SECOND REGULAR SESSION

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 966

99TH GENERAL ASSEMBLY

5990H.06C D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 43.505, 43.507, 57.117, 57.450, 84.510, 109.210, 217.010, 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, 221.105, 488.5320, 513.653, 566.147, 589.303, 595.010, 595.015, 595.020, 595.025, 595.030, 595.035, 595.045, 595.055, 595.220, 610.027, 610.140, and 650.055, RSMo, and to enact in lieu thereof fifty-two new sections relating to administration of the criminal justice system, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 43.505, 43.507, 57.117, 57.450, 84.510, 109.210, 217.010, 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, 221.105, 488.5320, 513.653, 566.147, 589.303, 595.010, 595.015, 595.020, 595.025, 595.030, 595.035, 595.045, 595.055, 595.220, 610.027, 610.140, and 650.055, RSMo, are repealed and fifty-two new sections enacted in lieu thereof, to be known as sections 43.505, 43.507, 57.117, 57.450, 84.510, 109.210, 109.320, 217.010, 217.015, 217.021, 217.030, 217.075, 217.361, 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, 221.105, 455.095, 455.560, 488.5320, 513.653, 566.146, 566.147, 590.1040, 595.010, 595.015, 595.020, 595.025, 595.030, 595.035, 595.045, 595.055, 595.220, 610.027, 610.031, 610.140, 610.210, 650.035, 650.055, and 1, to read as follows:

EXPLANATION — Matter enclosed in bold-faced brackets **[**thus**]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

2. The department of public safety shall:

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

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

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

(4) Annually publish a report on the nature and extent of crime and submit such report to the governor and the general assembly. Such report and other statistical reports shall be made available to state and local law enforcement agencies and the general public through an electronic or manual medium;

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

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

3. Every law enforcement agency in the state shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) Detectives, investigators, and police officers at not less than twenty-six thousand six hundred forty-three dollars, nor more than **[**~~eighty-two thousand six hundred nineteen~~**] eighty-seven thousand six hundred thirty-six** dollars per annum each.

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

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

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

6. The board of police commissioners, by majority affirmative vote, including the mayor, has the authority by resolution to authorize incentive pay in addition to the base compensation as provided for in subsection 2 of this section, to be paid police officers of any rank who they determine are assigned duties which require an extraordinary degree of skill, technical

knowledge and ability, or which are highly demanding or unusual. No credit shall be given nor deductions made from these payments for the purpose of retirement benefits.

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

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

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

109.210. As used in sections 109.200 to **[**~~109.310~~**] 109.320** the following words and terms have the meanings indicated, unless the context clearly requires otherwise:

(1) "Agency", any department, office, commission, board or other unit of state government or any political or administrative subdivisions created for any purpose under the authorities of or by the state of Missouri;

(2) "Boards", the local records board;

(3) "Commission", the state records commission;

(4) "Local record", any record not a state record;

(5) "Record", document, book, paper, photograph, map, sound recording or other material, regardless of physical form or characteristics, made or received pursuant to law or in connection with the transaction of official business. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included within the definition of records as used in sections 109.200 to **[**~~109.310~~**] 109.320**, and are hereinafter designated as "nonrecord" materials;

(6) "Secretary", the secretary of state;

(7) "State record", any record designated or treated as a state record under state law.

109.320. 1. The remedies provided in this section against agencies shall be in addition to those provided in any other provision of law. Any aggrieved person, the attorney general, or the prosecuting attorney may seek judicial enforcement of the

requirements of section 109.260, 109.265, and 109.270. Suits to enforce such sections shall be brought in the circuit court for the county in which the agency has its principal place of business. Upon service of a summons, petition, complaint, counterclaim, or cross-claim in a civil action brought to enforce the provisions of section 109.260, 109.265, or 109.270, the custodian of any material that is the subject matter of such civil action shall not transfer custody, alter, destroy, or otherwise dispose of the material, notwithstanding the assertion that the material is not a record or that the material is closed or confidential under any provision of law, until the court makes a ruling about the status of such material.

2. If a party seeking judicial enforcement of section 109.260, 109.265, or 109.270 demonstrates to the court that the agency in question is subject to the requirements of this chapter and has destroyed or failed to retain any material at issue, the burden of persuasion shall be on the agency to demonstrate compliance with the requirements of this chapter.

3. Upon a finding by a preponderance of the evidence that an agency or a member of an agency has knowingly violated section 109.260, 109.265, or 109.270, the agency or the member shall be subject to a civil penalty in an amount not less than five hundred dollars but not more than ten thousand dollars. If the court finds that there is a knowing violation of section 109.260, 109.265, or 109.270, the court shall order such agency or member to pay all costs and reasonable attorney's fees to any party successfully establishing a violation. The court shall determine the amount of the penalty by considering the size of the jurisdiction, the seriousness of the offense, and whether the agency or member has previously violated any provisions of this chapter or chapter 610. Any person who knowingly violates section 109.260, 109.265, or 109.270 shall be guilty of a class B misdemeanor.

4. Upon a finding by a preponderance of the evidence that an agency or member of any agency has violated section 109.260, 109.265, or 109.270 but that such violation was not committed knowingly, the court may impose a civil penalty in an amount not more than one thousand dollars. The court may order such agency or member to pay all costs and reasonable attorney's fees to any party successfully establishing a violation. The court shall determine the amount of the penalty by considering the size of the jurisdiction, the seriousness of the offense, the degree of culpability and fault on the part of the agency or member, and whether the agency or member has previously violated any provisions of this chapter or chapter 610.

5. Any suit brought under this section shall be brought within one year after the violation is discovered.

6. The circuit courts of this state shall have jurisdiction and authority to issue injunctions to enforce the provisions of sections 109.260, 109.265, and 109.270.

7. An agency that is in doubt about destroying or disposing of material may seek a formal opinion from the attorney general. Any agency relying in good faith on such an opinion shall not be deemed to have violated subsections 3 and 4 of this section.

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

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

(2) "Board", the **parole** board **[**~~of probation and parole~~**]**;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) The division of human services;

(2) The division of adult institutions;

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

(4) The division of offender rehabilitative services.

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

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

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

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

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

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

(2) Establish eligibility criteria that include consideration of recidivism risk and behavioral health condition severity;

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

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

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

(b) Provider performance and outcome metrics; and

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

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

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

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

(3) Require that contract behavioral health service providers:

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

(b) Accept reimbursement on a per-month, per-referral basis, and ensure that the payment schedule is based on a pay-for-performance model that includes consideration of identified outcomes and the level of services required; and

(c) Bill third parties for services.

217.030. The director shall appoint the directors of the divisions of the department, except the chairman of the **parole** board **[**~~of probation and parole~~**]** who shall be appointed by the governor **[**~~and who shall serve as the director of the division of probation and parole~~**]**. Division directors shall serve at the pleasure of the director, except the chairman of the **parole** board **[**~~of probation and parole~~**]** who shall serve in the capacity of chairman at the pleasure of the governor. The director of the department shall be the appointing authority under chapter 36 to employ such administrative, technical and other personnel who may be assigned to the department generally rather than to any of the department divisions or facilities and whose employment is necessary for the performance of the powers and duties of the department.

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

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

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

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

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

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

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

(2) Law enforcement agencies; or

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

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

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

6. All health care providers and hospitals who have cared for offenders during the period of the offender's incarceration shall provide a copy of all medical records in their possession related to such offender upon demand from the department's health care administrator. The department shall provide reasonable compensation for the cost of such copies and no health care provider shall be liable for breach of confidentiality when acting pursuant to this subsection.

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

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

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

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

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

(2) Consistent criteria for admission into programs; and

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

3. For offenders under supervision, the department shall:

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

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

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

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

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

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

(3) Measure staff performance against best practices.

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

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

217.655. 1. The **parole** board **[**~~of probation and parole~~**]** shall be responsible for determining whether a person confined in the department shall be paroled or released conditionally as provided by section 558.011. The board shall **receive administrative support from the division of probation and parole. The division of probation and parole shall** provide supervision to all persons referred by the circuit courts of the state as provided by sections 217.750 and 217.760. **The board shall exercise independence in making decisions about individual cases, but operate cooperatively within the department and with other agencies, officials, courts, and stakeholders to achieve systemic improvement, including the requirements of this section.**

2. **The board shall adopt parole guidelines to:**

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

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

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

(4) Support a seamless reentry process;

(5) Set appropriate conditions of supervision; and

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

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

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

5. The board shall provide for appropriate training to members and staff, including communication skills.

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

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

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

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

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

5. The governor shall designate one member of the board as chairman and one member as vice chairman. The chairman shall **[**~~be the director of the division and shall have charge of the division's operations, funds and expenditures~~**] establish the duties and responsibilities of the members of the board and supervise their performance and may require reports from any member as to his or her conduct and exercise of duties**. In the event of the chairman's removal, death, resignation, or inability to serve, the vice chairman shall act as chairman upon written order of the governor or chairman.

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

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

8. Any person who served as a member of the board of probation and parole prior to July 1, 2000, shall be made, constituted, appointed and employed by the board of trustees of the state employees' retirement system as a special consultant on the problems of retirement, aging and other state matters. As compensation for such services, such consultant shall not be denied use of any unused sick leave, or the ability to receive credit for unused sick leave pursuant to chapter 104, provided such sick leave was maintained by the board of probation and parole in the regular course of business prior to July 1, 2000, but only to the extent of such sick leave records are consistent with the rules promulgated pursuant to section 36.350. Nothing in this section shall authorize the use of any other form of leave that may have been maintained by the board prior to July 1, 2000.

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

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

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

4. The board shall keep a record of its acts and shall notify each correctional center of its decisions relating to persons who are or have been confined in such correctional center.

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

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

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

2. Before ordering the parole of any offender, the board shall **conduct a validated risk and needs assessment and evaluate the case under the rules governing parole that are promulgated by the board. The board shall then** have the offender appear before a hearing panel and shall conduct a personal interview with him **or her**, unless waived by the offender**, or if the guidelines indicate the offender may be paroled without need for an interview. The appearance or presence may occur by means of a videoconference at the discretion of the board. However, a parole hearing shall be held if a victim or prosecuting attorney requests one**. A parole **[**~~shall~~**] may** be ordered only for the best interest of society, not as an award of clemency; it shall not be considered a reduction of sentence or a pardon. **[**~~An offender shall be placed on parole only when the board believes that he is able and willing to fulfill the obligations of a law-abiding citizen.~~**]** Every offender while on parole shall remain in the legal custody of the department but shall be subject to the orders of the board.

3. The **[**~~board~~**] division of probation and parole** has discretionary authority to require the payment of a fee, not to exceed sixty dollars per month, from every offender placed under **[**~~board~~**] division** supervision on probation, parole, or conditional release, to waive all or part of any fee, to sanction offenders for willful nonpayment of fees, and to contract with a private entity for fee collections services. All fees collected shall be deposited in the inmate fund established in section 217.430. Fees collected may be used to pay the costs of contracted collections

services. The fees collected may otherwise be used to provide community corrections and intervention services for offenders. Such services include substance abuse assessment and treatment, mental health assessment and treatment, electronic monitoring services, residential facilities services, employment placement services, and other offender community corrections or intervention services designated by the **[**~~board~~**] division of probation and parole** to assist offenders to successfully complete probation, parole, or conditional release. The board shall adopt rules not inconsistent with law, in accordance with section 217.040, with respect to sanctioning offenders and with respect to establishing, waiving, collecting, and using fees.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[~~11.~~**] 13.** Beginning January 1, 2001, the board shall not order a parole unless the offender has obtained a high school diploma or its equivalent, or unless the board is satisfied that the offender, while committed to the custody of the department, has made an honest good-faith effort to obtain a high school diploma or its equivalent; provided that the director may waive this requirement by certifying in writing to the board that the offender has actively participated in mandatory education programs or is academically unable to obtain a high school diploma or its equivalent.

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

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

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

(2) On probation, parole, or conditional release for an offense listed in chapter 579, or an offense previously listed in chapter 195, or for a class D or E felony, excluding **[**~~the offenses of stalking in the first degree, rape in the second degree, sexual assault, sodomy in the second degree~~**] sections 565.225, 565.252, 566.031, 566.061, 566.083, 566.093, 568.020, 568.060, offenses defined as "sexual assault" under section 589.015**, deviate sexual assault, assault in the second degree under subdivision (2) of subsection 1 of section 565.052, **[**~~sexual misconduct involving a child,~~**]** endangering the welfare of a child in the first degree under subdivision (2) of subsection 1 of section 568.045, **[**~~incest, invasion of privacy, abuse of a child,~~**]** and any offense of aggravated stalking or assault in the second degree under subdivision (2) of subsection 1 of section 565.060 as such offenses existed prior to January 1, 2017;

(3) Supervised by the **[**~~board~~**] division of probation and parole**; and

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

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

(1) Involuntary manslaughter in the second degree;

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

(3) Domestic assault in the second degree;

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

(5) Statutory rape in the second degree;

(6) Statutory sodomy in the second degree;

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

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

the sentencing court may, upon its own motion or a motion of the prosecuting or circuit attorney, make a finding that the offender is ineligible to earn compliance credits because the nature and circumstances of the offense or the history and character of the offender indicate that a longer term of probation, parole, or conditional release is necessary for the protection of the public or the guidance of the offender. The motion may be made any time prior to the first month in which the person may earn compliance credits under this section **or at a hearing under subsection 5**

of this section. The offender's ability to earn credits shall be suspended until the court or board makes its finding. If the court or board finds that the offender is eligible for earned compliance credits, the credits shall begin to accrue on the first day of the next calendar month following the issuance of the decision.

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

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

5. Credits shall not accrue during any calendar month in which a violation report**, which may include a report of absconder status,** has been submitted**, the offender is in custody,** or a motion to revoke or motion to suspend has been filed, and shall be suspended pending the outcome of a hearing, if a hearing is held. If no hearing is held**, or if a hearing is held and the offender is continued under supervision,** or the court or board finds that the violation did not occur, then the offender shall be deemed to be in compliance and shall begin earning credits on the first day of the next calendar month following the month in which the report was submitted or the motion was filed. **If a hearing is held,** all earned credits shall be rescinded if**:**

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

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

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

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

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

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

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

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

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

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

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

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

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

4. Probation and parole officers shall keep detailed records of their work and shall make such reports in writing and perform such other duties as may be incidental to those enumerated that the board may require. In the event a parolee is transferred to another probation and parole officer, the written record of the former probation and parole officer shall be given to the new probation and parole officer.

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

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

217.720. 1. At any time during release on parole or conditional release the **[**~~board~~**]** **division of probation and parole** may issue a warrant for the arrest of a released offender for violation of any of the conditions of parole or conditional release. The warrant shall authorize any law enforcement officer to return the offender to the actual custody of the correctional center from which the offender was released, or to any other suitable facility designated by the **[**~~board~~**]** **division**. If any parole or probation officer has probable cause to believe that such offender has violated a condition of parole or conditional release, the probation or parole officer may issue a warrant for the arrest of the offender. The probation or parole officer may effect the arrest or may deputize any officer with the power of arrest to do so by giving the officer a copy of the warrant which shall outline the circumstances of the alleged violation and contain the statement that the offender has, in the judgment of the probation or parole officer, violated conditions of parole or conditional release. The warrant delivered with the offender by the arresting officer to the official in charge of any facility designated by the **[**~~board~~**]** **division** to which the offender is brought shall be sufficient legal authority for detaining the offender. After the arrest the parole or probation officer shall present to the detaining authorities a similar statement of the circumstances of violation. Pending hearing as hereinafter provided, upon any charge of violation, the offender shall remain in custody or incarcerated without consideration of bail.

2. If the offender is arrested under the authority granted in subsection 1 of this section, the offender shall have the right to a preliminary hearing on the violation charged unless the offender waives such hearing. Upon such arrest and detention, the parole or probation officer

shall immediately notify the board and shall submit in writing a report showing in what manner the offender has violated the conditions of his parole or conditional release. The board shall order the offender discharged from such facility, require as a condition of parole or conditional release the placement of the offender in a treatment center operated by the department of corrections, or shall cause the offender to be brought before it for a hearing on the violation charged, under such rules and regulations as the board may adopt. If the violation is established and found, the board may continue or revoke the parole or conditional release, or enter such other order as it may see fit. If no violation is established and found, then the parole or conditional release shall continue. If at any time during release on parole or conditional release the offender is arrested for a crime which later leads to conviction, and sentence is then served outside the Missouri department of corrections, the board shall determine what part, if any, of the time from the date of arrest until completion of the sentence imposed is counted as time served under the sentence from which the offender was paroled or conditionally released.

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

4. At any time during parole or probation, the **[**~~board~~**] division** may issue a warrant for the arrest of any person from another jurisdiction, the visitation and supervision of whom the **[**~~board~~**] division** has undertaken pursuant to the provisions of the interstate compact for the supervision of parolees and probationers authorized in section 217.810, for violation of any of the conditions of release, or a notice to appear to answer a charge of violation. The notice shall be served personally upon the person. The warrant shall authorize any law enforcement officer to return the offender to any suitable detention facility designated by the **[**~~board~~**] division**. Any parole or probation officer may arrest such person without a warrant, or may deputize any other officer with power of arrest to do so by issuing a written statement setting forth that the defendant has, in the judgment of the parole or probation officer, violated the conditions of his release. The written statement delivered with the person by the arresting officer to the official in charge of the detention facility to which the person is brought shall be sufficient legal authority for detaining him. After making an arrest the parole or probation officer shall present to the detaining authorities a similar statement of the circumstances of violation.

217.722. 1. If any probation officer has probable cause to believe that the person on probation has violated a condition of probation, the probation officer may issue a warrant for the

arrest of the person on probation. The officer may effect the arrest or may deputize any other officer with the power of arrest to do so by giving the officer a copy of the warrant which will outline the circumstances of the alleged violation and contain the statement that the person on probation has, in the judgment of the probation officer, violated the conditions of probation. The warrant delivered with the offender by the arresting officer to the official in charge of any jail or other detention facility shall be sufficient authority for detaining the person on probation pending a preliminary hearing on the alleged violation. Other provisions of law relating to release on bail of persons charged with criminal offenses shall be applicable to persons detained on alleged probation violations.

2. Any person on probation arrested under the authority granted in subsection 1 of this section shall have the right to a preliminary hearing on the violation charged as long as the person on probation remains in custody or unless the offender waives such hearing. The person on probation shall be notified immediately in writing of the alleged probation violation. If arrested in the jurisdiction of the sentencing court, and the court which placed the person on probation is immediately available, the preliminary hearing shall be heard by the sentencing court. Otherwise, the person on probation shall be taken before a judge or associate circuit judge in the county of the alleged violation or arrest having original jurisdiction to try criminal offenses or before an impartial member of the staff of the **[**~~Missouri board~~**] division** of probation and parole, and the preliminary hearing shall be held as soon as possible after the arrest. Such preliminary hearings shall be conducted as provided by rule of court or by rules of the **[**~~Missouri~~**] parole** board **[**~~of probation and parole~~**]**. If it appears that there is probable cause to believe that the person on probation has violated a condition of probation, or if the person on probation waives the preliminary hearing, the judge or associate circuit judge, or member of the staff of the **[**~~Missouri board~~**] division** of probation and parole shall order the person on probation held for further proceedings in the sentencing court. If probable cause is not found, the court shall not be barred from holding a hearing on the question of the alleged violation of a condition of probation nor from ordering the person on probation to be present at such a hearing.

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

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

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

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

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

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

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

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

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

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

2. The **[**~~board~~**] division of probation and parole** shall provide probation services for any person convicted of any class of felony. The **[**~~board~~**] division of probation and parole** shall not provide probation services for any class of misdemeanor except those class A misdemeanors the basis of which is contained in chapters 565 and 566 or in section 568.050, 455.085, 589.425, or section 455.538.

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

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

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

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

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

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

4. A victim impact statement shall:

(1) Identify the victim of the offense;

(2) Itemize any economic loss suffered by the victim as a result of the offense;

(3) Identify any physical injury suffered by the victim as a result of the offense, along with its seriousness and permanence;

(4) Describe any change in the victim's personal welfare or familial relationships as a result of the offense;

(5) Identify any request for psychological services initiated by the victim or the victim's family as a result of the offense; and

(6) Contain any other information related to the impact of the offense upon the victim that the court requires.

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

(1) Promote accountability of offenders to crime victims, local communities and the state by providing increased opportunities for offenders to make restitution to victims of crime through financial reimbursement or community service;

(2) Ensure that victims of crime are included in meaningful ways in Missouri's response to crime;

(3) Provide structured opportunities for local communities to determine effective local sentencing options to assure that individual community programs are specifically designed to meet local needs;

(4) Reduce the cost of punishment, supervision and treatment significantly below the annual per-offender cost of confinement within the traditional prison system; **[**~~and~~**]**

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

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

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

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

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

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

(1) The department shall provide a program of training to eligible volunteers and develop specific conditions of a probation program and conditions of probation for offenders referred to it by the court. Such conditions, as established by the community boards and the department, may include compensation and restitution to the community and the victim by fines, fees, day fines, victim-offender mediation, participation in victim impact panels, community service, or a combination of the aforementioned conditions;

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

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

217.810. 1. The governor is hereby authorized and directed to enter into the interstate compact for the supervision of parolees and probationers on behalf of the state of Missouri with the commonwealth of Puerto Rico, the Virgin Islands, the District of Columbia and any and all other states of the United States legally joining therein and pursuant to the provisions of an act of the Congress of the United States of America granting the consent of Congress to the commonwealth of Puerto Rico, the Virgin Islands, the District of Columbia and any two or more states to enter into agreements or compacts for cooperative effort and mutual assistance in the prevention of crime and for other purposes, which compact shall have as its objective the permitting of persons placed on probation or released on parole to reside in any other state signatory to the compact assuming the duties of visitation and supervision over such probationers and parolees; permitting the extradition and transportation without interference of prisoners, being retaken, through any and all states signatory to the compact under such terms, conditions, rules and regulations, and for such duration as in the opinion of the governor of this state shall be necessary and proper and in a form substantially as contained in subsection 2 of this section. The chairman of the board shall administer the compact for the state.

2. INTERSTATE COMPACT FOR THE
SUPERVISION OF PAROLEES AND PROBATIONERS

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

The contracting states solemnly agree:

(1) That it shall be competent for the duly constituted judicial and administrative authorities of a state party to this compact (herein called "sending state") to permit any person

convicted of an offense within such state and placed on probation or released on parole to reside in any other state party to this compact (herein called "receiving state"), while on probation or parole, if

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

(b) Though not a resident of the receiving state and not having his family residing there, the receiving state consents to such person being sent there.

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

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

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

(3) That duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any person on probation or parole. For that purpose no formalities will be required other than establishing the authority of the officer and the identity of the person to be retaken. All legal requirements to obtain extradition of fugitives from justice are hereby expressly waived on the part of states party hereto, as to such persons. The decision of the sending state to retake a person on probation or parole shall be conclusive upon and not reviewable within the receiving state. Provided, however, that if at the time when a state seeks to retake a probationer or parolee there should be pending against him within the receiving state any criminal charge, or he should be suspected of having committed within such state a criminal offense, he shall not be retaken without the consent of the receiving state until discharged from prosecution or from imprisonment for such offense.

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

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

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

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

3. If any section, sentence, subdivision or clause within subsection 2 of this section is for any reason held invalid or to be unconstitutional, such decision shall not affect the validity of the remaining provisions of that subsection or this section.

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

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

2. When the final determination of any criminal prosecution shall be such as to render the state liable for costs under existing laws, it shall be the duty of the sheriff to certify to the clerk of the circuit court or court of common pleas in which the case was determined the total number of days any prisoner who was a party in such case remained in the county jail. It shall be the duty of the county commission to supply the cost per diem for county prisons to the clerk of the circuit court on the first day of each year, and thereafter whenever the amount may be changed. It shall then be the duty of the clerk of the court in which the case was determined to include in the bill of cost against the state all fees which are properly chargeable to the state. In any city not within a county it shall be the duty of the superintendent of any facility boarding prisoners to certify to the chief executive officer of such city not within a county the total number of days any prisoner who was a party in such case remained in such facility. It shall be the duty of the superintendents of such facilities to supply the cost per diem to the chief executive officer on the first day of each year, and thereafter whenever the amount may be changed. It shall be the duty of the chief executive officer to bill the state all fees for boarding such prisoners which are properly chargeable to the state. The chief executive may by notification to the department of corrections delegate such responsibility to another duly sworn official of such city not within a county. The clerk of the court of any city not within a county shall not include such fees in the bill of costs chargeable to the state. The department of corrections shall revise its criminal cost manual in accordance with this provision.

3. Except as provided under subsection 6 of section 217.718, the actual costs chargeable to the state, including those incurred for a prisoner who is incarcerated in the county jail because the prisoner's parole or probation has been revoked or because the prisoner has, or allegedly has, violated any condition of the prisoner's parole or probation, and such parole or probation is a consequence of a violation of a state statute, or the prisoner is a fugitive from the Missouri department of corrections or otherwise held at the request of the Missouri department of corrections regardless of whether or not a warrant has been issued shall be the actual cost of incarceration not to exceed:

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

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

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

4. The presiding judge of a judicial circuit may, in consultation with the circuit and associate circuit judges of the circuit, propose expenses to be reimbursable by the state on behalf of one or more of the counties in that circuit. Proposed reimbursable expenses may include pretrial assessment and supervision strategies for defendants who are ultimately eligible for state incarceration. A county shall not receive more than its share of the amount appropriated in the previous fiscal year, inclusive of expenses proposed by the presiding judge. Any county shall convey such proposal to the department, and any such proposal presented by a presiding judge shall include documented agreement with the proposal by the county governing body, prosecuting attorney, and the officer of the county responsible for custody or incarceration of offenders of the county represented in the proposal.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

455.560. 1. A prosecuting or circuit attorney may impanel a domestic violence fatality review panel for the county or city not within a county in which he or she serves to investigate the deaths of victims of homicides determined to be related to domestic violence, as the term is defined in section 455.010.

2. Members of the panel may include any representative of programs or organizations that provide services and responses to victims of domestic violence within the county or city not within a county. The panel shall include, but shall not be limited to, the following members:

(1) The prosecuting or circuit attorney;

(2) The coroner or medical examiner for the county or city not within a county;

(3) A representative of law enforcement personnel in the county or city not within a county;

(4) A provider of public health care services;

(5) A provider of emergency medical services or other medical or health care providers;

(6) A representative of any victim assistant unit for the prosecuting or circuit attorney, law enforcement organization, or court of the county or city not within a county;

(7) A representative of shelters for victims of domestic violence, as defined in section 455.200, or domestic violence services organizations that provide services for victims within the county or city not within a county; and

(8) A representative of rape crisis centers, as defined in section 455.003, that provide sexual assault services for victims within the county or city not within a county.

3. A prosecuting or circuit attorney shall organize the panel and shall call the first organizational meeting of the panel. The panel shall elect a chairperson who shall convene the panel to meet to review all deaths of victims of homicides determined to be related to domestic violence.

4. The executive officer of any municipality or county may request that a domestic violence fatality review panel be convened in response to any fatality which occurs within the boundaries of the municipality or county.

5. Work products of the domestic violence fatality review panel other than the final report required by subsection 6 of this section including, but not limited to, internal memoranda, summaries or minutes of panel meetings, and written, audio recorded, or electronic records and communications are not public records as defined by subdivision (6) of section 610.010 and are not available for public examination, reproduction, or disclosure, and are not admissible as evidence in any civil, criminal, or administrative proceeding.

6. The panel shall issue a final report, which shall be a public record as defined by subdivision (6) of section 610.010, of each investigation. The final report shall include the panel's findings and recommendations for enhanced practices, protocols, and collaborations to address domestic violence and prevent homicides, and a copy shall be provided to the governor, the speaker of the house of representatives, the president pro tempore of the senate, the executive leadership of the government of the political subdivision of the state of Missouri in which the panel operates, and the statewide domestic violence coalition, as such is recognized by the United States Department of Justice and the United States Department of Health and Human Services. The final report shall also include a summary.

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

2. **[**~~Notwithstanding subsection 1 of this section to the contrary, sheriffs, county marshals, or other officers in any county with a charter form of government and with more than~~

~~nine hundred fifty thousand inhabitants or in any city not within a county shall not be allowed a charge for their services rendered in cases disposed of by a violations bureau established pursuant to law or supreme court rule.~~

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

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

[~~5.~~**] 4.** Mileage shall be reimbursed to sheriffs, county marshals and guards for all services rendered pursuant to this section at the rate prescribed by the Internal Revenue Service for allowable expenses for motor vehicle use expressed as an amount per mile.

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

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

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

513.653. 1. Law enforcement agencies involved in using the federal forfeiture system under federal law shall file a report regarding federal seizures and the proceeds therefrom. Such report shall be filed annually by **[**~~January thirty-first~~**] February fifteenth** for the previous

calendar year with the **[**~~department of public safety and the~~**]** state auditor's office. The report for the calendar year shall **[**~~include the type and value of items seized and turned over to the federal forfeiture system, the beginning balance as of January first of federal forfeiture funds or assets previously received and not expended or used, the proceeds received from the federal government (the equitable sharing amount), the expenditures resulting from the proceeds received, and the ending balance as of December thirty-first of federal forfeiture funds or assets on hand. The department of public safety shall not issue funds to any law enforcement agency that fails to comply with the provisions of this section~~**] consist of a copy of the federal form entitled "ACA Form - Equitable Sharing Agreement and Certification" which is identical to the form submitted in that year to the federal government**.

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

566.146. 1. A person commits the offense of sexual conduct in the course of public duty if he or she:

(1) Is a probation or parole officer, a police officer, or an employee of, or assigned to work in, any jail, prison, or correctional facility; and

(2) Engages in sexual conduct while on duty with a witness or with a person who is detained, arrested, or imprisoned.

2. The offense of sexual conduct in the course of public duty is a class D felony.

566.147. 1. Any person who, since July 1, 1979, has been or hereafter has been found guilty of:

(1) Violating any of the provisions of this chapter or the provisions of section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree; subsection 2 of section 568.080 as it existed prior to January 1, 2017, or section 573.200, use of a child in a sexual performance; section 568.090 as it existed prior to January 1, 2017, or section 573.205, promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography in the first degree; section 573.035, promoting child pornography in the second degree; section 573.037, possession of child pornography, or section 573.040, furnishing pornographic material to minors; or

(2) Any offense in any other jurisdiction which, if committed in this state, would be a violation listed in this section;

shall not reside within one thousand feet of any public school as defined in section 160.011, any private school giving instruction in a grade or grades not higher than the twelfth grade, or any child care facility that is licensed under chapter 210, or any child care facility as defined in section 210.201 that is exempt from state licensure but subject to state regulation under section 210.252 and holds itself out to be a child care facility, where the school or facility is in existence at the time the individual begins to reside at the location. **Such person shall also not reside within one thousand feet of the property line of the residence of a former victim of such person.**

2. If such person has already established a residence and a public school, a private school, or child care facility is subsequently built or placed within one thousand feet of such person's residence, **or a former victim subsequently resides on property with a property line within one thousand feet of such person's residence,** then such person shall, within one week of the opening of such public school, private school, or child care facility, **or the former victim residing on the property,** notify the county sheriff where such public school, private school, **[**~~or~~**]** child care facility**, or residence of a former victim** is located that he or she is now residing within one thousand feet of such public school, private school, **[**~~or~~**]** child care facility**, or property line of the residence of a former victim,** and shall provide verifiable proof to the sheriff that he or she resided there prior to the opening of such public school, private school, or child care facility**, or the former victim residing on the property**.

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

4. **For the purposes of the section, one thousand feet shall be measured from the edge of the offender's property nearest the public school, private school, child care facility, or former victim to the nearest edge of the public school, private school, child care facility, or former victim's property.**

5. Violation of the provisions of subsection 1 of this section is a class E felony except that the second or any subsequent violation is a class B felony. Violation of the provisions of subsection 2 of this section is a class A misdemeanor except that the second or subsequent violation is a class E felony.

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

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

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

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

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

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

(6) "Peer support counseling session", any session conducted by a peer support specialist that is called or requested in response to a critical incident or traumatic event involving the personnel of the law enforcement agency or emergency services provider;

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

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

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

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

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

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

3. Any communication relating to a peer support counseling session that is made between peer support specialists, between peer support specialists and the supervisors or staff of an employee assistance program, or between the supervisors or staff of an employee assistance program is confidential and may not be disclosed.

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

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

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

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

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

(3) Admission of criminal conduct;

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

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

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

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

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

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

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

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

(4) "Counseling", problem-solving and support concerning emotional issues that result from criminal victimization licensed pursuant to section 595.030. Counseling is a confidential

service provided either on an individual basis or in a group. Counseling has as a primary purpose to enhance, protect and restore a person's sense of well-being and social functioning after victimization. Counseling does not include victim advocacy services such as crisis telephone counseling, attendance at medical procedures, law enforcement interviews or criminal justice proceedings;

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

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

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

(8) "Dependent", mother, father, spouse, spouse's mother, spouse's father, child, grandchild, adopted child, illegitimate child, niece or nephew, who is wholly or partially dependent for support upon, and living with, but shall include children entitled to child support but not living with, the victim at the time of his injury or death due to a crime alleged in a claim pursuant to sections 595.010 to 595.075;

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

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

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

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

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

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

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

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

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

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

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

(20) "Injured victim", a person:

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

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

(c) Killed or receiving a personal physical injury in this state while assisting a law enforcement officer in the apprehension of a person who the officer has reason to believe has perpetrated or attempted a crime;

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

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

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

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

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

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

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

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

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

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

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

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

(1) The name and address of the victim;

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

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

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

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

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

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

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

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

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

4. **[**~~If the department finds that an application does not contain the required information or that the facts stated therein have not been substantiated, it shall notify the claimant in writing of the specific additional items of information or materials required and that the claimant has thirty days from the date of mailing in which to furnish those items to the department. Unless a claimant requests and is granted an extension of time by the department, the department shall reject with prejudice the claim of the claimant for failure to file the additional information or materials within the specified time.~~

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

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

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

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

(1) A victim of a crime;

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

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

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

(a) A dependent of the victim;

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

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

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

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

4. **[**~~No compensation of any kind may be made to a victim who has been finally adjudicated and found guilty, in a criminal prosecution under the laws of this state, of two felonies within the past ten years, of which one or both involves illegal drugs or violence. The department may waive this restriction if it determines that the interest of justice would be served otherwise.~~

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

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

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

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

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

~~7.~~**] 5.** A Missouri resident who suffers personal **[**~~physical~~**]** injury or, in the case of death, a dependent of the victim or any member of the family who legally assumes the obligation, or

who pays the medical or burial expenses incurred as a direct result thereof, in another state, possession or territory of the United States may make application for compensation in Missouri if:

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

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

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

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

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

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

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

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

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

5. The person filing a claim shall, prior to any hearing thereon, submit reports, if available, from all hospitals, physicians **[**~~or~~**] ,** surgeons**, or other health care providers** who treated or examined the victim for the injury for which compensation is sought. **A hospital, physician, surgeon, or other health care provider may submit reports on behalf of the person filing a claim.** If, in the opinion of the department of public safety, an examination of the injured victim and a report thereon, or a report on the cause of death of the victim, would be of material aid, the department of public safety may appoint a duly qualified, impartial physician to make such examination and report.

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

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

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

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

~~(2) As a result of personal property being seized in an investigation by law enforcement. Compensation paid for an out-of-pocket loss under this subdivision shall be in an amount equal to the loss sustained, but shall not exceed two hundred fifty dollars.~~

~~2.~~**]** No compensation shall be paid unless the department of public safety finds that a crime was committed, that such crime directly resulted in personal **[**~~physical~~**]** injury to, or the death of, the victim, and that police**, court, or other official** records show that such crime was **[**~~promptly~~**]** reported to the proper authorities. **[**~~In no case may compensation be paid if the police records show that such report was made more than forty-eight hours after the occurrence of such crime, unless the department of public safety finds that the report to the police was delayed for good cause.~~**] In lieu of other records the claimant may provide a sworn statement by the applicant under paragraph (c) of subdivision (2) of section 589.663 that the applicant has good reason to believe that he or she is a victim of domestic violence, rape, sexual assault, human trafficking, or stalking and fears further violent acts from his or her assailant.** If the victim is under eighteen years of age such report may be made by the victim's parent, guardian or custodian; by a physician, a nurse, or hospital emergency room personnel; by the

children's division personnel; or by any other member of the victim's family. In the case of a sexual offense, filing a report of the offense to the proper authorities may include, but not be limited to, the filing of the report of the forensic examination by the appropriate medical provider, as defined in section 595.220, with the prosecuting attorney of the county in which the alleged incident occurred**, receiving a forensic examination, or securing an order of protection**.

[~~3.~~**]** **2.** No compensation shall be paid for medical care if the service provider is not a medical provider as that term is defined in section 595.027, and the individual providing the medical care is not licensed by the state of Missouri or the state in which the medical care is provided.

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

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

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

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

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

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

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

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

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

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

595.035. 1. For the purpose of determining the amount of compensation payable pursuant to sections 595.010 to 595.075, the department of public safety shall, insofar as practicable, formulate standards for the uniform application of sections 595.010 to 595.075, taking into consideration the provisions of sections 595.010 to 595.075, the rates and amounts of compensation payable for injuries and death pursuant to other laws of this state and of the United States, excluding pain and suffering, and the availability of funds appropriated for the purpose of sections 595.010 to 595.075. All decisions of the department of public safety on claims pursuant to sections 595.010 to 595.075 shall be in writing, setting forth the name of the claimant, the amount of compensation and the reasons for the decision. **[**~~The department of public safety shall immediately notify the claimant in writing of the decision and shall forward to the state treasurer a certified copy of the decision and a warrant for the amount of the claim. The state treasurer, upon certification by the commissioner of administration, shall, if there are sufficient funds in the crime victims' compensation fund, pay to or on behalf of the claimant the amount determined by the department.~~**]**

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

(1) From or on behalf of the offender;

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

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

3. In determining the amount of compensation payable, the department of public safety shall determine whether, because of the victim's consent, provocation, incitement or negligence, the victim contributed to the infliction of the victim's injury or death, and shall reduce the amount of the compensation or deny the claim altogether, in accordance with such determination; provided, however, that the department of public safety may disregard the responsibility of the victim for his or her own injury where such responsibility was attributable to efforts by the victim to aid a victim, or to prevent a crime or an attempted crime from occurring in his or her

presence, or to apprehend a person who had committed a crime in his or her presence or had in fact committed a felony.

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

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

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

2. Notwithstanding any other provision of law to the contrary, the moneys collected by clerks of the courts pursuant to the provisions of subsection 1 of this section shall be collected and disbursed in accordance with sections 488.010 to 488.020 and shall be payable to the director of the department of revenue.

3. The director of revenue shall deposit annually the amount of two hundred fifty thousand dollars to the state forensic laboratory account administered by the department of public safety to provide financial assistance to defray expenses of crime laboratories if such analytical laboratories are registered with the federal Drug Enforcement Agency or the Missouri department of health and senior services. Subject to appropriations made therefor, such funds shall be distributed by the department of public safety to the crime laboratories serving the courts of this state making analysis of a controlled substance or analysis of blood, breath or urine in relation to a court proceeding. **An additional amount of up to seven hundred fifty thousand dollars may be appropriated from the crime victims' compensation fund to be deposited annually to the state forensic laboratory account.**

4. The remaining funds collected under subsection 1 of this section shall be denoted to the payment of an annual appropriation for the administrative and operational costs of the office for victims of crime and, if a statewide automated crime victim notification system is established pursuant to section 650.310, to the monthly payment of expenditures actually incurred in the

operation of such system. Additional remaining funds shall be subject to the following provisions:

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

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

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

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

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

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

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

8. In addition to the moneys collected pursuant to subsection 1 of this section, the court shall enter a judgment in favor of the state of Missouri, payable to the crime victims' compensation fund, of sixty-eight dollars upon a plea of guilty or a finding of guilt for a class A or B felony; forty-six dollars upon a plea of guilty or finding of guilt for a class C or D felony; and ten dollars upon a plea of guilty or a finding of guilt for any misdemeanor under Missouri law except for those in chapter 252 relating to fish and game, chapter 302 relating to drivers' and

commercial drivers' license, chapter 303 relating to motor vehicle financial responsibility, chapter 304 relating to traffic regulations, chapter 306 relating to watercraft regulation and licensing, and chapter 307 relating to vehicle equipment regulations. Any clerk of the court receiving moneys pursuant to such judgments shall collect and disburse such crime victims' compensation judgments in the manner provided by sections 488.010 to 488.020. Such funds shall be payable to the state treasury and deposited to the credit of the crime victims' compensation fund.

9. The clerk of the court processing such funds shall maintain records of all dispositions described in subsection 1 of this section and all dispositions where a judgment has been entered against a defendant in favor of the state of Missouri in accordance with this section; all payments made on judgments for alcohol-related traffic offenses; and any judgment or portion of a judgment entered but not collected. These records shall be subject to audit by the state auditor. The clerk of each court transmitting such funds shall report separately the amount of dollars collected on judgments entered for alcohol-related traffic offenses from other crime victims' compensation collections or services to victims collections.

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

11. The state courts administrator shall include in the annual report **form** required by section **[**~~476.350~~**]** **476.412** the circuit court caseloads and the number of crime victims' compensation judgments entered.

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

specifically not a claim against the state, if it cannot be paid due to a lack of funds in the crime victims' compensation fund.

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

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

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

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

595.055. **[**~~1. No public or private agency shall provide service to a victim of crime pursuant to any contract made under section 595.050 unless the incident is reported to an appropriate law enforcement office within forty-eight hours after its occurrence or within forty-eight hours after the victim of crime, a dependent, or a member of the family of the victim reasonably could be expected to make such a report.~~

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

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

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

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

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

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

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

2. A minor may consent to examination under this section. Such consent is not subject to disaffirmance because of minority, and consent of parent or guardian of the minor is not required for such examination. The appropriate medical provider making the examination shall give written notice to the parent or guardian of a minor that such an examination has taken place.

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

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

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

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

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

4. Evidentiary collection kits shall be developed and made available, subject to appropriation, to appropriate medical providers by the highway patrol or its designees and eligible crime laboratories. Such kits shall be distributed with the forms and procedures for gathering evidence during forensic examinations of victims of a sexual offense to appropriate medical providers upon request of the provider, in the amount requested, and at no charge to the medical provider. All appropriate medical providers shall, with the written consent of the victim,

perform a forensic examination using the evidentiary collection kit, or other collection procedures developed for victims who are minors, and forms and procedures for gathering evidence following the checklist for any person presenting as a victim of a sexual offense.

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

6. All appropriate medical provider charges for eligible forensic examinations shall be billed to and paid by the department of public safety. No appropriate medical provider conducting forensic examinations and providing medical treatment to victims of sexual offenses shall charge the victim for the forensic examination. For appropriate medical provider charges related to the medical treatment of victims of sexual offenses, if the victim is an eligible claimant under the crime victims' compensation fund, the victim shall seek compensation under sections 595.010 to 595.075.

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

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

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

(2) "Appropriate medical provider":

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

(b) For the purposes of any nonemergency forensic examination of a child under fourteen years of age, the department of public safety may establish additional qualifications for any provider listed in paragraph (a) of this subdivision under rules authorized under subsection 7 of this section;

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

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

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

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

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

[~~(6)~~**] (8)** "Nonemergency forensic examination", an examination of a person under fourteen years of age that occurs more than five days after the alleged sexual offense. The department of public safety may further define the term nonemergency forensic examination by rule**;**

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

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

9. **The attorney general shall establish protocols and implement an electronic tracking system that:**

(1) Identifies, documents, records, and tracks an evidentiary collection kit and its components, including individual specimen containers, through its existence from forensic examination, to possession by a law enforcement agency, to testing, to use as evidence in criminal proceedings, and until disposition of such proceedings;

(2) Assigns a unique alphanumeric identifier to each person who may handle an evidentiary test kit;

(3) Links the identifiers of an evidentiary collection kit and its components, which shall be machine-readable;

(4) Allows each person who is properly creditialed and may handle an evidentiary test kit to check the status of an evidentiary test kit or its components and to save a portfolio of identifiers so that the person may track, obtain reports, and receive updates of the status of evidentiary collection kits or their components; and

(5) Allows properly credentialed sexual assault victims or their designees to access to monitor the current status of their evidentiary test kit.

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

610.027. 1. The remedies provided by this section against public governmental bodies shall be in addition to those provided by any other provision of law. Any aggrieved person, taxpayer to, or citizen of, this state, or the attorney general or prosecuting attorney, may seek judicial enforcement of the requirements of sections 610.010 to 610.026. Suits to enforce sections 610.010 to 610.026 shall be brought in the circuit court for the county in which the public governmental body has its principal place of business. Upon service of a summons, petition, complaint, counterclaim, or cross-claim in a civil action brought to enforce the provisions of sections 610.010 to 610.026, the custodian of the public record that is the subject matter of such civil action shall not transfer custody, alter, destroy, or otherwise dispose of the public record sought to be inspected and examined, notwithstanding the applicability of an exemption pursuant to section 610.021 or the assertion that the requested record is not a public record until the court directs otherwise.

2. Once a party seeking judicial enforcement of sections 610.010 to 610.026 demonstrates to the court that the body in question is subject to the requirements of sections 610.010 to 610.026 and has held a closed meeting, record or vote, the burden of persuasion shall be on the body and its members to demonstrate compliance with the requirements of sections 610.010 to 610.026.

3. Upon a finding by a preponderance of the evidence that a public governmental body or a member of a public governmental body has knowingly violated sections 610.010 to 610.026, the public governmental body or the member shall be subject to a civil penalty in an amount **[**~~up to one thousand dollars~~**] not less than five hundred dollars but not more than ten thousand dollars**. If the court finds that there is a knowing violation of sections 610.010 to 610.026, the court **[**~~may~~**] shall** order the payment by such body or member of all costs and reasonable attorney fees to any party successfully establishing a violation. The court shall determine the amount of the penalty by taking into account the size of the jurisdiction, the seriousness of the offense, and

whether the public governmental body or member of a public governmental body has violated sections 610.010 to 610.026 previously. **A person who knowingly violates sections 610.010 to 610.026 shall be guilty of a class B misdemeanor.**

4. Upon a finding by a preponderance of the evidence that a public governmental body or a member of a public governmental body has **[**~~purposely~~**]** violated sections 610.010 to 610.026**[**~~, the public governmental body or the member shall be subject to a civil penalty in an amount up to five thousand dollars. If the court finds that there was a purposeful violation of sections 610.010 to 610.026, then the court shall order the payment by such body or member of all costs and reasonable attorney fees to any party successfully establishing such a violation. The court shall determine the amount of the penalty by taking into account the size of the jurisdiction, the seriousness of the offense, and whether the public governmental body or member of a public governmental body has violated sections 610.010 to 610.026 previously~~**] but the violation was not committed knowingly, the court may impose a penalty of not more than one thousand dollars and may order the payment by such body or member of all costs and reasonable attorney's fees to any party successfully establishing a violation. The court shall determine the amount of the penalty by taking into account the size of the jurisdiction, the seriousness of the offense, the degree of culpability and fault on the part of the public governmental body or member, and whether the public governmental body or member has previously violated sections 610.010 to 610.026**.

5. Upon a finding by a preponderance of the evidence that a public governmental body has violated any provision of sections 610.010 to 610.026, a court shall void any action taken in violation of sections 610.010 to 610.026, if the court finds under the facts of the particular case that the public interest in the enforcement of the policy of sections 610.010 to 610.026 outweighs the public interest in sustaining the validity of the action taken in the closed meeting, record or vote. Suit for enforcement shall be brought within one year from which the violation is ascertainable and in no event shall it be brought later than two years after the violation. This subsection shall not apply to an action taken regarding the issuance of bonds or other evidence of indebtedness of a public governmental body if a public hearing, election or public sale has been held regarding the bonds or evidence of indebtedness.

6. A public governmental body which is in doubt about the legality of closing a particular meeting, record or vote may bring suit at the expense of that public governmental body in the circuit court of the county of the public governmental body's principal place of business to ascertain the propriety of any such action, or seek a formal opinion of the attorney general or an attorney for the governmental body.

7. There is created within the office of the attorney general a transparency division. No assistant attorney general while assigned to the transparency division shall participate

in the prosecution or defense of any civil claim on behalf of the state, any agency of the state, or any officer of the state, except the prosecution of an action alleging a violation of any provision of chapter 109 or this chapter.

8. To the extent that any action brought by the attorney general or by an assistant attorney general in the transparency division creates an actual or potential conflict of interest under the Missouri rules of professional conduct 4-1.7 or 4-1.9, the state, all agencies of the state, and all officers of the state in their official capacity shall be deemed to have waived such actual or potential conflicts under such sections of the Missouri rules of professional conduct, provided that no attorney other than the attorney general and assistant attorneys general assigned to the transparency division shall participate in the prosecution of such action.

610.031. 1. If the attorney general concludes that any person may have engaged in any act, conduct, or practice that violates any provision of chapter 109 or this chapter, the attorney general may serve a civil investigative demand on any person who the attorney general believes may have information or evidence relevant to the suspected violation. A civil investigative demand issued under this section may seek any information and documents that could be obtained by means of a subpoena duces tecum issued by a court of this state. A civil investigative demand issued under this section may also require answers to written interrogatories that would be permitted by the Missouri supreme court rules.

2. A civil investigative demand issued under this section shall:

(1) State the statute or statutes that the attorney general believes may have been violated;

(2) Describe the class or classes of information and evidence to be produced with sufficient specificity so as to fairly indicate the material demanded;

(3) Prescribe a return date by which the information and evidence is to be produced; and

(4) Identify the members of the attorney general's staff to whom the information and evidence requested is to be produced.

3. Service of a civil investigative demand issued under this section may be made by:

(1) Delivering a duly executed copy thereof to the person to be served, or to a partner or any officer or agent authorized by appointment or by law to receive service of process on behalf of such person;

(2) Delivering a duly executed copy thereof to the principal place of business or the residence in this state of the person to be served;

(3) Mailing by registered or certified mail a duly executed copy thereof addressed to the person to be served, at the person's principal place of business or residence in this state, or if such person has no place of business or residence in this state, to his or her principal office, place of business, or his or her residence; or

(4) Mailing by registered or certified mail a duly executed copy thereof, requesting a return receipt signed by the addressee only, to the last known place of business, residence, or abode within or without this state of such person.

4. At any time prior to the return date specified in a civil investigative demand issued under this section or within twenty days after the civil investigative demand is served, whichever is earlier, the recipient of the civil investigative demand may file a petition in the circuit court of Cole County seeking to extend the return date for good cause or to quash or modify any portion of the civil investigative demand. A civil investigative demand issued under this section shall only be quashed or modified on the same basis as a subpoena duces tecum issued by a court of this state.

5. If any person fails to comply with any portion of a civil investigative demand served under this section, the attorney general may file a petition for an order to enforce the civil investigative demand. The attorney general may file such petition in the circuit court of Cole County or in any circuit court where such person has his or her principal place of business or residence. Any person who refuses to comply with an order enforcing a civil investigative demand shall be found in contempt.

6. Any person who, with the intent to avoid, evade, or prevent compliance with a civil investigative demand issued under this section, removes, conceals, withholds, destroys, alters, or falsifies any information or evidence responsive to a civil investigative demand served under this section shall be guilty of a class A misdemeanor. The attorney general shall have concurrent jurisdiction to enforce the provisions of this subsection.

610.140. 1. Notwithstanding any other provision of law and subject to the provisions of this section, any person may apply to any court in which such person was charged or found guilty of any offenses, violations, or infractions for an order to expunge records of such arrest, plea, trial, or conviction. Subject to the limitations of subsection 12 of this section, a person may apply to have one or more offenses, violations, or infractions expunged if such offense, violation, or infraction occurred within the state of Missouri and was prosecuted under the jurisdiction of a Missouri municipal, associate circuit, or circuit court, so long as such person lists all the offenses, violations, and infractions he or she is seeking to have expunged in the petition and so long as all such offenses, violations, and infractions are not excluded under subsection 2 of this section. If the offenses, violations, or infractions were charged as counts in the same indictment or information or were committed as part of the same course of criminal conduct, the person may

include all the related offenses, violations, and infractions in the petition, regardless of the limits of subsection 12 of this section, and the petition shall only count as a petition for expungement of the highest level violation or offense contained in the petition for the purpose of determining future eligibility for expungement.

2. The following offenses, violations, and infractions shall not be eligible for expungement under this section:

(1) Any class A felony offense;

(2) Any dangerous felony as that term is defined in section 556.061;

(3) Any offense that requires registration as a sex offender;

(4) Any felony offense where death is an element of the offense;

(5) Any felony offense of assault; misdemeanor or felony offense of domestic assault; or felony offense of kidnapping;

(6) Any offense listed, or previously listed, in chapter 566 or section 105.454, 105.478, 115.631, 130.028, 188.030, 188.080, 191.677, 194.425, 217.360, 217.385, 334.245, 375.991, 389.653, 455.085, 455.538, 557.035, 565.084, 565.085, 565.086, 565.095, 565.120, 565.130, 565.156, 565.200, 565.214, 566.093, 566.111, 566.115, 568.020, 568.030, 568.032, 568.045, 568.060, 568.065, 568.080, 568.090, 568.175, 569.030, 569.035, 569.040, 569.050, 569.055, 569.060, 569.065, 569.067, 569.072, 569.100, 569.160, 570.025, 570.030, 570.090, 570.100, 570.130, 570.180, 570.223, 570.224, 570.310, 571.020, **[**~~571.030,~~**]** 571.060, 571.063, 571.070, 571.072, 571.150, 574.070, 574.105, 574.115, 574.120, 574.130, 575.040, 575.095, 575.153, 575.155, 575.157, 575.159, 575.195, 575.200, 575.210, 575.220, 575.230, 575.240, 575.350, 575.353, 577.078, 577.703, 577.706, 578.008, 578.305, 578.310, or 632.520;

(7) Any offense eligible for expungement under section 577.054 or 610.130;

(8) Any intoxication-related traffic or boating offense as defined in section 577.001, or any offense of operating an aircraft with an excessive blood alcohol content or while in an intoxicated condition;

(9) Any ordinance violation that is the substantial equivalent of any offense that is not eligible for expungement under this section; **[**~~and~~**]**

(10) Any **[**~~violations~~**]** **violation** of any state law or county or municipal ordinance regulating the operation of motor vehicles when committed by an individual who has been issued a commercial driver's license or is required to possess a commercial driver's license issued by this state or any other state**; and**

(11) Any offense of section 571.030, except any offense under subdivision (1) of subsection 1 of section 571.030 if the person was convicted or found guilty prior to January 1, 2017.

3. The petition shall name as defendants all law enforcement agencies, courts, prosecuting or circuit attorneys, municipal prosecuting attorneys, central state repositories of criminal records, or others who the petitioner has reason to believe may possess the records subject to expungement for each of the offenses, violations, and infractions listed in the petition. The court's order of expungement shall not affect any person or entity not named as a defendant in the action.

4. The petition shall include the following information:

(1) The petitioner's:

(a) Full name;

(b) Sex;

(c) Race;

(d) Driver's license number, if applicable; and

(e) Current address;

(2) Each offense, violation, or infraction for which the petitioner is requesting expungement;

(3) The approximate date the petitioner was charged for each offense, violation, or infraction; and

(4) The name of the county where the petitioner was charged for each offense, violation, or infraction and if any of the offenses, violations, or infractions occurred in a municipality, the name of the municipality for each offense, violation, or infraction; and

(5) The case number and name of the court for each offense.

5. The clerk of the court shall give notice of the filing of the petition to the office of the prosecuting attorney, circuit attorney, or municipal prosecuting attorney that prosecuted the offenses, violations, or infractions listed in the petition. If the prosecuting attorney, circuit attorney, or municipal prosecuting attorney objects to the petition for expungement, he or she shall do so in writing within thirty days after receipt of service. Unless otherwise agreed upon by the parties, the court shall hold a hearing within sixty days after any written objection is filed, giving reasonable notice of the hearing to the petitioner. If no objection has been filed within thirty days after receipt of service, the court may set a hearing on the matter and shall give reasonable notice of the hearing to each entity named in the petition. At any hearing, the court may accept evidence and hear testimony on, and may consider, the following criteria for each of the offenses, violations, or infractions listed in the petition for expungement:

(1) It has been at least seven years if the offense is a felony, or at least three years if the offense is a misdemeanor, municipal offense, or infraction, from the date the petitioner completed any authorized disposition imposed under section 557.011 for each offense, violation, or infraction listed in the petition;

(2) The person has not been found guilty of any other misdemeanor or felony, not including violations of the traffic regulations provided under chapters 304 and 307, during the time period specified for the underlying offense, violation, or infraction in subdivision (1) of this subsection;

(3) The person has satisfied all obligations relating to any such disposition, including the payment of any fines or restitution;

(4) The person does not have charges pending;

(5) The petitioner's habits and conduct demonstrate that the petitioner is not a threat to the public safety of the state; and

(6) The expungement is consistent with the public welfare and the interests of justice warrant the expungement.

A pleading by the petitioner that such petitioner meets the requirements of subdivisions (5) and (6) of this subsection shall create a rebuttable presumption that the expungement is warranted so long as the criteria contained in subdivisions (1) to (4) of this subsection are otherwise satisfied. The burden shall shift to the prosecuting attorney, circuit attorney, or municipal prosecuting attorney to rebut the presumption. A victim of an offense, violation, or infraction listed in the petition shall have an opportunity to be heard at any hearing held under this section, and the court may make a determination based solely on such victim's testimony.

6. A petition to expunge records related to an arrest for an eligible offense, violation, or infraction may be made in accordance with the provisions of this section to a court of competent jurisdiction in the county where the petitioner was arrested no earlier than three years from the date of arrest; provided that, during such time, the petitioner has not been charged and the petitioner has not been found guilty of any misdemeanor or felony offense.

7. If the court determines that such person meets all the criteria set forth in subsection 5 of this section for each of the offenses, violations, or infractions listed in the petition for expungement, the court shall enter an order of expungement. In all cases under this section, the court shall issue an order of expungement or dismissal within six months of the filing of the petition. A copy of the order of expungement shall be provided to the petitioner and each entity possessing records subject to the order, and, upon receipt of the order, each entity shall close any record in its possession relating to any offense, violation, or infraction listed in the petition, in the manner established by section 610.120. The records and files maintained in any administrative or court proceeding in a municipal, associate, or circuit court for any offense, infraction, or violation ordered expunged under this section shall be confidential and only available to the parties or by order of the court for good cause shown. The central repository shall request the Federal Bureau of Investigation to expunge the records from its files.

8. The order shall not limit any of the petitioner's rights that were restricted as a collateral consequence of such person's criminal record, and such rights shall be restored upon issuance of the order of expungement. Except as otherwise provided under this section, the effect of such order shall be to restore such person to the status he or she occupied prior to such arrests, pleas, trials, or convictions as if such events had never taken place. No person as to whom such order has been entered shall be held thereafter under any provision of law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrests, pleas, trials, convictions, or expungement in response to an inquiry made of him or her and no such inquiry shall be made for information relating to an expungement, except the petitioner shall disclose the expunged offense, violation, or infraction to any court when asked or upon being charged with any subsequent offense, violation, or infraction. The expunged offense, violation, or infraction may be considered a prior offense in determining a sentence to be imposed for any subsequent offense that the person is found guilty of committing.

9. Notwithstanding the provisions of subsection 8 of this section to the contrary, a person granted an expungement shall disclose any expunged offense, violation, or infraction when the disclosure of such information is necessary to complete any application for:

(1) A license, certificate, or permit issued by this state to practice such individual's profession;

(2) Any license issued under chapter 313 or permit issued under chapter 571;

(3) Paid or unpaid employment with an entity licensed under chapter 313, any state-operated lottery, or any emergency services provider, including any law enforcement agency;

(4) Employment with any federally insured bank or savings institution or credit union or an affiliate of such institution or credit union for the purposes of compliance with 12 U.S.C. Section 1829 and 12 U.S.C. Section 1785;

(5) Employment with any entity engaged in the business of insurance or any insurer for the purpose of complying with 18 U.S.C. Section 1033, 18 U.S.C. Section 1034, or other similar law which requires an employer engaged in the business of insurance to exclude applicants with certain criminal convictions from employment; or

(6) Employment with any employer that is required to exclude applicants with certain criminal convictions from employment due to federal or state law, including corresponding rules and regulations.

An employer shall notify an applicant of the requirements under subdivisions (4) to (6) of this subsection. Notwithstanding any provision of law to the contrary, an expunged offense, violation, or infraction shall not be grounds for automatic disqualification of an applicant, but

may be a factor for denying employment, or a professional license, certificate, or permit; except that, an offense, violation, or infraction expunged under the provisions of this section may be grounds for automatic disqualification if the application is for employment under subdivisions (4) to (6) of this subsection.

10. A person who has been granted an expungement of records pertaining to a misdemeanor or felony offense, an ordinance violation, or an infraction may answer "no" to an employer's inquiry into whether the person has ever been convicted of a crime if, after the granting of the expungement, the person has no public record of a misdemeanor or felony offense, an ordinance violation, or an infraction. The person, however, shall answer such an inquiry affirmatively and disclose his or her criminal convictions, including any offense or violation expunged under this section or similar law, if the employer is required to exclude applicants with certain criminal convictions from employment due to federal or state law, including corresponding rules and regulations.

11. If the court determines that the petitioner has not met the criteria for any of the offenses, violations, or infractions listed in the petition for expungement or the petitioner has knowingly provided false information in the petition, the court shall enter an order dismissing the petition. Any person whose petition for expungement has been dismissed by the court for failure to meet the criteria set forth in subsection 5 of this section may not refile another petition until a year has passed since the date of filing for the previous petition.

12. A person may be granted more than one expungement under this section provided that during his or her lifetime, the total number of offenses, violations, or infractions for which orders of expungement are granted to the person shall not exceed the following limits:

(1) Not more than two misdemeanor offenses or ordinance violations that have an authorized term of imprisonment; and

(2) Not more than one felony offense.

A person may be granted expungement under this section for any number of infractions. Nothing in this section shall prevent the court from maintaining records to ensure that an individual has not exceeded the limitations of this subsection. Nothing in this section shall be construed to limit or impair in any way the subsequent use of any record expunged under this section of any arrests or findings of guilt by a law enforcement agency, criminal justice agency, prosecuting attorney, circuit attorney, or municipal prosecuting attorney, including its use as a prior offense, violation, or infraction.

13. The court shall make available a form for pro se petitioners seeking expungement, which shall include the following statement: "I declare under penalty of perjury that the

statements made herein are true and correct to the best of my knowledge, information, and belief.".

14. Nothing in this section shall be construed to limit or restrict the availability of expungement to any person under any other law.

610.210. Notwithstanding any other provisions of law to the contrary, information in law enforcement agency records that would enable the provision of health care to a person in contact with law enforcement may be released for the purpose of health care coordination to any health care provider, as defined in the Health Insurance Portability and Accountability Act of 1996 as amended, that is providing or may provide services to the person.

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

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

(1) Reimbursement for overtime required to enhance specialized, nonroutine training opportunities;

(2) Analytical capacity for targeting enforcement efforts; and

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

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

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

5. All law enforcement agencies, municipal and county, located in any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants, any county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a home rule city with more than seventy-six thousand but fewer than ninety-one thousand inhabitants as the county seat, and any county of the third classification without a township form of government and with more than forty-one thousand but fewer than forty-five thousand inhabitants shall be eligible to receive funding hereunder, according to standards adopted by the department of public safety, unless otherwise restricted by statute.

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

650.055. 1. Every individual who:

(1) Is found guilty of a felony or any offense under chapter 566; or

(2) Is seventeen years of age or older and arrested for burglary in the first degree under section 569.160, or burglary in the second degree under section 569.170, or a felony offense under chapter 565, 566, 567, 568, or 573; or

(3) Has been determined to be a sexually violent predator pursuant to sections 632.480 to 632.513; or

(4) Is an individual required to register as a sexual offender under sections 589.400 to 589.425;

shall have a fingerprint and blood or scientifically accepted biological sample collected for purposes of DNA profiling analysis.

2. Any individual subject to DNA collection and profiling analysis under this section shall provide a DNA sample:

(1) Upon booking at a county jail or detention facility; or

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

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

(4) When the state accepts a person from another state under any interstate compact, or under any other reciprocal agreement with any county, state, or federal agency, or any other provision of law, whether or not the person is confined or released, the acceptance is conditional on the person providing a DNA sample if the person was found guilty of a felony offense in any other jurisdiction; or

(5) If such individual is under the jurisdiction of the department of corrections. Such jurisdiction includes persons currently incarcerated, persons on probation, as defined in section 217.650, and on parole, as also defined in section 217.650; or

(6) At the time of registering as a sex offender under sections 589.400 to 589.425.

3. The Missouri state highway patrol and department of corrections shall be responsible for ensuring adherence to the law. Any person required to provide a DNA sample pursuant to this section shall be required to provide such sample, without the right of refusal, at a collection site designated by the Missouri state highway patrol and the department of corrections. Authorized personnel collecting or assisting in the collection of samples shall not be liable in any civil or criminal action when the act is performed in a reasonable manner. Such force may be used as necessary to the effectual carrying out and application of such processes and operations.

The enforcement of these provisions by the authorities in charge of state correctional institutions and others having custody or jurisdiction over individuals included in subsection 1 of this section which shall not be set aside or reversed is hereby made mandatory. The board of probation or parole shall recommend that an individual on probation or parole who refuses to provide a DNA sample have his or her probation or parole revoked. In the event that a person's DNA sample is not adequate for any reason, the person shall provide another sample for analysis.

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

5. Unauthorized use or dissemination of individually identifiable DNA information in a database for purposes other than criminal justice or law enforcement is a class A misdemeanor.

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

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

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

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

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

(4) The individual whose DNA sample has been collected, or his or her attorney; or

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

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

9. (1) An individual may request expungement of his or her DNA sample and DNA profile through the court issuing the reversal or dismissal, or through the court granting an expungement of all official records under section 568.040.

A certified copy of the court order establishing that such conviction has been reversed, guilty plea has been set aside, or expungement has been granted under section 568.040 shall be sent to the Missouri state highway patrol crime laboratory. Upon receipt of the court order, the laboratory will determine that the requesting individual has no other qualifying offense as a result of any separate plea or conviction and no other qualifying arrest prior to expungement.

(2) A person whose DNA record or DNA profile has been included in the state DNA database in accordance with this section and sections 650.050, 650.052, and 650.100 may request expungement on **one or more of** the **following** grounds **[**~~that the conviction has been reversed, the guilty plea on which the authority for including that person's DNA record or DNA profile was based has been set aside, or an expungement of all official records has been granted by the court under section 568.040~~**] :**

(a) The conviction on which the authority for including that person's DNA record or DNA profile was based on has been reversed;

(b) The guilty plea on which the authority for including that person's DNA record or DNA profile was based on has been set aside;

(c) The prosecutor has declined prosecution on all alleged offenses which, upon conviction, would authorize the inclusion of that person's DNA record or DNA profile;

(d) The prosecutor has withdrawn all qualifying charges which, upon conviction, would authorize the inclusion of that person's DNA record or DNA profile;

(e) The case or cases containing all charges which, upon conviction, would authorize the inclusion of that person's DNA record or DNA profile, are dismissed;

(f) The court finds at a preliminary hearing that there is no probable cause to try that person for any charge which, upon conviction, would authorize the inclusion of that person's DNA record or DNA profile;

(g) That person is found not guilty of all charges which, upon conviction, would authorize the inclusion of that person's DNA record or DNA profile.

(3) Upon receipt of a written request for expungement, a certified copy of the final court order reversing the conviction, setting aside the plea, or granting an expungement of all official records under section 568.040, and any other information necessary to ascertain the validity of the request, the Missouri state highway patrol crime laboratory shall expunge all DNA records and identifiable information in the state DNA database pertaining to the person and destroy the DNA sample of the person, unless the Missouri state highway patrol determines that the person

is otherwise obligated to submit a DNA sample. Within thirty days after the receipt of the court order, the Missouri state highway patrol shall notify the individual that it has expunged his or her DNA sample and DNA profile, or the basis for its determination that the person is otherwise obligated to submit a DNA sample.

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

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

[~~10. When a DNA sample is taken from an individual pursuant to subdivision (2) of subsection 1 of this section and the prosecutor declines prosecution and notifies the arresting agency of that decision, the arresting agency shall notify the Missouri state highway patrol crime laboratory within ninety days of receiving such notification. Within thirty days of being notified by the arresting agency that the prosecutor has declined prosecution, the Missouri state highway patrol crime laboratory shall determine whether the individual has any other qualifying offenses or arrests that would require a DNA sample to be taken and retained. If the individual has no other qualifying offenses or arrests, the crime laboratory shall expunge all DNA records in the database taken at the arrest for which the prosecution was declined pertaining to the person and destroy the DNA sample of such person.~~

~~11. When a DNA sample is taken of an arrestee for any offense listed under subsection 1 of this section and charges are filed:~~

~~(1) If the charges are later withdrawn, the prosecutor shall notify the state highway patrol crime laboratory that such charges have been withdrawn;~~

~~(2) If the case is dismissed, the court shall notify the state highway patrol crime laboratory of such dismissal;~~

~~(3) If the court finds at the preliminary hearing that there is no probable cause that the defendant committed the offense, the court shall notify the state highway patrol crime laboratory of such finding;~~

~~(4) If the defendant is found not guilty, the court shall notify the state highway patrol crime laboratory of such verdict.~~

~~If the state highway patrol crime laboratory receives notice under this subsection, such crime laboratory shall determine, within thirty days, whether the individual has any other qualifying offenses or arrests that would require a DNA sample to be taken. If the individual has no other~~

~~qualifying arrests or offenses, the crime laboratory shall expunge all DNA records in the database pertaining to such person and destroy the person's DNA sample.~~]

Section 1. If an inmate in the custody of the department of corrections is determined by a court to have not committed the crime of which such person was convicted and sentenced to a term of imprisonment, upon release from the prison or as soon thereafter as possible, the department of corrections shall provide one Missouri nondriver's license, or driver's license if qualified, at no cost to the person. The department shall provide one copy of each of the documents listed in subdivision (2) of subsection 6 of section 115.427, free of charge, if needed by the person to obtain the nondriver's license or driver's license.

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

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

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

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

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

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

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

~~(7) Increase the availability of resource materials which may be utilized by local crime prevention programs, analyze data, evaluate needs, and develop specific crime prevention strategies;~~

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

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

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

~~(a) Provide technical assistance in the form of resource development and distribution, consultation, community resource identification, utilization, training, and distribution, consultation, community resource identification, utilization, training, and promotion of crime prevention programs or activities;~~

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

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

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