:

6 (a) It is given by a person who lacks the mental  
7 capacity to authorize the conduct charged to constitute  
8 the offense and such mental incapacity is manifest or  
9 known to the actor; or

10 (b) It is given by a person who by reason of  
11 youth, mental disease or defect, intoxication, a  
12 drug-induced state, or any other reason is manifestly  
13 unable or known by the actor to be unable to make a  
14 reasonable judgment as to the nature or harmfulness of  
15 the conduct charged to constitute the offense; or

16 (c) It is induced by force, duress or deception;

17 (15) "Controlled substance", a drug substance, or  
18 immediate precursor in schedules I through V as defined  
19 in chapter 195;

20 [(6)] (16) "Criminal negligence" [has the  
21 meaning specified in section 562.016] , failure to be  
22 aware of a substantial and unjustifiable risk that  
23 circumstances exist or a result will follow, and such  
24 failure constitutes a gross deviation from the standard  
25 of care which a reasonable person would exercise in the  
26 situation;

27 [(7)] (17) "Custody", a person is in custody  
28 when [the person] he or she has been arrested but has  
29 not been delivered to a place of confinement;

30 (18) "Damage", when used in relation to a  
31 computer system or network, means any alteration,  
32 deletion, or destruction of any part of the computer  
33 system or network;

34 [(8)] (19) "Dangerous felony" [means] , the  
35 felonies of arson in the first degree, assault in the  
36 first degree, attempted rape in the first degree if  
37 physical injury results, attempted forcible rape if  
38 physical injury results, attempted sodomy in the first  
39 degree if physical injury results, attempted forcible  
40 sodomy if physical injury results, rape in the first  
41 degree, forcible rape, sodomy in the first degree,  
42 forcible sodomy, assault in the second degree if the  
43 victim of such assault is a special victim as defined  
44 in subdivision (14) of section 565.002, kidnapping in  
45 the first degree, kidnapping, murder in the second  
46 degree, assault of a law enforcement officer in the  
47 first degree, domestic assault in the first degree,  
48 elder abuse in the first degree, robbery in the first  
49 degree, statutory rape in the first degree when the  
50 victim is a child less than twelve years of age at the

1 time of the commission of the act giving rise to the  
2 offense, statutory sodomy in the first degree when the  
3 victim is a child less than twelve years of age at the  
4 time of the commission of the act giving rise to the  
5 offense, [and,] child molestation in the first or  
6 second degree, abuse of a child if the child dies as a  
7 result of injuries sustained from conduct chargeable  
8 under section 568.060, child kidnapping, [and] parental  
9 kidnapping committed by detaining or concealing the  
10 whereabouts of the child for not less than one hundred  
11 twenty days under section 565.153, and an  
12 "intoxication-related traffic offense" or  
13 "intoxication-related boating offense" if the person is  
14 found to be a "habitual offender" as such terms are  
15 defined in section 577.001;

16 [(9)] (20) "Dangerous instrument" [means] , any  
17 instrument, article or substance, which, under the  
18 circumstances in which it is used, is readily capable  
19 of causing death or other serious physical injury;

20 (21) "Data", a representation of information,  
21 facts, knowledge, concepts, or instructions prepared in  
22 a formalized or other manner and intended for use in a  
23 computer or computer network. Data may be in any form  
24 including, but not limited to, printouts, microfiche,  
25 magnetic storage media, punched cards and as may be  
26 stored in the memory of a computer;

27 [(10)] (22) "Deadly weapon" [means] , any  
28 firearm, loaded or unloaded, or any weapon from which a  
29 shot, readily capable of producing death or serious  
30 physical injury, may be discharged, or a switchblade  
31 knife, dagger, billy club, blackjack or metal knuckles;

32 (23) "Digital camera", a camera that records  
33 images in a format which enables the images to be  
34 downloaded into a computer;

35 (24) "Disability", a mental, physical, or  
36 developmental impairment that substantially limits one  
37 or more major life activities or the ability to provide  
38 adequately for one's care or protection, whether the  
39 impairment is congenital or acquired by accident,  
40 injury or disease, where such impairment is verified by  
41 medical findings;

42 (25) "Elderly person", a person sixty years of  
43 age or older;

44 [(11)] (26) "Felony" [has the meaning specified  
45 in section 556.016] , an offense so designated or an  
46 offense for which persons found guilty thereof may be  
47 sentenced to death or imprisonment for a term of more  
48 than one year;

49 [(12)] (27) "Forcible compulsion" [means] either:

50 (a) Physical force that overcomes reasonable

1 resistance; or

2 (b) A threat, express or implied, that places a  
3 person in reasonable fear of death, serious physical  
4 injury or kidnapping of such person or another person;

5 [(13)] (28) "Incapacitated" [means that] , a  
6 temporary or permanent physical or mental condition[,  
7 temporary or permanent,] in which a person is  
8 unconscious, unable to appraise the nature of [such  
9 person's] his or her conduct, or unable to communicate  
10 unwillingness to an act;

11 [(14)] (29) "Infraction" [has the meaning  
12 specified in section 556.021] , a violation defined by  
13 this code or by any other statute of this state if it  
14 is so designated or if no sentence other than a fine,  
15 or fine and forfeiture or other civil penalty, is  
16 authorized upon conviction;

17 [(15)] (30) "Inhabitable structure" [has the  
18 meaning specified in section 569.010] , a vehicle,  
19 vessel or structure;

20 (a) Where any person lives or carries on business  
21 or other calling; or

22 (b) Where people assemble for purposes of  
23 business, government, education, religion,  
24 entertainment, or public transportation; or

25 (c) Which is used for overnight accommodation of  
26 persons. Any such vehicle, vessel, or structure is  
27 "inhabitable" regardless of whether a person is  
28 actually present.

29 If a building or structure is divided into separately  
30 occupied units, any unit not occupied by the actor is  
31 an "inhabitable structure of another";

32 [(16)] (31) "Knowingly" [has the meaning  
33 specified in section 562.016] , when used with respect  
34 to:

35 (a) Conduct or attendant circumstances, means a  
36 person is aware of the nature of his or her conduct or  
37 that those circumstances exist; or

38 (b) A result of conduct, means a person is aware  
39 that his or her conduct is practically certain to cause  
40 that result;

41 [(17)] (32) "Law enforcement officer" [means] ,  
42 any public servant having both the power and duty to  
43 make arrests for violations of the laws of this state,  
44 and federal law enforcement officers authorized to  
45 carry firearms and to make arrests for violations of  
46 the laws of the United States;

47 [(18)] (33) "Misdemeanor" [has the meaning  
48 specified in section 556.016] , an offense so  
49 designated or an offense for which persons found guilty  
50 thereof may be sentenced to imprisonment for a term of

1 which the maximum is one year or less;

2 (34) "Of another", property that any entity,  
3 including but not limited to any natural person,  
4 corporation, limited liability company, partnership,  
5 association, governmental subdivision or  
6 instrumentality, other than the actor, has a possessory  
7 or proprietary interest therein, except that property  
8 shall not be deemed property of another who has only a  
9 security interest therein, even if legal title is in  
10 the creditor pursuant to a conditional sales contract  
11 or other security arrangement;

12 [(19)] (35) "Offense" [means] └ any felony[,] or  
13 misdemeanor [or infraction];

14 [(20)] (36) "Physical injury" [means physical  
15 pain, illness, or any impairment of physical condition]  
16 , slight impairment of any function of the body or  
17 temporary loss of use of any part of the body;

18 [(21)] (37) "Place of confinement" [means] └ any  
19 building or facility and the grounds thereof wherein a  
20 court is legally authorized to order that a person  
21 charged with or convicted of a crime be held;

22 [(22)] (38) "Possess" or "possessed" [means] └  
23 having actual or constructive possession of an object  
24 with knowledge of its presence. A person has actual  
25 possession if such person has the object on his or her  
26 person or within easy reach and convenient control. A  
27 person has constructive possession if such person has  
28 the power and the intention at a given time to exercise  
29 dominion or control over the object either directly or  
30 through another person or persons. Possession may also  
31 be sole or joint. If one person alone has possession  
32 of an object, possession is sole. If two or more  
33 persons share possession of an object, possession is  
34 joint;

35 (39) "Property", anything of value, whether real  
36 or personal, tangible or intangible, in possession or  
37 in action;

38 [(23)] (40) "Public servant" [means] └ any person  
39 employed in any way by a government of this state who  
40 is compensated by the government by reason of such  
41 person's employment, any person appointed to a position  
42 with any government of this state, or any person  
43 elected to a position with any government of this  
44 state. It includes, but is not limited to,  
45 legislators, jurors, members of the judiciary and law  
46 enforcement officers. It does not include witnesses;

47 [(24)] (41) "Purposely" [has the meaning  
48 specified in section 562.016] , when used with respect  
49 to a person's conduct or to a result thereof, means  
50 when it is his or her conscious object to engage in

1 that conduct or to cause that result;

2 [(25)] (42) "Recklessly" [has the meaning  
3 specified in section 562.016] , consciously  
4 disregarding a substantial and unjustifiable risk that  
5 circumstances exist or that a result will follow, and  
6 such disregard constitutes a gross deviation from the  
7 standard of care which a reasonable person would  
8 exercise in the situation;

9 [(26) "Ritual" or "ceremony" means an act or  
10 series of acts performed by two or more persons as part  
11 of an established or prescribed pattern of activity;

12 (27)] (43) "Serious emotional injury", an injury  
13 that creates a substantial risk of temporary or  
14 permanent medical or psychological damage, manifested  
15 by impairment of a behavioral, cognitive or physical  
16 condition. Serious emotional injury shall be  
17 established by testimony of qualified experts upon the  
18 reasonable expectation of probable harm to a reasonable  
19 degree of medical or psychological certainty;

20 [(28)] (44) "Serious physical injury" [means] ,  
21 physical injury that creates a substantial risk of  
22 death or that causes serious disfigurement or  
23 protracted loss or impairment of the function of any  
24 part of the body;

25 [(29) "Sexual conduct" means acts of human  
26 masturbation; deviate sexual intercourse; sexual  
27 intercourse; or physical contact with a person's  
28 clothed or unclothed genitals, pubic area, buttocks, or  
29 the breast of a female in an act of apparent sexual  
30 stimulation or gratification;

31 (30) "Sexual contact" means any touching of the  
32 genitals or anus of any person, or the breast of any  
33 female person, or any such touching through the  
34 clothing, for the purpose of arousing or gratifying  
35 sexual desire of any person;

36 (31) "Sexual performance", any performance, or  
37 part thereof, which includes sexual conduct by a child  
38 who is less than seventeen years of age;]

39 (45) "Services", when used in relation to a  
40 computer system or network, means use of a computer,  
41 computer system, or computer network and includes, but  
42 is not limited to, computer time, data processing, and  
43 storage or retrieval functions;

44 (46) "Sexual orientation", male or female  
45 heterosexuality, homosexuality or bisexuality by  
46 inclination, practice, identity or expression, or  
47 having a self-image or identity not traditionally  
48 associated with one's gender;

49 (47) "Vehicle", a self-propelled mechanical  
50 device designed to carry a person or persons, excluding

1 vessels or aircraft;

2 (48) "Vessel", any boat or craft propelled by a  
3 motor or by machinery, whether or not such motor or  
4 machinery is a principal source of propulsion used or  
5 capable of being used as a means of transportation on  
6 water, or any boat or craft more than twelve feet in  
7 length which is powered by sail alone or by a  
8 combination of sail and machinery, and used or capable  
9 of being used as a means of transportation on water,  
10 but not any boat or craft having, as the only means of  
11 propulsion, a paddle or oars;

12 [(32)] (49) "Voluntary act" [has the meaning  
13 specified in section 562.011] :

14 (a) A bodily movement performed while conscious  
15 as a result of effort or determination. Possession is  
16 a voluntary act if the possessor knowingly procures or  
17 receives the thing possessed, or having acquired  
18 control of it was aware of his or her control for a  
19 sufficient time to have enabled him or her to dispose  
20 of it or terminate his or her control; or

21 (b) An omission to perform an act of which the  
22 actor is physically capable. A person is not guilty of  
23 an offense based solely upon an omission to perform an  
24 act unless the law defining the offense expressly so  
25 provides, or a duty to perform the omitted act is  
26 otherwise imposed by law;

27 (50) "Vulnerable person", any person in the  
28 custody, care, or control of the department of mental  
29 health who is receiving services from an operated,  
30 funded, licensed, or certified program.]

31  
32 [558.019. 1. This section shall not be construed  
33 to affect the powers of the governor under article IV,  
34 section 7, of the Missouri Constitution. This statute  
35 shall not affect those provisions of section 565.020,  
36 section [558.018] 566.125, or section 571.015, which  
37 set minimum terms of sentences, or the provisions of  
38 section 559.115, relating to probation.

39 2. The provisions of subsections 2 to 5 of this  
40 section shall be applicable to all classes of felonies  
41 except those set forth in chapter [195] 579, and those  
42 otherwise excluded in subsection 1 of this section.  
43 For the purposes of this section, "prison commitment"  
44 means and is the receipt by the department of  
45 corrections of an offender after sentencing. For  
46 purposes of this section, prior prison commitments to  
47 the department of corrections shall not include  
48 [commitment to a regimented discipline program  
49 established pursuant to section 217.378] an offender's  
50 first incarceration prior to release on probation under

1 section 217.362 or an offender's incarceration prior to  
2 release on probation under section 559.115. Other  
3 provisions of the law to the contrary notwithstanding,  
4 any offender who has [pleaded guilty to or has] been  
5 found guilty of a felony other than a dangerous felony  
6 as defined in section 556.061 and is committed to the  
7 department of corrections shall be required to serve  
8 the following minimum prison terms:

9 (1) If the offender has one previous prison  
10 commitment to the department of corrections for a  
11 felony offense, the minimum prison term which the  
12 offender must serve shall be forty percent of his or  
13 her sentence or until the offender attains seventy  
14 years of age, and has served at least thirty percent of  
15 the sentence imposed, whichever occurs first;

16 (2) If the offender has two previous prison  
17 commitments to the department of corrections for  
18 felonies unrelated to the present offense, the minimum  
19 prison term which the offender must serve shall be  
20 fifty percent of his or her sentence or until the  
21 offender attains seventy years of age, and has served  
22 at least forty percent of the sentence imposed,  
23 whichever occurs first;

24 (3) If the offender has three or more previous  
25 prison commitments to the department of corrections for  
26 felonies unrelated to the present offense, the minimum  
27 prison term which the offender must serve shall be  
28 eighty percent of his or her sentence or until the  
29 offender attains seventy years of age, and has served  
30 at least forty percent of the sentence imposed,  
31 whichever occurs first.

32 3. Other provisions of the law to the contrary  
33 notwithstanding, any offender who has [pleaded guilty  
34 to or has] been found guilty of a dangerous felony as  
35 defined in section 556.061 and is committed to the  
36 department of corrections shall be required to serve a  
37 minimum prison term of eighty-five percent of the  
38 sentence imposed by the court or until the offender  
39 attains seventy years of age, and has served at least  
40 forty percent of the sentence imposed, whichever occurs  
41 first.

42 4. For the purpose of determining the minimum  
43 prison term to be served, the following calculations  
44 shall apply:

45 (1) A sentence of life shall be calculated to be  
46 thirty years;

47 (2) Any sentence either alone or in the aggregate  
48 with other consecutive sentences for [crimes] offenses  
49 committed at or near the same time which is over  
50 seventy-five years shall be calculated to be  
51 seventy-five years.

1           5. For purposes of this section, the term  
2 "minimum prison term" shall mean time required to be  
3 served by the offender before he or she is eligible for  
4 parole, conditional release or other early release by  
5 the department of corrections.

6           6. (1) A sentencing advisory commission is  
7 hereby created to consist of eleven members. One  
8 member shall be appointed by the speaker of the house.  
9 One member shall be appointed by the president pro tem  
10 of the senate. One member shall be the director of the  
11 department of corrections. Six members shall be  
12 appointed by and serve at the pleasure of the governor  
13 from among the following: the public defender  
14 commission; private citizens; a private member of the  
15 Missouri Bar; the board of probation and parole; and a  
16 prosecutor. Two members shall be appointed by the  
17 supreme court, one from a metropolitan area and one  
18 from a rural area. All members shall be appointed to a  
19 four-year term. All members of the sentencing  
20 commission appointed prior to August 28, 1994, shall  
21 continue to serve on the sentencing advisory commission  
22 at the pleasure of the governor.

23           (2) The commission shall study sentencing  
24 practices in the circuit courts throughout the state  
25 for the purpose of determining whether and to what  
26 extent disparities exist among the various circuit  
27 courts with respect to the length of sentences imposed  
28 and the use of probation for offenders convicted of the  
29 same or similar [crimes] offenses and with similar  
30 criminal histories. The commission shall also study  
31 and examine whether and to what extent sentencing  
32 disparity among economic and social classes exists in  
33 relation to the sentence of death and if so, the  
34 reasons therefor, if sentences are comparable to other  
35 states, if the length of the sentence is appropriate,  
36 and the rate of rehabilitation based on sentence. It  
37 shall compile statistics, examine cases, draw  
38 conclusions, and perform other duties relevant to the  
39 research and investigation of disparities in death  
40 penalty sentencing among economic and social classes.

41           (3) The commission shall study alternative  
42 sentences, prison work programs, work release,  
43 home-based incarceration, probation and parole options,  
44 and any other programs and report the feasibility of  
45 these options in Missouri.

46           (4) The governor shall select a chairperson who  
47 shall call meetings of the commission as required or  
48 permitted pursuant to the purpose of the sentencing  
49 commission.

50           (5) The members of the commission shall not  
51 receive compensation for their duties on the

1 commission, but shall be reimbursed for actual and  
2 necessary expenses incurred in the performance of these  
3 duties and for which they are not reimbursed by reason  
4 of their other paid positions.

5 (6) The circuit and associate circuit courts of  
6 this state, the office of the state courts  
7 administrator, the department of public safety, and the  
8 department of corrections shall cooperate with the  
9 commission by providing information or access to  
10 information needed by the commission. The office of  
11 the state courts administrator will provide needed  
12 staffing resources.

13 7. Courts shall retain discretion to lower or  
14 exceed the sentence recommended by the commission as  
15 otherwise allowable by law, and to order restorative  
16 justice methods, when applicable.

17 8. If the imposition or execution of a sentence  
18 is suspended, the court may order any or all of the  
19 following restorative justice methods, or any other  
20 method that the court finds just or appropriate:

21 (1) Restitution to any victim or a statutorily  
22 created fund for costs incurred as a result of the  
23 offender's actions;

24 (2) Offender treatment programs;

25 (3) Mandatory community service;

26 (4) Work release programs in local facilities;  
27 and

28 (5) Community-based residential and  
29 nonresidential programs.

30 9. The provisions of this section shall apply  
31 only to offenses occurring on or after August 28, 2003.

32 10. Pursuant to subdivision (1) of subsection 8  
33 of this section, the court may order the assessment and  
34 payment of a designated amount of restitution to a  
35 county law enforcement restitution fund established by  
36 the county commission pursuant to section 50.565. Such  
37 contribution shall not exceed three hundred dollars for  
38 any charged offense. Any restitution moneys deposited  
39 into the county law enforcement restitution fund  
40 pursuant to this section shall only be expended  
41 pursuant to the provisions of section 50.565.

42 11. A judge may order payment to a restitution  
43 fund only if such fund had been created by ordinance or  
44 resolution of a county of the state of Missouri prior  
45 to sentencing. A judge shall not have any direct  
46 supervisory authority or administrative control over  
47 any fund to which the judge is ordering a [defendant]  
48 person to make payment.

49 12. A [defendant] person who fails to make a  
50 payment to a county law enforcement restitution fund  
51 may not have his or her probation revoked solely for

1 failing to make such payment unless the judge, after  
2 evidentiary hearing, makes a finding supported by a  
3 preponderance of the evidence that the [defendant]  
4 person either willfully refused to make the payment or  
5 that the [defendant] person willfully, intentionally,  
6 and purposefully failed to make sufficient bona fide  
7 efforts to acquire the resources to pay.

8 13. Nothing in this section shall be construed to  
9 allow the sentencing advisory commission to issue  
10 recommended sentences in specific cases pending in the  
11 courts of this state.]  
12

13 [559.036. 1. A term of probation commences on  
14 the day it is imposed. Multiple terms of Missouri  
15 probation, whether imposed at the same time or at  
16 different times, shall run concurrently. Terms of  
17 probation shall also run concurrently with any federal  
18 or other state jail, prison, probation or parole term  
19 for another offense to which the defendant is or  
20 becomes subject during the period, unless otherwise  
21 specified by the Missouri court.

22 2. The court may terminate a period of probation  
23 and discharge the defendant at any time before  
24 completion of the specific term fixed under section  
25 559.016 if warranted by the conduct of the defendant  
26 and the ends of justice. The court may extend the term  
27 of the probation, but no more than one extension of any  
28 probation may be ordered except that the court may  
29 extend the term of probation by one additional year by  
30 order of the court if the defendant admits he or she  
31 has violated the conditions of probation or is found by  
32 the court to have violated the conditions of his or her  
33 probation. Total time on any probation term, including  
34 any extension shall not exceed the maximum term  
35 established in section 559.016. Procedures for  
36 termination, discharge and extension may be established  
37 by rule of court.

38 3. If the defendant violates a condition of  
39 probation at any time prior to the expiration or  
40 termination of the probation term, the court may  
41 continue him or her on the existing conditions, with or  
42 without modifying or enlarging the conditions or  
43 extending the term.

44 4. (1) Unless the defendant consents to the  
45 revocation of probation, if a continuation,  
46 modification, enlargement or extension is not  
47 appropriate under this section, the court shall order  
48 placement of the offender in one of the department of  
49 corrections' one hundred twenty-day programs so long  
50 as:

51 (a) The underlying offense for the probation is a

1 class [C or] D or E felony or an offense listed in  
2 chapter [195] 579 or an offense previously listed in  
3 chapter 195; except that, the court may, upon its own  
4 motion or a motion of the prosecuting or circuit  
5 attorney, make a finding that an offender is not  
6 eligible if the underlying offense is involuntary  
7 manslaughter in the first degree, involuntary  
8 manslaughter in the second degree, [aggravated]  
9 stalking in the first degree, assault in the second  
10 degree, sexual assault, rape in the second degree,  
11 domestic assault in the second degree, assault [of a  
12 law enforcement officer in the second degree] in the  
13 third degree when the victim is a special victim,  
14 statutory rape in the second degree, statutory sodomy  
15 in the second degree, deviate sexual assault, sodomy in  
16 the second degree, sexual misconduct involving a child,  
17 incest, endangering the welfare of a child in the first  
18 degree under subdivision (1) or (2) of subsection 1 of  
19 section 568.045, abuse of a child, invasion of privacy  
20 [or] any case in which the defendant is found guilty  
21 of a felony offense under chapter 571, or an offense of  
22 aggravated stalking or assault of a law enforcement  
23 officer in the second degree as such offenses existed  
24 prior to January 1, 2017;

25 (b) The probation violation is not the result of  
26 the defendant being an absconder or being found guilty  
27 of, pleading guilty to, or being arrested on suspicion  
28 of any felony, misdemeanor, or infraction. For  
29 purposes of this subsection, "absconder" shall mean an  
30 offender under supervision who has left such offender's  
31 place of residency without the permission of the  
32 offender's supervising officer for the purpose of  
33 avoiding supervision;

34 (c) The defendant has not violated any conditions  
35 of probation involving the possession or use of  
36 weapons, or a stay-away condition prohibiting the  
37 defendant from contacting a certain individual; and

38 (d) The defendant has not already been placed in  
39 one of the programs by the court for the same  
40 underlying offense or during the same probation term.

41 (2) Upon receiving the order, the department of  
42 corrections shall conduct an assessment of the offender  
43 and place such offender in the appropriate one hundred  
44 twenty-day program under subsection 3 of section  
45 559.115.

46 (3) Notwithstanding any of the provisions of  
47 subsection 3 of section 559.115 to the contrary, once  
48 the defendant has successfully completed the program  
49 under this subsection, the court shall release the  
50 defendant to continue to serve the term of probation,

1 which shall not be modified, enlarged, or extended  
2 based on the same incident of violation. Time served  
3 in the program shall be credited as time served on any  
4 sentence imposed for the underlying offense.

5 5. If the defendant consents to the revocation of  
6 probation or if the defendant is not eligible under  
7 subsection 4 of this section for placement in a program  
8 and a continuation, modification, enlargement, or  
9 extension of the term under this section is not  
10 appropriate, the court may revoke probation and order  
11 that any sentence previously imposed be executed. If  
12 imposition of sentence was suspended, the court may  
13 revoke probation and impose any sentence available  
14 under section 557.011. The court may mitigate any  
15 sentence of imprisonment by reducing the prison or jail  
16 term by all or part of the time the defendant was on  
17 probation. The court may, upon revocation of  
18 probation, place an offender on a second term of  
19 probation. Such probation shall be for a term of  
20 probation as provided by section 559.016,  
21 notwithstanding any amount of time served by the  
22 offender on the first term of probation.

23 6. Probation shall not be revoked without giving  
24 the probationer notice and an opportunity to be heard  
25 on the issues of whether such probationer violated a  
26 condition of probation and, if a condition was  
27 violated, whether revocation is warranted under all the  
28 circumstances. Not less than five business days prior  
29 to the date set for a hearing on the violation, except  
30 for a good cause shown, the judge shall inform the  
31 probationer that he or she may have the right to  
32 request the appointment of counsel if the probationer  
33 is unable to retain counsel. If the probationer  
34 requests counsel, the judge shall determine whether  
35 counsel is necessary to protect the probationer's due  
36 process rights. If the judge determines that counsel  
37 is not necessary, the judge shall state the grounds for  
38 the decision in the record.

39 7. The prosecuting or circuit attorney may file a  
40 motion to revoke probation or at any time during the  
41 term of probation, the court may issue a notice to the  
42 probationer to appear to answer a charge of a  
43 violation, and the court may issue a warrant of arrest  
44 for the violation. Such notice shall be personally  
45 served upon the probationer. The warrant shall  
46 authorize the return of the probationer to the custody  
47 of the court or to any suitable detention facility  
48 designated by the court. Upon the filing of the  
49 prosecutor's or circuit attorney's motion or on the  
50 court's own motion, the court may immediately enter an  
51 order suspending the period of probation and may order

1 a warrant for the defendant's arrest. The probation  
2 shall remain suspended until the court rules on the  
3 prosecutor's or circuit attorney's motion, or until the  
4 court otherwise orders the probation reinstated.

5 8. The power of the court to revoke probation  
6 shall extend for the duration of the term of probation  
7 designated by the court and for any further period  
8 which is reasonably necessary for the adjudication of  
9 matters arising before its expiration, provided that  
10 some affirmative manifestation of an intent to conduct  
11 a revocation hearing occurs prior to the expiration of  
12 the period and that every reasonable effort is made to  
13 notify the probationer and to conduct the hearing prior  
14 to the expiration of the period.]  
15

16 [559.106. 1. Notwithstanding any statutory  
17 provision to the contrary, when a court grants  
18 probation to an offender who has [pleaded guilty to or  
19 has] been found guilty of an offense in:

20 (1) Section 566.030, 566.032, 566.060, [or]  
21 566.062, [based on an act committed on or after August  
22 28, 2006, or the offender has pleaded guilty to or has  
23 been found guilty of an offense under section] 566.067,  
24 566.083, 566.100, 566.151, 566.212, 566.213, 568.020,  
25 568.080, or 568.090, based on an act committed on or  
26 after August 28, 2006[, ] ; or

27 (2) Section 566.068, 566.069, 566.210, 566.211,  
28 573.200, or 573.205 based on an act committed on or  
29 after January 1, 2017,  
30 against a victim who was less than fourteen years [old]  
31 of age and the offender is a prior sex offender as  
32 defined in subsection 2 of this section, the court  
33 shall order that the offender be supervised by the  
34 board of probation and parole for the duration of his  
35 or her natural life.

36 2. For the purpose of this section, a prior sex  
37 offender is a person who has previously [pleaded guilty  
38 to or has] been found guilty of an offense contained in  
39 chapter 566, or violating section 568.020, when the  
40 person had sexual intercourse or deviate sexual  
41 intercourse with the victim, or of violating  
42 subdivision (2) of subsection 1 of section 568.045.

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

50 4. In appropriate cases as determined by a risk

1 assessment, the court may terminate the probation of an  
2 offender who is being supervised under this section  
3 when the offender is sixty-five years of age or older.]  
4

5 [559.115. 1. Neither probation nor parole shall  
6 be granted by the circuit court between the time the  
7 transcript on appeal from the offender's conviction has  
8 been filed in appellate court and the disposition of  
9 the appeal by such court.

10 2. Unless otherwise prohibited by subsection 8 of  
11 this section, a circuit court only upon its own motion  
12 and not that of the state or the offender shall have  
13 the power to grant probation to an offender anytime up  
14 to one hundred twenty days after such offender has been  
15 delivered to the department of corrections but not  
16 thereafter. The court may request information and a  
17 recommendation from the department concerning the  
18 offender and such offender's behavior during the period  
19 of incarceration. Except as provided in this section,  
20 the court may place the offender on probation in a  
21 program created pursuant to section 217.777, or may  
22 place the offender on probation with any other  
23 conditions authorized by law.

24 3. The court may recommend placement of an  
25 offender in a department of corrections one hundred  
26 twenty-day program under this subsection or order such  
27 placement under subsection 4 of section 559.036. Upon  
28 the recommendation or order of the court, the  
29 department of corrections shall assess each offender to  
30 determine the appropriate one hundred twenty-day  
31 program in which to place the offender, which may  
32 include placement in the shock incarceration program or  
33 institutional treatment program. When the court  
34 recommends and receives placement of an offender in a  
35 department of corrections one hundred twenty-day  
36 program, the offender shall be released on probation if  
37 the department of corrections determines that the  
38 offender has successfully completed the program except  
39 as follows. Upon successful completion of a program  
40 under this subsection, the board of probation and  
41 parole shall advise the sentencing court of an  
42 offender's probationary release date thirty days prior  
43 to release. The court shall follow the recommendation  
44 of the department unless the court determines that  
45 probation is not appropriate. If the court determines  
46 that probation is not appropriate, the court may order  
47 the execution of the offender's sentence only after  
48 conducting a hearing on the matter within ninety to one  
49 hundred twenty days from the date the offender was  
50 delivered to the department of corrections. If the  
51 department determines the offender has not successfully

1 completed a one hundred twenty-day program under this  
2 subsection, the offender shall be removed from the  
3 program and the court shall be advised of the removal.  
4 The department shall report on the offender's  
5 participation in the program and may provide  
6 recommendations for terms and conditions of an  
7 offender's probation. The court shall then have the  
8 power to grant probation or order the execution of the  
9 offender's sentence.

10 4. If the court is advised that an offender is  
11 not eligible for placement in a one hundred twenty-day  
12 program under subsection 3 of this section, the court  
13 shall consider other authorized dispositions. If the  
14 department of corrections one hundred twenty-day  
15 program under subsection 3 of this section is full, the  
16 court may place the offender in a private program  
17 approved by the department of corrections or the court,  
18 the expenses of such program to be paid by the  
19 offender, or in an available program offered by another  
20 organization. If the offender is convicted of a class  
21 C [or] class D, or class E nonviolent felony, the  
22 court may order probation while awaiting appointment to  
23 treatment.

24 5. Except when the offender has been found to be  
25 a predatory sexual offender pursuant to section  
26 [558.018] 566.125, the court shall request the  
27 department of corrections to conduct a sexual offender  
28 assessment if the defendant [has pleaded guilty to or]  
29 has been found guilty of sexual abuse when classified  
30 as a class B felony. Upon completion of the  
31 assessment, the department shall provide to the court a  
32 report on the offender and may provide recommendations  
33 for terms and conditions of an offender's probation.  
34 The assessment shall not be considered a one hundred  
35 twenty-day program as provided under subsection 3 of  
36 this section. The process for granting probation to an  
37 offender who has completed the assessment shall be as  
38 provided under subsections 2 and 6 of this section.

39 6. Unless the offender is being granted probation  
40 pursuant to successful completion of a one hundred  
41 twenty-day program the circuit court shall notify the  
42 state in writing when the court intends to grant  
43 probation to the offender pursuant to the provisions of  
44 this section. The state may, in writing, request a  
45 hearing within ten days of receipt of the court's  
46 notification that the court intends to grant probation.  
47 Upon the state's request for a hearing, the court shall  
48 grant a hearing as soon as reasonably possible. If the  
49 state does not respond to the court's notice in writing  
50 within ten days, the court may proceed upon its own  
51 motion to grant probation.

1           7. An offender's [first] incarceration under this  
2 section prior to release on probation shall not be  
3 considered a previous prison commitment for the purpose  
4 of determining a minimum prison term under the  
5 provisions of section 558.019.

6           8. Notwithstanding any other provision of law,  
7 probation may not be granted pursuant to this section  
8 to offenders who have been convicted of murder in the  
9 second degree pursuant to section 565.021; forcible  
10 rape pursuant to section 566.030 as it existed prior to  
11 August 28, 2013; rape in the first degree under section  
12 566.030; forcible sodomy pursuant to section 566.060 as  
13 it existed prior to August 28, 2013; sodomy in the  
14 first degree under section 566.060; statutory rape in  
15 the first degree pursuant to section 566.032; statutory  
16 sodomy in the first degree pursuant to section 566.062;  
17 child molestation in the first degree pursuant to  
18 section 566.067 when classified as a class A felony;  
19 abuse of a child pursuant to section 568.060 when  
20 classified as a class A felony; or an offender who has  
21 been found to be a predatory sexual offender pursuant  
22 to section [558.018] 566.125; or any offense in which  
23 there exists a statutory prohibition against either  
24 probation or parole.]

25  
26           [559.633. 1. Upon [a plea of guilty or] a  
27 finding of [guilty for a commission of] guilt for a  
28 felony offense pursuant to chapter [195] 579, except  
29 for those offenses in which there exists a statutory  
30 prohibition against either probation or parole, when  
31 placing the person on probation, the court shall order  
32 the person to begin a required educational assessment  
33 and community treatment program within the first sixty  
34 days of probation as a condition of probation. Persons  
35 who are placed on probation after a period of  
36 incarceration pursuant to section 559.115 may not be  
37 required to participate in a required educational  
38 assessment and community treatment program.

39           2. The fees for the required educational  
40 assessment and community treatment program, or a  
41 portion of such fees, to be determined by the  
42 department of corrections, shall be paid by the person  
43 receiving the assessment. Any person who is assessed  
44 shall pay, in addition to any fee charged for the  
45 assessment, a supplemental fee of sixty dollars. The  
46 administrator of the program shall remit to the  
47 department of corrections the supplemental fees for all  
48 persons assessed, less two percent for administrative  
49 costs. The supplemental fees received by the  
50 department of corrections pursuant to this section

1 shall be deposited in the correctional substance abuse  
2 earnings fund created pursuant to section 559.635.]

3  
4 [565.002. As used in this chapter, unless a  
5 different meaning is otherwise plainly required the  
6 following terms mean:

7 (1) "Adequate cause" [means] a cause that would  
8 reasonably produce a degree of passion in a person of  
9 ordinary temperament sufficient to substantially impair  
10 an ordinary person's capacity for self-control;

11 (2) "Child", a person under seventeen years of  
12 age;

13 (3) "Conduct", includes any act or omission;

14 (4) "Course of conduct", a pattern of conduct  
15 composed of two or more acts, which may include  
16 communication by any means, over a period of time,  
17 however short, evidencing a continuity of purpose.  
18 Constitutionally protected activity is not included  
19 within the meaning of course of conduct. Such  
20 constitutionally protected activity includes picketing  
21 or other organized protests;

22 [(3)] (5) "Deliberation" means cool reflection  
23 for any length of time no matter how brief;

24 [(4)] "Intoxicated condition" means under the  
25 influence of alcohol, a controlled substance, or drug,  
26 or any combination thereof;

27 (5) "Operates" means physically driving or  
28 operating or being in actual physical control of a  
29 motor vehicle;

30 (6) "Serious physical injury" means physical  
31 injury that creates a substantial risk of death or that  
32 causes serious disfigurement or protracted loss or  
33 impairment of the function of any part of the body;]

34 (6) "Domestic victim", a household or family  
35 member as the term "family" or "household member" is  
36 defined in section 455.010, including any child who is  
37 a member of the household or family;

38 (7) "Emotional distress", something markedly  
39 greater than the level of uneasiness, nervousness,  
40 unhappiness, or the like which are commonly experienced  
41 in day-to-day living;

42 (8) "Full or partial nudity", the showing of all  
43 or any part of the human genitals, pubic area, buttock,  
44 or any part of the nipple of the breast of any female  
45 person, with less than a fully opaque covering;

46 (9) "Legal custody", the right to the care,  
47 custody and control of a child;

48 (10) "Parent", either a biological parent or a  
49 parent by adoption;

50 (11) "Person having a right of custody", a parent

1       or legal guardian of the child;

2       (12) "Photographs" or "films", the making of any  
3       photograph, motion picture film, videotape, or any  
4       other recording or transmission of the image of a  
5       person;

6       (13) "Place where a person would have a  
7       reasonable expectation of privacy", any place where a  
8       reasonable person would believe that a person could  
9       disrobe in privacy, without being concerned that the  
10       person's undressing was being viewed, photographed or  
11       filmed by another;

12       (14) "Special victim", any of the following:

13       (a) A law enforcement officer assaulted in the  
14       performance of official duties or as a direct result of  
15       such official duties;

16       (b) Emergency personnel, any paid or volunteer  
17       firefighter, emergency room or trauma center personnel,  
18       or emergency medical technician, assaulted in the  
19       performance of official duties or as a direct result of  
20       such official duties;

21       (c) A probation and parole officer assaulted in  
22       the performance of official duties or as a direct  
23       result of such official duties;

24       (d) An elderly person;

25       (e) A person with a disability;

26       (f) A vulnerable person;

27       (g) Any jailer or corrections officer of the  
28       state or one of its political subdivisions assaulted in  
29       the performance of official duties or as a direct  
30       result of such official duties;

31       (h) A highway worker in a construction or work  
32       zone as the terms "highway worker", "construction  
33       zone", and "work zone" are defined under section  
34       304.580;

35       (i) Any utility worker, meaning any employee of a  
36       utility that provides gas, heat, electricity, water,  
37       steam, telecommunications services, or sewer services,  
38       whether privately, municipally, or cooperatively owned,  
39       while in the performance of his or her job duties,  
40       including any person employed under a contract;

41       (j) Any cable worker, meaning any employee of a  
42       cable operator, as such term is defined in section  
43       67.2677, including any person employed under contract,  
44       while in the performance of his or her job duties; and

45       (k) Any employee of a mass transit system,  
46       including any employee of public bus or light rail  
47       companies, while in the performance of his or her job  
48       duties;

49       [(7)] (15) "Sudden passion" [means] , passion  
50       directly caused by and arising out of provocation by  
51       the victim or another acting with the victim which

1 passion arises at the time of the offense and is not  
2 solely the result of former provocation;

3 [(8)] (16) "Trier" [means] the judge or jurors  
4 to whom issues of fact, guilt or innocence, or the  
5 assessment and declaration of punishment are submitted  
6 for decision;

7 (17) "Views", the looking upon of another person,  
8 with the unaided eye or with any device designed or  
9 intended to improve visual acuity, for the purpose of  
10 arousing or gratifying the sexual desire of any  
11 person.]  
12

13 [565.073. 1. A person commits the [crime]  
14 offense of domestic assault in the second degree if the  
15 act involves a [family or household member, including  
16 any child who is a member of the family or household,  
17 as defined in section 455.010] domestic victim, as the  
18 term "domestic victim" is defined under section  
19 565.002, and he or she:

20 (1) [Attempts to cause or] Knowingly causes  
21 physical injury to such family or household member by  
22 any means, including but not limited to, [by] use of a  
23 deadly weapon or dangerous instrument, or by choking or  
24 strangulation; or

25 (2) Recklessly causes serious physical injury to  
26 such family or household member; or

27 (3) Recklessly causes physical injury to such  
28 family or household member by means of any deadly  
29 weapon.

30 2. The offense of domestic assault in the second  
31 degree is a class [C] D felony.]  
32

33 [566.147. 1. Any person who, since July 1, 1979,  
34 has been or hereafter has [pleaded guilty or nolo  
35 contendere to, or been convicted of, or] been found  
36 guilty of:

37 (1) Violating any of the provisions of this  
38 chapter or the provisions of [subsection 2 of] section  
39 568.020, incest; section 568.045, endangering the  
40 welfare of a child in the first degree; [subsection 2  
41 of section 568.080] section 573.200, use of a child in  
42 a sexual performance; section [568.090] 573.205,  
43 promoting a sexual performance by a child; section  
44 573.023, sexual exploitation of a minor; section  
45 573.025, promoting child pornography in the first  
46 degree; section 573.035, promoting child pornography in  
47 the second degree; section 573.037, possession of child  
48 pornography, or section 573.040, furnishing  
49 pornographic material to minors; or

50 (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 reside within one thousand feet of any public school as defined in section 160.011, any private school giving instruction in a grade or grades not higher than the twelfth grade, or any child care facility that is licensed under chapter 210, or any child care facility as defined in section 210.201 that is exempt from state licensure but subject to state regulation under section 210.252 and holds itself out to be a child care facility, where the school or facility is in existence at the time the individual begins to reside at the location.

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

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

4. Violation of the provisions of subsection 1 of this section is a class [D] E felony except that the second or any 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] E 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, incest; section 568.045, endangering the welfare of a child in the first degree; [subsection 2 of section 568.080] section 573.200, use of a child in a sexual performance; section [568.090] 573.205, promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography in the first

1 degree; section 573.035, promoting child pornography in  
2 the second degree; section 573.037, possession of child  
3 pornography, or section 573.040, furnishing  
4 pornographic material to minors; or

5 (2) Any offense in any other [state or foreign  
6 country, or under federal, tribal, or military]  
7 jurisdiction which, if committed in this state, would  
8 be a violation listed in this section; shall not  
9 knowingly be physically present in or loiter within  
10 five hundred feet of or to approach, contact, or  
11 communicate with any child under eighteen years of age  
12 in any child care facility building, on the real  
13 property comprising any child care facility when  
14 persons under the age of eighteen are present in the  
15 building, on the grounds, or in the conveyance, unless  
16 the offender is a parent, legal guardian, or custodian  
17 of a student present in the building or on the grounds.

18 2. For purposes of this section, "child care  
19 facility" shall [have the same meaning as such term is  
20 defined in section 210.201] include any child care  
21 facility licensed under chapter 210, or any child care  
22 facility that is exempt from state licensure but  
23 subject to state regulation under section 210.252 and  
24 holds itself out to be a child care facility.

25 3. [Any person who violates] Violation of the  
26 provisions of this section is [guilty of] a class A  
27 misdemeanor.]

28  
29 [566.149. 1. Any person who has [pleaded guilty  
30 or nolo contendere to, or been convicted of, or] been  
31 found guilty of:

32 (1) Violating any of the provisions of this  
33 chapter or the provisions [of subsection 2] of section  
34 568.020, incest; section 568.045, endangering the  
35 welfare of a child in the first degree; [subsection 2  
36 of section 568.080] section 573.200, use of a child in  
37 a sexual performance; section [568.090] 573.205,  
38 promoting a sexual performance by a child; section  
39 573.023, sexual exploitation of a minor; section  
40 573.025, promoting child pornography; or section  
41 573.040, furnishing pornographic material to minors; or

42 (2) Any offense in any other [state or foreign  
43 country, or under tribal, federal, or military]  
44 jurisdiction which, if committed in this state, would  
45 be a violation listed in this section; shall not be  
46 present in or loiter within five hundred feet of any  
47 school building, on real property comprising any  
48 school, or in any conveyance owned, leased, or  
49 contracted by a school to transport students to or from  
50 school or a school-related activity when persons under

1 the age of eighteen are present in the building, on the  
2 grounds, or in the conveyance, unless the offender is a  
3 parent, legal guardian, or custodian of a student  
4 present in the building and has met the conditions set  
5 forth in subsection 2 of this section.

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

30 3. Regardless of the person's knowledge of his or  
31 her proximity to school property or a school-related  
32 activity, violation of the provisions of this section  
33 [shall be] is a class A misdemeanor.]  
34

35 [577.001. [1.] As used in this chapter, [the  
36 term "court" means any circuit, associate circuit, or  
37 municipal court, including traffic court, but not any  
38 juvenile court or drug court. 2. As used in this  
39 chapter, the term "drive", "driving", "operates" or  
40 "operating" means physically driving or operating a  
41 motor vehicle.

42 3. As used in this chapter, a person is in an  
43 "intoxicated condition" when he is under the influence  
44 of alcohol, a controlled substance, or drug, or any  
45 combination thereof.

46 4. As used in this chapter, the term "law  
47 enforcement officer" or "arresting officer" includes  
48 the definition of law enforcement officer in  
49 subdivision (17) of section 556.061 and military  
50 policemen conducting traffic enforcement operations on  
51 a federal military installation under military

jurisdiction in the state of Missouri.

5. As used in this chapter, "substance abuse traffic offender program" means a program certified by the division of alcohol and drug abuse of the department of mental health to provide education or rehabilitation services pursuant to a professional assessment screening to identify the individual needs of the person who has been referred to the program as the result of an alcohol- or drug-related traffic offense. Successful completion of such a program includes participation in any education or rehabilitation program required to meet the needs identified in the assessment screening. The assignment recommendations based upon such assessment shall be subject to judicial review as provided in subsection 7 of section 577.041] the following terms mean:

(1) "Aggravated offender", a person who has been found guilty of:

(a) Three or more intoxication-related traffic offenses committed on separate occasions; or

(b) Two or more intoxication-related traffic offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed;

(2) "Aggravated boating offender", a person who has been found guilty of:

(a) Three or more intoxication-related boating offenses; or

(b) Has been found guilty of one or more intoxication-related boating offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed;

(3) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is fifty inches or less in width, with an unladen dry weight of one thousand pounds or less, traveling on three, four or more low pressure tires, with a seat designed to be straddled by the operator, or with a seat designed to carry more than one person, and handlebars for steering control;

(4) "Court", any circuit, associate circuit, or municipal court, including traffic court, but not any

juvenile court or drug court;

(5) "Chronic offender", a person who has been found guilty of:

(a) Four or more intoxication-related traffic offenses committed on separate occasions; or

(b) Three or more intoxication-related traffic offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed; or

(c) Two or more intoxication-related traffic offenses committed on separate occasions where both intoxication-related traffic offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed;

(6) "Chronic boating offender", a person who has been found guilty of:

(a) Four or more intoxication-related boating offenses; or

(b) Three or more intoxication-related boating offenses committed on separate occasions where at least one of the intoxication-related boating offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed; or

(c) Two or more intoxication-related boating offenses committed on separate occasions where both intoxication-related boating offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed;

(7) "Controlled substance", a drug, substance, or immediate precursor in schedules I to V listed in section 195.017;

(8) "Drive", "driving", "operates" or "operating", means physically driving or operating a vehicle or vessel;

(9) "Flight crew member", the pilot in command, copilots, flight engineers, and flight navigators;

(10) "Habitual offender", a person who has been found guilty of:

1           (a) Five or more intoxication-related traffic  
2           offenses committed on separate occasions; or

3           (b) Four or more intoxication-related traffic  
4           offenses committed on separate occasions where at least  
5           one of the intoxication-related traffic offenses is an  
6           offense committed in violation of any state law, county  
7           or municipal ordinance, any federal offense, or any  
8           military offense in which the defendant was operating a  
9           vehicle while intoxicated and another person was  
10           injured or killed; or

11           (c) Three or more intoxication-related traffic  
12           offenses committed on separate occasions where at least  
13           two of the intoxication-related traffic offenses were  
14           offenses committed in violation of any state law,  
15           county or municipal ordinance, any federal offense, or  
16           any military offense in which the defendant was  
17           operating a vehicle while intoxicated and another  
18           person was injured or killed;

19           (11) "Habitual boating offender", a person who  
20           has been found guilty of:

21           (a) Five or more intoxication-related boating  
22           offenses; or

23           (b) Four or more intoxication-related boating  
24           offenses committed on separate occasions where at least  
25           one of the intoxication-related boating offenses is an  
26           offense committed in violation of any state law, county  
27           or municipal ordinance, any federal offense, or any  
28           military offense in which the defendant was operating a  
29           vessel while intoxicated and another person was injured  
30           or killed; or

31           (c) Three or more intoxication-related boating  
32           offenses committed on separate occasions where at least  
33           two of the intoxication-related boating offenses were  
34           offenses committed in violation of any state law,  
35           county or municipal ordinance, any federal offense, or  
36           any military offense in which the defendant was  
37           operating a vessel while intoxicated and another person  
38           was injured or killed;

39           (12) "Intoxicated" or "intoxicated condition",  
40           when a person is under the influence of alcohol, a  
41           controlled substance, or drug, or any combination  
42           thereof;

43           (13) "Intoxication-related boating offense",  
44           operating a vessel while intoxicated; boating while  
45           intoxicated; operating a vessel with excessive blood  
46           alcohol content or an offense in which the defendant  
47           was operating a vessel while intoxicated and another  
48           person was injured or killed in violation of any state  
49           law, county or municipal ordinance, any federal  
50           offense, or any military offense;

51           (14) "Intoxication-related traffic offense",

1 driving while intoxicated, driving with excessive blood  
2 alcohol content or an offense in which the defendant  
3 was operating a vehicle while intoxicated and another  
4 person was injured or killed in violation of any state  
5 law, county or municipal ordinance, any federal  
6 offense, or any military offense;

7 (15) "Law enforcement officer" or "arresting  
8 officer", includes the definition of law enforcement  
9 officer in section 556.061 and military policemen  
10 conducting traffic enforcement operations on a federal  
11 military installation under military jurisdiction in  
12 the state of Missouri;

13 (16) "Operate a vessel", to physically control  
14 the movement of a vessel in motion under mechanical or  
15 sail power in water;

16 (17) "Persistent offender", a person who has been  
17 found guilty of two or more intoxication-related  
18 traffic offenses committed on separate occasions;

19 (18) "Persistent boating offender", a person who  
20 has been found guilty of two or more intoxication-  
21 related boating offenses committed on separate  
22 occasions;

23 (19) "Prior offender", a person who has been  
24 found guilty of one intoxication-related traffic  
25 offense, where such prior offense occurred within five  
26 years of the occurrence of the intoxication-related  
27 traffic offense for which the person is charged;

28 (20) "Prior boating offender", a person who has  
29 been found guilty of one intoxication-related boating  
30 offense, where such prior offense occurred within five  
31 years of the occurrence of the intoxication-related  
32 boating offense for which the person is charged.]

33  
34 [577.010. 1. A person commits the [crime]  
35 offense of ["]driving while intoxicated["] if he or she  
36 operates a [motor] vehicle while in an intoxicated [or  
37 drugged] condition.

38 2. The offense of driving while intoxicated is  
39 [for the first offense, a class B misdemeanor. No  
40 person convicted of or pleading guilty to the offense  
41 of driving while intoxicated shall be granted a  
42 suspended imposition of sentence for such offense,  
43 unless such person shall be placed on probation for a  
44 minimum of two years] :

45 (1) A class B misdemeanor;

46 (2) A class A misdemeanor if:

47 (a) The defendant is a prior offender; or

48 (b) A person less than seventeen years of age is  
49 present in the vehicle;

50 (3) A class E felony if:

1           (a) The defendant is a persistent offender; or  
2           (b) While driving while intoxicated, the  
3           defendant acts with criminal negligence to cause  
4           physical injury to another person;  
5           (4) A class D felony if:  
6           (a) The defendant is an aggravated offender;  
7           (b) While driving while intoxicated, the  
8           defendant acts with criminal negligence to cause  
9           physical injury to a law enforcement officer or  
10           emergency personnel; or  
11           (c) While driving while intoxicated, the  
12           defendant acts with criminal negligence to cause  
13           serious physical injury to another person;  
14           (5) A class C felony if:  
15           (a) The defendant is a chronic offender;  
16           (b) While driving while intoxicated, the  
17           defendant acts with criminal negligence to cause  
18           serious physical injury to a law enforcement officer or  
19           emergency personnel; or  
20           (c) While driving while intoxicated, the  
21           defendant acts with criminal negligence to cause the  
22           death of another person;  
23           (6) A class B felony if:  
24           (a) The defendant is a habitual offender;  
25           (b) While driving while intoxicated, the  
26           defendant acts with criminal negligence to cause the  
27           death of a law enforcement officer or emergency  
28           personnel; or  
29           (c) While driving while intoxicated, the  
30           defendant acts with criminal negligence to cause the  
31           death of two or more persons unless it is a second or  
32           subsequent violation of this subsection, in which case  
33           it is a class A felony.  
34           3. Notwithstanding the provisions of subsection 2  
35           of this section, [in a circuit where a DWI court or  
36           docket created under section 478.007 or other  
37           court-ordered treatment program is available, no person  
38           who operated a motor vehicle with fifteen-hundredths of  
39           one percent or more by weight of alcohol in such  
40           person's blood shall be granted a suspended imposition  
41           of sentence unless the individual participates and  
42           successfully completes a program under such DWI court  
43           or docket or other court-ordered treatment program] a  
44           person found guilty of the offense of driving while  
45           intoxicated as a first offense shall not be granted a  
46           suspended imposition of sentence:  
47           (1) Unless such person shall be placed on  
48           probation for a minimum of two years; or  
49           (2) In a circuit where a DWI court or docket  
50           created under section 478.007 or other court-ordered  
51           treatment program is available, and where the offense

1 was committed with fifteen-hundredths of one percent or  
2 more by weight of alcohol in such person's blood,  
3 unless the individual participates and successfully  
4 completes a program under such DWI court or docket or  
5 other court-ordered treatment program.

6 4. If a person is not granted a suspended  
7 imposition of sentence for the reasons described in  
8 subsection 3 of this section [for such first offense]:

9 (1) If the individual operated the motor vehicle  
10 with fifteen-hundredths to twenty-hundredths of one  
11 percent by weight of alcohol in such person's blood,  
12 the required term of imprisonment shall be not less  
13 than forty-eight hours;

14 (2) If the individual operated the motor vehicle  
15 with greater than twenty-hundredths of one percent by  
16 weight of alcohol in such person's blood, the required  
17 term of imprisonment shall be not less than five days.

18 5. A person found guilty of the offense of  
19 driving while intoxicated:

20 (1) As a prior offender, persistent offender,  
21 aggravated offender, chronic offender, or habitual  
22 offender shall not be granted a suspended imposition of  
23 sentence or be sentenced to pay a fine in lieu of a  
24 term of imprisonment, section 557.011 to the contrary  
25 notwithstanding;

26 (2) As a prior offender shall not be granted  
27 parole or probation until he or she has served a  
28 minimum of ten days imprisonment:

29 (a) Unless as a condition of such parole or  
30 probation such person performs at least thirty days of  
31 community service under the supervision of the court in  
32 those jurisdictions which have a recognized program for  
33 community service; or

34 (b) The offender participates in and successfully  
35 completes a program established under section 478.007  
36 or other court-ordered treatment program, if available,  
37 and as part of either program, the offender performs at  
38 least thirty days of community service under the  
39 supervision of the court;

40 (3) As a persistent offender shall not be  
41 eligible for parole or probation until he or she has  
42 served a minimum of thirty days imprisonment:

43 (a) Unless as a condition of such parole or  
44 probation such person performs at least sixty days of  
45 community service under the supervision of the court in  
46 those jurisdictions which have a recognized program for  
47 community service; or

48 (b) The offender participates in and successfully  
49 completes a program established under section 478.007  
50 or other court-ordered treatment program, if available,  
51 and as part of either program, the offender performs at

1       least sixty days of community service under the  
2       supervision of the court;

3       (4) As an aggravated offender shall not be  
4       eligible for parole or probation until he or she has  
5       served a minimum of sixty days imprisonment;

6       (5) As a chronic offender shall not be eligible  
7       for parole or probation until he or she has served a  
8       minimum of two years imprisonment.]  
9

10       [577.013. 1. A person commits the offense of  
11       boating while intoxicated if he or she operates a  
12       vessel while in an intoxicated condition.

13       2. The offense of boating while intoxicated is:

14       (1) A class B misdemeanor;

15       (2) A class A misdemeanor if:

16       (a) The defendant is a prior boating offender; or

17       (b) A person less than seventeen years of age is  
18       present in the vessel;

19       (3) A class E felony if:

20       (a) The defendant is a persistent boating  
21       offender; or

22       (b) While boating while intoxicated, the  
23       defendant acts with criminal negligence to cause  
24       physical injury to another person;

25       (4) A class D felony if:

26       (a) The defendant is an aggravated boating  
27       offender;

28       (b) While boating while intoxicated, the  
29       defendant acts with criminal negligence to cause  
30       physical injury to a law enforcement officer or  
31       emergency personnel; or

32       (c) While boating while intoxicated, the  
33       defendant acts with criminal negligence to cause  
34       serious physical injury to another person;

35       (5) A class C felony if:

36       (a) The defendant is a chronic boating offender;

37       (b) While boating while intoxicated, the  
38       defendant acts with criminal negligence to cause  
39       serious physical injury to a law enforcement officer or  
40       emergency personnel; or

41       (c) While boating while intoxicated, the  
42       defendant acts with criminal negligence to cause the  
43       death of another person;

44       (6) A class B felony if:

45       (a) The defendant is a habitual boating offender;

46       (b) While boating while intoxicated, the  
47       defendant acts with criminal negligence to cause the  
48       death of a law enforcement officer or emergency  
49       personnel; or

50       (c) While boating while intoxicated, the  
51       defendant acts with criminal negligence to cause the

1 death of two or more persons unless it is a second or  
2 subsequent violation of this subsection, in which case  
3 it is a class A felony.

4 3. Notwithstanding the provisions of subsection 2  
5 of this section, a person found guilty of the offense  
6 of boating while intoxicated as a first offense shall  
7 not be granted a suspended imposition of sentence:

8 (1) Unless such person shall be placed on  
9 probation for a minimum of two years; or

10 (2) In a circuit where a DWI court or docket  
11 created under section 478.007 or other court-ordered  
12 treatment program is available, and where the offense  
13 was committed with fifteen-hundredths of one percent or  
14 more by weight of alcohol in such person's blood,  
15 unless the individual participates in and successfully  
16 completes a program under such DWI court or docket or  
17 other court-ordered treatment program.

18 4. If a person is not granted a suspended  
19 imposition of sentence for the reasons described in  
20 subsection 3 of this section:

21 (1) If the individual operated the vessel with  
22 fifteen-hundredths to twenty-hundredths of one percent  
23 by weight of alcohol in such person's blood, the  
24 required term of imprisonment shall be not less than  
25 forty-eight hours;

26 (2) If the individual operated the vessel with  
27 greater than twenty-hundredths of one percent by weight  
28 of alcohol in such person's blood, the required term of  
29 imprisonment shall be not less than five days.

30 5. A person found guilty of the offense of  
31 boating while intoxicated:

32 (1) As a prior boating offender, persistent  
33 boating offender, aggravated boating offender, chronic  
34 boating offender or habitual boating offender shall not  
35 be granted a suspended imposition of sentence or be  
36 sentenced to pay a fine in lieu of a term of  
37 imprisonment, section 557.011 to the contrary  
38 notwithstanding;

39 (2) As a prior boating offender shall not be  
40 granted parole or probation until he or she has served  
41 a minimum of ten days imprisonment;

42 (a) Unless as a condition of such parole or  
43 probation such person performs at least two hundred  
44 forty hours of community service under the supervision  
45 of the court in those jurisdictions which have a  
46 recognized program for community service; or

47 (b) The offender participates in and successfully  
48 completes a program established under section 478.007  
49 or other court-ordered treatment program, if available;

50 (3) As a persistent offender shall not be  
51 eligible for parole or probation until he or she has

1       served a minimum of thirty days imprisonment:

2       (a) Unless as a condition of such parole or  
3       probation such person performs at least four hundred  
4       eighty hours of community service under the supervision  
5       of the court in those jurisdictions which have a  
6       recognized program for community service; or

7       (b) The offender participates in and successfully  
8       completes a program established under section 478.007  
9       or other court-ordered treatment program, if available;

10       (4) As an aggravated boating offender shall not  
11       be eligible for parole or probation until he or she has  
12       served a minimum of sixty days imprisonment;

13       (5) As a chronic boating offender shall not be  
14       eligible for parole or probation until he or she has  
15       served a minimum of two years imprisonment.]

16  
17       [577.020. 1. Any person who operates a [motor]  
18       vehicle upon the public highways of this state, a  
19       vessel, or any aircraft, or acts as a flight crew  
20       member of an aircraft shall be deemed to have given  
21       consent [to], subject to the provisions of sections  
22       577.019 to 577.041, to a chemical test or tests of the  
23       person's breath, blood, saliva, or urine for the  
24       purpose of determining the alcohol or drug content of  
25       the person's blood pursuant to the following  
26       circumstances:

27       (1) If the person is arrested for any offense  
28       arising out of acts which the arresting officer had  
29       reasonable grounds to believe were committed while the  
30       person was [driving a motor] operating a vehicle or a  
31       vessel while in an intoxicated [or drugged] condition;  
32       [or]

33       (2) If the person is detained for any offense of  
34       operating an aircraft while intoxicated under section  
35       577.015 or operating an aircraft with excessive blood  
36       alcohol content under section 577.016;

37       (3) If the person is under the age of twenty-one,  
38       has been stopped by a law enforcement officer, and the  
39       law enforcement officer has reasonable grounds to  
40       believe that such person was [driving a motor]  
41       operating a vehicle or a vessel with a blood alcohol  
42       content of two-hundredths of one percent or more by  
43       weight; [or]

44       [(3)] (4) If the person is under the age of  
45       twenty-one, has been stopped by a law enforcement  
46       officer, and the law enforcement officer has reasonable  
47       grounds to believe that such person has committed a  
48       violation of the traffic laws of the state, or any  
49       political subdivision of the state, and such officer  
50       has reasonable grounds to believe, after making such

1 stop, that such person has a blood alcohol content of  
2 two-hundredths of one percent or greater;

3 [(4)] (5) If the person is under the age of  
4 twenty-one, has been stopped at a sobriety checkpoint  
5 or roadblock and the law enforcement officer has  
6 reasonable grounds to believe that such person has a  
7 blood alcohol content of two-hundredths of one percent  
8 or greater; or

9 [(5)] (6) If the person, while operating a  
10 [motor] vehicle, has been involved in a [motor vehicle]  
11 collision or accident which resulted in a fatality or a  
12 readily apparent serious physical injury as defined in  
13 section 565.002, or has been arrested as evidenced by  
14 the issuance of a uniform traffic ticket for the  
15 violation of any state law or county or municipal  
16 ordinance with the exception of equipment violations  
17 contained in [chapter] chapters 306 and 307, or similar  
18 provisions contained in county or municipal  
19 ordinances[; or] .

20 [(6) If the person, while operating a motor  
21 vehicle, has been involved in a motor vehicle collision  
22 which resulted in a fatality or serious physical injury  
23 as defined in section 565.002.]

24 The test shall be administered at the direction of the  
25 law enforcement officer whenever the person has been  
26 [arrested or] stopped, detained, or arrested for any  
27 reason.

28 2. The implied consent to submit to the chemical  
29 tests listed in subsection 1 of this section shall be  
30 limited to not more than two such tests arising from  
31 the same stop, detention, arrest, incident or charge.

32 3. To be considered valid, chemical analysis of  
33 the person's breath, blood, saliva, or urine [to be  
34 considered valid pursuant to the provisions of sections  
35 577.019 to 577.041] shall be performed, according to  
36 methods approved by the state department of health and  
37 senior services, by licensed medical personnel or by a  
38 person possessing a valid permit issued by the state  
39 department of health and senior services for this  
40 purpose.

41 4. The state department of health and senior  
42 services shall approve satisfactory techniques,  
43 devices, equipment, or methods to be [considered valid]  
44 used in the chemical test pursuant to the provisions of  
45 sections 577.019 to 577.041 [and] . The department  
46 shall also establish standards to ascertain the  
47 qualifications and competence of individuals to conduct  
48 such analyses and [to] issue permits which shall be  
49 subject to termination or revocation by the state  
50 department of health and senior services.

1           5. The person tested may have a physician, or a  
2 qualified technician, chemist, registered nurse, or  
3 other qualified person at the choosing and expense of  
4 the person to be tested, administer a test in addition  
5 to any administered at the direction of a law  
6 enforcement officer. The failure or inability to  
7 obtain an additional test by a person shall not  
8 preclude the admission of evidence relating to the test  
9 taken at the direction of a law enforcement officer.

10           6. Upon the request of the person who is tested,  
11 full information concerning the test shall be made  
12 available to such person. Full information is limited  
13 to the following:

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

16           (2) The time of the collection of the blood [or]  
17    breath [sample]    or urine sample analyzed;

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

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

22           (5) If the test was administered by means of a  
23 breath-testing instrument, the date [of performance] of  
24 the most recent [required] maintenance of such  
25 instrument. Full information does not include manuals,  
26 schematics, or software of the instrument used to test  
27 the person or any other material that is not in the  
28 actual possession of the state. Additionally, full  
29 information does not include information in the  
30 possession of the manufacturer of the test instrument.

31           7. Any person given a chemical test of the  
32 person's breath pursuant to subsection 1 of this  
33 section or a field sobriety test may be videotaped  
34 during any such test at the direction of the law  
35 enforcement officer. Any such video recording made  
36 during the chemical test pursuant to this subsection or  
37 a field sobriety test shall be admissible as evidence  
38 at [either] any trial of such person for [either] a  
39 violation of any state law or county or municipal  
40 ordinance, [or] and at any license revocation or  
41 suspension proceeding held pursuant to the provisions  
42 of chapter 302.]

43  
44           [577.037. 1. Upon the trial of any person for  
45 [violation of any of the provisions of section 565.024,  
46 or section 565.060, or section 577.010 or 577.012, or  
47 upon the trial of any criminal action] any criminal  
48 offense or violations of county or municipal  
49 ordinances,    or in any license suspension or revocation  
50 proceeding pursuant to the provisions of chapter 302,

1 arising out of acts alleged to have been committed by  
2 any person while [driving] operating a motor vehicle,  
3 vessel, or aircraft, or acting as a flight crew member  
4 of any aircraft, while in an intoxicated condition or  
5 with an excessive blood alcohol content, the amount of  
6 alcohol in the person's blood at the time of the act  
7 [alleged] , as shown by any chemical analysis of the  
8 person's blood, breath, saliva, or urine, is admissible  
9 in evidence and the provisions of subdivision (5) of  
10 section 491.060 shall not prevent the admissibility or  
11 introduction of such evidence if otherwise admissible.  
12 [If there was eight-hundredths of one percent or more  
13 by weight of alcohol in the person's blood, this shall  
14 be prima facie evidence that the person was intoxicated  
15 at the time the specimen was taken.]

16 2. If a chemical analysis of the defendant's  
17 breath, blood, saliva, or urine demonstrates there was  
18 eight-hundredths of one percent or more by weight of  
19 alcohol in the person's blood, this shall be prima  
20 facie evidence that the person was intoxicated at the  
21 time the specimen was taken. If a chemical analysis of  
22 the defendant's breath, blood, saliva, or urine  
23 demonstrates that there was less than eight-hundredths  
24 of one percent of alcohol in the defendant's blood, any  
25 charge alleging a criminal offense related to the  
26 operation of a vehicle, vessel, or aircraft while in an  
27 intoxicated condition or with an excessive blood  
28 alcohol content shall be dismissed with prejudice  
29 unless one or more of the following considerations  
30 cause the court to find a dismissal unwarranted:

31 (1) There is evidence that the chemical analysis  
32 is unreliable as evidence of the defendant's  
33 intoxication at the time of the alleged violation due  
34 to the lapse of time between the alleged violation and  
35 the obtaining of the specimen;

36 (2) There is evidence that the defendant was  
37 under the influence of a controlled substance, or drug,  
38 or a combination of either or both with or without  
39 alcohol; or

40 (3) There is substantial evidence of intoxication  
41 from physical observations of witnesses or admissions  
42 of the defendant.

43 3. Percent by weight of alcohol in the blood  
44 shall be based upon grams of alcohol per one hundred  
45 milliliters of blood or grams of alcohol per two  
46 hundred ten liters of breath.

47 [3.] 4. The foregoing provisions of this section  
48 shall not be construed as limiting the introduction of  
49 any other competent evidence bearing upon the question  
50 of whether the person was intoxicated.

1           [4.] 5. A chemical analysis of a person's  
2 breath, blood, saliva or urine, in order to give rise  
3 to the presumption or to have the effect provided for  
4 in subsection [1] 2 of this section, shall have been  
5 performed as provided in sections 577.020 to 577.041  
6 and in accordance with methods and standards approved  
7 by the state department of health and senior services.

8           [5. Any charge alleging a violation of section  
9 577.010 or 577.012 or any county or municipal ordinance  
10 prohibiting driving while intoxicated or driving under  
11 the influence of alcohol shall be dismissed with  
12 prejudice if a chemical analysis of the defendant's  
13 breath, blood, saliva, or urine performed in accordance  
14 with sections 577.020 to 577.041 and rules promulgated  
15 thereunder by the state department of health and senior  
16 services demonstrate that there was less than  
17 eight-hundredths of one percent of alcohol in the  
18 defendant's blood unless one or more of the following  
19 considerations cause the court to find a dismissal  
20 unwarranted:

21           (1) There is evidence that the chemical analysis  
22 is unreliable as evidence of the defendant's  
23 intoxication at the time of the alleged violation due  
24 to the lapse of time between the alleged violation and  
25 the obtaining of the specimen;

26           (2) There is evidence that the defendant was  
27 under the influence of a controlled substance, or drug,  
28 or a combination of either or both with or without  
29 alcohol; or

30           (3) There is substantial evidence of intoxication  
31 from physical observations of witnesses or admissions  
32 of the defendant.]]

33  
34           [577.041. 1. If a person [under arrest, or who  
35 has been stopped pursuant to] detained, stopped, or  
36 arrested under subdivision [(2) or] (3) or (4) of  
37 subsection 1 of section 577.020, refuses upon the  
38 request of the officer to submit to any test allowed  
39 pursuant to section 577.020, then evidence of the  
40 refusal shall be admissible in [a] any proceeding  
41 [pursuant to section 565.024, 565.060, or 565.082, or  
42 section 577.010 or 577.012] related to the acts  
43 resulting in such detention, stop, or arrest.

44           2. The request of the officer to submit to any  
45 chemical test shall include the reasons of the officer  
46 for requesting the person to submit to a test and also  
47 shall inform the person that evidence of refusal to  
48 take the test may be used against such person [and that  
49 the person's] . If such person was operating a vehicle  
50 prior to such detention, stop, or arrest, he or she

1       shall further be informed that his or her license shall  
2 be immediately revoked upon refusal to take the test.

3       3. If a person when requested to submit to any  
4 test allowed pursuant to section 577.020 requests to  
5 speak to an attorney, the person shall be granted  
6 twenty minutes in which to attempt to contact an  
7 attorney. If, upon the completion of the twenty-minute  
8 period the person continues to refuse to submit to any  
9 test, it shall be deemed a refusal. [In this event,  
10 the officer shall, on behalf of the director of  
11 revenue, serve the notice of license revocation  
12 personally upon the person and shall take possession of  
13 any license to operate a motor vehicle issued by this  
14 state which is held by that person. The officer shall  
15 issue a temporary permit, on behalf of the director of  
16 revenue, which is valid for fifteen days and shall also  
17 give the person a notice of such person's right to file  
18 a petition for review to contest the license  
19 revocation.

20       2. The officer shall make a certified report  
21 under penalties of perjury for making a false statement  
22 to a public official. The report shall be forwarded to  
23 the director of revenue and shall include the  
24 following:

25       (1) That the officer has:

26       (a) Reasonable grounds to believe that the  
27 arrested person was driving a motor vehicle while in an  
28 intoxicated or drugged condition; or

29       (b) Reasonable grounds to believe that the person  
30 stopped, being under the age of twenty-one years, was  
31 driving a motor vehicle with a blood alcohol content of  
32 two-hundredths of one percent or more by weight; or

33       (c) Reasonable grounds to believe that the person  
34 stopped, being under the age of twenty-one years, was  
35 committing a violation of the traffic laws of the  
36 state, or political subdivision of the state, and such  
37 officer has reasonable grounds to believe, after making  
38 such stop, that the person had a blood alcohol content  
39 of two-hundredths of one percent or greater;

40       (2) That the person refused to submit to a  
41 chemical test;

42       (3) Whether the officer secured the license to  
43 operate a motor vehicle of the person;

44       (4) Whether the officer issued a fifteen-day  
45 temporary permit;

46       (5) Copies of the notice of revocation, the  
47 fifteen-day temporary permit and the notice of the  
48 right to file a petition for review, which notices and  
49 permit may be combined in one document; and

50       (6) Any license to operate a motor vehicle which  
51 the officer has taken into possession.

1           3. Upon receipt of the officer's report, the  
2 director shall revoke the license of the person  
3 refusing to take the test for a period of one year; or  
4 if the person is a nonresident, such person's operating  
5 permit or privilege shall be revoked for one year; or  
6 if the person is a resident without a license or permit  
7 to operate a motor vehicle in this state, an order  
8 shall be issued denying the person the issuance of a  
9 license or permit for a period of one year.

10           4. If a person's license has been revoked because  
11 of the person's refusal to submit to a chemical test,  
12 such person may petition for a hearing before a circuit  
13 division or associate division of the court in the  
14 county in which the arrest or stop occurred. The  
15 person may request such court to issue an order staying  
16 the revocation until such time as the petition for  
17 review can be heard. If the court, in its discretion,  
18 grants such stay, it shall enter the order upon a form  
19 prescribed by the director of revenue and shall send a  
20 copy of such order to the director. Such order shall  
21 serve as proof of the privilege to operate a motor  
22 vehicle in this state and the director shall maintain  
23 possession of the person's license to operate a motor  
24 vehicle until termination of any revocation pursuant to  
25 this section. Upon the person's request the clerk of  
26 the court shall notify the prosecuting attorney of the  
27 county and the prosecutor shall appear at the hearing  
28 on behalf of the director of revenue. At the hearing  
29 the court shall determine only:

30           (1) Whether or not the person was arrested or  
31 stopped;

32           (2) Whether or not the officer had:

33           (a) Reasonable grounds to believe that the person  
34 was driving a motor vehicle while in an intoxicated or  
35 drugged condition; or

36           (b) Reasonable grounds to believe that the person  
37 stopped, being under the age of twenty-one years, was  
38 driving a motor vehicle with a blood alcohol content of  
39 two-hundredths of one percent or more by weight; or

40           (c) Reasonable grounds to believe that the person  
41 stopped, being under the age of twenty-one years, was  
42 committing a violation of the traffic laws of the  
43 state, or political subdivision of the state, and such  
44 officer had reasonable grounds to believe, after making  
45 such stop, that the person had a blood alcohol content  
46 of two-hundredths of one percent or greater; and

47           (3) Whether or not the person refused to submit  
48 to the test.

49           5. If the court determines any issue not to be in  
50 the affirmative, the court shall order the director to  
51 reinstate the license or permit to drive.

1           6. Requests for review as provided in this  
2 section shall go to the head of the docket of the court  
3 wherein filed.

4           7. No person who has had a license to operate a  
5 motor vehicle suspended or revoked pursuant to the  
6 provisions of this section shall have that license  
7 reinstated until such person has participated in and  
8 successfully completed a substance abuse traffic  
9 offender program defined in section 577.001, or a  
10 program determined to be comparable by the department  
11 of mental health or the court. Assignment  
12 recommendations, based upon the needs assessment as  
13 described in subdivision (24) of section 302.010, shall  
14 be delivered in writing to the person with written  
15 notice that the person is entitled to have such  
16 assignment recommendations reviewed by the court if the  
17 person objects to the recommendations. The person may  
18 file a motion in the associate division of the circuit  
19 court of the county in which such assignment was given,  
20 on a printed form provided by the state courts  
21 administrator, to have the court hear and determine  
22 such motion pursuant to the provisions of chapter 517.  
23 The motion shall name the person or entity making the  
24 needs assessment as the respondent and a copy of the  
25 motion shall be served upon the respondent in any  
26 manner allowed by law. Upon hearing the motion, the  
27 court may modify or waive any assignment recommendation  
28 that the court determines to be unwarranted based upon  
29 a review of the needs assessment, the person's driving  
30 record, the circumstances surrounding the offense, and  
31 the likelihood of the person committing a like offense  
32 in the future, except that the court may modify but may  
33 not waive the assignment to an education or  
34 rehabilitation program of a person determined to be a  
35 prior or persistent offender as defined in section  
36 577.023, or of a person determined to have operated a  
37 motor vehicle with fifteen-hundredths of one percent or  
38 more by weight in such person's blood. Compliance with  
39 the court determination of the motion shall satisfy the  
40 provisions of this section for the purpose of  
41 reinstating such person's license to operate a motor  
42 vehicle. The respondent's personal appearance at any  
43 hearing conducted pursuant to this subsection shall not  
44 be necessary unless directed by the court.

45           8. The fees for the substance abuse traffic  
46 offender program, or a portion thereof to be determined  
47 by the division of alcohol and drug abuse of the  
48 department of mental health, shall be paid by the  
49 person enrolled in the program. Any person who is  
50 enrolled in the program shall pay, in addition to any  
51 fee charged for the program, a supplemental fee to be

determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010 and section 577.001. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health on or before the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rates established pursuant to the provisions of section 32.065, plus three percentage points. The supplemental fees and any interest received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053.

9. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection of said fees and interest accrued. The court shall assess attorney fees and court costs against any delinquent program.

10. Any person who has had a license to operate a motor vehicle revoked under this section and who has a prior alcohol-related enforcement contact, as defined in section 302.525, shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of license reinstatement. Such ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device, then the period for which

1 the person must maintain the ignition interlock device  
2 following the date of reinstatement shall be extended  
3 for an additional six months. If the person fails to  
4 maintain such proof with the director as required by  
5 this section, the license shall be rerevoked and the  
6 person shall be guilty of a class A misdemeanor.

7 11. The revocation period of any person whose  
8 license and driving privilege has been revoked under  
9 this section and who has filed proof of financial  
10 responsibility with the department of revenue in  
11 accordance with chapter 303 and is otherwise eligible,  
12 shall be terminated by a notice from the director of  
13 revenue after one year from the effective date of the  
14 revocation. Unless proof of financial responsibility  
15 is filed with the department of revenue, the revocation  
16 shall remain in effect for a period of two years from  
17 its effective date. If the person fails to maintain  
18 proof of financial responsibility in accordance with  
19 chapter 303, the person's license and driving privilege  
20 shall be rerevoked and the person shall be guilty of a  
21 class A misdemeanor.]]

22  
23 [579.060. 1. A person commits the offense of  
24 unlawful sale or distribution of over-the-counter  
25 methamphetamine precursor drugs if he or she:

26 (1) Knowingly sells, distributes, dispenses, or  
27 otherwise provides any number of packages of any drug  
28 product containing detectable amounts of ephedrine,  
29 phenylpropanolamine, or pseudoephedrine, or any of  
30 their salts, optical isomers, or salts of optical  
31 isomers, in a total amount greater than nine grams to  
32 the same individual within a thirty-day period, unless  
33 the amount is dispensed, sold, or distributed pursuant  
34 to a valid prescription; or

35 (2) Knowingly dispenses or offers drug products  
36 that are not excluded from Schedule V in subsection 17  
37 or 18 of section 195.017 and that contain detectable  
38 amounts of ephedrine, phenylpropanolamine, or  
39 pseudoephedrine, or any of their salts, optical  
40 isomers, or salts of optical isomers, without ensuring  
41 that such products are located behind a pharmacy  
42 counter where the public is not permitted and that such  
43 products are dispensed by a registered pharmacist or  
44 pharmacy technician under subsection 11 of section  
45 195.017; or

46 (3) Holds a retail sales license issued under  
47 chapter 144 and knowingly sells or dispenses packages  
48 that do not conform to the packaging requirements of  
49 section 195.418.

50 2. A pharmacist, intern pharmacist, or registered  
51 pharmacy technician commits the offense of unlawful

1 sale or distribution of over-the-counter  
2 methamphetamine precursor drugs if he or she:

3 (1) Knowingly sells, distributes, dispenses, or  
4 otherwise provides any number of packages of any drug  
5 product containing detectable amounts of ephedrine,  
6 phenylpropanolamine, or pseudoephedrine, or any of  
7 their salts or optical isomers, or salts of optical  
8 isomers, in a total amount greater than three and six-  
9 tenth grams to the same individual within a twenty-four  
10 hour period, unless the amount is dispensed, sold, or  
11 distributed pursuant to a valid prescription; or

12 (2) Knowingly fails to submit information under  
13 subsection 13 of section 195.017 and subsection 5 of  
14 section 195.417 about the sales of any compound,  
15 mixture, or preparation of products containing  
16 detectable amounts of ephedrine, phenylpropanolamine,  
17 or pseudoephedrine, or any of their salts, optical  
18 isomers, or salts of optical isomers, in accordance  
19 with transmission methods and frequency established by  
20 the department of health and senior services; or

21 (3) Knowingly fails to implement and maintain an  
22 electronic log, as required by subsection 12 of section  
23 195.017, of each transaction involving any detectable  
24 quantity of pseudoephedrine, its salts, isomers, or  
25 salts of optical isomers or ephedrine, its salts,  
26 optical isomers, or salts of optical isomers; or

27 (4) Knowingly sells, distributes, dispenses or  
28 otherwise provides to an individual under eighteen  
29 years of age without a valid prescription any number of  
30 packages of any drug product containing any detectable  
31 quantity of pseudoephedrine, its salts, isomers, or  
32 salts of optical isomers, or ephedrine, its salts or  
33 optical isomers, or salts of optical isomers.

34 3. Any person who violates the packaging  
35 requirements of section 195.418 and is considered the  
36 general owner or operator of the outlet where  
37 ephedrine, pseudoephedrine, or phenylpropanolamine  
38 products are available for sale shall not be penalized  
39 if he or she documents that an employee training  
40 program was in place to provide the employee who made  
41 the unlawful retail sale with information on the state  
42 and federal regulations regarding ephedrine,  
43 pseudoephedrine, or phenylpropanolamine.

44 4. The offense of unlawful sale or distribution  
45 of over-the-counter methamphetamine precursor drugs is  
46 a class A misdemeanor.】

47  
48 [[195.130.] 579.105. 1. 【Any room, building,  
49 structure or inhabitable structure as defined in  
50 section 569.010 which is used for the illegal use,  
51 keeping or selling of controlled substances is a

1 "public nuisance". No person shall keep or maintain  
2 such a public nuisance.

3 2. The attorney general, circuit attorney or  
4 prosecuting attorney may, in addition to any criminal  
5 prosecutions, prosecute a suit in equity to enjoin the  
6 public nuisance. If the court finds that the owner of  
7 the room, building, structure or inhabitable structure  
8 knew that the premises were being used for the illegal  
9 use, keeping or selling of controlled substances, the  
10 court may order that the premises shall not be occupied  
11 or used for such period as the court may determine, not  
12 to exceed one year.

13 3. All persons, including owners, lessees,  
14 officers, agents, inmates or employees, aiding or  
15 facilitating such a nuisance may be made defendants in  
16 any suit to enjoin the nuisance.

17 4. It is unlawful for a person to keep or  
18 maintain such a public nuisance.] A person commits the  
19 offense of keeping or maintaining a public nuisance if  
20 he or she knowingly keeps or maintains:

21 (1) Any room, building, structure or inhabitable  
22 structure, as defined in section 556.061, which is used  
23 for the illegal manufacture, distribution, storage, or  
24 sale of any amount of a controlled substance, except  
25 thirty-five grams or less of marijuana or thirty-five  
26 grams or less of any synthetic cannabinoid; or

27 (2) Any room, building, structure or inhabitable  
28 structure, as defined in section 556.061, where on  
29 three or more separate occasions within the period of a  
30 year, two or more persons, who were not residents of  
31 the room, building, structure, or inhabitable  
32 structure, gathered for the principal purpose of  
33 unlawfully ingesting, injecting, inhaling or using any  
34 amount of a controlled substance, except thirty-five  
35 grams or less of marijuana or thirty-five grams or less  
36 of any synthetic cannabinoid.

37 2. In addition to any other criminal  
38 prosecutions, the prosecuting attorney or circuit  
39 attorney may by information or indictment charge the  
40 owner or the occupant, or both the owner and the  
41 occupant of the room, building, structure, or  
42 inhabitable structure with the [crime] offense of  
43 keeping or maintaining a public nuisance. [Keeping or  
44 maintaining a public nuisance is a class C felony.]

45 3. The offense of keeping or maintaining a public  
46 nuisance is a class E felony.

47 [5.] 4. Upon the conviction of the owner pursuant  
48 to subsection [4] 2 of this section, the room,  
49 building, structure, or inhabitable structure is  
50 subject to the provisions of sections 513.600 to

1           513.645.]

2  
3           Section B. The repeal and reenactment of sections 160.261,  
4   167.115, 167.171, 188.030, 210.117, 211.038, 217.010, 217.703,  
5   260.211, 260.212, 476.055, 556.061, 558.019, 559.036, 559.106,  
6   559.115, 559.633, 565.002, 565.073, 566.147, 566.148, 566.149,  
7   577.001, 577.010, 577.020, 577.037, and 577.041, the enactment of  
8   sections 197.1036, 545.940, 577.013, 579.060, and 579.105, and  
9   the first appearance of the repeal of sections 195.130, 476.055,  
10   566.135, and 660.315 of this act shall become effective on  
11   January 1, 2017.