

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 834, Page 1, Section A, Line 5, by inserting after said section and line the following:

3
4 "43.253. 1. Notwithstanding any other provision of law to the contrary, a minimum fee of
5 five dollars may be charged by the Missouri state highway patrol for any records request where
6 there are allowable fees of less than five dollars under this chapter or chapter 610. Such five-dollar
7 fee shall be in place of any allowable fee of less than five dollars.

8 2. The superintendent of the Missouri state highway patrol may increase the minimum fee
9 described in this section by no more than one dollar every other year beginning August 28, 2023;
10 however, the minimum fee described in this section shall not exceed ten dollars.

11 3. A request for public records under chapter 43 or chapter 610 shall be considered
12 withdrawn if the requester fails to remit all fees within thirty days of a request for payment of the
13 fees by the Missouri state highway patrol.

14 43.650. 1. The patrol shall, subject to appropriation, maintain a web page on the internet
15 which shall be open to the public and shall include a registered sexual offender and registered
16 violent offender search capability.

17 2. Except as provided in subsections 4 and 5 of this section, the registered sexual offender
18 and registered violent offender search shall make it possible for any person using the internet to
19 search for and find the information specified in subsection 4 of this section, if known, on offenders
20 registered in this state pursuant to sections 589.400 to 589.425 or section 589.437.

21 3. The registered sexual offender and registered violent offender search shall include the
22 capability to search for sexual offenders by name, by zip code, and by typing in an address and
23 specifying a search within a certain number of miles radius from that address. The search shall also
24 have the capability to filter results by sexual offenders or violent offenders.

25 4. Only the information listed in this subsection shall be provided to the public in the
26 registered sexual offender and registered violent offender search:

27 (1) The name and any known aliases of the offender;

28 (2) The date of birth and any known alias dates of birth of the offender;

29 (3) A physical description of the offender;

30 (4) The residence, temporary, work, and school addresses of the offender, including the
31 street address, city, county, state, and zip code;

32 (5) Any photographs of the offender;

33 (6) A physical description of the offender's vehicles, including the year, make, model, color,
34 and license plate number;

35 (7) The nature and dates of all offenses qualifying the offender to register, including the tier
36 level assigned to the offender under sections 589.400 to 589.425;

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(8) The date on which the offender was released from the department of mental health, prison, or jail[, or placed on parole, supervised release, or probation for the offenses qualifying the offender to register;

(9) Compliance status of the sexual or violent offender with the provisions of ~~[section]~~ sections 589.400 to 589.425; and

(10) Any online identifiers, as defined in section 43.651, used by the person. Such online identifiers shall not be included in the general profile of an offender on the web page and shall only be available to a member of the public by a search using the specific online identifier to determine if a match exists with a registered offender.

5. Juveniles required to register under subdivision (5) of subsection 1 of section 589.400 shall be exempt from public notification to include any adjudications from another state, territory, the District of Columbia, or foreign country or any federal, tribal, or military jurisdiction.

57.317. 1. (1) Except in a noncharter county of the first classification with more than one hundred fifty thousand and less than two hundred thousand inhabitants, the county sheriff in any county of the first or second classification shall receive an annual salary equal to eighty percent of the compensation of an associate circuit judge of the county.

(2) The county sheriff in any county of the third or fourth classification shall receive an annual salary computed as the following percentages of the compensation of an associate circuit judge of the county. If there is an increase in salary of less than ten thousand dollars, the increase shall take effect on January 1, 2022. If there is an increase of ten thousand dollars or more, the increase shall be paid over a period of five years in twenty percent increments per year. The assessed valuation factor shall be the amount thereof as shown for the year next preceding the computation. The provisions of this section shall not permit or require a reduction in the amount of compensation being paid for the office of sheriff from the prior year.

Assessed Valuation	Percentage
\$18,000,000 to 99,999,999	45%
100,000,000 to 249,999,999	50%
250,000,000 to 449,999,999	55%
450,000,000 to 899,999,999	60%
900,000,000 and over	65%

2. Two thousand dollars of the salary authorized in this section shall be payable to the sheriff only if the sheriff has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the sheriff's office when approved by a professional association of the county sheriffs of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each sheriff who completes the training program and shall send a list of certified sheriffs to the treasurer of each county. Expenses incurred for attending the training session may be reimbursed to the county sheriff in the same manner as other expenses as may be appropriated for that purpose.

3. The county sheriff in any county other than a charter county shall not receive an annual compensation less than the compensation described under this section.

67.145. 1. No political subdivision of this state shall prohibit any first responder from engaging in any political activity while off duty and not in uniform, being a candidate for elected or appointed public office, or holding such office unless such political activity or candidacy is

1 otherwise prohibited by state or federal law.

2 2. As used in this section, "first responder" means any person trained and authorized by law
3 or rule to render emergency medical assistance or treatment. Such persons may include, but shall
4 not be limited to, emergency first responders, telecommunicator first responders, police officers,
5 sheriffs, deputy sheriffs, firefighters, ambulance attendants and attendant drivers, emergency
6 medical technicians, mobile emergency medical technicians, emergency medical technician-
7 paramedics, registered nurses, or physicians.

8 70.631. 1. Each political subdivision may, by majority vote of its governing body, elect to
9 cover ~~[emergency telecommunicators]~~ telecommunicator first responders, jailors, and emergency
10 medical service personnel as public safety personnel members of the system. The clerk or secretary
11 of the political subdivision shall certify an election concerning the coverage of ~~[emergency~~
12 ~~telecommunicators]~~ telecommunicator first responders, jailors, and emergency medical service
13 personnel as public safety personnel members of the system to the board within ten days after such
14 vote. The date in which the political subdivision's election becomes effective shall be the first day
15 of the calendar month specified by such governing body, the first day of the calendar month next
16 following receipt by the board of the certification of the election, or the effective date of the political
17 subdivision's becoming an employer, whichever is the latest date. Such election shall not be
18 changed after the effective date. If the election is made, the coverage provisions shall be applicable
19 to all past and future employment with the employer by present and future employees. If a political
20 subdivision makes no election under this section, no ~~[emergency]~~ telecommunicator first responder,
21 jailor, or emergency medical service personnel of the political subdivision shall be considered public
22 safety personnel for purposes determining a minimum service retirement age as defined in section
23 70.600.

24 2. If an employer elects to cover ~~[emergency telecommunicators]~~ telecommunicator first
25 responders, jailors, and emergency medical service personnel as public safety personnel members of
26 the system, the employer's contributions shall be correspondingly changed effective the same date as
27 the effective date of the political subdivision's election.

28 3. The limitation on increases in an employer's contributions provided by subsection 6 of
29 section 70.730 shall not apply to any contribution increase resulting from an employer making an
30 election under the provisions of this section.

31 4. The provisions of this section shall only apply to counties of the third classification and
32 any county of the first classification with more than seventy thousand but fewer than eighty-three
33 thousand inhabitants and with a city of the fourth classification with more than thirteen thousand
34 five hundred but fewer than sixteen thousand inhabitants as the county seat, and any political
35 subdivisions located, in whole or in part, within such counties.

36 84.480. The board of police commissioners shall appoint a chief of police who shall be the
37 chief police administrative and law enforcement officer of such cities. The chief of police shall be
38 chosen by the board solely on the basis of his or her executive and administrative qualifications and
39 his or her demonstrated knowledge of police science and administration with special reference to his
40 or her actual experience in law enforcement leadership and the provisions of section 84.420. At the
41 time of the appointment, the chief shall not be more than sixty years of age, shall have had at least
42 five years' executive experience in a governmental police agency and shall be certified by a surgeon
43 or physician to be in a good physical condition, and shall be a citizen of the United States and shall
44 either be or become a citizen of the state of Missouri and resident of the city in which he or she is
45 appointed as chief of police. ~~[In order to secure and retain the highest type of police leadership~~
46 ~~within the departments of such cities, the chief shall receive a salary of not less than eighty thousand~~
47 ~~two hundred eleven dollars, nor more than one hundred eighty-nine thousand seven hundred twenty-~~
48 ~~six dollars per annum.]~~

49 105.1500. 1. This section shall be known and may be cited as "The Personal Privacy

1 Protection Act".

2 2. As used in this section, the following terms mean:

3 (1) "Personal information", any list, record, register, registry, roll, roster, or other
 4 compilation of data of any kind that directly or indirectly identifies a person as a member, supporter,
 5 or volunteer of, or donor of financial or nonfinancial support to, any entity exempt from federal
 6 income tax under Section 501(c) of the Internal Revenue Code of 1986, as amended;

7 (2) "Public agency", the state and any political subdivision thereof including, but not limited
 8 to, any department, agency, office, commission, board, division, or other entity of state government;
 9 any county, city, township, village, school district, community college district; or any other local
 10 governmental unit, agency, authority, council, board, commission, state or local court, tribunal or
 11 other judicial or quasi-judicial body.

12 3. (1) Notwithstanding any provision of law to the contrary, but subject to the exceptions
 13 listed under subsection 4 of this section, a public agency shall not:

14 (a) Require any individual to provide the public agency with personal information or
 15 otherwise compel the release of personal information;

16 (b) Require any entity exempt from federal income taxation under Section 501(c) of the
 17 Internal Revenue Code to provide the public agency with personal information or otherwise compel
 18 the release of personal information;

19 (c) Release, publicize, or otherwise publicly disclose personal information in possession of a
 20 public agency, unless consented to by an entity exempt from federal income taxation under Section
 21 501(c) of the Internal Revenue Code; or

22 (d) Request or require a current or prospective contractor or grantee with the public agency
 23 to provide the public agency with a list of entities exempt from federal income taxation under
 24 Section 501(c) of the Internal Revenue Code of 1986, as amended, to which it has provided
 25 financial or nonfinancial support.

26 (2) All personal information in the possession of a public agency shall be considered a
 27 closed record under chapter 610 and court operating rules.

28 4. The provisions of this section shall not preclude any individual or entity from being
 29 required to comply with any of the following:

30 (1) Submitting any report or disclosure required by this chapter or chapter 130;

31 (2) Responding to any lawful request or subpoena for personal information from the
 32 Missouri ethics commission or the Missouri state highway patrol as a part of an investigation, or
 33 publicly disclosing personal information as a result of an enforcement action from the Missouri state
 34 highway patrol or the Missouri ethics commission pursuant to its authority in sections 105.955 to
 35 105.966;

36 (3) Responding to any lawful warrant for personal information issued by a court of
 37 competent jurisdiction;

38 (4) Responding to any lawful request for discovery of personal information in litigation if:

39 (a) The requestor demonstrates a compelling need for the personal information by clear and
 40 convincing evidence; and

41 (b) The requestor obtains a protective order barring disclosure of personal information to
 42 any person not named in the litigation;

43 (5) Applicable court rules or admitting any personal information as relevant evidence before
 44 a court of competent jurisdiction. However, a submission of personal information to a court shall be
 45 made in a manner that it is not publicly revealed and no court shall publicly reveal personal
 46 information absent a specific finding of good cause;

47 (6) Any report or disclosure required by state law to be filed with the secretary of state,
 48 provided that personal information obtained by the secretary of state is otherwise subject to the
 49 requirements of paragraph (c) of subdivision (1) of subsection 3 of this section, unless expressly

1 required to be made public by state law; or

2 (7) Any request from a public agency for a list of the directors and officers of an entity
 3 exempt from federal income tax under Section 501(c) of the Internal Revenue Code of 1986, as
 4 amended.

5 5. (1) A person or entity alleging a violation of this section may bring a civil action for
 6 appropriate injunctive relief, damages, or both. Damages awarded under this section may include
 7 one of the following, as appropriate:

8 (a) A sum of moneys not less than two thousand five hundred dollars to compensate for
 9 injury or loss caused by each violation of this section; or

10 (b) For an intentional violation of this section, a sum of moneys not to exceed three times
 11 the sum described in paragraph (a) of this subdivision.

12 (2) A court, in rendering a judgment in an action brought under this section, may award all
 13 or a portion of the costs of litigation, including reasonable attorney's fees and witness fees, to the
 14 complainant in the action if the court determines that the award is appropriate.

15 (3) A person who knowingly violates this section is guilty of a class B misdemeanor.

16 170.310. 1. For school year 2017-18 and each school year thereafter, upon graduation from
 17 high school, pupils in public schools and charter schools shall have received thirty minutes of
 18 cardiopulmonary resuscitation instruction and training in the proper performance of the Heimlich
 19 maneuver or other first aid for choking given any time during a pupil's four years of high school.

20 2. Beginning in school year 2017-18, any public school or charter school serving grades
 21 nine through twelve shall provide enrolled students instruction in cardiopulmonary resuscitation.
 22 Students with disabilities may participate to the extent appropriate as determined by the provisions
 23 of the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act.
 24 Instruction shall be included in the district's existing health or physical education curriculum.
 25 Instruction shall be based on a program established by the American Heart Association or the
 26 American Red Cross, or through a nationally recognized program based on the most current national
 27 evidence-based emergency cardiovascular care guidelines, and psychomotor skills development
 28 shall be incorporated into the instruction. For purposes of this section, "psychomotor skills" means
 29 the use of hands-on practicing and skills testing to support cognitive learning.

30 3. The teacher of the cardiopulmonary resuscitation course or unit shall not be required to be
 31 a certified trainer of cardiopulmonary resuscitation if the instruction is not designed to result in
 32 certification of students. Instruction that is designed to result in certification being earned shall be
 33 required to be taught by an authorized cardiopulmonary instructor. Schools may develop
 34 agreements with any local chapter of a voluntary organization of first responders to provide the
 35 required hands-on practice and skills testing. For purposes of this subsection, first responders shall
 36 include telecommunicator first responders as defined in section 650.320.

37 4. The department of elementary and secondary education may promulgate rules to
 38 implement this section. Any rule or portion of a rule, as that term is defined in section 536.010, that
 39 is created under the authority delegated in this section shall become effective only if it complies
 40 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This
 41 section and chapter 536 are nonseverable and if any of the powers vested with the general assembly
 42 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
 43 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or
 44 adopted after August 28, 2012, shall be invalid and void.

45 190.091. 1. As used in this section, the following terms mean:

46 (1) "Bioterrorism", the intentional use of any microorganism, virus, infectious substance, or
 47 biological product that may be engineered as a result of biotechnology or any naturally occurring or
 48 bioengineered component of any microorganism, virus, infectious substance, or biological product
 49 to cause death, disease, or other biological malfunction in a human, an animal, a plant, or any other

1 living organism to influence the conduct of government or to intimidate or coerce a civilian
2 population;

3 (2) "Department", the Missouri department of health and senior services;

4 (3) "Director", the director of the department of health and senior services;

5 (4) "Disaster locations", any geographical location where a bioterrorism attack, terrorist
6 attack, catastrophic or natural disaster, or emergency occurs;

7 (5) "First responders", state and local law enforcement personnel, telecommunicator first
8 responders, fire department personnel, and emergency medical personnel who will be deployed to
9 bioterrorism attacks, terrorist attacks, catastrophic or natural disasters, and emergencies;

10 (6) "Missouri state highway patrol telecommunicator", any authorized Missouri state
11 highway patrol communications division personnel whose primary responsibility includes directly
12 responding to emergency communications and who meet the training requirements pursuant to
13 section 650.340.

14 2. The department shall offer a vaccination program for first responders and Missouri state
15 highway patrol telecommunicators who may be exposed to infectious diseases when deployed to
16 disaster locations as a result of a bioterrorism event or a suspected bioterrorism event. The
17 vaccinations shall include, but are not limited to, smallpox, anthrax, and other vaccinations when
18 recommended by the federal Centers for Disease Control and Prevention's Advisory Committee on
19 Immunization Practices.

20 3. Participation in the vaccination program shall be voluntary by the first responders and
21 Missouri state highway patrol telecommunicators, except for first responders or Missouri state
22 highway patrol telecommunicators who, as determined by their employer, cannot safely perform
23 emergency responsibilities when responding to a bioterrorism event or suspected bioterrorism event
24 without being vaccinated. The recommendations of the Centers for Disease Control and
25 Prevention's Advisory Committee on Immunization Practices shall be followed when providing
26 appropriate screening for contraindications to vaccination for first responders and Missouri state
27 highway patrol telecommunicators. A first responder and Missouri state highway patrol
28 telecommunicator shall be exempt from vaccinations when a written statement from a licensed
29 physician is presented to their employer indicating that a vaccine is medically contraindicated for
30 such person.

31 4. If a shortage of the vaccines referred to in subsection 2 of this section exists following a
32 bioterrorism event or suspected bioterrorism event, the director, in consultation with the governor
33 and the federal Centers for Disease Control and Prevention, shall give priority for such vaccinations
34 to persons exposed to the disease and to first responders or Missouri state highway patrol
35 telecommunicators who are deployed to the disaster location.

36 5. The department shall notify first responders and Missouri state highway patrol
37 telecommunicators concerning the availability of the vaccination program described in subsection 2
38 of this section and shall provide education to such first responders, [and] their employers, and
39 Missouri state highway patrol telecommunicators concerning the vaccinations offered and the
40 associated diseases.

41 6. The department may contract for the administration of the vaccination program described
42 in subsection 2 of this section with health care providers, including but not limited to local public
43 health agencies, hospitals, federally qualified health centers, and physicians.

44 7. The provisions of this section shall become effective upon receipt of federal funding or
45 federal grants which designate that the funding is required to implement vaccinations for first
46 responders and Missouri state highway patrol telecommunicators in accordance with the
47 recommendations of the federal Centers for Disease Control and Prevention's Advisory Committee
48 on Immunization Practices. Upon receipt of such funding, the department shall make available the
49 vaccines to first responders and Missouri state highway patrol telecommunicators as provided in this

1 section.

2 190.100. As used in sections 190.001 to 190.245, the following words and terms mean:

3 (1) "Advanced emergency medical technician" or "AEMT", a person who has successfully
4 completed a course of instruction in certain aspects of advanced life support care as prescribed by
5 the department and is licensed by the department in accordance with sections 190.001 to 190.245
6 and rules and regulations adopted by the department pursuant to sections 190.001 to 190.245;

7 (2) "Advanced life support (ALS)", an advanced level of care as provided to the adult and
8 pediatric patient such as defined by national curricula, and any modifications to that curricula
9 specified in rules adopted by the department pursuant to sections 190.001 to 190.245;

10 (3) "Ambulance", any privately or publicly owned vehicle or craft that is specially designed,
11 constructed or modified, staffed or equipped for, and is intended or used, maintained or operated for
12 the transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless,
13 or who require the presence of medical equipment being used on such individuals, but the term does
14 not include any motor vehicle specially designed, constructed or converted for the regular
15 transportation of persons who are disabled, handicapped, normally using a wheelchair, or otherwise
16 not acutely ill, or emergency vehicles used within airports;

17 (4) "Ambulance service", a person or entity that provides emergency or nonemergency
18 ambulance transportation and services, or both, in compliance with sections 190.001 to 190.245, and
19 the rules promulgated by the department pursuant to sections 190.001 to 190.245;

20 (5) "Ambulance service area", a specific geographic area in which an ambulance service has
21 been authorized to operate;

22 (6) "Basic life support (BLS)", a basic level of care, as provided to the adult and pediatric
23 patient as defined by national curricula, and any modifications to that curricula specified in rules
24 adopted by the department pursuant to sections 190.001 to 190.245;

25 (7) "Council", the state advisory council on emergency medical services;

26 (8) "Department", the department of health and senior services, state of Missouri;

27 (9) "Director", the director of the department of health and senior services or the director's
28 duly authorized representative;

29 (10) "Dispatch agency", any person or organization that receives requests for emergency
30 medical services from the public, by telephone or other means, and is responsible for dispatching
31 emergency medical services;

32 (11) "Emergency", the sudden and, at the time, unexpected onset of a health condition that
33 manifests itself by symptoms of sufficient severity that would lead a prudent layperson, possessing
34 an average knowledge of health and medicine, to believe that the absence of immediate medical care
35 could result in:

36 (a) Placing the person's health, or with respect to a pregnant woman, the health of the
37 woman or her unborn child, in significant jeopardy;

38 (b) Serious impairment to a bodily function;

39 (c) Serious dysfunction of any bodily organ or part;

40 (d) Inadequately controlled pain;

41 (12) "Emergency medical dispatcher", a person who receives emergency calls from the
42 public and has successfully completed an emergency medical dispatcher course ~~meeting or~~
43 ~~exceeding the national curriculum of the United States Department of Transportation and any~~
44 ~~modifications to such curricula specified by the department through rules adopted pursuant to~~
45 ~~sections 190.001 to 190.245] and any ongoing training requirements under section 650.340;~~

46 (13) "Emergency medical responder", a person who has successfully completed an
47 emergency first response course meeting or exceeding the national curriculum of the U.S.
48 Department of Transportation and any modifications to such curricula specified by the department
49 through rules adopted under sections 190.001 to 190.245 and who provides emergency medical care

1 through employment by or in association with an emergency medical response agency;

2 (14) "Emergency medical response agency", any person that regularly provides a level of
3 care that includes first response, basic life support or advanced life support, exclusive of patient
4 transportation;

5 (15) "Emergency medical services for children (EMS-C) system", the arrangement of
6 personnel, facilities and equipment for effective and coordinated delivery of pediatric emergency
7 medical services required in prevention and management of incidents which occur as a result of a
8 medical emergency or of an injury event, natural disaster or similar situation;

9 (16) "Emergency medical services (EMS) system", the arrangement of personnel, facilities
10 and equipment for the effective and coordinated delivery of emergency medical services required in
11 prevention and management of incidents occurring as a result of an illness, injury, natural disaster or
12 similar situation;

13 (17) "Emergency medical technician", a person licensed in emergency medical care in
14 accordance with standards prescribed by sections 190.001 to 190.245, and by rules adopted by the
15 department pursuant to sections 190.001 to 190.245;

16 (18) "Emergency medical technician-basic" or "EMT-B", a person who has successfully
17 completed a course of instruction in basic life support as prescribed by the department and is
18 licensed by the department in accordance with standards prescribed by sections 190.001 to 190.245
19 and rules adopted by the department pursuant to sections 190.001 to 190.245;

20 (19) "Emergency medical technician-community paramedic", "community paramedic", or
21 "EMT-CP", a person who is certified as an emergency medical technician-paramedic and is certified
22 by the department in accordance with standards prescribed in section 190.098;

23 (20) "Emergency medical technician-paramedic" or "EMT-P", a person who has
24 successfully completed a course of instruction in advanced life support care as prescribed by the
25 department and is licensed by the department in accordance with sections 190.001 to 190.245 and
26 rules adopted by the department pursuant to sections 190.001 to 190.245;

27 (21) "Emergency services", health care items and services furnished or required to screen
28 and stabilize an emergency which may include, but shall not be limited to, health care services that
29 are provided in a licensed hospital's emergency facility by an appropriate provider or by an
30 ambulance service or emergency medical response agency;

31 (22) "Health care facility", a hospital, nursing home, physician's office or other fixed
32 location at which medical and health care services are performed;

33 (23) "Hospital", an establishment as defined in the hospital licensing law, subsection 2 of
34 section 197.020, or a hospital operated by the state;

35 (24) "Medical control", supervision provided by or under the direction of physicians, or
36 their designated registered nurse, including both online medical control, instructions by radio,
37 telephone, or other means of direct communications, and offline medical control through
38 supervision by treatment protocols, case review, training, and standing orders for treatment;

39 (25) "Medical direction", medical guidance and supervision provided by a physician to an
40 emergency services provider or emergency medical services system;

41 (26) "Medical director", a physician licensed pursuant to chapter 334 designated by the
42 ambulance service, dispatch agency, or emergency medical response agency and who meets criteria
43 specified by the department by rules pursuant to sections 190.001 to 190.245;

44 (27) "Memorandum of understanding", an agreement between an emergency medical
45 response agency or dispatch agency and an ambulance service or services within whose territory the
46 agency operates, in order to coordinate emergency medical services;

47 (28) "Patient", an individual who is sick, injured, wounded, diseased, or otherwise
48 incapacitated or helpless, or dead, excluding deceased individuals being transported from or
49 between private or public institutions, homes or cemeteries, and individuals declared dead prior to

1 the time an ambulance is called for assistance;

2 (29) "Person", as used in these definitions and elsewhere in sections 190.001 to 190.245,
3 any individual, firm, partnership, copartnership, joint venture, association, cooperative organization,
4 corporation, municipal or private, and whether organized for profit or not, state, county, political
5 subdivision, state department, commission, board, bureau or fraternal organization, estate, public
6 trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee
7 in bankruptcy, or any other service user or provider;

8 (30) "Physician", a person licensed as a physician pursuant to chapter 334;

9 (31) "Political subdivision", any municipality, city, county, city not within a county,
10 ambulance district or fire protection district located in this state which provides or has authority to
11 provide ambulance service;

12 (32) "Professional organization", any organized group or association with an ongoing
13 interest regarding emergency medical services. Such groups and associations could include those
14 representing volunteers, labor, management, firefighters, EMT-B's, nurses, EMT-P's, physicians,
15 communications specialists and instructors. Organizations could also represent the interests of
16 ground ambulance services, air ambulance services, fire service organizations, law enforcement,
17 hospitals, trauma centers, communication centers, pediatric services, labor unions and poison
18 control services;

19 (33) "Proof of financial responsibility", proof of ability to respond to damages for liability,
20 on account of accidents occurring subsequent to the effective date of such proof, arising out of the
21 ownership, maintenance or use of a motor vehicle in the financial amount set in rules promulgated
22 by the department, but in no event less than the statutory minimum required for motor vehicles.
23 Proof of financial responsibility shall be used as proof of self-insurance;

24 (34) "Protocol", a predetermined, written medical care guideline, which may include
25 standing orders;

26 (35) "Regional EMS advisory committee", a committee formed within an emergency
27 medical services (EMS) region to advise ambulance services, the state advisory council on EMS and
28 the department;

29 (36) "Specialty care transportation", the transportation of a patient requiring the services of
30 an emergency medical technician-paramedic who has received additional training beyond the
31 training prescribed by the department. Specialty care transportation services shall be defined in
32 writing in the appropriate local protocols for ground and air ambulance services and approved by the
33 local physician medical director. The protocols shall be maintained by the local ambulance service
34 and shall define the additional training required of the emergency medical technician-paramedic;

35 (37) "Stabilize", with respect to an emergency, the provision of such medical treatment as
36 may be necessary to attempt to assure within reasonable medical probability that no material
37 deterioration of an individual's medical condition is likely to result from or occur during ambulance
38 transportation unless the likely benefits of such transportation outweigh the risks;

39 (38) "State advisory council on emergency medical services", a committee formed to advise
40 the department on policy affecting emergency medical service throughout the state;

41 (39) "State EMS medical directors advisory committee", a subcommittee of the state
42 advisory council on emergency medical services formed to advise the state advisory council on
43 emergency medical services and the department on medical issues;

44 (40) "STEMI" or "ST-elevation myocardial infarction", a type of heart attack in which
45 impaired blood flow to the patient's heart muscle is evidenced by ST-segment elevation in
46 electrocardiogram analysis, and as further defined in rules promulgated by the department under
47 sections 190.001 to 190.250;

48 (41) "STEMI care", includes education and prevention, emergency transport, triage, and
49 acute care and rehabilitative services for STEMI that requires immediate medical or surgical

1 intervention or treatment;

2 (42) "STEMI center", a hospital that is currently designated as such by the department to
3 care for patients with ST-segment elevation myocardial infarctions;

4 (43) "Stroke", a condition of impaired blood flow to a patient's brain as defined by the
5 department;

6 (44) "Stroke care", includes emergency transport, triage, and acute intervention and other
7 acute care services for stroke that potentially require immediate medical or surgical intervention or
8 treatment, and may include education, primary prevention, acute intervention, acute and subacute
9 management, prevention of complications, secondary stroke prevention, and rehabilitative services;

10 (45) "Stroke center", a hospital that is currently designated as such by the department;

11 (46) "Trauma", an injury to human tissues and organs resulting from the transfer of energy
12 from the environment;

13 (47) "Trauma care" includes injury prevention, triage, acute care and rehabilitative services
14 for major single system or multisystem injuries that potentially require immediate medical or
15 surgical intervention or treatment;

16 (48) "Trauma center", a hospital that is currently designated as such by the department.

17 191.905. 1. No health care provider shall knowingly make or cause to be made a false
18 statement or false representation of a material fact in order to receive a health care payment,
19 including but not limited to:

20 (1) Knowingly presenting to a health care payer a claim for a health care payment that
21 falsely represents that the health care for which the health care payment is claimed was medically
22 necessary, if in fact it was not;

23 (2) Knowingly concealing the occurrence of any event affecting an initial or continued right
24 under a medical assistance program to have a health care payment made by a health care payer for
25 providing health care;

26 (3) Knowingly concealing or failing to disclose any information with the intent to obtain a
27 health care payment to which the health care provider or any other health care provider is not
28 entitled, or to obtain a health care payment in an amount greater than that which the health care
29 provider or any other health care provider is entitled;

30 (4) Knowingly presenting a claim to a health care payer that falsely indicates that any
31 particular health care was provided to a person or persons, if in fact health care of lesser value than
32 that described in the claim was provided.

33 2. No person shall knowingly solicit or receive any remuneration, including any kickback,
34 bribe, or rebate, directly or indirectly, overtly or covertly, in cash or in kind in return for:

35 (1) Referring another person to a health care provider for the furnishing or arranging for the
36 furnishing of any health care; or

37 (2) Purchasing, leasing, ordering or arranging for or recommending purchasing, leasing or
38 ordering any health care.

39 3. No person shall knowingly offer or pay any remuneration, including any kickback, bribe,
40 or rebate, directly or indirectly, overtly or covertly, in cash or in kind, to any person to induce such
41 person to refer another person to a health care provider for the furnishing or arranging for the
42 furnishing of any health care.

43 4. Subsections 2 and 3 of this section shall not apply to a discount or other reduction in price
44 obtained by a health care provider if the reduction in price is properly disclosed and appropriately
45 reflected in the claim made by the health care provider to the health care payer, or any amount paid
46 by an employer to an employee for employment in the provision of health care.

47 5. Exceptions to the provisions of subsections 2 and 3 of this section shall be provided for as
48 authorized in 42 U.S.C. Section 1320a-7b(3)(E), as may be from time to time amended, and
49 regulations promulgated pursuant thereto.

1 6. No person shall knowingly abuse or neglect a person receiving health care.

2 7. A person who violates subsections 1 to 3 of this section is guilty of a class D felony upon
3 his or her first conviction, and shall be guilty of a class B felony upon his or her second and
4 subsequent convictions. Any person who has been convicted of such violations shall be referred to
5 the Office of Inspector General within the United States Department of Health and Human Services.
6 The person so referred shall be subject to the penalties provided for under 42 U.S.C. Chapter 7,
7 Subchapter XI, Section 1320a-7. A prior conviction shall be pleaded and proven as provided by
8 section 558.021. A person who violates subsection 6 of this section shall be guilty of a class D
9 felony, unless the act involves no physical, sexual or emotional harm or injury and the value of the
10 property involved is less than five hundred dollars, in which event a violation of subsection 6 of this
11 section is a class A misdemeanor.

12 8. Any natural person who willfully prevents, obstructs, misleads, delays, or attempts to
13 prevent, obstruct, mislead, or delay the communication of information or records relating to a
14 violation of sections 191.900 to 191.910 is guilty of a class E felony.

15 9. Each separate false statement or false representation of a material fact proscribed by
16 subsection 1 of this section or act proscribed by subsection 2 or 3 of this section shall constitute a
17 separate offense and a separate violation of this section, whether or not made at the same or different
18 times, as part of the same or separate episodes, as part of the same scheme or course of conduct, or
19 as part of the same claim.

20 10. In a prosecution pursuant to subsection 1 of this section, circumstantial evidence may be
21 presented to demonstrate that a false statement or claim was knowingly made. Such evidence of
22 knowledge may include but shall not be limited to the following:

23 (1) A claim for a health care payment submitted with the health care provider's actual,
24 facsimile, stamped, typewritten or similar signature on the claim for health care payment;

25 (2) A claim for a health care payment submitted by means of computer billing tapes or other
26 electronic means;

27 (3) A course of conduct involving other false claims submitted to this or any other health
28 care payer.

29 11. Any person convicted of a violation of this section, in addition to any fines, penalties or
30 sentences imposed by law, shall be required to make restitution to the federal and state governments,
31 in an amount at least equal to that unlawfully paid to or by the person, and shall be required to
32 reimburse the reasonable costs attributable to the investigation and prosecution pursuant to sections
33 191.900 to 191.910. All of such restitution shall be paid and deposited to the credit of the "MO
34 HealthNet Fraud Reimbursement Fund", which is hereby established in the state treasury. Moneys
35 in the MO HealthNet fraud reimbursement fund shall be divided and appropriated to the federal
36 government and affected state agencies in order to refund moneys falsely obtained from the federal
37 and state governments. All of such cost reimbursements attributable to the investigation and
38 prosecution shall be paid and deposited to the credit of the "MO HealthNet Fraud Prosecution
39 Revolving Fund", which is hereby established in the state treasury. Moneys in the MO HealthNet
40 fraud prosecution revolving fund may be appropriated to the attorney general, or to any prosecuting
41 or circuit attorney who has successfully prosecuted an action for a violation of sections 191.900 to
42 191.910 and been awarded such costs of prosecution, in order to defray the costs of the attorney
43 general and any such prosecuting or circuit attorney in connection with their duties provided by
44 sections 191.900 to 191.910. No moneys shall be paid into the MO HealthNet fraud protection
45 revolving fund pursuant to this subsection unless the attorney general or appropriate prosecuting or
46 circuit attorney shall have commenced a prosecution pursuant to this section, and the court finds in
47 its discretion that payment of attorneys' fees and investigative costs is appropriate under all the
48 circumstances, and the attorney general and prosecuting or circuit attorney shall prove to the court
49 those expenses which were reasonable and necessary to the investigation and prosecution of such

case, and the court approves such expenses as being reasonable and necessary. Any moneys remaining in the MO HealthNet fraud reimbursement fund after division and appropriation to the federal government and affected state agencies shall be used to increase MO HealthNet provider reimbursement until it is at least one hundred percent of the Medicare provider reimbursement rate for comparable services. The provisions of section 33.080 notwithstanding, moneys in the MO HealthNet fraud prosecution revolving fund shall not lapse at the end of the biennium.

12. A person who violates subsections 1 to 3 of this section shall be liable for a civil penalty of not less than five thousand dollars and not more than ten thousand dollars for each separate act in violation of such subsections, plus three times the amount of damages which the state and federal government sustained because of the act of that person, except that the court may assess not more than two times the amount of damages which the state and federal government sustained because of the act of the person, if the court finds:

(1) The person committing the violation of this section furnished personnel employed by the attorney general and responsible for investigating violations of sections 191.900 to 191.910 with all information known to such person about the violation within thirty days after the date on which the defendant first obtained the information;

(2) Such person fully cooperated with any government investigation of such violation; and

(3) At the time such person furnished the personnel of the attorney general with the information about the violation, no criminal prosecution, civil action, or administrative action had commenced with respect to such violation, and the person did not have actual knowledge of the existence of an investigation into such violation.

13. Upon conviction pursuant to this section, the prosecution authority shall provide written notification of the conviction to all regulatory or disciplinary agencies with authority over the conduct of the defendant health care provider.

14. The attorney general may bring a civil action against any person who shall receive a health care payment as a result of a false statement or false representation of a material fact made or caused to be made by that person. The person shall be liable for up to double the amount of all payments received by that person based upon the false statement or false representation of a material fact, and the reasonable costs attributable to the prosecution of the civil action. All such restitution shall be paid and deposited to the credit of the MO HealthNet fraud reimbursement fund, and all such cost reimbursements shall be paid and deposited to the credit of the MO HealthNet fraud prosecution revolving fund. No reimbursement of such costs attributable to the prosecution of the civil action shall be made or allowed except with the approval of the court having jurisdiction of the civil action. No civil action provided by this subsection shall be brought if restitution and civil penalties provided by subsections 11 and 12 of this section have been previously ordered against the person for the same cause of action.

15. Any person who discovers a violation by himself or herself or such person's organization and who reports such information voluntarily before such information is public or known to the attorney general shall not be prosecuted for a criminal violation.

195.815. 1. The department of health and senior services shall require all ~~[officers, managers, contractors, employees, and other support staff of licensed or certified]~~ employees, contractors, owners, and volunteers of medical marijuana facilities, ~~and all owners of such medical marijuana facilities who will have access to the facilities or to the facilities' medical marijuana,~~ to submit fingerprints to the Missouri state highway patrol for the purpose of conducting a state and federal fingerprint-based criminal background check.

2. The department may require that such fingerprint submissions be made as part of a medical marijuana facility application ~~[for licensure or certification]~~, a medical marijuana facility renewal application ~~[for renewal of licensure or certification]~~, and an individual's application for licensure and issuance of an identification card authorizing that individual to be an employee,

1 contractor, owner, [officer, manager, contractor, employee, or other support staff] or volunteer of a
2 medical marijuana facility.

3 3. Fingerprint cards and any required fees shall be sent to the Missouri state highway
4 patrol's central repository. The fingerprints shall be used for searching the state criminal records
5 repository and shall also be forwarded to the Federal Bureau of Investigation for a federal criminal
6 records search under section 43.540. The Missouri state highway patrol shall notify the department
7 of any criminal history record information or lack of criminal history record information discovered
8 on the individual. Notwithstanding the provisions of section 610.120 to the contrary, all records
9 related to any criminal history information discovered shall be accessible and available to the
10 department.

11 4. As used in this section, the following words shall mean:

12 (1) "Contractor", a person performing work or service of any kind for a medical marijuana
13 facility in accordance with a contract with that facility;

14 (2) "Employee", [any] a person performing work or service of any kind or character for hire
15 in a medical marijuana facility;

16 [(2)] (3) "Medical marijuana facility", an entity licensed or certified by the department of
17 health and senior services[, or its successor agency,] to acquire, cultivate, process, manufacture, test,
18 store, sell, transport, or deliver medical marijuana[;]

19 (3) ~~"Other support staff", any person performing work or service of any kind or character,~~
20 ~~other than employees, on behalf of a medical marijuana facility if such a person would have access~~
21 ~~to the medical marijuana facility or its medical marijuana or related equipment or supplies].~~

22 210.1500. 1. When a child is located by a police officer or law enforcement official and
23 there is reasonable cause to suspect the child may be a victim of sex trafficking or severe forms of
24 trafficking as those terms are defined under 22 U.S.C. Section 7102, the police officer or law
25 enforcement official shall immediately cause a report to be made to the children's division in
26 accordance with section 210.115. Upon receipt of a report by the children's division and if the
27 children's division determines that the report merits an investigation, the reporting official and the
28 children's division shall ensure the immediate safety of the child and shall coinvestigate the
29 complaint to its conclusion.

30 2. If the police officer or law enforcement official has reasonable cause to believe that the
31 child is in imminent danger of suffering serious physical harm or a threat to life as a result of abuse
32 or neglect due to sex trafficking or sexual exploitation and such officer or official has reasonable
33 cause to believe the harm or threat to life may occur before a juvenile court is able to issue a
34 temporary protective custody order or before a juvenile officer is able to take the child into
35 protective custody, the police officer or law enforcement official may take or retain temporary
36 protective custody of the child without the consent of the child's parent or parents, guardian, or any
37 other person legally responsible for the child's care, as provided under section 210.125.

38 3. If the child is already under the jurisdiction of the court under paragraph (a) of
39 subdivision (1) of subsection 1 of section 211.031 and in the legal custody of the children's division,
40 the police officer or law enforcement official, along with the children's division, shall secure
41 placement for the child in the least restrictive setting in order to ensure the safety of the child from
42 further sex trafficking or severe forms of trafficking.

43 4. The children's division and the reporting officer or official shall ensure a referral is made
44 to the child advocacy center for a forensic interview and an evaluation, as necessary to ensure the
45 medical safety of the child, by a SAFE CARE provider as defined under section 334.950. The child
46 shall be assessed utilizing a validated screening tool specific to sex trafficking to ensure the
47 appropriate resources are secured for the treatment of the child.

48 5. For purposes of this section, multidisciplinary teams shall be used when conducting an
49 investigation. Multidisciplinary teams shall be used in providing protective or preventive social

1 services, including the services of law enforcement upon the request by the department of social
 2 services, a liaison of the local public school, the juvenile officer, the juvenile court, and other
 3 agencies, both public and private, to secure appropriate services to meet the needs of the child.

4 210.1505. 1. There is hereby created the "Statewide Council on Sex Trafficking and Sexual
 5 Exploitation of Children" to consist of the following members:

6 (1) The following four members of the general assembly:

7 (a) Two members of the senate, with one member to be appointed by the president pro
 8 tempore of the senate and one member to be appointed by the minority floor leader of the senate;
 9 and

10 (b) Two members of the house of representatives, with one member to be appointed by the
 11 speaker of the house of representatives and one member to be appointed by the minority floor leader
 12 of the house of representatives;

13 (2) The director of the children's division or his or her designee;

14 (3) The director of the department of public safety or his or her designee;

15 (4) The director of the department of mental health or his or her designee;

16 (5) The director of the office of prosecution services or his or her designee;

17 (6) The superintendent of the Missouri state highway patrol or his or her designee;

18 (7) The executive director of the statewide network of child advocacy organizations
 19 specializing in the prevention of child abuse or neglect or his or her designee;

20 (8) The executive director of the statewide coalition against domestic and sexual violence or
 21 his or her designee;

22 (9) The executive director of the Missouri Juvenile Justice Association or his or her
 23 designee;

24 (10) The director of the attorney general's human trafficking task force or his or her
 25 designee;

26 (11) Two representatives from agencies providing services to victims of child sex trafficking
 27 and sexual exploitation who reflect the geographic diversity of the state and who shall be appointed
 28 by the director of the department of social services; and

29 (12) A member of the judiciary, who shall be appointed by the supreme court.

30 2. A majority of the members of the council shall constitute a quorum. The council shall
 31 hold its first meeting within thirty days after the council's creation and organize by selecting a chair
 32 and a vice chair. The council shall meet at the call of the chair.

33 3. The council shall:

34 (1) Collect and analyze data relating to sex trafficking and sexual exploitation of children,
 35 including the number of reports made to the children's division under section 210.115, any
 36 information obtained from phone calls to the national sex trafficking hotline, the number of reports
 37 made to law enforcement, arrests, prosecution rates, and any other data important for any
 38 recommendations of the council. State departments and council members shall provide relevant
 39 data as requested by the council to fulfill the council's duties; and

40 (2) Collect feedback from stakeholders, practitioners, and leadership throughout the state in
 41 order to develop best practices and procedures regarding the response to sex trafficking and sexual
 42 exploitation of children, including identification and assessment of victims; response and treatment
 43 coordination and collaboration across systems; trauma-informed, culturally competent victim-
 44 centered services; training for professionals in all systems; and investigating and prosecuting
 45 perpetrators.

46 4. The department of social services shall provide administrative support to the council.

47 5. On or before December 31, 2023, the council shall submit a report of the council's
 48 activities to the governor and general assembly and the joint committee on child abuse and neglect
 49 under section 21.771. The report shall include recommendations for priority needs and actions,

1 including statutory or regulatory changes relating to the response to sex trafficking and sexual
 2 exploitation of children and services for child victims.

3 6. The council shall expire on December 31, 2023.

4 211.031. 1. Except as otherwise provided in this chapter, the juvenile court or the family
 5 court in circuits that have a family court as provided in ~~[sections 487.010 to 487.190]~~ chapter 487
 6 shall have exclusive original jurisdiction in proceedings:

7 (1) Involving any child who may be a resident of or found within the county and who is
 8 alleged to be in need of care and treatment because:

9 (a) The parents, or other persons legally responsible for the care and support of the child,
 10 neglect or refuse to provide proper support, education which is required by law, medical, surgical or
 11 other care necessary for his or her well-being; except that reliance by a parent, guardian or custodian
 12 upon remedial treatment other than medical or surgical treatment for a child shall not be construed
 13 as neglect when the treatment is recognized or permitted pursuant to the laws of this state;

14 (b) The child is otherwise without proper care, custody or support;

15 (c) The child was living in a room, building or other structure at the time such dwelling was
 16 found by a court of competent jurisdiction to be a public nuisance pursuant to section 195.130; or

17 (d) The child is in need of mental health services and the parent, guardian or custodian is
 18 unable to afford or access appropriate mental health treatment or care for the child;

19 (2) Involving any child who may be a resident of or found within the county and who is
 20 alleged to be in need of care and treatment because:

21 (a) The child while subject to compulsory school attendance is repeatedly and without
 22 justification absent from school;

23 (b) The child disobeys the reasonable and lawful directions of his or her parents or other
 24 custodian and is beyond their control;

25 (c) The child is habitually absent from his or her home without sufficient cause, permission,
 26 or justification;

27 (d) The behavior or associations of the child are otherwise injurious to his or her welfare or
 28 to the welfare of others; or

29 (e) The child is charged with an offense not classified as criminal, or with an offense
 30 applicable only to children; except that, the juvenile court shall not have jurisdiction over any child
 31 fifteen years of age who is alleged to have violated a state or municipal traffic ordinance or
 32 regulation, the violation of which does not constitute a felony, or any child who is alleged to have
 33 violated a state or municipal ordinance or regulation prohibiting possession or use of any tobacco
 34 product;

35 (3) Involving any child who is alleged to have violated a state law or municipal ordinance,
 36 or any person who is alleged to have violated a state law or municipal ordinance prior to attaining
 37 the age of eighteen years, in which cases jurisdiction may be taken by the court of the circuit in
 38 which the child or person resides or may be found or in which the violation is alleged to have
 39 occurred; except that, the juvenile court shall not have jurisdiction over any child fifteen years of
 40 age who is alleged to have violated a state or municipal traffic ordinance or regulation, the violation
 41 of which does not constitute a felony, and except that the juvenile court shall have concurrent
 42 jurisdiction with the municipal court over any child who is alleged to have violated a municipal
 43 curfew ordinance, and except that the juvenile court shall have concurrent jurisdiction with the
 44 circuit court on any child who is alleged to have violated a state or municipal ordinance or
 45 regulation prohibiting possession or use of any tobacco product;

46 (4) For the adoption of a person;

47 (5) For the commitment of a child to the guardianship of the department of social services as
 48 provided by law; ~~[and]~~

49 (6) Involving an order of protection pursuant to chapter 455 when the respondent is less than

1 eight years of age; and

2 (7) Involving a child who has been a victim of sex trafficking or sexual exploitation.

3 2. Transfer of a matter, proceeding, jurisdiction or supervision for a child who resides in a
4 county of this state shall be made as follows:

5 (1) Prior to the filing of a petition and upon request of any party or at the discretion of the
6 juvenile officer, the matter in the interest of a child may be transferred by the juvenile officer, with
7 the prior consent of the juvenile officer of the receiving court, to the county of the child's residence
8 or the residence of the person eighteen years of age for future action;

9 (2) Upon the motion of any party or on its own motion prior to final disposition on the
10 pending matter, the court in which a proceeding is commenced may transfer the proceeding of a
11 child to the court located in the county of the child's residence, or the county in which the offense
12 pursuant to subdivision (3) of subsection 1 of this section is alleged to have occurred for further
13 action;

14 (3) Upon motion of any party or on its own motion, the court in which jurisdiction has been
15 taken pursuant to subsection 1 of this section may at any time thereafter transfer jurisdiction of a
16 child to the court located in the county of the child's residence for further action with the prior
17 consent of the receiving court;

18 (4) Upon motion of any party or upon its own motion at any time following a judgment of
19 disposition or treatment pursuant to section 211.181, the court having jurisdiction of the cause may
20 place the child under the supervision of another juvenile court within or without the state pursuant to
21 section 210.570 with the consent of the receiving court;

22 (5) Upon motion of any child or his or her parent, the court having jurisdiction shall grant
23 one change of judge pursuant to Missouri supreme court rules;

24 (6) Upon the transfer of any matter, proceeding, jurisdiction or supervision of a child,
25 certified copies of all legal and social documents and records pertaining to the case on file with the
26 clerk of the transferring juvenile court shall accompany the transfer.

27 3. In any proceeding involving any child taken into custody in a county other than the
28 county of the child's residence, the juvenile court of the county of the child's residence shall be
29 notified of such taking into custody within seventy-two hours.

30 4. When an investigation by a juvenile officer pursuant to this section reveals that the only
31 basis for action involves an alleged violation of section 167.031 involving a child who alleges to be
32 home schooled, the juvenile officer shall contact a parent or parents of such child to verify that the
33 child is being home schooled and not in violation of section 167.031 before making a report of such
34 a violation. Any report of a violation of section 167.031 made by a juvenile officer regarding a
35 child who is being home schooled shall be made to the prosecuting attorney of the county where the
36 child legally resides.

37 5. The disability or disease of a parent shall not constitute a basis for a determination that a
38 child is a child in need of care or for the removal of custody of a child from the parent without a
39 specific showing that there is a causal relation between the disability or disease and harm to the
40 child."; and

41
42 Further amend said bill, Page 2, Section 217.035, Line 21, by inserting after said section and line the
43 following:

44
45 "217.541. 1. The department shall by rule establish a program of house arrest. The director
46 or his or her designee may extend the limits of confinement of offenders serving sentences for class
47 D or E felonies who have one year or less remaining prior to release on parole~~[-conditional release,]~~
48 or discharge to participate in the house arrest program.

49 2. The offender referred to the house arrest program shall remain in the custody of the

department and shall be subject to rules and regulations of the department pertaining to offenders of the department until released on parole ~~[or conditional release]~~ by the state parole board.

3. The department shall require the offender to participate in work or educational or vocational programs and other activities that may be necessary to the supervision and treatment of the offender.

4. An offender released to house arrest shall be authorized to leave his or her place of residence only for the purpose and time necessary to participate in the program and activities authorized in subsection 3 of this section.

5. The division of probation and parole shall supervise every offender released to the house arrest program and shall verify compliance with the requirements of this section and such other rules and regulations that the department shall promulgate and may do so by remote electronic surveillance. If any probation/parole officer has probable cause to believe that an offender under house arrest has violated a condition of the house arrest agreement, the probation/parole officer may issue a warrant for the arrest of the offender. The probation/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. The warrant delivered with the offender by the arresting officer to the official in charge of any jail or other detention facility to which the offender is brought shall be sufficient legal authority for detaining the offender. An offender arrested under this section shall remain in custody or incarcerated without consideration of bail. The director or his or her designee, upon recommendation of the probation and parole officer, may direct the return of any offender from house arrest to a correctional facility of the department for reclassification.

6. Each offender who is released to house arrest shall pay a percentage of his or her wages, established by department rules, to a maximum of the per capita cost of the house arrest program. The money received from the offender shall be deposited in the inmate fund and shall be expended to support the house arrest program."; and

Further amend said bill, Page 6, Section 217.703, Line 104, by inserting after said section and line the following:

"217.705. 1. The 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~~[,]~~ or 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

1 investigation by the board and shall provide the board such other reports the board may require.
 2 They shall furnish the offender prior to release on parole ~~[or conditional release]~~ a written statement
 3 of the conditions of parole ~~[or conditional release]~~ and shall instruct the offender regarding these
 4 conditions.

5 6. The department shall furnish probation and parole officers and institutional parole
 6 officers, including supervisors, with credentials and a special badge which such officers and
 7 supervisors shall carry on their person at all times while on duty."; and
 8

9 Further amend said bill, Page 7, Section 217.710, Line 34, by inserting after said section and line the
 10 following:

11
 12 "217.718. 1. As an alternative to the revocation proceedings provided under sections
 13 217.720, 217.722, and 559.036, and if the court has not otherwise required detention to be a
 14 condition of probation under section 559.026, a probation or parole officer may order an offender to
 15 submit to a period of detention in the county jail, or other appropriate institution, upon a
 16 determination by a probation or parole officer that the offender has violated a condition of continued
 17 probation or parole.

18 2. The period of detention may not exceed forty-eight hours the first time it is imposed
 19 against an offender during a term of probation or parole. Subsequent periods may exceed forty-
 20 eight hours, but the total number of hours an offender spends in detention under this section shall
 21 not exceed three hundred sixty in any calendar year.

22 3. The officer shall present the offender with a written report detailing in what manner the
 23 offender has violated the conditions of parole, probation, or conditional release and advise the
 24 offender of the right to a hearing before the court or board prior to the period of detention. The
 25 division shall file a copy of the violation report with the sentencing court or board after the
 26 imposition of the period of detention and within a reasonable period of time that is consistent with
 27 existing division procedures.

28 4. Any offender detained under this section in a county of the first class or second class or in
 29 any city with a population of five hundred thousand or more and detained as herein provided shall
 30 be subject to all the provisions of section 221.170, even though the offender was not convicted and
 31 sentenced to a jail or workhouse.

32 5. If parole~~[,]~~ or probation~~[, or conditional release]~~ is revoked and a term of imprisonment is
 33 served by reason thereof, the time spent in a jail, halfway house, honor center, workhouse, or other
 34 institution as a detention condition of parole~~[,]~~ or probation~~[, or conditional release]~~ shall be
 35 credited against the prison or jail term served for the offense in connection with which the detention
 36 was imposed.

37 6. The division shall reimburse the county jail or other institution for the costs of detention
 38 under this section at a rate determined by the department of corrections, which shall be at least thirty
 39 dollars per day per offender and subject to appropriation of funds by the general assembly. Prior to
 40 ordering the offender to submit to the period of detention under subsection 1 of this section, the
 41 probation and parole officer shall certify to the county jail or institution that the division has
 42 sufficient funds to provide reimbursement for the costs of the period of detention. A jail or other
 43 institution may refuse to detain an offender under this section if funds are not available to provide
 44 reimbursement or if there is inadequate space in the facility for the offender.

45 7. Upon successful completion of the period of detention under this section, the court or
 46 board may not revoke the term of parole~~[,]~~ or probation~~[, or conditional release]~~ or impose
 47 additional periods of detention for the same incident unless new or additional information is
 48 discovered that was unknown to the division when the period of detention was imposed and

1 indicates that the offender was involved in the commission of a crime. If the offender fails to
 2 complete the period of detention or new or additional information is discovered that the incident
 3 involved a crime, the offender may be arrested under sections 217.720 and 217.722."; and

4
 5 Further amend said bill, Page 8, Section 217.720, Line 57, by inserting after said section and line the
 6 following:

7
 8 "217.730. 1. The period served on parole, except for judicial parole granted or revoked
 9 pursuant to section 559.100, shall be deemed service of the term of imprisonment and, subject to the
 10 provisions of section 217.720 relating to an offender who is or has been a fugitive from justice, the
 11 total time served may not exceed the maximum term or sentence.

12 2. When an offender on parole [~~or conditional release~~], before the expiration of the term for
 13 which the offender was sentenced, has performed the obligation of his parole for such time as
 14 satisfies the board that his final release is not incompatible with the best interest of society and the
 15 welfare of the individual, the board may make a final order of discharge and issue a certificate of
 16 discharge to the offender. No such order of discharge shall be made in any case less than three years
 17 after the date on which the offender was paroled [~~or conditionally released~~] except where the
 18 sentence expires earlier.

19 3. Upon final discharge, persons shall be informed in writing on the process and procedure
 20 to register to vote."; and

21
 22 Further amend said bill, Page 12, Section 217.947, Line 9, by inserting after said section and line the
 23 following:

24
 25 "301.020. 1. Every owner of a motor vehicle or trailer, which shall be operated or driven
 26 upon the highways of this state, except as herein otherwise expressly provided, shall annually file,
 27 by mail or otherwise, in the office of the director of revenue, an application for registration on a
 28 blank to be furnished by the director of revenue for that purpose containing:

29 (1) A brief description of the motor vehicle or trailer to be registered, including the name of
 30 the manufacturer, the vehicle identification number, the amount of motive power of the motor
 31 vehicle, stated in figures of horsepower and whether the motor vehicle is to be registered as a motor
 32 vehicle primarily for business use as defined in section 301.010;

33 (2) The name, the applicant's identification number and address of the owner of such motor
 34 vehicle or trailer;

35 (3) The gross weight of the vehicle and the desired load in pounds if the vehicle is a
 36 commercial motor vehicle or trailer.

37 2. If the vehicle is a motor vehicle primarily for business use as defined in section 301.010
 38 and if such vehicle is ten years of age or less and has less than one hundred fifty thousand miles on
 39 the odometer, the director of revenue shall retain the odometer information provided in the vehicle
 40 inspection report, and provide for prompt access to such information, together with the vehicle
 41 identification number for the motor vehicle to which such information pertains, for a period of ten
 42 years after the receipt of such information. This section shall not apply unless:

43 (1) The application for the vehicle's certificate of ownership was submitted after July 1,
 44 1989; and

45 (2) The certificate was issued pursuant to a manufacturer's statement of origin.

46 3. If the vehicle is any motor vehicle other than a motor vehicle primarily for business use, a
 47 recreational motor vehicle, motorcycle, motortricycle, autocycle, bus, or any commercial motor
 48 vehicle licensed for over twelve thousand pounds and if such motor vehicle is ten years of age or

1 less and has less than one hundred fifty thousand miles on the odometer, the director of revenue
 2 shall retain the odometer information provided in the vehicle inspection report, and provide for
 3 prompt access to such information, together with the vehicle identification number for the motor
 4 vehicle to which such information pertains, for a period of ten years after the receipt of such
 5 information. This subsection shall not apply unless:

6 (1) The application for the vehicle's certificate of ownership was submitted after July 1,
 7 1990; and

8 (2) The certificate was issued pursuant to a manufacturer's statement of origin.

9 4. If the vehicle qualifies as a reconstructed motor vehicle, motor change vehicle, specially
 10 constructed motor vehicle, non-USA-std motor vehicle, as defined in section 301.010, or prior
 11 salvage as referenced in section 301.573, the owner or lienholder shall surrender the certificate of
 12 ownership. The owner shall make an application for a new certificate of ownership, pay the
 13 required title fee, and obtain the vehicle examination certificate required pursuant to subsection 9 of
 14 section 301.190. If an insurance company pays a claim on a salvage vehicle as defined in section
 15 301.010 and the owner retains the vehicle, as prior salvage, the vehicle shall only be required to
 16 meet the examination requirements under subsection 10 of section 301.190. Notarized bills of sale
 17 along with a copy of the front and back of the certificate of ownership for all major component parts
 18 installed on the vehicle and invoices for all essential parts which are not defined as major
 19 component parts shall accompany the application for a new certificate of ownership. If the vehicle
 20 is a specially constructed motor vehicle, as defined in section 301.010, two pictures of the vehicle
 21 shall be submitted with the application. If the vehicle is a kit vehicle, the applicant shall submit the
 22 invoice and the manufacturer's statement of origin on the kit. If the vehicle requires the issuance of
 23 a special number by the director of revenue or a replacement vehicle identification number, the
 24 applicant shall submit the required application and application fee. All applications required under
 25 this subsection shall be submitted with any applicable taxes which may be due on the purchase of
 26 the vehicle or parts. The director of revenue shall appropriately designate "Reconstructed Motor
 27 Vehicle", "Motor Change Vehicle", "Non-USA-Std Motor Vehicle", or "Specially Constructed
 28 Motor Vehicle" on the current and all subsequent issues of the certificate of ownership of such
 29 vehicle.

30 5. Every insurance company that pays a claim for repair of a motor vehicle which as the
 31 result of such repairs becomes a reconstructed motor vehicle as defined in section 301.010 or that
 32 pays a claim on a salvage vehicle as defined in section 301.010 and the owner is retaining the
 33 vehicle shall in writing notify the owner of the vehicle, and in a first party claim, the lienholder if a
 34 lien is in effect, that he is required to surrender the certificate of ownership, and the documents and
 35 fees required pursuant to subsection 4 of this section to obtain a prior salvage motor vehicle
 36 certificate of ownership or documents and fees as otherwise required by law to obtain a salvage
 37 certificate of ownership, from the director of revenue. The insurance company shall within thirty
 38 days of the payment of such claims report to the director of revenue the name and address of such
 39 owner, the year, make, model, vehicle identification number, and license plate number of the
 40 vehicle, and the date of loss and payment.

41 6. Anyone who fails to comply with the requirements of this section shall be guilty of a
 42 class [B] C misdemeanor.

43 7. An applicant for registration may make a donation of one dollar to promote a blindness
 44 education, screening and treatment program. The director of revenue shall collect the donations and
 45 deposit all such donations in the state treasury to the credit of the blindness education, screening and
 46 treatment program fund established in section 209.015. Moneys in the blindness education,
 47 screening and treatment program fund shall be used solely for the purposes established in section
 48 209.015; except that the department of revenue shall retain no more than one percent for its
 49 administrative costs. The donation prescribed in this subsection is voluntary and may be refused by

the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.

8. An applicant for registration may make a donation of one dollar to promote an organ donor program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the organ donor program fund as established in sections 194.297 to 194.304. Moneys in the organ donor fund shall be used solely for the purposes established in sections 194.297 to 194.304, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.

9. An applicant for registration may make a donation of one dollar to the Missouri medal of honor recipients fund. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the Missouri medal of honor recipients fund as established in section 226.925. Moneys in the medal of honor recipients fund shall be used solely for the purposes established in section 226.925, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for registration at the time of issuance or renewal. The director shall inquire of each applicant at the time the applicant presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection.

304.022. 1. Upon the immediate approach of an emergency vehicle giving audible signal by siren or while having at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle or a flashing blue light authorized by section 307.175, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as far as possible to the right of, the traveled portion of the highway and thereupon stop and remain in such position until such emergency vehicle has passed, except when otherwise directed by a police or traffic officer.

2. Upon approaching a stationary vehicle displaying lighted red or red and blue lights, or a stationary vehicle displaying lighted amber or amber and white lights, the driver of every motor vehicle shall:

(1) Proceed with caution and yield the right-of-way, if possible with due regard to safety and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary vehicle, if on a roadway having at least four lanes with not less than two lanes proceeding in the same direction as the approaching vehicle; or

(2) Proceed with due caution and reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be unsafe or impossible.

3. The motorman of every streetcar shall immediately stop such car clear of any intersection and keep it in such position until the emergency vehicle has passed, except as otherwise directed by a police or traffic officer.

4. An "emergency vehicle" is a vehicle of any of the following types:

(1) A vehicle operated by the state highway patrol, the state water patrol, the Missouri capitol police, a conservation agent, or a state, county, or municipal park ranger, those vehicles operated by enforcement personnel of the state highways and transportation commission, police or fire department, sheriff, constable or deputy sheriff, federal law enforcement officer authorized to carry firearms and to make arrests for violations of the laws of the United States, traffic officer, coroner, medical examiner, or forensic investigator of the county medical examiner's office, or by a privately owned emergency vehicle company;

(2) A vehicle operated as an ambulance or operated commercially for the purpose of transporting emergency medical supplies or organs;

(3) Any vehicle qualifying as an emergency vehicle pursuant to section 307.175;

(4) Any wrecker, or tow truck or a vehicle owned and operated by a public utility or public service corporation while performing emergency service;

(5) Any vehicle transporting equipment designed to extricate human beings from the wreckage of a motor vehicle;

(6) Any vehicle designated to perform emergency functions for a civil defense or emergency management agency established pursuant to the provisions of chapter 44;

(7) Any vehicle operated by an authorized employee of the department of corrections who, as part of the employee's official duties, is responding to a riot, disturbance, hostage incident, escape or other critical situation where there is the threat of serious physical injury or death, responding to mutual aid call from another criminal justice agency, or in accompanying an ambulance which is transporting an offender to a medical facility;

(8) Any vehicle designated to perform hazardous substance emergency functions established pursuant to the provisions of sections 260.500 to 260.550;

(9) Any vehicle owned by the state highways and transportation commission and operated by an authorized employee of the department of transportation that is marked as a department of transportation emergency response or motorist assistance vehicle; or

(10) Any vehicle owned and operated by the civil support team of the Missouri National Guard while in response to or during operations involving chemical, biological, or radioactive materials or in support of official requests from the state of Missouri involving unknown substances, hazardous materials, or as may be requested by the appropriate state agency acting on behalf of the governor.

5. (1) The driver of any vehicle referred to in subsection 4 of this section shall not sound the siren thereon or have the front red lights or blue lights on except when such vehicle is responding to an emergency call or when in pursuit of an actual or suspected law violator, or when responding to, but not upon returning from, a fire.

(2) The driver of an emergency vehicle may:

(a) Park or stand irrespective of the provisions of sections 304.014 to 304.025;

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(c) Exceed the prima facie speed limit so long as the driver does not endanger life or property;

(d) Disregard regulations governing direction of movement or turning in specified directions.

(3) The exemptions granted to an emergency vehicle pursuant to subdivision (2) of this subsection shall apply only when the driver of any such vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light or blue light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle.

6. No person shall purchase an emergency light as described in this section without furnishing the seller of such light an affidavit stating that the light will be used exclusively for emergency vehicle purposes.

7. Violation of this section shall be deemed a class A misdemeanor.

313.800. 1. As used in sections 313.800 to 313.850, unless the context clearly requires otherwise, the following terms mean:

(1) "Adjusted gross receipts", the gross receipts from licensed gambling games and devices less winnings paid to wagerers;

1 (2) "Applicant", any person applying for a license authorized under the provisions of
2 sections 313.800 to 313.850;

3 (3) "Bank", the elevations of ground which confine the waters of the Mississippi or Missouri
4 Rivers at the ordinary high water mark as defined by common law;

5 (4) "Capital, cultural, and special law enforcement purpose expenditures" shall include any
6 disbursement, including disbursements for principal, interest, and costs of issuance and trustee
7 administration related to any indebtedness, for the acquisition of land, land improvements, buildings
8 and building improvements, vehicles, machinery, equipment, works of art, intersections, signing,
9 signalization, parking lot, bus stop, station, garage, terminal, hanger, shelter, dock, wharf, rest area,
10 river port, airport, light rail, railroad, other mass transit, pedestrian shopping malls and plazas, parks,
11 lawns, trees, and other landscape, convention center, roads, traffic control devices, sidewalks, alleys,
12 ramps, tunnels, overpasses and underpasses, utilities, streetscape, lighting, trash receptacles,
13 marquees, paintings, murals, fountains, sculptures, water and sewer systems, dams, drainage
14 systems, creek bank restoration, any asset with a useful life greater than one year, cultural events,
15 and any expenditure related to a law enforcement officer deployed as horse-mounted patrol, school
16 resource or drug awareness resistance education (D.A.R.E) officer;

17 (5) "Cheat", to alter the selection of criteria which determine the result of a gambling game
18 or the amount or frequency of payment in a gambling game;

19 (6) "Commission", the Missouri gaming commission;

20 (7) "Credit instrument", a written check, negotiable instrument, automatic bank draft or
21 other authorization from a qualified person to an excursion gambling boat licensee or any of its
22 affiliated companies licensed by the commission authorizing the licensee to withdraw the amount of
23 credit extended by the licensee to such person from the qualified person's banking account in an
24 amount determined under section 313.817 on or after a date certain of not more than thirty days
25 from the date the credit was extended, and includes any such writing taken in consolidation,
26 redemption or payment of a previous credit instrument, but does not include any interest-bearing
27 installment loan or other extension of credit secured by collateral;

28 (8) "Dock", the location in a city or county authorized under subsection 10 of section
29 313.812 which contains any natural or artificial space, inlet, hollow, or basin, in or adjacent to a
30 bank of the Mississippi or Missouri Rivers, next to a wharf or landing devoted to the embarking of
31 passengers on and disembarking of passengers from a gambling excursion but shall not include any
32 artificial space created after May 20, 1994, and is located more than one thousand feet from the
33 closest edge of the main channel of the river as established by the United States Army Corps of
34 Engineers;

35 (9) "Excursion gambling boat", a boat, ferry, other floating facility, or any nonfloating
36 facility licensed by the commission on or inside of which gambling games are allowed;

37 (10) "Fiscal year", the fiscal year of a home dock city or county;

38 (11) "Floating facility", any facility built or originally built as a boat, ferry or barge licensed
39 by the commission on which gambling games are allowed;

40 (12) "Gambling excursion", the time during which gambling games may be operated on an
41 excursion gambling boat whether docked or during a cruise;

42 (13) "Gambling game" includes, but is not limited to, games of skill or games of chance on
43 an excursion gambling boat but does not include gambling on sporting events; provided such games
44 of chance are approved by amendment to the Missouri Constitution;

45 (14) "Games of chance", any gambling game in which the player's expected return is not
46 favorably increased by the player's reason, foresight, dexterity, sagacity, design, information or
47 strategy;

48 (15) "Games of skill", any gambling game in which there is an opportunity for the player to
49 use the player's reason, foresight, dexterity, sagacity, design, information or strategy to favorably

1 increase the player's expected return; including, but not limited to, the gambling games known as
 2 "poker", "blackjack" (twenty-one), "craps", "Caribbean stud", "pai gow poker", "Texas hold'em",
 3 "double down stud", and any video representation of such games;

4 (16) "Gross receipts", the total sums wagered by patrons of licensed gambling games;

5 (17) "Holder of occupational license", a person licensed by the commission to perform an
 6 occupation within excursion gambling boat operations which the commission has identified as
 7 requiring a license;

8 (18) "Licensee", any person licensed under sections 313.800 to 313.850;

9 (19) "Mississippi River" and "Missouri River", the water, bed and banks of those rivers,
 10 including any space filled wholly or partially by the water of those rivers in a manner approved by
 11 the commission but shall not include any artificial space created after May 20, 1994, and is located
 12 more than one thousand feet from the closest edge of the main channel of the river as established by
 13 the United States Army Corps of Engineers;

14 (20) "Nonfloating facility", any structure within one thousand feet from the closest edge of
 15 the main channel of the Missouri or Mississippi River, as established by the United States Army
 16 Corps of Engineers, that contains at least two thousand gallons of water beneath or inside the facility
 17 either by an enclosed space containing such water or in rigid or semirigid storage containers, tanks,
 18 or structures;

19 (21) "Supplier", a person who sells or leases gambling equipment and gambling supplies to
 20 any licensee.

21 2. (1) In addition to the games of skill defined in this section, the commission may approve
 22 other games of skill upon receiving a petition requesting approval of a gambling game from any
 23 applicant or licensee. The commission may set the matter for hearing by serving the applicant or
 24 licensee with written notice of the time and place of the hearing not less than five days prior to the
 25 date of the hearing and posting a public notice at each commission office. The commission shall
 26 require the applicant or licensee to pay the cost of placing a notice in a newspaper of general
 27 circulation in the applicant's or licensee's home dock city or county. The burden of proof that the
 28 gambling game is a game of skill is at all times on the petitioner. The petitioner shall have the
 29 affirmative responsibility of establishing the petitioner's case by a preponderance of evidence
 30 including:

31 (a) Is it in the best interest of gaming to allow the game; and

32 (b) Is the gambling game a game of chance or a game of skill?

33 (2) All testimony shall be given under oath or affirmation. Any citizen of this state shall
 34 have the opportunity to testify on the merits of the petition. The commission may subpoena
 35 witnesses to offer expert testimony. Upon conclusion of the hearing, the commission shall evaluate
 36 the record of the hearing and issue written findings of fact that shall be based exclusively on the
 37 evidence and on matters officially noticed. The commission shall then render a written decision on
 38 the merits which shall contain findings of fact, conclusions of law and a final commission order.
 39 The final commission order shall be within thirty days of the hearing. Copies of the final
 40 commission order shall be served on the petitioner by certified or overnight express mail, postage
 41 prepaid, or by personal delivery.

42 313.805. The commission shall have full jurisdiction over and shall supervise all gambling
 43 operations governed by sections 313.800 to 313.850. The commission shall have the following
 44 powers and shall promulgate rules and regulations to implement sections 313.800 to 313.850:

45 (1) To investigate applicants and determine the priority and eligibility of applicants for a
 46 license and to select among competing applicants for a license the applicant which best serves the
 47 interests of the citizens of Missouri;

48 (2) To license the operators of excursion gambling boats and operators of gambling games
 49 within such boats, to identify occupations within the excursion gambling boat operations which

1 require licensing, and adopt standards for licensing the occupations including establishing fees for
2 the occupational licenses and to license suppliers;

3 (3) To adopt standards under which all excursion gambling boat operations shall be held and
4 standards for the facilities within which the gambling operations are to be held. Notwithstanding
5 the provisions of chapter 311 to the contrary, the commission may authorize the operation of
6 gambling games on an excursion gambling boat which is also licensed to sell or serve alcoholic
7 beverages, wine, or beer. The commission shall regulate the wagering structure for gambling
8 excursions, provided that the commission shall not establish any regulations or policies that limit the
9 amount of wagers, losses, or buy-in amounts;

10 (4) To enter the premises of excursion gambling boats, facilities, or other places of business
11 of a licensee within this state to determine compliance with sections 313.800 to 313.850;

12 (5) To investigate alleged violations of sections 313.800 to 313.850 or the commission rules,
13 orders, or final decisions;

14 (6) To assess any appropriate administrative penalty against a licensee, including, but not
15 limited to, suspension, revocation, and penalties of an amount as determined by the commission up
16 to three times the highest daily amount of gross receipts derived from wagering on the gambling
17 games, whether unauthorized or authorized, conducted during the previous twelve months as well as
18 confiscation and forfeiture of all gambling game equipment used in the conduct of unauthorized
19 gambling games. Forfeitures pursuant to this section shall be enforced as provided in sections
20 513.600 to 513.645;

21 (7) To require a licensee, an employee of a licensee or holder of an occupational license to
22 remove a person violating a provision of sections 313.800 to 313.850 or the commission rules,
23 orders, or final orders, or other person deemed to be undesirable from the excursion gambling boat
24 or adjacent facilities;

25 (8) To require the removal from the premises of a licensee, an employee of a licensee, or a
26 holder of an occupational license for a violation of sections 313.800 to 313.850 or a commission
27 rule or engaging in a fraudulent practice;

28 (9) To require all licensees to file all financial reports required by rules and regulations of
29 the commission;

30 (10) To issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the
31 production of books, records, and other pertinent documents, and to administer oaths and
32 affirmations to the witnesses, when, in the judgment of the commission, it is necessary to enforce
33 sections 313.800 to 313.850 or the commission rules;

34 (11) To keep accurate and complete records of its proceedings and to certify the records as
35 may be appropriate;

36 (12) To ensure that the gambling games are conducted fairly. No gambling device shall be
37 set to pay out less than eighty percent of all wagers;

38 (13) To require all licensees of gambling game operations to use a cashless wagering system
39 whereby all players' money is converted to physical or electronic tokens, electronic cards, or chips
40 which only can be used on the excursion gambling boat;

41 (14) To require excursion gambling boat licensees to develop a system, approved by the
42 commission, that allows patrons the option to prohibit the excursion gambling boat licensee from
43 using identifying information for marketing purposes. The provisions of this subdivision shall apply
44 only to patrons giving identifying information for the first time. Such system shall be submitted to
45 the commission by October 1, 2000, and approved by the commission by January 1, 2001. The
46 excursion gambling boat licensee shall use identifying information obtained from patrons who have
47 elected to have marketing blocked under the provisions of this section only for the purposes of
48 enforcing the requirements contained in sections 313.800 to 313.850. This section shall not prohibit
49 the commission from accessing identifying information for the purposes of enforcing section

1 313.004 and sections 313.800 to 313.850;

2 (15) To determine which of the authorized gambling games will be permitted on any
3 licensed excursion gambling boat;

4 (16) The commission shall base its decision to license excursion gambling boats on any of
5 the following criteria: the docking location or the excursion cruise could cause danger to the boat's
6 passengers, violate federal law or the law of another state, or cause disruption of interstate
7 commerce or possible interference with railway or barge transportation. The commission shall
8 consider economic feasibility or impact that would benefit land-based development and permanent
9 job creation. The commission shall not discriminate among applicants for excursion gambling boats
10 that are similarly situated with respect to the criteria set forth in this section;

11 (17) The commission shall render a finding or findings concerning the transition from a
12 boat, barge, or floating facility to a nonfloating facility within thirty days after a hearing on any
13 request from an applicant or existing licensee. Such hearing may be held prior to any final action on
14 licensing to assist an applicant and any city or county in the finalizing of their economic
15 development plan;

16 (18) To require any applicant for a license or renewal of a license to operate an excursion
17 gambling boat to provide an affirmative action plan which has as its goal the use of best efforts to
18 achieve maximum employment of African-Americans and other minorities and maximum
19 participation in the procurement of contractual purchases of goods and services. This provision
20 shall be administered in accordance with all federal and state employment laws, including Title VII
21 of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991. At license renewal,
22 the licensee will report on the effectiveness of the plan. The commission shall include the licensee's
23 reported information in its annual report to the joint committee on gaming and wagering;

24 (19) To take any other action as may be reasonable or appropriate to enforce sections
25 313.800 to 313.850 and the commission rules.

26 320.210. The state fire marshal shall appoint one assistant director and such other
27 investigators and employees as the needs of the office require within the limits of the appropriation
28 made for such purpose. ~~[Supervising investigators shall be at least twenty-five years of age and~~
29 ~~shall have either a minimum of five years' experience in fire risk inspection, prevention, or~~
30 ~~investigation work, or a degree in fire protection engineering from a recognized college or~~
31 ~~university of engineering.]~~ No person shall be appointed as an investigator or other employee who
32 has been convicted of a felony or other crime involving moral turpitude. Any person appointed as
33 an investigator shall be of good character, shall be a citizen of the United States, ~~[shall have been a~~
34 ~~taxpaying resident of this state for at least three years immediately preceding his appointment, and]~~
35 shall be a graduate of an accredited four-year high school or, in lieu thereof, shall have obtained a
36 certificate of equivalency from the state department of elementary and secondary education, and
37 shall ~~[possess ordinary physical strength and be able to pass such physical and mental examinations~~
38 ~~as the state fire marshal may prescribe]~~ be a resident of Missouri at the time of appointment. An
39 investigator or employee shall not hold any other commission or office, elective or appointive, or
40 accept any other employment that would pose a conflict of interest while he or she is an investigator
41 or employee. An investigator or employee shall not accept any compensation, reward, or gift other
42 than his or her regular salary and expenses for the performance of his or her official duties.

43 407.1700. 1. For the purposes of this section, the following terms shall mean:

44 (1) "Consumer product", any tangible personal property that is distributed in commerce and
45 that is normally used for personal, family, or household purposes, including any such property
46 intended to be attached to or installed in any real property without regard to whether the personal
47 property is so attached or installed;

48 (2) "High-volume third-party seller", a participant in an online marketplace who is a third-
49 party seller and who, in any continuous twelve-month period during the previous twenty-four

months, has entered into two hundred or more discrete sales or transactions of new or unused consumer products with an aggregate total of five thousand dollars or more in gross revenue. For purposes of calculating the number of discrete sales or transactions or the aggregate gross revenues under this subdivision, an online marketplace shall be required to count only sales or transactions made through the online marketplace and for which payment was processed by the online marketplace, either directly or through its payment processor;

(3) "Online marketplace", any person or entity that operates a consumer-directed, electronically-based or accessed platform that:

(a) Includes features that allow for, facilitate, or enable third-party sellers to engage in the sale, purchase, payment, storage, shipping, or delivery of a consumer product in the United States;

(b) Is used by one or more third-party sellers for such purposes; and

(c) Has a contractual or similar relationship with consumers governing its use of the platform to purchase consumer products;

(4) "Seller", a person who sells, offers to sell, or contracts to sell a consumer product through an online marketplace's platform;

(5) "Third-party seller", any seller, independent of an online marketplace, who sells, offers to sell, or contracts to sell a consumer product through an online marketplace. This term shall not include a seller who:

(a) Operates the online marketplace's platform; or

(b) Is a business entity that has:

a. Made available to the general public the entity's name, business address, and working contact information;

b. An ongoing contractual relationship with the online marketplace to provide the online marketplace with the manufacture, distribution, wholesaling, or fulfillment of shipments of consumer products; and

c. Provided to the online marketplace identifying information, as described in subparagraph a. of this paragraph, that has been verified under subsection 2 of this section;

(6) "Verify", to confirm information provided to an online marketplace under this section, which may include the use of one or more methods that enable the online marketplace to reliably determine that any information and documents provided are valid; corresponding to the seller or an individual acting on the seller's behalf; not misappropriated; and not falsified.

2. An online marketplace shall require any high-volume third-party seller on the online marketplace to provide, no later than ten days after qualifying as a high-volume third-party seller, the following information:

(1) Bank account information, including a bank account number or, if such seller does not have a bank account, the name of the payee for payments issued by the online marketplace to such seller. The bank account or payee information required under this subdivision may be provided by the seller in the following ways:

(a) To the online marketplace; or

(b) To a payment processor or other third-party contracted by the online marketplace to maintain such information, provided that the online marketplace ensures that it may obtain such information on demand from such payment processor or other third-party;

(2) Contact information for such seller, including the following:

(a) With respect to a high-volume third-party seller who is an individual, the individual's name; or

(b) With respect to a high-volume third-party seller who is not an individual, one of the following forms of contact information:

a. A copy of a valid government-issued identification for an individual acting on behalf of such seller that includes the individual's name; or

1 b. A copy of a valid government-issued record or tax document that includes the business
2 name and physical address of such seller;

3 (3) A current working email address and phone number for such seller; and

4 (4) A business tax identification number or, if such seller does not have a business tax
5 identification number, a taxpayer identification number.

6 3. An online marketplace shall:

7 (1) Periodically, but no less than annually, notify any high-volume third-party seller on such
8 online marketplace's platform of the requirement to keep any information collected under subsection
9 2 of this section current; and

10 (2) Require any high-volume third-party seller on such online marketplace's platform to, no
11 later than ten days after receiving the notice under subdivision (1) of this subsection, electronically
12 certify that:

13 (a) The seller has provided any changes to such information to the online marketplace if any
14 such changes have occurred;

15 (b) There have been no changes to such seller's information; or

16 (c) Such seller has provided any changes to such information to the online marketplace.

17 4. In the event that a high-volume third-party seller does not provide the information or
18 certification required under subsections 2 and 3 of this section, the online marketplace shall, after
19 providing the seller with written or electronic notice and an opportunity to provide such information
20 or certification no later than ten days after the issuance of such notice, suspend any future sales
21 activity of such seller until such seller provides such information or certification.

22 5. (1) An online marketplace shall:

23 (a) Verify the information collected in subsection 2 of this section no later than ten days
24 after such collection; and

25 (b) Verify any change to such information no later than ten days after being notified of such
26 change by a high-volume third-party seller under subsection 3 of this section.

27 (2) In the case of a high-volume third-party seller who provides a copy of a valid
28 government-issued tax document, any information contained in such tax document shall be
29 presumed to be verified as of the date of issuance of such document.

30 (3) Data collected to comply solely with the requirements of this section shall not be used
31 for any other purpose unless required by law.

32 (4) An online marketplace shall implement and maintain reasonable security procedures and
33 practices, including administrative, physical, and technical safeguards, appropriate to the nature of
34 the data and the purposes for which the data will be used, to protect the data collected to comply
35 with the requirements of this section from unauthorized use, disclosure, access, destruction, or
36 modification.

37 6. (1) An online marketplace shall:

38 (a) Require any high-volume third-party seller with an aggregate total of twenty thousand
39 dollars or more in annual gross revenues on such online marketplace, and that uses such online
40 marketplace's platform, to provide the information described in subdivision (2) of this subsection to
41 the online marketplace; and

42 (b) Disclose the information described in subdivision (2) of this subsection to consumers in
43 a clear and conspicuous manner in the order confirmation message or other document or
44 communication made to a consumer after a purchase is finalized and in the consumer's account
45 transaction history.

46 (2) The information required shall be the following:

47 (a) Subject to subdivision (3) of this subsection, the identity of the high-volume third-party
48 seller, including:

49 a. The full name of the seller, which may include the seller's name or seller's company

1 name, or the name by which the seller or company operates on the online marketplace;
2 b. The physical address of the seller; and
3 c. Contact information for the seller, to allow for the direct, unhindered communication with
4 high-volume third-party sellers by users of the online marketplace, including:
5 (i) A current working phone number;
6 (ii) A current working email address; or
7 (iii) Other means of direct electronic messaging, which may be provided to such seller by
8 the online marketplace; and
9 (b) Whether the high-volume third-party seller used a different seller to supply the consumer
10 product to the consumer upon purchase and, upon the request of an authenticated purchaser, the
11 information described in paragraph (a) of this subdivision relating to any such seller who supplied
12 the consumer product to the purchaser if such seller is different than the high-volume third-party
13 seller listed on the product listing prior to purchase.
14 (3) Subject to subdivision (2) of this subsection, upon the request of a high-volume third-
15 party seller, an online marketplace may provide for partial disclosure of the identity information
16 required under paragraph (a) of subdivision (2) of this subsection in the following situations:
17 (a) If such seller certifies to the online marketplace that the seller does not have a business
18 address and only has a residential street address, or has a combined business and residential address,
19 the online marketplace may:
20 a. Disclose only the country and, if applicable, the state in which such seller resides; and
21 b. Inform consumers that there is no business address available for the seller and that
22 consumer inquiries should be submitted to the seller by phone, email, or other means of electronic
23 messaging provided to such seller by the online marketplace;
24 (b) If such seller certifies to the online marketplace that the seller is a business that has a
25 physical address for product returns, the online marketplace may disclose the seller's physical
26 address for product returns; and
27 (c) If such seller certifies to the online marketplace that the seller does not have a phone
28 number other than a personal phone number, the online marketplace shall inform consumers that
29 there is no phone number available for the seller and that consumer inquiries should be submitted to
30 the seller's email address or other means of electronic messaging provided to such seller by the
31 online marketplace.
32 (4) If an online marketplace becomes aware that a high-volume third-party seller has made a
33 false representation to the online marketplace in order to justify the provision of a partial disclosure
34 under subdivision (1) of this subsection or that a high-volume third-party seller who has requested
35 and received a provision for a partial disclosure under subdivision (1) of this subsection has not
36 provided responsive answers within a reasonable time frame to consumer inquiries submitted to the
37 seller by phone, email, or other means of electronic messaging provided to such seller by the online
38 marketplace, the online marketplace shall, after providing the seller with written or electronic notice
39 and an opportunity to respond no later than ten days after the issuance of such notice, suspend any
40 future sales activity of such seller unless such seller consents to the disclosure of the identity
41 information required under paragraph (a) of subdivision (2) of this subsection.
42 (5) An online marketplace shall disclose to consumers in a clear and conspicuous manner on
43 the product listing of any high-volume third-party seller a reporting mechanism that allows for
44 electronic and telephonic reporting of suspicious marketplace activity to the online marketplace.
45 (6) If a high-volume third-party seller does not comply with the requirements to provide and
46 disclose information under this subsection, the online marketplace shall, after providing the seller
47 with written or electronic notice and an opportunity to provide or disclose such information no later
48 than ten days after the issuance of such notice, suspend any future sales activity of such seller until
49 the seller complies with such requirements.

7. (1) A violation of the provisions of this section shall be treated as a violation of sections 407.010 to 407.130 and shall be enforced solely by the attorney general. Nothing in this section shall be construed as providing the basis for, or subjecting a party to, a private civil action.

(2) The attorney general may promulgate rules and regulations with respect to collecting, verifying, and disclosing information under this section, provided that such rules and regulations are limited to what is necessary to collect, verify, or disclose such information. 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 the effective date of this section shall be invalid and void.

455.073. 1. By July 1, 1996, the supreme court of the state of Missouri shall:

(1) Develop and adopt uniform forms for petitions and orders of protection; and

(2) Provide the forms to each circuit clerk.

2. The following statements shall be printed in bold faced type or in capital letters on the order of protection:

(1) "Violation of this order may be punished by confinement in jail for as long as five years and by a fine of as much as five thousand dollars"; and

(2) "If so ordered by the court, the respondent is forbidden to enter or stay at the petitioner's residence".

3. The form prescribed by the supreme court for the notice of hearing required by subsection 2 of section 455.040 shall list all potential relief that can be granted by the court in any proceeding pursuant to sections 455.010 to 455.085 as described in section 455.050, and shall advise the respondent that such relief may be granted if the court finds for the petitioner, or if the respondent defaults to the petition.

4. If a full order of protection is granted, all temporary orders shall continue in the full order of protection and shall remain in full force and effect unless otherwise ordered by the court.

5. All orders of protection shall be issued on the form adopted pursuant to subsection 1 of this section.

455.075. The court may order a party to pay a reasonable amount to the other party for attorney's fees incurred prior to the commencement of the proceeding ~~[or]~~, throughout the proceeding, and after entry of judgment. The court shall consider all relevant factors, including the financial resources of both parties, and may order that the amount be paid directly to the attorney, who may enforce the order in his name.

455.085. 1. When a law enforcement officer has probable cause to believe a party has committed a violation of law amounting to domestic violence, as defined in section 455.010, against a family or household member, the officer may arrest the offending party whether or not the violation occurred in the presence of the arresting officer. When the officer declines to make arrest pursuant to this subsection, the officer shall make a written report of the incident completely describing the offending party, giving the victim's name, time, address, reason why no arrest was made and any other pertinent information. Any law enforcement officer subsequently called to the same address within a twelve-hour period, who shall find probable cause to believe the same offender has again committed a violation as stated in this subsection against the same or any other family or household member, shall arrest the offending party for this subsequent offense. The primary report of nonarrest in the preceding twelve-hour period may be considered as evidence of the defendant's intent in the violation for which arrest occurred. The refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this subsection.

1 2. When a law enforcement officer has probable cause to believe that a party, against whom
2 a protective order has been entered and who has notice of such order entered, has committed an act
3 of abuse in violation of such order, the officer shall arrest the offending party-respondent whether or
4 not the violation occurred in the presence of the arresting officer. Refusal of the victim to sign an
5 official complaint against the violator shall not prevent an arrest under this subsection.

6 3. When an officer makes an arrest, the officer is not required to arrest two parties involved
7 in an assault when both parties claim to have been assaulted. The arresting officer shall attempt to
8 identify and shall arrest the party the officer believes is the primary physical aggressor. The term
9 "primary physical aggressor" is defined as the most significant, rather than the first, aggressor. The
10 law enforcement officer shall consider any or all of the following in determining the primary
11 physical aggressor:

12 (1) The intent of the law to protect victims from continuing domestic violence;

13 (2) The comparative extent of injuries inflicted or serious threats creating fear of physical
14 injury;

15 (3) The history of domestic violence between the persons involved.

16 No law enforcement officer investigating an incident of domestic violence shall threaten the
17 arrest of all parties for the purpose of discouraging requests or law enforcement intervention by any
18 party. Where complaints are received from two or more opposing parties, the officer shall evaluate
19 each complaint separately to determine whether the officer should seek a warrant for an arrest.

20 4. In an arrest in which a law enforcement officer acted in good faith reliance on this
21 section, the arresting and assisting law enforcement officers and their employing entities and
22 superiors shall be immune from liability in any civil action alleging false arrest, false imprisonment
23 or malicious prosecution.

24 5. When a person against whom an order of protection has been entered fails to surrender
25 custody of minor children to the person to whom custody was awarded in an order of protection, the
26 law enforcement officer shall arrest the respondent, and shall turn the minor children over to the
27 care and custody of the party to whom such care and custody was awarded.

28 6. The same procedures, including those designed to protect constitutional rights, shall be
29 applied to the respondent as those applied to any individual detained in police custody.

30 7. A violation of the terms and conditions, with regard to domestic violence, stalking, sexual
31 assault, child custody, communication initiated by the respondent or entrance upon the premises of
32 the petitioner's dwelling unit or place of employment or school, or being within a certain distance of
33 the petitioner or a child of the petitioner, of an ex parte order of protection of which the respondent
34 has notice, shall be a class A misdemeanor unless the respondent has previously pleaded guilty to or
35 has been found guilty in any division of the circuit court of violating an ex parte order of protection
36 or a full order of protection within five years of the date of the subsequent violation, in which case
37 the subsequent violation shall be a class E felony. Evidence of prior pleas of guilty or findings of
38 guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the
39 jury. If the court finds the existence of such prior pleas of guilty or finding of guilt beyond a
40 reasonable doubt, the court shall decide the extent or duration of sentence or other disposition and
41 shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the
42 punishment as a part of its verdict.

43 8. A violation of the terms and conditions, with regard to domestic violence, stalking, sexual
44 assault, child custody, communication initiated by the respondent or entrance upon the premises of
45 the petitioner's dwelling unit or place of employment or school, or being within a certain distance of
46 the petitioner or a child of the petitioner, of a full order of protection shall be a class A
47 misdemeanor, unless the respondent has previously pleaded guilty to or has been found guilty in any
48 division of the circuit court of violating an ex parte order of protection or a full order of protection
49 within five years of the date of the subsequent violation, in which case the subsequent violation shall

1 be a class E felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by the court
 2 out of the presence of the jury prior to submission of the case to the jury. If the court finds the
 3 existence of such prior plea of guilty or finding of guilt beyond a reasonable doubt, the court shall
 4 decide the extent or duration of the sentence or other disposition and shall not instruct the jury as to
 5 the range of punishment or allow the jury to assess and declare the punishment as a part of its
 6 verdict. For the purposes of this subsection, in addition to the notice provided by actual service of
 7 the order, a party is deemed to have notice of an order of protection if:

8 (1) The law enforcement officer responding to a call of a reported incident of domestic
 9 violence, stalking, sexual assault, or violation of an order of protection presented a copy of the order
 10 of protection to the respondent; or

11 (2) Notice is given by actual communication to the respondent in a manner reasonably likely
 12 to advise the respondent.

13 9. Good faith attempts to effect a reconciliation of a marriage shall not be deemed tampering
 14 with a witness or victim tampering under section 575.270.

15 10. Nothing in this section shall be interpreted as creating a private cause of action for
 16 damages to enforce the provisions set forth herein.

17 476.055. 1. There is hereby established in the state treasury the "Statewide Court
 18 Automation Fund". All moneys collected pursuant to section 488.027, as well as gifts,
 19 contributions, devises, bequests, and grants received relating to automation of judicial record
 20 keeping, and moneys received by the judicial system for the dissemination of information and sales
 21 of publications developed relating to automation of judicial record keeping, shall be credited to the
 22 fund. Moneys credited to this fund may only be used for the purposes set forth in this section and as
 23 appropriated by the general assembly. Any unexpended balance remaining in the statewide court
 24 automation fund at the end of each biennium shall not be subject to the provisions of section 33.080
 25 requiring the transfer of such unexpended balance to general revenue; except that, any unexpended
 26 balance remaining in the fund on September 1, [2023] 2028, shall be transferred to general revenue.

27 2. The statewide court automation fund shall be administered by a court automation
 28 committee consisting of the following: the chief justice of the supreme court, a judge from the court
 29 of appeals, four circuit judges, four associate circuit judges, four employees of the circuit court, the
 30 commissioner of administration, two members of the house of representatives appointed by the
 31 speaker of the house, two members of the senate appointed by the president pro tem of the senate,
 32 the executive director of the Missouri office of prosecution services, the director of the state public
 33 defender system, and two members of the Missouri Bar. The judge members and employee
 34 members shall be appointed by the chief justice. The commissioner of administration shall serve ex
 35 officio. The members of the Missouri Bar shall be appointed by the board of governors of the
 36 Missouri Bar. Any member of the committee may designate another person to serve on the
 37 committee in place of the committee member.

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

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

49 5. The court automation committee shall not require any circuit court to change any

operating system in such court, unless the committee provides all necessary personnel, funds and equipment necessary to effectuate the required changes. No judicial circuit or county may be reimbursed for any costs incurred pursuant to this subsection unless such judicial circuit or county has the approval of the court automation committee prior to incurring the specific cost.

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

7. On the first day of February, May, August and November of each year, the court automation committee shall file a report on the progress of the statewide automation system with:

- (1) The chair of the house budget committee;
- (2) The chair of the senate appropriations committee;
- (3) The chair of the house judiciary committee; and
- (4) The chair of the senate judiciary committee.

8. Section 488.027 shall expire on September 1, ~~[2023]~~ 2028. The court automation committee established pursuant to this section may continue to function until completion of its duties prescribed by this section~~], but shall complete its duties prior to September 1, 2025.~~

~~9. This section shall expire on September 1, 2025].~~

490.800. 1. Notwithstanding the sovereign immunity of the state, any individual who was found guilty of a felony in a Missouri court and was later determined to be actually innocent of such offense by admissible evidence may be paid restitution. Any individual who receives restitution under this section shall not also receive restitution under section 650.058 for the same offense for which the individual was determined to be actually innocent. The individual shall receive an amount of one hundred dollars per day for each day of postconviction incarceration for the offense for which the individual is determined to be actually innocent under this section. The petition for the payment of such restitution shall be filed with the sentencing court. For the purposes of this section, the term "actually innocent" shall mean:

(1) The individual was convicted of a felony for which a final order of release was entered based on an order setting aside the judgment of conviction by the sentencing court pursuant to section 547.031, based on a finding of actual innocence entered by the sentencing court pursuant to section 547.031, or by writ otherwise authorized by law;

(2) All appeals of the order of release have been exhausted; and

(3) The individual was not serving any term of a sentence for any other offense concurrently with the sentence for which he or she is determined to be actually innocent, unless such individual was serving another concurrent sentence because his or her parole was revoked by a court or the parole board in connection with the offense for which the person has been exonerated. Regardless of whether any other basis may exist for the revocation of the person's probation or parole at the time of conviction for the offense for which the person is later determined to be actually innocent, when the court's or the parole board's sole stated reason for the revocation in its order is the conviction for the offense for which the person is later determined to be actually innocent, such order shall, for purposes of this section only, be conclusive evidence that the person's probation or parole was revoked in connection with the offense for which the person has been exonerated.

Any individual who receives restitution under this section shall not also receive restitution under section 650.058 for the same offense the person was determined to be actually innocent and shall be prohibited from seeking any civil redress from the state, its departments and agencies, or any employee thereof, or any political subdivision or its employees. This section shall not be construed

as a waiver of sovereign immunity for any purposes other than the restitution provided for herein. The department of corrections shall determine the aggregate amount of restitution owed during a fiscal year. If insufficient moneys are appropriated each fiscal year to pay restitution to such persons, the department shall pay each individual who has received an order awarding restitution a pro rata share of the amount appropriated. Provided sufficient moneys are appropriated to the department, the amounts owed to such individual shall be paid on June thirtieth of each subsequent fiscal year, until such time as the restitution to the individual has been paid in full. No individual awarded restitution under this subsection shall receive more than thirty-six thousand five hundred dollars during each fiscal year. No interest on unpaid restitution shall be awarded to the individual. No individual who has been determined by the court to be actually innocent shall be responsible for the costs of care under section 217.831.

2. A petition for payment of restitution under this section may be filed only by the individual determined to be actually innocent or the individual's legal guardian. No claim or petition for restitution under this section may be filed by the individual's heirs or assigns. An individual's right to receive restitution under this section is not assignable or otherwise transferrable. The state's obligation to pay restitution under this section shall cease upon the individual's death. Any beneficiary designation that purports to bequeath, assign, or otherwise convey the right to receive such restitution shall be void and unenforceable.

3. An individual who is determined to be actually innocent of an offense under this section shall automatically be granted an order of expungement from the court in which he or she pled guilty or was sentenced to expunge from all official records all recordations of his or her arrest, plea, trial, or conviction. Upon the court's granting the order of expungement, the records and files maintained in any administrative or court proceeding in an associate or circuit division of the court shall be confidential and available only to the parties or by order of the court for good cause shown. The effect of such order shall be to restore such person to the status he or she occupied prior to such arrest, plea, or conviction and as if such event had never taken place. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction, or expungement in response to any inquiry made of him or her for any purpose whatsoever, and no such inquiry shall be made for information relating to an expungement under this section.

491.015. 1. In prosecutions under chapter 566 or prosecutions related to sexual conduct under chapter 568, opinion and reputation evidence of ~~[the complaining]~~ a victim's or witness' prior sexual conduct, acts, or practices is inadmissible at any trial, hearing, or court proceeding and not a subject for inquiry during a deposition or discovery; evidence of specific instances of ~~[the complaining]~~ a victim's or witness' prior sexual conduct, acts, or practices or the absence of such instances or conduct is inadmissible at any trial, hearing, or any other court proceeding, and not a subject for inquiry during a deposition or discovery, except where such specific instances are:

- (1) Evidence of the sexual conduct of ~~[the complaining]~~ a victim or witness with the defendant to prove consent where consent is a defense to the alleged crime and the evidence is reasonably contemporaneous with the date of the alleged crime; or
- (2) Evidence of specific instances of sexual activity showing alternative source or origin of semen, pregnancy or disease;
- (3) Evidence of immediate surrounding circumstances of the alleged crime; or
- (4) Evidence relating to the previous chastity of ~~[the complaining]~~ a victim or witness in cases, where, by statute, previously chaste character is required to be proved by the prosecution.

2. Evidence of the sexual conduct, acts, or practices of ~~[the complaining]~~ a victim or witness offered under this section is admissible to the extent that the court finds the evidence relevant to a

1 material fact or issue.

2 3. If the defendant proposes to offer evidence of the sexual conduct, acts, or practices of [the
3 ~~complainant~~] a victim or witness under this section, he or she shall file with the court a written
4 motion accompanied by an offer of proof or make an offer of proof on the record outside the hearing
5 of the jury. The court shall hold an in camera hearing to determine the sufficiency of the offer of
6 proof and may at that hearing hear evidence if the court deems it necessary to determine the
7 sufficiency of the offer of proof. If the court finds any of the evidence offered admissible under this
8 section the court shall make an order stating the scope of the evidence which may be introduced.
9 Objections to any decision of the court under this section may be made by either the prosecution or
10 the defendant in the manner provided by law. The in camera hearing shall be recorded and the court
11 shall set forth its reasons for its ruling. The record of the in camera hearing shall be sealed for
12 delivery to the parties and to the appellate court in the event of an appeal or other post trial
13 proceeding.

14 537.529. 1. This section shall be known and may be cited as the "Uniform Public
15 Expression Protection Act".

16 2. As used in this section, the following terms shall mean:

17 (1) "Goods or services", shall not include a dramatic, literary, musical, political, journalistic,
18 or artistic work;

19 (2) "Governmental unit", any city, county, or other political subdivision of this state, or any
20 department, division, board, or other agency of any political subdivision of this state;

21 (3) "Person", an individual, estate, trust, partnership, business or nonprofit entity,
22 governmental unit, or other legal entity.

23 3. Except as otherwise provided in subsection 4 of this section, this section applies to a
24 cause of action asserted in a civil action against a person based on the person's:

25 (1) Communication in a legislative, executive, judicial, administrative, or other
26 governmental proceeding;

27 (2) Communication on an issue under consideration or review in a legislative, executive,
28 judicial, administrative, or other governmental proceeding; or

29 (3) Exercise of the right of freedom of speech or of the press, the right to assemble or
30 petition, or the right of association, guaranteed by the Constitution of the United States or the
31 Constitution of the state of Missouri, on a matter of public concern.

32 4. This section does not apply to a cause of action asserted:

33 (1) Against a governmental unit or an employee or agent of a governmental unit acting or
34 purporting to act in an official capacity;

35 (2) By a governmental unit or an employee or agent of a governmental unit acting in an
36 official capacity to enforce a law to protect against an imminent threat to public health or safety; or

37 (3) Against a person primarily engaged in the business of selling or leasing goods or
38 services if the cause of action arises out of a communication related to the person's sale or lease of
39 the goods or services.

40 5. No later than sixty days after a party is served with a complaint, cross-claim,
41 counterclaim, third-party claim, or other pleading that asserts a cause of action to which this section
42 applies, or at a later time on a showing of good cause, a party may file a special motion to dismiss
43 the cause of action or part of the cause of action.

44 6. (1) Except as otherwise provided in this subsection:

45 (a) All other proceedings between the moving party and responding party in an action,
46 including discovery and a pending hearing or motion, are stayed on the filing of a motion under
47 subsection 5 of this section; and

48 (b) On motion by the moving party, the court may stay:

49 a. A hearing or motion involving another party if the ruling on the hearing or motion would

1 adjudicate a legal or factual issue that is material to the motion under subsection 5 of this section; or
 2 b. Discovery by another party if the discovery relates to a legal or factual issue that is
 3 material to the motion under subsection 5 of this section.

4 (2) A stay under subdivision (1) of this subsection remains in effect until entry of an order
 5 ruling on the motion filed under subsection 5 of this section and the expiration of the time to appeal
 6 the order.

7 (3) If a party appeals from an order ruling on a motion under subsection 5 of this section, all
 8 proceedings between all parties in an action are stayed. The stay remains in effect until the
 9 conclusion of the appeal.

10 (4) During a stay under subdivision (1) of this subsection, the court may allow limited
 11 discovery if a party shows that specific information is necessary to establish whether a party has
 12 satisfied or failed to satisfy a burden imposed by subdivision (1) of subsection 9 of this section and
 13 is not reasonably available without discovery.

14 (5) A motion for costs and expenses under subsection 12 of this section shall not be subject
 15 to a stay under this section.

16 (6) A stay under this subsection does not affect a party's ability to voluntarily dismiss a
 17 cause of action or part of a cause of action or move to sever a cause of action.

18 (7) During a stay under this section, the court for good cause may hear and rule on:

19 (a) A motion unrelated to the motion under subsection 5 of this section; and

20 (b) A motion seeking a special or preliminary injunction to protect against an imminent
 21 threat to public health or safety.

22 7. (1) The court shall hear a motion under subsection 5 of this section no later than sixty
 23 days after filing of the motion, unless the court orders a later hearing:

24 (a) To allow discovery under subdivision (4) of subsection 6 of this section; or

25 (b) For other good cause.

26 (2) If the court orders a later hearing under paragraph (a) of subdivision (1) of this
 27 subsection, the court shall hear the motion under subsection 5 of this section no later than sixty days
 28 after the court order allowing the discovery, subject to paragraph (b) of subdivision (1) of this
 29 subsection.

30 8. In ruling on a motion under subsection 5 of this section, the court shall consider the
 31 parties' pleadings, the motion, any replies and responses to the motion, and any evidence that could
 32 be considered in ruling on a motion for summary judgment.

33 9. (1) In ruling on a motion under subsection 5 of this section, the court shall dismiss with
 34 prejudice a cause of action or part of a cause of action if:

35 (a) The moving party establishes under subsection 3 of this section that this section applies;

36 (b) The responding party fails to establish under subsection 4 of this section that this section
 37 does not apply; and

38 (c) Either:

39 a. The responding party fails to establish a prima facie case as to each essential element of
 40 the cause of action; or

41 b. The moving party establishes that:

42 (i) The responding party failed to state a cause of action upon which relief can be granted;
 43 or

44 (ii) There is no genuine issue as to any material fact and the party is entitled to judgment as
 45 a matter of law on the cause of action or part of the cause of action.

46 (2) A voluntary dismissal without prejudice of a responding party's cause of action, or part
 47 of a cause of action, that is the subject of a motion under subsection 5 of this section does not affect
 48 a moving party's right to obtain a ruling on the motion and seek costs, reasonable attorney's fees, and
 49 reasonable litigation expenses under subsection 12 of this section.

(3) A voluntary dismissal with prejudice of a responding party's cause of action, or part of a cause of action, that is the subject of a motion under subsection 5 of this section establishes for the purpose of subsection 12 of this section that the moving party prevailed on the motion.

10. The court shall rule on a motion under subsection 5 of this section no later than sixty days after the hearing under subsection 7 of this section.

11. A moving party may appeal within twenty-one days as a matter of right from an order denying, in whole or in part, a motion under subsection 5 of this section.

12. On a motion under subsection 5 of this section, the court shall award costs, reasonable attorney's fees, and reasonable litigation expenses related to the motion:

(1) To the moving party if the moving party prevails on the motion; or

(2) To the responding party if the responding party prevails on the motion and the court finds that the motion was frivolous or filed solely with intent to delay the proceeding.

13. This section shall be broadly construed and applied to protect the exercise of the right of freedom of speech and of the press, the right to assemble and petition, and the right of association, guaranteed by the Constitution of the United States or the Constitution of the state of Missouri.

14. In applying and construing this section, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

15. This section applies to a civil action filed or cause of action asserted in a civil action on or after August 28, 2022.

544.453. Notwithstanding any provision of the law or court rule to the contrary, a judge or judicial officer, when setting bail or conditions of release in all courts in Missouri for any offense charged, shall consider, in addition to any factor required by law, whether:

(1) A defendant poses a danger to a victim of crime, the community, any witness to the crime, or to any other person;

(2) A defendant is a flight risk;

(3) A defendant has committed a violent misdemeanor offense, sexual offense, or felony offense in this state or any other state in the last five years; and

(4) A defendant has failed to appear in court as a required condition of probation or parole for a violent misdemeanor or felony within the last three years.

545.473. 1. Notwithstanding Missouri supreme court rule 32.03, a defendant with a case filed in a county [~~with department of corrections centers with a total average yearly offender population in excess of two thousand persons~~] having seventy-five thousand or fewer inhabitants shall follow the procedure listed in subsections 2 to 5 of this section in order to obtain a change of venue for misdemeanors or felonies.

2. Upon written application of the defendant, a change of venue may be ordered in any criminal proceeding for the following reasons:

(1) That the inhabitants of the county are prejudiced against the defendant; or

(2) That the state has an undue influence over the inhabitants of the county.

3. In felony and misdemeanor cases, the application must be filed not later than ~~[thirty]~~ ten days after [arraignment. In misdemeanor cases, the application must be filed not later than ten days before the date set for trial] the initial plea is entered.

4. A copy of the application and a notice of the time when it will be presented to the court shall be served on all parties.

5. The application shall set forth the reason or reasons for change of venue. It need not be verified and shall be signed by the defendant or his attorney.

6. The state may, within five days after the filing of the application for a change of venue, file a denial of the existence of the reason or reasons alleged in the application. Such denial need not be verified. If a denial is filed, the court shall hear evidence and determine the issues. If the issues are determined in favor of the defendant, or if the truth of the grounds alleged is within the

knowledge of the court, or if no denial is filed, a change of venue shall be ordered to some other county convenient to the parties and where the reason or reasons do not exist.

546.262. A court shall not compel a victim or member of the victim's family testifying in a criminal proceeding for a violation of sections 565.072 to 565.076 to disclose a residential address or place of employment on the record in open court unless the court finds that disclosure of the address or place of employment is necessary.

546.263. 1. A person may testify by video conference at a civil trial involving an offense under sections 565.072 to 565.076 if the person testifying is the victim of the offense. The circuit and associate circuit court judges for each circuit shall develop local rules and instructions for appearances by video conference permitted under this subsection, which shall be posted on the circuit court's internet website.

2. The circuit and associate circuit court judges for each circuit shall provide, and post on the circuit court's internet website, a telephone number for the public to call for assistance regarding appearances by video conference."; and

Further amend said bill, Page 12, Section 548.241, Line 10, by inserting after said section and line the following:

"556.036. 1. A prosecution for murder, rape in the first degree, forcible rape, attempted rape in the first degree, attempted forcible rape, sodomy in the first degree, forcible sodomy, attempted sodomy in the first degree, attempted forcible sodomy, sexual abuse in the first degree, attempted sexual abuse in the first degree, incest, and attempted incest or any class A felony may be commenced at any time.

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

- (1) For any felony, three years, except as provided in subdivision (4) of this subsection;
- (2) For any misdemeanor, one year;
- (3) For any infraction, six months;
- (4) For any violation of section 569.040, when classified as a class B felony, or any violation of section 569.050 or 569.055, five years.

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

- (1) Any offense a material element of which is either fraud or a breach of fiduciary obligation within one year after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is himself or herself not a party to the offense, but in no case shall this provision extend the period of limitation by more than three years. As used in this subdivision, the term "person who has a legal duty to represent an aggrieved party" shall mean the attorney general or the prosecuting or circuit attorney having jurisdiction pursuant to section 407.553, for purposes of offenses committed pursuant to sections 407.511 to 407.556; and
- (2) Any offense based upon misconduct in office by a public officer or employee at any time when the person is in public office or employment or within two years thereafter, but in no case shall this provision extend the period of limitation by more than three years; and
- (3) Any offense based upon an intentional and willful fraudulent claim of child support arrearage to a public servant in the performance of his or her duties within one year after discovery of the offense, but in no case shall this provision extend the period of limitation by more than three years.

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

1 committed.

2 5. A prosecution is commenced for a misdemeanor or infraction when the information is
3 filed and for a felony when the complaint or indictment is filed.

4 6. The period of limitation does not run:

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

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

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

11 (4) During any time when the accused is found to lack mental fitness to proceed pursuant to
12 section 552.020; or

13 (5) During any period of time after which a DNA profile is developed from evidence
14 collected in relation to the commission of a crime and included in a published laboratory report until
15 the date upon which the accused is identified by name based upon a match between that DNA
16 evidence profile and the known DNA profile of the accused. For purposes of this section, the term
17 "DNA profile" means the collective results of the DNA analysis of an evidence sample.

18 556.046. 1. A person may be convicted of an offense included in an offense charged in the
19 indictment or information. An offense is so included when:

20 (1) It is established by proof of the same or less than all the facts required to establish the
21 commission of the offense charged; or

22 (2) It is specifically denominated by statute as a lesser degree of the offense charged; or

23 (3) It consists of an attempt to commit the offense charged or to commit an offense
24 otherwise included therein.

25 2. The court shall not be obligated to charge the jury with respect to an included offense
26 unless there is a rational basis for a verdict acquitting the person of the offense charged and
27 convicting him or her of the included offense. An offense is charged for purposes of this section if:

28 (1) It is in an indictment or information; or

29 (2) It is an offense submitted to the jury because there is a rational basis for a verdict
30 acquitting the person of the offense charged and convicting the person of the included offense.

31 3. The court shall be obligated to instruct the jury with respect to a particular included
32 offense only if the instruction is requested and there is a rational basis in the evidence for acquitting
33 the person of the immediately higher included offense and ~~[there is a basis in the evidence for]~~
34 convicting the person of that particular included offense.

35 558.011. 1. The authorized terms of imprisonment, including both prison and conditional
36 release terms, are:

37 (1) For a class A felony, a term of years not less than ten years and not to exceed thirty
38 years, or life imprisonment;

39 (2) For a class B felony, a term of years not less than five years and not to exceed fifteen
40 years;

41 (3) For a class C felony, a term of years not less than three years and not to exceed ten years;

42 (4) For a class D felony, a term of years not to exceed seven years;

43 (5) For a class E felony, a term of years not to exceed four years;

44 (6) For a class A misdemeanor, a term not to exceed one year;

45 (7) For a class B misdemeanor, a term not to exceed six months;

46 (8) For a class C misdemeanor, a term not to exceed fifteen days.

47 2. In cases of class D and E felonies, the court shall have discretion to imprison for a special
48 term not to exceed one year in the county jail or other authorized penal institution, and the place of
49 confinement shall be fixed by the court. If the court imposes a sentence of imprisonment for a term

longer than one year upon a person convicted of a class D or E felony, it shall commit the person to the custody of the department of corrections.

3. (1) When a regular sentence of imprisonment for a felony is imposed, the court shall commit the person to the custody of the department of corrections for the term imposed under section 557.036, or until released under procedures established elsewhere by law.

(2) A sentence of imprisonment for a misdemeanor shall be for a definite term and the court shall commit the person to the county jail or other authorized penal institution for the term of his or her sentence or until released under procedure established elsewhere by law.

4. (1) Except as otherwise provided, a sentence of imprisonment for a term of years for felonies other than dangerous felonies as defined in section 556.061, and other than sentences of imprisonment which involve the individual's fourth or subsequent remand to the department of corrections shall consist of a prison term and a conditional release term when the offense occurred before August 28, 2022. The conditional release term of any term imposed under section 557.036 shall be:

(a) One-third for terms of nine years or less;

(b) Three years for terms between nine and fifteen years;

(c) Five years for terms more than fifteen years; and the prison term shall be the remainder of such term. The prison term may be extended by the parole board pursuant to subsection 5 of this section.

(2) "Conditional release" means the conditional discharge of an offender by the parole board, subject to conditions of release that the parole board deems reasonable to assist the offender to lead a law-abiding life, and subject to the supervision under the division of probation and parole. The conditions of release shall include avoidance by the offender of any other offense, federal or state, and other conditions that the parole board in its discretion deems reasonably necessary to assist the releasee in avoiding further violation of the law.

5. The date of conditional release from the prison term may be extended up to a maximum of the entire sentence of imprisonment by the parole board. The director of any division of the department of corrections except the division of probation and parole may file with the parole board a petition to extend the conditional release date when an offender fails to follow the rules and regulations of the division or commits an act in violation of such rules. Within ten working days of receipt of the petition to extend the conditional release date, the parole board shall convene a hearing on the petition. The offender shall be present and may call witnesses in his or her behalf and cross-examine witnesses appearing against the offender. The hearing shall be conducted as provided in section 217.670. If the violation occurs in close proximity to the conditional release date, the conditional release may be held for a maximum of fifteen working days to permit necessary time for the division director to file a petition for an extension with the parole board and for the parole board to conduct a hearing, provided some affirmative manifestation of an intent to extend the conditional release has occurred prior to the conditional release date. If at the end of a fifteen-working-day period a parole board decision has not been reached, the offender shall be released conditionally. The decision of the parole board shall be final.

6. For offenses occurring on or after August 28, 2022, a sentence of imprisonment shall consist only of a prison term without eligibility for conditional release.

558.016. 1. The court may sentence a person who has been found guilty of an offense to a term of imprisonment as authorized by section 558.011 or to a term of imprisonment authorized by a statute governing the offense if it finds the defendant is a prior offender or a persistent misdemeanor offender. The court may sentence a person to an extended term of imprisonment if:

(1) The defendant is a persistent offender or a dangerous offender, and the person is sentenced under subsection 7 of this section;

(2) The statute under which the person was found guilty contains a sentencing enhancement

1 provision that is based on a prior finding of guilt or a finding of prior criminal conduct and the
2 person is sentenced according to the statute; or

3 (3) A more specific sentencing enhancement provision applies that is based on a prior
4 finding of guilt or a finding of prior criminal conduct.

5 2. A "prior offender" is one who has been found guilty of one felony.

6 3. A "persistent offender" is one who has been found guilty of two or more felonies
7 committed at different times.

8 4. A "dangerous offender" is one who:

9 (1) Is being sentenced for a felony during the commission of which he knowingly murdered
10 or endangered or threatened the life of another person or knowingly inflicted or attempted or
11 threatened to inflict serious physical injury on another person; ~~and~~ or

12 (2) Has been found guilty of a class A or B felony or a dangerous felony as defined by
13 section 556.061.

14 5. A "persistent misdemeanor offender" is one who has been found guilty of two or more
15 offenses, committed at different times that are classified as A or B misdemeanors under the laws of
16 this state.

17 6. The findings of guilt shall be prior to the date of commission of the present offense.

18 7. The court shall sentence a person, who has been found to be a persistent offender or a
19 dangerous offender, and is found guilty of a class B, C, D, or E felony to the authorized term of
20 imprisonment for the offense that is one class higher than the offense for which the person is found
21 guilty.

22 558.019. 1. This section shall not be construed to affect the powers of the governor under
23 Article IV, Section 7, of the Missouri Constitution. This statute shall not affect those provisions of
24 section 565.020[, or section 566.125, ~~or section 571.015,~~] which set minimum terms of sentences,
25 or the provisions of section 559.115, relating to probation.

26 2. The provisions of subsections 2 to 5 of this section shall only be applicable to the offenses
27 contained in sections 565.021, 565.023, 565.024, 565.027, 565.050, 565.052, 565.054, 565.072,
28 565.073, 565.074, 565.090, 565.110, 565.115, 565.120, 565.153, 565.156, 565.225, 565.300,
29 566.030, 566.031, 566.032, 566.034, 566.060, 566.061, 566.062, 566.064, 566.067, 566.068,
30 566.069, 566.071, 566.083, 566.086, 566.100, 566.101, 566.103, 566.111, 566.115, 566.145,
31 566.151, 566.153, 566.203, 566.206, 566.209, 566.210, 566.211, 566.215, 568.030, 568.045,
32 568.060, 568.065, 568.175, 569.040, 569.160, 570.023, 570.025, 570.030 when punished as a class
33 A, B, or C felony, 570.145 when punished as a class A or B felony, 570.223 when punished as a
34 class B or C felony, 571.020, 571.030, 571.070, 573.023, 573.025, 573.035, 573.037, 573.200,
35 573.205, 574.070, 574.080, 574.115, 575.030, 575.150, 575.153, 575.155, 575.157, 575.200 when
36 punished as a class A felony, 575.210, 575.230 when punished as a class B felony, 575.240 when
37 punished as a class B felony, 576.070, 576.080, 577.010, 577.013, 577.078, 577.703, 577.706,
38 579.065, and 579.068 when punished as a class A or B felony. For the purposes of this section,
39 "prison commitment" means and is the receipt by the department of corrections of an offender after
40 sentencing. For purposes of this section, prior prison commitments to the department of corrections
41 shall not include an offender's first incarceration prior to release on probation under section 217.362
42 or 559.115. Other provisions of the law to the contrary notwithstanding, any offender who has been
43 found guilty of a felony other than a dangerous felony as defined in section 556.061 and is
44 committed to the department of corrections shall be required to serve the following minimum prison
45 terms:

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

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

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

10 3. Other provisions of the law to the contrary notwithstanding, any offender who has been
11 found guilty of a dangerous felony as defined in section 556.061 and is committed to the department
12 of corrections shall be required to serve a minimum prison term of eighty-five percent of the
13 sentence imposed by the court or until the offender attains seventy years of age, and has served at
14 least forty percent of the sentence imposed, whichever occurs first.

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

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

18 (2) Any sentence either alone or in the aggregate with other consecutive sentences for
19 offenses committed at or near the same time which is over seventy-five years shall be calculated to
20 be seventy-five years.

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

24 6. An offender who was convicted of, or pled guilty to, a felony offense other than those
25 offenses listed in subsection 2 of this section prior to August 28, 2019, shall no longer be subject to
26 the minimum prison term provisions under subsection 2 of this section, and shall be eligible for
27 parole, conditional release, or other early release by the department of corrections according to the
28 rules and regulations of the department.

29 7. (1) A sentencing advisory commission is hereby created to consist of eleven members.
30 One member shall be appointed by the speaker of the house. One member shall be appointed by the
31 president pro tem of the senate. One member shall be the director of the department of corrections.
32 Six members shall be appointed by and serve at the pleasure of the governor from among the
33 following: the public defender commission; private citizens; a private member of the Missouri Bar;
34 the board of probation and parole; and a prosecutor. Two members shall be appointed by the
35 supreme court, one from a metropolitan area and one from a rural area. All members shall be
36 appointed to a four-year term. All members of the sentencing commission appointed prior to
37 August 28, 1994, shall continue to serve on the sentencing advisory commission at the pleasure of
38 the governor.

39 (2) The commission shall study sentencing practices in the circuit courts throughout the
40 state for the purpose of determining whether and to what extent disparities exist among the various
41 circuit courts with respect to the length of sentences imposed and the use of probation for offenders
42 convicted of the same or similar offenses and with similar criminal histories. The commission shall
43 also study and examine whether and to what extent sentencing disparity among economic and social
44 classes exists in relation to the sentence of death and if so, the reasons therefor, if sentences are
45 comparable to other states, if the length of the sentence is appropriate, and the rate of rehabilitation
46 based on sentence. It shall compile statistics, examine cases, draw conclusions, and perform other
47 duties relevant to the research and investigation of disparities in death penalty sentencing among
48 economic and social classes.

49 (3) The commission shall study alternative sentences, prison work programs, work release,

home-based incarceration, probation and parole options, and any other programs and report the feasibility of these options in Missouri.

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

(5) The members of the commission shall not receive compensation for their duties on the commission, but shall be reimbursed for actual and necessary expenses incurred in the performance of these duties and for which they are not reimbursed by reason of their other paid positions.

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

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

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

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

(2) Offender treatment programs;

(3) Mandatory community service;

(4) Work release programs in local facilities; and

(5) Community-based residential and nonresidential programs.

10. Pursuant to subdivision (1) of subsection 9 of this section, the court may order the assessment and payment of a designated amount of restitution to a county law enforcement restitution fund established by the county commission pursuant to section 50.565. Such contribution shall not exceed three hundred dollars for any charged offense. Any restitution moneys deposited into the county law enforcement restitution fund pursuant to this section shall only be expended pursuant to the provisions of section 50.565.

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

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

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

558.026. 1. Multiple sentences of imprisonment shall run concurrently unless the court specifies that they shall run consecutively; except in the case of multiple sentences of imprisonment imposed for any offense committed during or at the same time as, or multiple offenses of, the following felonies:

(1) Rape in the first degree, forcible rape, or rape;

(2) Statutory rape in the first degree;

(3) Sodomy in the first degree, forcible sodomy, or sodomy;

(4) Statutory sodomy in the first degree; or

(5) An attempt to commit any of the felonies listed in this subsection. In such case, the

1 sentence of imprisonment imposed for any felony listed in this subsection or an attempt to commit
 2 any of the aforesaid shall run consecutively to the other sentences. The sentences imposed for any
 3 other offense may run concurrently.

4 2. If a person who is on probation~~[;]~~ or parole ~~[or conditional release]~~ is sentenced to a term
 5 of imprisonment for an offense committed after the granting of probation or parole ~~[or after the start~~
 6 ~~of his or her conditional release term]~~, the court shall direct the manner in which the sentence or
 7 sentences imposed by the court shall run with respect to any resulting probation~~[;]~~ or parole ~~[or~~
 8 ~~conditional release]~~ revocation term or terms. If the subsequent sentence to imprisonment is in
 9 another jurisdiction, the court shall specify how any resulting probation~~[;]~~ or parole ~~[or conditional~~
 10 ~~release]~~ revocation term or terms shall run with respect to the foreign sentence of imprisonment.

11 3. A court may cause any sentence it imposes to run concurrently with a sentence an
 12 individual is serving or is to serve in another state or in a federal correctional center. If the Missouri
 13 sentence is served in another state or in a federal correctional center, subsection 4 of section 558.011
 14 and section 217.690 shall apply as if the individual were serving his or her sentence within the
 15 department of corrections of the state of Missouri, except that a personal hearing before the parole
 16 board shall not be required for parole consideration.

17 558.041. 1. Any offender committed to the department of corrections, except those persons
 18 committed pursuant to subsection 7 of section 558.016, or subsection 3 of section 566.125, ~~[may]~~
 19 shall receive additional credit in terms of days spent in confinement upon recommendation for such
 20 credit by the offender's institutional superintendent when the offender meets the requirements for
 21 such credit as provided in subsections 3 and ~~[4]~~ 5 of this section. Good time credit may be
 22 rescinded by the director or his or her designee pursuant to the divisional policy issued pursuant to
 23 subsection 3 of this section.

24 2. Any credit extended to an offender shall only apply to the sentence which the offender is
 25 currently serving.

26 3. The director of the department of corrections shall issue a policy for awarding credit~~[;]~~ as
 27 follows:

28 (1) The policy ~~[may]~~ shall reward an ~~[inmate]~~ offender who has served his or her sentence
 29 in an orderly and peaceable manner and has taken advantage of the rehabilitation programs available
 30 to him or her~~[;]~~;

31 (2) Any violation of major institutional rules ~~[or]~~, the laws of this state, or the accumulation
 32 of minor violations exceeding six within a calendar year may result in the loss of all or a portion of
 33 any credit earned by the ~~[inmate]~~ offender pursuant to this section; except that, credit accrued in
 34 previous years shall not be lost;

35 (3) The policy shall specify the programs or activities for which credit may be earned under
 36 this section, the criteria for determining productive participation in, or completion of, the programs
 37 or activities, and the criteria for awarding credit.

38 4. ~~[The department shall cause the policy to be published in the code of state regulations]~~
 39 No person committed to the department who is sentenced to death or life without probation or
 40 parole shall be eligible for good time credit.

41 5. ~~[No rule or portion of a rule promulgated under the authority of this chapter shall become~~
 42 ~~effective unless it has been promulgated pursuant to the provisions of section 536.024]~~ Each
 43 offender shall receive a deduction of sixty days from his or her sentence by being awarded the
 44 following specified monthly credits:

45 (1) For the offender's successful completion of high school, or for the offender who has
 46 obtained his or her diploma or equivalent general education diploma;

47 (2) For the offender's successful completion of an alcohol or drug abuse treatment program
 48 as provided and as defined by the department, except for alcohol and drug abuse treatment programs
 49 ordered by the court or parole board;

1 (3) For the offender's completion of one thousand hours of restorative justice;
 2 (4) The offender's completion of other programs as provided and as defined by the
 3 department's policy.

4 6. Nothing in this section shall be construed to entitle any offender to early discharge and
 5 the parole board shall retain discretion pursuant to section 217.690 on all decisions regarding
 6 discharge under this section.

7 558.046. The sentencing court may, upon petition, reduce any term of sentence or probation
 8 pronounced by the court [~~or a term of conditional release~~] or parole pronounced by the parole board
 9 if the court determines that:

- 10 (1) The convicted person was:
 11 (a) Convicted of an offense that did not involve violence or the threat of violence; and
 12 (b) Convicted of an offense that involved alcohol or illegal drugs; and
 13 (2) Since the commission of such offense, the convicted person has successfully completed
 14 a detoxification and rehabilitation program; and
 15 (3) The convicted person is not:
 16 (a) A prior offender, a persistent offender, a dangerous offender or a persistent misdemeanor
 17 offender as defined by section 558.016; or
 18 (b) A persistent sexual offender as defined in section 566.125; or
 19 (c) A prior offender, a persistent offender or a class X offender as defined in section
 20 558.019." and

21
 22 Further amend said bill, Pages 12-15, Section 559.036, Lines 1-125, by deleting said lines and
 23 inserting in lieu thereof the following:

24
 25 "559.036. 1. A term of probation commences on the day it is imposed. Multiple terms of
 26 Missouri probation, whether imposed at the same time or at different times, shall run concurrently.
 27 Terms of probation shall also run concurrently with any federal or other state jail, prison, probation
 28 or parole term for another offense to which the defendant is or becomes subject during the period[
 29 ~~unless otherwise specified by the Missouri court~~].

30 2. The court may terminate a period of probation and discharge the defendant at any time
 31 before completion of the specific term fixed under section 559.016 if warranted by the conduct of
 32 the defendant and the ends of justice. The court may extend the term of the probation, but no more
 33 than one extension of any probation may be ordered except that the court may extend the term of
 34 probation by one additional year by order of the court if the defendant admits he or she has violated
 35 the conditions of probation or is found by the court to have violated the conditions of his or her
 36 probation. Total time on any probation term, including any extension shall not exceed the maximum
 37 term established in section 559.016. Total time on any probation term shall not include time when
 38 the probation term is suspended under this section. Procedures for termination, discharge and
 39 extension may be established by rule of court.

40 3. This subsection shall be known and may be cited as the "Earning Safe Reentry Through
 41 Work Act".

42 (1) The division of probation and parole shall file a notification of earned discharge from
 43 probation with the court for any defendant who has completed at least twenty-four months of the
 44 probation term and is compliant with the terms of supervision as ordered by the court and division.
 45 The division shall not file a notification of earned discharge for any defendant who has not paid
 46 ordered restitution in full, is on a term of probation for any class A or class B felony, or is subject to
 47 lifetime supervision under sections 217.735 and 559.106. The division shall notify the prosecuting
 48 or circuit attorney when a notification of earned discharge is filed.

1 (2) The prosecuting or circuit attorney may request a hearing within thirty days of the filing
 2 of the notification of earned discharge from probation. If the state opposes the discharge of the
 3 defendant, the prosecuting or circuit attorney shall argue the earned discharge is not appropriate and
 4 the defendant should continue to serve the probation term.

5 (3) If a hearing is requested, the court shall hold the hearing and issue its order no later than
 6 sixty days after the filing of the notification of earned discharge from probation. If, after a hearing,
 7 the court finds by a preponderance of the evidence that the earned discharge is not appropriate, the
 8 court shall order the probation term to continue, may modify the conditions of probation as
 9 appropriate, and may order the continued supervision of the defendant by either the division of
 10 probation and parole or the court. If, after a hearing, the court finds that the earned discharge is
 11 appropriate, the court shall order the defendant discharged from probation.

12 (4) If the prosecuting or circuit attorney does not request a hearing, the court shall order the
 13 defendant discharged from probation within sixty days of the filing of the notification of earned
 14 discharge from probation but no earlier than thirty days from the filing of notification of earned
 15 discharge from probation.

16 4. If the defendant violates a condition of probation at any time prior to the expiration or
 17 termination of the probation term, the court may continue him or her on the existing conditions, with
 18 or without modifying or enlarging the conditions or extending the term.

19 [4.] 5. (1) Unless the defendant consents to the revocation of probation, if a continuation,
 20 modification, enlargement or extension is not appropriate under this section, the court shall order
 21 placement of the offender in ~~[one of the]~~ a department of corrections' one hundred twenty-day
 22 ~~[programs]~~ program so long as:

23 (a) The underlying offense for the probation is a class D or E felony or an offense listed in
 24 chapter 579 or an offense previously listed in chapter 195; except that, the court may, upon its own
 25 motion or a motion of the prosecuting or circuit attorney, make a finding that an offender is not
 26 eligible if the underlying offense is involuntary manslaughter in the second degree, stalking in the
 27 first degree, assault in the second degree, sexual assault, rape in the second degree, domestic assault
 28 in the second degree, assault in the third degree when the victim is a special victim, statutory rape in
 29 the second degree, statutory sodomy in the second degree, deviate sexual assault, sodomy in the
 30 second degree, sexual misconduct involving a child, incest, endangering the welfare of a child in the
 31 first degree under subdivision (1) or (2) of subsection 1 of section 568.045, abuse of a child,
 32 invasion of privacy, any case in which the defendant is found guilty of a felony offense under
 33 chapter 571, or an offense of aggravated stalking or assault of a law enforcement officer in the
 34 second degree as such offenses existed prior to January 1, 2017;

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

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

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

45 (2) Upon receiving the order, the department of corrections shall conduct an assessment of
 46 the offender and place such offender in either the ~~[appropriate]~~ one hundred twenty-day structured
 47 cognitive behavioral intervention program [under subsection 3 of section 559.115] or the one
 48 hundred twenty-day institutional treatment program. The placement of the offender in the structured
 49 cognitive behavioral intervention program or institutional treatment program shall be at the sole

1 discretion of the department based on the assessment of the offender. The program shall begin upon
 2 receipt of the offender by the department. The time between the court's order and receipt of the
 3 offender by the department shall not apply toward the program.

4 (3) ~~[Notwithstanding any of the provisions of subsection 3 of section 559.115 to the~~
 5 ~~contrary, once the defendant has successfully completed the program under this subsection, the court~~
 6 ~~shall release the defendant to continue to serve the term of probation, which shall not be modified,~~
 7 ~~enlarged, or extended based on the same incident of violation.]~~ Upon successful completion of a
 8 program under this subsection, as determined by the department, the division of probation and
 9 parole shall advise the sentencing court of the defendant's probationary release date thirty days prior
 10 to release. Once the defendant has successfully completed a program under this subsection, the
 11 court shall release the defendant to continue to serve the term of probation, which shall not be
 12 modified, enlarged, or extended based on the same incident of violation.

13 (4) If the department determines the defendant has not successfully completed a one
 14 hundred twenty-day program under this section, the division of probation and parole shall advise the
 15 prosecuting attorney and the sentencing court of the defendant's unsuccessful program exit and the
 16 defendant shall be removed from the program. The defendant shall be released from the department
 17 within fifteen working days after the court is notified of the unsuccessful program exit, unless the
 18 court has issued a warrant in response to the unsuccessful program exit to facilitate the return of the
 19 defendant to the county of jurisdiction for further court proceedings. If a defendant is discharged as
 20 unsuccessful from a one hundred twenty-day program, the sentencing court may modify, enlarge, or
 21 revoke the defendant's probation based on the same incident of the violation.

22 (5) Time served in the program shall be credited as time served on any sentence imposed for
 23 the underlying offense.

24 ~~[5.]~~ 6. If the defendant consents to the revocation of probation or if the defendant is not
 25 eligible under subsection [4] 5 of this section for placement in a program and a continuation,
 26 modification, enlargement, or extension of the term under this section is not appropriate, the court
 27 may revoke probation and order that any sentence previously imposed be executed. If imposition of
 28 sentence was suspended, the court may revoke probation and impose any sentence available under
 29 section 557.011. The court may mitigate any sentence of imprisonment by reducing the prison or
 30 jail term by all or part of the time the defendant was on probation. The court may, upon revocation
 31 of probation, place an offender on a second term of probation. Such probation shall be for a term of
 32 probation as provided by section 559.016, notwithstanding any amount of time served by the
 33 offender on the first term of probation.

34 ~~[6.]~~ 7. Probation shall not be revoked without giving the probationer notice and an
 35 opportunity to be heard on the issues of whether such probationer violated a condition of probation
 36 and, if a condition was violated, whether revocation is warranted under all the circumstances. Not
 37 less than five business days prior to the date set for a hearing on the violation, except for a good
 38 cause shown, the judge shall inform the probationer that he or she may have the right to request the
 39 appointment of counsel if the probationer is unable to retain counsel. If the probationer requests
 40 counsel, the judge shall determine whether counsel is necessary to protect the probationer's due
 41 process rights. If the judge determines that counsel is not necessary, the judge shall state the
 42 grounds for the decision in the record.

43 ~~[7.]~~ 8. The prosecuting or circuit attorney may file a motion to revoke probation or at any
 44 time during the term of probation, the court may issue a notice to the probationer to appear to
 45 answer a charge of a violation, and the court may issue a warrant of arrest for the violation. Such
 46 notice shall be personally served upon the probationer. The warrant shall authorize the return of the
 47 probationer to the custody of the court or to any suitable detention facility designated by the court.
 48 Upon the filing of the prosecutor's or circuit attorney's motion or on the court's own motion, the
 49 court may immediately enter an order suspending the period of probation and may order a warrant

for the defendant's arrest. The probation shall remain suspended until the court rules on the prosecutor's or circuit attorney's motion, or until the court otherwise orders the probation reinstated. Notwithstanding any other provision of the law to the contrary, the probation term shall be tolled during the time period when the probation is suspended under this section. The court may grant the probationer credit on the probation term for any of the tolled period when reinstating the probation term.

[8-] 9. The power of the court to revoke probation shall extend for the duration of the term of probation designated by the court and for any further period which is reasonably necessary for the adjudication of matters arising before its expiration, provided that some affirmative manifestation of an intent to conduct a revocation hearing occurs prior to the expiration of the period and that every reasonable effort is made to notify the probationer and to conduct the hearing prior to the expiration of the period. If the delay of the hearing is attributable to the probationer's actions or the probationer otherwise consents or acquiesces to the delay, the court shall have been found to have made every reasonable effort to conduct the hearing within the probation term.

[9-] 10. A defendant who was sentenced prior to January 1, 2017 to an offense that was eligible at the time of sentencing under paragraph (a) of subdivision (1) of subsection [4] 5 of this section for the court ordered detention sanction shall continue to remain eligible for the sanction so long as the defendant meets all the other requirements provided under subsection [4] 5 of this section."; and

Further amend said bill, Page 18, Section 559.115, Line 77, by inserting after said section and line the following:

"565.184. 1. A person commits the offense of abuse of an elderly person, a person with a disability, or a vulnerable person if he or she:

(1) Purposely engages in conduct involving more than one incident that causes emotional distress to an elderly person, a person with a disability, or a vulnerable person. The course of conduct shall be such as would cause a reasonable elderly person, person with a disability, or vulnerable person to suffer substantial emotional distress; or

(2) Intentionally fails to provide care, goods or services to an elderly person, a person with a disability, or a vulnerable person. The result of the conduct shall be such as would cause a reasonable elderly person, person with a disability, or vulnerable person to suffer physical or emotional distress; or

(3) Knowingly acts or knowingly fails to act in a manner which results in a substantial risk to the life, body or health of an elderly person, a person with a disability, or a vulnerable person.

2. The offense of abuse of an elderly person, a person with a disability, or a vulnerable person is a class ~~A misdemeanor~~ D felony. Nothing in this section shall be construed to mean that an elderly person, a person with a disability, or a vulnerable person is abused solely because such person chooses to rely on spiritual means through prayer, in lieu of medical care, for his or her health care, as evidence by such person's explicit consent, advance directive for health care, or practice.

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

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

(a) Inflicts serious physical injury on the victim;

(b) Displays a deadly weapon or dangerous instrument in a threatening manner;

(c) Subjects the victim to sexual intercourse or deviate sexual intercourse with more than one person;

(d) Had previously been found guilty of an offense under this chapter or under section 573.200, child used in sexual performance; section 573.205, promoting 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 materials to minors; or has previously been found guilty of an offense in another jurisdiction which would constitute an offense under this chapter or said sections;

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

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

- a. Ancestor or descendant by blood or adoption;
- b. Stepchild while the marriage creating that relationship exists;
- c. Brother or sister of the whole or half blood; or
- d. Uncle, aunt, nephew, or niece of the whole blood;

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

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

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

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

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

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

(6) "Sexual contact", any touching of another person with the genitals or any touching of the genitals or anus of another person, or the breast of a female person, or such touching through the clothing, or causing semen, seminal fluid, or other ejaculate to come into contact with another person, for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim;

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

566.086. 1. A person commits the offense of sexual contact with a student if he or she has sexual contact with a student of the school and is:

(1) A teacher, as that term is defined in subdivisions (4), (5), and (7) of section 168.104;

(2) A student teacher; [Ø]

(3) An employee of the school; [Ø]

(4) A volunteer of the school or of an organization working with the school on a project or program who is not a student at the school; [Ø]

(5) An elected or appointed official of the school district; [Ø]

(6) A person employed by an entity that contracts with the school or school district to provide services; or

(7) A coach, assistant coach, director, or other adult with a school-aged team, club, or ensemble, regardless of whether such team, club, or ensemble is connected to a school or scholastic association. For purposes of this subdivision, "school-aged team, club, or ensemble" means any group consisting of any child or children under the age of eighteen organized for individual or group competition for the performance of sports activities or any group organized for individual or group presentation for fine or performing arts.

2. For the purposes of this section, "school" shall mean any public or private school in this

1 state serving kindergarten through grade twelve or any school bus used by the school district.

2 3. The offense of sexual contact with a student is a class E felony.

3 4. It is not a defense to prosecution for a violation of this section that the student consented
4 to the sexual contact.

5 566.149. 1. Any person who has been found guilty of:

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

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

15 shall not be present in or loiter within five hundred feet of any school building, on real property
16 comprising any school, or in any conveyance owned, leased, or contracted by a school to transport
17 students to or from school or a school-related activity when persons under the age of eighteen are
18 present in the building, on the grounds, or in the conveyance, unless the offender is a parent, legal
19 guardian, or custodian of a student present in the building and has met the conditions set forth in
20 subsection 2 of this section.

21 2. No parent, legal guardian, or custodian who has been found guilty of violating any of the
22 offenses listed in subsection 1 of this section shall be present in any school building, on real
23 property comprising any school, or in any conveyance owned, leased, or contracted by a school to
24 transport students to or from school or a school-related activity when persons under the age of
25 eighteen are present in the building, on the grounds or in the conveyance unless the parent, legal
26 guardian, or custodian has permission to be present from the superintendent or school board or in
27 the case of a private school from the principal. In the case of a public school, if permission is
28 granted, the superintendent or school board president must inform the principal of the school where
29 the sex offender will be present. Permission may be granted by the superintendent, school board, or
30 in the case of a private school from the principal for more than one event at a time, such as a series
31 of events, however, the parent, legal guardian, or custodian must obtain permission for any other
32 event he or she wishes to attend for which he or she has not yet had permission granted.

33 3. Regardless of the person's knowledge of his or her proximity to school property or a
34 school-related activity, violation of the provisions of this section is a class A misdemeanor.

35 566.150. 1. Any person who has been found guilty of:

36 (1) Violating any of the provisions of this chapter or the provisions of section 568.020,
37 incest; section 568.045, endangering the welfare of a child in the first degree; section 573.200, use
38 of a child in a sexual performance; section 573.205, promoting a sexual performance by a child;
39 section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography;
40 section 573.037, possession of child pornography; or section 573.040, furnishing pornographic
41 material to minors; or

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

44 shall not knowingly be present in or loiter within five hundred feet of any real property comprising
45 any public park with playground equipment, a public swimming pool, athletic complex or athletic
46 fields if such facilities exist for the primary use of recreation for children, any museum if such
47 museum holds itself out to the public as and exists with the primary purpose of entertaining or

educating children under eighteen years of age, or Missouri department of conservation nature or education center properties.

2. The first violation of the provisions of this section is a class E felony.

3. A second or subsequent violation of this section is a class D felony.

4. Any person who has been found guilty of an offense under subdivision (1) or (2) of subsection 1 of this section who is the parent, legal guardian, or custodian of a child under the age of eighteen attending a program on the property of a nature or education center of the Missouri department of conservation may receive permission from the nature or education center manager to be present on the property with the child during the program.

566.151. 1. A person twenty-one years of age or older commits the offense of enticement of a child if he or she persuades, solicits, coaxes, entices, or lures whether by words, actions or through communication via the internet or any electronic communication, any person who is less than ~~fifteen~~ seventeen years of age for the purpose of engaging in sexual conduct.

2. It is not a defense to a prosecution for a violation of this section that the other person was a peace officer masquerading as a minor.

3. Enticement of a child or an attempt to commit enticement of a child is a felony for which the authorized term of imprisonment shall be not less than five years and not more than thirty years. No person convicted under this section shall be eligible for parole, probation, conditional release, or suspended imposition or execution of sentence for a period of five calendar years.

566.155. 1. Any person who 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; section 573.200, use of a child in a sexual performance; section 573.205, promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.037, possession of child pornography; section 573.025, promoting 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; or

(3) Any tier III offense listed under section 589.414;

shall not serve as an athletic coach, manager, or athletic trainer for any sports team in which a child less than ~~seventeen~~ eighteen years of age is a member or shall not supervise or employ any child under eighteen years of age.

2. The first violation of the provisions of this section is a class E felony.

3. A second or subsequent violation of this section is a class D felony.

566.203. 1. A person commits the offense of abusing an individual through forced labor by knowingly providing or obtaining the labor or services of a person:

(1) By causing or threatening to cause serious physical injury to any person;

(2) By physically restraining or threatening to physically restrain another person;

(3) By blackmail;

(4) By means of any scheme, plan, or pattern of behavior intended to cause such person to believe that, if the person does not perform the labor services, the person or another person will suffer serious physical injury, physical restraint, or financial harm; or

(5) By means of the abuse or threatened abuse of the law or the legal process.

2. A person who is found guilty of the crime of abuse through forced labor shall not be required to register as a sexual offender pursuant to the provisions of section 589.400, unless such person is otherwise required to register pursuant to the provisions of such section.

3. The offense of abuse through forced labor is a felony punishable by imprisonment for a

term of years not less than five years and not more than twenty years and a fine not to exceed two hundred fifty thousand dollars. If death results from a violation of this section, or if the violation includes kidnapping or an attempt to kidnap, sexual abuse when punishable as a class B felony, or an attempt to commit sexual abuse when punishable as a class B felony, or an attempt to kill, it shall be punishable for a term of years not less than five years or life and a fine not to exceed two hundred fifty thousand dollars.

4. In addition to any fine imposed, the court shall enter a judgment of restitution in the amount of five thousand dollars in favor of the state of Missouri, payable to the human trafficking and sexual exploitation fund established under section 589.700, upon a plea of guilty or a finding of guilt for a violation of this section.

566.206. 1. A person commits the offense of trafficking for the purposes of slavery, involuntary servitude, peonage, or forced labor if he or she knowingly recruits, entices, harbors, transports, provides, or obtains by any means, including but not limited to through the use of force, abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial harm, another person for labor or services, for the purposes of slavery, involuntary servitude, peonage, or forced labor, or benefits, financially or by receiving anything of value, from participation in such activities.

2. A person who is found guilty of the offense of trafficking for the purposes of slavery, involuntary servitude, peonage, or forced labor shall not be required to register as a sexual offender pursuant to the provisions of section 589.400, unless he or she is otherwise required to register pursuant to the provisions of such section.

3. Except as provided in subsection 4 of this section, the offense of trafficking for the purposes of slavery, involuntary servitude, peonage, or forced labor is a felony punishable by imprisonment for a term of years not less than five years and not more than twenty years and a fine not to exceed two hundred fifty thousand dollars.

4. If death results from a violation of this section, or if the violation includes kidnapping or an attempt to kidnap, sexual abuse when punishable as a class B felony or an attempt to commit sexual abuse when the sexual abuse attempted is punishable as a class B felony, or an attempt to kill, it shall be punishable by imprisonment for a term of years not less than five years or life and a fine not to exceed two hundred fifty thousand dollars.

5. In addition to any fine imposed, the court shall enter a judgment of restitution in the amount of five thousand dollars in favor of the state of Missouri, payable to the human trafficking and sexual exploitation fund established under section 589.700, upon a plea of guilty or a finding of guilt for a violation of this section.

566.209. 1. A person commits the crime of trafficking for the purposes of sexual exploitation if a person knowingly recruits, entices, harbors, transports, provides, advertises the availability of or obtains by any means, including but not limited to through the use of force, abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial harm, another person for the use or employment of such person in a commercial sex act, sexual conduct, a sexual performance, or the production of explicit sexual material as defined in section 573.010, without his or her consent, or benefits, financially or by receiving anything of value, from participation in such activities.

2. The crime of trafficking for the purposes of sexual exploitation is a felony punishable by imprisonment for a term of years not less than five years and not more than twenty years and a fine not to exceed two hundred fifty thousand dollars. If a violation of this section was effected by force, abduction, or coercion, the crime of trafficking for the purposes of sexual exploitation is a felony punishable by imprisonment for a term of years not less than ten years or life and a fine not to exceed two hundred fifty thousand dollars.

3. In addition to any fine imposed, the court shall enter a judgment of restitution in the

1 amount of five thousand dollars in favor of the state of Missouri, payable to the human trafficking
2 and sexual exploitation fund established under section 589.700, upon a plea of guilty or a finding of
3 guilt for a violation of this section.

4 566.210. 1. A person commits the offense of sexual trafficking of a child in the first degree
5 if he or she knowingly:

6 (1) Recruits, entices, harbors, transports, provides, or obtains by any means, including but
7 not limited to through the use of force, abduction, coercion, fraud, deception, blackmail, or causing
8 or threatening to cause financial harm, a person under the age of twelve to participate in a
9 commercial sex act, a sexual performance, or the production of explicit sexual material as defined in
10 section 573.010, or benefits, financially or by receiving anything of value, from participation in such
11 activities;

12 (2) Causes a person under the age of twelve to engage in a commercial sex act, a sexual
13 performance, or the production of explicit sexual material as defined in section 573.010; or

14 (3) Advertises the availability of a person under the age of twelve to participate in a
15 commercial sex act, a sexual performance, or the production of explicit sexual material as defined in
16 section 573.010.

17 2. It shall not be a defense that the defendant believed that the person was twelve years of
18 age or older.

19 3. The offense of sexual trafficking of a child in the first degree is a felony for which the
20 authorized term of imprisonment is life imprisonment without eligibility for probation or parole
21 until the offender has served not less than twenty-five years of such sentence. Subsection 4 of
22 section 558.019 shall not apply to the sentence of a person who has been found guilty of sexual
23 trafficking of a child less than twelve years of age, and "life imprisonment" shall mean
24 imprisonment for the duration of a person's natural life for the purposes of this section.

25 4. In addition to any fine imposed, the court shall enter a judgment of restitution in the
26 amount of five thousand dollars in favor of the state of Missouri, payable to the human trafficking
27 and sexual exploitation fund established under section 589.700, upon a plea of guilty or a finding of
28 guilt for a violation of this section.

29 566.211. 1. A person commits the offense of sexual trafficking of a child in the second
30 degree if he or she knowingly:

31 (1) Recruits, entices, harbors, transports, provides, or obtains by any means, including but
32 not limited to through the use of force, abduction, coercion, fraud, deception, blackmail, or causing
33 or threatening to cause financial harm, a person under the age of eighteen to participate in a
34 commercial sex act, a sexual performance, or the production of explicit sexual material as defined in
35 section 573.010, or benefits, financially or by receiving anything of value, from participation in such
36 activities;

37 (2) Causes a person under the age of eighteen to engage in a commercial sex act, a sexual
38 performance, or the production of explicit sexual material as defined in section 573.010; or

39 (3) Advertises the availability of a person under the age of eighteen to participate in a
40 commercial sex act, a sexual performance, or the production of explicit sexual material as defined in
41 section 573.010.

42 2. It shall not be a defense that the defendant believed that the person was eighteen years of
43 age or older.

44 3. The offense sexual trafficking of a child in the second degree is a felony punishable by
45 imprisonment for a term of years not less than ten years or life and a fine not to exceed two hundred
46 fifty thousand dollars if the child is under the age of eighteen. If a violation of this section was
47 effected by force, abduction, or coercion, the crime of sexual trafficking of a child shall be a felony
48 for which the authorized term of imprisonment is life imprisonment without eligibility for probation
49 or parole until the defendant has served not less than twenty-five years of such sentence.

4. In addition to any fine imposed, the court shall enter a judgment of restitution in the amount of five thousand dollars in favor of the state of Missouri, payable to the human trafficking and sexual exploitation fund established under section 589.700, upon a plea of guilty or a finding of guilt for a violation of this section.

566.215. 1. A person commits the offense of contributing to human trafficking through the misuse of documentation when he or she knowingly:

(1) Destroys, conceals, removes, confiscates, or possesses a valid or purportedly valid passport, government identification document, or other immigration document of another person while committing offenses or with the intent to commit offenses, pursuant to sections 566.203 to 566.218; or

(2) Prevents, restricts, or attempts to prevent or restrict, without lawful authority, a person's ability to move or travel by restricting the proper use of identification, in order to maintain the labor or services of a person who is the victim of an offense committed pursuant to sections 566.203 to 566.218.

2. A person who is found guilty of the offense of contributing to human trafficking through the misuse of documentation shall not be required to register as a sexual offender pursuant to the provisions of section 589.400, unless he or she is otherwise required to register pursuant to the provisions of such section.

3. The offense of contributing to human trafficking through the misuse of documentation is a class E felony.

4. In addition to any fine imposed, the court shall enter a judgment of restitution in the amount of five thousand dollars in favor of the state of Missouri, payable to the human trafficking and sexual exploitation fund established under section 589.700, upon a plea of guilty or a finding of guilt for a violation of this section.

567.020. 1. A person commits the offense of prostitution if he or she engages in or offers or agrees to engage in sexual conduct with another person in return for something of value to be received by any person.

2. The offense of prostitution is a class B misdemeanor unless the person knew prior to performing the act of prostitution that he or she was infected with HIV in which case prostitution is a class B felony. The use of condoms is not a defense to this offense.

3. As used in this section, "HIV" means the human immunodeficiency virus that causes acquired immunodeficiency syndrome.

4. The judge may order a drug and alcohol abuse treatment program for any person found guilty of prostitution, either after trial or upon a plea of guilty, before sentencing. For the class B misdemeanor offense, upon the successful completion of such program by the defendant, the court may at its discretion allow the defendant to withdraw the plea of guilty or reverse the verdict and enter a judgment of not guilty. For the class B felony offense, the court shall not allow the defendant to withdraw the plea of guilty or reverse the verdict and enter a judgment of not guilty. The judge, however, has discretion to take into consideration successful completion of a drug or alcohol treatment program in determining the defendant's sentence.

5. ~~[In addition to the affirmative defense provided in subsection 2 of section 566.223, it shall be an affirmative defense to prosecution pursuant to this section that the defendant]~~ A person shall not be certified as an adult or adjudicated as a delinquent for the offense of prostitution under this section if the person was under the age of eighteen [and was acting under the coercion, as defined in section 566.200, of an agent] at the time [of] the offense [charged] occurred. In such cases where the [defendant] person was under the age of eighteen, the [defendant] person shall be classified as a victim of abuse, as defined under section 210.110, and such abuse shall be reported immediately to the children's division, as required under section 210.115 and to the juvenile officer for appropriate services, treatment, investigation, and other proceedings as provided under chapters

207, 210, and 211. Upon request, the local law enforcement agency and the prosecuting attorney shall assist the children's division and the juvenile officer in conducting the investigation.

567.030. 1. A person commits the offense of patronizing prostitution if he or she:

- (1) Pursuant to a prior understanding, gives something of value to another person as compensation for having engaged in sexual conduct with any person; or
- (2) Gives or agrees to give something of value to another person with the understanding that such person or another person will engage in sexual conduct with any person; or
- (3) Solicits or requests another person to engage in sexual conduct with any person in return for something of value.

2. It shall not be a defense that the person believed that the individual he or she patronized for prostitution was eighteen years of age or older.

3. The offense of patronizing prostitution is a class B misdemeanor, unless the individual who the person patronizes is less than eighteen years of age but older than ~~fourteen~~ fifteen years of age, in which case patronizing prostitution is a class E felony.

4. The offense of patronizing prostitution is a class ~~D~~ B felony if the individual who the person patronizes is ~~fourteen~~ fifteen years of age or younger. Nothing in this section shall preclude the prosecution of an individual for the offenses of:

- (1) Statutory rape in the first degree pursuant to section 566.032;
- (2) Statutory rape in the second degree pursuant to section 566.034;
- (3) Statutory sodomy in the first degree pursuant to section 566.062; or
- (4) Statutory sodomy in the second degree pursuant to section 566.064.

569.010. As used in this chapter the following terms mean:

(1) "Cave or cavern", any naturally occurring subterranean cavity enterable by a person including, without limitation, a pit, pothole, natural well, grotto, and tunnel, whether or not the opening has a natural entrance;

(2) "Enter unlawfully or remain unlawfully", a person enters or remains in or upon premises when he or she is not licensed or privileged to do so. A person who, regardless of his or her purpose, enters or remains in or upon premises which are at the time open to the public does so with license and privilege unless he or she defies a lawful order not to enter or remain, personally communicated to him or her by the owner of such premises or by other authorized person. A license or privilege to enter or remain in a building which is only partly open to the public is not a license or privilege to enter or remain in that part of the building which is not open to the public;

(3) "Nuclear power plant", a power generating facility that produces electricity by means of a nuclear reactor owned by a utility or a consortium utility. Nuclear power plant shall be limited to property within the structure or fenced yard, as defined in section 563.011;

(4) "To tamper", to interfere with something improperly, to meddle with it, displace it, make unwarranted alterations in its existing condition, or to deprive, temporarily, the owner or possessor of that thing;

(5) "Teller machine", an automated teller machine (ATM) or interactive teller machine (ITM) is a remote computer terminal owned or controlled by a financial institution or a private business that allows individuals to obtain financial services including obtaining cash, transferring or transmitting money or digital currencies, payment of bills, loading money or digital currency to a payment card or other device without physical in-person assistance from another person. "Teller machine" does not include personally owned electronic devices used to access financial services;

(6) "Utility", an enterprise which provides gas, electric, steam, water, sewage disposal, or communication, video, internet, or voice over internet protocol services, and any common carrier. It may be either publicly or privately owned or operated.

569.100. 1. A person commits the offense of property damage in the first degree if such person:

(1) Knowingly damages property of another to an extent exceeding seven hundred fifty dollars; or

(2) Damages property to an extent exceeding seven hundred fifty dollars for the purpose of defrauding an insurer; ~~or~~

(3) Knowingly damages a motor vehicle of another and the damage occurs while such person is making entry into the motor vehicle for the purpose of committing the crime of stealing therein or the damage occurs while such person is committing the crime of stealing within the motor vehicle; or

(4) Knowingly damages, modifies, or destroys a teller machine or otherwise makes it inoperable.

2. The offense of property damage in the first degree committed under subdivision (1) or (2) of subsection 1 of this section is a class E felony, unless the offense of property damage in the first degree was committed under subdivision (1) of subsection 1 of this section and the victim was intentionally targeted as a law enforcement officer, as defined in section 556.061, or the victim is targeted because he or she is a relative within the second degree of consanguinity or affinity to a law enforcement officer, in which case it is a class D felony. The offense of property damage in the first degree committed under subdivision (3) of subsection 1 of this section is a class D felony unless committed as a second or subsequent violation of subdivision (3) of subsection 1 of this section in which case it is a class B felony. The offense of property damage in the first degree committed under subdivision (4) of subsection 1 of this section is a class D felony unless committed for the purpose of executing any scheme or artifice to defraud or obtain any property, the value of which exceeds seven hundred fifty dollars or the damage to the teller machine exceeds seven hundred fifty dollars in which case it is a class C felony; or unless committed to obtain the personal financial credentials of another person or committed as a second or subsequent violation of subdivision (4) of subsection 1 of this section in which case it is a class B felony.

570.010. As used in this chapter, the following terms mean:

(1) "Adulterated", varying from the standard of composition or quality prescribed by statute or lawfully promulgated administrative regulations of this state lawfully filed, or if none, as set by commercial usage;

(2) "Appropriate", to take, obtain, use, transfer, conceal, retain or dispose;

(3) "Check", a check or other similar sight order or any other form of presentment involving the transmission of account information for the payment of money;

(4) "Coercion", a threat, however communicated:

(a) To commit any offense; or

(b) To inflict physical injury in the future on the person threatened or another; or

(c) To accuse any person of any offense; or

(d) To expose any person to hatred, contempt or ridicule; or

(e) To harm the credit or business reputation of any person; or

(f) To take or withhold action as a public servant, or to cause a public servant to take or withhold action; or

(g) To inflict any other harm which would not benefit the actor. A threat of accusation, lawsuit or other invocation of official action is justified and not coercion if the property sought to be obtained by virtue of such threat was honestly claimed as restitution or indemnification for harm done in the circumstances to which the accusation, exposure, lawsuit or other official action relates, or as compensation for property or lawful service. The defendant shall have the burden of injecting the issue of justification as to any threat;

(5) "Credit device", a writing, card, code, number or other device purporting to evidence an undertaking to pay for property or services delivered or rendered to or upon the order of a designated person or bearer;

- 1 (6) "Dealer", a person in the business of buying and selling goods;
- 2 (7) "Debit device", a writing, card, code, number or other device, other than a check, draft
3 or similar paper instrument, by the use of which a person may initiate an electronic fund transfer,
4 including but not limited to devices that enable electronic transfers of benefits to public assistance
5 recipients;
- 6 (8) "Deceit or deceive", making a representation which is false and which the actor does not
7 believe to be true and upon which the victim relies, as to a matter of fact, law, value, intention or
8 other state of mind, or concealing a material fact as to the terms of a contract or agreement. The
9 term "deceit" does not, however, include falsity as to matters having no pecuniary significance, or
10 puffing by statements unlikely to deceive ordinary persons in the group addressed. Deception as to
11 the actor's intention to perform a promise shall not be inferred from the fact alone that he did not
12 subsequently perform the promise;
- 13 (9) "Deprive":
14 (a) To withhold property from the owner permanently; or
15 (b) To restore property only upon payment of reward or other compensation; or
16 (c) To use or dispose of property in a manner that makes recovery of the property by the
17 owner unlikely;
- 18 (10) "Electronic benefits card" or "EBT card", a debit card used to access food stamps or
19 cash benefits issued by the department of social services;
- 20 (11) "Financial institution", a bank, trust company, savings and loan association, or credit
21 union;
- 22 (12) "Food stamps", the nutrition assistance program in Missouri that provides food and aid
23 to low-income individuals who are in need of benefits to purchase food operated by the United
24 States Department of Agriculture (USDA) in conjunction with the department of social services;
- 25 (13) "Forcibly steals", a person, in the course of stealing, uses or threatens the immediate
26 use of physical force upon another person for the purpose of:
27 (a) Preventing or overcoming resistance to the taking of the property or to the retention
28 thereof immediately after the taking; or
29 (b) Compelling the owner of such property or another person to deliver up the property or to
30 engage in other conduct which aids in the commission of the theft;
- 31 (14) "Internet service", an interactive computer service or system or an information service,
32 system, or access software provider that provides or enables computer access by multiple users to a
33 computer server, and includes, but is not limited to, an information service, system, or access
34 software provider that provides access to a network system commonly known as the internet, or any
35 comparable system or service and also includes, but is not limited to, a world wide web page,
36 newsgroup, message board, mailing list, or chat area on any interactive computer service or system
37 or other online service;
- 38 (15) "Means of identification", anything used by a person as a means to uniquely distinguish
39 himself or herself;
- 40 (16) "Merchant", a person who deals in goods of the kind or otherwise by his or her
41 occupation holds oneself out as having knowledge or skill peculiar to the practices or goods
42 involved in the transaction or to whom such knowledge or skill may be attributed by his or her
43 employment of an agent or broker or other intermediary who by his or her occupation holds oneself
44 out as having such knowledge or skill;
- 45 (17) "Mislabelled", varying from the standard of truth or disclosure in labeling prescribed by
46 statute or lawfully promulgated administrative regulations of this state lawfully filed, or if none, as
47 set by commercial usage; or represented as being another person's product, though otherwise
48 accurately labeled as to quality and quantity;
- 49 (18) "Pharmacy", any building, warehouse, physician's office, hospital, pharmaceutical

house or other structure used in whole or in part for the sale, storage, or dispensing of any controlled substance as defined in chapter 195;

(19) "Property", anything of value, whether real or personal, tangible or intangible, in possession or in action, and shall include but not be limited to the evidence of a debt actually executed but not delivered or issued as a valid instrument;

(20) "Public assistance benefits", anything of value, including money, food, EBT cards, food stamps, commodities, clothing, utilities, utilities payments, shelter, drugs and medicine, materials, goods, and any service including institutional care, medical care, dental care, child care, psychiatric and psychological service, rehabilitation instruction, training, transitional assistance, or counseling, received by or paid on behalf of any person under chapters 198, 205, 207, 208, 209, and 660, or benefits, programs, and services provided or administered by the Missouri department of social services or any of its divisions;

(21) "Services" includes transportation, telephone, electricity, gas, water, or other public service, cable television service, video service, voice over internet protocol service, or internet service, accommodation in hotels, restaurants or elsewhere, admission to exhibitions and use of vehicles;

(22) "Stealing-related offense", federal and state violations of criminal statutes against stealing, robbery, or buying or receiving stolen property and shall also include municipal ordinances against the same if the offender was either represented by counsel or knowingly waived counsel in writing and the judge accepting the plea or making the findings was a licensed attorney at the time of the court proceedings;

(23) "Teller machine", an automated teller machine (ATM) or interactive teller machine (ITM) that is a remote computer terminal or other device owned or controlled by a financial institution or a private business that allows individuals to obtain financial services, including obtaining cash, transferring or transmitting moneys or digital currencies, payment of bills, or loading moneys or digital currency to a payment card, without physical in-person assistance from another person. "Teller machine" does not include personally owned electronic devices used to access financial services;

(24) "Video service", the provision of video programming provided through wireline facilities located at least in part in the public right-of-way without regard to delivery technology, including internet protocol technology whether provided as part of a tier, on demand, or a per-channel basis. This definition includes cable service as defined by 47 U.S.C. Section 522(6), but does not include any video programming provided by a commercial mobile service provider as "commercial mobile service" is defined in 47 U.S.C. Section 332(d), or any video programming provided solely as part of and via a service that enables users to access content, information, electronic mail, or other services offered over the public internet, and includes microwave television transmission, from a multipoint distribution service not capable of reception by conventional television receivers without the use of special equipment;

~~[(24)]~~ (25) "Voice over internet protocol service", a service that:

- (a) Enables real-time, two-way voice communication;
- (b) Requires a broadband connection from the user's location;
- (c) Requires internet protocol-compatible customer premises equipment; and
- (d) Permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network;

~~[(25)]~~ (26) "Writing" includes printing, any other method of recording information, money, coins, negotiable instruments, tokens, stamps, seals, credit cards, badges, trademarks and any other symbols of value, right, privilege or identification.

570.030. 1. A person commits the offense of stealing if he or she:

- (1) Appropriates property or services of another with the purpose to deprive him or her

1 thereof, either without his or her consent or by means of deceit or coercion;

2 (2) Attempts to appropriate anhydrous ammonia or liquid nitrogen of another with the
3 purpose to deprive him or her thereof, either without his or her consent or by means of deceit or
4 coercion; or

5 (3) For the purpose of depriving the owner of a lawful interest therein, receives, retains or
6 disposes of property of another knowing that it has been stolen, or believing that it has been stolen.

7 2. The offense of stealing is a class A felony if the property appropriated consists of any of
8 the following containing any amount of anhydrous ammonia: a tank truck, tank trailer, rail tank car,
9 bulk storage tank, field nurse, field tank or field applicator.

10 3. The offense of stealing is a class B felony if:

11 (1) The property appropriated or attempted to be appropriated consists of any amount of
12 anhydrous ammonia or liquid nitrogen;

13 (2) The property consists of any animal considered livestock as the term livestock is defined
14 in section 144.010, or any captive wildlife held under permit issued by the conservation
15 commission, and the value of the animal or animals appropriated exceeds three thousand dollars and
16 that person has previously been found guilty of appropriating any animal considered livestock or
17 captive wildlife held under permit issued by the conservation commission. Notwithstanding any
18 provision of law to the contrary, such person shall serve a minimum prison term of not less than
19 eighty percent of his or her sentence before he or she is eligible for probation, parole, ~~[conditional~~
20 ~~release,]~~ or other early release by the department of corrections;

21 (3) A person appropriates property consisting of a motor vehicle, watercraft, or aircraft, and
22 that person has previously been found guilty of two stealing-related offenses committed on two
23 separate occasions where such offenses occurred within ten years of the date of occurrence of the
24 present offense;

25 (4) The property appropriated or attempted to be appropriated consists of any animal
26 considered livestock as the term is defined in section 144.010 if the value of the livestock exceeds
27 ten thousand dollars; or

28 (5) The property appropriated or attempted to be appropriated is owned by or in the custody
29 of a financial institution and the property is taken or attempted to be taken physically from an
30 individual person to deprive the owner or custodian of the property.

31 4. The offense of stealing is a class C felony if the value of the property or services
32 appropriated is twenty-five thousand dollars or more or the property is a teller machine or the
33 contents of a teller machine including cash regardless of the value or amount.

34 5. The offense of stealing is a class D felony if:

35 (1) The value of the property or services appropriated is seven hundred fifty dollars or more;

36 (2) The offender physically takes the property appropriated from the person of the victim; or

37 (3) The property appropriated consists of:

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

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

40 (c) Any credit device, debit device or letter of credit;

41 (d) Any firearms;

42 (e) Any explosive weapon as defined in section 571.010;

43 (f) Any United States national flag designed, intended and used for display on buildings or
44 stationary flagstaffs in the open;

45 (g) Any original copy of an act, bill or resolution, introduced or acted upon by the
46 legislature of the state of Missouri;

47 (h) Any pleading, notice, judgment or any other record or entry of any court of this state,
48 any other state or of the United States;

49 (i) Any book of registration or list of voters required by chapter 115;

1 (j) Any animal considered livestock as that term is defined in section 144.010;
 2 (k) Any live fish raised for commercial sale with a value of seventy-five dollars or more;
 3 (l) Any captive wildlife held under permit issued by the conservation commission;
 4 (m) Any controlled substance as defined by section 195.010;
 5 (n) Ammonium nitrate;
 6 (o) Any wire, electrical transformer, or metallic wire associated with transmitting
 7 telecommunications, video, internet, or voice over internet protocol service, or any other device or
 8 pipe that is associated with conducting electricity or transporting natural gas or other combustible
 9 fuels; or

10 (p) Any material appropriated with the intent to use such material to manufacture,
 11 compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their
 12 analogues.

13 6. The offense of stealing is a class E felony if:

14 (1) The property appropriated is an animal;

15 (2) The property is a catalytic converter; ~~[or]~~

16 (3) A person has previously been found guilty of three stealing-related offenses committed
 17 on three separate occasions where such offenses occurred within ten years of the date of occurrence
 18 of the present offense; or

19 (4) The property appropriated is a letter, postal card, package, bag, or other sealed article
 20 that was delivered by common carrier or delivery service and not yet received by the addressee or
 21 that had been left to be collected for shipment by a common carrier or delivery service.

22 7. The offense of stealing is a class D misdemeanor if the property is not of a type listed in
 23 subsection 2, 3, 5, or 6 of this section, the property appropriated has a value of less than one hundred
 24 fifty dollars, and the person has no previous findings of guilt for a stealing-related offense.

25 8. The offense of stealing is a class A misdemeanor if no other penalty is specified in this
 26 section.

27 9. If a violation of this section is subject to enhanced punishment based on prior findings of
 28 guilt, such findings of guilt shall be pleaded and proven in the same manner as required by section
 29 558.021.

30 10. The appropriation of any property or services of a type listed in subsection 2, 3, 5, or 6
 31 of this section or of a value of seven hundred fifty dollars or more may be considered a separate
 32 felony and may be charged in separate counts.

33 11. The value of property or services appropriated pursuant to one scheme or course of
 34 conduct, whether from the same or several owners and whether at the same or different times,
 35 constitutes a single criminal episode and may be aggregated in determining the grade of the offense,
 36 except as set forth in subsection 10 of this section.

37 570.036. 1. A person commits the offense of organized retail theft if he or she, while alone
 38 or with any other person or persons, commits a series of thefts of retail merchandise against one or
 39 more persons either on the premises of a merchant or through the use of an internet or network site
 40 in this state with the intent to:

41 (1) Return the merchandise to the merchant for value; or

42 (2) Resell, trade, or barter the merchandise for value in any manner including, but not
 43 limited to, through the use of an internet or network site.

44 2. The offense of organized retail theft is a class D felony if the aggregated value of the
 45 property or services involved in all thefts committed in this state during a period of one hundred
 46 twenty days is no less than one thousand five hundred dollars and no more than ten thousand dollars.

47 3. The offense of organized retail theft is a class C felony if the aggregated value of the
 48 property or services involved in all thefts committed in this state during a period of one hundred
 49 twenty days is more than ten thousand dollars.

4. In addition to any other penalty, the court shall order a person who violates this section to pay restitution.

5. For the purposes of this section, in determining the aggregated value of the property or services involved in all thefts committed in this state during a period of one hundred twenty days:

(1) The amount involved in a single theft shall be deemed to be the highest value, by any reasonable standard, of the property or services that are obtained; and

(2) The amounts involved in all thefts committed by all participants in the organized retail theft shall be aggregated.

6. In any prosecution for a violation of this section, the violation shall be deemed to have been committed and may be prosecuted in any jurisdiction in this state in which any theft committed by any participant in the organized retail theft was committed regardless of whether the defendant was ever physically present in such jurisdiction.

571.015. 1. Any person who commits any felony under the laws of this state by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon is also guilty of the offense of armed criminal action and, upon conviction, shall be punished by imprisonment by the department of corrections for a term of not less than three years and not to exceed fifteen years, unless the person is unlawfully possessing a firearm, in which case the term of imprisonment shall be for a term of not less than five years. The punishment imposed pursuant to this subsection shall be in addition to and consecutive to any punishment provided by law for the crime committed by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon. No person convicted under this subsection shall be eligible for parole, probation, ~~[conditional release,]~~ or suspended imposition or execution of sentence for a period of three calendar years.

2. Any person convicted of a second offense of armed criminal action under subsection 1 of this section shall be punished by imprisonment by the department of corrections for a term of not less than five years and not to exceed thirty years, unless the person is unlawfully possessing a firearm, in which case the term of imprisonment shall be for a term not less than fifteen years. The punishment imposed pursuant to this subsection shall be in addition to and consecutive to any punishment provided by law for the crime committed by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon. No person convicted under this subsection shall be eligible for parole, probation, ~~[conditional release,]~~ or suspended imposition or execution of sentence for a period of five calendar years.

3. Any person convicted of a third or subsequent offense of armed criminal action under subsection 1 of this section shall be punished by imprisonment by the department of corrections for a term of not less than ten years, unless the person is unlawfully possessing a firearm, in which case the term of imprisonment shall be no less than fifteen years. The punishment imposed pursuant to this subsection shall be in addition to and consecutive to any punishment provided by law for the crime committed by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon. No person convicted under this subsection shall be eligible for parole, probation, ~~[conditional release,]~~ or suspended imposition or execution of sentence for a period of ten calendar years.

571.031. 1. This section shall be known and may be cited as "Blair's Law".

2. A person commits the offense of unlawful discharge of a firearm if, with criminal negligence, he or she discharges a firearm within or into the limits of any municipality.

3. This section shall not apply if the firearm is discharged:

(1) As allowed by a defense of justification under chapter 563;

(2) On a properly supervised shooting range;

(3) To lawfully take wildlife during an open season established by the department of conservation. Nothing in this subdivision shall prevent a municipality from adopting an ordinance restricting the discharge of a firearm within one-quarter mile of an occupied structure;

(4) For the control of nuisance wildlife as permitted by the department of conservation or the United States Fish and Wildlife Service;

(5) By special permit of the chief of police of the municipality;

(6) As required by an animal control officer in the performance of his or her duties;

(7) Using blanks;

(8) More than one mile from any occupied structure;

(9) In self-defense or defense of another person against an animal attack if a reasonable person would believe that deadly physical force against the animal is immediately necessary and reasonable under the circumstances to protect oneself or the other person; or

(10) By law enforcement personnel, as defined in section 590.1040, or a member of the United States Armed Forces if acting in an official capacity.

4. A person who commits the offense of discharge of a firearm shall be guilty of:

(1) For a first offense, a class A misdemeanor;

(2) For a second offense, a class E felony; and

(3) For a third or subsequent offense, a class D felony.

571.070. 1. A person commits the offense of unlawful possession of a firearm if such person knowingly has any firearm in his or her possession and:

(1) Such person has been convicted of a felony under the laws of this state, or of a crime under the laws of any state or of the United States which, if committed within this state, would be a felony; or

(2) Such person is a fugitive from justice, is habitually in an intoxicated or drugged condition, or is currently adjudged mentally incompetent.

2. Unlawful possession of a firearm is a class ~~D~~ C felony, unless a person has been convicted of a dangerous felony as defined in section 556.061, in which case it is a class ~~C~~ B felony.

3. The provisions of subdivision (1) of subsection 1 of this section shall not apply to the possession of an antique firearm.

573.010. As used in this chapter the following terms shall mean:

(1) "Adult cabaret", a nightclub, bar, juice bar, restaurant, bottle club, or other commercial establishment, regardless of whether alcoholic beverages are served, which regularly features persons who appear semi-nude;

(2) "Characterized by", describing the essential character or dominant theme of an item;

(3) "Child", any person under the age of fourteen;

(4) "Child pornography":

(a) Any obscene material or performance depicting sexual conduct, sexual contact as defined in section 566.010, or a sexual performance and which has as one of its participants or portrays as an observer of such conduct, contact, or performance a minor; or

(b) Any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct where:

a. The production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;

b. Such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct, in that the depiction is such that an ordinary person viewing the depiction would conclude that the depiction is of an actual minor engaged in sexually explicit conduct; or

c. Such visual depiction has been created, adapted, or modified to show that an identifiable minor is engaging in sexually explicit conduct. "Identifiable minor" means a person who was a minor at the time the visual depiction was created, adapted, or modified; or whose image as a minor

1 was used in creating, adapting, or modifying the visual depiction; and who is recognizable as an
2 actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique
3 birthmark or other recognizable feature. The term "identifiable minor" shall not be construed to
4 require proof of the actual identity of the identifiable minor;

5 (5) "Employ", "employee", or "employment", any person who performs any service on the
6 premises of a sexually oriented business, on a full-time, part-time, or contract basis, whether or not
7 the person is denominated an employee, independent contractor, agent, or otherwise. Employee
8 does not include a person exclusively on the premises for repair or maintenance of the premises or
9 for the delivery of goods to the premises;

10 (6) "Explicit sexual material", any pictorial or three-dimensional material depicting human
11 masturbation, deviate sexual intercourse, sexual intercourse, direct physical stimulation or unclothed
12 genitals, sadomasochistic abuse, or emphasizing the depiction of postpubertal human genitals;
13 provided, however, that works of art or of anthropological significance shall not be deemed to be
14 within the foregoing definition;

15 (7) "Furnish", to issue, sell, give, provide, lend, mail, deliver, transfer, circulate,
16 disseminate, present, exhibit or otherwise provide;

17 (8) "Material", anything printed or written, or any picture, drawing, photograph, motion
18 picture film, videotape or videotape production, or pictorial representation, or any recording or
19 transcription, or any mechanical, chemical, or electrical reproduction, or stored computer data, or
20 anything which is or may be used as a means of communication. Material includes undeveloped
21 photographs, molds, printing plates, stored computer data and other latent representational objects;

22 (9) "Minor", any person less than eighteen years of age;

23 (10) "Nudity" or "state of nudity", the showing of the human genitals, pubic area, vulva,
24 anus, anal cleft, or the female breast with less than a fully opaque covering of any part of the nipple
25 or areola;

26 (11) "Obscene", any material or performance if, taken as a whole:

27 (a) Applying contemporary community standards, its predominant appeal is to prurient
28 interest in sex; and

29 (b) The average person, applying contemporary community standards, would find the
30 material depicts or describes sexual conduct in a patently offensive way; and

31 (c) A reasonable person would find the material lacks serious literary, artistic, political or
32 scientific value;

33 (12) "Operator", any person on the premises of a sexually oriented business who causes the
34 business to function, puts or keeps the business in operation, or is authorized to manage the business
35 or exercise overall operational control of the business premises. A person may be found to be
36 operating or causing to be operated a sexually oriented business whether or not such person is an
37 owner, part owner, or licensee of the business;

38 (13) "Performance", any play, motion picture film, videotape, dance or exhibition performed
39 before an audience of one or more;

40 (14) "Pornographic for minors", any material or performance if the following apply:

41 (a) The average person, applying contemporary community standards, would find that the
42 material or performance, taken as a whole, has a tendency to cater or appeal to a prurient interest of
43 minors; and

44 (b) The material or performance depicts or describes nudity, sexual conduct, the condition of
45 human genitals when in a state of sexual stimulation or arousal, or sadomasochistic abuse in a way
46 which is patently offensive to the average person applying contemporary adult community standards
47 with respect to what is suitable for minors; and

48 (c) The material or performance, taken as a whole, lacks serious literary, artistic, political, or
49 scientific value for minors;

1 (15) "Premises", the real property upon which a sexually oriented business is located, and
2 all appurtenances thereto and buildings thereon, including but not limited to the sexually oriented
3 business, the grounds, private walkways, and parking lots or parking garages or both;

4 (16) "Promote", to manufacture, issue, sell, provide, mail, deliver, transfer, transmute,
5 publish, distribute, circulate, disseminate, present, exhibit, or advertise, or to offer or agree to do the
6 same, by any means including a computer;

7 (17) "Regularly", the consistent and repeated doing of the act so described;

8 (18) "Sadomasochistic abuse", flagellation or torture by or upon a person as an act of sexual
9 stimulation or gratification;

10 (19) "Semi-nude" or "state of semi-nudity", the showing of the female breast below a
11 horizontal line across the top of the areola and extending across the width of the breast at such point,
12 or the showing of the male or female buttocks. Such definition includes the lower portion of the
13 human female breast, but shall not include any portion of the cleavage of the female breasts
14 exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is
15 not exposed in whole or in part;

16 (20) "Sexual conduct", actual or simulated, normal or perverted acts of human masturbation;
17 deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or
18 unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual
19 stimulation or gratification or any sadomasochistic abuse or acts including animals or any latent
20 objects in an act of apparent sexual stimulation or gratification;

21 (21) "Sexually explicit conduct", actual or simulated:

22 (a) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal,
23 whether between persons of the same or opposite sex;

24 (b) Bestiality;

25 (c) Masturbation;

26 (d) Sadistic or masochistic abuse; or

27 (e) Lascivious exhibition of the genitals or pubic area of any person;

28 (22) "Sexually oriented business" includes:

29 (a) An adult bookstore or adult video store. "Adult bookstore" or "adult video store" means
30 a commercial establishment which, as one of its principal business activities, offers for sale or rental
31 for any form of consideration any one or more of the following: books, magazines, periodicals, or
32 other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital
33 video discs, slides, or other visual representations which are characterized by their emphasis upon
34 the display of specified sexual activities or specified anatomical areas. A principal business activity
35 exists where the commercial establishment:

36 a. Has a substantial portion of its displayed merchandise which consists of such items; or

37 b. Has a substantial portion of the wholesale value of its displayed merchandise which
38 consists of such items; or

39 c. Has a substantial portion of the retail value of its displayed merchandise which consists of
40 such items; or

41 d. Derives a substantial portion of its revenues from the sale or rental, for any form of
42 consideration, of such items; or

43 e. Maintains a substantial section of its interior business space for the sale or rental of such
44 items; or

45 f. Maintains an adult arcade. "Adult arcade" means any place to which the public is
46 permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or
47 mechanically controlled still or motion picture machines, projectors, or other image-producing
48 devices are regularly maintained to show images to five or fewer persons per machine at any one
49 time, and where the images so displayed are characterized by their emphasis upon matter exhibiting

1 specified sexual activities or specified anatomical areas;

2 (b) An adult cabaret;

3 (c) An adult motion picture theater. "Adult motion picture theater" means a commercial
4 establishment where films, motion pictures, video cassettes, slides, or similar photographic
5 reproductions, which are characterized by their emphasis upon the display of specified sexual
6 activities or specified anatomical areas are regularly shown to more than five persons for any form
7 of consideration;

8 (d) A semi-nude model studio. "Semi-nude model studio" means a place where persons
9 regularly appear in a state of semi-nudity for money or any form of consideration in order to be
10 observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other
11 persons. Such definition shall not apply to any place where persons appearing in a state of semi-
12 nudity do so in a modeling class operated:

13 a. By a college, junior college, or university supported entirely or partly by taxation;

14 b. By a private college or university which maintains and operates educational programs in
15 which credits are transferable to a college, junior college, or university supported entirely or partly
16 by taxation; or

17 c. In a structure:

18 (i) Which has no sign visible from the exterior of the structure and no other advertising that
19 indicates a semi-nude person is available for viewing; and

20 (ii) Where, in order to participate in a class, a student must enroll at least three days in
21 advance of the class;

22 (e) A sexual encounter center. "Sexual encounter center" means a business or commercial
23 enterprise that, as one of its principal purposes, purports to offer for any form of consideration
24 physical contact in the form of wrestling or tumbling between two or more persons when one or
25 more of the persons is semi-nude;

26 (23) "Sexual performance", any performance, or part thereof, which includes sexual conduct
27 by a child who is less than ~~seventeen~~ eighteen years of age;

28 (24) "Specified anatomical areas" include:

29 (a) Less than completely and opaquely covered: human genitals, pubic region, buttock, and
30 female breast below a point immediately above the top of the areola; and

31 (b) Human male genitals in a discernibly turgid state, even if completely and opaquely
32 covered;

33 (25) "Specified sexual activity", includes any of the following:

34 (a) Intercourse, oral copulation, masturbation, or sodomy; or

35 (b) Excretory functions as a part of or in connection with any of the activities described in
36 paragraph (a) of this subdivision;

37 (26) "Substantial", at least thirty percent of the item or items so modified;

38 (27) "Visual depiction", includes undeveloped film and videotape, and data stored on
39 computer disk or by electronic means which is capable of conversion into a visual image.

40 573.024. 1. A person commits the offense of enabling sexual exploitation of a minor if such
41 person acting with criminal negligence permits or allows any violation of section 566.210, 566.211,
42 573.020, 573.023, 573.025, 573.030, 573.035, 573.200, or 573.205.

43 2. The offense of enabling sexual exploitation of a minor is a class E felony for the first
44 offense and a class C felony for a second or subsequent offense.

45 3. If the person guilty of the offense of enabling sexual exploitation of a minor is an owner
46 of a business or the owner's agent and the business provided the location or locations for such
47 exploitation, the business location or locations shall be required to close for up to one year for the
48 first offense, and the length of time shall be determined by the court. For a second offense, such
49 business location or locations shall permanently close. As used in this section, "business" shall

include, but is not limited to, a hotel or massage parlor and "owner's agent" shall be any person empowered to manage the owner's business location or locations.

573.206. 1. A person commits the offense of patronizing a sexual performance by a child if such person obtains, solicits, or participates in a sexual performance by a child under eighteen years of age.

2. The offense of patronizing a sexual performance by a child is a class C felony.

575.010. The following definitions shall apply to this chapter and chapter 576:

(1) "Affidavit" means any written statement which is authorized or required by law to be made under oath, and which is sworn to before a person authorized to administer oaths;

(2) "Government" means any branch or agency of the government of this state or of any political subdivision thereof;

(3) "Highway" means any public road or thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways or alleys in any municipality;

(4) "Judicial proceeding" means any official proceeding in court, or any proceeding authorized by or held under the supervision of a court;

(5) "Juror" means a grand or petit juror, including a person who has been drawn or summoned to attend as a prospective juror;

(6) "Jury" means a grand or petit jury, including any panel which has been drawn or summoned to attend as prospective jurors;

(7) "Law enforcement animal" means a dog, horse, or other animal used in law enforcement or a correctional facility, or by a municipal police department, fire department, search and rescue unit or agency, whether the animal is on duty or not on duty. The term shall include, but not be limited to, accelerant detection dogs, bomb detection dogs, narcotic detection dogs, search and rescue dogs, and tracking animals;

(8) "Official proceeding" means any cause, matter, or proceeding where the laws of this state require that evidence considered therein be under oath or affirmation;

~~[(8) "Police animal" means a dog, horse or other animal used in law enforcement or a correctional facility, or by a municipal police department, fire department, search and rescue unit or agency, whether the animal is on duty or not on duty. The term shall include, but not be limited to, accelerant detection dogs, bomb detection dogs, narcotic detection dogs, search and rescue dogs and tracking animals;]~~

(9) "Public record" means any document which a public servant is required by law to keep;

(10) "Testimony" means any oral statement under oath or affirmation;

(11) "Victim" means any natural person against whom any crime is deemed to have been perpetrated or attempted;

(12) "Witness" means any natural person:

(a) Having knowledge of the existence or nonexistence of facts relating to any crime; or

(b) Whose declaration under oath is received as evidence for any purpose; or

(c) Who has reported any crime to any peace officer or prosecutor; or

(d) Who has been served with a subpoena issued under the authority of any court of this state.

575.095. 1. A person commits the offense of tampering with a judicial officer if, with the purpose to harass, intimidate or influence a judicial officer in the performance of such officer's official duties, such person:

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

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

(3) Offers, conveys or agrees to convey any benefit direct or indirect upon such judicial

officer or such judicial officer's family;

(4) Engages in conduct reasonably calculated to harass or alarm such judicial officer or such judicial officer's family, including stalking pursuant to section 565.225 or 565.227;

(5) Disseminates through any means, including by posting on the internet, the judicial officer's or the judicial officer's family's personal information. For purposes of this section, "personal information" includes a home address, home or mobile telephone number, personal email address, Social Security number, federal tax identification number, checking or savings account numbers, marital status, and identity of a child under eighteen years of age.

2. A judicial officer for purposes of this section shall be a judge or commissioner of a state or federal court, arbitrator, special master, juvenile officer, deputy juvenile officer, state prosecuting or circuit attorney, state assistant prosecuting or circuit attorney, juvenile court commissioner, state probation or parole officer, ~~or~~ referee, or the attorney general or his or her assistant attorneys general authorized under section 27.020.

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

(1) Such officer's spouse; or

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

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

4. The offense of tampering with a judicial officer is a class D felony.

5. If a violation of this section results in death or bodily injury to a judicial officer or a member of the judicial officer's family, the offense is a class B felony.

575.200. 1. A person commits the offense of escape from custody or attempted escape from custody if, while being held in custody after arrest for any ~~crime~~ offense or violation of probation or parole, he or she escapes or attempts to escape from custody.

2. The offense of escape or attempted escape from custody is a class A misdemeanor unless:

(1) The person escaping or attempting to escape is under arrest for a felony, in which case it is a class E felony; or

(2) The offense is committed by means of a deadly weapon or dangerous instrument or by holding any person as hostage, in which case it is a class A felony.

575.205. 1. A person commits the offense of tampering with electronic monitoring equipment if he or she intentionally removes, alters, tampers with, damages, ~~or~~ destroys, fails to charge, or otherwise disables electronic monitoring equipment which a court, the division of probation and parole or the parole board has required such person to wear.

2. This section does not apply to the owner of the equipment or an agent of the owner who is performing ordinary maintenance or repairs on the equipment.

3. The offense of tampering with electronic monitoring equipment is a class D felony.

4. The offense of tampering with electronic monitoring equipment if a person fails to charge or otherwise disables electronic monitoring equipment is a class E felony, unless the offense for which the person was placed on electronic monitoring was a misdemeanor, in which case it is a class A misdemeanor.

575.353. 1. This section shall be known and may be cited as "Max's Law".

2. A person commits the offense of assault on a ~~police~~ law enforcement animal if he or she knowingly attempts to kill or disable or knowingly causes or attempts to cause serious physical injury to a ~~police~~ law enforcement animal when that animal is involved in law enforcement investigation, apprehension, tracking, or search, or the animal is in the custody of or under the control of a law enforcement officer, department of corrections officer, municipal police department, fire department or a rescue unit or agency.

~~[2-]~~ 3. The offense of assault on a ~~police~~ law enforcement animal is a ~~class C~~ misdemeanor, unless:

(1) Class A misdemeanor, if the law enforcement animal is not injured to the point of

1 requiring veterinary care or treatment;

2 (2) Class E felony if the law enforcement animal is seriously injured to the point of
 3 requiring veterinary care or treatment; and

4 (3) Class D felony if the assault results in the death of such animal [or disables such animal
 5 to the extent it is unable to be utilized as a police animal, in which case it is a class E felony].

6 577.010. 1. A person commits the offense of driving while intoxicated if he or she operates
 7 a vehicle while in an intoxicated condition.

8 2. The offense of driving while intoxicated is:

9 (1) A class B misdemeanor;

10 (2) A class A misdemeanor if:

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

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

13 (3) A class E felony if:

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

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

17 (4) A class D felony if:

18 (a) The defendant is an aggravated offender;

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

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

23 (5) A class C felony if:

24 (a) The defendant is a chronic offender;

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

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

29 (6) A class B felony if:

30 (a) The defendant is a habitual offender;

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

33 (c) While driving while intoxicated, the defendant acts with criminal negligence to cause the
 34 death of any person not a passenger in the vehicle operated by the defendant, including the death of
 35 an individual that results from the defendant's vehicle leaving a highway, as defined in section
 36 301.010, or the highway's right-of-way;

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

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

42 (7) A class A felony if the defendant has previously been found guilty of an offense under
 43 paragraphs (a) to (e) of subdivision (6) of this subsection and is found guilty of a subsequent
 44 violation of such paragraphs.

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

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

49 (2) In a circuit where a DWI court or docket created under section 478.007 or other court-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 577.012. 1. A person commits the offense of driving with excessive blood alcohol content if
46 such person operates:

47 (1) A vehicle while having eight-hundredths of one percent or more by weight of alcohol in
48 his or her blood; or

49 (2) A commercial motor vehicle while having four one-hundredths of one percent or more

1 by weight of alcohol in his or her blood.

2 2. As used in this section, percent by weight of alcohol in the blood shall be based upon
3 grams of alcohol per one hundred milliliters of blood or two hundred ten liters of breath and may be
4 shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of
5 determining the alcoholic content of a person's blood under this section, the test shall be conducted
6 in accordance with the provisions of sections 577.020 to 577.041.

7 3. The offense of driving with excessive blood alcohol content is:

8 (1) A class B misdemeanor;

9 (2) A class A misdemeanor if the defendant is alleged and proved to be a prior offender;

10 (3) A class E felony if the defendant is alleged and proved to be a persistent offender;

11 (4) A class D felony if the defendant is alleged and proved to be an aggravated offender;

12 (5) A class C felony if the defendant is alleged and proved to be a chronic offender;

13 (6) A class B felony if the defendant is alleged and proved to be a habitual offender.

14 4. A person found guilty of the offense of driving with an excessive blood alcohol content as
15 a first offense shall not be granted a suspended imposition of sentence:

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

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

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

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

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

30 6. If a person is found guilty of a second or subsequent offense of driving with an excessive
31 blood alcohol content, the court may order the person to submit to a period of continuous alcohol
32 monitoring or verifiable breath alcohol testing performed a minimum of four times per day as a
33 condition of probation.

34 7. A person found guilty of driving with excessive blood alcohol content:

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

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

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

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

47 (3) As a persistent offender shall not be granted parole or probation until he or she has
48 served a minimum of thirty days imprisonment:

49 (a) Unless as a condition of such parole or probation such person performs at least sixty

1 days involving at least four hundred eighty hours of community service under the supervision of the
 2 court in those jurisdictions which have a recognized program for community service; or

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

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

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

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

14 578.007. The provisions of section 574.130[,], and sections 578.005 to 578.023 shall not
 15 apply to:

16 (1) Care or treatment performed by a licensed veterinarian within the provisions of chapter
 17 340;

18 (2) Bona fide scientific experiments;

19 (3) Hunting, fishing, or trapping as allowed by chapter 252, including all practices and
 20 privileges as allowed under the Missouri Wildlife Code;

21 (4) Facilities and publicly funded zoological parks currently in compliance with the federal
 22 "Animal Welfare Act" as amended;

23 (5) Rodeo practices currently accepted by the Professional Rodeo Cowboy's Association;

24 (6) The killing of an animal by the owner thereof, the agent of such owner, or by a
 25 veterinarian at the request of the owner thereof;

26 (7) The lawful, humane killing of an animal by an animal control officer, the operator of an
 27 animal shelter, a veterinarian, or law enforcement or health official;

28 (8) With respect to farm animals, normal or accepted practices of animal husbandry;

29 (9) The killing of an animal by any person at any time if such animal is outside of the owned
 30 or rented property of the owner or custodian of such animal and the animal is injuring any person or
 31 farm animal, but this exemption shall not include ~~[police or guard dogs]~~ the killing or injuring of a
 32 law enforcement animal while working;

33 (10) The killing of house or garden pests; or

34 (11) Field trials, training and hunting practices as accepted by the Professional Houndsmen
 35 of Missouri.

36 578.022. Any dog that is owned, or the service of which is employed, by a law enforcement
 37 agency and that bites or injures another animal or human in the course of their official duties is
 38 exempt from the provisions of sections 273.033 [~~and~~], 273.036 [~~and section~~], 578.012, and 578.024.

39 589.404. As used in sections 589.400 to 589.425, the following terms mean:

40 (1) "Adjudicated" or "adjudication", adjudication of delinquency, a finding of guilt, plea of
 41 guilt, finding of not guilty due to mental disease or defect, or plea of nolo contendere to committing,
 42 attempting to commit, or conspiring to commit;

43 (2) "Adjudicated delinquent", a person found to have committed an offense that, if
 44 committed by an adult, would be a criminal offense;

45 (3) "Chief law enforcement official", the sheriff's office of each county or the police
 46 department of a city not within a county;

47 (4) "Offender registration", the required minimum informational content of sex offender
 48 registries, which shall consist of, but not be limited to, a full set of fingerprints on a standard sex
 49 offender registration card upon initial registration in Missouri, as well as all other forms required by

1 the Missouri state highway patrol upon each initial and subsequent registration;

2 (5) "Residence", any place where an offender sleeps for seven or more consecutive or
3 nonconsecutive days or nights within a twelve-month period;

4 (6) "Sex offender", any person who meets the criteria to register under sections 589.400 to
5 589.425 or the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child
6 Protection and Safety Act of 2006, P.L. 109-248;

7 (7) "Sex offense", any offense which is listed under section 589.414 or comparable to those
8 listed under section 589.414 or otherwise comparable to offenses covered under the Sex Offender
9 Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of
10 2006, P.L. 109-248;

11 (8) "Sexual act", any type or degree of genital, oral, or anal penetration;

12 (9) "Sexual conduct", sexual intercourse, deviate sexual intercourse, or sexual contact;

13 (10) "Sexual contact", any [sexual touching of or contact with a person's body, either
14 directly or through the clothing] touching of another person with the genitals or any touching of the
15 genitals or anus of another person, or the breast of a female person, or such touching through the
16 clothing, or causing semen, seminal fluid, or other ejaculate to come into contact with another
17 person, for the purpose of arousing or gratifying the sexual desire of any person or for the purpose
18 of terrorizing the victim;

19 [(10)] (11) "Sexual element", used for the purposes of distinguishing if sexual contact or a
20 sexual act was committed. Authorities shall refer to information filed by the prosecutor, amended
21 information filed by the prosecutor, indictment information filed by the prosecutor, or amended
22 indictment information filed by the prosecutor, the plea agreement, or court documentation to
23 determine if a sexual element exists;

24 [(11)] (12) "Signature", the name of the offender signed in writing or electronic form
25 approved by the Missouri state highway patrol;

26 [(12)] (13) "Student", an individual who enrolls in or attends the physical location of an
27 educational institution, including a public or private secondary school, trade or professional school,
28 or an institution of higher education;

29 [(13)] (14) "Vehicle", any land vehicle, watercraft, or aircraft.

30 589.414. 1. Any person required by sections 589.400 to 589.425 to register shall, within
31 three business days, appear in person to the chief law enforcement officer of the county or city not
32 within a county if there is a change to any of the following information:

33 (1) Name;

34 (2) Residence;

35 (3) Employment, including status as a volunteer or intern;

36 (4) Student status; or

37 (5) A termination to any of the items listed in this subsection.

38 2. Any person required to register under sections 589.400 to 589.425 shall, within three
39 business days, notify the chief law enforcement official of the county or city not within a county of
40 any changes to the following information:

41 (1) Vehicle information;

42 (2) Temporary lodging information;

43 (3) Temporary residence information;

44 (4) Email addresses, instant messaging addresses, and any other designations used in
45 internet communications, postings, or telephone communications; or

46 (5) Telephone or other cellular number, including any new forms of electronic
47 communication.

48 3. The chief law enforcement official in the county or city not within a county shall

1 immediately forward the registration changes described under subsections 1 and 2 of this section to
2 the Missouri state highway patrol within three business days.

3 4. If any person required by sections 589.400 to 589.425 to register changes such person's
4 residence or address to a different county or city not within a county, the person shall appear in
5 person and shall inform both the chief law enforcement official with whom the person last registered
6 and the chief law enforcement official of the county or city not within a county having jurisdiction
7 over the new residence or address in writing within three business days of such new address and
8 phone number, if the phone number is also changed. If any person required by sections 589.400 to
9 589.425 to register changes his or her state, territory, the District of Columbia, or foreign country, or
10 federal, tribal, or military jurisdiction of residence, the person shall appear in person and shall
11 inform both the chief law enforcement official with whom the person was last registered and the
12 chief law enforcement official of the area in the new state, territory, the District of Columbia, or
13 foreign country, or federal, tribal, or military jurisdiction having jurisdiction over the new residence
14 or address within three business days of such new address. Whenever a registrant changes
15 residence, the chief law enforcement official of the county or city not within a county where the
16 person was previously registered shall inform the Missouri state highway patrol of the change within
17 three business days. When the registrant is changing the residence to a new state, territory, the
18 District of Columbia, or foreign country, or federal, tribal, or military jurisdiction, the Missouri state
19 highway patrol shall inform the responsible official in the new state, territory, the District of
20 Columbia, or foreign country, or federal, tribal, or military jurisdiction of residence within three
21 business days.

22 5. Tier I sexual offenders, in addition to the requirements of subsections 1 to 4 of this
23 section, shall report in person to the chief law enforcement official annually in the month of their
24 birth to verify the information contained in their statement made pursuant to section 589.407. Tier I
25 sexual offenders include:

- 26 (1) Any offender who has been adjudicated for the offense of:
- 27 (a) Sexual abuse in the first degree under section 566.100 if the victim is eighteen years of
28 age or older;
- 29 (b) Sexual misconduct involving a child under section 566.083 if it is a first offense and ~~the~~
30 ~~punishment is less than one year~~ if the offense is a misdemeanor;
- 31 (c) Sexual abuse in the second degree under section 566.101 ~~if the punishment is less than a~~
32 ~~year~~ if the offense is a misdemeanor;
- 33 (d) Kidnapping in the second degree under section 565.120 with sexual motivation;
- 34 (e) Kidnapping in the third degree under section 565.130;
- 35 (f) Sexual conduct with a nursing facility resident or vulnerable person in the first degree
36 under section 566.115 ~~if the punishment is less than one year~~ if the offense is a misdemeanor;
- 37 (g) Sexual conduct under section 566.116 with a nursing facility resident or vulnerable
38 person;
- 39 (h) Sexual ~~contact with a prisoner or offender~~ conduct in the course of public duty under
40 section 566.145 if the victim is eighteen years of age or older;
- 41 (i) Sex with an animal under section 566.111;
- 42 (j) Trafficking for the purpose of sexual exploitation under section 566.209 if the victim is
43 eighteen years of age or older;
- 44 (k) Possession of child pornography under section 573.037;
- 45 (l) Sexual misconduct in the first degree under section 566.093;
- 46 (m) Sexual misconduct in the second degree under section 566.095;
- 47 (n) Child molestation in the second degree under section 566.068 as it existed prior to
48 January 1, 2017, if the ~~punishment is less than one year~~ offense is a misdemeanor; ~~or~~
- 49 (o) Invasion of privacy under section 565.252 if the victim is less than eighteen years of age;

1 or

2 (p) Sexual contact with a student eighteen years of age or older under section 566.086;

3 (2) Any offender who is or has been adjudicated in any other state, territory, the District of
4 Columbia, or foreign country, or under federal, tribal, or military jurisdiction of an offense of a
5 sexual nature or with a sexual element that is comparable to the tier I sexual offenses listed in this
6 subsection or, if not comparable to those in this subsection, comparable to those described as tier I
7 offenses under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child
8 Protection and Safety Act of 2006, Pub. L. 109-248.

9 6. Tier II sexual offenders, in addition to the requirements of subsections 1 to 4 of this
10 section, shall report semiannually in person in the month of their birth and six months thereafter to
11 the chief law enforcement official to verify the information contained in their statement made
12 pursuant to section 589.407. Tier II sexual offenders include:

13 (1) Any offender who has been adjudicated for the offense of:

14 (a) Statutory sodomy in the second degree under section 566.064 if the victim is sixteen to
15 seventeen years of age;

16 (b) Child molestation in the third degree under section 566.069 if the victim is between
17 thirteen and fourteen years of age;

18 (c) Sexual contact with a student under section 566.086 if the victim is thirteen to seventeen
19 years of age;

20 (d) Enticement of a child under section 566.151;

21 (e) Abuse of a child under section 568.060 if the offense is of a sexual nature and the victim
22 is thirteen to seventeen years of age;

23 (f) Sexual exploitation of a minor under section 573.023;

24 (g) Promoting child pornography in the first degree under section 573.025;

25 (h) Promoting child pornography in the second degree under section 573.035;

26 (i) Patronizing prostitution under section 567.030;

27 (j) Patronizing a sexual performance by a child under section 573.206;

28 (k) Sexual [contact with a prisoner or offender] conduct in the course of public duty under
29 section 566.145 if the victim is thirteen to seventeen years of age;

30 ~~[(k)]~~ (l) Child molestation in the fourth degree under section 566.071 if the victim is thirteen
31 to seventeen years of age;

32 ~~[(l)]~~ (m) Sexual misconduct involving a child under section 566.083 if it is a first offense
33 [the penalty is a term of imprisonment of more than a year] and if the offense is a felony; [or]

34 ~~[(m)]~~ (n) Age misrepresentation with intent to solicit a minor under section 566.153; or

35 (o) Sexual abuse in the first degree under section 566.100 if the victim is thirteen to
36 seventeen years of age;

37 (2) Any person who is adjudicated of an offense comparable to a tier I offense listed in this
38 section or failure to register offense under section 589.425 or comparable out-of-state failure to
39 register offense or a violation of a restriction under section 566.147, 566.148, 566.149, 566.150,
40 566.155, or 589.426 and who is already required to register as a tier I offender due to having been
41 adjudicated of a tier I offense on a previous occasion; or

42 (3) Any person who is or has been adjudicated in any other state, territory, the District of
43 Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense of a
44 sexual nature or with a sexual element that is comparable to the tier II sexual offenses listed in this
45 subsection or, if not comparable to those in this subsection, comparable to those described as tier II
46 offenses under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child
47 Protection and Safety Act of 2006, Pub. L. 109-248.

48 7. Tier III sexual offenders, in addition to the requirements of subsections 1 to 4 of this
49 section, shall report in person to the chief law enforcement official every ninety days to verify the

information contained in their statement made under section 589.407. Tier III sexual offenders include:

- (1) Any offender registered as a predatory sexual offender as defined in section ~~[566.123]~~ 566.125 or a persistent sexual offender as defined in section ~~[566.124]~~ 566.125;
- (2) Any offender who has been adjudicated for the crime of:
 - (a) Rape in the first degree under section 566.030;
 - (b) Statutory rape in the first degree under section 566.032;
 - (c) Rape in the second degree under section 566.031;
 - (d) Endangering the welfare of a child in the first degree under section 568.045 if the offense is sexual in nature;
 - (e) Sodomy in the first degree under section 566.060;
 - (f) Statutory sodomy under section 566.062;
 - (g) Statutory sodomy under section 566.064 if the victim is under sixteen years of age;
 - (h) Sodomy in the second degree under section 566.061;
 - (i) Sexual misconduct involving a child under section 566.083 if the offense is a second or subsequent offense;
 - (j) Sexual abuse in the first degree under section 566.100 if the victim is under thirteen years of age;
 - (k) Kidnapping in the first degree under section 565.110 if the victim is under eighteen years of age, excluding kidnapping by a parent or guardian;
 - (l) Child kidnapping under section 565.115;
 - (m) Sexual conduct with a nursing facility resident or vulnerable person in the first degree under section 566.115 ~~[if the punishment is greater than a year]~~ if the offense is a felony;
 - (n) Incest under section 568.020;
 - (o) Endangering the welfare of a child in the first degree under section 568.045 with sexual intercourse or deviate sexual intercourse with a victim under eighteen years of age;
 - (p) Child molestation in the first degree under section 566.067;
 - (q) Child molestation in the second degree under section 566.068;
 - (r) Child molestation in the third degree under section 566.069 if the victim is under thirteen years of age;
 - (s) Promoting prostitution in the first degree under section 567.050 if the victim is under eighteen years of age;
 - (t) Promoting prostitution in the second degree under section 567.060 if the victim is under eighteen years of age;
 - (u) Promoting prostitution in the third degree under section 567.070 if the victim is under eighteen years of age;
 - (v) Promoting travel for prostitution under section 567.085 if the victim is under eighteen years of age;
 - (w) Trafficking for the purpose of sexual exploitation under section 566.209 if the victim is under eighteen years of age;
 - (x) Sexual trafficking of a child in the first degree under section 566.210;
 - (y) Sexual trafficking of a child in the second degree under section 566.211;
 - (z) Genital mutilation of a female child under section 568.065;
 - (aa) Statutory rape in the second degree under section 566.034;
 - (bb) Child molestation in the fourth degree under section 566.071 if the victim is under thirteen years of age;
 - (cc) Sexual abuse in the second degree under section 566.101 ~~[if the penalty is a term of imprisonment of more than a year]~~ if the offense is a felony;
 - (dd) Patronizing prostitution under section 567.030 if the offender is a persistent offender;

1 (ee) Patronizing prostitution under section 567.030 if the victim is under eighteen years of
 2 age;
 3 [(ee)] (ff) Abuse of a child under section 568.060 if the offense is of a sexual nature and the
 4 victim is under thirteen years of age;
 5 [(ff)] (gg) Sexual ~~[contact with a prisoner or offender]~~ conduct in the course of public duty
 6 under section 566.145 if the victim is under thirteen years of age;
 7 [(gg) Sexual intercourse with a prisoner or offender under section 566.145;]
 8 (hh) Sexual contact with a student under section 566.086 if the victim is under thirteen years
 9 of age;
 10 (ii) Use of a child in a sexual performance under section 573.200; or
 11 (jj) Promoting a sexual performance by a child under section 573.205;
 12 (3) Any offender who is adjudicated for a crime comparable to a tier I or tier II offense
 13 listed in this section or failure to register offense under section 589.425[,] or other comparable out-
 14 of-state failure to register offense[,] or a violation of a restriction under section 566.147, 566.148,
 15 566.149, 566.150, 566.155, or 589.426 and who has been or is already required to register as a tier II
 16 offender because of having been adjudicated for a tier II offense, two tier I offenses, or combination
 17 of a tier I offense and failure to register offense, on a previous occasion;
 18 (4) Any offender who is adjudicated in any other state, territory, the District of Columbia, or
 19 foreign country, or under federal, tribal, or military jurisdiction for an offense of a sexual nature or
 20 with a sexual element that is comparable to a tier III offense listed in this section or a tier III offense
 21 under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child
 22 Protection and Safety Act of 2006, Pub. L. 109-248; or
 23 (5) Any offender who is adjudicated in Missouri for any offense of a sexual nature requiring
 24 registration under sections 589.400 to 589.425 that is not classified as a tier I or tier II offense in this
 25 section.
 26 8. In addition to the requirements of subsections 1 to 7 of this section, all Missouri
 27 registrants who work, including as a volunteer or unpaid intern, or attend any school whether public
 28 or private, including any secondary school, trade school, professional school, or institution of higher
 29 education, on a full-time or part-time basis or have a temporary residence in this state shall be
 30 required to report in person to the chief law enforcement officer in the area of the state where they
 31 work, including as a volunteer or unpaid intern, or attend any school or training and register in that
 32 state. "Part-time" in this subsection means for more than seven days in any twelve-month period.
 33 9. If a person who is required to register as a sexual offender under sections 589.400 to
 34 589.425 changes or obtains a new online identifier as defined in section 43.651, the person shall
 35 report such information in the same manner as a change of residence before using such online
 36 identifier.
 37 589.437. 1. For purposes of this section and section 43.650, the following persons shall be
 38 known as violent offenders:
 39 (1) Any person who is on probation or parole for:
 40 (a) The offense of murder in the first degree under section 565.020;
 41 (b) The offense of murder in the second degree under section 565.021; or
 42 (c) An offense in a jurisdiction outside of this state that would qualify under paragraph (a)
 43 or (b) of this subdivision if the offense were to have been committed in this state; and
 44 (2) Any person who was found not guilty by reason of mental disease or defect of an offense
 45 listed under subdivision (1) of this subsection.
 46 2. The division of probation and parole of the department of corrections, or the department
 47 of mental health if the person qualifies as a violent offender under subdivision (2) of subsection 1 of
 48 this section, shall notify the Missouri state highway patrol if a violent offender is placed on
 49 probation or parole, is placed on conditional release, is removed from probation or parole, or

relocates to this state under the interstate compact for adult offender supervision, sections 589.500 to 589.569, so that the Missouri state highway patrol can update the offender registry under section 43.650."; and

Further amend said bill, Page 19, Section 589.565, Line 19, by inserting after said section and line the following:

589.700. 1. There is hereby created in the state treasury the "Human Trafficking and Sexual Exploitation Fund", which shall consist of proceeds from the human trafficking restitution collected for violations of sections 566.203, 566.206, 566.209, 566.210, 566.211, and 566.215. 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, moneys in this fund shall be distributed to the county where the human trafficking offense occurred. Upon receipt of moneys from the fund, a county shall allocate the disbursement as follows:

(1) Fifty percent towards local rehabilitation services for victims of human trafficking including, but not limited to, mental health and substance abuse counseling; general education, including parenting skills; housing relief; vocational training; and employment counseling; and

(2) Fifty percent towards local efforts to prevent human trafficking including, but not limited to, education programs for persons convicted of human trafficking offenses and increasing the number of local law enforcement members charged with enforcing human trafficking laws.

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.

590.040. 1. The POST commission shall set the minimum number of hours of basic training for licensure as a peace officer no lower ~~[than four hundred seventy and no higher]~~ than six hundred, with the following exceptions:

(1) Up to one thousand hours may be mandated for any class of license required for commission by a state law enforcement agency;

(2) As few as one hundred twenty hours may be mandated for any class of license restricted to commission as a reserve peace officer with police powers limited to the commissioning political subdivision;

(3) Persons validly licensed on August 28, 2001, may retain licensure without additional basic training;

(4) Persons licensed and commissioned within a county of the third classification before July 1, 2002, may retain licensure with one hundred twenty hours of basic training if the commissioning political subdivision has adopted an order or ordinance to that effect;

(5) Persons serving as a reserve officer on August 27, 2001, within a county of the first classification or a county with a charter form of government and with more than one million inhabitants on August 27, 2001, having previously completed a minimum of one hundred sixty hours of training, shall be granted a license necessary to function as a reserve peace officer only within such county. For the purposes of this subdivision, the term "reserve officer" shall mean any person who serves in a less than full-time law enforcement capacity, with or without pay and who, without certification, has no power of arrest and who, without certification, must be under the direct and immediate accompaniment of a certified peace officer of the same agency at all times while on duty; and

(6) The POST commission shall provide for the recognition of basic training received at law enforcement training centers of other states, the military, the federal government and territories of the United States regardless of the number of hours included in such training and shall have

1 authority to require supplemental training as a condition of eligibility for licensure.

2 2. The director shall have the authority to limit any exception provided in subsection 1 of
3 this section to persons remaining in the same commission or transferring to a commission in a
4 similar jurisdiction.

5 3. The basic training of every peace officer, except agents of the conservation commission,
6 shall include at least thirty hours of training in the investigation and management of cases involving
7 domestic and family violence. Such training shall include instruction, specific to domestic and
8 family violence cases, regarding: report writing; physical abuse, sexual abuse, child fatalities and
9 child neglect; interviewing children and alleged perpetrators; the nature, extent and causes of
10 domestic and family violence; the safety of victims, other family and household members and
11 investigating officers; legal rights and remedies available to victims, including rights to
12 compensation and the enforcement of civil and criminal remedies; services available to victims and
13 their children; the effects of cultural, racial and gender bias in law enforcement; and state statutes.
14 Said curriculum shall be developed and presented in consultation with the department of health and
15 senior services, the children's division, public and private providers of programs for victims of
16 domestic and family violence, persons who have demonstrated expertise in training and education
17 concerning domestic and family violence, and the Missouri coalition against domestic violence.

18 590.080. 1. The director shall have cause to discipline any peace officer licensee who:

19 (1) Is unable to perform the functions of a peace officer with reasonable competency or
20 reasonable safety ~~[as a result of a mental condition, including alcohol or substance abuse];~~

21 (2) Has committed any criminal offense, whether or not a criminal charge has been filed;

22 (3) Has been convicted, or has entered a plea of guilty or nolo contendere, in a criminal
23 prosecution under the laws of any state, or the United States, or of any country, regardless of
24 whether or not sentence is imposed;

25 (4) Has committed any act ~~[while on active duty or under color of law]~~ that involves moral
26 turpitude or a reckless disregard for the safety of the public or any person;

27 ~~[(4)]~~ (5) Has caused a material fact to be misrepresented for the purpose of obtaining or
28 retaining a peace officer commission or any license issued pursuant to this chapter;

29 ~~[(5)]~~ (6) Has violated a condition of any order of probation lawfully issued by the director;
30 ~~[or~~

31 ~~(6)]~~ (7) Has violated a provision of this chapter or a rule promulgated pursuant to this
32 chapter;

33 (8) Has tested positive for a controlled substance, as defined in chapter 195, without a valid
34 prescription for the controlled substance;

35 (9) Is subject to an order of another state, territory, the federal government, or any peace
36 officer licensing authority suspending or revoking a peace officer license or certification; or

37 (10) Has committed any act of gross misconduct indicating inability to function as a peace
38 officer. Gross misconduct shall include any willful and want on or unlawful conduct motivated by
39 premeditated or intentional purpose or by purposeful indifference to the consequence of one's acts.

40 2. When the director has knowledge of cause to discipline a peace officer license pursuant to
41 this section, the director may cause a complaint to be filed with the administrative hearing
42 commission, which shall conduct a hearing to determine whether the director has cause for
43 discipline, and which shall issue findings of fact and conclusions of law on the matter. The
44 administrative hearing commission shall not consider the relative severity of the cause for discipline
45 or any rehabilitation of the licensee or otherwise impinge upon the discretion of the director to
46 determine appropriate discipline when cause exists pursuant to this section.

47 3. Upon a finding by the administrative hearing commission that cause to discipline exists,
48 the director shall, within thirty days, hold a hearing to determine the form of discipline to be
49 imposed and thereafter shall probate, suspend, or permanently revoke the license at issue. If the

licensee fails to appear at the director's hearing, this shall constitute a waiver of the right to such hearing.

4. Notice of any hearing pursuant to this chapter or section may be made by certified mail to the licensee's address of record pursuant to subdivision (2) of subsection 3 of section 590.130. Proof of refusal of the licensee to accept delivery or the inability of postal authorities to deliver such certified mail shall be evidence that required notice has been given. Notice may be given by publication.

5. Nothing contained in this section shall prevent a licensee from informally disposing of a cause for discipline with the consent of the director by voluntarily surrendering a license or by voluntarily submitting to discipline.

6. The provisions of chapter 621 and any amendments thereto, except those provisions or amendments that are in conflict with this chapter, shall apply to and govern the proceedings of the administrative hearing commission and pursuant to this section the rights and duties of the parties involved.

590.1070. 1. There is hereby established within the department of public safety the "Peace Officer Basic Training Tuition Reimbursement Program". Any moneys appropriated by the general assembly for this program shall be used to provide tuition reimbursement for:

(1) Qualifying Missouri residents who have paid tuition at a state licensed basic law enforcement training center for the basic law enforcement training required for a peace officer license in this state and who have been employed as a full-time peace officer in this state for a specified period; and

(2) Qualifying government entities that have paid tuition for an employee to receive the basic law enforcement training required for a peace officer license in this state at a licensed basic law enforcement training center when such employee has been employed as a full-time peace officer for a specified period.

2. The department of public safety shall be the administrative agency for the implementation of the tuition reimbursement program established under this section, and shall:

(1) Prescribe the form and the time and method of awarding tuition reimbursement under this section and shall supervise the processing thereof; and

(2) Select qualifying recipients to receive reimbursement under this section and determine the manner and method of payment to the recipient.

3. To be eligible to receive tuition reimbursement under subdivision (1) of subsection 1 of this section, a person shall:

(1) Be initially employed as a peace officer on or after September 1, 2022;

(2) Submit to the department an initial application for tuition reimbursement, and annually thereafter for each year of qualifying employment, in the manner and on a form prescribed by the department that requires:

(a) Employer verification of the person's employment as a full-time peace officer in this state for at least one year and the person's current employment as a peace officer in this state as of the date of the application;

(b) A transcript containing the person's basic police training course work and his or her date of graduation; and

(c) A statement of the total amount of tuition the applicant paid to the basic training center for his or her basic training;

(3) Be currently employed, and have completed at least one year of employment, as a full-time peace officer in this state; and

(4) Comply with any other requirements adopted by the department under this section.

4. To be eligible to receive tuition reimbursement under subdivision (2) of subsection 1 of this section, a government entity shall:

1 (1) Be the employer of a peace officer who was initially employed on or after September 1,
 2 2022;

3 (2) Submit to the department an initial application for tuition reimbursement, and annually
 4 thereafter for each year of the employee's qualifying employment, up to four years, in the manner
 5 and on a form prescribed by the department that requires:

6 (a) Verification of the employee's full-time employment as a peace officer in this state for at
 7 least one year and the employee's current employment as a peace officer in this state as of the date
 8 of the application;

9 (b) A transcript containing the employee's basic police training course work and his or her
 10 date of graduation; and

11 (c) A statement of the total amount of tuition and fees the employer paid to the basic
 12 training center for the employee's basic training;

13 (3) Certify that the employee is currently employed, and has completed at least one year of
 14 employment, as a full-time peace officer in this state; and

15 (4) Comply with any other requirements adopted by the department under this section.

16 5. Tuition reimbursement granted under this section, subject to the availability of funds,
 17 shall be reimbursed as follows:

18 (1) At the end of one year of continuous employment as a full-time peace officer, an
 19 applicant or his or her employer, whichever applies, shall be eligible to receive reimbursement for
 20 twenty-five percent of the total tuition paid to a licensed basic training center;

21 (2) At the end of two, three, and four years of continuous qualifying employment as a full-
 22 time peace officer, and submission of documents verifying continued full-time employment as a
 23 peace officer, an applicant or his or her employer, whichever applies, shall be eligible to receive
 24 reimbursement each year for twenty-five percent of the total tuition paid to a licensed basic training
 25 center. A government entity may qualify for tuition reimbursement under this subdivision for
 26 tuition paid for an employee even if such person is no longer employed by the government entity as
 27 long as the person for whom tuition was paid is still continuously employed as a full-time peace
 28 officer in Missouri.

29 6. Notwithstanding any provision of this section to the contrary, the total amount of tuition
 30 reimbursement provided under this section to an eligible person, or to a government entity with
 31 respect to an employee, shall not exceed six thousand dollars per person or employee.

32 7. The department of public safety shall promulgate all necessary rules and regulations for
 33 the administration of the program. Any rule or portion of a rule, as that term is defined in section
 34 536.010, that is created under the authority delegated in this section shall become effective only if it
 35 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
 36 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the
 37 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
 38 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any
 39 rule proposed or adopted after August 28, 2022, shall be invalid and void.

40 590.1075. There is hereby created in the state treasury the "Peace Officer Basic Training
 41 Tuition Reimbursement Fund", which shall consist of moneys appropriated annually by the general
 42 assembly from general revenue and any gifts, bequests, or donations. The state treasurer shall be
 43 custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may
 44 approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the
 45 fund shall be used solely for the administration of section 590.1070. Notwithstanding the provisions
 46 of section 33.080, to the contrary, any moneys remaining in the fund at the end of the biennium shall
 47 not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the
 48 fund in the same manner as other funds are invested. Any interest and moneys earned on such
 49 investments shall be credited to the fund.

1 595.201. 1. This section shall be known and may be cited as the "Sexual Assault Survivors'
2 Bill of Rights". These rights shall be in addition to other rights as designated by law and no person
3 shall discourage a person from exercising these rights. For the purposes of this section, "sexual
4 assault survivor" means any person who is fourteen years of age or older and who may be a victim
5 of a sexual offense who presents themselves to an appropriate medical provider, law enforcement
6 officer, prosecuting attorney, or court.

7 2. ~~[The rights provided to survivors in this section attach whenever a survivor is subject to a~~
8 ~~forensic examination, as provided in section 595.220; and whenever a survivor is subject to an~~
9 ~~interview by a law enforcement official, prosecuting attorney, or defense attorney.] A sexual assault~~
10 ~~survivor retains all the rights of this section [at all times] regardless of whether [the survivor agrees~~
11 ~~to participate in the criminal justice system or in family court; and regardless of whether the~~
12 ~~survivor consents to a forensic examination to collect sexual assault forensic evidence. The~~
13 ~~following rights shall be afforded to sexual assault survivors] a criminal investigation or prosecution~~
14 ~~results or if the survivor has previously waived any of these rights. A sexual assault survivor has the~~
15 ~~right to:~~

16 (1) ~~[A survivor has the right to]~~ Consult with an employee or volunteer of a rape crisis
17 center ~~[during any forensic examination that is subject to confidentiality requirements pursuant to~~
18 ~~section 455.003, as well as the right to have a support person of the survivor's choosing present,~~
19 ~~subject to federal regulations as provided in 42 CFR 482; and during any interview by a law~~
20 ~~enforcement official, prosecuting attorney, or defense attorney. A survivor retains this right even if~~
21 ~~the survivor has waived the right in a previous examination or interview;~~

22 (2) Reasonable costs incurred by a medical provider for the forensic examination portion of
23 the examination of a survivor shall be paid by the department of public safety, out of appropriations
24 made for that purpose, as provided under section 595.220. Evidentiary collection kits shall be
25 developed and made available, subject to appropriations, to appropriate medical providers by the
26 highway patrol or its designees and eligible crime laboratories. All appropriate medical provider
27 charges for eligible forensic examinations shall be billed to and paid by the department of public
28 safety;

29 (3) ~~Before a medical provider commences a forensic examination of a survivor, the medical~~
30 ~~provider shall provide the survivor with a document to be developed by the department of public~~
31 ~~safety that explains the rights of survivors, pursuant to this section, in clear language that is~~
32 ~~comprehensible to a person proficient in English at the fifth-grade level, accessible to persons with~~
33 ~~visual disabilities, and available in all major languages of the state. This document shall include,~~
34 ~~but is not limited to:~~

35 (a) ~~The survivor's rights pursuant to this section and other rules and regulations by the~~
36 ~~department of public safety and the department of health and senior services, which shall be signed~~
37 ~~by the survivor of sexual assault to confirm receipt;~~

38 (b) ~~The survivor's right to consult with an employee or volunteer of a rape crisis center, to~~
39 ~~be summoned by the medical provider before the commencement of the forensic examination,~~
40 ~~unless no employee or volunteer of a rape crisis center can be summoned in a reasonably timely~~
41 ~~manner, and to have present at least one support person of the victim's choosing;~~

42 (c) ~~If an employee or volunteer of a rape crisis center or a support person cannot be~~
43 ~~summoned in a timely manner, the ramifications of delaying the forensic examination; and~~

44 (d) ~~After the forensic examination, the survivor's right to shower at no cost, unless~~
45 ~~showering facilities are not reasonably available;~~

46 (4) ~~Before commencing an interview of a survivor, a law enforcement officer, prosecuting~~
47 ~~attorney, or defense attorney shall inform the survivor of the following:~~

48 (a) ~~The survivor's rights pursuant to this section and other rules and regulations by the~~
49 ~~department of public safety and the department of health and senior services, which shall be signed~~

1 by the survivor of sexual assault to confirm receipt;

2 (b) ~~The survivor's right to consult with an employee or volunteer of a rape crisis center~~
3 ~~during any interview by a law enforcement official, prosecuting attorney, or defense attorney, to be~~
4 ~~summoned by the interviewer before the commencement of the interview, unless no employee or~~
5 ~~volunteer of a rape crisis center can be summoned in a reasonably timely manner;~~

6 (c) ~~The survivor's right to have a support person of the survivor's choosing present during~~
7 ~~any interview by a law enforcement officer, prosecuting attorney, or defense attorney, unless the law~~
8 ~~enforcement officer, prosecuting attorney, or defense attorney determines in his or her good faith~~
9 ~~professional judgment that the presence of that individual would be detrimental to the purpose of the~~
10 ~~interview; and~~

11 (d) ~~For interviews by a law enforcement officer, the survivor's right to be interviewed by a~~
12 ~~law enforcement official of the gender of the survivor's choosing. If no law enforcement official of~~
13 ~~that gender is reasonably available, the survivor shall be interviewed by an available law~~
14 ~~enforcement official only upon the survivor's consent;~~

15 (5) ~~The right to counsel during an interview by a law enforcement officer or during any~~
16 ~~interaction with the legal or criminal justice systems within the state;~~

17 (6) ~~A law enforcement official, prosecuting attorney, or defense attorney shall not, for any~~
18 ~~reason, discourage a survivor from receiving a forensic examination;~~

19 (7) ~~A survivor has the right to prompt analysis of sexual assault forensic evidence, as~~
20 ~~provided under section 595.220;~~

21 (8) ~~A survivor has the right to be informed, upon the survivor's request, of the results of the~~
22 ~~analysis of the survivor's sexual assault forensic evidence, whether the analysis yielded a DNA~~
23 ~~profile, and whether the analysis yielded a DNA match, either to the named perpetrator or to a~~
24 ~~suspect already in CODIS. The survivor has the right to receive this information through a secure~~
25 ~~and confidential message in writing from the crime laboratory so that the survivor can call regarding~~
26 ~~the results;~~

27 (9) ~~A defendant or person accused or convicted of a crime against a survivor shall have no~~
28 ~~standing to object to any failure to comply with this section, and the failure to provide a right or~~
29 ~~notice to a survivor under this section may not be used by a defendant to seek to have the conviction~~
30 ~~or sentence set aside;~~

31 (10) ~~The failure of a law enforcement agency to take possession of any sexual assault~~
32 ~~forensic evidence or to submit that evidence for analysis within the time prescribed under section~~
33 ~~595.220 does not alter the authority of a law enforcement agency to take possession of that evidence~~
34 ~~or to submit that evidence to the crime laboratory, and does not alter the authority of the crime~~
35 ~~laboratory to accept and analyze the evidence or to upload the DNA profile obtained from that~~
36 ~~evidence into CODIS. The failure to comply with the requirements of this section does not~~
37 ~~constitute grounds in any criminal or civil proceeding for challenging the validity of a database~~
38 ~~match or of any database information, and any evidence of that DNA record shall not be excluded~~
39 ~~by a court on those grounds;~~

40 (11) ~~No sexual assault forensic evidence shall be used to prosecute a survivor for any~~
41 ~~misdemeanor crimes or any misdemeanor crime pursuant to sections 579.015 to 579.185; or as a~~
42 ~~basis to search for further evidence of any unrelated misdemeanor crimes or any misdemeanor crime~~
43 ~~pursuant to sections 579.015 to 579.185, that shall have been committed by the survivor, except that~~
44 ~~sexual assault forensic evidence shall be admissible as evidence in any criminal or civil proceeding~~
45 ~~against the defendant or person accused;~~

46 (12) ~~Upon initial interaction with a survivor, a law enforcement officer shall provide the~~
47 ~~survivor with a document to be developed by the department of public safety that explains the rights~~
48 ~~of survivors, pursuant to this section, in clear language that is comprehensible to a person proficient~~
49 ~~in English at the fifth-grade level, accessible to persons with visual disabilities, and available in all~~

major languages of the state. This document shall include, but is not limited to:

(a) A clear statement that a survivor is not required to participate in the criminal justice system or to receive a forensic examination in order to retain the rights provided by this section and other relevant law;

(b) Telephone and internet means of contacting nearby rape crisis centers and employees or volunteers of a rape crisis center;

(c) Forms of law enforcement protection available to the survivor, including temporary protection orders, and the process to obtain such protection;

(d) Instructions for requesting the results of the analysis of the survivor's sexual assault forensic evidence; and

(e) State and federal compensation funds for medical and other costs associated with the sexual assault and any municipal, state, or federal right to restitution for survivors in the event of a criminal trial;

(13) A law enforcement official shall, upon written request by a survivor, furnish within fourteen days of receiving such request a free, complete, and unaltered copy of all law enforcement reports concerning the sexual assault, regardless of whether the report has been closed by the law enforcement agency;

(14) A prosecuting attorney shall, upon written request by a survivor, provide:

(a) Timely notice of any pretrial disposition of the case;

(b) Timely notice of the final disposition of the case, including the conviction, sentence, and place and time of incarceration;

(c) Timely notice of a convicted defendant's location, including whenever the defendant receives a temporary, provisional, or final release from custody, escapes from custody, is moved from a secure facility to a less secure facility, or reenters custody; and

(d) A convicted defendant's information on a sex offender registry, if any;

(15) In either a civil or criminal case relating to the sexual assault, a survivor has the right to be reasonably protected from the defendant and persons acting on behalf of the defendant, as provided under section 595.209 and Article I, Section 32 of the Missouri Constitution;

(16) A survivor has the right to be free from intimidation, harassment, and abuse, as provided under section 595.209 and Article I, Section 32 of the Missouri Constitution;

(17) A survivor shall not be required to submit to a polygraph examination as a prerequisite to filing an accusatory pleading, as provided under 595.223, or to participating in any part of the criminal justice system;

(18) A survivor has the right to be heard through a survivor impact statement at any proceeding involving a post arrest release decision, plea, sentencing, post conviction release decision, or any other proceeding where a right of the survivor is at issue, as provided under section 595.229 and Article I, Section 32 of the Missouri Constitution.

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

(1) "CODIS", the Federal Bureau of Investigation's Combined DNA Index System that allows the storage and exchange of DNA records submitted by federal, state, and local DNA crime laboratories. The term "CODIS" includes the National DNA Index System administered and operated by the Federal Bureau of Investigation;

(2) "Crime", an act committed in this state which, 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 and 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 this section, 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

1 U.S.C. Section 2331, which has been committed outside of the United States against a resident of
2 Missouri;

3 (3) "~~Crime laboratory~~", a laboratory operated or supported financially by the state, or any
4 unit of city, county, or other local Missouri government that employs at least one scientist who
5 examines physical evidence in criminal matters and provides expert or opinion testimony with
6 respect to such physical evidence in a state court of law;

7 (4) "~~Disposition~~", the sentencing or determination of a penalty or punishment to be imposed
8 upon a person convicted of a crime or found delinquent or against who a finding of sufficient facts
9 for conviction or finding of delinquency is made;

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

13 (6) "~~Medical provider~~", any qualified health care professional, hospital, other emergency
14 medical facility, or other facility conducting a forensic examination of the survivor;

15 (7) "~~Rape crisis center~~", any public or private agency that offers assistance to victims of
16 sexual assault, as the term sexual assault is defined in section 455.010, who are adults, as defined by
17 section 455.010, or qualified minors, as defined by section 431.056;

18 (8) "~~Restitution~~", money or services which a court orders a defendant to pay or render to a
19 survivor as part of the disposition;

20 (9) "~~Sexual assault survivor~~", any person who is a victim of an alleged sexual offense under
21 sections 566.010 to 566.223 and, if the survivor is incompetent, deceased, or a minor who is unable
22 to consent to counseling services, the parent, guardian, spouse, or any other lawful representative of
23 the survivor, unless such person is the alleged assailant;

24 (10) "~~Sexual assault forensic evidence~~", any human biological specimen collected by a
25 medical provider during a forensic medical examination from an alleged survivor, as provided for in
26 section 595.220, including, but not limited to, a toxicology kit;

27 (11) "~~Survivor~~", a natural person who suffers direct or threatened physical, emotional, or
28 financial harm as the result of the commission or attempted commission of a crime. The term
29 "~~victim~~" also includes the family members of a minor, incompetent or homicide victim.] as defined
30 in section 455.003;

31 (2) A sexual assault forensic examination as provided in section 595.220, or when a
32 telehealth network is established, a forensic examination as provided in section 192.2520 and
33 section 197.135;

34 (3) A shower and a change of clothing, as reasonably available, at no cost to the sexual
35 assault survivor;

36 (4) Request to be examined by an appropriate medical provider or interviewed by a law
37 enforcement officer of the gender of the sexual assault survivor's choosing, when there is an
38 available appropriate medical provider or law enforcement official of the gender of the sexual
39 assault survivor's choosing;

40 (5) An interpreter who can communicate in the language of the sexual assault survivor's
41 choice, as is reasonably available, in a timely manner;

42 (6) Notification and basic overview of the options of choosing a reported evidentiary
43 collection kit, unreported evidentiary collection kit, or anonymous evidentiary collection kit as
44 defined in section 595.220;

45 (7) Notification about the evidence tracking system as defined in subsection 9 of section
46 595.220;

47 (8) Notification about the right to information pursuant to subsection 4 of section 610.100;

48 (9) Be free from intimidation, harassment, and abuse in any related criminal or civil
49 proceeding and the right to reasonable protection from the offender or any person acting on behalf

1 of the offender from harm and threats of harm arising out of the survivor's disclosure of the sexual
 2 assault.

3 3. An appropriate medical provider, law enforcement officer, and prosecuting attorney shall
 4 provide the sexual assault survivor with notification of the rights of survivors pursuant to subsection
 5 2 of this section in a timely manner. Each appropriate medical provider, law enforcement officer,
 6 and prosecuting attorney shall ensure that the sexual assault survivor has been notified of these
 7 rights.

8 4. The department of public safety shall develop a document in collaboration with Missouri-
 9 based stakeholders. Missouri-based stakeholders shall include, but not be limited to, the following:

10 (1) Prosecuting attorneys;

11 (2) Chief law enforcement officers or their designees;

12 (3) Appropriate medical providers, as defined in section 595.220;

13 (4) Representatives of the statewide coalition against domestic and sexual violence;

14 (5) Representatives of rape crisis centers;

15 (6) Representatives of the Missouri Hospital Association;

16 (7) The director of the Missouri highway patrol crime lab or their designee; and

17 (8) The director of the department of health and senior services or their designee.

18 5. The document shall include the following:

19 (1) A description of the rights of the sexual assault survivor pursuant to this section; and

20 (2) Telephone and internet means for contacting the local rape crisis center, as defined in
 21 section 455.003.

22
 23 The department of public safety shall provide this document in clear language that is
 24 comprehensible to a person proficient in English and shall provide this document in any other
 25 foreign language spoken by at least five percent of the population in any county or city not within a
 26 county in Missouri.

27 595.226. 1. After August 28, 2007, any information contained in any court record, whether
 28 written or published on the internet, including any visual or aural recordings that could be used to
 29 identify or locate any victim of an offense under chapter 566 or a victim of domestic assault or
 30 stalking shall be closed and redacted from such record prior to disclosure to the public. Identifying
 31 information shall include, but shall not be limited to, the name, home or temporary address, personal
 32 email address, telephone number, Social Security number, birth date, place of employment, any
 33 health information, including human immunodeficiency virus (HIV) status, any information from a
 34 forensic testing report, or physical characteristics, including an unobstructed visual image of the
 35 victim's face or body.

36 2. ~~[If the court determines that a person or entity who is requesting identifying information~~
 37 ~~of a victim has a legitimate interest in obtaining such information, the court may allow access to the~~
 38 ~~information, but only if the court determines that disclosure to the person or entity would not~~
 39 ~~compromise the welfare or safety of such.] Any person who is requesting identifying information of~~
 40 ~~a victim and who has a legitimate interest in obtaining such information may petition the court for~~
 41 ~~an in camera inspection of the records. If the court determines the person is entitled to all or any~~
 42 ~~part of such records, the court may order production and disclosure of the records, but only if the~~
 43 ~~court determines that the disclosure to the person or entity would not compromise the welfare or~~
 44 ~~safety of the victim, and only after providing reasonable notice to the victim and after allowing the~~
 45 ~~victim the right to respond to such request.~~

46 3. Notwithstanding the provisions of subsection 1 of this section, the judge presiding over a
 47 case under chapter 566 or a case of domestic assault or stalking shall have the discretion to publicly
 48 disclose identifying information regarding the defendant which could be used to identify or locate
 49 the victim of the crime. The victim may provide a statement to the court regarding whether he or

1 she desires such information to remain closed. When making the decision to disclose such
 2 information, the judge shall consider the welfare and safety of the victim and any statement to the
 3 court received from the victim regarding the disclosure.

4 595.320. If a judge orders a person who has been convicted of an offense under sections
 5 565.072 to 565.076 to attend any batterer intervention program, as defined in section 455.549, the
 6 person shall be financially responsible for any costs associated with attending such class.

7 600.042. 1. The director shall:

8 (1) Direct and supervise the work of the deputy directors and other state public defender
 9 office personnel appointed pursuant to this chapter; and he or she and the deputy director or
 10 directors may participate in the trial and appeal of criminal actions at the request of the defender;

11 (2) Submit to the commission, between August fifteenth and September fifteenth of each
 12 year, a report which shall include all pertinent data on the operation of the state public defender
 13 system, the costs, projected needs, and recommendations for statutory changes. Prior to October
 14 fifteenth of each year, the commission shall submit such report along with such recommendations,
 15 comments, conclusions, or other pertinent information it chooses to make to the chief justice, the
 16 governor, and the general assembly. Such reports shall be a public record, shall be maintained in the
 17 office of the state public defender, and shall be otherwise distributed as the commission shall direct;

18 (3) With the approval of the commission, establish such divisions, facilities and offices and
 19 select such professional, technical and other personnel, including investigators, as he deems
 20 reasonably necessary for the efficient operation and discharge of the duties of the state public
 21 defender system under this chapter;

22 (4) Administer and coordinate the operations of defender services and be responsible for the
 23 overall supervision of all personnel, offices, divisions and facilities of the state public defender
 24 system, except that the director shall have no authority to direct or control the legal defense
 25 provided by a defender to any person served by the state public defender system;

26 (5) Develop programs and administer activities to achieve the purposes of this chapter;

27 (6) Keep and maintain proper financial records with respect to the provision of all public
 28 defender services for use in the calculating of direct and indirect costs of any or all aspects of the
 29 operation of the state public defender system;

30 (7) Supervise the training of all public defenders and other personnel and establish such
 31 training courses as shall be appropriate;

32 (8) With approval of the commission, promulgate necessary rules, regulations and
 33 instructions consistent with this chapter defining the organization of the state public defender system
 34 and the responsibilities of division directors, district defenders, deputy district defenders, assistant
 35 public defenders and other personnel;

36 (9) With the approval of the commission, apply for and accept on behalf of the public
 37 defender system any funds which may be offered or which may become available from government
 38 grants, private gifts, donations or bequests or from any other source. Such moneys shall be
 39 deposited in the ~~[state general revenue]~~ public defender - federal and other fund;

40 (10) Contract for legal services with private attorneys on a case-by-case basis and with
 41 assigned counsel as the commission deems necessary considering the needs of the area, for fees
 42 approved and established by the commission;

43 (11) With the approval and on behalf of the commission, contract with private attorneys for
 44 the collection and enforcement of liens and other judgments owed to the state for services rendered
 45 by the state public defender system.

46 2. No rule or portion of a rule promulgated under the authority of this chapter shall become
 47 effective unless it has been promulgated pursuant to the provisions of section 536.024.

48 3. The director and defenders shall, within guidelines as established by the commission and
 49 as set forth in subsection 4 of this section, accept requests for legal services from eligible persons

entitled to counsel under this chapter or otherwise so entitled under the constitution or laws of the United States or of the state of Missouri and provide such persons with legal services when, in the discretion of the director or the defenders, such provision of legal services is appropriate.

4. The director and defenders shall provide legal services to an eligible person:

(1) Who is detained or charged with a felony, including appeals from a conviction in such a case;

(2) Who is detained or charged with a misdemeanor which will probably result in confinement in the county jail upon conviction, including appeals from a conviction in such a case, unless the prosecuting or circuit attorney has waived a jail sentence;

(3) Who is charged with a violation of probation when it has been determined by a judge that the appointment of counsel is necessary to protect the person's due process rights under section 559.036;

(4) Who has been taken into custody pursuant to section 632.489, including appeals from a determination that the person is a sexually violent predator and petitions for release, notwithstanding any provisions of law to the contrary;

(5) For whom the federal constitution or the state constitution requires the appointment of counsel; and

(6) Who is charged in a case in which he or she faces a loss or deprivation of liberty, and in which the federal or the state constitution or any law of this state requires the appointment of counsel; however, the director and the defenders shall not be required to provide legal services to persons charged with violations of county or municipal ordinances, or misdemeanor offenses except as provided in this section.

5. The director may:

(1) Delegate the legal representation of an eligible person to any member of the state bar of Missouri;

(2) Designate persons as representatives of the director for the purpose of making indigency determinations and assigning counsel.

6. There is hereby created within the state treasury the "Public Defender - Federal and Other Fund", which shall be funded annually by appropriation, and which shall contain moneys received from any other funds from government grants, private gifts, donations, bequests, or any other source to be used for the purpose of funding local offices of the office of the state public defender. The state treasurer shall be the custodian of the fund and shall approve disbursements from the fund upon the request of the director of the office of state public defender. Any interest or other earnings with respect to amounts transferred to the fund shall be credited to the fund. Notwithstanding the provisions of section 33.080 to the contrary, any unexpended balances in the fund at the end of any fiscal year shall not be transferred to the general revenue fund or any other fund.

610.124. 1. All records ordered to be expunged pursuant to ~~[section]~~ sections 610.123 and 610.140 shall be destroyed, except as provided in this section. If destruction of the record is not feasible because of the permanent nature of the record books, such record entries shall be blacked out. Entries of a record ordered expunged pursuant to ~~[section]~~ sections 610.123 and 610.140 shall be removed from all electronic files maintained with the state of Missouri. The central repository shall request the Federal Bureau of Investigation expunge the records from its files.

2. Any petitioner, or agency protesting the expungement, may appeal the court's decision in the same manner as provided for other civil actions.

630.155. 1. A person commits the offense of patient, resident or client abuse or neglect against any person admitted on a voluntary or involuntary basis to any mental health facility or mental health program in which people may be civilly detained pursuant to chapter 632, or any patient, resident or client of any residential facility, day program or specialized service operated,

1 funded or licensed by the department if he knowingly does any of the following:

- 2 (1) Beats, strikes or injures any person, patient, resident or client;
- 3 (2) Mistreats or maltreats, handles or treats any such person, patient, resident or client in a
- 4 brutal or inhuman manner;
- 5 (3) Uses any more force than is reasonably necessary for the proper control, treatment or
- 6 management of such person, patient, resident or client;
- 7 (4) Fails to provide services which are reasonable and necessary to maintain the physical
- 8 and mental health of any person, patient, resident or client when such failure presents either an
- 9 imminent danger to the health, safety or welfare of the person, patient, resident or client, or a
- 10 substantial probability that death or serious physical harm will result.

11 2. Patient, resident or client abuse or neglect is a class A misdemeanor unless committed

12 under subdivision (2) or (4) of subsection 1 of this section in which case such abuse or neglect shall

13 be a class ~~E~~ D felony.

14 632.305. 1. An application for detention for evaluation and treatment may be executed by

15 any adult person, who need not be an attorney or represented by an attorney, including the mental

16 health coordinator, on a form provided by the court for such purpose, and ~~must~~ shall allege under

17 oath, without a notarization requirement, that the applicant has reason to believe that the respondent

18 is suffering from a mental disorder and presents a likelihood of serious harm to himself or herself or

19 to others. The application ~~must~~ shall specify the factual information on which such belief is based

20 and should contain the names and addresses of all persons known to the applicant who have

21 knowledge of such facts through personal observation.

22 2. The filing of a written application in court by any adult person, who need not be an

23 attorney or represented by an attorney, including the mental health coordinator, shall authorize the

24 applicant to bring the matter before the court on an ex parte basis to determine whether the

25 respondent should be taken into custody and transported to a mental health facility. The application

26 may be filed in the court having probate jurisdiction in any county where the respondent may be

27 found. If the court finds that there is probable cause, either upon testimony under oath or upon a

28 review of affidavits, to believe that the respondent may be suffering from a mental disorder and

29 presents a likelihood of serious harm to himself or herself or others, it shall direct a peace officer to

30 take the respondent into custody and transport him or her to a mental health facility for detention for

31 evaluation and treatment for a period not to exceed ninety-six hours unless further detention and

32 treatment is authorized pursuant to this chapter. Nothing herein shall be construed to prohibit the

33 court, in the exercise of its discretion, from giving the respondent an opportunity to be heard.

34 3. A mental health coordinator may request a peace officer to take or a peace officer may

35 take a person into custody for detention for evaluation and treatment for a period not to exceed

36 ninety-six hours only when such mental health coordinator or peace officer has reasonable cause to

37 believe that such person is suffering from a mental disorder and that the likelihood of serious harm

38 by such person to himself or herself or others is imminent unless such person is immediately taken

39 into custody. Upon arrival at the mental health facility, the peace officer or mental health

40 coordinator who conveyed such person or caused him or her to be conveyed shall either present the

41 application for detention for evaluation and treatment upon which the court has issued a finding of

42 probable cause and the respondent was taken into custody or complete an application for initial

43 detention for evaluation and treatment for a period not to exceed ninety-six hours which shall be

44 based upon his or her own personal observations or investigations and shall contain the information

45 required in subsection 1 of this section.

46 4. If a person presents himself or herself or is presented by others to a mental health facility

47 and a licensed physician, a registered professional nurse or a mental health professional designated

48 by the head of the facility and approved by the department for such purpose has reasonable cause to

49 believe that the person is mentally disordered and presents an imminent likelihood of serious harm

1 to himself or herself or others unless he or she is accepted for detention, the licensed physician, the
 2 mental health professional or the registered professional nurse designated by the facility and
 3 approved by the department may complete an application for detention for evaluation and treatment
 4 for a period not to exceed ninety-six hours. The application shall be based on his or her own
 5 personal observations or investigation and shall contain the information required in subsection 1 of
 6 this section.

7 5. Any oath required by the provisions of this section shall be subject to the provisions of
 8 section 492.060.

9 650.058. 1. Notwithstanding the sovereign immunity of the state, any individual who was
 10 found guilty of a felony in a Missouri court and was later determined to be actually innocent of such
 11 crime solely as a result of DNA profiling analysis may be paid restitution. The individual [~~may~~]
 12 shall receive an amount of one hundred dollars per day for each day of postconviction incarceration
 13 for the crime for which the individual is determined to be actually innocent. The petition for the
 14 payment of said restitution shall be filed with the sentencing court. For the purposes of this section,
 15 the term "actually innocent" shall mean:

16 (1) The individual was convicted of a felony for which a final order of release was entered
 17 by the court;

18 (2) All appeals of the order of release have been exhausted;

19 (3) The individual was not serving any term of a sentence for any other crime concurrently
 20 with the sentence for which he or she is determined to be actually innocent, unless such individual
 21 was serving another concurrent sentence because his or her parole was revoked by a court or the
 22 parole board in connection with the crime for which the person has been exonerated. Regardless of
 23 whether any other basis may exist for the revocation of the person's probation or parole at the time
 24 of conviction for the crime for which the person is later determined to be actually innocent, when
 25 the court's or the parole board's sole stated reason for the revocation in its order is the conviction for
 26 the crime for which the person is later determined to be actually innocent, such order shall, for
 27 purposes of this section only, be conclusive evidence that [~~their~~] the person's probation or parole was
 28 revoked in connection with the crime for which the person has been exonerated; and

29 (4) Testing ordered under section 547.035, or testing by the order of any state or federal
 30 court, if such person was exonerated on or before August 28, 2004, or testing ordered under section
 31 650.055, if such person was or is exonerated after August 28, 2004, demonstrates a person's
 32 innocence of the crime for which the person is in custody.

33
 34 Any individual who receives restitution under this section shall be prohibited from seeking any civil
 35 redress from the state, its departments and agencies, or any employee thereof, or any political
 36 subdivision or its employees. This section shall not be construed as a waiver of sovereign immunity
 37 for any purposes other than the restitution provided for herein. The department of corrections shall
 38 determine the aggregate amount of restitution owed during a fiscal year. If insufficient moneys are
 39 appropriated each fiscal year to pay restitution to such persons, the department shall pay each
 40 individual who has received an order awarding restitution a pro rata share of the amount
 41 appropriated. Provided sufficient moneys are appropriated to the department, the amounts owed to
 42 such individual shall be paid on June thirtieth of each subsequent fiscal year, until such time as the
 43 restitution to the individual has been paid in full. However, no individual awarded restitution under
 44 this subsection shall receive more than thirty-six thousand five hundred dollars during each fiscal
 45 year. No interest on unpaid restitution shall be awarded to the individual. No individual who has
 46 been determined by the court to be actually innocent shall be responsible for the costs of care under
 47 section 217.831.

48 2. If the results of the DNA testing confirm the person's guilt, then the person filing for
 49 DNA testing under section 547.035, shall:

(1) Be liable for any reasonable costs incurred when conducting the DNA test, including but not limited to the cost of the test. Such costs shall be determined by the court and shall be included in the findings of fact and conclusions of law made by the court; and

(2) Be sanctioned under the provisions of section 217.262.

3. A petition for payment of restitution under this section may ~~only~~ be filed only by the individual determined to be actually innocent or the individual's legal guardian. No claim or petition for restitution under this section may be filed by the individual's heirs or assigns. An individual's right to receive restitution under this section is not assignable or otherwise transferrable. The state's obligation to pay restitution under this section shall cease upon the individual's death. Any beneficiary designation that purports to bequeath, assign, or otherwise convey the right to receive such restitution shall be void and unenforceable.

4. An individual who is determined to be actually innocent of a crime under this chapter shall automatically be granted an order of expungement from the court in which he or she pled guilty or was sentenced to expunge from all official records all recordations of his or her arrest, plea, trial or conviction. Upon the court's granting of the order of expungement, the records and files maintained in any administrative or court proceeding in an associate or circuit division of the court shall be confidential and ~~only~~ available only to the parties or by order of the court for good cause shown. The effect of such order shall be to restore such person to the status he or she occupied prior to such arrest, plea or conviction and as if such event had never taken place. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction or expungement in response to any inquiry made of him or her for any purpose whatsoever, and no such inquiry shall be made for information relating to an expungement under this section.

5. Any individual who receives restitution under section 490.800 shall not also receive restitution under this section for the same offense the individual was determined to be found actually innocent.

650.320. For the purposes of sections 650.320 to 650.340, the following terms mean:

(1) "Ambulance service", the same meaning given to the term in section 190.100;

(2) "Board", the Missouri 911 service board established in section 650.325;

~~[(2)]~~ (3) "Dispatch agency", the same meaning given to the term in section 190.100;

(4) "Medical director", the same meaning given to the term in section 190.100;

(5) "Memorandum of understanding", the same meaning given to the term in section 190.100;

(6) "Public safety answering point", the location at which 911 calls are answered;

~~[(3)]~~ (7) "Telecommunicator first responder", any person employed as an emergency telephone worker, call taker or public safety dispatcher whose duties include receiving, processing or transmitting public safety information received through a 911 public safety answering point.

650.340. 1. The provisions of this section may be cited and shall be known as the "911 Training and Standards Act".

2. Initial training requirements for ~~[telecommunicators]~~ telecommunicator first responders who answer 911 calls that come to public safety answering points shall be as follows:

(1) Police telecommunicator first responder, 16 hours;

(2) Fire telecommunicator first responder, 16 hours;

(3) Emergency medical services telecommunicator first responder, 16 hours;

(4) Joint communication center telecommunicator first responder, 40 hours.

3. All persons employed as a telecommunicator first responder in this state shall be required to complete ongoing training so long as such person engages in the occupation as a telecommunicator first responder. Such persons shall complete at least twenty-four hours of

1 ongoing training every three years by such persons or organizations as provided in subsection 6 of
2 this section.

3 4. Any person employed as a telecommunicator on August 28, 1999, shall not be required to
4 complete the training requirement as provided in subsection 2 of this section. Any person hired as a
5 telecommunicator or a telecommunicator first responder after August 28, 1999, shall complete the
6 training requirements as provided in subsection 2 of this section within twelve months of the date
7 such person is employed as a telecommunicator or telecommunicator first responder.

8 5. The training requirements as provided in subsection 2 of this section shall be waived for
9 any person who furnishes proof to the committee that such person has completed training in another
10 state which is at least as stringent as the training requirements of subsection 2 of this section.

11 6. The board shall determine by administrative rule the persons or organizations authorized
12 to conduct the training as required by subsection 2 of this section.

13 7. ~~[This section shall not apply to an emergency medical dispatcher or agency as defined in~~
14 ~~section 190.100, or a person trained by an entity accredited or certified under section 190.131, or a~~
15 ~~person who provides prearrival medical instructions who works for an agency which meets the~~
16 ~~requirements set forth in section 190.134.]~~ The board shall be responsible for the approval of
17 training courses for emergency medical dispatchers. The board shall develop necessary rules and
18 regulations in collaboration with the state EMS medical director's advisory committee, as described
19 in section 190.103, which may provide recommendations relating to the medical aspects of
20 prearrival medical instructions.

21 8. A dispatch agency is required to have a memorandum of understanding with all
22 ambulance services that it dispatches. If a dispatch agency provides prearrival medical instructions,
23 it is required to have a medical director whose duties include the maintenance of standards and
24 approval of protocols or guidelines.

25 Section 1. The portion of State Highway 231 (Telegraph Rd.) from PVT Tori Pines Drive
26 continuing to Meadow Haven Lane in St. Louis County shall be designated as "Mehlville Fire
27 Captain Chris Francis Memorial Highway". The department of transportation shall erect and
28 maintain appropriate signs designating such highway, with the costs to be paid by private donation.

29 Section 2. 1. There is hereby created in the state treasury the "Restitution for Domesticated
30 Animals Inadvertently Harmed by Law Enforcement Fund", which shall consist of money
31 appropriated by the general assembly. The state treasurer shall be the custodian of the fund. In
32 accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The
33 fund shall be a dedicated fund and money in the fund shall be used solely by the department of
34 public safety for the purposes of providing restitution for any domesticated animal inadvertently
35 harmed or killed by a peace officer while in the line of duty. Such restitution shall be equal to the
36 fair marketplace value of the animal which was harmed or killed. No restitution payment made
37 pursuant to this section shall constitute any waiver of sovereign immunity and such sovereign or
38 governmental tort immunity shall remain in full force and effect.

39 2. Notwithstanding the provisions of section 33.0870 to the contrary, any moneys remaining
40 in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

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

43
44 [190.134. A dispatch agency is required to have a memorandum of
45 understanding with all ambulance services that it dispatches. If a dispatch agency
46 provides prearrival medical instructions, it is required to have a medical director,
47 whose duties include the maintenance of standards and protocol approval.]
48

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

3 ~~(1) Not subject to lifetime supervision under sections 217.735 and 559.106~~
 4 ~~or otherwise found to be ineligible to earn credits by a court pursuant to subsection~~
 5 ~~2 of this section;~~

6 ~~(2) On probation, parole, or conditional release for an offense listed in~~
 7 ~~chapter 579, or an offense previously listed in chapter 195, or for a class D or E~~
 8 ~~felony, excluding sections 565.225, 565.252, 566.031, 566.061, 566.083, 566.093,~~
 9 ~~568.020, 568.060, offenses defined as sexual assault under section 589.015,~~
 10 ~~deviate sexual assault, assault in the second degree under subdivision (2) of~~
 11 ~~subsection 1 of section 565.052, endangering the welfare of a child in the first~~
 12 ~~degree under subdivision (2) of subsection 1 of section 568.045, and any offense~~
 13 ~~of aggravated stalking or assault in the second degree under subdivision (2) of~~
 14 ~~subsection 1 of section 565.060 as such offenses existed prior to January 1, 2017;~~

15 ~~(3) Supervised by the division of probation and parole; and~~

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

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

20 ~~(1) Involuntary manslaughter in the second degree;~~

21 ~~(2) Assault in the second degree except under subdivision (2) of~~
 22 ~~subsection 1 of section 565.052 or section 565.060 as it existed prior to January 1,~~
 23 ~~2017;~~

24 ~~(3) Domestic assault in the second degree;~~

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

28 ~~(5) Statutory rape in the second degree;~~

29 ~~(6) Statutory sodomy in the second degree;~~

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

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

34 ~~the sentencing court may, upon its own motion or a motion of the prosecuting or~~
 35 ~~circuit attorney, make a finding that the offender is ineligible to earn compliance~~
 36 ~~credits because the nature and circumstances of the offense or the history and~~
 37 ~~character of the offender indicate that a longer term of probation, parole, or~~
 38 ~~conditional release is necessary for the protection of the public or the guidance of~~
 39 ~~the offender. The motion may be made any time prior to the first month in which~~
 40 ~~the person may earn compliance credits under this section or at a hearing under~~
 41 ~~subsection 5 of this section. The offender's ability to earn credits shall be~~
 42 ~~suspended until the court or board makes its finding. If the court or board finds~~
 43 ~~that the offender is eligible for earned compliance credits, the credits shall begin to~~
 44 ~~accrue on the first day of the next calendar month following the issuance of the~~
 45 ~~decision.~~

46 ~~3. Earned compliance credits shall reduce the term of probation, parole, or~~
 47 ~~conditional release by thirty days for each full calendar month of compliance with~~
 48 ~~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, 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

1 offender of the length of the remaining term.

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

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

13 12. The application of earned compliance credits shall be suspended upon
14 entry into a treatment court, as described in sections 478.001 to 478.009, and shall
15 remain suspended until the offender is discharged from such treatment court.
16 Upon successful completion of treatment court, all earned compliance credits
17 accumulated during the suspension period shall be retroactively applied, so long as
18 the other terms and conditions of probation have been successfully completed.]" ;
19 and
20

21 Further amend said bill, Page 21, Section 217.810, Line 89, by inserting after said
22 section and line the following:
23

24 "[537.528. 1. Any action against a person for conduct or speech
25 undertaken or made in connection with a public hearing or public meeting, in a
26 quasi-judicial proceeding before a tribunal or decision-making body of the state or
27 any political subdivision of the state is subject to a special motion to dismiss,
28 motion for judgment on the pleadings, or motion for summary judgment that shall
29 be considered by the court on a priority or expedited basis to ensure the early
30 consideration of the issues raised by the motion and to prevent the unnecessary
31 expense of litigation. Upon the filing of any special motion described in this
32 subsection, all discovery shall be suspended pending a decision on the motion by
33 the court and the exhaustion of all appeals regarding the special motion.

34 2. If the rights afforded by this section are raised as an affirmative defense
35 and if a court grants a motion to dismiss, a motion for judgment on the pleadings
36 or a motion for summary judgment filed within ninety days of the filing of the
37 moving party's answer, the court shall award reasonable attorney fees and costs
38 incurred by the moving party in defending the action. If the court finds that a
39 special motion to dismiss or motion for summary judgment is frivolous or solely
40 intended to cause unnecessary delay, the court shall award costs and reasonable
41 attorney fees to the party prevailing on the motion.

42 3. Any party shall have the right to an expedited appeal from a trial court
43 order on the special motions described in subsection 2 of this section or from a
44 trial court's failure to rule on the motion on an expedited basis.

45 4. As used in this section, a "public meeting in a quasi-judicial
46 proceeding" means and includes any meeting established and held by a state or
47 local governmental entity, including without limitations meetings or presentations
48 before state, county, city, town or village councils, planning commissions, review
49 boards or commissions.

1 ~~5. Nothing in this section limits or prohibits the exercise of a right or~~
2 ~~remedy of a party granted pursuant to another constitutional, statutory, common~~
3 ~~law or administrative provision, including civil actions for defamation.~~

4 ~~6. If any provision of this section or the application of any provision of~~
5 ~~this section to a person or circumstance is held invalid, the invalidity shall not~~
6 ~~affect other provisions or applications of this section that can be given effect~~
7 ~~without the invalid provision or application, and to this end the provisions of this~~
8 ~~section are severable.~~

9 ~~7. The provisions of this section shall apply to all causes of actions.]~~

10 Section B. Section 407.1700 of section A of this act shall become effective on February 28,
11 2023.

12 Section C. The enactment of section 589.700 and the repeal and reenactment of sections
13 566.203, 566.206, 566.209, 566.210, 566.211, and 566.215 of section A of this act shall become
14 effective only upon the passage and approval by the voters of a constitutional amendment submitted
15 to them by the general assembly excluding proceeds from penalties and fines collected for human
16 trafficking offenses from required distribution to the schools of the several counties according to
17 law."; and

18
19 Further amend said bill by amending the title, enacting clause, and intersectional references
20 accordingly.