

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 1355

AN ACT

To repeal sections 43.505, 43.507, 57.117, 57.450, 84.510, 190.335, 217.015, 217.030, 217.075, 217.655, 217.665, 217.670, 217.690, 217.703, 217.705, 217.720, 217.722, 217.735, 217.750, 217.755, 217.760, 217.762, 217.777, 217.810, 221.050, 221.105, 260.391, 292.606, 302.176, 306.030, 306.126, 414.032, 488.5320, 513.653, 589.303, 595.010, 595.015, 595.020, 595.025, 595.030, 595.035, 595.055, and 595.220, RSMo, and to enact in lieu thereof fifty-four new sections relating to public safety, with penalty provisions.

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

1 Section A. Sections 43.505, 43.507, 57.117, 57.450, 84.510,
2 190.335, 217.015, 217.030, 217.075, 217.655, 217.665, 217.670,
3 217.690, 217.703, 217.705, 217.720, 217.722, 217.735, 217.750,
4 217.755, 217.760, 217.762, 217.777, 217.810, 221.050, 221.105,
5 260.391, 292.606, 302.176, 306.030, 306.126, 414.032, 488.5320,
6 513.653, 589.303, 595.010, 595.015, 595.020, 595.025, 595.030,
7 595.035, 595.055, and 595.220, RSMo, are repealed and fifty-four
8 new sections enacted in lieu thereof, to be known as sections
9 21.851, 43.505, 43.507, 44.091, 44.098, 57.117, 57.450, 84.510,
10 190.335, 217.015, 217.021, 217.030, 217.075, 217.361, 217.655,
11 217.665, 217.670, 217.690, 217.703, 217.705, 217.720, 217.722,
12 217.735, 217.750, 217.755, 217.760, 217.762, 217.777, 217.810,

1 221.050, 221.105, 260.391, 260.558, 292.606, 302.025, 302.176,
2 306.030, 306.126, 414.032, 455.095, 488.5320, 513.653, 590.210,
3 590.1040, 595.010, 595.015, 595.020, 595.025, 595.030, 595.035,
4 595.055, 595.220, 610.210, and 650.035, to read as follows:

5 21.851. 1. There is hereby established a joint committee
6 of the general assembly, which shall be known as the "Joint
7 Committee on Disaster Preparedness and Awareness" and shall be
8 composed of the following members:

9 (1) Three members of the senate to be appointed by the
10 president pro tempore of the senate;

11 (2) Two members of the senate to be appointed by the
12 minority floor leader of the senate;

13 (3) Three members of the house of representatives to be
14 appointed by the speaker of the house of representatives;

15 (4) Two members of the house of representatives to be
16 appointed by the minority floor leader of the house of
17 representatives;

18 (5) The director of the department of public safety, or his
19 or her designee;

20 (6) The director of the department of agriculture, or his
21 or her designee; and

22 (7) The adjutant general of the state, or his or her
23 designee.

24 2. A majority of the members of the committee shall
25 constitute a quorum, but the concurrence of a majority of the
26 members shall be required for the determination of any matter
27 within the committee's duties.

28 3. The joint committee shall make a continuous study and

1 investigation into issues relating to disaster preparedness and
2 awareness including, but not limited to, the following areas:

3 (1) Natural and man-made disasters;

4 (2) State and local preparedness for floods;

5 (3) State and local preparedness for tornados, blizzards,
6 and other severe storms;

7 (4) Food and energy resiliency;

8 (5) Cyber-security;

9 (6) The budget reserve fund established under Article IV,
10 Section 27(a) of the Missouri Constitution;

11 (7) The protection of vulnerable populations in
12 intermediate care facilities and skilled nursing facilities as
13 those terms are defined in section 198.006; and

14 (8) Premises that have been previously contaminated with
15 radioactive material.

16 4. The joint committee shall compile a full report of its
17 activities for submission to the general assembly. The report
18 shall be submitted not later than January first of even-numbered
19 years and may include any recommendations which the committee may
20 have for legislative action. The report may also include an
21 analysis and statement of the manner in which statutory
22 provisions relating to disaster preparedness and awareness are
23 being executed.

24 5. The joint committee may employ such personnel as it
25 deems necessary to carry out the duties imposed by this section,
26 within the limits of any appropriation for such purpose.

27 6. The members of the committee shall serve without
28 compensation, but any actual and necessary expenses incurred in

1 the performance of the committee's official duties by the joint
2 committee, its members, and any staff assigned to the committee
3 shall be paid from the joint contingent fund.

4 7. This section shall expire on December 31, 2022.

5 43.505. 1. The department of public safety is hereby
6 designated as the central repository for the collection,
7 maintenance, analysis and reporting of crime incident activity
8 generated by law enforcement agencies in this state. The
9 department shall develop and operate a uniform crime reporting
10 system that is compatible with the national uniform crime
11 reporting system operated by the Federal Bureau of Investigation.

12 2. The department of public safety shall:

13 (1) Develop, operate and maintain an information system for
14 the collection, storage, maintenance, analysis and retrieval of
15 crime incident and arrest reports from Missouri law enforcement
16 agencies;

17 (2) Compile the statistical data and forward such data as
18 required to the Federal Bureau of Investigation or the
19 appropriate Department of Justice agency in accordance with the
20 standards and procedures of the national system;

21 (3) Provide the forms, formats, procedures, standards and
22 related training or training assistance to all law enforcement
23 agencies in the state as necessary for such agencies to report
24 incident and arrest activity for timely inclusion into the
25 statewide system;

26 (4) Annually publish a report on the nature and extent of
27 crime and submit such report to the governor and the general
28 assembly. Such report and other statistical reports shall be

1 made available to state and local law enforcement agencies and
2 the general public through an electronic or manual medium;

3 (5) Maintain the privacy and security of information in
4 accordance with applicable state and federal laws, regulations
5 and orders; and

6 (6) Establish such rules and regulations as are necessary
7 for implementing the provisions of this section. Any rule or
8 portion of a rule, as that term is defined in section 536.010,
9 that is created under the authority delegated in this section
10 shall become effective only if it complies with and is subject to
11 all of the provisions of chapter 536 and, if applicable, section
12 536.028. This section and chapter 536 are nonseverable and if
13 any of the powers vested with the general assembly pursuant to
14 chapter 536 to review, to delay the effective date or to
15 disapprove and annul a rule are subsequently held
16 unconstitutional, then the grant of rulemaking authority and any
17 rule proposed or adopted after August 28, 2000, shall be invalid
18 and void.

19 3. Every law enforcement agency in the state shall:

20 (1) Submit crime incident reports to the department of
21 public safety on forms or in the format prescribed by the
22 department; and

23 (2) Submit any other crime incident information which may
24 be required by the department of public safety.

25 4. Any law enforcement agency that violates this section
26 after December 31, 2021, may be ineligible to receive state or
27 federal funds which would otherwise be paid to such agency for
28 law enforcement, safety or criminal justice purposes.

1 43.507. All criminal history information, in the possession
2 or control of the central repository, except criminal
3 intelligence and investigative information, may be made available
4 to qualified persons and organizations for research, evaluative
5 and statistical purposes under written agreements reasonably
6 designed to ensure the security and confidentiality of the
7 information and the protection of the privacy interests of the
8 individuals who are subjects of the criminal history. [Prior to
9 such information being made available, information that uniquely
10 identifies the individual shall be deleted. Organizations
11 receiving such criminal history information shall not reestablish
12 the identity of the individual and associate it with the criminal
13 history information being provided.]

14 44.091. 1. For purposes of this section, the following
15 terms mean:

16 (1) "Law enforcement officer", any public servant having
17 both the power and duty to make arrests for violations of any
18 ordinance or law of this state, and any federal law enforcement
19 officer authorized to carry firearms and to make arrests for
20 violations of the laws of the United States;

21 (2) "Requesting entity", any law enforcement agency or
22 entity within this state empowered by law to maintain a law
23 enforcement agency;

24 (3) "Sending agency", a law enforcement agency that has
25 been requested to provide assistance by a requesting entity.

26 2. Whenever any law enforcement agency enters into a mutual
27 aid arrangement or agreement with another entity as provided in
28 section 44.090, any law enforcement officer assisting the

1 requesting entity shall have the same powers of arrest as he or
2 she has in his or her own jurisdiction and the same powers of
3 arrest as officers of the requesting entity. Such powers shall
4 be limited to the location where such services are requested to
5 be provided, for the duration of the specific event, and while
6 acting under the direction of the requesting entity's chief law
7 enforcement officer or his or her designee.

8 3. Any law enforcement officer assisting a requesting
9 entity under a mutual aid arrangement or agreement under section
10 44.090 shall be deemed an employee of the sending agency and
11 shall be subject to the workers' compensation, overtime, and
12 expense reimbursement provisions provided to him or her as an
13 employee of the sending agency.

14 4. Any law enforcement officer assisting a requesting
15 entity under a mutual aid arrangement or agreement under section
16 44.090 shall enjoy the same legal immunities as an officer of the
17 requesting entity, including sovereign immunity, official
18 immunity, and the public duty doctrine.

19 5. Nothing in this section shall be construed to limit the
20 powers of arrest provided to a law enforcement officer by any
21 other law.

22 44.098. 1. As used in this section, the following terms
23 mean:

24 (1) "Critical incident", an incident that could result in
25 serious physical injury or loss of life;

26 (2) "Kansas border county", the county of Cherokee;

27 (3) "Law enforcement mutual aid region", the counties of
28 Jasper and Newton, including the Joplin metropolitan area, and

1 the Kansas border county and Oklahoma border counties as defined
2 in this section;

3 (4) "Missouri border counties", the counties of Jasper and
4 Newton;

5 (5) "Oklahoma border counties", the counties of Ottawa and
6 Delaware.

7 2. All law enforcement officers in the law enforcement
8 mutual aid region shall be permitted in critical incidents to
9 respond to lawful requests for aid in any other jurisdiction in
10 the law enforcement mutual aid region.

11 3. The on-scene incident commander, as defined by the
12 National Incident Management System, shall have the authority to
13 make a request for assistance in a critical incident and shall be
14 responsible for on-scene management until command authority is
15 transferred to another person.

16 4. In the event that an officer makes an arrest or
17 apprehension outside his or her home state, the offender shall be
18 delivered to the first officer who is commissioned in the
19 jurisdiction in which the arrest was made.

20 5. For the purposes of liability, all members of any
21 political subdivision or public safety agency responding under
22 operational control of the requesting political subdivision or
23 public safety agency are deemed employees of such responding
24 political subdivision or public safety agency and are subject to
25 the liability and workers' compensation provisions provided to
26 them as employees of their respective political subdivision or
27 public safety agency. Qualified immunity, sovereign immunity,
28 official immunity, and the public duty rule shall apply to the

1 provisions of this section as interpreted by the federal and
2 state courts of the responding agency.

3 6. If the director of the Missouri department of public
4 safety determines that the state of Kansas has enacted
5 legislation or the governor of Kansas has issued an executive
6 order or similar action that permits the Kansas border county to
7 enter into a similar mutual-aid agreement as described under this
8 section, then the director shall execute and deliver to the
9 governor, the speaker of the house of representatives, and the
10 president pro tempore of the senate a written certification of
11 such determination. Upon the execution and delivery of such
12 written certification and the parties receiving such
13 certification providing a unanimous written affirmation, the
14 provisions of this section shall be effective unless otherwise
15 provided by law.

16 7. If the director of the Missouri department of public
17 safety determines that the state of Oklahoma has enacted
18 legislation or the governor of Oklahoma has issued an executive
19 order or similar action that permits Oklahoma border counties to
20 enter into a similar mutual-aid agreement as described under this
21 section, then the director shall execute and deliver to the
22 governor, the speaker of the house of representatives, and the
23 president pro tempore of the senate a written certification of
24 such determination. Upon the execution and delivery of such
25 written certification and the parties receiving such
26 certification providing a unanimous written affirmation, the
27 provisions of this section shall be effective unless otherwise
28 provided by law.

1 8. The director of the Missouri department of public safety
2 shall notify the revisor of statutes of any changes that would
3 render the provisions of this section effective.

4 57.117. Hereafter no sheriff in this state shall appoint
5 any under sheriff or deputy sheriff [except] unless the person so
6 appointed shall be, at the time of his or her appointment, a bona
7 fide resident of [the] this state or of an adjoining state.

8 57.450. All general laws relating and applicable to the
9 sheriffs of the several counties of this state shall apply to the
10 same officer in the City of St. Louis, except that the sheriff of
11 the City of St. Louis shall not enforce the general criminal laws
12 of the state of Missouri unless such enforcement shall be
13 incidental to the duties customarily performed by the sheriff of
14 the City of St. Louis. The sheriff and sworn deputies of the
15 office of sheriff of the city of St. Louis may be eligible for
16 training and licensure by the peace officer standards and
17 training commission under chapter 590, and such office shall be
18 considered a law enforcement agency with the sheriff and sworn
19 deputies considered law enforcement officers. All acts and parts
20 of acts providing for any legal process to be directed to any
21 sheriff of any county shall be so construed as to mean the
22 sheriff of the city of St. Louis as if such officer were
23 specifically named in such act.

24 84.510. 1. For the purpose of operation of the police
25 department herein created, the chief of police, with the approval
26 of the board, shall appoint such number of police department
27 employees, including police officers and civilian employees as
28 the chief of police from time to time deems necessary.

1 2. The base annual compensation of police officers shall be
2 as follows for the several ranks:

3 (1) Lieutenant colonels, not to exceed five in number, at
4 not less than seventy-one thousand nine hundred sixty-nine
5 dollars, nor more than [one hundred thirty-three thousand eight
6 hundred eighty-eight] one hundred forty-six thousand one hundred
7 twenty four dollars per annum each;

8 (2) Majors at not less than sixty-four thousand six hundred
9 seventy-one dollars, nor more than [one hundred twenty-two
10 thousand one hundred fifty-three] one hundred thirty-three
11 thousand three hundred twenty dollars per annum each;

12 (3) Captains at not less than fifty-nine thousand five
13 hundred thirty-nine dollars, nor more than [one hundred eleven
14 thousand four hundred thirty-four] one hundred twenty-one
15 thousand six hundred eight dollars per annum each;

16 (4) Sergeants at not less than forty-eight thousand six
17 hundred fifty-nine dollars, nor more than [ninety-seven thousand
18 eighty-six] one hundred six thousand five hundred sixty dollars
19 per annum each;

20 (5) Master patrol officers at not less than fifty-six
21 thousand three hundred four dollars, nor more than [eighty-seven
22 thousand seven hundred one] ninety-four thousand three hundred
23 thirty-two dollars per annum each;

24 (6) Master detectives at not less than fifty-six thousand
25 three hundred four dollars, nor more than [eighty-seven thousand
26 seven hundred one] ninety-four thousand three hundred thirty-two
27 dollars per annum each;

28 (7) Detectives, investigators, and police officers at not

1 less than twenty-six thousand six hundred forty-three dollars,
2 nor more than [eighty-two thousand six hundred nineteen] eighty-
3 seven thousand six hundred thirty-six dollars per annum each.

4 3. The board of police commissioners has the authority by
5 resolution to effect a comprehensive pay schedule program to
6 provide for step increases with separate pay rates within each
7 rank, in the above-specified salary ranges from police officers
8 through chief of police.

9 4. Officers assigned to wear civilian clothes in the
10 performance of their regular duties may receive an additional one
11 hundred fifty dollars per month clothing allowance. Uniformed
12 officers may receive seventy-five dollars per month uniform
13 maintenance allowance.

14 5. The chief of police, subject to the approval of the
15 board, shall establish the total regular working hours for all
16 police department employees, and the board has the power, upon
17 recommendation of the chief, to pay additional compensation for
18 all hours of service rendered in excess of the established
19 regular working period, but the rate of overtime compensation
20 shall not exceed one and one-half times the regular hourly rate
21 of pay to which each member shall normally be entitled. No
22 credit shall be given nor deductions made from payments for
23 overtime for the purpose of retirement benefits.

24 6. The board of police commissioners, by majority
25 affirmative vote, including the mayor, has the authority by
26 resolution to authorize incentive pay in addition to the base
27 compensation as provided for in subsection 2 of this section, to
28 be paid police officers of any rank who they determine are

1 assigned duties which require an extraordinary degree of skill,
2 technical knowledge and ability, or which are highly demanding or
3 unusual. No credit shall be given nor deductions made from these
4 payments for the purpose of retirement benefits.

5 7. The board of police commissioners may effect programs to
6 provide additional compensation for successful completion of
7 academic work at an accredited college or university. No credit
8 shall be given nor deductions made from these payments for the
9 purpose of retirement benefits.

10 8. The additional pay increments provided in subsections 6
11 and 7 of this section shall not be considered a part of the base
12 compensation of police officers of any rank and shall not exceed
13 ten percent of what the officer would otherwise be entitled to
14 pursuant to subsections 2 and 3 of this section.

15 9. Not more than twenty-five percent of the officers in any
16 rank who are receiving the maximum rate of pay authorized by
17 subsections 2 and 3 of this section may receive the additional
18 pay increments authorized by subsections 6 and 7 of this section
19 at any given time. However, any officer receiving a pay
20 increment provided pursuant to the provisions of subsections 6
21 and 7 of this section shall not be deprived of such pay increment
22 as a result of the limitations of this subsection.

23 190.335. 1. In lieu of the tax levy authorized under
24 section 190.305 for emergency telephone services, the county
25 commission of any county may impose a county sales tax for the
26 provision of central dispatching of fire protection, including
27 law enforcement agencies, emergency ambulance service or any
28 other emergency services, including emergency telephone services,

1 which shall be collectively referred to herein as "emergency
2 services", and which may also include the purchase and
3 maintenance of communications and emergency equipment, including
4 the operational costs associated therein, in accordance with the
5 provisions of this section.

6 2. Such county commission may, by a majority vote of its
7 members, submit to the voters of the county, at a public
8 election, a proposal to authorize the county commission to impose
9 a tax under the provisions of this section. If the residents of
10 the county present a petition signed by a number of residents
11 equal to ten percent of those in the county who voted in the most
12 recent gubernatorial election, then the commission shall submit
13 such a proposal to the voters of the county.

14 3. The ballot of submission shall be in substantially the
15 following form:

16 Shall the county of _____ (insert name of county) impose a
17 county sales tax of _____ (insert rate of percent) percent for
18 the purpose of providing central dispatching of fire protection,
19 emergency ambulance service, including emergency telephone
20 services, and other emergency services?

21 YES NO

22
23 If a majority of the votes cast on the proposal by the qualified
24 voters voting thereon are in favor of the proposal, then the
25 ordinance shall be in effect as provided herein. If a majority
26 of the votes cast by the qualified voters voting are opposed to
27 the proposal, then the county commission shall have no power to
28 impose the tax authorized by this section unless and until the

1 county commission shall again have submitted another proposal to
2 authorize the county commission to impose the tax under the
3 provisions of this section, and such proposal is approved by a
4 majority of the qualified voters voting thereon.

5 4. The sales tax may be imposed at a rate not to exceed one
6 percent on the receipts from the sale at retail of all tangible
7 personal property or taxable services at retail within any county
8 adopting such tax, if such property and services are subject to
9 taxation by the state of Missouri under the provisions of
10 sections 144.010 to 144.525. The sales tax shall not be
11 collected prior to thirty-six months before operation of the
12 central dispatching of emergency services.

13 5. Except as modified in this section, all provisions of
14 sections 32.085 and 32.087 shall apply to the tax imposed under
15 this section.

16 6. Any tax imposed pursuant to section 190.305 shall
17 terminate at the end of the tax year in which the tax imposed
18 pursuant to this section for emergency services is certified by
19 the board to be fully operational. Any revenues collected from
20 the tax authorized under section 190.305 shall be credited for
21 the purposes for which they were intended.

22 7. At least once each calendar year, the board shall
23 establish a tax rate, not to exceed the amount authorized, that
24 together with any surplus revenues carried forward will produce
25 sufficient revenues to fund the expenditures authorized by this
26 act. Amounts collected in excess of that necessary within a
27 given year shall be carried forward to subsequent years. The
28 board shall make its determination of such tax rate each year no

1 later than September first and shall fix the new rate which shall
2 be collected as provided in this act. Immediately upon making
3 its determination and fixing the rate, the board shall publish in
4 its minutes the new rate, and it shall notify every retailer by
5 mail of the new rate.

6 8. Immediately upon the affirmative vote of voters of such
7 a county on the ballot proposal to establish a county sales tax
8 pursuant to the provisions of this section, the county commission
9 shall appoint the initial members of a board to administer the
10 funds and oversee the provision of emergency services in the
11 county. Beginning with the general election in 1994, all board
12 members shall be elected according to this section and other
13 applicable laws of this state. At the time of the appointment of
14 the initial members of the board, the commission shall relinquish
15 and no longer exercise the duties prescribed in this chapter with
16 regard to the provision of emergency services and such duties
17 shall be exercised by the board.

18 9. The initial board shall consist of seven members
19 appointed without regard to political affiliation, who shall be
20 selected from, and who shall represent, the fire protection
21 districts, ambulance districts, sheriff's department,
22 municipalities, any other emergency services and the general
23 public. This initial board shall serve until its successor board
24 is duly elected and installed in office. The commission shall
25 ensure geographic representation of the county by appointing no
26 more than four members from each district of the county
27 commission.

28 10. Beginning in 1994, three members shall be elected from

1 each district of the county commission and one member shall be
2 elected at large, such member to be the chairman of the board.
3 Of those first elected, four members from districts of the county
4 commission shall be elected for terms of two years and two
5 members from districts of the county commission and the member at
6 large shall be elected for terms of four years. In 1996, and
7 thereafter, all terms of office shall be four years.

8 Notwithstanding any other provision of law, if there is no
9 candidate for an open position on the board, then no election
10 shall be held for that position and it shall be considered
11 vacant, to be filled pursuant to the provisions of section
12 190.339, and, if there is only one candidate for each open
13 position, no election shall be held and the candidate or
14 candidates shall assume office at the same time and in the same
15 manner as if elected.

16 11. Notwithstanding the provisions of subsections 8 to 10
17 of this section to the contrary, in any county of the first
18 classification with more than two hundred forty thousand three
19 hundred but fewer than two hundred forty thousand four hundred
20 inhabitants or in any county of the third classification with a
21 township form of government and with more than twenty-eight
22 thousand but fewer than thirty-one thousand inhabitants or in any
23 county of the third classification without a township form of
24 government and with more than thirty-seven thousand but fewer
25 than forty-one thousand inhabitants and with a city of the fourth
26 classification with more than four thousand five hundred but
27 fewer than five thousand inhabitants as the county seat, any
28 emergency telephone service 911 board appointed by the county

1 under section 190.309 which is in existence on the date the
2 voters approve a sales tax under this section shall continue to
3 exist and shall have the powers set forth under section 190.339.
4 Such boards which existed prior to August 25, 2010, shall not be
5 considered a body corporate and a political subdivision of the
6 state for any purpose, unless and until an order is entered upon
7 an unanimous vote of the commissioners of the county in which
8 such board is established reclassifying such board as a corporate
9 body and political subdivision of the state. The order shall
10 approve the transfer of the assets and liabilities related to the
11 operation of the emergency service 911 system to the new entity
12 created by the reclassification of the board.

13 12. (1) Notwithstanding the provisions of subsections 8 to
14 10 of this section to the contrary, in any county of the second
15 classification with more than fifty-four thousand two hundred but
16 fewer than fifty-four thousand three hundred inhabitants or any
17 county of the first classification with more than fifty thousand
18 but fewer than seventy thousand inhabitants that has approved a
19 sales tax under this section, the county commission shall appoint
20 the members of the board to administer the funds and oversee the
21 provision of emergency services in the county.

22 (2) The board shall consist of seven members appointed
23 without regard to political affiliation. Except as provided in
24 subdivision (4) of this subsection, each member shall be one of
25 the following:

26 (a) The head of any of the county's fire protection
27 districts, or a designee;

28 (b) The head of any of the county's ambulance districts, or

1 a designee;

2 (c) The county sheriff, or a designee;

3 (d) The head of any of the police departments in the
4 county, or a designee; and

5 (e) The head of any of the county's emergency management
6 organizations, or a designee.

7 (3) Upon the appointment of the board under this
8 subsection, the board shall have the power provided in section
9 190.339 and shall exercise all powers and duties exercised by the
10 county commission under this chapter, and the commission shall
11 relinquish all powers and duties relating to the provision of
12 emergency services under this chapter to the board.

13 (4) In any county of the first classification with more
14 than fifty thousand but fewer than seventy thousand inhabitants,
15 each of the entities listed in subdivision (2) of this subsection
16 shall be represented on the board by at least one member.

17 217.015. 1. The department shall supervise and manage all
18 correctional centers, and probation and parole of the state of
19 Missouri.

20 2. The department shall be composed of the parole board and
21 the following divisions:

22 (1) The division of human services;

23 (2) The division of adult institutions;

24 (3) The [board] division of probation and parole; and

25 (4) The division of offender rehabilitative services.

26 3. Each division may be subdivided by the director into
27 such sections, bureaus, or offices as is necessary to carry out
28 the duties assigned by law.

1 4. The department shall operate a women offender program to
2 be supervised by a director of women's programs. The purpose of
3 the women offender program shall be to ensure that female
4 offenders are provided a continuum of gender-responsive and
5 trauma-informed supervision strategies and program services
6 reflecting best practices for female probationers, prisoners and
7 parolees in areas including but not limited to classification,
8 diagnostic processes, facilities, medical and mental health care,
9 child custody and visitation.

10 5. There shall be an advisory committee under the direction
11 of the director of women's programs. The members of the
12 committee shall include the director of the office on women's
13 health, the director of the department of mental health or a
14 designee and four others appointed by the director of the
15 department of corrections. The committee shall address the needs
16 of women in the criminal justice system as they are affected by
17 the changes in their community, family concerns, the judicial
18 system and the organization and available resources of the
19 department of corrections.

20 217.021. 1. The department shall establish and implement a
21 community behavioral health program to provide comprehensive
22 community-based services for individuals under the supervision of
23 the department who have serious behavioral health conditions.

24 2. The department shall, in collaboration with the
25 department of mental health:

26 (1) Establish a referral and evaluation process for access
27 to the program;

28 (2) Establish eligibility criteria that include

1 consideration of recidivism risk and behavioral health condition
2 severity;

3 (3) Establish discharge criteria and processes, with a goal
4 of establishing a seamless transition to post-program services to
5 decrease recidivism; and

6 (4) Develop multidisciplinary program oversight, auditing,
7 and evaluation processes that shall include:

8 (a) Oversight authority of program case management services
9 through the department of mental health;

10 (b) Provider performance and outcome metrics; and

11 (c) Reports to the legislature and the governor on the
12 status of the program as requested.

13 3. The department of mental health shall, in collaboration
14 with the department of corrections:

15 (1) Contract for and pay behavioral health service
16 providers under the program;

17 (2) Supervise, support, and monitor referral caseloads and
18 the provision of services by contract behavioral health service
19 providers;

20 (3) Require that contract behavioral health service
21 providers:

22 (a) Accept all eligible referrals, provide individualized
23 care delivered through integrated multidisciplinary care teams,
24 and continue services on an ongoing basis until established
25 discharge criteria are met;

26 (b) Accept reimbursement on a per-month, per-referral
27 basis, and ensure that the payment schedule is based on a pay-
28 for-performance model that includes consideration of identified

1 outcomes and the level of services required; and

2 (c) Bill third parties for services.

3 217.030. The director shall appoint the directors of the
4 divisions of the department, except the chairman of the parole
5 board [of probation and parole] who shall be appointed by the
6 governor [and who shall serve as the director of the division of
7 probation and parole]. Division directors shall serve at the
8 pleasure of the director, except the chairman of the parole board
9 [of probation and parole] who shall serve in the capacity of
10 chairman at the pleasure of the governor. The director of the
11 department shall be the appointing authority under chapter 36 to
12 employ such administrative, technical and other personnel who may
13 be assigned to the department generally rather than to any of the
14 department divisions or facilities and whose employment is
15 necessary for the performance of the powers and duties of the
16 department.

17 217.075. 1. All offender records compiled, obtained,
18 prepared or maintained by the department or its divisions shall
19 be designated public records within the meaning of chapter 610
20 except:

21 (1) Any information, report, record or other document
22 pertaining to an offender's personal medical history, which shall
23 be a closed record;

24 (2) Any information, report, record or other document in
25 the control of the department or its divisions authorized by
26 federal or state law to be a closed record;

27 (3) Any internal administrative report or document relating
28 to institutional security.

1 2. The court of jurisdiction, or the department, may at
2 their discretion permit the inspection of the department reports
3 or parts of such reports by the offender, whenever the court or
4 department determines that such inspection is in the best
5 interest or welfare of the offender.

6 3. [The] Department records may [permit inspection of its
7 files by] be automated and made available to:

8 (1) Treatment agencies working with the department in the
9 treatment of the offender;

10 (2) Law enforcement agencies; or

11 (3) Qualified persons and organizations for research,
12 evaluative, and statistical purposes under written agreements
13 reasonably designed to ensure the security and confidentiality of
14 the information and the protection of the privacy interests of
15 the individuals who are subjects of the records.

16 4. No department employee shall have access to any material
17 closed by this section unless such access is necessary for the
18 employee to carry out his duties. The department by rule shall
19 determine what department employees or other persons shall have
20 access to closed records and the procedures needed to maintain
21 the confidentiality of such closed records.

22 5. No person, association, firm, corporation or other
23 agency shall knowingly solicit, disclose, receive, publish, make
24 use of, authorize, permit, participate in or acquiesce in the use
25 of any name or lists of names for commercial or political
26 purposes of any nature in violation of this section.

27 6. All health care providers and hospitals who have cared
28 for offenders during the period of the offender's incarceration

1 shall provide a copy of all medical records in their possession
2 related to such offender upon demand from the department's health
3 care administrator. The department shall provide reasonable
4 compensation for the cost of such copies and no health care
5 provider shall be liable for breach of confidentiality when
6 acting pursuant to this subsection.

7 7. Copies of all papers, documents, or records compiled,
8 obtained, prepared or maintained by the department or its
9 divisions, properly certified by the appropriate division, shall
10 be admissible as evidence in all courts and in all administrative
11 tribunals in the same manner and with like effect as the
12 originals, whenever the papers, documents, or records are either
13 designated by the department of corrections as public records
14 within the meaning of chapter 610 or are declared admissible as
15 evidence by a court of competent jurisdiction or administrative
16 tribunal of competent jurisdiction.

17 8. Any person found guilty of violating the provisions of
18 this section shall be guilty of a class A misdemeanor.

19 217.361. 1. The department shall adopt streamlined,
20 validated risk and need assessment tools for men and women, and
21 review the tools and scoring cutoffs every five years for
22 predictive validity across gender and racial groups.

23 2. This subsection applies to all programs operated with
24 department funding. The department shall develop procedures to
25 promote the use of:

26 (1) Risk and need assessment and appropriate risk and need
27 levels to prioritize access to programs;

28 (2) Consistent criteria for admission into programs; and

1 (3) Recidivism measurement by risk and need level as part
2 of assessing the effectiveness of programs.

3 3. For offenders under supervision, the department shall:

4 (1) Implement evidence-based cognitive-behavioral programs;

5 (2) Adopt behavior response policy guiding sanction and
6 incentive responses; and

7 (3) Adopt policy for readministration of risk and need
8 assessment tools to guide case management practices and
9 supervision level.

10 4. For department staff in institutional and community
11 settings, the department shall:

12 (1) Require periodic training on how to complete risk and
13 need assessment tools and apply the results in making decisions
14 affecting client interactions and program placements;

15 (2) Provide training on how to maximize client interactions
16 and use of case plans; and

17 (3) Measure staff performance against best practices.

18 5. For community-based mental health treatment programs,
19 the department shall adopt a protocol to collect data on quality
20 assurance.

21 6. The department shall adopt performance metrics to report
22 on supervision outcomes.

23 217.655. 1. The parole board [of probation and parole]
24 shall be responsible for determining whether a person confined in
25 the department shall be paroled or released conditionally as
26 provided by section 558.011. The board shall receive
27 administrative support from the division of probation and parole.
28 The division of probation and parole shall provide supervision to

1 all persons referred by the circuit courts of the state as
2 provided by sections 217.750 and 217.760. The board shall
3 exercise independence in making decisions about individual cases,
4 but operate cooperatively within the department and with other
5 agencies, officials, courts, and stakeholders to achieve systemic
6 improvement including the requirements of this section.

7 2. The board shall adopt parole guidelines to:

8 (1) Preserve finite prison capacity for the most serious
9 and violent offenders;

10 (2) Release supervision-manageable cases consistent with
11 section 217.690;

12 (3) Use finite resources guided by validated risk and needs
13 assessments;

14 (4) Support a seamless reentry process;

15 (5) Set appropriate conditions of supervision; and

16 (6) Develop effective strategies for responding to
17 violation behaviors.

18 3. The board shall collect, analyze, and apply data in
19 carrying out its responsibilities to achieve its mission and end
20 goals. The board shall establish agency performance and outcome
21 measures that are directly responsive to statutory
22 responsibilities and consistent with agency goals for release
23 decisions, supervision, revocation, recidivism, and caseloads.

24 4. The board shall publish parole data, including grant
25 rates, revocation and recidivism rates, length of time served,
26 and successful supervision completions, and other performance
27 metrics.

28 5. The board shall provide for appropriate training to

1 members and staff, including communication skills.

2 6. The [board] division of probation and parole shall
3 provide such programs as necessary to carry out its
4 responsibilities consistent with its goals and statutory
5 obligations.

6 217.665. 1. Beginning August 28, 1996, the parole board
7 [of probation and parole] shall consist of seven members
8 appointed by the governor by and with the advice and consent of
9 the senate.

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

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

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

23 5. The governor shall designate one member of the board as
24 chairman and one member as vice chairman. The chairman shall [be
25 the director of the division and shall have charge of the
26 division's operations, funds and expenditures] establish the
27 duties and responsibilities of the members of the board and
28 supervise their performance and may require reports from any

1 member as to his or her conduct and exercise of duties. In the
2 event of the chairman's removal, death, resignation, or inability
3 to serve, the vice chairman shall act as chairman upon written
4 order of the governor or chairman.

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

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

21 8. Any person who served as a member of the board of
22 probation and parole prior to July 1, 2000, shall be made,
23 constituted, appointed and employed by the board of trustees of
24 the state employees' retirement system as a special consultant on
25 the problems of retirement, aging and other state matters. As
26 compensation for such services, such consultant shall not be
27 denied use of any unused sick leave, or the ability to receive
28 credit for unused sick leave pursuant to chapter 104, provided

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

8 217.670. 1. The board shall adopt an official seal of
9 which the courts shall take official notice.

10 2. Decisions of the board regarding granting of paroles,
11 extensions of a conditional release date or revocations of a
12 parole or conditional release shall be by a majority vote of the
13 hearing panel members. The hearing panel shall consist of one
14 member of the board and two hearing officers appointed by the
15 board. A member of the board may remove the case from the
16 jurisdiction of the hearing panel and refer it to the full board
17 for a decision. Within thirty days of entry of the decision of
18 the hearing panel to deny parole or to revoke a parole or
19 conditional release, the offender may appeal the decision of the
20 hearing panel to the board. The board shall consider the appeal
21 within thirty days of receipt of the appeal. The decision of the
22 board shall be by majority vote of the board members and shall be
23 final.

24 3. The orders of the board shall not be reviewable except
25 as to compliance with the terms of sections 217.650 to 217.810 or
26 any rules promulgated pursuant to such section.

27 4. The board shall keep a record of its acts and shall
28 notify each correctional center of its decisions relating to

1 persons who are or have been confined in such correctional
2 center.

3 5. Notwithstanding any other provision of law, any meeting,
4 record, or vote, of proceedings involving probation, parole, or
5 pardon, may be a closed meeting, closed record, or closed vote.

6 6. Notwithstanding any other provision of law, when the
7 appearance or presence of an offender before the board or a
8 hearing panel is required for the purpose of deciding whether to
9 grant conditional release or parole, extend the date of
10 conditional release, revoke parole or conditional release, or for
11 any other purpose, such appearance or presence may occur by means
12 of a videoconference at the discretion of the board. Victims
13 having a right to attend parole hearings may testify either at
14 the site where the board is conducting the videoconference or at
15 the institution where the offender is located. The use of
16 videoconferencing in this section shall be at the discretion of
17 the board, and shall not be utilized if either [the offender,]
18 the victim or the victim's family objects to it.

19 217.690. 1. [When in its opinion there is reasonable
20 probability that an offender of a correctional center can be
21 released without detriment to the community or to himself, the
22 board may in its discretion release or parole such person except
23 as otherwise prohibited by law.] All releases or paroles shall
24 issue upon order of the board, duly adopted.

25 2. Before ordering the parole of any offender, the board
26 shall conduct a validated risk and needs assessment and evaluate
27 the case under the rules governing parole that are promulgated by
28 the board. The board shall then have the offender appear before

1 a hearing panel and shall conduct a personal interview with him,
2 unless waived by the offender, or if the guidelines indicate the
3 offender may be paroled without need for an interview. The
4 guidelines and rules shall not allow for the waiver of a hearing
5 if a victim requests a hearing. The appearance or presence may
6 occur by means of a videoconference at the discretion of the
7 board. A parole [shall] may be ordered [only] for the best
8 interest of society when there is a reasonable probability, based
9 on the risk assessment and indicators of release readiness, that
10 the person can be supervised under parole supervision and
11 successfully reintegrated into the community, not as an award of
12 clemency; it shall not be considered a reduction of sentence or a
13 pardon. [An offender shall be placed on parole only when the
14 board believes that he is able and willing to fulfill the
15 obligations of a law-abiding citizen.] Every offender while on
16 parole shall remain in the legal custody of the department but
17 shall be subject to the orders of the board.

18 3. The [board] division of probation and parole has
19 discretionary authority to require the payment of a fee, not to
20 exceed sixty dollars per month, from every offender placed under
21 [board] division supervision on probation, parole, or conditional
22 release, to waive all or part of any fee, to sanction offenders
23 for willful nonpayment of fees, and to contract with a private
24 entity for fee collections services. All fees collected shall be
25 deposited in the inmate fund established in section 217.430.
26 Fees collected may be used to pay the costs of contracted
27 collections services. The fees collected may otherwise be used
28 to provide community corrections and intervention services for

1 offenders. Such services include substance abuse assessment and
2 treatment, mental health assessment and treatment, electronic
3 monitoring services, residential facilities services, employment
4 placement services, and other offender community corrections or
5 intervention services designated by the [board] division of
6 probation and parole to assist offenders to successfully complete
7 probation, parole, or conditional release. The board shall adopt
8 rules not inconsistent with law, in accordance with section
9 217.040, with respect to sanctioning offenders and with respect
10 to establishing, waiving, collecting, and using fees.

11 4. The board shall adopt rules not inconsistent with law,
12 in accordance with section 217.040, with respect to the
13 eligibility of offenders for parole, the conduct of parole
14 hearings or conditions to be imposed upon paroled offenders.
15 Whenever an order for parole is issued it shall recite the
16 conditions of such parole.

17 5. When considering parole for an offender with consecutive
18 sentences, the minimum term for eligibility for parole shall be
19 calculated by adding the minimum terms for parole eligibility for
20 each of the consecutive sentences, except the minimum term for
21 parole eligibility shall not exceed the minimum term for parole
22 eligibility for an ordinary life sentence.

23 6. Any offender under a sentence for first degree murder
24 who has been denied release on parole after a parole hearing
25 shall not be eligible for another parole hearing until at least
26 three years from the month of the parole denial; however, this
27 subsection shall not prevent a release pursuant to subsection 4
28 of section 558.011.

1 7. A victim who has requested an opportunity to be heard
2 shall receive notice that the board is conducting an assessment
3 of the offender's risk and readiness for release and that the
4 victim's input will be particularly helpful when it pertains to
5 safety concerns and specific protective measures that may be
6 beneficial to the victim should the offender be granted release.

7 8. Parole hearings shall, at a minimum, contain the
8 following procedures:

9 (1) The victim or person representing the victim who
10 attends a hearing may be accompanied by one other person;

11 (2) The victim or person representing the victim who
12 attends a hearing shall have the option of giving testimony in
13 the presence of the inmate or to the hearing panel without the
14 inmate being present;

15 (3) The victim or person representing the victim may call
16 or write the parole board rather than attend the hearing;

17 (4) The victim or person representing the victim may have a
18 personal meeting with a board member at the board's central
19 office;

20 (5) The judge, prosecuting attorney or circuit attorney and
21 a representative of the local law enforcement agency
22 investigating the crime shall be allowed to attend the hearing or
23 provide information to the hearing panel in regard to the parole
24 consideration; and

25 (6) The board shall evaluate information listed in the
26 juvenile sex offender registry pursuant to section 211.425,
27 provided the offender is between the ages of seventeen and
28 twenty-one, as it impacts the safety of the community.

1 [8.] 9. The board shall notify any person of the results of
2 a parole eligibility hearing if the person indicates to the board
3 a desire to be notified.

4 [9.] 10. The board may, at its discretion, require any
5 offender seeking parole to meet certain conditions during the
6 term of that parole so long as said conditions are not illegal or
7 impossible for the offender to perform. These conditions may
8 include an amount of restitution to the state for the cost of
9 that offender's incarceration.

10 11. Special parole conditions shall be responsive to the
11 assessed risk and needs of the offender or the need for
12 extraordinary supervision, such as electronic monitoring. The
13 board shall adopt rules to minimize the conditions placed on low
14 risk cases, to frontload conditions upon release, and to require
15 the modification and reduction of conditions based on the
16 person's continuing stability in the community. Board rules
17 shall permit parole conditions to be modified by parole officers
18 with review and approval by supervisors.

19 [10.] 12. Nothing contained in this section shall be
20 construed to require the release of an offender on parole nor to
21 reduce the sentence of an offender heretofore committed.

22 [11.] 13. Beginning January 1, 2001, the board shall not
23 order a parole unless the offender has obtained a high school
24 diploma or its equivalent, or unless the board is satisfied that
25 the offender, while committed to the custody of the department,
26 has made an honest good-faith effort to obtain a high school
27 diploma or its equivalent; provided that the director may waive
28 this requirement by certifying in writing to the board that the

1 offender has actively participated in mandatory education
2 programs or is academically unable to obtain a high school
3 diploma or its equivalent.

4 [12.] 14. Any rule or portion of a rule, as that term is
5 defined in section 536.010, that is created under the authority
6 delegated in this section shall become effective only if it
7 complies with and is subject to all of the provisions of chapter
8 536 and, if applicable, section 536.028. This section and
9 chapter 536 are nonseverable and if any of the powers vested with
10 the general assembly pursuant to chapter 536 to review, to delay
11 the effective date, or to disapprove and annul a rule are
12 subsequently held unconstitutional, then the grant of rulemaking
13 authority and any rule proposed or adopted after August 28, 2005,
14 shall be invalid and void.

15 217.703. 1. The division of probation and parole shall
16 award earned compliance credits to any offender who is:

17 (1) Not subject to lifetime supervision under sections
18 217.735 and 559.106 or otherwise found to be ineligible to earn
19 credits by a court pursuant to subsection 2 of this section;

20 (2) On probation, parole, or conditional release for an
21 offense listed in chapter 579, or an offense previously listed in
22 chapter 195, or for a class D or E felony, excluding [the
23 offenses of stalking in the first degree, rape in the second
24 degree, sexual assault, sodomy in the second degree] sections
25 565.225, 565.252, 566.031, 566.061, 566.083, 566.093, 568.020,
26 568.060, offenses defined as "sexual assault" under section
27 589.015, deviate sexual assault, assault in the second degree
28 under subdivision (2) of subsection 1 of section 565.052, [sexual

1 misconduct involving a child,] endangering the welfare of a child
2 in the first degree under subdivision (2) of subsection 1 of
3 section 568.045, [incest, invasion of privacy, abuse of a child,]
4 and any offense of aggravated stalking or assault in the second
5 degree under subdivision (2) of subsection 1 of section 565.060
6 as such offenses existed prior to January 1, 2017;

7 (3) Supervised by the [board] division of probation and
8 parole; and

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

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

13 (1) Involuntary manslaughter in the second degree;

14 (2) Assault in the second degree except under subdivision
15 (2) of subsection 1 of section 565.052 or section 565.060 as it
16 existed prior to January 1, 2017;

17 (3) Domestic assault in the second degree;

18 (4) Assault in the third degree when the victim is a
19 special victim or assault of a law enforcement officer in the
20 second degree as it existed prior to January 1, 2017;

21 (5) Statutory rape in the second degree;

22 (6) Statutory sodomy in the second degree;

23 (7) Endangering the welfare of a child in the first degree
24 under subdivision (1) of subsection 1 of section 568.045; or

25 (8) Any case in which the defendant is found guilty of a
26 felony offense under chapter 571;

27 the sentencing court may, upon its own motion or a motion of the
28 prosecuting or circuit attorney, make a finding that the offender

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

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

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

26 5. Credits shall not accrue during any calendar month in
27 which a violation report, which may include a report of absconder
28 status, has been submitted, the offender is in custody, or a

1 motion to revoke or motion to suspend has been filed, and shall
2 be suspended pending the outcome of a hearing, if a hearing is
3 held. If no hearing is held, or if a hearing is held and the
4 offender is continued under supervision, or the court or board
5 finds that the violation did not occur, then the offender shall
6 be deemed to be in compliance and shall begin earning credits on
7 the first day of the next calendar month following the month in
8 which the report was submitted or the motion was filed. If a
9 hearing is held, all earned credits shall be rescinded if:

10 (1) The court or board revokes the probation or parole or
11 the court places the offender in a department program under
12 subsection 4 of section 559.036 or under section 217.785; or

13 (2) The offender is found by the court or board to be
14 ineligible to earn compliance credits because the nature and
15 circumstances of the violation indicate that a longer term of
16 probation, parole, or conditional release is necessary for the
17 protection of the public or the guidance of the offender.

18 Earned credits, if not rescinded, shall continue to be suspended
19 for a period of time during which the court or board has
20 suspended the term of probation, parole, or release, and shall
21 begin to accrue on the first day of the next calendar month
22 following the lifting of the suspension.

23 6. Offenders who are deemed by the division to be
24 absconders shall not earn credits. For purposes of this
25 subsection, "absconder" shall mean an offender under supervision
26 whose whereabouts are unknown and who has left such offender's
27 place of residency without the permission of the offender's
28 supervising officer and without notifying of their whereabouts

1 for the purpose of avoiding supervision. An offender shall no
2 longer be deemed an absconder when such offender is available for
3 active supervision.

4 7. Notwithstanding subsection 2 of section 217.730 to the
5 contrary, once the combination of time served in custody, if
6 applicable, time served on probation, parole, or conditional
7 release, and earned compliance credits satisfy the total term of
8 probation, parole, or conditional release, the board or
9 sentencing court shall order final discharge of the offender, so
10 long as the offender has completed restitution and at least two
11 years of his or her probation [or], parole, or conditional
12 release, which shall include any time served in custody under
13 section 217.718 and sections 559.036 and 559.115.

14 8. The award or rescission of any credits earned under this
15 section shall not be subject to appeal or any motion for
16 postconviction relief.

17 9. At least twice a year, the division shall calculate the
18 number of months the offender has remaining on his or her term of
19 probation, parole, or conditional release, taking into
20 consideration any earned compliance credits, and notify the
21 offender of the length of the remaining term.

22 10. No less than sixty days before the date of final
23 discharge, the division shall notify the sentencing court, the
24 board, and, for probation cases, the circuit or prosecuting
25 attorney of the impending discharge. If the sentencing court,
26 the board, or the circuit or prosecuting attorney upon receiving
27 such notice does not take any action under subsection 5 of this
28 section, the offender shall be discharged under subsection 7 of

1 this section.

2 11. Any offender who was sentenced prior to January 1,
3 2017, to an offense that was eligible for earned compliance
4 credits under subsection 1 or 2 of this section at the time of
5 sentencing shall continue to remain eligible for earned
6 compliance credits so long as the offender meets all the other
7 requirements provided under this section.

8 217.705. 1. The **[chairman]** director of the division of
9 probation and parole shall appoint probation and parole officers
10 and institutional parole officers as deemed necessary to carry
11 out the purposes of the board.

12 2. Probation and parole officers shall investigate all
13 persons referred to them for investigation by the board or by any
14 court as provided by sections 217.750 and 217.760. They shall
15 furnish to each offender released under their supervision a
16 written statement of the conditions of probation, parole or
17 conditional release and shall instruct the offender regarding
18 these conditions. They shall keep informed of the offender's
19 conduct and condition and use all suitable methods to aid and
20 encourage the offender to bring about improvement in the
21 offender's conduct and conditions.

22 3. The probation and parole officer may recommend and, by
23 order duly entered, the court may impose and may at any time
24 modify any conditions of probation. The court shall cause a copy
25 of any such order to be delivered to the probation and parole
26 officer and the offender.

27 4. Probation and parole officers shall keep detailed
28 records of their work and shall make such reports in writing and

1 perform such other duties as may be incidental to those
2 enumerated that the board may require. In the event a parolee is
3 transferred to another probation and parole officer, the written
4 record of the former probation and parole officer shall be given
5 to the new probation and parole officer.

6 5. Institutional parole officers shall investigate all
7 offenders referred to them for investigation by the board and
8 shall provide the board such other reports the board may require.
9 They shall furnish the offender prior to release on parole or
10 conditional release a written statement of the conditions of
11 parole or conditional release and shall instruct the offender
12 regarding these conditions.

13 6. The department shall furnish probation and parole
14 officers and institutional parole officers, including
15 supervisors, with credentials and a special badge which such
16 officers and supervisors shall carry on their person at all times
17 while on duty.

18 217.720. 1. At any time during release on parole or
19 conditional release the [board] division of probation and parole
20 may issue a warrant for the arrest of a released offender for
21 violation of any of the conditions of parole or conditional
22 release. The warrant shall authorize any law enforcement officer
23 to return the offender to the actual custody of the correctional
24 center from which the offender was released, or to any other
25 suitable facility designated by the [board] division. If any
26 parole or probation officer has probable cause to believe that
27 such offender has violated a condition of parole or conditional
28 release, the probation or parole officer may issue a warrant for

1 the arrest of the offender. The probation or parole officer may
2 effect the arrest or may deputize any officer with the power of
3 arrest to do so by giving the officer a copy of the warrant which
4 shall outline the circumstances of the alleged violation and
5 contain the statement that the offender has, in the judgment of
6 the probation or parole officer, violated conditions of parole or
7 conditional release. The warrant delivered with the offender by
8 the arresting officer to the official in charge of any facility
9 designated by the [board] division to which the offender is
10 brought shall be sufficient legal authority for detaining the
11 offender. After the arrest the parole or probation officer shall
12 present to the detaining authorities a similar statement of the
13 circumstances of violation. Pending hearing as hereinafter
14 provided, upon any charge of violation, the offender shall remain
15 in custody or incarcerated without consideration of bail.

16 2. If the offender is arrested under the authority granted
17 in subsection 1 of this section, the offender shall have the
18 right to a preliminary hearing on the violation charged unless
19 the offender waives such hearing. Upon such arrest and
20 detention, the parole or probation officer shall immediately
21 notify the board and shall submit in writing a report showing in
22 what manner the offender has violated the conditions of his
23 parole or conditional release. The board shall order the
24 offender discharged from such facility, require as a condition of
25 parole or conditional release the placement of the offender in a
26 treatment center operated by the department of corrections, or
27 shall cause the offender to be brought before it for a hearing on
28 the violation charged, under such rules and regulations as the

1 board may adopt. If the violation is established and found, the
2 board may continue or revoke the parole or conditional release,
3 or enter such other order as it may see fit. If no violation is
4 established and found, then the parole or conditional release
5 shall continue. If at any time during release on parole or
6 conditional release the offender is arrested for a crime which
7 later leads to conviction, and sentence is then served outside
8 the Missouri department of corrections, the board shall determine
9 what part, if any, of the time from the date of arrest until
10 completion of the sentence imposed is counted as time served
11 under the sentence from which the offender was paroled or
12 conditionally released.

13 3. An offender for whose return a warrant has been issued
14 by the [board] division shall, if it is found that the warrant
15 cannot be served, be deemed to be a fugitive from justice or to
16 have fled from justice. If it shall appear that the offender has
17 violated the provisions and conditions of his parole or
18 conditional release, the board shall determine whether the time
19 from the issuing date of the warrant to the date of his arrest on
20 the warrant, or continuance on parole or conditional release
21 shall be counted as time served under the sentence. In all other
22 cases, time served on parole or conditional release shall be
23 counted as time served under the sentence.

24 4. At any time during parole or probation, the [board]
25 division may issue a warrant for the arrest of any person from
26 another jurisdiction, the visitation and supervision of whom the
27 [board] division has undertaken pursuant to the provisions of the
28 interstate compact for the supervision of parolees and

1 probationers authorized in section 217.810, for violation of any
2 of the conditions of release, or a notice to appear to answer a
3 charge of violation. The notice shall be served personally upon
4 the person. The warrant shall authorize any law enforcement
5 officer to return the offender to any suitable detention facility
6 designated by the [board] division. Any parole or probation
7 officer may arrest such person without a warrant, or may deputize
8 any other officer with power of arrest to do so by issuing a
9 written statement setting forth that the defendant has, in the
10 judgment of the parole or probation officer, violated the
11 conditions of his release. The written statement delivered with
12 the person by the arresting officer to the official in charge of
13 the detention facility to which the person is brought shall be
14 sufficient legal authority for detaining him. After making an
15 arrest the parole or probation officer shall present to the
16 detaining authorities a similar statement of the circumstances of
17 violation.

18 217.722. 1. If any probation officer has probable cause to
19 believe that the person on probation has violated a condition of
20 probation, the probation officer may issue a warrant for the
21 arrest of the person on probation. The officer may effect the
22 arrest or may deputize any other officer with the power of arrest
23 to do so by giving the officer a copy of the warrant which will
24 outline the circumstances of the alleged violation and contain
25 the statement that the person on probation has, in the judgment
26 of the probation officer, violated the conditions of probation.
27 The warrant delivered with the offender by the arresting officer
28 to the official in charge of any jail or other detention facility

1 shall be sufficient authority for detaining the person on
2 probation pending a preliminary hearing on the alleged violation.
3 Other provisions of law relating to release on bail of persons
4 charged with criminal offenses shall be applicable to persons
5 detained on alleged probation violations.

6 2. Any person on probation arrested under the authority
7 granted in subsection 1 of this section shall have the right to a
8 preliminary hearing on the violation charged as long as the
9 person on probation remains in custody or unless the offender
10 waives such hearing. The person on probation shall be notified
11 immediately in writing of the alleged probation violation. If
12 arrested in the jurisdiction of the sentencing court, and the
13 court which placed the person on probation is immediately
14 available, the preliminary hearing shall be heard by the
15 sentencing court. Otherwise, the person on probation shall be
16 taken before a judge or associate circuit judge in the county of
17 the alleged violation or arrest having original jurisdiction to
18 try criminal offenses or before an impartial member of the staff
19 of the [Missouri board] division of probation and parole, and the
20 preliminary hearing shall be held as soon as possible after the
21 arrest. Such preliminary hearings shall be conducted as provided
22 by rule of court or by rules of the [Missouri] parole board [of
23 probation and parole]. If it appears that there is probable
24 cause to believe that the person on probation has violated a
25 condition of probation, or if the person on probation waives the
26 preliminary hearing, the judge or associate circuit judge, or
27 member of the staff of the [Missouri board] division of probation
28 and parole shall order the person on probation held for further

1 proceedings in the sentencing court. If probable cause is not
2 found, the court shall not be barred from holding a hearing on
3 the question of the alleged violation of a condition of probation
4 nor from ordering the person on probation to be present at such a
5 hearing.

6 3. Upon such arrest and detention, the probation officer
7 shall immediately notify the sentencing court and shall submit to
8 the court a written report showing in what manner the person on
9 probation has violated the conditions of probation. Thereupon,
10 or upon arrest by warrant, the court shall cause the person on
11 probation to be brought before it without unnecessary delay for a
12 hearing on the violation charged. Revocation hearings shall be
13 conducted as provided by rule of court.

14 217.735. 1. Notwithstanding any other provision of law to
15 the contrary, the [board] division of probation and parole shall
16 supervise an offender for the duration of his or her natural life
17 when the offender has been found guilty of an offense under:

18 (1) Section 566.030, 566.032, 566.060, 566.062, 566.067,
19 566.083, 566.100, 566.151, 566.212, 566.213, 568.020, 568.080, or
20 568.090 based on an act committed on or after August 28, 2006; or

21 (2) Section 566.068, 566.069, 566.210, 566.211, 573.200, or
22 573.205 based on an act committed on or after January 1, 2017,
23 against a victim who was less than fourteen years old and the
24 offender is a prior sex offender as defined in subsection 2 of
25 this section.

26 2. For the purpose of this section, a prior sex offender is
27 a person who has previously pleaded guilty to or been found
28 guilty of an offense contained in chapter 566 or violating

1 section 568.020 when the person had sexual intercourse or deviate
2 sexual intercourse with the victim, or violating subdivision (2)
3 of subsection 1 of section 568.045.

4 3. Subsection 1 of this section applies to offenders who
5 have been granted probation, and to offenders who have been
6 released on parole, conditional release, or upon serving their
7 full sentence without early release. Supervision of an offender
8 who was released after serving his or her full sentence will be
9 considered as supervision on parole.

10 4. A mandatory condition of lifetime supervision of an
11 offender under this section is that the offender be
12 electronically monitored. Electronic monitoring shall be based
13 on a global positioning system or other technology that
14 identifies and records the offender's location at all times.

15 5. In appropriate cases as determined by a risk assessment,
16 the board may terminate the supervision of an offender who is
17 being supervised under this section when the offender is
18 sixty-five years of age or older.

19 6. In accordance with section 217.040, the board may adopt
20 rules relating to supervision and electronic monitoring of
21 offenders under this section.

22 217.750. 1. At the request of a judge of any circuit
23 court, the [board] division of probation and parole shall provide
24 probation services for such court as provided in subsection 2 of
25 this section.

26 2. The [board] division of probation and parole shall
27 provide probation services for any person convicted of any class
28 of felony. The [board] division of probation and parole shall

1 not provide probation services for any class of misdemeanor
2 except those class A misdemeanors the basis of which is contained
3 in chapters 565 and 566 or in section 568.050, 455.085, 589.425,
4 or section 455.538.

5 217.755. The [board] division of probation and parole shall
6 adopt general rules and regulations, in accordance with section
7 217.040, concerning the conditions of probation applicable to
8 cases in the courts for which it provides probation service.
9 Nothing herein, however, shall limit the authority of the court
10 to impose or modify any general or specific conditions of
11 probation.

12 217.760. 1. In all felony cases and class A misdemeanor
13 cases, the basis of which misdemeanor cases are contained in
14 chapters 565 and 566 and section 577.023, at the request of a
15 circuit judge of any circuit court, the [board] division of
16 probation and parole shall assign one or more state probation and
17 parole officers to make an investigation of the person convicted
18 of the crime or offense before sentence is imposed. In all
19 felony cases in which the recommended sentence established by the
20 sentencing advisory commission pursuant to subsection 6 of
21 section 558.019 includes probation but the recommendation of the
22 prosecuting attorney or circuit attorney does not include
23 probation, the [board] division of probation and parole shall,
24 prior to sentencing, provide the judge with a report on available
25 alternatives to incarceration. If a presentence investigation
26 report is completed then the available alternatives shall be
27 included in the presentence investigation report.

28 2. The report of the presentence investigation or preparole

1 investigation shall contain any prior criminal record of the
2 defendant and such information about his or her characteristics,
3 his or her financial condition, his or her social history, the
4 circumstances affecting his or her behavior as may be helpful in
5 imposing sentence or in granting probation or in the correctional
6 treatment of the defendant, information concerning the impact of
7 the crime upon the victim, the recommended sentence established
8 by the sentencing advisory commission and available alternatives
9 to incarceration including opportunities for restorative justice,
10 as well as a recommendation by the probation and parole officer.
11 The officer shall secure such other information as may be
12 required by the court and, whenever it is practicable and needed,
13 such investigation shall include a physical and mental
14 examination of the defendant.

15 217.762. 1. Prior to sentencing any defendant convicted of
16 a felony which resulted in serious physical injury or death to
17 the victim, a presentence investigation shall be conducted by the
18 [board] division of probation and parole to be considered by the
19 court, unless the court orders otherwise.

20 2. The presentence investigation shall include a victim
21 impact statement if the defendant caused physical, psychological,
22 or economic injury to the victim.

23 3. If the court does not order a presentence investigation,
24 the prosecuting attorney may prepare a victim impact statement to
25 be submitted to the court. The court shall consider the victim
26 impact statement in determining the appropriate sentence, and in
27 entering any order of restitution to the victim.

28 4. A victim impact statement shall:

- 1 (1) Identify the victim of the offense;
- 2 (2) Itemize any economic loss suffered by the victim as a
3 result of the offense;
- 4 (3) Identify any physical injury suffered by the victim as
5 a result of the offense, along with its seriousness and
6 permanence;
- 7 (4) Describe any change in the victim's personal welfare or
8 familial relationships as a result of the offense;
- 9 (5) Identify any request for psychological services
10 initiated by the victim or the victim's family as a result of the
11 offense; and
- 12 (6) Contain any other information related to the impact of
13 the offense upon the victim that the court requires.

14 217.777. 1. The department shall administer a community
15 corrections program to encourage the establishment of local
16 sentencing alternatives for offenders to:

- 17 (1) Promote accountability of offenders to crime victims,
18 local communities and the state by providing increased
19 opportunities for offenders to make restitution to victims of
20 crime through financial reimbursement or community service;
- 21 (2) Ensure that victims of crime are included in meaningful
22 ways in Missouri's response to crime;
- 23 (3) Provide structured opportunities for local communities
24 to determine effective local sentencing options to assure that
25 individual community programs are specifically designed to meet
26 local needs;
- 27 (4) Reduce the cost of punishment, supervision and
28 treatment significantly below the annual per-offender cost of

1 confinement within the traditional prison system; [and]

2 (5) Utilize community supervision centers to effectively
3 respond to violations and prevent revocations; and

4 (6) Improve public confidence in the criminal justice
5 system by involving the public in the development of
6 community-based sentencing options for eligible offenders.

7 2. The program shall be designed to implement and operate
8 community-based restorative justice projects including, but not
9 limited to: preventive or diversionary programs, community-based
10 intensive probation and parole services, community-based
11 treatment centers, day reporting centers, and the operation of
12 facilities for the detention, confinement, care and treatment of
13 adults under the purview of this chapter.

14 3. The department shall promulgate rules and regulations
15 for operation of the program established pursuant to this section
16 as provided for in section 217.040 and chapter 536.

17 4. Any proposed program or strategy created pursuant to
18 this section shall be developed after identification of a need in
19 the community for such programs, through consultation with
20 representatives of the general public, judiciary, law enforcement
21 and defense and prosecution bar.

22 5. In communities where local volunteer community boards
23 are established at the request of the court, the following
24 guidelines apply:

25 (1) The department shall provide a program of training to
26 eligible volunteers and develop specific conditions of a
27 probation program and conditions of probation for offenders
28 referred to it by the court. Such conditions, as established by

1 the community boards and the department, may include compensation
2 and restitution to the community and the victim by fines, fees,
3 day fines, victim-offender mediation, participation in victim
4 impact panels, community service, or a combination of the
5 aforementioned conditions;

6 (2) The term of probation shall not exceed five years and
7 may be concluded by the court when conditions imposed are met to
8 the satisfaction of the local volunteer community board.

9 6. The department may staff programs created pursuant to
10 this section with employees of the department or may contract
11 with other public or private agencies for delivery of services as
12 otherwise provided by law.

13 217.810. 1. The governor is hereby authorized and directed
14 to enter into the interstate compact for the supervision of
15 parolees and probationers on behalf of the state of Missouri with
16 the commonwealth of Puerto Rico, the Virgin Islands, the District
17 of Columbia and any and all other states of the United States
18 legally joining therein and pursuant to the provisions of an act
19 of the Congress of the United States of America granting the
20 consent of Congress to the commonwealth of Puerto Rico, the
21 Virgin Islands, the District of Columbia and any two or more
22 states to enter into agreements or compacts for cooperative
23 effort and mutual assistance in the prevention of crime and for
24 other purposes, which compact shall have as its objective the
25 permitting of persons placed on probation or released on parole
26 to reside in any other state signatory to the compact assuming
27 the duties of visitation and supervision over such probationers
28 and parolees; permitting the extradition and transportation

1 without interference of prisoners, being retaken, through any and
2 all states signatory to the compact under such terms, conditions,
3 rules and regulations, and for such duration as in the opinion of
4 the governor of this state shall be necessary and proper and in a
5 form substantially as contained in subsection 2 of this section.
6 The chairman of the board shall administer the compact for the
7 state.

8 2. INTERSTATE COMPACT FOR THE
9 SUPERVISION OF PAROLEES AND PROBATIONERS

10 This compact shall be entered into by and among the
11 contracting states, signatories hereto, with the consent of the
12 Congress of the United States of America, granted by an act
13 entitled "An act granting the consent of Congress to any two or
14 more states to enter into agreements or compacts for cooperative
15 effort and mutual assistance in the prevention of crime and for
16 other purposes."

17 The contracting states solemnly agree:

18 (1) That it shall be competent for the duly constituted
19 judicial and administrative authorities of a state party to this
20 compact (herein called "sending state") to permit any person
21 convicted of an offense within such state and placed on probation
22 or released on parole to reside in any other state party to this
23 compact (herein called "receiving state"), while on probation or
24 parole, if

25 (a) Such a person is in fact a resident of or has his
26 family residing within the receiving state and can obtain
27 employment there;

28 (b) Though not a resident of the receiving state and not

1 having his family residing there, the receiving state consents to
2 such person being sent there.

3 Before granting such permission, opportunity shall be
4 granted to the receiving state to investigate the home and
5 prospective employment of such person.

6 A resident of the receiving state, within the meaning of
7 this section, is one who has been an actual inhabitant of such
8 state continuously for more than one year prior to his coming to
9 the sending state and has not resided within the sending state
10 more than six continuous months immediately preceding the
11 commission of the offense for which he has been convicted.

12 (2) The receiving state shall assume the duties of
13 visitation and supervision over probationers or parolees of any
14 sending state transferred under the compact and will apply the
15 same standards of supervision that prevail for its own
16 probationers and parolees.

17 (3) That duly accredited officers of a sending state may at
18 all times enter a receiving state and there apprehend and retake
19 any person on probation or parole. For that purpose no
20 formalities will be required other than establishing the
21 authority of the officer and the identity of the person to be
22 retaken. All legal requirements to obtain extradition of
23 fugitives from justice are hereby expressly waived on the part of
24 states party hereto, as to such persons. The decision of the
25 sending state to retake a person on probation or parole shall be
26 conclusive upon and not reviewable within the receiving state.
27 Provided, however, that if at the time when a state seeks to
28 retake a probationer or parolee there should be pending against

1 him within the receiving state any criminal charge, or he should
2 be suspected of having committed within such state a criminal
3 offense, he shall not be retaken without the consent of the
4 receiving state until discharged from prosecution or from
5 imprisonment for such offense.

6 (4) That the duly accredited officers of the sending state
7 will be permitted to transport prisoners being retaken through
8 any and all states parties to this compact, without interference.

9 (5) Each state may designate an officer who, acting jointly
10 with like officers of other contracting states shall promulgate
11 such rules and regulations as may be deemed necessary to more
12 effectively carry out the terms of this compact.

13 (6) That this compact shall become operative immediately
14 upon its execution by any state as between it and any other state
15 or states so executing. When executed it shall have the full
16 force and effect of law within such state, the form of execution
17 to be in accordance with the laws of the executing state.

18 (7) That this compact shall continue in force and remain
19 binding upon each executing state until renounced by it. The
20 duties and obligations hereunder of a renouncing state shall
21 continue as to parolees or probationers residing therein at the
22 time of withdrawal until retaken or finally discharged by the
23 sending state. Renunciation of this compact shall be by the same
24 authority which executed it, by sending six months' notice in
25 writing of its intention to withdraw from the compact to the
26 other states party hereto.

27 3. If any section, sentence, subdivision or clause within
28 subsection 2 of this section is for any reason held invalid or to

1 be unconstitutional, such decision shall not affect the validity
2 of the remaining provisions of that subsection or this section.

3 4. All necessary and proper expenses accruing as a result
4 of a person being returned to this state by order of a court or
5 the parole board [of probation and parole] shall be paid by the
6 state as provided in section 548.241 or 548.243.

7 221.050. Persons confined in jails shall be separated and
8 confined according to sex. Persons confined under civil process
9 or for civil causes shall be kept separate from criminals.

10 Nothing in this section shall be construed to prohibit the
11 housing of persons on probation or parole with offenders or
12 persons being held on criminal charges.

13 221.105. 1. The governing body of any county and of any
14 city not within a county shall fix the amount to be expended for
15 the cost of incarceration of prisoners confined in jails or
16 medium security institutions. The per diem cost of incarceration
17 of these prisoners chargeable by the law to the state shall be
18 determined, subject to the review and approval of the department
19 of corrections.

20 2. When the final determination of any criminal prosecution
21 shall be such as to render the state liable for costs under
22 existing laws, it shall be the duty of the sheriff to certify to
23 the clerk of the circuit court or court of common pleas in which
24 the case was determined the total number of days any prisoner who
25 was a party in such case remained in the county jail. It shall
26 be the duty of the county commission to supply the cost per diem
27 for county prisons to the clerk of the circuit court on the first
28 day of each year, and thereafter whenever the amount may be

1 changed. It shall then be the duty of the clerk of the court in
2 which the case was determined to include in the bill of cost
3 against the state all fees which are properly chargeable to the
4 state. In any city not within a county it shall be the duty of
5 the superintendent of any facility boarding prisoners to certify
6 to the chief executive officer of such city not within a county
7 the total number of days any prisoner who was a party in such
8 case remained in such facility. It shall be the duty of the
9 superintendents of such facilities to supply the cost per diem to
10 the chief executive officer on the first day of each year, and
11 thereafter whenever the amount may be changed. It shall be the
12 duty of the chief executive officer to bill the state all fees
13 for boarding such prisoners which are properly chargeable to the
14 state. The chief executive may by notification to the department
15 of corrections delegate such responsibility to another duly sworn
16 official of such city not within a county. The clerk of the
17 court of any city not within a county shall not include such fees
18 in the bill of costs chargeable to the state. The department of
19 corrections shall revise its criminal cost manual in accordance
20 with this provision.

21 3. Except as provided under subsection 6 of section
22 217.718, the actual costs chargeable to the state, including
23 those incurred for a prisoner who is incarcerated in the county
24 jail because the prisoner's parole or probation has been revoked
25 or because the prisoner has, or allegedly has, violated any
26 condition of the prisoner's parole or probation, and such parole
27 or probation is a consequence of a violation of a state statute,
28 or the prisoner is a fugitive from the Missouri department of

1 corrections or otherwise held at the request of the Missouri
2 department of corrections regardless of whether or not a warrant
3 has been issued shall be the actual cost of incarceration not to
4 exceed:

5 (1) Until July 1, 1996, seventeen dollars per day per
6 prisoner;

7 (2) On and after July 1, 1996, twenty dollars per day per
8 prisoner;

9 (3) On and after July 1, 1997, up to thirty-seven dollars
10 and fifty cents per day per prisoner, subject to appropriations,
11 but not less than the amount appropriated in the previous fiscal
12 year.

13 4. The presiding judge of a judicial circuit may propose
14 expenses to be reimbursable by the state on behalf of one or more
15 of the counties in that circuit. Proposed reimbursable expenses
16 may include pretrial assessment and supervision strategies for
17 defendants who are ultimately eligible for state incarceration.
18 A county may not receive more than its share of the amount
19 appropriated in the previous fiscal year, inclusive of expenses
20 proposed by the presiding judge. Any county shall convey such
21 proposal to the department, and any such proposal presented by a
22 presiding judge shall include the documented agreement with the
23 proposal by the county governing body, prosecuting attorney, at
24 least one associate circuit judge, and the officer of the county
25 responsible for custody or incarceration of prisoners of the
26 county represented in the proposal. Any county that declines to
27 convey a proposal to the department, pursuant to the provisions
28 of this subsection, shall receive its per diem cost of

1 incarceration for all prisoners chargeable to the state in
2 accordance with the provisions of subsections 1, 2, and 3 of this
3 section.

4 260.391. 1. There is hereby created in the state treasury
5 a fund to be known as the "Hazardous Waste Fund". All funds
6 received from hazardous waste permit and license fees, generator
7 fees or taxes, penalties, or interest assessed on those fees or
8 taxes, taxes collected by contract hazardous waste landfill
9 operators, general revenue, federal funds, gifts, bequests,
10 donations, or any other moneys so designated shall be paid to the
11 director of revenue and deposited in the state treasury to the
12 credit of the hazardous waste fund. The hazardous waste fund,
13 subject to appropriation by the general assembly, shall be used
14 by the department as provided by appropriations and consistent
15 with rules and regulations established by the hazardous waste
16 management commission for the purpose of carrying out the
17 provisions of sections 260.350 to 260.430 and sections 319.100 to
18 319.127, and 319.137, and 319.139 for the management of hazardous
19 waste, responses to hazardous substance releases as provided in
20 sections 260.500 to 260.550, corrective actions at regulated
21 facilities and illegal hazardous waste sites, prevention of leaks
22 from underground storage tanks and response to petroleum releases
23 from underground and aboveground storage tanks and other related
24 activities required to carry out provisions of sections 260.350
25 to 260.575 and sections 319.100 to 319.127, and for payments to
26 other state agencies for such services consistent with sections
27 260.350 to 260.575 and sections 319.100 to 319.139 upon proper
28 warrant issued by the commissioner of administration, and for any

1 other expenditures which are not covered pursuant to the federal
2 Comprehensive Environmental Response, Compensation and Liability
3 Act of 1980, including but not limited to the following purposes:

4 (1) Administrative services as appropriate and necessary
5 for the identification, assessment and cleanup of abandoned or
6 uncontrolled sites pursuant to sections 260.435 to 260.550;

7 (2) Payments to other state agencies for such services
8 consistent with sections 260.435 to 260.550, upon proper warrant
9 issued by the commissioner of administration, including, but not
10 limited to, the department of health and senior services for the
11 purpose of conducting health studies of persons exposed to waste
12 from an uncontrolled or abandoned hazardous waste site or exposed
13 to the release of any hazardous substance as defined in section
14 260.500;

15 (3) Acquisition of property as provided in section 260.420;

16 (4) The study of the development of a hazardous waste
17 facility in Missouri as authorized in section 260.037;

18 (5) Financing the nonfederal share of the cost of cleanup
19 and site remediation activities as well as postclosure operation
20 and maintenance costs, pursuant to the federal Comprehensive
21 Environmental Response, Compensation and Liability Act of 1980;
22 [and]

23 (6) Reimbursement of owners or operators who accept waste
24 pursuant to departmental orders pursuant to subdivision (2) of
25 subsection 1 of section 260.420; and

26 (7) Transfer of funds, upon appropriation, into the
27 radioactive waste investigation fund in section 260.558.

28 2. The unexpended balance in the hazardous waste fund at

1 the end of each fiscal year shall not be transferred to the
2 general revenue fund of the state treasurer, except as directed
3 by the general assembly by appropriation, and shall be invested
4 to generate income to the fund. The provisions of section 33.080
5 relating to the transfer of funds to the general revenue fund of
6 the state by the state treasurer shall not apply to the hazardous
7 waste fund.

8 3. There is hereby created within the hazardous waste fund
9 a subaccount known as the "Hazardous Waste Facility Inspection
10 Subaccount". All funds received from hazardous waste facility
11 inspection fees shall be paid to the director of revenue and
12 deposited in the state treasury to the credit of the hazardous
13 waste facility inspection subaccount. Moneys from such
14 subaccount shall be used by the department for conducting
15 inspections at facilities that are permitted or are required to
16 be permitted as hazardous waste facilities by the department.

17 4. The fund balance remaining in the hazardous waste
18 remedial fund shall be transferred to the hazardous waste fund
19 created in this section.

20 5. No moneys shall be available from the fund for abandoned
21 site cleanup unless the director has made all reasonable efforts
22 to secure voluntary agreement to pay the costs of necessary
23 remedial actions from owners or operators of abandoned or
24 uncontrolled hazardous waste sites or other responsible persons.

25 6. The director shall make all reasonable efforts to
26 recover the full amount of any funds expended from the fund for
27 cleanup through litigation or cooperative agreements with
28 responsible persons. All moneys recovered or reimbursed pursuant

1 to this section through voluntary agreements or court orders
2 shall be deposited to the hazardous waste fund created herein.

3 7. In addition to revenue from all licenses, taxes, fees,
4 penalties, and interest, specified in subsection 1 of this
5 section, the department shall request an annual appropriation of
6 general revenue equal to any state match obligation to the U.S.
7 Environmental Protection Agency for cleanup performed pursuant to
8 the authority of the Comprehensive Environmental Response,
9 Compensation and Liability Act of 1980.

10 260.558. 1. There is hereby created in the state treasury
11 the "Radioactive Waste Investigation Fund". The state treasurer
12 shall be custodian of the fund. In accordance with sections
13 30.170 and 30.180, the state treasurer may approve disbursements.
14 The fund shall be a dedicated fund and, upon appropriation,
15 moneys in the fund shall be used solely by the department of
16 natural resources to investigate concerns of exposure to
17 radioactive waste. Upon written request by a local governing
18 body expressing concerns of radioactive waste contamination, the
19 department of natural resources shall use moneys in the
20 radioactive waste investigation fund to investigate and collect
21 soil and dust samples using sound scientific methods. This work
22 shall be performed by applicable federal or state agencies or by
23 a department-approved engineering firm. In conducting an
24 investigation under this section, the department shall work with
25 the applicable government agency or approved engineering firm, as
26 well as local officials, in the development of a testing plan to
27 determine if conditions in the testing location exceed federal
28 standards for remedial action due to contamination. The

1 department shall collect at least five hundred soil samples
2 within a one-mile radius of the potentially contaminated area.
3 Within a residential area, this plan may include dust samples
4 collected inside residential homes after obtaining permission
5 from the homeowners. The department shall, through a competitive
6 bidding process, enter into a contract with an entity to conduct
7 the testing of such samples. The testing of such samples shall
8 be limited to an analysis of the top three isotopes most likely
9 to be present in the samples. The department shall report the
10 results to the attorney general and the local governing body that
11 requested the investigation, and make the testing results
12 publicly available on the department's website within thirty
13 days.

14 2. The transfer to the fund shall not exceed one hundred
15 fifty thousand dollars per fiscal year. Any moneys remaining in
16 the fund at the end of the biennium shall revert to the credit of
17 the hazardous waste fund.

18 3. The state treasurer shall invest moneys in the fund in
19 the same manner as other funds are invested. Any interest and
20 moneys earned on such investments shall be credited to the fund.

21 292.606. 1. Fees shall be collected for a period of six
22 years from August 28, [2012] 2018.

23 2. (1) Any employer required to report under subsection 1
24 of section 292.605, except local governments and family-owned
25 farm operations, shall submit an annual fee to the commission of
26 one hundred dollars along with the Tier II form. Owners or
27 operators of petroleum retail facilities shall pay a fee of no
28 more than fifty dollars for each such facility. Any person, firm

1 or corporation selling, delivering or transporting petroleum or
2 petroleum products and whose primary business deals with
3 petroleum products or who is covered by the provisions of chapter
4 323, if such person, firm or corporation is paying fees under the
5 provisions of the federal hazardous materials transportation
6 registration and fee assessment program, shall deduct such
7 federal fees from those fees owed to the state under the
8 provisions of this subsection. If the federal fees exceed or are
9 equal to what would otherwise be owed under this subsection, such
10 employer shall not be liable for state fees under this
11 subsection. In relation to petroleum products "primary business"
12 shall mean that the person, firm or corporation shall earn more
13 than fifty percent of hazardous chemical revenues from the sale,
14 delivery or transport of petroleum products. For the purpose of
15 calculating fees, all grades of gasoline are considered to be one
16 product, all grades of heating oils, diesel fuels, kerosenes,
17 naphthas, aviation turbine fuel, and all other heavy distillate
18 products except for grades of gasoline are considered to be one
19 product, and all varieties of motor lubricating oil are
20 considered to be one product. For the purposes of this section
21 "facility" shall mean all buildings, equipment, structures and
22 other stationary items that are located on a single site or on
23 contiguous or adjacent sites and which are owned or operated by
24 the same person. If more than three hazardous substances or
25 mixtures are reported on the Tier II form, the employer shall
26 submit an additional twenty dollar fee for each hazardous
27 substance or mixture. Fees collected under this subdivision
28 shall be for each hazardous chemical on hand at any one time in

1 excess of ten thousand pounds or for extremely hazardous
2 substances on hand at any one time in excess of five hundred
3 pounds or the threshold planning quantity, whichever is less, or
4 for explosives or blasting agents on hand at any one time in
5 excess of one hundred pounds. However, no employer shall pay
6 more than ten thousand dollars per year in fees. Moneys acquired
7 through litigation and any administrative fees paid pursuant to
8 subsection 3 of this section shall not be applied toward this
9 cap.

10 (2) Employers engaged in transporting hazardous materials
11 by pipeline except local gas distribution companies regulated by
12 the Missouri public service commission shall pay to the
13 commission a fee of two hundred fifty dollars for each county in
14 which they operate.

15 (3) Payment of fees is due each year by March first. A
16 late fee of ten percent of the total owed, plus one percent per
17 month of the total, may be assessed by the commission.

18 (4) If, on March first of each year, fees collected under
19 this section and natural resources damages made available
20 pursuant to section 640.235 exceed one million dollars, any
21 excess over one million dollars shall be proportionately credited
22 to fees payable in the succeeding year by each employer who was
23 required to pay a fee and who did pay a fee in the year in which
24 the excess occurred. The limit of one million dollars contained
25 herein shall be reviewed by the commission concurrent with the
26 review of fees as required in subsection 1 of this section.

27 3. Beginning January 1, 2013, any employer filing its Tier
28 II form pursuant to subsection 1 of section 292.605 may request

1 that the commission distribute that employer's Tier II report to
2 the local emergency planning committees and fire departments
3 listed in its Tier II report. Any employer opting to have the
4 commission distribute its Tier II report shall pay an additional
5 fee of ten dollars for each facility listed in the report at the
6 time of filing to recoup the commission's distribution costs.
7 Fees shall be deposited in the chemical emergency preparedness
8 fund established under section 292.607. An employer who pays the
9 additional fee and whose Tier II report includes all local
10 emergency planning committees and fire departments required to be
11 notified under subsection 1 of section 292.605 shall satisfy the
12 reporting requirements of subsection 1 of section 292.605. The
13 commission shall develop a mechanism for an employer to exercise
14 its option to have the commission distribute its Tier II report.

15 4. Local emergency planning committees receiving funds
16 under section 292.604 shall coordinate with the commission and
17 the department in chemical emergency planning, training,
18 preparedness, and response activities. Local emergency planning
19 committees receiving funds under this section, section 260.394,
20 sections 292.602, 292.604, 292.605, 292.615 and section 640.235
21 shall provide to the commission an annual report of expenditures
22 and activities.

23 5. Fees collected by the department and all funds provided
24 to local emergency planning committees shall be used for chemical
25 emergency preparedness purposes as outlined in sections 292.600
26 to 292.625 and the federal act, including contingency planning
27 for chemical releases; exercising, evaluating, and distributing
28 plans, providing training related to chemical emergency

1 preparedness and prevention of chemical accidents; identifying
2 facilities required to report; processing the information
3 submitted by facilities and making it available to the public;
4 receiving and handling emergency notifications of chemical
5 releases; operating a local emergency planning committee; and
6 providing public notice of chemical preparedness activities.
7 Local emergency planning committees receiving funds under this
8 section may combine such funds with other local emergency
9 planning committees to further the purposes of sections 292.600
10 to 292.625, or the federal act.

11 6. The commission shall establish criteria and guidance on
12 how funds received by local emergency planning committees may be
13 used.

14 302.025. All driver training programs offered within this
15 state shall include instruction concerning law enforcement
16 procedures for traffic stops, including a demonstration of the
17 proper actions to be taken during a traffic stop and appropriate
18 interactions with law enforcement. Such programs shall also
19 present enrollees with the information provided by the department
20 of revenue pursuant to section 302.176. As used in this section,
21 "driver training programs" shall include private drivers'
22 education programs and driver training programs taught by an
23 instructor holding a valid driver education endorsement on a
24 teaching certificate issued by the state department of elementary
25 and secondary education.

26 302.176. 1. Upon successful completion of the requirements
27 of this chapter to obtain a driver's license, all first-time
28 licensees in this state shall receive information from the

1 department of revenue relating to:

2 (1) The dangers of operating a motor vehicle while in an
3 intoxicated or drugged condition;

4 (2) Law enforcement procedures for traffic stops, the
5 proper actions to be taken during a traffic stop, and appropriate
6 interactions with law enforcement; and

7 (3) A description of drivers' and passengers'
8 constitutional and other legal rights as they relate to a traffic
9 stop, including but not limited to, searches and seizures, the
10 right to remain silent, and the right to an attorney.

11 2. The director of revenue shall, in consultation with the
12 superintendent of the Missouri state highway patrol and attorney
13 general of this state, promulgate rules and regulations to
14 administer the provisions of this section. Any rule or portion
15 of a rule, as that term is defined in section 536.010 that is
16 created under the authority delegated in this section shall
17 become effective only if it complies with and is subject to all
18 of the provisions of chapter 536, and, if applicable, section
19 536.028. This section and chapter 536 are nonseverable and if
20 any of the powers vested with the general assembly pursuant to
21 chapter 536, to review, to delay the effective date, or to
22 disapprove and annul a rule are subsequently held
23 unconstitutional, then the grant of rulemaking authority and any
24 rule proposed or adopted after August 28, 2018, shall be invalid
25 and void.

26 306.030. 1. The owner of each vessel requiring numbering
27 by this state shall file an application for number with the
28 department of revenue on forms provided by it. The application

1 shall contain a full description of the vessel, factory number or
2 serial number, together with a statement of the applicant's
3 source of title and of any liens or encumbrances on the vessel.
4 For good cause shown the director of revenue may extend the
5 period of time for making such application. The director of
6 revenue shall use reasonable diligence in ascertaining whether
7 the facts stated in such application are true, and, if satisfied
8 that the applicant is the lawful owner of such vessel, or
9 otherwise entitled to have the same registered in his or her
10 name, shall thereupon issue an appropriate certificate of title
11 over the director's signature and sealed with the seal of the
12 director's office, procured and used for such purpose, and a
13 certificate of number stating the number awarded to the vessel.
14 The application shall include a provision stating that the
15 applicant will consent to any inspection necessary to determine
16 compliance with the provisions of this chapter and shall be
17 signed by the owner of the vessel and shall be accompanied by the
18 fee specified in subsection 10 of this section. The owner shall
19 paint on or attach to each side of the bow of the vessel the
20 identification number in a manner as may be prescribed by rules
21 and regulations of the division of water safety in order that it
22 may be clearly visible. The number shall be maintained in
23 legible condition. The certificate of number shall be pocket
24 size and shall be available at all times for inspection on the
25 vessel for which issued, whenever the vessel is in operation.
26 The operator of a vessel in which such certificate of number is
27 not available for inspection by the water patrol division or, if
28 the operator cannot be determined, the person who is the

1 registered owner of the vessel shall be subject to the penalties
2 provided in section 306.210. Vessels owned by the state or a
3 political subdivision shall be registered but no fee shall be
4 assessed for such registration.

5 2. Each new vessel sold in this state after January 1,
6 1970, shall have die stamped on or within three feet of the
7 transom or stern a factory number or serial number.

8 3. The owner of any vessel already covered by a number in
9 full force and effect which has been awarded to it pursuant to
10 then operative federal law or a federally approved numbering
11 system of another state shall record the number prior to
12 operating the vessel on the waters of this state in excess of the
13 sixty-day reciprocity period provided for in section 306.080.
14 The recordation and payment of registration fee shall be in the
15 manner and pursuant to the procedure required for the award of a
16 number under subsection 1 of this section. No additional or
17 substitute number shall be issued unless the number is a
18 duplicate of an existing Missouri number.

19 4. In the event that an agency of the United States
20 government shall have in force an overall system of
21 identification numbering for vessels within the United States,
22 the numbering system employed pursuant to this chapter by the
23 department of revenue shall be in conformity therewith.

24 5. All records of the department of revenue made and kept
25 pursuant to this section shall be public records.

26 6. Every certificate of number awarded pursuant to this
27 chapter shall continue in force and effect for a period of three
28 years unless sooner terminated or discontinued in accordance with

1 the provisions of this chapter.

2 Certificates of number may be renewed by the owner in the same
3 manner provided for in the initial securing of the same or in
4 accordance with the provisions of sections 306.010 to 306.030.

5 7. The department of revenue shall fix the days and months
6 of the year on which certificates of number due to expire during
7 the calendar year shall lapse and no longer be of any force and
8 effect unless renewed pursuant to this chapter and may stagger
9 such dates in order to distribute the workload.

10 8. When applying for or renewing a vessel's certificate of
11 number, the owner shall submit a paid personal property tax
12 receipt for the tax year which immediately precedes the year in
13 which the application is made or the year in which the renewal is
14 due and which reflects that the vessel being renewed is listed as
15 personal property and that all personal property taxes, including
16 delinquent taxes from prior years, have been paid, or a statement
17 certified by the county or township in which the owner's property
18 was assessed showing that the state and county tangible personal
19 property taxes for such previous tax year and all delinquent
20 taxes due have been paid by the applicant or that no such taxes
21 were due.

22 9. When applying for or renewing a certificate of
23 registration for a vessel documented with the United States Coast
24 Guard under section 306.016, owners of vessels shall submit a
25 paid personal property tax receipt for the tax year which
26 immediately precedes the year in which the application is made or
27 the renewal is due and which reflects that the vessel is listed
28 as personal property and that all personal property taxes,

1 including delinquent taxes from prior years, have been paid, or a
2 statement certified by the county or township in which the
3 owner's property was assessed showing that the state and county
4 tangible personal property taxes for such previous tax year and
5 all delinquent taxes due have been paid by the applicant or that
6 no such taxes were due. 10. The fee to accompany each

7 application for a certificate of number is:

8 For vessels under 16 feet in length..	\$25.00
9 For vessels at least 16 feet in length but less than 26 feet in 10 length..	\$55.00
11 For vessels at least 26 feet in length but less than 40 feet in 12 length..	\$100.00
13 For vessels at least 40 feet and over..	\$150.00

14 11. The certificate of title and certificate of number
15 issued by the director of revenue shall be manufactured in a
16 manner to prohibit as nearly as possible the ability to alter,
17 counterfeit, duplicate, or forge such certificate without ready
18 detection.

19 12. For fiscal years ending before July 1, 2019, the first
20 two million dollars collected annually under the provisions of
21 this section shall be deposited into the state general revenue
22 fund. All fees collected under the provisions of this section in
23 excess of two million dollars annually shall be deposited in the
24 water patrol division fund and shall be used exclusively for the
25 water patrol division.

26 13. Beginning July 1, 2019, the first one million dollars
27 collected annually under the provisions of this section shall be
28 deposited into the state general revenue fund. All fees

1 collected under the provisions of this section in excess of one
2 million dollars annually shall be deposited in the water patrol
3 division fund and shall be used exclusively for the water patrol
4 division.

5 14. Notwithstanding the provisions of subsection 10 of this
6 section, vessels at least sixteen feet in length but less than
7 twenty-eight feet in length, that are homemade, constructed out
8 of wood, and have a beam of five feet or less, shall pay a fee of
9 fifty-five dollars which shall accompany each application for a
10 certification number.

11 306.126. 1. The operator of a motorboat shall not allow
12 any person to ride or sit on the gunwales, decking over the bow,
13 railing, top of seat back or decking over the back of the
14 motorboat while under way, unless such person is inboard of
15 adequate guards or railing provided on the motorboat to prevent a
16 passenger from being lost overboard. As used in this section,
17 the term "adequate guards or railing" means guards or railings
18 having a height parameter of at least six inches but not more
19 than eighteen inches. Nothing in this section shall be construed
20 to mean that passengers or other persons aboard a motorboat
21 cannot occupy the decking over the bow of the boat to moor it to
22 a mooring buoy or to cast off from such a buoy, or for any other
23 necessary purpose. The provisions of this section shall not
24 apply to vessels propelled by sail or vessels propelled by jet
25 motors or propellers operating on a stretch of waterway not
26 created or widened by impoundment.

27 2. Whenever any person leaves any watercraft, other than a
28 personal watercraft, on the waters of the Mississippi River, the

1 waters of the Missouri River or the lakes of this state and
2 enters the water between the hours of 11:00 a.m. and sunset, the
3 operator of such watercraft shall display on the watercraft a red
4 or orange flag measuring not less than twelve inches by twelve
5 inches. The provisions of this subsection shall not apply to
6 watercraft that is moored or anchored. The flag required by this
7 subsection shall be visible for three hundred sixty degrees
8 around the horizon when displayed and shall be displayed only
9 when an occupant of the watercraft has left the confines of the
10 watercraft and entered the water. The flag required by this
11 subsection shall not be displayed when the watercraft is engaged
12 in towing any person, but shall be displayed when such person has
13 ceased being towed and has reentered the water.

14 3. No operator shall knowingly operate any watercraft
15 within fifty yards of a flag required by subsection 2 of this
16 section at a speed in excess of a slow-no wake speed.

17 414.032. 1. All kerosene, diesel fuel, heating oil,
18 aviation turbine fuel, gasoline, gasoline-alcohol blends and
19 other motor fuels shall meet the requirements in the annual book
20 of ASTM standards and supplements thereto. The director may
21 promulgate rules and regulations on the labeling, standards for,
22 and identity of motor fuels and heating oils.

23 2. The director may inspect gasoline, gasoline-alcohol
24 blends or other motor fuels to insure that these fuels conform to
25 advertised grade and octane. In no event shall the penalty for a
26 first violation of this section exceed a written reprimand.

27 3. The director may waive specific requirements in this
28 section and in regulations promulgated according to this section,

1 or may establish temporary alternative requirements for fuels as
2 determined to be necessary in the event of an extreme and unusual
3 fuel supply circumstance as a result of a petroleum pipeline or
4 petroleum refinery equipment failure, emergency, or a natural
5 disaster as determined by the director for a specified period of
6 time. If any action is taken by the director under this section,
7 the director shall:

8 (1) Advise the U.S. Environmental Protection Agency of such
9 action;

10 (2) Review the action after thirty days; and

11 (3) Notify industry stakeholders of such action.

12 4. Any waiver issued or action taken under subsection 3 of
13 this section shall be as limited in scope and applicability as
14 necessary, and shall apply equally and uniformly to all persons
15 and companies in the impacted petroleum motor fuel supply and
16 distribution system, including but not limited to petroleum
17 producers, terminals, distributors, and retailers.

18 455.095. 1. For purposes of this section, the following
19 terms mean:

20 (1) "Electronic monitoring with victim notification", an
21 electronic monitoring system that has the capability to track and
22 monitor the movement of a person and immediately transmit the
23 monitored person's location to the protected person and the local
24 law enforcement agency with jurisdiction over the protected
25 premises through an appropriate means, including the telephone,
26 an electronic beeper, or paging device whenever the monitored
27 person enters the protected premises as specified in the order by
28 the court;

1 (2) "Informed consent", the protected person is given the
2 following information before consenting to participate in
3 electronic monitoring with victim notification:

4 (a) The protected person's right to refuse to participate
5 in such monitoring and the process for requesting the court to
6 terminate his or her participation after it has been ordered;

7 (b) The manner in which the electronic monitoring
8 technology functions and the risks and limitations of that
9 technology;

10 (c) The boundaries imposed on the person being monitored
11 during the electronic monitoring;

12 (d) The sanctions that the court may impose for violations
13 of the order issued by the court;

14 (e) The procedure that the protected person is to follow if
15 the monitored person violates an order or if the electronic
16 monitoring equipment fails;

17 (f) Identification of support services available to assist
18 the protected person in developing a safety plan to use if the
19 monitored person violates an order or if the electronic
20 monitoring equipment fails;

21 (g) Identification of community services available to
22 assist the protected person in obtaining shelter, counseling,
23 education, child care, legal representation, and other help in
24 addressing the consequences and effects of domestic violence; and

25 (h) The non-confidential nature of the protected person's
26 communications with the court concerning electronic monitoring
27 and the restrictions to be imposed upon the monitored person's
28 movements.

1 2. When a person is found guilty of violating the terms and
2 conditions of an ex parte or full order of protection under
3 sections 455.085 or 455.538, the court may, in addition to or in
4 lieu of any other disposition:

5 (1) Sentence the person to electronic monitoring with
6 victim notification; or

7 (2) Place the person on probation and, as a condition of
8 such probation, order electronic monitoring with victim
9 notification.

10 3. When a person charged with violating the terms and
11 conditions of an ex parte or full order of protection under
12 sections 455.085 or 455.538 is released from custody before trial
13 pursuant to section 544.455, the court may, as a condition of
14 release, order electronic monitoring of the person with victim
15 notification.

16 4. Electronic monitoring with victim notification shall be
17 ordered only with the protected person's informed consent. In
18 determining whether to place a person on electronic monitoring
19 with victim notification, the court may hold a hearing to
20 consider the likelihood that the person's participation in
21 electronic monitoring will deter the person from injuring the
22 protected person. The court shall consider the following
23 factors:

24 (1) The gravity and seriousness of harm that the person
25 inflicted on the protected person in the commission of any act of
26 domestic violence;

27 (2) The person's previous history of domestic violence;

28 (3) The person's history of other criminal acts, if any;

1 (4) Whether the person has access to a weapon;

2 (5) Whether the person has threatened suicide or homicide;

3 (6) Whether the person has a history of mental illness or
4 has been civilly committed; and

5 (7) Whether the person has a history of alcohol or
6 substance abuse.

7 5. Unless the person is determined to be indigent by the
8 court, a person ordered to be placed on electronic monitoring
9 with victim notification shall be ordered to pay the related
10 costs and expenses. If the court determines the person is
11 indigent, the person may be placed on electronic monitoring with
12 victim notification, and the clerk of the court in which the case
13 was determined shall notify the department of corrections that
14 the person was determined to be indigent and shall include in a
15 bill to the department the costs associated with the monitoring.
16 The department shall establish by rule a procedure to determine
17 the portion of costs each indigent person is able to pay based on
18 a person's income, number of dependents, and other factors as
19 determined by the department and shall seek reimbursement of such
20 costs.

21 6. An alert from an electronic monitoring device shall be
22 probable cause to arrest the monitored person for a violation of
23 an ex parte or full order of protection.

24 7. The department of corrections, department of public
25 safety, Missouri state highway patrol, the circuit courts, and
26 county and municipal law enforcement agencies shall share
27 information obtained via electronic monitoring conducted pursuant
28 to this section.

1 8. No supplier of a product, system, or service used for
2 electronic monitoring with victim notification shall be liable,
3 directly or indirectly, for damages arising from any injury or
4 death associated with the use of the product, system, or service
5 unless, and only to the extent that, such action is based on a
6 claim that the injury or death was proximately caused by a
7 manufacturing defect in the product or system.

8 9. Nothing in this section shall be construed as limiting a
9 court's ability to place a person on electronic monitoring
10 without victim notification under sections 544.455 or 557.011.

11 10. A person shall be found guilty of the offense of
12 tampering with electronic monitoring equipment under section
13 575.205 if he or she commits the actions prohibited under such
14 section with any equipment that a court orders the person to wear
15 under this section.

16 11. The department of corrections shall promulgate rules
17 and regulations for the implementation of subsection 5 of this
18 section. Any rule or portion of a rule, as that term is defined
19 in section 536.010 that is created under the authority delegated
20 in this section shall become effective only if it complies with
21 and is subject to all of the provisions of chapter 536, and, if
22 applicable, section 536.028. This section and chapter 536 are
23 nonseverable and if any of the powers vested with the general
24 assembly pursuant to chapter 536, to review, to delay the
25 effective date, or to disapprove and annul a rule are
26 subsequently held unconstitutional, then the grant of rulemaking
27 authority and any rule proposed or adopted after August 28, 2018,
28 shall be invalid and void.

1 12. The provisions of this section shall expire on August
2 28, 2024.

3 488.5320. 1. Sheriffs, county marshals or other officers
4 shall be allowed a charge for their services rendered in criminal
5 cases and in all proceedings for contempt or attachment, as
6 required by law, the sum of seventy-five dollars for each felony
7 case or contempt or attachment proceeding, ten dollars for each
8 misdemeanor case, and six dollars for each infraction, including
9 cases disposed of by a violations bureau established pursuant to
10 law or supreme court rule. Such charges shall be charged and
11 collected in the manner provided by sections 488.010 to 488.020
12 and shall be payable to the county treasury; except that, those
13 charges from cases disposed of by a violations bureau shall be
14 distributed as follows: one-half of the charges collected shall
15 be forwarded and deposited to the credit of the MODEX fund
16 established in subsection ~~[6]~~ 5 of this section for the
17 operational cost of the Missouri data exchange (MODEX) system,
18 and one-half of the charges collected shall be deposited to the
19 credit of the inmate security fund, established in section
20 488.5026, of the county or municipal political subdivision from
21 which the citation originated. If the county or municipal
22 political subdivision has not established an inmate security
23 fund, all of the funds shall be deposited in the MODEX fund.

24 2. [Notwithstanding subsection 1 of this section to the
25 contrary, sheriffs, county marshals, or other officers in any
26 county with a charter form of government and with more than nine
27 hundred fifty thousand inhabitants or in any city not within a
28 county shall not be allowed a charge for their services rendered

1 in cases disposed of by a violations bureau established pursuant
2 to law or supreme court rule.

3 3.] The sheriff receiving any charge pursuant to subsection
4 1 of this section shall reimburse the sheriff of any other county
5 or the City of St. Louis the sum of three dollars for each
6 pleading, writ, summons, order of court or other document served
7 in connection with the case or proceeding by the sheriff of the
8 other county or city, and return made thereof, to the maximum
9 amount of the total charge received pursuant to subsection 1 of
10 this section.

11 [4.] 3. The charges provided in subsection 1 of this
12 section shall be taxed as other costs in criminal proceedings
13 immediately upon a plea of guilty or a finding of guilt of any
14 defendant in any criminal procedure. The clerk shall tax all the
15 costs in the case against such defendant, which shall be
16 collected and disbursed as provided by sections 488.010 to
17 488.020; provided, that no such charge shall be collected in any
18 proceeding in any court when the proceeding or the defendant has
19 been dismissed by the court; provided further, that all costs,
20 incident to the issuing and serving of writs of scire facias and
21 of writs of fieri facias, and of attachments for witnesses of
22 defendant, shall in no case be paid by the state, but such costs
23 incurred under writs of fieri facias and scire facias shall be
24 paid by the defendant and such defendant's sureties, and costs
25 for attachments for witnesses shall be paid by such witnesses.

26 [5.] 4. Mileage shall be reimbursed to sheriffs, county
27 marshals and guards for all services rendered pursuant to this
28 section at the rate prescribed by the Internal Revenue Service

1 for allowable expenses for motor vehicle use expressed as an
2 amount per mile.

3 [6.] 5. (1) There is hereby created in the state treasury
4 the "MODEX Fund", which shall consist of money collected under
5 subsection 1 of this section. The fund shall be administered by
6 the peace officers standards and training commission established
7 in section 590.120. The state treasurer shall be custodian of
8 the fund. In accordance with sections 30.170 and 30.180, the
9 state treasurer may approve disbursements. The fund shall be a
10 dedicated fund and, upon appropriation, money in the fund shall
11 be used solely for the operational support and expansion of the
12 MODEX system.

13 (2) Notwithstanding the provisions of section 33.080 to the
14 contrary, any moneys remaining in the fund at the end of the
15 biennium shall not revert to the credit of the general revenue
16 fund.

17 (3) The state treasurer shall invest moneys in the fund in
18 the same manner as other funds are invested. Any interest and
19 moneys earned on such investments shall be credited to the fund.

20 513.653. 1. Law enforcement agencies involved in using the
21 federal forfeiture system under federal law shall file a report
22 regarding federal seizures and the proceeds therefrom. Such
23 report shall be filed annually by [January thirty-first] February
24 fifteenth for the previous calendar year with the [department of
25 public safety and the] state auditor's office. The report for
26 the calendar year shall [include the type and value of items
27 seized and turned over to the federal forfeiture system, the
28 beginning balance as of January first of federal forfeiture funds

1 or assets previously received and not expended or used, the
2 proceeds received from the federal government (the equitable
3 sharing amount), the expenditures resulting from the proceeds
4 received, and the ending balance as of December thirty-first of
5 federal forfeiture funds or assets on hand. The department of
6 public safety shall not issue funds to any law enforcement agency
7 that fails to comply with the provisions of this section] consist
8 of a copy of the federal form entitled "ACA Form - Equitable
9 Sharing Agreement and Certification" which is identical to the
10 form submitted in that year to the federal government.

11 2. [Intentional or knowing failure to comply with the
12 reporting requirement contained in this section shall be a class
13 A misdemeanor, punishable by a fine of up to one thousand
14 dollars.] Any law enforcement agency that intentionally or
15 knowingly fails to comply with the reporting requirement
16 contained in this section shall be ineligible to receive state or
17 federal funds which would otherwise be paid to such agency for
18 law enforcement, safety, or criminal justice purposes.

19 590.210. Notwithstanding any other provision of law, any
20 law enforcement agency in this state may supplement such agency's
21 workforce as necessary with qualified retired peace officers as
22 defined in subsection 12 of section 571.030 when a disaster or
23 emergency has been proclaimed by the governor or when there is a
24 national emergency. Retirees assisting law enforcement agencies
25 under the provisions of this section shall be in compliance with
26 the annual firearms training and qualification standards for
27 retired law enforcement officers carrying concealed firearms
28 established by the department of public safety under section

1 650.030. Any compensation awarded to retirees for service under
2 this section shall be paid by the law enforcement agency.

3 590.1040. 1. For purposes of this section, the following
4 terms mean:

5 (1) "Emergency services personnel", any employee or
6 volunteer of an emergency services provider who is engaged in
7 providing or supporting fire fighting, dispatching services, and
8 emergency medical services;

9 (2) "Emergency services provider", any public employer that
10 employs persons to provide fire fighting, dispatching services,
11 and emergency medical services;

12 (3) "Employee assistance program", a program established by
13 a law enforcement agency or emergency services provider to
14 provide professional counseling or support services to employees
15 of a law enforcement agency, emergency services provider, or a
16 professional mental health provider associated with a peer
17 support team;

18 (4) "Law enforcement agency", any public agency that
19 employs law enforcement personnel;

20 (5) "Law enforcement personnel", any person who by virtue
21 of office or public employment is vested by law with a duty to
22 maintain public order or to make arrests for violation of the
23 laws of the state of Missouri or ordinances of any municipality
24 thereof, or with a duty to maintain or assert custody or
25 supervision over persons accused or convicted of a crime, while
26 acting within the scope of his or her authority as an employee or
27 volunteer of a law enforcement agency;

28 (6) "Peer support counseling session", any session

1 conducted by a peer support specialist that is called or
2 requested in response to a critical incident or traumatic event
3 involving the personnel of the law enforcement agency or
4 emergency services provider;

5 (7) "Peer support specialist", a person who:

6 (a) Is designated by a law enforcement agency, emergency
7 services provider, employee assistance program, or peer support
8 team leader to lead, moderate, or assist in a peer support
9 counseling session;

10 (b) Is a member of a peer support team; and

11 (c) Has received training in counseling and providing
12 emotional and moral support to law enforcement officers or
13 emergency services personnel who have been involved in
14 emotionally traumatic incidents by reason of his or her
15 employment;

16 (8) "Peer support team", a group of peer support
17 specialists serving one or more law enforcement providers or
18 emergency services providers.

19 2. Any communication made by a participant or peer support
20 specialist in a peer support counseling session, and any oral or
21 written information conveyed in or as the result of a peer
22 support counseling session, are confidential and may not be
23 disclosed by any person participating in the peer support
24 counseling session.

25 3. Any communication relating to a peer support counseling
26 session that is made between peer support specialists, between
27 peer support specialists and the supervisors or staff of an
28 employee assistance program, or between the supervisors or staff

1 of an employee assistance program, is confidential and may not be
2 disclosed.

3 4. The provisions of this section shall apply only to peer
4 support counseling sessions conducted by a peer support
5 specialist.

6 5. The provisions of this section shall apply to all oral
7 communications, notes, records, and reports arising out of a peer
8 support counseling session. Any notes, records, or reports
9 arising out of a peer support counseling session shall not be
10 public records and shall not be subject to the provisions of
11 chapter 610. Nothing in this section limits the discovery or
12 introduction into evidence of knowledge acquired by any law
13 enforcement personnel or emergency services personnel from
14 observation made during the course of employment, or material or
15 information acquired during the course of employment, that is
16 otherwise subject to discovery or introduction into evidence.

17 6. The provisions of this section shall not apply to any:

18 (1) Threat of suicide or criminal act made by a participant
19 in a peer support counseling session, or any information conveyed
20 in a peer support counseling session relating to a threat of
21 suicide or criminal act;

22 (2) Information relating to abuse of spouses, children, or
23 the elderly, or other information that is required to be reported
24 by law;

25 (3) Admission of criminal conduct;

26 (4) Disclosure of testimony by a participant who received
27 peer support counseling services and expressly consented to such
28 disclosure; or

1 (5) Disclosure of testimony by the surviving spouse or
2 executor or administrator of the estate of a deceased participant
3 who received peer support counseling services and such surviving
4 spouse or executor or administrator expressly consented to such
5 disclosure.

6 7. The provisions of this section shall not prohibit any
7 communications between peer support specialists who conduct peer
8 support counseling sessions or any communications between peer
9 support specialists and the supervisors or staff of an employee
10 assistance program.

11 8. The provisions of this section shall not prohibit
12 communications regarding fitness of an employee for duty between
13 an employee assistance program and an employer.

14 595.010. 1. As used in sections 595.010 to 595.075, unless
15 the context requires otherwise, the following terms shall mean:

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

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

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

25 (4) "Counseling", problem-solving and support concerning
26 emotional issues that result from criminal victimization licensed
27 pursuant to section 595.030. Counseling is a confidential service
28 provided either on an individual basis or in a group. Counseling

1 has as a primary purpose to enhance, protect and restore a
2 person's sense of well-being and social functioning after
3 victimization. Counseling does not include victim advocacy
4 services such as crisis telephone counseling, attendance at
5 medical procedures, law enforcement interviews or criminal
6 justice proceedings;

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

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

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

26 (8) "Dependent", mother, father, spouse, spouse's mother,
27 spouse's father, child, grandchild, adopted child, illegitimate
28 child, niece or nephew, who is wholly or partially dependent for

1 support upon, and living with, but shall include children
2 entitled to child support but not living with, the victim at the
3 time of his injury or death due to a crime alleged in a claim
4 pursuant to sections 595.010 to 595.075;

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

9 (10) "Director", the director of public safety of this
10 state or a person designated by him for the purposes of sections
11 595.010 to 595.075;

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

18 (12) "Emergency service", those services provided [within
19 thirty days] to alleviate the immediate effects of the criminal
20 act or offense, and may include cash grants of not more than one
21 hundred dollars;

22 (13) "Earnings", net income or net wages;

23 (14) "Family", the spouse, parent, grandparent, stepmother,
24 stepfather, child, grandchild, brother, sister, half brother,
25 half sister, adopted children of parent, or spouse's parents;

26 (15) "Funeral expenses", the expenses of the funeral,
27 burial, cremation or other chosen method of interment, including
28 plot or tomb and other necessary incidents to the disposition of

1 the remains;

2 (16) "Gainful employment", engaging on a regular and
3 continuous basis, up to the date of the incident upon which the
4 claim is based, in a lawful activity from which a person derives
5 a livelihood;

6 (17) "Guardian", one appointed by a court to have the care
7 and custody of the person of a minor or of an incapacitated
8 person, including a limited guardian;

9 (18) "Hit and run", the crime of leaving the scene of a
10 motor vehicle accident as defined in section 577.060;

11 (19) "Incapacitated person", one who is unable by reason of
12 any physical or mental condition to receive and evaluate
13 information or to communicate decisions to such an extent that he
14 lacks capacity to meet essential requirements for food, clothing,
15 shelter, safety or other care such that serious physical injury,
16 illness, or disease is likely to occur, including a partially
17 incapacitated person who lacks the capacity to meet, in part,
18 such essential requirements;

19 (20) "Injured victim", a person:

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

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

26 (c) Killed or receiving a personal physical injury in this
27 state while assisting a law enforcement officer in the
28 apprehension of a person who the officer has reason to believe

1 has perpetrated or attempted a crime;

2 (21) "Law enforcement official", a sheriff and his regular
3 deputies, municipal police officer or member of the Missouri
4 state highway patrol and such other persons as may be designated
5 by law as peace officers;

6 (22) "Offender", a person who commits a crime;

7 (23) "Personal [physical] injury", [actual bodily harm only
8 with respect to the victim. Personal physical injury may include
9 mental or nervous shock] physical, emotional, or mental harm or
10 trauma resulting from the [specific incident] crime upon which
11 the claim is based;

12 (24) "Private agency", a not-for-profit corporation, in
13 good standing in this state, which provides services to victims
14 of crime and their dependents;

15 (25) "Public agency", a part of any local or state
16 government organization which provides services to victims of
17 crime;

18 (26) "Relative", the spouse of the victim or a person
19 related to the victim within the third degree of consanguinity or
20 affinity as calculated according to civil law;

21 (27) "Survivor", the spouse, parent, legal guardian,
22 grandparent, sibling or child of the deceased victim of the
23 victim's household at the time of the crime;

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

27 (29) "Victim advocacy", assisting the victim of a crime and
28 his dependents to acquire services from existing community

1 resources.

2 2. As used in [sections 565.024 and 565.060 and] sections
3 595.010 to 595.075, the term "alcohol-related traffic offense"
4 means those offenses defined by sections 577.001, 577.010, and
5 577.012, and any county or municipal ordinance which prohibits
6 operation of a motor vehicle while under the influence of
7 alcohol.

8 595.015. 1. The department of public safety shall,
9 pursuant to the provisions of sections 595.010 to 595.075, have
10 jurisdiction to determine and award compensation to, or on behalf
11 of, victims of crimes. In making such determinations and awards,
12 the department shall ensure the compensation sought is reasonable
13 and consistent with the limitations described in sections 595.010
14 to 595.075. Additionally, if compensation being sought includes
15 medical expenses, the department shall further ensure that such
16 expenses are medically necessary. The department of public
17 safety may pay directly to the provider of the services
18 compensation for medical or funeral expenses, or expenses for
19 other services as described in section 595.030, incurred by the
20 claimant. The department is not required to provide compensation
21 in any case, nor is it required to award the full amount claimed.
22 The department shall make its award of compensation based upon
23 independent verification obtained during its investigation.

24 2. Such claims shall be made by filing an application for
25 compensation with the department of public safety. The
26 application form shall be furnished by the department [and the
27 signature shall be notarized]. The application shall include:

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

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

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

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

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

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

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

18 (8) Releases authorizing the surrender to the department of
19 reports, documents and other information relating to the matters
20 specified under this section; and

21 (9) Such other information as the department determines is
22 necessary.

23 3. In addition to the application, the department may
24 require that the claimant submit materials substantiating the
25 facts stated in the application.

26 4. [If the department finds that an application does not
27 contain the required information or that the facts stated therein
28 have not been substantiated, it shall notify the claimant in

1 writing of the specific additional items of information or
2 materials required and that the claimant has thirty days from the
3 date of mailing in which to furnish those items to the
4 department. Unless a claimant requests and is granted an
5 extension of time by the department, the department shall reject
6 with prejudice the claim of the claimant for failure to file the
7 additional information or materials within the specified time.

8 5. The claimant may file an amended application or
9 additional substantiating materials to correct inadvertent errors
10 or omissions at any time before the department has completed its
11 consideration of the original application.

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

16 [7.] 5. Any state or local agency, including a prosecuting
17 attorney or law enforcement agency, shall make available without
18 cost to the fund all reports, files and other appropriate
19 information which the department requests in order to make a
20 determination that a claimant is eligible for an award pursuant
21 to sections 595.010 to 595.075.

22 595.020. 1. Except as hereinafter provided, the following
23 persons shall be eligible for compensation pursuant to sections
24 595.010 to 595.075:

25 (1) A victim of a crime;

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

27 (a)], a relative of the victim requiring counseling in order
28 to better assist the victim in his recovery; and

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

3 (a) A dependent of the victim;

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

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

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

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

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

1 determines that the interest of justice would be served
2 otherwise.

3 5.] In the case of a claimant [who is not otherwise
4 ineligible pursuant to subsection 4 of this section,] who is
5 incarcerated as a result of a conviction of a crime not related
6 to the incident upon which the claim is based at the time of
7 application, or at any time following the filing of the
8 application:

9 (1) The department shall suspend all proceedings and
10 payments until such time as the claimant is released from
11 incarceration;

12 (2) The department shall notify the applicant at the time
13 the proceedings are suspended of the right to reactivate the
14 claim within six months of release from incarceration. The
15 notice shall be deemed sufficient if mailed to the applicant at
16 the applicant's last known address;

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

22 [6. Victims of crime who are not residents of the state of
23 Missouri may be compensated only when federal funds are available
24 for that purpose. Compensation for nonresident victims shall
25 terminate when federal funds for that purpose are no longer
26 available.

27 7.] 5. A Missouri resident who suffers personal [physical]
28 injury or, in the case of death, a dependent of the victim or any

1 member of the family who legally assumes the obligation, or who
2 pays the medical or burial expenses incurred as a direct result
3 thereof, in another state, possession or territory of the United
4 States may make application for compensation in Missouri if:

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

7 (2) The place that the crime occurred is a state,
8 possession or territory of the United States, or location outside
9 of the United States that is covered and defined in 18 U.S.C.
10 Section 2331, that does not have a crime victims' compensation
11 program for which the victim is eligible and which provides at
12 least the same compensation that the victim would have received
13 if he had been injured in Missouri.

14 595.025. 1. A claim for compensation may be filed by a
15 person eligible for compensation or, if the person is an
16 incapacitated or disabled person, or a minor, by the person's
17 spouse, parent, conservator, or guardian.

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

21 3. Each claim shall be [filed in person or by mail]
22 submitted to the department. The department of public safety
23 shall investigate such claim, prior to the opening of formal
24 proceedings. The claimant shall be notified of the date and time
25 of any hearing on such claim. In determining the amount of
26 compensation for which a claimant is eligible, the department
27 shall consider the facts stated on the application filed pursuant
28 to section 595.015, and:

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

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

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

12 4. The claimant may present evidence and testimony on his
13 own behalf or may retain counsel. The department of public
14 safety may, as part of any award entered under sections 595.010
15 to 595.075, determine and allow reasonable attorney's fees, which
16 shall not exceed fifteen percent of the amount awarded as
17 compensation under sections 595.010 to 595.075, which fee shall
18 be paid out of, but not in addition to, the amount of
19 compensation, to the attorney representing the claimant. No
20 attorney for the claimant shall ask for, contract for or receive
21 any larger sum than the amount so allowed.

22 5. The person filing a claim shall, prior to any hearing
23 thereon, submit reports, if available, from all hospitals,
24 physicians [or], surgeons, or other health care providers who
25 treated or examined the victim for the injury for which
26 compensation is sought. A hospital, physician, surgeon, or other
27 health care provider may submit reports on behalf of the person
28 filing a claim. If, in the opinion of the department of public

1 safety, an examination of the injured victim and a report
2 thereon, or a report on the cause of death of the victim, would
3 be of material aid, the department of public safety may appoint a
4 duly qualified, impartial physician to make such examination and
5 report.

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

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

13 595.030. 1. [No compensation shall be paid unless the
14 claimant has incurred an out-of-pocket loss of at least fifty
15 dollars or has lost two continuous weeks of earnings or support
16 from gainful employment. "Out-of-pocket loss" shall mean
17 unreimbursed or unreimbursable expenses or indebtedness
18 reasonably incurred:

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

25 (2) As a result of personal property being seized in an
26 investigation by law enforcement.
27 Compensation paid for an out-of-pocket loss under this
28 subdivision shall be in an amount equal to the loss sustained,

1 but shall not exceed two hundred fifty dollars.

2 2.] No compensation shall be paid unless the department of
3 public safety finds that a crime was committed, that such crime
4 directly resulted in personal [physical] injury to, or the death
5 of, the victim, and that police, court, or other official records
6 show that such crime was [promptly] reported to the proper
7 authorities. [In no case may compensation be paid if the police
8 records show that such report was made more than forty-eight
9 hours after the occurrence of such crime, unless the department
10 of public safety finds that the report to the police was delayed
11 for good cause.] In lieu of other records the claimant may
12 provide a sworn statement by the applicant under paragraph (c) of
13 subdivision (2) of section 589.663 that the applicant has good
14 reason to believe that he or she is a victim of domestic
15 violence, rape, sexual assault, human trafficking, or stalking,
16 and fears further violent acts from his or her assailant. If the
17 victim is under eighteen years of age such report may be made by
18 the victim's parent, guardian or custodian; by a physician, a
19 nurse, or hospital emergency room personnel; by the children's
20 division personnel; or by any other member of the victim's
21 family. In the case of a sexual offense, filing a report of the
22 offense to the proper authorities may include, but not be limited
23 to, the filing of the report of the forensic examination by the
24 appropriate medical provider, as defined in section 595.220, with
25 the prosecuting attorney of the county in which the alleged
26 incident occurred, receiving a forensic examination, or securing
27 an order of protection.

28 [3.] 2. No compensation shall be paid for medical care if

1 the service provider is not a medical provider as that term is
2 defined in section 595.027, and the individual providing the
3 medical care is not licensed by the state of Missouri or the
4 state in which the medical care is provided.

5 [4.] 3. No compensation shall be paid for psychiatric
6 treatment or other counseling services, including psychotherapy,
7 unless the service provider is a:

8 (1) Physician licensed pursuant to chapter 334 or licensed
9 to practice medicine in the state in which the service is
10 provided;

11 (2) Psychologist licensed pursuant to chapter 337 or
12 licensed to practice psychology in the state in which the service
13 is provided;

14 (3) Clinical social worker licensed pursuant to chapter
15 337;

16 (4) Professional counselor licensed pursuant to chapter
17 337; or

18 (5) Board-certified psychiatric-mental health clinical
19 nurse specialist or board certified psychiatric-mental health
20 nurse practitioner licensed under chapter 335 or licensed in the
21 state in which the service is provided.

22 [5.] 4. Any compensation paid pursuant to sections 595.010
23 to 595.075 for death or personal injury shall be in an amount not
24 exceeding out-of-pocket loss, together with loss of earnings or
25 support from gainful employment, not to exceed four hundred
26 dollars per week, resulting from such injury or death. In the
27 event of death of the victim, an award may be made for reasonable
28 and necessary expenses actually incurred for preparation and

1 burial not to exceed five thousand dollars.

2 [6.] 5. Any compensation for loss of earnings or support
3 from gainful employment shall be in an amount equal to the actual
4 loss sustained not to exceed four hundred dollars per week;
5 provided, however, that no award pursuant to sections 595.010 to
6 595.075 shall exceed twenty-five thousand dollars. If two or
7 more persons are entitled to compensation as a result of the
8 death of a person which is the direct result of a crime or in the
9 case of a sexual assault, the compensation shall be apportioned
10 by the department of public safety among the claimants in
11 proportion to their loss.

12 [7.] 6. The method and timing of the payment of any
13 compensation pursuant to sections 595.010 to 595.075 shall be
14 determined by the department.

15 [8.] 7. The department shall have the authority to
16 negotiate the costs of medical care or other services directly
17 with the providers of the care or services on behalf of any
18 victim receiving compensation pursuant to sections 595.010 to
19 595.075.

20 595.035. 1. For the purpose of determining the amount of
21 compensation payable pursuant to sections 595.010 to 595.075, the
22 department of public safety shall, insofar as practicable,
23 formulate standards for the uniform application of sections
24 595.010 to 595.075, taking into consideration the provisions of
25 sections 595.010 to 595.075, the rates and amounts of
26 compensation payable for injuries and death pursuant to other
27 laws of this state and of the United States, excluding pain and
28 suffering, and the availability of funds appropriated for the

1 purpose of sections 595.010 to 595.075. All decisions of the
2 department of public safety on claims pursuant to sections
3 595.010 to 595.075 shall be in writing, setting forth the name of
4 the claimant, the amount of compensation and the reasons for the
5 decision. [The department of public safety shall immediately
6 notify the claimant in writing of the decision and shall forward
7 to the state treasurer a certified copy of the decision and a
8 warrant for the amount of the claim. The state treasurer, upon
9 certification by the commissioner of administration, shall, if
10 there are sufficient funds in the crime victims' compensation
11 fund, pay to or on behalf of the claimant the amount determined
12 by the department.]

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

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

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

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

1 3. In determining the amount of compensation payable, the
2 department of public safety shall determine whether, because of
3 the victim's consent, provocation, incitement or negligence, the
4 victim contributed to the infliction of the victim's injury or
5 death, and shall reduce the amount of the compensation or deny
6 the claim altogether, in accordance with such determination;
7 provided, however, that the department of public safety may
8 disregard the responsibility of the victim for his or her own
9 injury where such responsibility was attributable to efforts by
10 the victim to aid a victim, or to prevent a crime or an attempted
11 crime from occurring in his or her presence, or to apprehend a
12 person who had committed a crime in his or her presence or had in
13 fact committed a felony.

14 4. In determining the amount of compensation payable
15 pursuant to sections 595.010 to 595.075, monthly Social Security
16 disability or retirement benefits received by the victim shall
17 not be considered by the department as a factor for reduction of
18 benefits.

19 [5. The department shall not be liable for payment of
20 compensation for any out-of-pocket expenses incurred more than
21 three years following the date of the occurrence of the crime
22 upon which the claim is based.]

23 595.055. [1. No public or private agency shall provide
24 service to a victim of crime pursuant to any contract made under
25 section 595.050 unless the incident is reported to an appropriate
26 law enforcement office within forty-eight hours after its
27 occurrence or within forty-eight hours after the victim of crime,
28 a dependent, or a member of the family of the victim reasonably

1 could be expected to make such a report.

2 2.] No service may be provided under section 595.050 if the
3 victim of crime:

4 (1) Was the perpetrator or a principal or accessory
5 involved in the commission of the crime for which he otherwise
6 would have been eligible for assistance under the provisions of
7 section 595.050; or

8 (2) Is injured as a result of the operation of a motor
9 vehicle, boat or airplane unless the same was used as a weapon in
10 a deliberate attempt to inflict personal injury upon any person
11 or unless the victim is injured as a result of the crime of
12 driving while intoxicated or vehicular manslaughter.

13 595.220. 1. The department of public safety shall make
14 payments to appropriate medical providers, out of appropriations
15 made for that purpose, to cover the reasonable charges of the
16 forensic examination of persons who may be a victim of a sexual
17 offense if:

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

20 (2) The report of the examination is made on a form
21 approved by the attorney general with the advice of the
22 department of public safety.

23 The department shall establish maximum reimbursement rates for
24 charges submitted under this section, which shall reflect the
25 reasonable cost of providing the forensic exam.

26 2. A minor may consent to examination under this section.
27 Such consent is not subject to disaffirmance because of minority,
28 and consent of parent or guardian of the minor is not required

1 for such examination. The appropriate medical provider making
2 the examination shall give written notice to the parent or
3 guardian of a minor that such an examination has taken place.

4 3. The ~~attorney general~~ department of public safety, with
5 the advice of the ~~department of public safety~~ attorney general,
6 shall develop the forms and procedures for gathering,
7 transmitting, and storing evidence during and after the forensic
8 examination under the provisions of this section. The department
9 of health and senior services shall develop a checklist,
10 protocols, and procedures for appropriate medical providers to
11 refer to while providing medical treatment to victims of a sexual
12 offense, including those specific to victims who are minors. The
13 procedures for transmitting and storing examination evidence
14 shall include the following requirements:

15 (1) An appropriate medical provider shall provide written
16 or electronic notification to the appropriate law enforcement
17 agency when the provider has a reported or anonymous evidentiary
18 collection kit;

19 (2) Within fourteen days of notification from the
20 appropriate medical provider, the law enforcement agency shall
21 take possession of the evidentiary collection kit;

22 (3) Within fourteen days of taking possession, the law
23 enforcement agency shall provide the evidentiary collection kit
24 to a laboratory;

25 (4) A law enforcement agency shall secure an evidentiary
26 collection kit for a period of thirty years if the offense has
27 not been adjudicated.

28 4. Evidentiary collection kits shall be developed and made

1 available, subject to appropriation, to appropriate medical
2 providers by the highway patrol or its designees and eligible
3 crime laboratories. Such kits shall be distributed with the
4 forms and procedures for gathering evidence during forensic
5 examinations of victims of a sexual offense to appropriate
6 medical providers upon request of the provider, in the amount
7 requested, and at no charge to the medical provider. All
8 appropriate medical providers shall, with the written consent of
9 the victim, perform a forensic examination using the evidentiary
10 collection kit, or other collection procedures developed for
11 victims who are minors, and forms and procedures for gathering
12 evidence following the checklist for any person presenting as a
13 victim of a sexual offense.

14 5. In reviewing claims submitted under this section, the
15 department shall first determine if the claim was submitted
16 within ninety days of the examination. If the claim is submitted
17 within ninety days, the department shall, at a minimum, use the
18 following criteria in reviewing the claim: examination charges
19 submitted shall be itemized and fall within the definition of
20 forensic examination as defined in subdivision (3) of subsection
21 8 of this section.

22 6. All appropriate medical provider charges for eligible
23 forensic examinations shall be billed to and paid by the
24 department of public safety. No appropriate medical provider
25 conducting forensic examinations and providing medical treatment
26 to victims of sexual offenses shall charge the victim for the
27 forensic examination. For appropriate medical provider charges
28 related to the medical treatment of victims of sexual offenses,

1 if the victim is an eligible claimant under the crime victims'
2 compensation fund, the victim shall seek compensation under
3 sections 595.010 to 595.075.

4 7. The department of public safety shall establish rules
5 regarding the reimbursement of the costs of forensic examinations
6 for children under fourteen years of age, including establishing
7 conditions and definitions for emergency and nonemergency
8 forensic examinations and may by rule establish additional
9 qualifications for appropriate medical providers performing
10 nonemergency forensic examinations for children under fourteen
11 years of age. The department shall provide reimbursement
12 regardless of whether or not the findings indicate that the child
13 was abused.

14 8. For purposes of this section, the following terms mean:

15 (1) "Anonymous evidentiary collection kit", an evidentiary
16 collection kit collected from a victim who has consented to the
17 collection of the evidentiary collection kit, and to participate
18 in the criminal justice process, but who wishes to remain
19 anonymous;

20 (2) "Appropriate medical provider":

21 (a) Any licensed nurse, physician, or physician assistant,
22 and any institution employing licensed nurses, physicians, or
23 physician assistants, provided that such licensed professionals
24 are the only persons at such institution to perform tasks under
25 the provisions of this section; or

26 (b) For the purposes of any nonemergency forensic
27 examination of a child under fourteen years of age, the
28 department of public safety may establish additional

1 qualifications for any provider listed in paragraph (a) of this
2 subdivision under rules authorized under subsection 7 of this
3 section;

4 [(2)] (3) "Consent", the written or electronically
5 documented authorization by the victim to allow the evidentiary
6 collection kit to be analyzed;

7 (4) "Emergency forensic examination", an examination of a
8 person under fourteen years of age that occurs within five days
9 of the alleged sexual offense. The department of public safety
10 may further define the term emergency forensic examination by
11 rule;

12 [(3)] (5) "Evidentiary collection kit", a kit used during a
13 forensic examination that includes materials necessary for
14 appropriate medical providers to gather evidence in accordance
15 with the forms and procedures developed by the [attorney general]
16 department of public safety for forensic examinations;

17 [(4)] (6) "Forensic examination", an examination performed
18 by an appropriate medical provider on a victim of an alleged
19 sexual offense to gather evidence for the evidentiary collection
20 kit or using other collection procedures developed for victims
21 who are minors;

22 [(5)] (7) "Medical treatment", the treatment of all
23 injuries and health concerns resulting directly from a patient's
24 sexual assault or victimization;

25 [(6)] (8) "Nonemergency forensic examination", an
26 examination of a person under fourteen years of age that occurs
27 more than five days after the alleged sexual offense. The
28 department of public safety may further define the term

1 nonemergency forensic examination by rule;

2 (9) "Reported evidentiary collection kit", an evidentiary
3 collection kit collected from a victim who has consented to the
4 collection of the evidentiary collection kit and has consented to
5 participate in the criminal justice process;

6 (10) "Unreported evidentiary collection kit", an
7 evidentiary collection kit collected from a victim who has
8 consented to the collection of the evidentiary collection kit but
9 has not consented to participate in the criminal justice process.

10 9. The department shall have authority to promulgate rules
11 and regulations necessary to implement the provisions of this
12 section. Any rule or portion of a rule, as that term is defined
13 in section 536.010, that is created under the authority delegated
14 in this section shall become effective only if it complies with
15 and is subject to all of the provisions of chapter 536 and, if
16 applicable, section 536.028. This section and chapter 536 are
17 nonseverable and if any of the powers vested with the general
18 assembly pursuant to chapter 536 to review, to delay the
19 effective date, or to disapprove and annul a rule are
20 subsequently held unconstitutional, then the grant of rulemaking
21 authority and any rule proposed or adopted after August 28, 2009,
22 shall be invalid and void.

23 610.210. Notwithstanding any other provisions of law to the
24 contrary, information in law enforcement agency records that
25 would enable the provision of health care to a person in contact
26 with law enforcement may be released for the purpose of health
27 care coordination to any health care provider, as defined in the
28 Health Insurance Portability and Accountability Act of 1996 as

1 amended, that is providing or may provide services to the person.

2 650.035. 1. There is hereby created the "Missouri Law
3 Enforcement Assistance Program" within the department of public
4 safety.

5 2. The purpose of this program is to provide state
6 financial and technical assistance to create or improve local law
7 enforcement pilot programs that may include:

8 (1) Reimbursement for overtime required to enhance
9 specialized, non-routine training opportunities;

10 (2) Analytical capacity for targeting enforcement efforts;
11 and

12 (3) Community policing efforts derived from research-based
13 models.

14 3. Distribution of state funds or technical assistance
15 shall be by contractual arrangement between the department and
16 each recipient law enforcement agency. Terms of the contract
17 shall be negotiable each year. The state auditor shall
18 periodically audit all law enforcement agencies receiving state
19 funds.

20 4. Nothing in this section shall prohibit any law
21 enforcement agency from receiving federal or local funds should
22 such funds become available.

23 5. All law enforcement agencies, municipal and county,
24 located in any county of the first classification with more than
25 one hundred fifty thousand but fewer than two hundred thousand
26 inhabitants, any county of the first classification with more
27 than eighty-three thousand but fewer than ninety-two thousand
28 inhabitants and with a home rule city with more than seventy-six

1 thousand but fewer than ninety-one thousand inhabitants as the
2 county seat, and any county of the third classification without a
3 township form of government and with more than forty-one thousand
4 but fewer than forty-five thousand inhabitants shall be eligible
5 to receive funding hereunder, according to standards adopted by
6 the department of public safety, unless otherwise restricted by
7 statute.

8 6. No state funds shall be expended unless appropriated by
9 the general assembly for this purpose.

10 [589.303. The "Missouri Crime Prevention
11 Information Center" is hereby established within the
12 department of public safety. The center, subject to
13 appropriation and within the limits of available funds
14 from private sources, gifts, donations, or moneys
15 generated by center-sponsored activities, may:

16 (1) Develop, plan and implement a comprehensive,
17 long-range, integrated program which will mobilize all
18 Missouri residents, including the youth of this state,
19 in a year-round preventive effort to reduce crime,
20 violence, drug abuse and delinquency;

21 (2) Provide a mechanism to support, unify,
22 promote, implement, and evaluate crime prevention
23 efforts;

24 (3) Act as an information clearinghouse for crime
25 prevention efforts;

26 (4) Provide a means by which law enforcement and
27 prevention-related agencies, civilian personnel, and
28 the education community may acquire the resource
29 materials, technical assistance, knowledge, and skills
30 necessary to develop, implement and evaluate crime
31 prevention and intervention programs;

32 (5) Provide ongoing, programmatic support to
33 crime prevention efforts of law enforcement and local
34 crime prevention organizations, enabling them to
35 develop programs within their jurisdiction or
36 community;

37 (6) Assist law enforcement agencies and local
38 crime prevention organizations to increase the
39 awareness of communities, businesses, and governments
40 regarding the need for crime prevention while offering
41 information on current and future programming in their
42 communities and in this state;

43 (7) Increase the availability of resource
44 materials which may be utilized by local crime

1 prevention programs, analyze data, evaluate needs, and
2 develop specific crime prevention strategies;

3 (8) Act as a liaison between local, state, and
4 national agencies concerning crime prevention issues;

5 (9) Coordinate efforts with any statewide
6 associations or organizations which are also concerned
7 with reducing crime, violence, drug abuse, and
8 delinquency and receive from such associations or
9 organizations advice and direction for the operation of
10 the center and related activities;

11 (10) Operate as a resource for local governments
12 and, upon the request of any local agency, may:

13 (a) Provide technical assistance in the form of
14 resource development and distribution, consultation,
15 community resource identification, utilization,
16 training, and distribution, consultation, community
17 resource identification, utilization, training, and
18 promotion of crime prevention programs or activities;

19 (b) Provide assistance in increasing the
20 knowledge of community, business, and governmental
21 leaders concerning the theory and operation of crime
22 prevention and how their involvement will assist in
23 efforts to prevent crime; and

24 (c) Provide resource materials to, and assistance
25 in developing the skills of, law enforcement personnel,
26 which materials and skills are necessary to create
27 successful crime prevention strategies which meet the
28 needs of specific regions and communities throughout
29 the state.]

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