

House _____ Amendment NO. _____

Offered By _____

1 AMEND Senate Committee Substitute No. 2 for Senate Bill No. 128, Page 1, Section A, Line 2, by inserting
2 immediately after said section and line the following:

3
4 "29.225. When requested by a prosecuting attorney or circuit attorney or law enforcement agency,
5 the auditor or his or her authorized representatives may audit all or part of any political subdivision or other
6 government entity as part of an investigation of improper government activities, including official
7 misconduct, fraud, misappropriation, mismanagement, waste of resources, or a violation of state or federal
8 law, rule, or regulation.

9 105.478. Any person guilty of knowingly violating any of the provisions of sections 105.450 to
10 105.498 shall be punished as follows:

11 (1) ~~[For the first offense, such person is guilty of a]~~ The offense is a class B misdemeanor, unless the
12 person has previously been found guilty of knowingly violating any of the provisions of sections 105.450 to
13 105.498, in which case such person shall be guilty of a class E felony;

14 (2) ~~[For the second and subsequent offenses]~~ For any offense involving more than seven hundred
15 fifty dollars in value of any combination of goods or services, such person is guilty of a class E felony.

16 210.845. 1. The provisions of any decree respecting support may be modified only upon a showing
17 of changed circumstances so substantial and continuing as to make the terms unreasonable. In a proceeding
18 for modifications of any child support award, the court, in determining whether or not a substantial change in
19 circumstances has occurred, shall consider all financial resources of both parties, including the extent to
20 which the reasonable expenses of either party are, or should be, shared by a spouse or other person with
21 whom he cohabits, and the earning capacity of a party who is not employed. If the application of the
22 guidelines and criteria set forth in supreme court rule 88.01 to the financial circumstances of the parties
23 would result in a change of child support from the existing amount by twenty percent or more, then a prima
24 facie showing has been made of a change of circumstances so substantial and continuing as to make the
25 present terms unreasonable.

26 2. When the party seeking modification has met the burden of proof set forth in subsection 1 of this
27 section, the child support shall be determined in conformity with criteria set forth in supreme court rule
28 88.01.

29 3. A responsive pleading shall be filed in response to any motion to modify a child support or
30 custody judgment.

31 252.069. Any agent of the conservation commission may enforce the provisions of sections 577.070
32 and 577.080 and arrest violators only upon the water, the banks thereof, or upon public land.

33 302.441. 1. If a person is required to have an ignition interlock device installed on such person's
34 vehicle, he or she may apply to the court for an employment exemption variance to allow him or her to drive
35 an employer-owned vehicle not equipped with an ignition interlock device for employment purposes only.
36 Such exemption shall not be granted to a person who is self-employed or who wholly or partially owns or
37 controls an entity that owns an employer-owned vehicle.

38 2. A person who is granted an employment exemption variance under subsection 1 of this section
39 shall not drive, operate, or be in physical control of an employer-owned vehicle used for transporting

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children under eighteen years of age or vulnerable persons, as defined in section 630.005, or an employer-owned vehicle for personal use.

400.9-501. (a) Except as otherwise provided in subsection (b), if the local law of this state governs perfection of a security interest or agricultural lien, the office in which to file a financing statement to perfect the security interest or agricultural lien is:

(1) The office designated for the filing or recording of a record of a mortgage on the related real property, if:

(A) The collateral is as-extracted collateral or timber to be cut; or

(B) The financing statement is filed as a fixture filing and the collateral is goods that are or are to become fixtures; or

(2) The office of the secretary of state in all other cases, including a case in which the collateral is goods that are or are to become fixtures and the financing statement is not filed as a fixture filing.

(b) The office in which to file a financing statement to perfect a security interest in collateral, including fixtures, of a transmitting utility is the office of the secretary of state. The financing statement also constitutes a fixture filing as to the collateral indicated in the financing statement which is or is to become fixtures.

~~[(c) A person shall not knowingly or intentionally file, attempt to file, or record any document related to real property with a recorder of deeds under chapter 59 or a financing statement with the secretary of state under subdivision (2) of subsection (a) or subsection (b) of this section, with the intent that such document or statement be used to harass or defraud any other person or knowingly or intentionally file, attempt to file, or record such a document or statement that is materially false or fraudulent.~~

~~—— (1) A person who violates this subsection shall be guilty of a class E felony.~~

~~—— (2) If a person is convicted of a violation under this subsection, the court may order restitution.~~

~~—— (d) In the alternative to the provisions of sections 428.105 through 428.135, if a person files a false or fraudulent financing statement with the secretary of state under subdivision (2) of subsection (a) or subsection (b) of this section, a debtor named in that financing statement may file an action against the person that filed the financing statement seeking appropriate equitable relief, actual damages, or punitive damages, including, but not limited to, reasonable attorney fees.]~~

452.370. 1. Except as otherwise provided in subsection 6 of section 452.325, the provisions of any judgment respecting maintenance or support may be modified only upon a showing of changed circumstances so substantial and continuing as to make the terms unreasonable. A responsive pleading shall be filed in response to any motion to modify a child support or maintenance judgment. In a proceeding for modification of any child support or maintenance judgment, the court, in determining whether or not a substantial change in circumstances has occurred, shall consider all financial resources of both parties, including the extent to which the reasonable expenses of either party are, or should be, shared by a spouse or other person with whom he or she cohabits, and the earning capacity of a party who is not employed. If the application of the child support guidelines and criteria set forth in section 452.340 and applicable supreme court rules to the financial circumstances of the parties would result in a change of child support from the existing amount by twenty percent or more, a prima facie showing has been made of a change of circumstances so substantial and continuing as to make the present terms unreasonable, if the existing amount was based upon the presumed amount pursuant to the child support guidelines.

2. When the party seeking modification has met the burden of proof set forth in subsection 1 of this section, the child support shall be determined in conformity with criteria set forth in section 452.340 and applicable supreme court rules.

3. Unless otherwise agreed in writing or expressly provided in the judgment, the obligation to pay future statutory maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance.

4. Unless otherwise agreed in writing or expressly provided in the judgment, provisions for the support of a child are terminated by emancipation of the child. The parent entitled to receive child support shall have the duty to notify the parent obligated to pay support of the child's emancipation and failing to do so, the parent entitled to receive child support shall be liable to the parent obligated to pay support for child support paid following emancipation of a minor child, plus interest.

5. If a parent has made an assignment of support rights to the family support division on behalf of

1 the state as a condition of eligibility for benefits pursuant to the Temporary Assistance for Needy Families
 2 program and either party initiates a motion to modify the support obligation by reducing it, the state of
 3 Missouri shall be named as a party to the proceeding. The state shall be served with a copy of the motion by
 4 sending it by certified mail to the director of the family support division.

5 6. The court shall have continuing personal jurisdiction over both the obligee and the obligor of a
 6 court order for child support or maintenance for the purpose of modifying such order. Both obligee and
 7 obligor shall notify, in writing, the clerk of the court in which the support or maintenance order was entered
 8 of any change of mailing address. If personal service of the motion cannot be had in this state, the motion to
 9 modify and notice of hearing shall be served outside the state as provided by supreme court rule 54.14. The
 10 order may be modified only as to support or maintenance installments which accrued subsequent to the date
 11 of personal service. For the purpose of 42 U.S.C. Section 666(a)(9)(C), the circuit clerk shall be considered
 12 the appropriate agent to receive notice of the motion to modify for the obligee or the obligor, but only in
 13 those instances in which personal service could not be had in this state.

14 7. If a responsive pleading raising the issues of custody or visitation is filed in response to a motion
 15 to modify child support filed at the request of the family support division by a prosecuting attorney or circuit
 16 attorney or an attorney under contract with the division, such responsive pleading shall be severed upon
 17 request.

18 8. Notwithstanding any provision of this section which requires a showing of substantial and
 19 continuing change in circumstances, in a IV-D case filed pursuant to this section by the family support
 20 division as provided in section 454.400, the court shall modify a support order in accordance with the
 21 guidelines and criteria set forth in supreme court rule 88.01 and any regulations thereunder if the amount in
 22 the current order differs from the amount which would be ordered in accordance with such guidelines or
 23 regulations.

24 452.747. 1. Any petition for modification of child custody decrees filed under the provisions of
 25 section 452.410 or sections 452.700 to 452.930 shall be verified and, if the original proceeding originated in
 26 the state of Missouri, shall be filed in that original case, but service shall be obtained and responsive
 27 pleadings ~~may~~ shall be filed as in any original proceeding.

28 2. Before making a decree under section 452.410 or sections 452.700 to 452.930, the litigants, any
 29 parent whose parental rights have not been previously terminated, and any person who has physical custody
 30 of the child shall be served in the manner provided by the rules of civil procedure and applicable court rules
 31 and ~~may~~ shall within thirty days after the date of service (forty-five days if service by publication) file a
 32 verified answer. If any such persons are outside this state, notice and opportunity to be heard shall be given
 33 under section 452.740.

34 454.500. 1. At any time after the entry of an order pursuant to sections 454.470 and 454.475, the
 35 obligated parent, the division, or the person or agency having custody of the dependent child may file a
 36 motion for modification with the director. Such motion shall be in writing, shall set forth the reasons for
 37 modification, and shall state the address of the moving party. The motion shall be served by the moving
 38 party in the manner provided for in subsection 5 of section 454.465 upon the obligated parent or the party
 39 holding the support rights, as appropriate. In addition, if the support rights are held by the family support
 40 division on behalf of the state, a true copy of the motion shall be mailed by the moving party by certified
 41 mail to the person having custody of the dependent child at the last known address of that person. The
 42 obligated parent or the party holding the support rights shall file a pleading in response to the motion to
 43 modify. A hearing on the motion shall then be provided in the same manner, and determinations shall be
 44 based on considerations set out in section 454.475, unless the party served fails to respond within thirty days,
 45 in which case the director may enter an order by default. If the child for whom the order applies is no longer
 46 in the custody of a person receiving public assistance or receiving support enforcement services from the
 47 department, or a division thereof, pursuant to section 454.425, the director may certify the matter for hearing
 48 to the circuit court in which the order was filed pursuant to section 454.490 in lieu of holding a hearing
 49 pursuant to section 454.475. If the director certifies the matter for hearing to the circuit court, service of the
 50 motion to modify shall be had in accordance with the provisions of subsection 5 of section 452.370. If the
 51 director does not certify the matter for hearing to the circuit court, service of the motion to modify shall be
 52 considered complete upon personal service, or on the date of mailing, if sent by certified mail. For the
 53 purpose of 42 U.S.C. Section 666(a)(9)(C), the director shall be considered the appropriate agent to receive

1 the notice of the motion to modify for the obligee or the obligor, but only in those instances in which the
 2 matter is not certified to circuit court for hearing, and only when service of the motion is attempted on the
 3 obligee or obligor by certified mail.

4 2. A motion for modification made pursuant to this section shall not stay the director from enforcing
 5 and collecting upon the existing order pending the modification proceeding unless so ordered by the court.

6 3. Only payments accruing subsequent to the service of the motion for modification upon all named
 7 parties to the motion may be modified. Modification may be granted only upon a showing of a change of
 8 circumstances so substantial and continuing as to make the terms unreasonable. In a proceeding for
 9 modification of any child support award, the director, in determining whether or not a substantial change in
 10 circumstances has occurred, shall consider all financial resources of both parties, including the extent to
 11 which the reasonable expenses of either party are, or should be, shared by a spouse or other person with
 12 whom he or she cohabits, and the earning capacity of a party who is not employed. If the application of the
 13 guidelines and criteria set forth in supreme court rule 88.01 to the financial circumstances of the parties
 14 would result in a change of child support from the existing amount by twenty percent or more, then a prima
 15 facie showing has been made of a change of circumstances so substantial and continuing as to make the
 16 present terms unreasonable.

17 4. If the division has entered an order under section 454.470 or 454.500, and an additional child or
 18 children not the subject of the order are born to the parties, the division may, following the filing of a motion
 19 to modify, service of process, and opportunity for a hearing pursuant to this section, modify the underlying
 20 child support order to include a single child support obligation for all children of the parties in conformity
 21 with the criteria set forth in supreme court rule 88.01.

22 5. The circuit court may, upon such terms as may be just, relieve a parent from an administrative
 23 order entered against that parent because of mistake, inadvertence, surprise, or excusable neglect.

24 6. No order entered pursuant to section 454.476 shall be modifiable pursuant to this section, except
 25 that an order entered pursuant to section 454.476 shall be amended by the director to conform with any
 26 modification made by the court that entered the court order upon which the director based his or her order.

27 7. When the party seeking modifications has met the burden of proof set forth in subsection 3 of this
 28 section, then the child support shall be determined in conformity with the criteria set forth in supreme court
 29 rule 88.01.

30 8. The last four digits of the Social Security number of the parents shall be recorded on any order
 31 entered pursuant to this section. The full Social Security number of each party and each child shall be
 32 retained in the manner required by section 509.520.

33 456.4-414. 1. After notice to the qualified beneficiaries, the trustee of a trust consisting of trust
 34 property having a total value less than ~~[one hundred thousand]~~ two hundred fifty thousand dollars may
 35 terminate the trust if the trustee concludes that the value of the trust property is insufficient to justify the cost
 36 of administration.

37 2. The court may modify or terminate a trust or remove the trustee and appoint a different trustee if
 38 it determines that the value of the trust property is insufficient to justify the cost of administration.

39 3. Upon termination of a trust under this section, the trustee shall distribute the trust property in a
 40 manner consistent with the purposes of the trust.

41 4. This section does not apply to an easement for conservation or preservation.

42 456.4-420. 1. If a trust instrument containing a no-contest clause is or has become irrevocable, an
 43 interested person may file a petition to the court for an interlocutory determination whether a particular
 44 motion, petition, or other claim for relief by the interested person would trigger application of the no-contest
 45 clause or would otherwise trigger a forfeiture that is enforceable under applicable law and public policy.

46 2. The petition described in subsection 1 of this section shall be verified under oath. The petition
 47 may be filed by an interested person either as a separate judicial proceeding, or brought with other claims for
 48 relief in a single judicial proceeding, all in the manner prescribed generally for such proceedings under this
 49 chapter. If a petition is joined with other claims for relief, the court shall enter its order or judgment on the
 50 petition before proceeding any further with any other claim for relief joined therein. In ruling on such a
 51 petition, the court shall consider the text of the clause, the context to the terms of the trust instrument as a
 52 whole, and in the context of the verified factual allegations in the petition. No evidence beyond the
 53 pleadings and the trust instrument shall be taken except as required to resolve an ambiguity in the no-contest

1 clause.

2 3. An order or judgment determining a petition described in subsection 1 of this section shall have
3 the effect set forth in subsections 4 and 5 of this section, and shall be subject to appeal as with other final
4 judgments. If the order disposes of fewer than all claims for relief in a judicial proceeding, that order is
5 subject to interlocutory appeal in accordance with the applicable rules for taking such an appeal. If an
6 interlocutory appeal is taken, the court may stay the pending judicial proceeding until final disposition of
7 said appeal on such terms and conditions as the court deems reasonable and proper under the circumstances.
8 A final ruling on the applicability of a no-contest clause shall not preclude any later filing and adjudication of
9 other claims related to the trust.

10 4. An order or judgment, in whole or in part, on a petition described in subsection 1 of this section
11 shall result in the no-contest clause being enforceable to the extent of the court's ruling, and shall govern
12 application of the no-contest clause to the extent that the interested person then proceeds forward with the
13 claims described therein. In the event such an interlocutory order or judgment is vacated, reversed, or
14 otherwise modified on appeal, no interested person shall be prejudiced by any reliance, through action,
15 inaction, or otherwise, on the order or judgment prior to final disposition of the appeal.

16 5. An order or judgment shall have effect only as to the specific trust terms and factual basis recited
17 in the petition. If claims are later filed that are materially different than those upon which the order or
18 judgment is based, then to the extent such new claims are raised, the party in whose favor the order or
19 judgment was entered shall have no protection from enforcement of the no-contest clause otherwise afforded
20 by the order and judgment entered under this section.

21 6. For purposes of this section, a "no-contest clause" shall mean a provision in a trust instrument
22 purporting to rescind a donative transfer to, or a fiduciary appointment of, any person, or that otherwise
23 effects a forfeiture of some or all of an interested person's beneficial interest in a trust estate as a result of
24 some action taken by the beneficiary. This definition shall not be construed in any way as determining
25 whether a no-contest clause is enforceable under applicable law and public policy in a particular factual
26 situation. As used in this section, the term "no-contest clause" shall also mean an "in terrorem clause".

27 7. A no-contest clause is not enforceable against an interested person in, but not limited to, the
28 following circumstances:

29 (1) Filing a motion, petition, or other claim for relief objecting to the jurisdiction or venue of the
30 court over a proceeding concerning a trust, or over any person joined, or attempted to be joined, in such a
31 proceeding;

32 (2) Filing a motion, petition, or other claim for relief concerning an accounting, report, or notice that
33 has or should have been made by a trustee, provided the interested person otherwise has standing to do so
34 under applicable law, including, but not limited to, section 456.6-603;

35 (3) Filing a motion, petition, or other claim for relief under chapter 475 concerning the appointment
36 of a guardian or conservator for the settlor;

37 (4) Filing a motion, petition, or other claim for relief under chapter 404 concerning the settlor;

38 (5) Disclosure to any person of information concerning a trust instrument or that is relevant to a
39 proceeding before the court concerning the trust instrument or property of the trust estate, unless such
40 disclosure is otherwise prohibited by law;

41 (6) Filing a motion, pleading, or other claim for relief seeking approval of a nonjudicial settlement
42 agreement concerning a trust instrument, as set forth in section 456.1-111;

43 (7) Filing a motion, pleading, or other claim for relief concerning a breach of trust by a trustee
44 including, but not limited to, a claim under section 456.10-1001. For purposes of this subdivision, "breach
45 of trust" means a trustee's violation of the terms of a trust instrument, a violation of the trustee's general
46 fiduciary obligations, or a trustee's violation of a duty that equity imposes on a trustee;

47 (8) Filing a motion, pleading, or other claim for relief concerning removal of a trustee including, but
48 not limited to, a claim for removal under section 456.7-706;

49 (9) To the extent a petition under subsection 1 of this section is limited to the procedure and purpose
50 described therein.

51 8. In any proceeding brought under this section, the court may award costs, expenses, and attorneys'
52 fees to any party, as provided in section 456.10-1004.

53 472.400. Sections 472.400 to 472.490 shall be known and may be cited as the "Missouri Fiduciary

1 Access to Digital Assets Act".

2 472.405. As used in sections 472.400 to 472.490, the following terms mean:

3 (1) "Access", includes view, marshal, manage, copy, distribute, or delete;

4 (2) "Account", an arrangement under a terms-of-service agreement in which a custodian carries,
5 maintains, processes, receives, or stores a digital asset of the user or provides goods or services to the user;

6 (3) "Agent", an attorney-in-fact granted authority under a durable or nondurable power of attorney;

7 (4) "Carries", engages in the transmission of electronic communications;

8 (5) "Catalogue of electronic communications", information that identifies each person with which a
9 user has had an electronic communication, the time and date of the communication, and the electronic
10 address of the person;

11 (6) "Conservator", a person appointed by a court to have the care and custody of the estate of a
12 minor or a disabled person. A "limited conservator" is one whose duties or powers are limited. The term
13 "conservator", as used in sections 472.400 to 472.490, includes limited conservator unless otherwise
14 specified or apparent from the context;

15 (7) "Content of an electronic communication", information concerning the substance or meaning of
16 the communication which:

17 (a) Has been sent or received by a user;

18 (b) Is in electronic storage by a custodian providing an electronic-communication service to the
19 public or is carried or maintained by a custodian providing a remote-computing service to the public; and

20 (c) Is not readily accessible to the public;

21 (8) "Court", any court with competent jurisdiction within this state;

22 (9) "Custodian", a person that carries, maintains, processes, receives, or stores a digital asset of a
23 user;

24 (10) "Designated recipient", a person chosen by a user using an online tool to administer digital
25 assets of the user;

26 (11) "Digital asset", an electronic record in which an individual has a right or interest. The term
27 does not include an underlying asset or liability unless the asset or liability is itself an electronic record;

28 (12) "Electronic", relating to technology having electrical, digital, magnetic, wireless, optical,
29 electromagnetic, or similar capabilities;

30 (13) "Electronic communication", has the same meaning as set forth in 18 U.S.C. Section 2510(12),
31 as amended;

32 (14) "Electronic communication service", a custodian that provides to a user the ability to send or
33 receive an electronic communication;

34 (15) "Fiduciary", an original, additional, or successor personal representative, conservator, agency,
35 or trustee;

36 (16) "Information", data, text, images, videos, sounds codes, computer programs, software,
37 databases, or the like;

38 (17) "Online tool", an electronic service provided by a custodian that allows the user, in an
39 agreement distinct from the terms-of-service agreement between the custodian and user, to provide directions
40 for disclosure or nondisclosure of digital assets to a third person;

41 (18) "Person", an individual, estate, trust, business or nonprofit entity, public corporation,
42 government or governmental subdivision, agency, instrumentality, or other legal entity;

43 (19) "Personal representative", executor or administrator, including an administrator with the will
44 annexed, an administrator de bonis non, an administrator pending contest, an administrator during minority
45 or absence, and any other type of administrator of the estate of a decedent whose appointment is permitted,
46 or any person who performs substantially the same function under the law of Missouri, including without
47 limitation an affiant who has filed a small estate affidavit under section 473.097. It does not include an
48 executor de son tort;

49 (20) "Power of attorney", a record that grants an agent authority to act in the place of a principal;

50 (21) "Principal", an individual who grants authority to an agent in a power of attorney;

51 (22) "Protected person", an individual for whom a conservator has been appointed, including a
52 protectee, a disabled person, and an individual for whom an application for the appointment of a conservator
53 is pending;

1 (23) "Record", information that is inscribed on a tangible medium or that is stored in an electronic
2 or other medium and is retrievable in perceivable form;

3 (24) "Remote computing service", a custodian that provides to a user computer processing services
4 or the storage of digital assets by means of an electronic communications system, as defined in 18 U.S.C.
5 Section 2510(14), as amended;

6 (25) "Terms-of-service agreement", an agreement that controls the relationship between a user and a
7 custodian;

8 (26) "Trustee", a fiduciary with legal title to property pursuant to an agreement or declaration that
9 creates a beneficial interest in another, including an original, additional, and successor trustee, and a co-
10 trustee;

11 (27) "User", a person that has an account with a custodian;

12 (28) "Will", includes a testamentary instrument, a codicil, a testamentary instrument that only
13 appoints an executor, and instrument that revokes or revises a testamentary instrument.

14 472.410. 1. Sections 472.400 to 472.490 shall apply to:

15 (1) A fiduciary or agent acting under a will or power of attorney executed before, on, or after the
16 effective date of sections 472.400 to 472.490;

17 (2) A personal representative acting for a decedent who dies before, on, or after the effective date of
18 sections 472.400 to 472.490;

19 (3) A conservatorship proceeding commenced before, on, or after the effective date of sections
20 472.400 to 472.490; and

21 (4) A trustee acting under a trust created before, on, or after the effective date of sections 472.400 to
22 472.490.

23 2. Sections 472.400 to 472.490 shall apply to a custodian if the user resides in this state or resided in
24 this state at the time of the user's death.

25 3. Sections 472.400 to 472.490 shall not apply to a digital asset of an employer used by an
26 employee in the ordinary course of the employer's business.

27 472.415. 1. A user may use an online tool to direct the custodian to disclose to a designated
28 recipient or not to disclose some or all of the user's digital assets, including the content of electronic
29 communications. If the online tool allows the user to modify or delete a direction at all times, a direction
30 regarding disclosure using an online tool overrides a contrary direction by the user in a will, trust, power of
31 attorney, or other record.

32 2. If a user has not used an online tool to give direction under subsection 1 of this section or if the
33 custodian has not provided an online tool, the user may allow or prohibit in a will, trust, power of attorney,
34 or other record, disclosure to a fiduciary of some or all of the user's digital assets, including the content of
35 electronic communications sent or received by the user.

36 3. A user's direction under subsection 1 or 2 of this section overrides a contrary provision in a terms-
37 of-service agreement that does not require the user to act affirmatively and distinctly from the user's assent to
38 the terms-of-service.

39 472.420. 1. Sections 472.400 to 472.490 shall not change or impair a right of a custodian or a user
40 under a terms-of-service agreement to access and use digital assets of the user.

41 2. Sections 472.400 to 472.490 shall not give a fiduciary or a designated recipient any new or
42 expanded rights other than those held by the user for whom, or for whose estate, the fiduciary or designated
43 recipient acts or represents.

44 3. A fiduciary's or a designated recipient's access to digital assets may be modified or eliminated by
45 a user, by federal law, or by a terms-of-service agreement if the user has not provided direction under section
46 472.415.

47 472.425. 1. When disclosing digital assets of a user under sections 472.400 to 472.490 the
48 custodian may at its sole discretion:

49 (1) Grant a fiduciary or designated recipient full access to the user's account;

50 (2) Grant a fiduciary or designated recipient partial access to the user's account sufficient to perform
51 the tasks with which the fiduciary or designated recipient is charged; or

52 (3) Provide a fiduciary or designated recipient a copy in a record of any digital asset that, on the date
53 the custodian received the request for disclosure, the user could have accessed if the user were alive and had

1 full capacity and access to the account.

2 2. A custodian may assess a reasonable administrative charge for the cost of disclosing digital assets
3 under sections 472.400 to 472.490.

4 3. A custodian shall not disclose under sections 472.400 to 472.490 a digital asset deleted by a user.

5 4. If a user directs or a fiduciary requests a custodian to disclose under sections 472.400 to 472.490
6 some, but not all, of the user's digital assets, the custodian need not disclose the assets if segregation of the
7 assets would impose an undue burden on the custodian. If the custodian believes the direction or request
8 imposes an undue burden, the custodian or fiduciary may seek an order from the court to disclose:

9 (1) A subset limited by date of the user's digital assets;

10 (2) All of the user's digital assets to the fiduciary or designated recipient;

11 (3) None of the user's digital assets; or

12 (4) All of the user's digital assets to the court for review in camera.

13 472.430. If a deceased user consented or a court directs disclosure of the contents of electronic
14 communications of the user, the custodian shall disclose to the personal representative of the estate of the
15 user the content of an electronic communication sent or received by the user if the representative gives the
16 custodian:

17 (1) A written request for disclosure in physical or electronic form;

18 (2) A certified copy of the death certificate of the user;

19 (3) A certified copy of the letters testamentary or letters of administration of the representative or a
20 certified copy of the certificate of clerk in connection with a small estate affidavit or court order;

21 (4) Unless the user provided direction using an online tool, then in the case of user consent to
22 disclosure, a copy of the user's will, trust, power of attorney, or other record evidencing the user's consent to
23 disclosure of the content of electronic communications; and

24 (5) If requested by the custodian for the purpose of identifying the correct account of the user:

25 (a) A number, username, address, or other unique subscriber or account identifier assigned by the
26 custodian to identify the user's account;

27 (b) Evidence linking the account to the user; or

28 (c) A finding by the court that:

29 a. The user had a specific account with the custodian, identifiable by the information specified in
30 paragraph (a) of this subdivision;

31 b. Disclosure of the content of electronic communications of the user would not violate 18 U.S.C.
32 Section 2701 et seq., as amended, 47 U.S.C. Section 222, as amended, or other applicable law;

33 c. Unless the user provided direction using an online tool, the user consented to disclosure of the
34 content of electronic communications; or

35 d. Disclosure of the content of electronic communications of the user is reasonably necessary for
36 administration of the estate.

37 472.435. Unless the user prohibited disclosure of digital assets or the court directs otherwise, a
38 custodian shall disclose to the personal representative of the estate of a deceased user a catalogue of
39 electronic communications sent or received by the user and digital assets, other than the content of electronic
40 communications, of the user, if the representative gives the custodian:

41 (1) A written request for disclosure in physical or electronic form;

42 (2) A certified copy of the death certificate of the user;

43 (3) A certified copy of the letters testamentary or letters of administration of the representative or a
44 certified copy of certificate of clerk in connection with a small-estate affidavit or court order; and

45 (4) If requested by the custodian for the purpose of identifying the correct account of the correct
46 user:

47 (a) A number, username, address, or other unique subscriber or account identifier assigned by the
48 custodian to identify the user's account;

49 (b) Evidence linking the account to the user;

50 (c) An affidavit stating that disclosure of the user's digital assets is reasonably necessary for
51 administration of the estate; or

52 (d) A finding by the court that:

53 a. The user had a specific account with the custodian, identifiable by the information specified in

1 paragraph (a) of this subdivision; or

2 b. Disclosure of the user's digital assets is reasonably necessary for administration of the estate.

3 472.440. To the extent a power of attorney expressly grants an agent authority over the content of an
 4 electronic communications sent or received by the principal and unless directed otherwise by the principal or
 5 the court, a custodian shall disclose to the agent the content if the agent gives the custodian:

6 (1) A written request for disclosure in physical or electronic form;

7 (2) An original or copy of the power of attorney expressly granting the agent authority over the
 8 content of electronic communications of the principal;

9 (3) A certification by the agent, under penalty of perjury, that the power of attorney is in effect; and

10 (4) If requested by the custodian for the purpose of identifying the correct account of the correct
 11 user:

12 (a) A number, username, address, or other unique subscriber or account identifier assigned by the
 13 custodian to identify the principal's account; or

14 (b) Evidence linking the account to the principal.

15 472.445. Unless otherwise ordered by the court, directed by the principal, or provided by a power of
 16 attorney, a custodian shall disclose to an agent with specific authority over digital assets or general authority
 17 to act on behalf of a principal a catalogue of electronic communications sent or received by the principal and
 18 digital assets, other than the content of electronic communications, of the principal if the agent gives the
 19 custodian:

20 (1) A written request for disclosure in physical or electronic form;

21 (2) An original or a copy of the power of attorney that gives the agent specific authority over digital
 22 assets or general authority to act on behalf of the principal;

23 (3) A certification by the agent, under penalty of perjury, that the power of attorney is in effect; and

24 (4) If requested by the custodian for the purpose of identifying the correct account of the correct
 25 user:

26 (a) A number, username, address, or other unique subscriber or account identifier assigned by the
 27 custodian to identify the principal's account; or

28 (b) Evidence linking the account to the principal.

29 472.450. Unless otherwise ordered by the court or provided in a trust, a custodian shall disclose to a
 30 trustee that is an original user of an account any digital asset of the account held in trust, including a
 31 catalogue of electronic communications of the trustee and the content of the electronic communications.

32 472.455. Unless otherwise ordered by the court, directed by the user, or provided in a trust, a
 33 custodian shall disclose to a trustee that is not an original user of an account the content of an electronic
 34 communication sent or received by an original or successor user and carried, maintained, processed, received,
 35 or stored by the custodian in the account of the trust if the trustee gives the custodian:

36 (1) A written request for disclosure in physical or electronic form;

37 (2) A certified copy of the trust instrument or a certification of the trust under section 456.10-1013
 38 that includes consent to disclosure of the content of electronic communications to the trustee;

39 (3) A certification by the trustee, under penalty of perjury, that the trust exists and the trustee is a
 40 currently acting trustee of the trust; and

41 (4) If requested by the custodian for the purpose of identifying the correct account of the correct
 42 user:

43 (a) A number, username, address, or other unique subscriber or account identifier assigned by the
 44 custodian to identify the trust's account; or

45 (b) Evidence linking the account to the trust.

46 472.460. Unless otherwise ordered by the court, directed by the user, or provided in a trust, a
 47 custodian shall disclose, to a trustee that is not an original user of an account, a catalogue of electronic
 48 communications sent or received by an original or successor user and stored, carried, or maintained by the
 49 custodian in an account of the trust and any digital assets, other than the content of electronic
 50 communications, in which the trust has a right or interest if the trustee gives the custodian:

51 (1) A written request for disclosure in physical or electronic form;

52 (2) A certified copy of the trust instrument or a certification of the trust under section 456.10-1013;

53 (3) A certification by the trustee, under penalty of perjury, that the trust exists and the trustee is a

1 currently acting trustee of the trust; and

2 (4) If requested by the custodian for the purpose of identifying the correct account of the correct
3 user:

4 (a) A number, username, address, or other unique subscriber or account identifier assigned by the
5 custodian to identify the trust's account; or

6 (b) Evidence linking the account to the trust.

7 472.465. 1. After an opportunity for a hearing under Missouri conservatorship law, the court may
8 grant a conservator access to the digital assets of a protected person.

9 2. Unless otherwise ordered by the court or directed by the user, a custodian shall disclose to a
10 conservator the catalogue of electronic communications sent or received by a protected person and any
11 digital assets, other than the content of electronic communications, in which the protected person has a right
12 or interest if the conservator gives the custodian:

13 (1) A written request for disclosure in physical or electronic form;

14 (2) A certified copy of the court order that gives the conservator authority over the digital assets of
15 the protected person; and

16 (3) If requested by the custodian for the purpose of identifying the correct account of the correct
17 user:

18 (a) A number, username, address, or other unique subscriber or account identifier assigned by the
19 custodian to identify the account of the protected person; or

20 (b) Evidence linking the account to the protected person.

21 3. A conservator with general authority to manage the assets of a protected person may request a
22 custodian of the digital assets of the protected person to suspend or terminate an account of the protected
23 person for good cause. A request made under this subsection shall be accompanied by a certified copy of the
24 court order giving the conservator authority over the protected person's property.

25 472.470. 1. The legal duties imposed on a fiduciary charged with managing tangible property apply
26 to the management of digital assets, including:

27 (1) The duty of care;

28 (2) The duty of loyalty; and

29 (3) The duty of confidentiality.

30 2. A fiduciary's or designated recipient's authority with respect to a digital asset of a user:

31 (1) Except as otherwise provided in section 472.415, is subject to the applicable terms-of-service
32 agreement;

33 (2) Is subject to other applicable law, including copyright law;

34 (3) In the case of a fiduciary, is limited by the scope of the fiduciary's duties; and

35 (4) May not be used to impersonate the user.

36 3. A fiduciary with authority over the property of a decedent, protected person, principal, or settlor
37 has the right to access any digital asset in which the decedent, protected person, principal, or settlor had a
38 right or interest and that is not held by a custodian or subject to a terms-of-service agreement.

39 4. A fiduciary acting within the scope of the fiduciary's duties is an authorized user of the property
40 of the decedent, protected person, principal, or settlor for the purpose of applicable computer-fraud and
41 unauthorized-computer-access laws, including Missouri law on unauthorized computer access.

42 5. A fiduciary with authority over the tangible, personal property of a decedent, protected person,
43 principal, or settlor:

44 (1) Has the right to access the property and any digital asset stored in it; and

45 (2) Is an authorized user for the purpose of computer-fraud and unauthorized-computer-access laws,
46 including Missouri law on unauthorized computer access.

47 6. A custodian may disclose information in an account to a fiduciary of the user when the
48 information is required to terminate an account used to access digital assets licensed to the user.

49 7. A fiduciary of a user may request a custodian to terminate the user's account. A request for
50 termination shall be in writing, in either physical or electronic form, and accompanied by:

51 (1) If the user is deceased, a certified copy of the death certificate of the user;

52 (2) A certified copy of the letter of testamentary or letters of administration of the representative or a
53 certified copy of the certificate of clerk in connection with a small-estate affidavit or court order, power of

1 attorney, or trust giving the fiduciary authority over the account; and

2 (3) If requested by the custodian for the purpose of identifying the correct account of the correct
3 user:

4 (a) A number, username, address, or other unique subscriber or account identifier assigned by the
5 custodian to identify the user's account;

6 (b) Evidence linking the account to the user; or

7 (c) A finding by the court that the user had a specific account with the custodian, identifiable by the
8 information specified in paragraph (a) of this subdivision.

9 472.475. 1. Not later than sixty days after receipt of the information required under sections
10 472.430 to 472.470, a custodian shall comply with a request under sections 472.400 to 472.490 from a
11 fiduciary or designated recipient to disclose digital assets or terminate an account. If the custodian fails to
12 comply, the fiduciary or designated recipient may apply to the court for an order directing compliance.

13 2. An order under subsection 1 of this section directing compliance shall contain a finding that
14 compliance is not in violation of 18 U.S.C. Section 2702, as amended.

15 3. A custodian may notify the user that a request for disclosure or to terminate an account was made
16 under sections 472.400 to 472.490.

17 4. A custodian may deny a request under sections 472.400 to 472.490 from a fiduciary or designated
18 recipient for disclosure of digital assets or to terminate an account if the custodian is aware of any lawful
19 access to the account following the receipt of the fiduciary's request.

20 5. Sections 472.400 to 472.490 do not limit a custodian's ability to obtain or require a fiduciary or
21 designated recipient requesting disclosure or termination under such sections to obtain a court order which:

22 (1) Specifies that an account belongs to the protected person or principal;

23 (2) Specifies that there is sufficient consent from the protected person or principal to support the
24 requested disclosure; and

25 (3) Contains a finding required by law other than as provided under sections 472.400 to 472.490.

26 6. A custodian and its officers, employees, and agents are immune from liability for an act or
27 omission done in good faith in compliance with sections 472.400 to 472.490.

28 472.480. In applying and construing sections 472.400 to 472.490, consideration may be given to the
29 need to promote uniformity of the law with respect to its subject matter among states that enact similar
30 provisions.

31 472.485. Sections 472.400 to 472.490 modify, limit, or supersede the Electronic Signatures in
32 Global and National Commerce Act, 15 U.S.C. Section 7001 et seq., but do not modify, limit, or supersede
33 Section 101(c) of that act, 15 U.S.C. Section 7001(c), or authorize electronic delivery of any of the notices
34 described in Section 103(b) of that act, 15 U.S.C. Section 7003(b).

35 472.490. If any provision of sections 472.400 to 472.490 or the application of such sections to any
36 person or circumstance is held invalid, the invalidity does not affect other provisions or application of
37 sections 472.400 to 472.490 which can be given effect without the invalid provision or application, and to
38 this end the provisions of sections 472.400 to 472.490 are severable.

39 475.084. If a guardian has been appointed for a minor under
40 the provisions of subdivision (2) of subsection 4 of section 475.030, then a parent of the minor may petition
41 the court for periods of visitation. The court may order visitation if visitation is in the best interest of the
42 child."; and

43
44 Further amend said bill and page, Section 478.463, Line 9, by inserting immediately after said section and
45 line the following:

46
47 "479.020. 1. Any city, town or village, including those operating under a constitutional or special
48 charter, may, and cities with a population of four hundred thousand or more shall, provide by ordinance or
49 charter for the selection, tenure and compensation of a municipal judge or judges consistent with the
50 provisions of this chapter who shall have original jurisdiction to hear and determine all violations against the
51 ordinances of the municipality. The method of selection of municipal judges shall be provided by charter or
52 ordinance. Each municipal judge shall be selected for a term of not less than two years as provided by
53 charter or ordinance.

2. Except where prohibited by charter or ordinance, the municipal judge may be a part-time judge and may serve as municipal judge in more than one municipality.

3. No person shall serve as a municipal judge of any municipality with a population of seven thousand five hundred or more or of any municipality in a county of the first class with a charter form of government unless the person is licensed to practice law in this state unless, prior to January 2, 1979, such person has served as municipal judge of that same municipality for at least two years.

4. Notwithstanding any other statute, a municipal judge need not be a resident of the municipality or of the circuit in which the municipal judge serves except where ordinance or charter provides otherwise. Municipal judges shall be residents of Missouri.

5. Judges selected under the provisions of this section shall be municipal judges of the circuit court and shall be divisions of the circuit court of the circuit in which the municipality, or major geographical portion thereof, is located. The judges of these municipal divisions shall be subject to the rules of the circuit court which are not inconsistent with the rules of the supreme court. The presiding judge of the circuit shall have general administrative authority over the judges and court personnel of the municipal divisions within the circuit.

6. No municipal judge shall hold any other office in the municipality which the municipal judge serves as judge. The compensation of any municipal judge and other court personnel shall not be dependent in any way upon the number of cases tried, the number of guilty verdicts reached or the amount of fines imposed or collected.

7. Municipal judges shall be at least twenty-one years of age. No person shall serve as municipal judge after that person has reached that person's seventy-fifth birthday.

8. Within six months after selection for the position, each municipal judge who is not licensed to practice law in this state shall satisfactorily complete the course of instruction for municipal judges prescribed by the supreme court. The state courts administrator shall certify to the supreme court the names of those judges who satisfactorily complete the prescribed course. If a municipal judge fails to complete satisfactorily the prescribed course within six months after the municipal judge's selection as municipal judge, the municipal judge's office shall be deemed vacant and such person shall not thereafter be permitted to serve as a municipal judge, nor shall any compensation thereafter be paid to such person for serving as municipal judge.

9. No municipal judge shall serve as a municipal judge in more than five municipalities at one time. A court that serves more than one municipality shall be treated as a single municipality for purposes of this subsection.

479.170. 1. If, in the progress of any trial before a municipal judge, it shall appear to the judge that the accused ought to be put upon trial for an offense against the criminal laws of the state and not cognizable before him as municipal judge, he shall immediately stop all further proceedings before him as municipal judge and cause the complaint to be made before some associate circuit judge within the county.

2. For purposes of this section, any offense involving the operation of a motor vehicle in an intoxicated condition as defined in section 577.001 shall not be cognizable in municipal court, if the defendant has been convicted, found guilty, or pled guilty to two or more previous intoxication-related traffic offenses as defined in section ~~[577.023]~~ 577.001, or has had two or more previous alcohol-related enforcement contacts as defined in section 302.525.

488.029. There shall be assessed and collected a surcharge of one hundred fifty dollars in all criminal cases for any violation of chapter 195 or chapter 579 in which a crime laboratory makes analysis of a controlled substance, but no such surcharge shall be assessed when the costs are waived or are to be paid by the state or when a criminal proceeding or the defendant has been dismissed by the court. The moneys collected by clerks of the courts pursuant to the provisions of this section shall be collected and disbursed as provided by sections 488.010 to 488.020. All such moneys shall be payable to the director of revenue, who shall deposit all amounts collected pursuant to this section to the credit of the state forensic laboratory account to be administered by the department of public safety pursuant to section 650.105.

488.2206. 1. In addition to all court fees and costs prescribed by law, a surcharge of up to ten dollars shall be assessed as costs in each court proceeding filed in any court within ~~[the thirty-first judicial circuit]~~ any judicial circuit composed of a single noncharter county in all civil and criminal cases including violations of any county or municipal ordinance or any violation of a criminal or traffic law of the state,

including an infraction, except that no such surcharge shall be collected in any proceeding in any court when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county, or municipality. For violations of the general criminal laws of the state or county ordinances, no such surcharge shall be collected unless it is authorized, by order, ordinance, or resolution by the county government where the violation occurred. For violations of municipal ordinances, no such surcharge shall be collected unless it is authorized by order, ordinance, or resolution by the municipal government where the violation occurred. Such surcharges shall be collected and disbursed by the clerk of each respective court responsible for collecting court costs in the manner provided by sections 488.010 to 488.020, and shall be payable to the treasurer of the political subdivision authorizing such surcharge, who shall deposit the funds in a separate account known as the "justice center fund", to be established and maintained by the political subdivision.

2. Each county or municipality shall use all funds received pursuant to this section only to pay for the costs associated with the land assemblage and purchase, planning, construction, maintenance, and operation of any county or municipal judicial facility or justice center including, but not limited to, architectural, engineering, and other plans and studies, debt service, utilities, maintenance, and building security. The county or municipality shall maintain records identifying ~~[such operating costs, and any moneys not needed for the operating costs of the county or municipal judicial facility shall be transmitted quarterly to the general revenue fund of the county or municipality respectively]~~ all funds received and expenditures made from their respective center funds.

488.2250. 1. For all appeal transcripts of testimony given ~~[or proceedings in any circuit court]~~, the court reporter shall receive the sum of three dollars and fifty cents per legal page for the preparation of a paper and an electronic version of the transcript.

2. In criminal cases where an appeal is taken by the defendant and it appears to the satisfaction of the court that the defendant is unable to pay the costs of the transcript for the purpose of perfecting the appeal, the court reporter shall receive a fee of two dollars and sixty cents per legal page for the preparation of a paper and an electronic version of the transcript.

3. Any judge, in his or her discretion, may order a transcript of all or any part of the evidence or oral proceedings and the court reporter shall receive the sum of two dollars and sixty cents per legal page for the preparation of a paper and an electronic version of the transcript.

4. For purposes of this section, a legal page, other than the first page and the final page of the transcript, shall be twenty-five lines, approximately eight and one-half inches by eleven inches in size, with the left-hand margin of approximately one and one-half inches, and with the right-hand margin of approximately one-half inch.

5. Notwithstanding any law to the contrary, the payment of court reporter's fees provided in subsections 2 and 3 of this section shall be made by the state upon a voucher approved by the court. The cost to prepare all other transcripts of testimony or proceedings shall be borne by the party requesting their preparation and production, who shall reimburse the court reporter ~~[the sum provided in subsection 1 of this section]~~.

488.5050. 1. In addition to any other surcharges authorized by statute, the clerk of each court of this state shall collect the surcharges provided for in subsection 2 of this section.

2. A surcharge of thirty dollars shall be assessed as costs in each circuit court proceeding filed within this state in all criminal cases in which the defendant is found guilty of a felony, except when the defendant is found guilty of a class B felony, class A felony, or an unclassified felony, under chapter 195 or chapter 579, in which case, the surcharge shall be sixty dollars. A surcharge of fifteen dollars shall be assessed as costs in each court proceeding filed within this state in all other criminal cases, except for traffic violation cases in which the defendant is found guilty of a misdemeanor.

3. Notwithstanding any other provisions of law, the moneys collected by clerks of the courts pursuant to the provisions of subsection 1 of this section shall be collected and disbursed in accordance with sections 488.010 to 488.020, and shall be payable to the state treasurer.

4. The state treasurer shall deposit such moneys or other gifts, grants, or moneys received on a monthly basis into the "DNA Profiling Analysis Fund", which is hereby created in the state treasury. The fund shall be administered by the department of public safety. The moneys deposited into the DNA profiling analysis fund shall be used only by the highway patrol crime lab to fulfill the purposes of the DNA profiling

1 system pursuant to section 650.052. Notwithstanding the provisions of section 33.080 to the contrary, any
 2 moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue
 3 fund.

4 5. The provisions of subsections 1 and 2 of this section shall expire on August 28, 2019.

5 513.430. 1. The following property shall be exempt from attachment and execution to the extent of
 6 any person's interest therein:

7 (1) Household furnishings, household goods, wearing apparel, appliances, books, animals, crops or
 8 musical instruments that are held primarily for personal, family or household use of such person or a
 9 dependent of such person, not to exceed three thousand dollars in value in the aggregate;

10 (2) A wedding or engagement ring not to exceed one thousand five hundred dollars in value and
 11 other jewelry held primarily for the personal, family or household use of such person or a dependent of such
 12 person, not to exceed five hundred dollars in value in the aggregate;

13 (3) Any other property of any kind, not to exceed in value [~~six hundred~~] one thousand two hundred
 14 dollars in the aggregate;

15 (4) Any implements or professional books or tools of the trade of such person or the trade of a
 16 dependent of such person not to exceed three thousand dollars in value in the aggregate;

17 (5) Any motor vehicles, not to exceed three thousand dollars in value in the aggregate;

18 (6) Any mobile home used as the principal residence but not attached to real property in which the
 19 debtor has a fee interest, not to exceed five thousand dollars in value;

20 (7) Any one or more unmatured life insurance contracts owned by such person, other than a credit
 21 life insurance contract, and up to fifteen thousand dollars of any matured life insurance proceeds for actual
 22 funeral, cremation, or burial expenses where the deceased is the spouse, child, or parent of the beneficiary;

23 (8) The amount of any accrued dividend or interest under, or loan value of, any one or more
 24 unmatured life insurance contracts owned by such person under which the insured is such person or an
 25 individual of whom such person is a dependent; provided, however, that if proceedings under Title 11 of the
 26 United States Code are commenced by or against such person, the amount exempt in such proceedings shall
 27 not exceed in value one hundred fifty thousand dollars in the aggregate less any amount of property of such
 28 person transferred by the life insurance company or fraternal benefit society to itself in good faith if such
 29 transfer is to pay a premium or to carry out a nonforfeiture insurance option and is required to be so
 30 transferred automatically under a life insurance contract with such company or society that was entered into
 31 before commencement of such proceedings. No amount of any accrued dividend or interest under, or loan
 32 value of, any such life insurance contracts shall be exempt from any claim for child support.

33 Notwithstanding anything to the contrary, no such amount shall be exempt in such proceedings under any
 34 such insurance contract which was purchased by such person within one year prior to the commencement of
 35 such proceedings;

36 (9) Professionally prescribed health aids for such person or a dependent of such person;

37 (10) Such person's right to receive:

38 (a) A Social Security benefit, unemployment compensation or a public assistance benefit;

39 (b) A veteran's benefit;

40 (c) A disability, illness or unemployment benefit;

41 (d) Alimony, support or separate maintenance, not to exceed seven hundred fifty dollars a month;

42 (e) Any payment under a stock bonus plan, pension plan, disability or death benefit plan, profit-
 43 sharing plan, nonpublic retirement plan or any plan described, defined, or established pursuant to section
 44 456.014, the person's right to a participant account in any deferred compensation program offered by the state
 45 of Missouri or any of its political subdivisions, or annuity or similar plan or contract on account of illness,
 46 disability, death, age or length of service, to the extent reasonably necessary for the support of such person
 47 and any dependent of such person unless:

48 a. Such plan or contract was established by or under the auspices of an insider that employed such
 49 person at the time such person's rights under such plan or contract arose;

50 b. Such payment is on account of age or length of service; and

51 c. Such plan or contract does not qualify under Section 401(a), 403(a), 403(b), 408, 408A or 409 of
 52 the Internal Revenue Code of 1986, as amended, (26 U.S.C. Section 401(a), 403(a), 403(b), 408, 408A or
 53 409);

except that, any such payment to any person shall be subject to attachment or execution pursuant to a qualified domestic relations order, as defined by Section 414(p) of the Internal Revenue Code of 1986, as amended, issued by a court in any proceeding for dissolution of marriage or legal separation or a proceeding for disposition of property following dissolution of marriage by a court which lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of marital property at the time of the original judgment of dissolution;

(f) Any money or assets, payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan, profit-sharing plan, health savings plan, or similar plan, including an inherited account or plan, that is qualified under Section 401(a), 401(k), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, whether such participant's or beneficiary's interest arises by inheritance, designation, appointment, or otherwise, except as provided in this paragraph or any type of individual retirement arrangement as defined by Publication 590 of the Internal Revenue Service including, but not limited to, a traditional individual income retirement account (IRA), a ROTH IRA, a SEP IRA, and a simple IRA. The exemption amount for individual retirement arrangements shall be unlimited if allowed by federal law and otherwise limited to the maximum exemption allowed under federal law, including the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, as amended. Any plan or arrangement described in this paragraph shall not be exempt from the claim of an alternate payee under a qualified domestic relations order; however, the interest of any and all alternate payees under a qualified domestic relations order shall be exempt from any and all claims of any creditor, other than the state of Missouri through its department of social services. As used in this paragraph, the terms "alternate payee" and "qualified domestic relations order" have the meaning given to them in Section 414(p) of the Internal Revenue Code of 1986, as amended. If proceedings under Title 11 of the United States Code are commenced by or against such person, no amount of funds shall be exempt in such proceedings under any such plan, contract, or trust which is fraudulent as defined in subsection 2 of section 428.024 and for the period such person participated within three years prior to the commencement of such proceedings. For the purposes of this section, when the fraudulently conveyed funds are recovered and after, such funds shall be deducted and then treated as though the funds had never been contributed to the plan, contract, or trust;

(11) The debtor's right to receive, or property that is traceable to, a payment on account of the wrongful death of an individual of whom the debtor was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor;

(12) Firearms, firearm accessories, and ammunition, not to exceed one thousand five hundred dollars in value in the aggregate.

2. Nothing in this section shall be interpreted to exempt from attachment or execution for a valid judicial or administrative order for the payment of child support or maintenance any money or assets, payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan which is qualified pursuant to Section 408A of the Internal Revenue Code of 1986, as amended.

513.440. Each head of a family may select and hold, exempt from execution, any other property, real, personal or mixed, or debts and wages, not exceeding in value the amount of one thousand ~~two~~ six hundred fifty dollars plus ~~three~~ four hundred fifty dollars for each of such person's unmarried dependent children under the age of twenty-one years or dependent as defined by the Internal Revenue Code of 1986, as amended, determined to be disabled by the Social Security Administration, except ten percent of any debt, income, salary or wages due such head of a family.

514.040. 1. Except as provided in subsection 3 of this section, if any court shall, before or after the commencement of any suit pending before it, be satisfied that the plaintiff is a poor person, and unable to prosecute his or her suit, and pay all or any portion of the costs and expenses thereof, such court may, in its discretion, permit him or her to commence and prosecute his or her action as a poor person, and thereupon such poor person shall have all necessary process and proceedings as in other cases, without fees, tax or charge as the court determines the person cannot pay; and the court may assign to such person counsel, who, as well as all other officers of the court, shall perform their duties in such suit without fee or reward as the court may excuse; but if judgment is entered for the plaintiff, costs shall be recovered, which shall be collected for the use of the officers of the court.

2. In any civil action brought in a court of this state by any offender convicted of a crime who is

1 confined in any state prison or correctional center, the court shall not reduce the amount required as security
 2 for costs upon filing such suit to an amount of less than ten dollars pursuant to this section. This subsection
 3 shall not apply to any action for which no sum as security for costs is required to be paid upon filing such
 4 suit.

5 3. Where a party is represented in a civil action by a legal aid society or a legal services or other
 6 nonprofit organization funded in whole or substantial part by moneys appropriated by the general assembly
 7 of the state of Missouri, which has as its primary purpose the furnishing of legal services to indigent persons,
 8 by a law school clinic which has as its primary purpose educating law students through furnishing legal
 9 services to indigent persons, or by private counsel working on behalf of or under the auspices of such society,
 10 all costs and expenses, except guardian ad litem fees as provided by this subsection, related to the
 11 prosecution of the suit may be waived without the necessity of a motion and court approval, provided that a
 12 determination has been made by such society or organization that such party is unable to pay the costs, fees
 13 and expenses necessary to prosecute or defend the action, and that a certification that such determination has
 14 been made is filed with the clerk of the court. In the event an action involving the appointment of a guardian
 15 ad litem goes to trial, an updated certification shall be filed prior to the trial commencing. The waiver of
 16 guardian ad litem fees for a party who has filed a certification may be reviewed by the court at the conclusion
 17 of the action upon the motion of any party requesting the court to apportion guardian ad litem fees.

18 4. Any party may present additional evidence on the financial condition of the parties. Based upon
 19 that evidence, if the court finds the certifying party has the present ability to pay, the court may enter
 20 judgment ordering the certifying party to pay a portion of the guardian ad litem fees.

21 5. Any failure to pay guardian ad litem fees shall not preclude a certifying party from filing future
 22 suits, including motions to modify, and shall not be used as a basis to limit the certifying party's prosecution
 23 or defense of the action.

24 515.575. 1. Except as otherwise ordered by the court, the entry of an order appointing a general
 25 receiver shall operate as a stay, applicable to all persons, of:

26 (1) The commencement or continuation, including the issuance, employment, or service of process,
 27 of a judicial, administrative, or other action or proceeding against the debtor that was or could have been
 28 commenced before the entry of the order of appointment, or to recover a claim against the debtor that arose
 29 before the entry of the order of appointment;

30 (2) The enforcement against the debtor or any estate property of a judgment obtained before the
 31 order of appointment;

32 (3) Any act to obtain possession of estate property from the receiver, or to interfere with, or exercise
 33 control over, estate property;

34 (4) Any act to create, perfect, or enforce any lien or claim against estate property except by exercise
 35 of a right of setoff, to the extent that the lien secures a claim against the debtor that arose before the entry of
 36 the order of appointment; or

37 (5) Any act to collect, assess, or recover a claim against the debtor that arose before the entry of the
 38 order of appointment.

39 2. The stay shall automatically expire as to the acts specified in subdivisions (1), (2), and ~~[(3)]~~ (5) of
 40 subsection 1 of this section sixty days after the entry of the order of appointment unless before the expiration
 41 of the sixty-day period the debtor or receiver, for good cause shown, obtains an order of the court extending
 42 the stay, after notice and a hearing. A person whose action or proceeding is stayed by motion to the court
 43 may seek relief from the stay for good cause shown. Any judgment obtained against the debtor or estate
 44 property following the entry of the order of appointment is not a lien against estate property unless the
 45 receivership is terminated prior to a conveyance of the property against which the judgment would otherwise
 46 constitute a lien.

47 3. The entry of an order appointing a receiver does not operate as a stay of:

48 (1) The commencement or continuation of a criminal proceeding against the debtor;

49 (2) The commencement or continuation of an action or proceeding to establish paternity, or to
 50 establish or modify an order for alimony, maintenance, or support, or to collect alimony, maintenance, or
 51 support under any order of a court;

52 (3) Any act to perfect or to maintain or continue the perfection of an interest in estate property
 53 pursuant to any generally applicable Missouri law that permits perfection of an interest in property to be

effective against an entity that acquires rights in such property before the date of perfection. Such right to perfect an interest in estate property includes any act to perfect an interest in purchase money collateral pursuant to sections 400.9-301 to 400.9-339, perfection of a lien that may be placed against real property under the provisions of chapter 429, or the assertion of a right to continue in possession of any estate property that is in the possession of a person entitled to retain possession of such property pending payment for work performed with respect to such property. If perfection of an interest would otherwise require seizure of the property involved or the commencement of an action, the perfection shall instead be accomplished by filing, and by serving upon the receiver, or receiver's counsel, if any, notice of the interest within the time fixed by law for seizure or commencement;

(4) The commencement or continuation of an action or proceeding by a governmental unit to enforce its police or regulatory power;

(5) The enforcement of a judgment, other than a money judgment, obtained in an action or proceeding by a governmental unit to enforce its police or regulatory power, or with respect to any licensure of the debtor;

(6) The exercise of a right of setoff, including but not limited to, any right of a commodity broker, forward contract merchant, stockbroker, financial institution, or securities clearing agency to set off a claim for a margin payment or settlement payment arising out of a commodity contract, forward contract, or securities contract against cash, securities, or other property held or due from the commodity broker, forward contract merchant, stockbroker, financial institution, or securities clearing agency to margin, guarantee, secure, or settle the commodity contract, forward contract, or securities contract, and any right of a swap participant to set off a claim for a payment due to the swap participant under or in connection with a swap agreement against any payment due from the swap participant under or in connection with the swap agreement or against cash, securities, or other property of the debtor held by or due from the swap participant to guarantee, secure, or settle the swap agreement;

(7) The establishment by a governmental unit of any tax liability and any appeal thereof; or

(8) Any action pending in a court other than that in which the receiver is appointed until transcription of the order appointing the receiver or extending the stay is made to the other court in which an action against the debtor is pending.

4. For the purposes of subdivision (8) of subsection 3 of this section, the receiver or any party in interest is authorized to cause to be transcribed any order appointing a receiver or extending the stay to any and all courts in which any action against a debtor is pending in this state. A court that receives a transcript of an order of receivership or extension of stay may on its own order sua sponte transfer the matter before the court to the court issuing an order of receivership.

515.635. To the extent that funds are available in the estate for distribution to creditors in a general receivership, the holder of an allowed noncontingent, liquidated claim is entitled to receive interest at the legal rate or other applicable rate from the date of appointment of the receiver or the date on which the claim became a noncontingent, liquidated claim. If there are ~~sufficient~~ insufficient funds in the estate to fully pay all interest owing to all members of the class, then interest shall be paid proportionately to each member of the class.

544.671. Notwithstanding any supreme court rule or judicial ruling to the contrary, no defendant under a sentence of death or imprisonment in the penitentiary for life, or any sentence of imprisonment for a violation of section 579.065, 565.021, ~~[or]~~ 565.050, 565.052 in which the victim is a law enforcement officer, firefighter, or emergency medical service provider assaulted in the performance of his or her official duties or as a direct result of such official duties, 565.054 in which the victim is a law enforcement officer, firefighter, or emergency medical service provider assaulted in the performance of his or her official duties or as a direct result of such official duties, 565.056 in which the victim is a law enforcement officer, firefighter, or emergency medical service provider assaulted in the performance of his or her official duties or as a direct result of such official duties, section 566.030, 566.031, 566.032, 566.040 as it existed prior to August 28, 2013, 566.060, 566.061, 566.062, 566.070 as it existed prior to August 28, 2013, or 566.100, and no defendant who has pled guilty to or been found guilty of any felony sexual offense under chapter 566, where the victim was less than seventeen years of age at the time the crime was committed, any sexual offense under chapter 568, where the victim was less than seventeen years of age at the time the crime was committed, or any pornographic offense involving a minor as set forth in sections 573.023, 573.025,

573.035, and 573.037, and any felony violation of section 573.040, shall be entitled to bail pending appeal after June 29, 1994. Pursuant to the prerogative of the general assembly to declare the public policy of this state in matters regarding criminal liability of persons and to enact laws relating to judicial procedure, the general assembly declares that subsequent to June 29, 1994, no person shall be entitled to bail or continuation of bail pursuant to section 547.170 if that person is under a sentence of death or imprisonment in the penitentiary for life, or any sentence of imprisonment for a violation of section 579.065, 565.021, ~~[or]~~ 565.050, 565.052 in which the victim is a law enforcement officer, firefighter, or emergency medical service provider assaulted in the performance of his or her official duties or as a direct result of such official duties, 565.054 in which the victim is a law enforcement officer, firefighter, or emergency medical service provider assaulted in the performance of his or her official duties or as a direct result of such official duties, 565.056 in which the victim is a law enforcement officer, firefighter, or emergency medical service provider assaulted in the performance of his or her official duties or as a direct result of such official duties, section 566.030, 566.031, 566.032, 566.040 as it existed prior to August 28, 2013, 566.060, 566.061, 566.062, 566.070 as it existed prior to August 28, 2013, or 566.100, ~~[and no defendant who]~~ or if that person has pled guilty to or been found guilty of any felony sexual offense under chapter 566, where the victim was less than seventeen years of age at the time the crime was committed, any sexual offense under chapter 568, where the victim was less than seventeen years of age at the time the crime was committed, or any pornographic offense involving a minor as set forth in sections 573.023, 573.025, 573.035, and 573.037, and any felony violation of section 573.040.

552.020. 1. No person who as a result of mental disease or defect lacks capacity to understand the proceedings against him or her or to assist in his or her own defense shall be tried, convicted or sentenced for the commission of an offense so long as the incapacity endures.

2. Whenever any judge has reasonable cause to believe that the accused lacks mental fitness to proceed, ~~[he]~~ the judge shall, upon his or her own motion or upon motion filed by the state or by or on behalf of the accused, by order of record, appoint one or more private psychiatrists or psychologists, as defined in section 632.005, or physicians with a minimum of one year training or experience in providing treatment or services to persons with an intellectual disability or developmental disability or mental illness, who are neither employees nor contractors of the department of mental health for purposes of performing the examination in question, to examine the accused; or shall direct the director to have the accused so examined by one or more psychiatrists or psychologists, as defined in section 632.005, or physicians with a minimum of one year training or experience in providing treatment or services to persons with an intellectual disability, developmental disability, or mental illness. The order shall direct that a written report or reports of such examination be filed with the clerk of the court. No private physician, psychiatrist, or psychologist shall be appointed by the court unless he or she has consented to act. The examinations ordered shall be made at such time and place and under such conditions as the court deems proper; except that, if the order directs the director of the department to have the accused examined, the director, or his or her designee, shall determine the time, place and conditions under which the examination shall be conducted. The order may include provisions for the interview of witnesses and may require the provision of police reports to the department for use in evaluations. The department shall establish standards and provide training for those individuals performing examinations pursuant to this section and section 552.030. No individual who is employed by or contracts with the department shall be designated to perform an examination pursuant to this chapter unless the individual meets the qualifications so established by the department. Any examination performed pursuant to this subsection shall be completed and filed with the court within sixty days of the order unless the court for good cause orders otherwise. Nothing in this section or section 552.030 shall be construed to permit psychologists to engage in any activity not authorized by chapter 337. One pretrial evaluation shall be provided at no charge to the defendant by the department. All costs of subsequent evaluations shall be assessed to the party requesting the evaluation.

3. A report of the examination made under this section shall include:

- (1) Detailed findings;
- (2) An opinion as to whether the accused has a mental disease or defect;
- (3) An opinion based upon a reasonable degree of medical or psychological certainty as to whether the accused, as a result of a mental disease or defect, lacks capacity to understand the proceedings against him or her or to assist in his or her own defense;

1 (4) A recommendation as to whether the accused should be held in custody in a suitable hospital
2 facility for treatment pending determination, by the court, of mental fitness to proceed; and

3 (5) A recommendation as to whether the accused, if found by the court to be mentally fit to proceed,
4 should be detained in such hospital facility pending further proceedings.

5 4. If the accused has pleaded lack of responsibility due to mental disease or defect or has given the
6 written notice provided in subsection 2 of section 552.030, the court shall order the report of the examination
7 conducted pursuant to this section to include, in addition to the information required in subsection 3 of this
8 section, an opinion as to whether at the time of the alleged criminal conduct the accused, as a result of mental
9 disease or defect, did not know or appreciate the nature, quality, or wrongfulness of his or her conduct or as a
10 result of mental disease or defect was incapable of conforming his or her conduct to the requirements of law.
11 A plea of not guilty by reason of mental disease or defect shall not be accepted by the court in the absence of
12 any such pretrial evaluation which supports such a defense. In addition, if the accused has pleaded not guilty
13 by reason of mental disease or defect, and the alleged crime is not a dangerous felony as defined in section
14 556.061, or those crimes set forth in subsection 11 of section 552.040, or the attempts thereof, the court shall
15 order the report of the examination to include an opinion as to whether or not the accused should be
16 immediately conditionally released by the court pursuant to the provisions of section 552.040 or should be
17 committed to a mental health or developmental disability facility. If such an evaluation is conducted at the
18 direction of the director of the department of mental health, the court shall also order the report of the
19 examination to include an opinion as to the conditions of release which are consistent with the needs of the
20 accused and the interest of public safety, including, but not limited to, the following factors:

21 (1) Location and degree of necessary supervision of housing;

22 (2) Location of and responsibilities for appropriate psychiatric, rehabilitation and aftercare services,
23 including the frequency of such services;

24 (3) Medication follow-up, including necessary testing to monitor medication compliance;

25 (4) At least monthly contact with the department's forensic case monitor;

26 (5) Any other conditions or supervision as may be warranted by the circumstances of the case.

27 5. If the report contains the recommendation that the accused should be committed to or held in a
28 suitable hospital facility pending determination of the issue of mental fitness to proceed, and if the accused is
29 not admitted to bail or released on other conditions, the court may order that the accused be committed to or
30 held in a suitable hospital facility pending determination of the issue of mental fitness to proceed.

31 6. The clerk of the court shall deliver copies of the report to the prosecuting or circuit attorney and
32 to the accused or his or her counsel. The report shall not be a public record or open to the public. Within ten
33 days after the filing of the report, both the defendant and the state shall, upon written request, be entitled to
34 an order granting them an examination of the accused by a psychiatrist or psychologist, as defined in section
35 632.005, or a physician with a minimum of one year training or experience in providing treatment or services
36 to persons with an intellectual disability or developmental disability or mental illness, of their own choosing
37 and at their own expense. An examination performed pursuant to this subsection shall be completed and a
38 report filed with the court within sixty days of the date it is received by the department or private
39 psychiatrist, psychologist or physician unless the court, for good cause, orders otherwise. A copy shall be
40 furnished the opposing party.

41 7. If neither the state nor the accused nor his or her counsel requests a second examination relative to
42 fitness to proceed or contests the findings of the report referred to in subsections 2 and 3 of this section, the
43 court may make a determination and finding on the basis of the report filed or may hold a hearing on its own
44 motion. If any such opinion is contested, the court shall hold a hearing on the issue. The court shall
45 determine the issue of mental fitness to proceed and may impanel a jury of six persons to assist in making the
46 determination. The report or reports may be received in evidence at any hearing on the issue but the party
47 contesting any opinion therein shall have the right to summon and to cross-examine the examiner who
48 rendered such opinion and to offer evidence upon the issue.

49 8. At a hearing on the issue pursuant to subsection 7 of this section, the accused is presumed to have
50 the mental fitness to proceed. The burden of proving that the accused does not have the mental fitness to
51 proceed is by a preponderance of the evidence and the burden of going forward with the evidence is on the
52 party raising the issue. The burden of going forward shall be on the state if the court raises the issue.

53 9. If the court determines that the accused lacks mental fitness to proceed, the criminal proceedings

1 shall be suspended and the court shall commit him or her to the director of the department of mental health.
 2 After the person has been committed, legal counsel for the department of mental health shall have standing to
 3 file motions and participate in hearings on the issue of involuntary medications.

4 10. Any person committed pursuant to subsection 9 of this section shall be entitled to the writ of
 5 habeas corpus upon proper petition to the court that committed him or her. The issue of the mental fitness to
 6 proceed after commitment under subsection 9 of this section may also be raised by a motion filed by the
 7 director of the department of mental health or by the state, alleging the mental fitness of the accused to
 8 proceed. A report relating to the issue of the accused's mental fitness to proceed may be attached thereto. If
 9 the motion is not contested by the accused or his or her counsel or if after a hearing on a motion the court
 10 finds the accused mentally fit to proceed, or if he or she is ordered discharged from the director's custody
 11 upon a habeas corpus hearing, the criminal proceedings shall be resumed.

12 11. The following provisions shall apply after a commitment as provided in this section:

13 (1) Six months after such commitment, the court which ordered the accused committed shall order
 14 an examination by the head of the facility in which the accused is committed, or a qualified designee, to
 15 ascertain whether the accused is mentally fit to proceed and if not, whether there is a substantial probability
 16 that the accused will attain the mental fitness to proceed to trial in the foreseeable future. The order shall
 17 direct that written report or reports of the examination be filed with the clerk of the court within thirty days
 18 and the clerk shall deliver copies to the prosecuting attorney or circuit attorney and to the accused or his or
 19 her counsel. The report required by this subsection shall conform to the requirements under subsection 3 of
 20 this section with the additional requirement that it include an opinion, if the accused lacks mental fitness to
 21 proceed, as to whether there is a substantial probability that the accused will attain the mental fitness to
 22 proceed in the foreseeable future;

23 (2) Within ten days after the filing of the report, both the accused and the state shall, upon written
 24 request, be entitled to an order granting them an examination of the accused by a psychiatrist or psychologist,
 25 as defined in section 632.005, or a physician with a minimum of one year training or experience in providing
 26 treatment or services to persons with an intellectual disability or developmental disability or mental illness,
 27 of their own choosing and at their own expense. An examination performed pursuant to this subdivision
 28 shall be completed and filed with the court within thirty days unless the court, for good cause, orders
 29 otherwise. A copy shall be furnished to the opposing party;

30 (3) If neither the state nor the accused nor his or her counsel requests a second examination relative
 31 to fitness to proceed or contests the findings of the report referred to in subdivision (1) of this subsection, the
 32 court may make a determination and finding on the basis of the report filed, or may hold a hearing on its own
 33 motion. If any such opinion is contested, the court shall hold a hearing on the issue. The report or reports
 34 may be received in evidence at any hearing on the issue but the party contesting any opinion therein relative
 35 to fitness to proceed shall have the right to summon and to cross-examine the examiner who rendered such
 36 opinion and to offer evidence upon the issue;

37 (4) If the accused is found mentally fit to proceed, the criminal proceedings shall be resumed;

38 (5) If it is found that the accused lacks mental fitness to proceed but there is a substantial probability
 39 the accused will be mentally fit to proceed in the reasonably foreseeable future, the court shall continue such
 40 commitment for a period not longer than six months, after which the court shall reinstitute the proceedings
 41 required under subdivision (1) of this subsection;

42 (6) If it is found that the accused lacks mental fitness to proceed and there is no substantial
 43 probability that the accused will be mentally fit to proceed in the reasonably foreseeable future, the court
 44 shall dismiss the charges without prejudice and the accused shall be discharged, but only if proper
 45 proceedings have been filed under chapter 632 or chapter 475, in which case those sections and no others
 46 will be applicable. The probate division of the circuit court shall have concurrent jurisdiction over the
 47 accused upon the filing of a proper pleading to determine if the accused shall be involuntarily detained under
 48 chapter 632, or to determine if the accused shall be declared incapacitated under chapter 475, and approved
 49 for admission by the guardian under section 632.120 or 633.120, to a mental health or developmental
 50 disability facility. When such proceedings are filed, the criminal charges shall be dismissed without
 51 prejudice if the court finds that the accused is mentally ill and should be committed or that he or she is
 52 incapacitated and should have a guardian appointed. The period of limitation on prosecuting any criminal
 53 offense shall be tolled during the period that the accused lacks mental fitness to proceed.

12. If the question of the accused's mental fitness to proceed was raised after a jury was impaneled to try the issues raised by a plea of not guilty and the court determines that the accused lacks the mental fitness to proceed or orders the accused committed for an examination pursuant to this section, the court may declare a mistrial. Declaration of a mistrial under these circumstances, or dismissal of the charges pursuant to subsection 11 of this section, does not constitute jeopardy, nor does it prohibit the trial, sentencing or execution of the accused for the same offense after he or she has been found restored to competency.

13. The result of any examinations made pursuant to this section shall not be a public record or open to the public.

14. No statement made by the accused in the course of any examination or treatment pursuant to this section and no information received by any examiner or other person in the course thereof, whether such examination or treatment was made with or without the consent of the accused or upon his or her motion or upon that of others, shall be admitted in evidence against the accused on the issue of guilt in any criminal proceeding then or thereafter pending in any court, state or federal. A finding by the court that the accused is mentally fit to proceed shall in no way prejudice the accused in a defense to the crime charged on the ground that at the time thereof he or she was afflicted with a mental disease or defect excluding responsibility, nor shall such finding by the court be introduced in evidence on that issue nor otherwise be brought to the notice of the jury.

557.035. 1. For all violations of section 565.054 or 565.090, subdivision (1) of subsection 1 of section 569.100, or subdivision (1), (2), (3), (4), (6), (7) or (8) of subsection 1 of section 571.030, which the state believes to be knowingly motivated because of race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims, the state may charge the offense or offenses under this section, and the violation is a class D felony.

2. For all violations of section ~~[565.054]~~ 565.056; ~~[subdivisions (1), (3) and (4) of subsection 1 of section 565.090;]~~ subdivision (1) of subsection 1 of section 569.090; subdivision (1) of subsection 1 of section 569.120; section 569.140; or section 574.050; which the state believes to be knowingly motivated because of race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims, the state may charge the offense or offenses under this section, and the violation is a class E felony.

3. The court shall assess punishment in all of the cases in which the state pleads and proves any of the motivating factors listed in this section.

565.050. 1. A person commits the offense of assault in the first degree if he or she attempts to kill or knowingly causes or attempts to cause serious physical injury to another person.

2. The offense of assault in the first degree is a class B felony unless in the course thereof the person inflicts serious physical injury on the victim, or if the victim of such assault is a special victim, as the term "special victim" is defined under section 565.002, in which case it is a class A felony.

3. Persons found guilty under this section shall not be eligible for probation or parole if the victim was a law enforcement officer, firefighter, or emergency medical service provider assaulted in the performance of his or her official duties or as a direct result of such official duties.

565.052. 1. A person commits the offense of assault in the second degree if he or she:

(1) Attempts to kill or knowingly causes or attempts to cause serious physical injury to another person under the influence of sudden passion arising out of adequate cause; or

(2) Attempts to cause or knowingly causes physical injury to another person by means of a deadly weapon or dangerous instrument; or

(3) Recklessly causes serious physical injury to another person; or

(4) Recklessly causes physical injury to another person by means of discharge of a firearm.

2. The defendant shall have the burden of injecting the issue of influence of sudden passion arising from adequate cause under subdivision (1) of subsection 1 of this section.

3. The offense of assault in the second degree is a class D felony, unless the victim of such assault is a special victim, as the term "special victim" is defined under section 565.002, in which case it is a class B felony.

4. Persons found guilty under this section shall not be eligible for probation or parole if the victim was a law enforcement officer, firefighter, or emergency medical service provider assaulted in the performance of his or her official duties or as a direct result of such official duties.

565.054. 1. A person commits the offense of assault in the third degree if he or she knowingly

1 causes physical injury to another person.

2 2. The offense of assault in the third degree is a class E felony, unless the victim of such assault is a
3 special victim, as the term "special victim" is defined under section 565.002, in which case it is a class D
4 felony.

5 3. Persons found guilty under this section shall not be eligible for probation or parole if the victim
6 was a law enforcement officer, firefighter, or emergency medical service provider assaulted in the
7 performance of his or her official duties or as a direct result of such official duties.

8 565.056. 1. A person commits the offense of assault in the fourth degree if:

9 (1) The person attempts to cause or recklessly causes physical injury, physical pain, or illness to
10 another person;

11 (2) With criminal negligence the person causes physical injury to another person by means of a
12 firearm;

13 (3) The person purposely places another person in apprehension of immediate physical injury;

14 (4) The person recklessly engages in conduct which creates a substantial risk of death or serious
15 physical injury to another person;

16 (5) The person knowingly causes or attempts to cause physical contact with a person with a
17 disability, which a reasonable person, who does not have a disability, would consider offensive or
18 provocative; or

19 (6) The person knowingly causes physical contact with another person knowing the other person
20 will regard the contact as offensive or provocative.

21 2. Except as provided in subsection 3 of this section, assault in the fourth degree is a class A
22 misdemeanor.

23 3. Violation of the provisions of subdivision (3) or (6) of subsection 1 of this section is a class C
24 misdemeanor unless the victim is a special victim, as the term "special victim" is defined under section
25 565.002, in which case a violation of such provisions is a class A misdemeanor.

26 4. Persons found guilty under this section shall not be eligible for probation or parole if the victim
27 was a law enforcement officer, firefighter, or emergency medical service provider assaulted in the
28 performance of his or her official duties or as a direct result of such official duties.

29 565.076. 1. A person commits the offense of domestic assault in the fourth degree if the act
30 involves a domestic victim, as the term "domestic victim" is defined under section 565.002, and:

31 (1) The person attempts to cause or recklessly causes physical injury, physical pain, or illness to
32 such domestic victim;

33 (2) With criminal negligence the person causes physical injury to such domestic victim by means of
34 a deadly weapon or dangerous instrument;

35 (3) The person purposely places such domestic victim in apprehension of immediate physical injury
36 by any means;

37 (4) The person recklessly engages in conduct which creates a substantial risk of death or serious
38 physical injury to such domestic victim;

39 (5) The person knowingly causes physical contact with such domestic victim knowing he or she will
40 regard the contact as offensive; or

41 (6) The person knowingly attempts to cause or causes the isolation of such domestic victim by
42 unreasonably and substantially restricting or limiting his or her access to other persons, telecommunication
43 devices or transportation for the purpose of isolation.

44 2. The offense of domestic assault in the fourth degree is a class A misdemeanor, unless the person
45 has previously been found guilty of the offense of domestic assault ~~[of a domestic victim]~~, of any assault
46 offense under this chapter, or of any offense against a domestic victim committed in violation of any county
47 or municipal ordinance in any state, any state law, any federal law, or any military law which if committed in
48 this state two or more times[-] would be a violation of this section, in which case it is a class E felony. The
49 offenses described in this subsection may be against the same domestic victim or against different domestic
50 victims.

51 565.091. 1. A person commits the offense of harassment in the second degree if he or she, without
52 good cause, engages in any act with the purpose to cause emotional distress to another person.

53 2. The offense of harassment in the second degree is a class A misdemeanor, unless the person has

1 previously pleaded guilty to or been found guilty of a violation of this section, of any offense committed in
 2 violation of any county or municipal ordinance in any state, any state law, any federal law, or any military
 3 law which if committed in this state would be chargeable or indictable as a violation of any offense listed in
 4 this subsection, in which case it is a class E felony.

5 3. This section shall not apply to activities of federal, state, county, or municipal law enforcement
 6 officers conducting investigations of violations of federal, state, county, or municipal law.

7 566.010. As used in this chapter and chapter 568, the following terms mean:

8 (1) "Aggravated sexual offense", any sexual offense, in the course of which, the actor:

9 (a) Inflicts serious physical injury on the victim; [Ø]

10 (b) Displays a deadly weapon or dangerous instrument in a threatening manner; [Ø]

11 (c) Subjects the victim to sexual intercourse or deviate sexual intercourse with more than one
 12 person; [Ø]

13 (d) Had previously been found guilty of an offense under this chapter or under section 573.200,
 14 child used in sexual performance; section 573.205, promoting sexual performance by a child; section
 15 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography in the first degree;
 16 section 573.035, promoting child pornography in the second degree; section 573.037, possession of child
 17 pornography; or section 573.040, furnishing pornographic materials to minors; or has previously been found
 18 guilty of an offense in another jurisdiction which would constitute an offense under this chapter or said
 19 sections;

20 (e) Commits the offense as part of an act or series of acts performed by two or more persons as part
 21 of an established or prescribed pattern of activity; or

22 (f) Engages in the act that constitutes the offense with a person the actor knows to be, without regard
 23 to legitimacy, the actor's:

24 a. Ancestor or descendant by blood or adoption;

25 b. Stepchild while the marriage creating that relationship exists;

26 c. Brother or sister of the whole or half blood; or

27 d. Uncle, aunt, nephew, or niece of the whole blood;

28 (2) "Commercial sex act", any sex act on account of which anything of value is given to or received
 29 by any person;

30 (3) "Deviate sexual intercourse", any act involving the genitals of one person and the hand, mouth,
 31 tongue, or anus of another person or a sexual act involving the penetration, however slight, of the penis,
 32 female genitalia, or the anus by a finger, instrument or object done for the purpose of arousing or gratifying
 33 the sexual desire of any person or for the purpose of terrorizing the victim;

34 (4) "Forced labor", a condition of servitude induced by means of:

35 (a) Any scheme, plan, or pattern of behavior intended to cause a person to believe that, if the person
 36 does not enter into or continue the servitude, such person or another person will suffer substantial bodily
 37 harm or physical restraint; or

38 (b) The abuse or threatened abuse of the legal process;

39 (5) "Sexual conduct", sexual intercourse, deviate sexual intercourse or sexual contact;

40 (6) "Sexual contact", any touching of another person with the genitals or any touching of the
 41 genitals or anus of another person, or the breast of a female person, or such touching through the clothing, for
 42 the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the
 43 victim;

44 (7) "Sexual intercourse", any penetration, however slight, of the female genitalia by the penis.

45 570.095. 1. A person commits the offense of filing false documents if:

46 (1) With the intent to defraud, deceive, harass, alarm, or negatively impact financially, or in such a
 47 manner reasonably calculated to deceive, defraud, harass, alarm, or negatively impact financially, he or she
 48 files, causes to be filed or recorded, or attempts to file or record, creates, uses as genuine, transfers or has
 49 transferred, presents, or prepares with knowledge or belief that it will be filed, presented, recorded, or
 50 transferred to the secretary of state or his or her designee, or any county or independent city recorder of deeds
 51 or his or her designee, any municipal, county, district, or state government entity, division, agency, or office,
 52 or any credit bureau or financial institution any of the following types of documents:

53 (a) Common law lien;

1 (b) Uniform commercial code filing or record;
 2 (c) Real property recording;
 3 (d) Financing statement;
 4 (e) Contract;
 5 (f) Warranty, special, or quitclaim deed;
 6 (g) Quiet title claim or action;
 7 (h) Deed in lieu of foreclosure;
 8 (i) Legal affidavit;
 9 (j) Legal process;
 10 (k) Legal summons;
 11 (l) Bills and due bills;
 12 (m) Criminal charging documents or materially false criminal charging documents;
 13 (n) Any other document not stated in this subdivision that is related to real property; or
 14 (o) Any state, county, district, federal, municipal, credit bureau, or financial institution form or
 15 document; and

16 (2) Such documents listed in subdivision (1) of this subsection contain materially false information,
 17 or are fraudulent, or are a forgery, as defined in section 570.090, or lack the consent of all parties listed in
 18 documents where mutual consent is required, or are invalid under Missouri law.

19 2. Filing false documents under this section is a class D felony for the first offense except under the
 20 following circumstances where filing false documents is a class C felony:

21 (1) The defendant has been previously found guilty or pleaded guilty to a violation of this section;

22 (2) The victim or named party in the matter:

23 (a) Is an official elected to municipal, county, district, federal, or statewide office;

24 (b) Is an official who was appointed to municipal, county, district, federal, or statewide office; or

25 (c) Is an employee of an official who has been elected or appointed to municipal, county, district,
 26 federal, or statewide office;

27 (3) The victim or named party in the matter is a judge or magistrate of:

28 (a) Any court or division of the court in this or any other state or an employee of any court of this
 29 state or any other state; or

30 (b) Any court system of the United States or is an employee of any court of the United States;

31 (4) The victim or named party in the matter is a full-time, part-time, or reserve or auxiliary peace
 32 officer, as defined in section 590.010, licensed in this state or any other state;

33 (5) The victim or named party in the matter is a full-time, part-time, or volunteer firefighter in this
 34 state or any other state;

35 (6) The victim or named party in the matter is an officer of federal job class 1811 who is empowered
 36 to enforce United States laws;

37 (7) The victim or named party in the matter is a law enforcement officer of the United States as
 38 defined in 5 U.S.C. 8401(17)(A) or (D);

39 (8) The victim or named party in the matter is an employee of any law enforcement or legal
 40 prosecution agency in this state or any other state or the United States;

41 (9) The victim or named party in the matter is an employee of a federal agency that has agents or
 42 officers who are of job class 1811 who are empowered to enforce United States laws or is an employee of a
 43 federal agency that has law enforcement officers as defined in 5 U.S.C. 8401(17)(A) or (D);

44 (10) The victim or named party in the matter is an officer of the railroad police as defined in section
 45 388.600.

46 3. For a penalty enhancement as described in subsection 2 of this section to apply, the occupation of
 47 the victim or named party shall be material to the subject matter of the document or documents filed or the
 48 relief sought by the document or documents filed, and the occupation of the victim or named party shall be
 49 materially connected to the apparent reason that the victim has been named, victimized, or involved. For
 50 purposes of this subsection and subsection 2 of this section, a person who has retired or resigned from any
 51 agency, institution, or occupation listed under subsection 2 of this section shall be considered the same
 52 fashion as a person who remains in employment and shall also include the following family members of a
 53 person listed under subdivisions (2) to (9) of subsection 2 of this section:

1 (1) Such person's spouse;

2 (2) Such person or such person's spouse's ancestor or descendant by blood or adoption; or

3 (3) Such person's stepchild, while the marriage creating that relationship exists.

4 4. Any person who pleads guilty or is found guilty under subsections 1 to 3 of this section shall be
 5 ordered by the court to make full restitution to any person or entity that has sustained actual losses or costs as
 6 a result of the actions of the defendants. Such restitution shall not be paid in lieu of jail or prison time, but
 7 rather in addition to any jail or prison time imposed by the court.

8 5. (1) Nothing in this section shall limit the power of the state to investigate, charge, or punish any
 9 person for any conduct that constitutes a crime by any other statute of this state or the United States.

10 (2) There is no requirement under this section that the filing or record be retained by the receiving
 11 entity for prosecution under this section. A filing or record being rejected by the receiving entity shall not be
 12 used as an affirmative defense.

13 6. (1) Any statewide or county agency or similar agency that functions in independent cities of this
 14 state, which is responsible for or receives document filings or records, including county recorders of deeds
 15 and the secretary of state's office, shall, by January 1, 2018, impose a system in which the documents that
 16 have been submitted to the receiving agency or in the case of the secretary of state those filings rejected
 17 under its legal authority are logged or noted in a ledger, spreadsheet, or similar recording method if the filing
 18 or recording officer or employee believes the filings or records appear to be fraudulent or contain suspicious
 19 verbiage. The receiving agency shall make available noted documents for review by the:

20 (a) Jurisdictional prosecuting or circuit attorney or his or her designee;

21 (b) County sheriff or his or her designee;

22 (c) County police chief or his or her designee;

23 (d) City police chief or his or her designee in independent cities; or

24 (e) Commissioned peace officers as defined in section 590.010.

25
 26 Review of such documents is permissible for the agent or agencies under this subdivision without the need of
 27 a grand jury subpoena or court order. No fees or monetary charges shall be levied on the investigative agents
 28 or agencies for review of documents noted in the ledger or spreadsheet. The ledger or spreadsheet and its
 29 contents shall be retained by the agency that controls entries into such ledger or spreadsheet for a minimum
 30 of three years from the earliest entry listed in the ledger or spreadsheet.

31 (2) The receiving entity shall, upon receipt of a filing or record that has been noted as a suspicious
 32 filing or record, notify the chief law enforcement officer of the county or his or her designee and the
 33 prosecutor of the county or his or her designee of the filing's or record's existence. Timely notification shall
 34 be made upon receipt of the filing or record. Notification may be accomplished via electronic mail or via
 35 paper memorandum.

36 (3) There shall be no requirement imposed by this section that the agency receiving the filing or
 37 record make notification to the person conducting the filing or record that the filing or record has been
 38 entered as a logged or noted filing or record.

39 (4) Reviews to ensure compliance with the provisions of this section shall be the responsibility of
 40 any commissioned peace officer; except that, the secretary of state shall be held compliant by the state
 41 legislature. Findings of noncompliance shall be reported to the jurisdictional prosecuting or circuit attorney
 42 or his or her designee by any commissioned peace officer who has probable cause to believe that the
 43 noncompliance has taken place purposely, knowingly, recklessly, or with criminal negligence, as described
 44 under section 562.016.

45 7. To petition for a judicial review of a filing or record that is believed to be fraudulent, false,
 46 misleading, forged, or contains materially false information, a petitioner may file a probable cause statement
 47 which delineates the cause to believe that the filing or record is materially false, contains materially false
 48 information, is a forgery, is fraudulent, or is misleading. This probable cause statement shall be filed in the
 49 associate or circuit court of the county in which the original filing or record was transferred, received, or
 50 recorded.

51 8. A filed petition under this section shall have an initial hearing date within twenty business days of
 52 the petition being filed with the court. A court ruling of "invalid" shall be evidence that the original filing or
 53 record was not accurate, true, or correct. A court ruling of "invalid" shall be retained or recorded at the

original receiving entity. The receiving entity shall waive all filing or recording fees associated with the filing or recording of the court ruling document in this subsection. This ruling may be forwarded to credit bureaus or other institutions at the request of the petitioner via motion to the applicable court at no additional cost to the petitioner.

9. If a filing or record is deemed invalid, court costs and fees are the responsibility of the party who originally initiated the filing or record. If the filing or record is deemed valid, no court costs or fees, in addition to standard filing fees, shall be assessed.

575.150. 1. A person commits the offense of resisting or interfering with arrest, detention, or stop if he or she knows or reasonably should know that a law enforcement officer is making an arrest or attempting to lawfully detain or stop an individual or vehicle, and for the purpose of preventing the officer from effecting the arrest, stop or detention, he or she:

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

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

2. This section applies to:

(1) Arrests, stops, or detentions, with or without warrants;

(2) Arrests, stops, or detentions, for any offense, infraction, or ordinance violation; and

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

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

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

5. The offense of resisting or interfering with an arrest is a class E felony for an arrest for a:

(1) Felony;

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

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

The offense of resisting an arrest, detention or stop in violation of subdivision (1) or (2) of subsection 1 of this section is a class A misdemeanor, unless the person fleeing creates a substantial risk of serious physical injury or death to any person, in which case it is a class E felony.

6. Persons found guilty under this section shall not be eligible for probation or parole.

575.280. 1. A person commits the offense of acceding to corruption if he or she:

(1) Is a judge, juror, special master, referee or arbitrator and knowingly solicits, accepts, or agrees to accept any benefit, direct or indirect, on the representation or understanding that it will influence his or her official action in a judicial proceeding pending in any court or before such official or juror;

(2) Is a witness or prospective witness in any official proceeding and knowingly solicits, accepts, or agrees to accept any benefit, direct or indirect, on the representation or understanding that he or she will disobey a subpoena or other legal process, absent himself or herself, avoid subpoena or other legal process, withhold evidence, information or documents, or testify falsely.

2. The offense of acceding to corruption under subdivision [(2)] (1) of subsection 1 of this section [is a class A misdemeanor. The offense, when committed under subdivision (1) of subsection 1 of this section,] is a class C felony[; unless the offense is committed in a felony prosecution, or on the representation or understanding of testifying falsely, in which case it is a class E felony]. The offense of acceding to corruption under subdivision (2) of subsection 1 of this section in a felony prosecution or on the representation or understanding of testifying falsely is a class D felony. Otherwise acceding to corruption is a class A misdemeanor.

577.001. As used in this chapter, 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

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

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

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

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

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

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

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

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

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

21 (c) Two or more intoxication-related traffic offenses committed on separate occasions where both
22 intoxication-related traffic offenses were offenses committed in violation of any state law, county or
23 municipal ordinance, any federal offense, or any military offense in which the defendant was operating a
24 vehicle while intoxicated and another person was injured or killed;

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

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

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

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

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

39 (8) "Controlled substance", a drug, substance, or immediate precursor in schedules I to V listed in
40 section 195.017;

41 (9) "Drive", "driving", "operates" or "operating", ~~[means]~~ physically driving or operating a vehicle
42 or vessel;

43 (10) "Flight crew member", the pilot in command, copilots, flight engineers, and flight navigators;

44 (11) "Habitual offender", a person who has been found guilty of:

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

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

50 (c) Three or more intoxication-related traffic offenses committed on separate occasions where at
51 least two of the intoxication-related traffic offenses were offenses committed in violation of any state law,
52 county or municipal ordinance, any federal offense, or any military offense in which the defendant was
53 operating a vehicle while intoxicated and another person was injured or killed; [øf

- 1 ~~_____ (d) While driving while intoxicated, the defendant acted with criminal negligence to:~~
2 ~~_____ a. Cause the death of any person not a passenger in the vehicle operated by the defendant, including~~
3 ~~the death of an individual that results from the defendant's vehicle leaving a highway, as defined by section~~
4 ~~301.010, or the highway's right-of-way; or~~
5 ~~_____ b. Cause the death of two or more persons; or~~
6 ~~_____ c. Cause the death of any person while he or she has a blood alcohol content of at least eighteen-~~
7 ~~hundredths of one percent by weight of alcohol in such person's blood;]~~
8 (12) "Habitual boating offender", a person who has been found guilty of:
9 (a) Five or more intoxication-related boating offenses; or
10 (b) Four or more intoxication-related boating offenses committed on separate occasions where at
11 least one of the intoxication-related boating offenses is an offense committed in violation of any state law,
12 county or municipal ordinance, any federal offense, or any military offense in which the defendant was
13 operating a vessel while intoxicated and another person was injured or killed; or
14 (c) Three or more intoxication-related boating offenses committed on separate occasions where at
15 least two of the intoxication-related boating offenses were offenses committed in violation of any state law,
16 county or municipal ordinance, any federal offense, or any military offense in which the defendant was
17 operating a vessel while intoxicated and another person was injured or killed; or
18 (d) While boating while intoxicated, the defendant acted with criminal negligence to:
19 a. Cause the death of any person not a passenger in the vessel operated by the defendant, including
20 the death of an individual that results from the defendant's vessel leaving the water; or
21 b. Cause the death of two or more persons; or
22 c. Cause the death of any person while he or she has a blood alcohol content of at least eighteen-
23 hundredths of one percent by weight of alcohol in such person's blood;
24 (13) "Intoxicated" or "intoxicated condition", when a person is under the influence of alcohol, a
25 controlled substance, or drug, or any combination thereof;
26 (14) "Intoxication-related boating offense", operating a vessel while intoxicated; boating while
27 intoxicated; operating a vessel with excessive blood alcohol content or an offense in which the defendant was
28 operating a vessel while intoxicated and another person was injured or killed in violation of any state law,
29 county or municipal ordinance, any federal offense, or any military offense;
30 (15) "Intoxication-related traffic offense", driving while intoxicated, driving with excessive blood
31 alcohol content, driving under the influence of alcohol or drugs in violation of a state law, county or
32 municipal ordinance, any federal offense, or any military offense, or an offense in which the defendant was
33 operating a vehicle while intoxicated and another person was injured or killed in violation of any state law,
34 county or municipal ordinance, any federal offense, or any military offense;
35 (16) "Law enforcement officer" or "arresting officer", includes the definition of law enforcement
36 officer in section 556.061 and military policemen conducting traffic enforcement operations on a federal
37 military installation under military jurisdiction in the state of Missouri;
38 (17) "Operate a vessel", to physically control the movement of a vessel in motion under mechanical
39 or sail power in water;
40 (18) "Persistent offender", a person who has been found guilty of:
41 (a) Two or more intoxication-related traffic offenses committed on separate occasions; or
42 (b) One intoxication-related traffic offense committed in violation of any state law, county or
43 municipal ordinance, federal offense, or military offense in which the defendant was operating a vehicle
44 while intoxicated and another person was injured or killed;
45 (19) "Persistent boating offender", a person who has been found guilty of:
46 (a) Two or more intoxication-related boating offenses committed on separate occasions; or
47 (b) One intoxication-related boating offense committed in violation of any state law, county or
48 municipal ordinance, federal offense, or military offense in which the defendant was operating a vessel while
49 intoxicated and another person was injured or killed;
50 (20) "Prior offender", a person who has been found guilty of one intoxication-related traffic offense,
51 where such prior offense occurred within five years of the occurrence of the intoxication-related traffic
52 offense for which the person is charged;
53 (21) "Prior boating offender", a person who has been found guilty of one intoxication-related

boating offense, where such prior offense occurred within five years of the occurrence of the intoxication-related boating offense for which the person is charged.

577.010. 1. A person commits the offense of driving while intoxicated if he or she operates a vehicle while in an intoxicated condition.

2. The offense of driving while intoxicated is:

(1) A class B misdemeanor;

(2) A class A misdemeanor if:

(a) The defendant is a prior offender; or

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

(3) A class E felony if:

(a) The defendant is a persistent offender; or

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

(4) A class D felony if:

(a) The defendant is an aggravated offender;

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

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

(5) A class C felony if:

(a) The defendant is a chronic offender;

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

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

(6) A class B felony if:

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

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

(c) While driving while intoxicated, the defendant acts with criminal negligence to cause the death of any person not a passenger in the vehicle operated by the defendant, including the death of an individual that results from the defendant's vehicle leaving a highway, as defined in section 301.010, or the highway's right-of-way;

(d) While driving while intoxicated, the defendant acts with criminal negligence to cause the death of two or more persons; or

(e) While driving while intoxicated, the defendant acts with criminal negligence to cause the death of any person while he or she has a blood alcohol content of at least eighteen-hundredths of one percent by weight of alcohol in such person's blood;

(7) A class A felony if the defendant [is a habitual offender as a result of being] has previously been found guilty of an [act described under paragraph (d) of subdivision (11) of section 577.001] offense under paragraphs (a) to (e) of subdivision (6) of this subsection and is found guilty of a subsequent violation of such [paragraph] paragraphs.

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

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

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

4. If a person is found guilty of a second or subsequent offense of driving while intoxicated, the court may order the person to submit to a period of continuous alcohol monitoring or verifiable breath alcohol testing performed a minimum of four times per day as a condition of probation.

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

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

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

8 6. A person found guilty of the offense of driving while intoxicated:

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

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

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

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

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

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

25 (b) The offender participates in and successfully completes a program established under section
26 478.007 or other court-ordered treatment program, if available, and as part of either program, the offender
27 performs at least sixty days of community service under the supervision of the court;

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

30 (5) As a chronic or habitual offender shall not be eligible for parole or probation until he or she has
31 served a minimum of two years imprisonment; and

32 (6) Any probation or parole granted under this subsection may include a period of continuous
33 alcohol monitoring or verifiable breath alcohol testing performed a minimum of four times per day.

34 577.011. 1. This section shall be known and may be cited as "Toby's Law".

35 2. In addition to other terms and conditions imposed on a person who has been found guilty of
36 driving while intoxicated under section 577.010, such person shall complete a victim impact program
37 approved by the court. Attendance in such program shall be in person unless there are extraordinary
38 circumstances preventing in-person attendance. Such person shall be responsible for any charges imposed by
39 the victim impact program.

40 577.037. 1. Upon the trial of any person for any criminal offense or violations of county or
41 municipal ordinances, or in any license suspension or revocation proceeding pursuant to the provisions of
42 chapter 302, arising out of acts alleged to have been committed by any person while operating a vehicle,
43 vessel, or aircraft, or acting as a flight crew member of any aircraft, while in an intoxicated condition or with
44 an excessive blood alcohol content, the amount of alcohol in the person's blood at the time of the act, as
45 shown by any chemical analysis of the person's blood, breath, saliva, or urine, is admissible in evidence and
46 the provisions of subdivision (5) of section 491.060 shall not prevent the admissibility or introduction of
47 such evidence if otherwise admissible.

48 2. If a chemical analysis of the defendant's breath, blood, saliva, or urine demonstrates there was
49 eight-hundredths of one percent or more by weight of alcohol in the person's blood, this shall be prima facie
50 evidence that the person was intoxicated at the time the specimen was taken. If a chemical analysis of the
51 defendant's breath, blood, saliva, or urine demonstrates that there was less than eight-hundredths of one
52 percent of alcohol in the defendant's blood, any charge alleging a criminal offense related to the operation of
53 a vehicle, vessel, or aircraft while in an intoxicated condition shall be dismissed with prejudice unless one or

1 more of the following considerations cause the court to find a dismissal unwarranted:

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

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

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

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

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

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

17 6. For any criminal offense, violation of a county or municipal ordinance, or in any license
18 suspension or revocation proceeding under the provisions of chapter 302 arising out of acts alleged to have
19 been committed by any person while operating a vehicle, vessel, or aircraft, or acting as a flight crew
20 member of any aircraft, while in an intoxicated condition or with an excessive blood alcohol content
21 occurring on or between the dates of December 30, 2012, and April 4, 2014, notwithstanding any other
22 provision of law or regulation, a relevant chemical analysis of a person's breath shall be admissible in all
23 proceedings after the effective date of this section if the standard simulator solutions used to verify and
24 calibrate evidential breath analyzers had a vapor concentration within five percent of the following values:

25 (1) One-tenth of one percent;

26 (2) Eight-hundredths of one percent; or

27 (3) Four-hundredths of one percent;

28 and otherwise were in accordance with methods and standards approved by the department of health and
29 senior services. This provision is a procedural rule and applies to all actions in progress whether commenced
30 before or after the effective date of this section. Such chemical breath analysis shall be admissible in all
31 proceedings after the effective date of this section even if the offense occurred before the effective date of this
32 section.

33 7. It is the intent of the legislature to reverse, overturn, and abrogate earlier case law interpretations
34 related to the admissibility of chemical breath analyses to include, but not be limited to, holdings in Stiers v.
35 Dir. of Revenue, 477 S.W.3d 611, (Mo. 2016); and Stiers v. Dir. of Revenue, ED 101407, 2015 WL 343310
36 (Mo.App. E.D. Jan. 27, 2015).

37 577.060. 1. A person commits the offense of leaving the scene of an accident when:

38 (1) Being the operator of a vehicle or a vessel involved in an accident resulting in injury or death or
39 damage to property of another person; and

40 (2) Having knowledge of such accident he or she leaves the place of the injury, damage or accident
41 without stopping and giving the following information to the other party or to a law enforcement officer, or if
42 no law enforcement officer is in the vicinity, then to the nearest law enforcement agency:

43 (a) His or her name;

44 (b) His or her residence, including city and street number;

45 (c) The registration or license number for his or her vehicle or vessel; and

46 (d) His or her operator's license number, if any.

47 2. For the purposes of this section, all law enforcement officers shall have jurisdiction, when invited
48 by an injured person, to enter the premises of any privately owned property for the purpose of investigating
49 an accident and performing all necessary duties regarding such accident.

50 3. The offense of leaving the scene of an accident is:

51 (1) A class A misdemeanor; [Ø]

52 (2) A class E felony if:

53 (a) Physical injury was caused to another party; or

1 (b) Damage in excess of one thousand dollars was caused to the property of another person; or
 2 (c) The defendant has previously been found guilty of any offense in violation of this section; or
 3 committed in another jurisdiction which, if committed in this state, would be a violation of an offense of this
 4 section; or

5 (3) A class D felony if a death has occurred as a result of the accident.

6 4. A law enforcement officer who investigates or receives information of an accident involving an
 7 all-terrain vehicle and also involving the loss of life or serious physical injury shall make a written report of
 8 the investigation or information received and such additional facts relating to the accident as may come to his
 9 or her knowledge, mail the information to the department of public safety, and keep a record thereof in his or
 10 her office.

11 5. The provisions of this section shall not apply to the operation of all-terrain vehicles when
 12 property damage is sustained in sanctioned all-terrain vehicle races, derbies and rallies.

13 589.664. 1. If an individual is a participant in the Address Confidentiality Program pursuant to
 14 section 589.663, no person or entity shall be compelled to disclose the participant's actual address during the
 15 discovery phase of or during a proceeding before a court or other tribunal unless the court or tribunal first
 16 finds, on the record, that:

17 (1) There is a reasonable belief that the address is needed to obtain information or evidence without
 18 which the investigation, prosecution, or litigation cannot proceed; and

19 (2) There is no other practicable way of obtaining the information or evidence.

20 2. The court must first provide the program participant and the secretary of state notice that address
 21 disclosure is sought.

22 3. The program participant shall have an opportunity to present evidence regarding the potential
 23 harm to the safety of the program participant if the address is disclosed. In determining whether to compel
 24 disclosure, the court must consider whether the potential harm to the safety of the participant is outweighed
 25 by the interest in disclosure.

26 4. Notwithstanding any other provision in law, no court shall order an individual who has had his or
 27 her application accepted by the secretary to disclose his or her actual address or location of his or her
 28 residence without giving the secretary proper notice. The secretary shall have the right to intervene in any
 29 civil proceeding in which a court is considering a participant to disclose their actual address.

30 5. Disclosure of a participant's actual address under this section shall be limited under the terms of
 31 the order to ensure that the disclosure and dissemination of the actual address will be no wider than necessary
 32 for the purposes of the investigation, prosecution, or litigation.

33 6. Nothing in this section prevents the court or other tribunal from issuing a protective order to
 34 prevent disclosure of information other than the participant's actual address that could reasonably lead to the
 35 discovery of the program participant's location.

36 589.675. If the secretary deems it appropriate, the secretary shall may make a program participant's
 37 address and mailing address available for inspection or copying [under the following circumstances:

38 ———(1)—] to a person identified in a court order, upon the secretary's receipt of such court order that
 39 complies with section 559.664 [specifically orders the disclosure of a particular program participant's address
 40 and mailing address and the reasons stated for the disclosure; or

41 ———(2) If the certification has been cancelled because the applicant or program participant violated
 42 subdivision (2) of section 589.663].

43 595.045. 1. There is established in the state treasury the "Crime Victims' Compensation Fund". A
 44 surcharge of seven dollars and fifty cents shall be assessed as costs in each court proceeding filed in any
 45 court in the state in all criminal cases including violations of any county ordinance or any violation of
 46 criminal or traffic laws of the state, including an infraction and violation of a municipal ordinance; except
 47 that no such fee shall be collected in any proceeding in any court when the proceeding or the defendant has
 48 been dismissed by the court or when costs are to be paid by the state, county, or municipality. A surcharge of
 49 seven dollars and fifty cents shall be assessed as costs in a juvenile court proceeding in which a child is
 50 found by the court to come within the applicable provisions of subdivision (3) of subsection 1 of section
 51 211.031.

52 2. Notwithstanding any other provision of law to the contrary, the moneys collected by clerks of the
 53 courts pursuant to the provisions of subsection 1 of this section shall be collected and disbursed in

1 accordance with sections 488.010 to 488.020 and shall be payable to the director of the department of
2 revenue.

3 3. The director of revenue shall deposit annually the amount of two hundred fifty thousand dollars to
4 the state forensic laboratory account administered by the department of public safety to provide financial
5 assistance to defray expenses of crime laboratories if such analytical laboratories are registered with the
6 federal Drug Enforcement Agency or the Missouri department of health and senior services. Subject to
7 appropriations made therefor, such funds shall be distributed by the department of public safety to the crime
8 laboratories serving the courts of this state making analysis of a controlled substance or analysis of blood,
9 breath or urine in relation to a court proceeding.

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

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

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

21 5. The director of revenue or such director's designee shall at least monthly report the moneys paid
22 pursuant to this section into the crime victims' compensation fund and the services to victims fund to the
23 department of public safety.

24 6. The moneys collected by clerks of municipal courts pursuant to subsection 1 of this section shall
25 be collected and disbursed as provided by sections 488.010 to 488.020. Five percent of such moneys shall be
26 payable to the city treasury of the city from which such funds were collected. The remaining ninety-five
27 percent of such moneys shall be payable to the director of revenue. The funds received by the director of
28 revenue pursuant to this subsection shall be distributed as follows:

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

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

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

38 8. In addition to the moneys collected pursuant to subsection 1 of this section, the court shall enter a
39 judgment in favor of the state of Missouri, payable to the crime victims' compensation fund, of sixty-eight
40 dollars upon a plea of guilty or a finding of guilt for a class A or B felony; forty-six dollars upon a plea of
41 guilty or finding of guilt for a class C ~~or~~, D, or E felony; and ten dollars upon a plea of guilty or a finding
42 of guilt for any misdemeanor under Missouri law except for those in chapter 252 relating to fish and game,
43 chapter 302 relating to drivers' and commercial drivers' license, chapter 303 relating to motor vehicle
44 financial responsibility, chapter 304 relating to traffic regulations, chapter 306 relating to watercraft
45 regulation and licensing, and chapter 307 relating to vehicle equipment regulations. Any clerk of the court
46 receiving moneys pursuant to such judgments shall collect and disburse such crime victims' compensation
47 judgments in the manner provided by sections 488.010 to 488.020. Such funds shall be payable to the state
48 treasury and deposited to the credit of the crime victims' compensation fund.

49 9. The clerk of the court processing such funds shall maintain records of all dispositions described in
50 subsection 1 of this section and all dispositions where a judgment has been entered against a defendant in
51 favor of the state of Missouri in accordance with this section; all payments made on judgments for alcohol-
52 related traffic offenses; and any judgment or portion of a judgment entered but not collected. These records
53 shall be subject to audit by the state auditor. The clerk of each court transmitting such funds shall report

1 separately the amount of dollars collected on judgments entered for alcohol-related traffic offenses from other
2 crime victims' compensation collections or services to victims collections.

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

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

8 12. All awards made to injured victims under sections 595.010 to 595.105 and all appropriations for
9 administration of sections 595.010 to 595.105, except sections 595.050 and 595.055, shall be made from the
10 crime victims' compensation fund. Any unexpended balance remaining in the crime victims' compensation
11 fund at the end of each biennium shall not be subject to the provision of section 33.080 requiring the transfer
12 of such unexpended balance to the ordinary revenue fund of the state, but shall remain in the crime victims'
13 compensation fund. In the event that there are insufficient funds in the crime victims' compensation fund to
14 pay all claims in full, all claims shall be paid on a pro rata basis. If there are no funds in the crime victims'
15 compensation fund, then no claim shall be paid until funds have again accumulated in the crime victims'
16 compensation fund. When sufficient funds become available from the fund, awards which have not been
17 paid shall be paid in chronological order with the oldest paid first. In the event an award was to be paid in
18 installments and some remaining installments have not been paid due to a lack of funds, then when funds do
19 become available that award shall be paid in full. All such awards on which installments remain due shall be
20 paid in full in chronological order before any other postdated award shall be paid. Any award pursuant to
21 this subsection is specifically not a claim against the state, if it cannot be paid due to a lack of funds in the
22 crime victims' compensation fund.

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

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

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

37 16. The department may receive gifts and contributions for the benefit of crime victims. Such gifts
38 and contributions shall be credited to the crime victims' compensation fund as used solely for compensating
39 victims under the provisions of sections 595.010 to 595.075.

40 595.219. 1. In addition to the court's authority to order a defendant to make restitution for the
41 damage or loss caused by his or her offense as provided in section 559.105, the court may enter a judgment
42 of restitution against the offenders convicted of official misconduct in the first or second degrees pursuant to
43 the provisions of this section.

44 2. The court may order the defendant to make restitution to:

45 (1) The victim;

46 (2) Any governmental entity; or

47 (3) A third-party payor, including an insurer that has made payment to the victim to compensate the
48 victim for a property loss or a pecuniary loss.

49 3. Restitution payments to the victim have priority over restitution payments to a third-party payor.
50 If the victim has been compensated for the victim's loss by a third-party payor, the court may order restitution
51 payments to the third-party payor in the amount that the third-party payor compensated the victim.

52 4. Payment of restitution to a victim under this section has priority over payment of restitution to
53 any governmental entity.

1 5. A restitution hearing to determine the liability of the defendant shall be held not later than thirty
2 days after final disposition of the case and may be extended by the court for good cause. In the restitution
3 hearing, a written statement or bill for medical, dental, hospital, funeral, or burial expenses shall be prima
4 facie evidence that the amount indicated on the written statement or bill represents a fair and reasonable
5 charge for the services or materials provided. The burden of proving that the amount indicated on the written
6 statement or bill is not fair and reasonable shall be on the person challenging the fairness and reasonableness
7 of the amount.

8 6. A judgment of restitution against a defendant may not be entered unless the defendant has been
9 afforded a reasonable opportunity to be heard and to present appropriate evidence in his or her behalf. The
10 defendant shall be advised of his or her right to obtain counsel for representation at the hearing. A hearing
11 under this section may be held as part of a final disposition hearing for the case.

12 7. The judgment may be enforced in the same manner as enforcing monetary judgments by the
13 prosecuting attorney on behalf of the victim.

14 8. A judgment of restitution ordered pursuant to this section against a defendant shall not be a bar to
15 a proceeding against the defendant pursuant to section 537.045 or section 8.150 for the balance of the
16 damages not paid pursuant to this section.

17 650.520. 1. There is hereby created a statewide program called the "Blue Alert System" referred to
18 in this section as the "system" to aid in the identification, location, and apprehension of any individual or
19 individuals suspected of killing or seriously wounding any local, state, or federal law enforcement officer.

20 2. For the purposes of this section, "law enforcement officer" means any public servant having both
21 the power and duty to make arrests for violations of the laws of this state, and federal law enforcement
22 officers authorized to carry firearms and to make arrests for violations of the laws of the United States.

23 3. The department of public safety shall develop regions to provide the system. The department of
24 public safety shall coordinate local law enforcement agencies and public commercial television and radio
25 broadcasters to provide an effective system. In the event that a local law enforcement agency opts not to set
26 up a system and a killing or serious wounding of a law enforcement officer occurs within the jurisdiction, it
27 shall notify the department of public safety who will notify local media in the region.

28 4. The blue alert system shall include all state agencies capable of providing urgent and timely
29 information to the public together with broadcasters and other private entities that volunteer to participate in
30 the dissemination of urgent public information. At a minimum, the blue alert system shall include the
31 department of public safety, highway patrol, department of transportation, and Missouri lottery.

32 5. The department of public safety shall have the authority to develop, implement, and manage the
33 blue alert system.

34 6. Participation in the blue alert system is entirely at the option of local law enforcement agencies,
35 federally licensed radio and television broadcasters, and other private entities that volunteer to participate in
36 the dissemination of urgent public information.

37 7. Any person who knowingly makes a false report that triggers an alert pursuant to this section is
38 guilty of a class A misdemeanor."; and

39
40 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.