

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 683, Page 1, Section A, Line 9, by inserting after all of said section and line the
3 following:
4

5 "43.400. As used in sections 43.400 to 43.410, the following terms mean:

6 (1) "Missing child" or "missing juvenile", any person who is under the age of ~~seventeen~~
7 eighteen years or who is in foster care regardless of the person's age, whose temporary or permanent
8 residence is in the state of Missouri or who is believed to be within the state of Missouri, whose
9 location has not been determined, and who has been reported as missing to a law enforcement
10 agency;

11 (2) "Missing child report", a report prepared on a standard form supplied by the Missouri
12 state highway patrol for the use by private citizens and law enforcement agencies to report missing
13 children or missing juvenile information to the Missouri state highway patrol;

14 (3) "Missing person", a person who is missing and meets one of the following
15 characteristics:

16 (a) Is physically or mentally disabled to the degree that the person is dependent upon an
17 agency or another individual;

18 (b) Is missing under circumstances indicating that the missing person's safety may be in
19 danger;

20 (c) Is missing under involuntary or unknown circumstances; subject to the provisions of (a),
21 (b), (d), (e), and (f) of this subsection;

22 (d) Is a child or juvenile runaway from the residence of a parent, legal guardian, or
23 custodian;

24 (e) Is a child and is missing under circumstances indicating that the person was or is in the
25 presence of or under the control of a party whose presence or control was or is in violation of a
26 permanent or temporary court order and fourteen or more days have elapsed, during which time the
27 party has failed to file any pleading with the court seeking modification of the permanent or
28 temporary court order;

29 (f) Is missing under circumstances indicating that the person was or is in the presence of or
30 under the control of a party whose presence or control was or is in violation of a permanent or

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1 temporary court order and there are reasonable grounds to believe that the person may be taken
2 outside of the United States;

3 (4) "Patrol", the Missouri state highway patrol;

4 (5) "Registrar", the state registrar of vital statistics.

5 43.401. 1. The reporting of missing persons by law enforcement agencies, private citizens,
6 and the responsibilities of the patrol in maintaining accurate records of missing persons are as
7 follows:

8 (1) A person may file a complaint of a missing person with a law enforcement agency
9 having jurisdiction. The complaint shall include, but need not be limited to, the following
10 information:

11 (a) The name of the complainant;

12 (b) The name, address, and phone number of the guardian, if any, of the missing person;

13 (c) The relationship of the complainant to the missing person;

14 (d) The name, age, address, and all identifying characteristics of the missing person;

15 (e) The length of time the person has been missing; and

16 (f) All other information deemed relevant by either the complainant or the law enforcement
17 agency;

18 (2) A report of the complaint of a missing person shall be immediately entered into the
19 Missouri uniform law enforcement system (MULES) and the National Crime Information Center
20 (NCIC) system by the law enforcement agency receiving the complaint, and disseminated to other
21 law enforcement agencies who may come in contact with or be involved in the investigation or
22 location of a missing person;

23 (3) A law enforcement agency with which a complaint of a missing child has been filed
24 shall prepare, as soon as practicable, a standard missing child report. The missing child report shall
25 be maintained as a record by the reporting law enforcement agency during the course of an active
26 investigation;

27 (4) Upon the location of a missing person, or the determination by the law enforcement
28 agency of jurisdiction that the person is no longer missing, the law enforcement agency which
29 reported the missing person shall immediately remove the record of the missing person from the
30 MULES and NCIC files.

31 2. No law enforcement agency shall prevent an immediate active investigation on the basis
32 of an agency rule which specifies an automatic time limitation for a missing person investigation.

33 3. An agency or placement provider with legal custody of a child shall ensure a missing
34 child report is filed once the agency or placement provider determines that a child in the agency's or
35 placement provider's custody is missing. A law enforcement officer shall take a missing child report
36 from any member of the family support team as defined under section 210.762 and shall provide a
37 copy of the missing child report to the agency or placement provider with legal custody of the
38 missing child. The agency or placement provider shall maintain all missing child reports for any
39 child under the legal custody of the agency or placement provider.

1 43.503. 1. For the purpose of maintaining complete and accurate criminal history record
2 information, all police officers of this state, the clerk of each court, the department of corrections,
3 the sheriff of each county, the chief law enforcement official of a city not within a county and the
4 prosecuting attorney of each county or the circuit attorney of a city not within a county shall submit
5 certain criminal arrest, charge, and disposition information to the central repository for filing
6 without undue delay in the form and manner required by sections 43.500 to 43.651.

7 2. All law enforcement agencies making misdemeanor and felony arrests as determined by
8 section 43.506 shall furnish without undue delay, to the central repository, fingerprints, photograph,
9 and if available, any other unique biometric identification collected, charges, appropriate charge
10 codes, and descriptions of all persons who are arrested for such offenses on standard fingerprint
11 forms supplied or approved by the highway patrol or electronically in a format and manner
12 approved by the highway patrol and in compliance with the standards set by the Federal Bureau of
13 Investigation in its Automated Fingerprint Identification System or its successor program. All such
14 agencies shall also notify the central repository of all decisions not to refer such arrests for
15 prosecution. An agency making such arrests may enter into arrangements with other law
16 enforcement agencies for the purpose of furnishing without undue delay such fingerprints,
17 photograph, and if available, any other unique biometric identification collected, charges,
18 appropriate charge codes, and descriptions to the central repository upon its behalf.

19 3. In instances where an individual less than ~~seventeen~~ eighteen years of age and not
20 currently certified as an adult is taken into custody for an offense which would be a felony if
21 committed by an adult, the arresting officer shall take fingerprints for the central repository. These
22 fingerprints shall be taken on fingerprint cards supplied by or approved by the highway patrol or
23 transmitted electronically in a format and manner approved by the highway patrol and in
24 compliance with the standards set by the Federal Bureau of Investigation in its Automated
25 Fingerprint Identification System or its successor program. The fingerprint cards shall be so
26 constructed that the name of the juvenile should not be made available to the central repository. The
27 individual's name and the unique number associated with the fingerprints and other pertinent
28 information shall be provided to the court of jurisdiction by the agency taking the juvenile into
29 custody. The juvenile's fingerprints and other information shall be forwarded to the central
30 repository and the courts without undue delay. The fingerprint information from the card shall be
31 captured and stored in the automated fingerprint identification system operated by the central
32 repository. In the event the fingerprints are found to match other tenprints or unsolved latent prints,
33 the central repository shall notify the submitting agency who shall notify the court of jurisdiction as
34 per local agreement. Under section 211.031, in instances where a juvenile over fifteen and one-half
35 years of age is alleged to have violated a state or municipal traffic ordinance or regulation, which
36 does not constitute a felony, and the juvenile court does not have jurisdiction, the juvenile shall not
37 be fingerprinted unless certified as an adult.

38 4. Upon certification of the individual as an adult, the certifying court shall order a law
39 enforcement agency to immediately fingerprint and photograph the individual and certification

1 papers will be forwarded to the appropriate law enforcement agency with the order for
2 fingerprinting. The law enforcement agency shall submit such fingerprints, photograph, and
3 certification papers to the central repository within fifteen days and shall furnish the offense cycle
4 number associated with the fingerprints to the prosecuting attorney or the circuit attorney of a city
5 not within a county and to the clerk of the court ordering the subject fingerprinted. If the juvenile is
6 acquitted of the crime and is no longer certified as an adult, the prosecuting attorney shall notify
7 within fifteen days the central repository of the change of status of the juvenile. Records of a child
8 who has been fingerprinted and photographed after being taken into custody shall be closed records
9 as provided under section 610.100 if a petition has not been filed within thirty days of the date that
10 the child was taken into custody; and if a petition for the child has not been filed within one year of
11 the date the child was taken into custody, any records relating to the child concerning the alleged
12 offense may be expunged under the procedures in sections 610.122 to 610.126.

13 5. The prosecuting attorney of each county or the circuit attorney of a city not within a
14 county or the municipal prosecuting attorney shall notify the central repository on standard forms
15 supplied by the highway patrol or in a manner approved by the highway patrol of his or her decision
16 to not file a criminal charge on any charge referred to such prosecuting attorney or circuit attorney
17 for criminal charges. All records forwarded to the central repository and the courts by prosecutors
18 or circuit attorneys as required by sections 43.500 to 43.530 shall include the state offense cycle
19 number of the offense, the charge code for the offense, and the originating agency identifier number
20 of the reporting prosecutor, using such numbers as assigned by the highway patrol.

21 6. The clerk of the courts of each county or city not within a county or municipal court clerk
22 shall furnish the central repository, on standard forms supplied by the highway patrol or in a manner
23 approved by the highway patrol, with a record of all charges filed, including all those added
24 subsequent to the filing of a criminal court case, amended charges, and all final dispositions of cases
25 for which the central repository has a record of an arrest or a record of fingerprints reported pursuant
26 to sections 43.500 to 43.506. Such information shall include, for each charge:

27 (1) All judgments of not guilty, acquittals on the ground of mental disease or defect
28 excluding responsibility, judgments or pleas of guilty including the sentence, if any, or probation, if
29 any, pronounced by the court, nolle pros, discharges, releases and dismissals in the trial court;

30 (2) Court orders filed with the clerk of the courts which reverse a reported conviction or
31 vacate or modify a sentence;

32 (3) Judgments terminating or revoking a sentence to probation, supervision or conditional
33 release and any resentencing after such revocation; and

34 (4) The offense cycle number of the offense, and the originating agency identifier number of
35 the sentencing court, using such numbers as assigned by the highway patrol.

36 7. The clerk of the courts of each county or city not within a county shall furnish, to the
37 department of corrections or department of mental health, court judgment and sentence documents
38 and the state offense cycle number and the charge code of the offense which resulted in the
39 commitment or assignment of an offender to the jurisdiction of the department of corrections or the

1 department of mental health if the person is committed pursuant to chapter 552. This information
2 shall be reported to the department of corrections or the department of mental health at the time of
3 commitment or assignment. If the offender was already in the custody of the department of
4 corrections or the department of mental health at the time of such subsequent conviction, the clerk
5 shall furnish notice of such subsequent conviction to the appropriate department by certified mail,
6 return receipt requested, or in a manner and format mutually agreed to, within fifteen days of such
7 disposition.

8 8. Information and fingerprints, photograph and if available, any other unique biometric
9 identification collected, forwarded to the central repository, normally obtained from a person at the
10 time of the arrest, may be obtained at any time the subject is in the criminal justice system or
11 committed to the department of mental health. A law enforcement agency or the department of
12 corrections may fingerprint, photograph, and capture any other unique biometric identification of
13 the person unless collecting other unique biometric identification of the person is not financially
14 feasible for the law enforcement agency, and obtain the necessary information at any time the
15 subject is in custody. If at the time of any court appearance, the defendant has not been
16 fingerprinted and photographed for an offense in which a fingerprint and photograph is required by
17 statute to be collected, maintained, or disseminated by the central repository, the court shall order a
18 law enforcement agency or court marshal to fingerprint and photograph immediately the defendant.
19 The order for fingerprints shall contain the offense, charge code, date of offense, and any other
20 information necessary to complete the fingerprint card. The law enforcement agency or court
21 marshal shall submit such fingerprints, photograph, and if available, any other unique biometric
22 identification collected, to the central repository without undue delay and within thirty days and
23 shall furnish the offense cycle number associated with the fingerprints to the prosecuting attorney or
24 the circuit attorney of a city not within a county and to the court clerk of the court ordering the
25 subject fingerprinted.

26 9. The department of corrections and the department of mental health shall furnish the
27 central repository with all information concerning the receipt, escape, execution, death, release,
28 pardon, parole, commutation of sentence, granting of executive clemency, legal name change, or
29 discharge of an individual who has been sentenced to that department's custody for any offenses
30 which are mandated by law to be collected, maintained or disseminated by the central repository.
31 All records forwarded to the central repository by the department as required by sections 43.500 to
32 43.651 shall include the offense cycle number of the offense, and the originating agency identifier
33 number of the department using such numbers as assigned by the highway patrol."; and
34

35 Further amend said bill, Page 4, Section 208.053, Line 56, by inserting after all of said section and
36 line the following:
37

38 "210.004. All law enforcement agencies shall maintain a confidential record of the date and
39 time a child less than ~~[seventeen]~~ eighteen years of age is taken into custody for any reason and the

1 date and time such child is released from custody."; and

2
3 Further amend said bill, Page 13, Section 210.201, Line 2, by deleting the word "seventeen" and
4 inserting in lieu thereof the words "[~~seventeen~~] eighteen"; and

5
6 Further amend said bill, Page 14, Section 210.203, Line 4, by inserting after the word "request" the
7 words ", provided, however, that no information identifying the reporters shall be made available";
8 and

9
10 Further amend said bill, Page 28, Section 210.305, Line 47, by inserting after all of said section and
11 line the following:

12
13 "210.482. 1. If the emergency placement of a child in a private home is necessary due to the
14 unexpected absence of the child's parents, legal guardian, or custodian, the juvenile court or
15 children's division:

16 (1) May request that a local or state law enforcement agency or juvenile officer, subject to
17 any required federal authorization, immediately conduct a name-based criminal history record check
18 to include full orders of protection and outstanding warrants of each person over the age of
19 seventeen residing in the home by using the Missouri uniform law enforcement system (MULES)
20 and the National Crime Information Center to access the Interstate Identification Index maintained
21 by the Federal Bureau of Investigation; and

22 (2) Shall determine or, in the case of the juvenile court, shall request the division to
23 determine whether any person over the age of seventeen years residing in the home is listed on the
24 child abuse and neglect registry. For any children less than [~~seventeen~~] eighteen years of age
25 residing in the home, the children's division shall inquire of the person with whom an emergency
26 placement of a child will be made whether any children less than [~~seventeen~~] eighteen years of age
27 residing in the home have ever been certified as an adult and convicted of or pled guilty or nolo
28 contendere to any crime.

29 2. If a name-based search has been conducted pursuant to subsection 1 of this section,
30 within fifteen calendar days after the emergency placement of the child in the private home, and if
31 the private home has not previously been approved as a foster or adoptive home, all persons over the
32 age of seventeen residing in the home and all children less than [~~seventeen~~] eighteen residing in the
33 home who the division has determined have been certified as an adult for the commission of a crime
34 shall report to a local law enforcement agency for the purpose of providing fingerprints and
35 accompanying fees, pursuant to sections 43.530 and 43.540. Results of the checks shall be provided
36 to the juvenile court or children's division office requesting such information. Any child placed in
37 emergency placement in a private home shall be removed immediately if any person residing in the
38 home fails to provide fingerprints after being requested to do so, unless the person refusing to
39 provide fingerprints ceases to reside in the private home.

1 3. If the placement of a child is denied as a result of a name-based criminal history check
2 and the denial is contested, all persons over the age of seventeen residing in the home and all
3 children less than [~~seventeen~~] eighteen years of age residing in the home who the division has
4 determined have been certified as an adult for the commission of a crime shall, within fifteen
5 calendar days, submit to the juvenile court or the children's division fingerprints in the same manner
6 described in subsection 2 of this section, accompanying fees, and written permission authorizing the
7 juvenile court or the children's division to forward the fingerprints to the state criminal record
8 repository for submission to the Federal Bureau of Investigation.

9 4. No person who submits fingerprints under this section shall be required to submit
10 additional fingerprints under this section or section 210.487 unless the original fingerprints retained
11 by the division are lost or destroyed.

12 5. Subject to appropriation, the total cost of fingerprinting required by this section may be
13 paid by the state, including reimbursement of persons incurring fingerprinting costs under this
14 section.

15 6. For the purposes of this section, "emergency placement" refers to those limited instances
16 when the juvenile court or children's division is placing a child in the home of private individuals,
17 including neighbors, friends, or relatives, as a result of a sudden unavailability of the child's primary
18 caretaker.

19 210.487. 1. When conducting investigations of persons for the purpose of foster parent
20 licensing, the division shall:

21 (1) Conduct a search for all persons over the age of seventeen in the applicant's household
22 and for any child less than [~~seventeen~~] eighteen years of age residing in the applicant's home who
23 the division has determined has been certified as an adult for the commission of a crime for
24 evidence of full orders of protection. The office of state courts administrator shall allow access to
25 the automated court information system by the division. The clerk of each court contacted by the
26 division shall provide the division information within ten days of a request;

27 (2) Obtain fingerprints for any person over the age of seventeen in the applicant's household
28 and for any child less than [~~seventeen~~] eighteen years of age residing in the applicant's home who
29 the division has determined has been certified as an adult for the commission of a crime in the same
30 manner set forth in subsection 2 of section 210.482. The highway patrol shall assist the division and
31 provide the criminal fingerprint background information, upon request, under and in accordance
32 with the provisions of section 43.540; and

33 (3) Determine whether any person over the age of seventeen residing in the home and any
34 child less than [~~seventeen~~] eighteen years of age residing in the applicant's home who the division
35 has determined has been certified as an adult for the commission of a crime is listed on the child
36 abuse and neglect registry. For any children less than [~~seventeen~~] eighteen years of age residing in
37 the applicant's home, the children's division shall inquire of the applicant whether any children less
38 than [~~seventeen~~] eighteen years of age residing in the home have ever been certified as an adult and
39 been convicted of or pled guilty or nolo contendere to any crime.

2. After the initial investigation is completed under subsection 1 of this section:

(1) No person who submits fingerprints under subsection 1 of this section or section 210.482 shall be required to submit additional fingerprints under this section or section 210.482 unless the original fingerprints retained by the division are lost or destroyed;

(2) The highway patrol shall provide ongoing electronic updates to criminal history background checks of those persons previously submitted as part of the licensing or approval process under subsection 1 of this section. Ongoing electronic updates for such persons and for those in their households shall terminate when such persons cease to be applicant or licensed foster parents; and

(3) The children's division and the department of health and senior services may waive the requirement for a fingerprint background check for any subsequent recertification.

3. Subject to appropriation, the total cost of fingerprinting required by this section may be paid by the state, including reimbursement of persons incurring fingerprinting costs under this section.

4. The division may make arrangements with other executive branch agencies to obtain any investigative background information.

5. The division may promulgate rules that are necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void."; and

Further amend said bill, Page 33, Section 210.565, Line 57, by inserting after all of said section and line the following:

"210.762. 1. (1) When a child is taken into custody by a juvenile officer or law enforcement official under subdivision (1) of subsection 1 of section 211.031 and initially placed with the division, the division may make a temporary placement and shall arrange for a family support team meeting prior to or within twenty-four hours following the protective custody hearing held under section 211.032. After a child is in the division's custody and a temporary placement has been made, the division shall arrange an additional family support team meeting prior to taking any action relating to the placement of such child; except that, when the welfare of a child in the custody of the division requires an immediate or emergency change of placement, the division may make a temporary placement and shall schedule a family support team meeting within seventy-two hours. The requirement for a family support team meeting shall not apply when the parent has consented in writing to the termination of his or her parental rights in conjunction with a placement in a licensed

1 child-placing agency under subsection 6 of section 453.010.

2 (2) An agency or placement provider with legal custody of a child shall ensure a missing
3 child report is filed once the agency or placement provider determines that a child in the agency's or
4 placement provider's custody is missing. Within seventy-two hours of a missing child report being
5 filed for a child placed in an authorized agency or foster care or within seventy-two hours of an
6 authorized agency or foster care being notified that a child under its custody is missing, whichever
7 event first occurs, a family support team meeting shall be held to discuss the whereabouts of the
8 missing child and to discuss the initial decision regarding the custody and placement of the missing
9 child once the child is found. If the missing child is brought back into custody, another family
10 support team meeting shall be held as provided under this section.

11 2. The parents, the legal counsel for the parents, the foster parents, the legal guardian or
12 custodian of the child, the guardian ad litem for the child, and the volunteer advocate, and any
13 designee of the parent that has written authorization shall be notified and invited to participate in all
14 family support team meetings. The family support team meeting may include such other persons
15 whose attendance at the meeting may assist the team in making appropriate decisions in the best
16 interests of the child. If the division finds that it is not in the best interest of a child to be placed
17 with relatives, the division shall make specific findings in the division's report detailing the reasons
18 why the best interests of the child necessitate placement of the child with persons other than
19 relatives.

20 3. The division shall use the form created in subsection 2 of section 210.147 to be signed
21 upon the conclusion of the meeting pursuant to subsection 1 of this section confirming that all
22 involved parties are aware of the team's decision regarding the custody and placement of the child.
23 Any dissenting views must be recorded and attested to on such form.

24 4. The case manager shall be responsible for including such form with the case records of
25 the child.

26 5. As used in this section, "family support team" means a team who may consist of a youth
27 if the youth is twelve years of age or older, parents, legal counsel for the parents, resource providers,
28 the legal guardian for the child, the juvenile officer, the guardian ad litem, the court appointed
29 special advocate, up to two youth-chosen advocates for a youth twelve years of age or older, and
30 individuals invited by the parents. The team meets for the purpose of determining the following:

- 31 (1) The safety of the child;
32 (2) A comprehensive visitation plan for parents, siblings, and family members;
33 (3) Service and treatment needs;
34 (4) The need for placement and developing a plan for reunification or other permanency
35 options, including a projected date for permanency;
36 (5) The appropriate placement of the child;
37 (6) The child's access and opportunities for normalcy activities based on the reasonable and
38 prudent parenting standard;
39 (7) An educational plan for the child;

1 (8) The case plan, which includes establishing and revising the case plan; and

2 (9) Compliance with the case plan and progress toward alleviating or mitigating the causes
 3 necessitating placement in foster care.

4 210.795. A case worker shall notify a juvenile officer if a child goes missing or is suspected
 5 of being on the run. Once the juvenile officer is notified, the officer shall file with the court a notice
 6 in the child's case file that states the child is missing and include any other relevant information,
 7 which shall include the missing child report. If the missing child is found, the juvenile officer shall
 8 file with the court a notice in the child's case file that the child has been found and include any other
 9 relevant information."; and

10
 11 Further amend said bill, Page 40, Section 210.1080, Line 208, by inserting after all of said section
 12 and line the following:

13
 14 "217.343. Offenders who are younger than ~~[seventeen]~~ eighteen years of age and have been
 15 adjudicated as an adult shall be emancipated for the purpose of decision making and participation in
 16 all department programs and services, including but not limited to medical care, mental health care,
 17 treatment programs, educational programs, work assignments, and rehabilitative programs.

18 217.690. 1. All releases or paroles shall issue upon order of the parole board, duly adopted.

19 2. Before ordering the parole of any offender, the parole board shall conduct a validated risk
 20 and needs assessment and evaluate the case under the rules governing parole that are promulgated
 21 by the parole board. The parole board shall then have the offender appear before a hearing panel
 22 and shall conduct a personal interview with him or her, unless waived by the offender, or if the
 23 guidelines indicate the offender may be paroled without need for an interview. The guidelines and
 24 rules shall not allow for the waiver of a hearing if a victim requests a hearing. The appearance or
 25 presence may occur by means of a videoconference at the discretion of the parole board. A parole
 26 may be ordered for the best interest of society when there is a reasonable probability, based on the
 27 risk assessment and indicators of release readiness, that the person can be supervised under parole
 28 supervision and successfully reintegrated into the community, not as an award of clemency; it shall
 29 not be considered a reduction of sentence or a pardon. Every offender while on parole shall remain
 30 in the legal custody of the department but shall be subject to the orders of the parole board.

31 3. The division of probation and parole has discretionary authority to require the payment of
 32 a fee, not to exceed sixty dollars per month, from every offender placed under division supervision
 33 on probation, parole, or conditional release, to waive all or part of any fee, to sanction offenders for
 34 willful nonpayment of fees, and to contract with a private entity for fee collections services. All
 35 fees collected shall be deposited in the inmate fund established in section 217.430. Fees collected
 36 may be used to pay the costs of contracted collections services. The fees collected may otherwise
 37 be used to provide community corrections and intervention services for offenders. Such services
 38 include substance abuse assessment and treatment, mental health assessment and treatment,
 39 electronic monitoring services, residential facilities services, employment placement services, and

1 other offender community corrections or intervention services designated by the division of
2 probation and parole to assist offenders to successfully complete probation, parole, or conditional
3 release. The division of probation and parole shall adopt rules not inconsistent with law, in
4 accordance with section 217.040, with respect to sanctioning offenders and with respect to
5 establishing, waiving, collecting, and using fees.

6 4. The parole board shall adopt rules not inconsistent with law, in accordance with section
7 217.040, with respect to the eligibility of offenders for parole, the conduct of parole hearings or
8 conditions to be imposed upon paroled offenders. Whenever an order for parole is issued it shall
9 recite the conditions of such parole.

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

14 6. Any offender sentenced to a term of imprisonment amounting to fifteen years or more or
15 multiple terms of imprisonment that, taken together, amount to fifteen or more years who was under
16 eighteen years of age at the time of the commission of the offense or offenses may be eligible for
17 parole after serving fifteen years of incarceration, regardless of whether the case is final for the
18 purposes of appeal, and may be eligible for reconsideration hearings in accordance with regulations
19 promulgated by the parole board.

20 7. The provisions of subsection 6 of this section shall not apply to an offender found guilty
21 of murder in the first degree or capital murder who was under eighteen years of age when the
22 offender committed the offense or offenses who may be found ineligible for parole or whose parole
23 eligibility may be controlled by section 558.047 or 565.033.

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

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

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

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

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

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

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

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

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

9 11. The parole board shall notify any person of the results of a parole eligibility hearing if
10 the person indicates to the parole board a desire to be notified.

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

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

21 14. Nothing contained in this section shall be construed to require the release of an offender
22 on parole nor to reduce the sentence of an offender heretofore committed.

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

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

37
38 Further amend said bill, Page 43, Section 217.947, Line 9, by inserting after all of said section and
39 line the following:

1
2 "311.320. 1. Any person of the age of ~~[seventeen]~~ eighteen years and under the age of
3 twenty-one years who shall represent that he has attained the age of twenty-one years for the
4 purpose of purchasing, asking for or in any way receiving any intoxicating liquor, except in cases
5 authorized by law, shall upon conviction be deemed guilty of a misdemeanor. Any person under the
6 age of ~~[seventeen]~~ eighteen years who shall represent that he has attained the age of twenty-one
7 years for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor,
8 except in cases authorized by law, may be considered a delinquent child and may be dealt with in
9 accordance with the provisions of chapter 211.

10 2. In addition to any other penalties established in subsection 1 of this section and
11 established in sections 302.400 to 302.426, any person who is less than twenty-one years of age who
12 uses a reproduced, modified or altered chauffeur's license, motor vehicle operator's license,
13 identification card issued by any uniformed service of the United States, passport or identification
14 card established in section 302.181 for the purpose of purchasing, asking for or in any way receiving
15 any intoxicating liquor, shall be guilty of a misdemeanor and shall be subject to a fine of five
16 hundred dollars for each separate offense.

17 328.075. 1. Any person desiring to practice as an apprentice for barbering in this state shall
18 apply to the board, shall be registered as an apprentice with the board, and shall pay the appropriate
19 fees prior to beginning their apprenticeship. Barber apprentices shall be at least ~~[seventeen]~~
20 eighteen years of age.

21 2. Any person desiring to act as an apprentice supervisor for barbering in this state shall first
22 possess a license to practice the occupation of barbering, apply to the board, pay the appropriate
23 fees, complete an eight-hour apprentice supervision instruction course certified by the board, and be
24 issued a license as a barber apprentice supervisor prior to supervising barber apprentices.

25 3. The board may promulgate rules establishing the criteria for the supervision and training
26 of barber apprentices.

27 4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
28 under the authority delegated in this section shall become effective only if it complies with and is
29 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
30 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to
31 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
32 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
33 August 28, 2004, shall be invalid and void.

34 328.080. 1. Any person desiring to practice barbering in this state shall make application
35 for a license to the board and shall pay the required barber examination fee.

36 2. The board shall examine each qualified applicant and, upon successful completion of the
37 examination and payment of the required license fee, shall issue the applicant a license authorizing
38 him or her to practice the occupation of barber in this state. The board shall admit an applicant to
39 the examination, if it finds that he or she:

1 (1) Is ~~seventeen~~ eighteen years of age or older;

2 (2) Is free of contagious or infectious diseases that are capable of being transmitted during
3 the ordinary course of business for a person licensed under this chapter;

4 (3) Has studied for at least one thousand hours in a period of not less than six months in a
5 properly appointed and conducted barber school under the direct supervision of a licensed
6 instructor; or, if the applicant is an apprentice, the applicant shall have served and completed no less
7 than two thousand hours under the direct supervision of a licensed barber apprentice supervisor;

8 (4) Is possessed of requisite skill in the trade of barbering to properly perform the duties
9 thereof, including the preparation of tools, shaving, haircutting and all the duties and services
10 incident thereto; and

11 (5) Has sufficient knowledge of the common diseases of the face and skin to avoid the
12 aggravation and spread thereof in the practice of barbering.

13 3. The board shall be the judge of whether the barber school, the barber apprenticeship, or
14 college is properly appointed and conducted under proper instruction to give sufficient training in
15 the trade.

16 4. The sufficiency of the qualifications of applicants shall be determined by the board.

17 329.050. 1. Applicants for examination or licensure pursuant to this chapter shall possess
18 the following qualifications:

19 (1) They shall provide documentation of successful completion of courses approved by the
20 board, have an education equivalent to the successful completion of the tenth grade, and be at least
21 ~~seventeen~~ eighteen years of age;

22 (2) If the applicants are apprentices, they shall have served and completed, as an apprentice
23 under the supervision of a licensed cosmetologist, the time and studies required by the board which
24 shall be no less than three thousand hours for cosmetologists, and no less than eight hundred hours
25 for manicurists and no less than fifteen hundred hours for esthetics. However, when the classified
26 occupation of manicurist is apprenticed in conjunction with the classified occupation of
27 cosmetologist, the apprentice shall be required to successfully complete an apprenticeship of no less
28 than a total of three thousand hours;

29 (3) If the applicants are students, they shall have had the required time in a licensed school
30 of no less than one thousand five hundred hours training or the credit hours determined by the
31 formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as
32 amended, for the classification of cosmetologist, with the exception of public vocational technical
33 schools in which a student shall complete no less than one thousand two hundred twenty hours
34 training. All students shall complete no less than four hundred hours or the credit hours determined
35 by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal
36 Regulations, as amended, for the classification of manicurist. All students shall complete no less
37 than seven hundred fifty hours or the credit hours determined by the formula in Subpart A of Part
38 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended, for the
39 classification of esthetician. However, when the classified occupation of manicurist is taken in

1 conjunction with the classified occupation of cosmetologist, the student shall not be required to
2 serve the extra four hundred hours or the credit hours determined by the formula in Subpart A of
3 Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended, otherwise
4 required to include manicuring of nails; and

5 (4) They shall have passed an examination to the satisfaction of the board.

6 2. A person may apply to take the examination required by subsection 1 of this section if the
7 person is a graduate of a school of cosmetology or apprentice program in another state or territory of
8 the United States which has substantially the same requirements as an educational establishment
9 licensed pursuant to this chapter. A person may apply to take the examination required by
10 subsection 1 of this section if the person is a graduate of an educational establishment in a foreign
11 country that provides training for a classified occupation of cosmetology, as defined by section
12 329.010, and has educational requirements that are substantially the same requirements as an
13 educational establishment licensed under this chapter. The board has sole discretion to determine
14 the substantial equivalency of such educational requirements. The board may require that
15 transcripts from foreign schools be submitted for its review, and the board may require that the
16 applicant provide an approved English translation of such transcripts.

17 3. Each application shall contain a statement that, subject to the penalties of making a false
18 affidavit or declaration, the application is made under oath or affirmation and that its representations
19 are true and correct to the best knowledge and belief of the person signing the application.

20 4. The sufficiency of the qualifications of applicants shall be determined by the board, but
21 the board may delegate this authority to its executive director subject to such provisions as the board
22 may adopt.

23 5. Applications for examination or licensure may be denied if the applicant has pleaded
24 guilty to, entered a plea of nolo contendere to, or been found guilty of any of the following offenses
25 or offenses of a similar nature established under the laws of this state, any other state, the United
26 States, or any other country, notwithstanding whether sentence is imposed:

27 (1) Any dangerous felony as defined under section 556.061 or murder in the first degree;

28 (2) Any of the following sexual offenses: rape in the first degree, forcible rape, rape,
29 statutory rape in the first degree, statutory rape in the second degree, rape in the second degree,
30 sexual assault, sodomy in the first degree, forcible sodomy, statutory sodomy in the first degree,
31 statutory sodomy in the second degree, child molestation in the first degree, child molestation in the
32 second degree, sodomy in the second degree, deviate sexual assault, sexual misconduct involving a
33 child, sexual misconduct in the first degree under section 566.090 as it existed prior to August 28,
34 2013, sexual abuse under section 566.100 as it existed prior to August 28, 2013, sexual abuse in the
35 first or second degree, enticement of a child, or attempting to entice a child;

36 (3) Any of the following offenses against the family and related offenses: incest,
37 abandonment of a child in the first degree, abandonment of a child in the second degree,
38 endangering the welfare of a child in the first degree, abuse of a child, using a child in a sexual
39 performance, promoting sexual performance by a child, or trafficking in children; and

(4) Any of the following offenses involving child pornography and related offenses: promoting obscenity in the first degree, promoting obscenity in the second degree when the penalty is enhanced to a class E felony, promoting child pornography in the first degree, promoting child pornography in the second degree, possession of child pornography in the first degree, possession of child pornography in the second degree, furnishing child pornography to a minor, furnishing pornographic materials to minors, or coercing acceptance of obscene material.

431.068. 1. Notwithstanding the provisions of section 431.061, any person ~~[seventeen]~~ eighteen years of age or older may donate blood voluntarily without the necessity of obtaining the permission or authorization of his or her parent or guardian.

2. Any person ~~[sixteen]~~ seventeen years of age may donate blood, if that person obtains written permission or authorization from his or her parent or guardian.

3. No person under the age of eighteen shall receive compensation for any blood donated without the written authorization of his or her parent or guardian."; and

Further amend said bill and page, Section 452.415, Line 18, by inserting after all of said section and line the following:

"453.121. 1. As used in this section, unless the context clearly indicates otherwise, the following terms mean:

(1) "Adopted adult", any adopted person who is eighteen years of age or over;

(2) "Adopted child", any adopted person who is less than eighteen years of age;

(3) "Adult sibling", any brother or sister of the whole or half blood who is eighteen years of age or over;

(4) "Biological parent", the natural and biological mother or father of the adopted child;

(5) "Identifying information", individually identifying information for or about a unique individual, including information likely to disclose the contact information, location, or identity of such individual;

(6) "Lineal descendant", as defined in section 472.010;

(7) "Nonidentifying information", information that is not identifying information.

2. All papers, records, and information pertaining to an adoption whether part of any permanent record or file may be disclosed only in accordance with this section.

3. Nonidentifying information, if known, concerning undisclosed biological parents or siblings shall be furnished by the child-placing agency or the juvenile court to the adoptive parents, legal guardians, adopted adult or the adopted adult's lineal descendants if the adopted adult is deceased, upon written request therefor.

4. An adopted adult, or the adopted adult's lineal descendants if the adopted adult is deceased, may make a written request to the circuit court having original jurisdiction of such adoption to secure and disclose information identifying the adopted adult's biological parents. If the biological parents have consented to the release of identifying information under subsection 8 of this

1 section, the court shall disclose such identifying information to the adopted adult or the adopted
2 adult's lineal descendants if the adopted adult is deceased. If the biological parents have not
3 consented to the release of identifying information under subsection 8 of this section, the court shall,
4 within ten days of receipt of the request, notify in writing the child-placing agency or juvenile court
5 personnel having access to the information requested of the request by the adopted adult or the
6 adopted adult's lineal descendants.

7 5. Within three months after receiving notice of the request of the adopted adult, or the
8 adopted adult's lineal descendants, the child-placing agency or the juvenile court personnel shall
9 make reasonable efforts to notify the biological parents of the request of the adopted adult or the
10 adopted adult's lineal descendants. The child-placing agency or juvenile court personnel may
11 charge actual costs to the adopted adult or the adopted adult's lineal descendants for the cost of
12 making such search. All communications under this subsection are confidential. For purposes of
13 this subsection, "notify" means a personal and confidential contact with the biological parent of the
14 adopted adult, which initial contact shall be made by an employee of the child-placing agency which
15 processed the adoption, juvenile court personnel or some other licensed child-placing agency
16 designated by the child-placing agency or juvenile court. Nothing in this section shall be construed
17 to permit the disclosure of communications privileged pursuant to section 491.060. At the end of
18 three months, the child-placing agency or juvenile court personnel shall file a report with the court
19 stating that each biological parent that was located was given the following information:

- 20 (1) The nature of the identifying information to which the agency has access;
- 21 (2) The nature of any nonidentifying information requested;
- 22 (3) The date of the request of the adopted adult or the adopted adult's lineal descendants;
- 23 (4) The right of the biological parent to file an affidavit with the court stating that the
24 identifying information should be disclosed;
- 25 (5) The effect of a failure of the biological parent to file an affidavit stating that the
26 identifying information should be disclosed.

27 6. If the child-placing agency or juvenile court personnel reports to the court that it has been
28 unable to notify the biological parent within three months, the identifying information shall not be
29 disclosed to the adopted adult or the adopted adult's lineal descendants. Additional requests for the
30 same or substantially the same information may not be made to the court within one year from the
31 end of the three-month period during which the attempted notification was made, unless good cause
32 is shown and leave of court is granted.

33 7. If, within three months, the child-placing agency or juvenile court personnel reports to the
34 court that it has notified the biological parent pursuant to subsection 5 of this section, the court shall
35 receive the identifying information from the child-placing agency. If an affidavit duly executed by a
36 biological parent authorizing the release of information is filed with the court or if a biological
37 parent is found to be deceased, the court shall disclose the identifying information as to that
38 biological parent to the adopted adult or the adopted adult's lineal descendants if the adopted adult is
39 deceased, provided that the other biological parent either:

- 1 (1) Is unknown;
- 2 (2) Is known but cannot be found and notified pursuant to subsection 5 of this section;
- 3 (3) Is deceased; or
- 4 (4) Has filed with the court an affidavit authorizing release of identifying information.

5
6 If the biological parent fails or refuses to file an affidavit with the court authorizing the release of
7 identifying information and the biological parent willingly gave up his or her child for adoption,
8 then the identifying information shall not be released to the adopted adult; however, if the biological
9 parent fails or refuses to file an affidavit with the court authorizing the release of identifying
10 information and the state was involved in the removal of the child from the home of the biological
11 parent, the identifying information shall be released to the adopted adult if the adopted adult
12 petitions the court. No additional request for the same or substantially the same information may be
13 made within three years of the time the biological parent fails or refuses to file an affidavit
14 authorizing the release of identifying information.

15 8. Notwithstanding any provision of law, all information, including identifying information,
16 shall be released to an adopted adult if the adopted adult's biological parent lost his or her parental
17 rights through a nonconsensual termination of parental rights proceeding.

18 9. Any adopted adult whose adoption was finalized in this state or whose biological parents
19 had their parental rights terminated in this state may request the court to secure and disclose
20 identifying information concerning an adult sibling. Identifying information pertaining exclusively
21 to the adult sibling, whether part of the permanent record of a file in the court or in an agency, shall
22 be released only upon consent of that adult sibling.

23 10. The central office of the children's division within the department of social services shall
24 maintain a registry by which biological parents, adult siblings, and adoptive adults may indicate
25 their desire to be contacted by each other. The division may request such identification for the
26 registry as a party may possess to assure positive identifications. At the time of registry, a biological
27 parent or adult sibling may consent in writing to the release of identifying information to an adopted
28 adult. If such a consent has not been executed and the division believes that a match has occurred
29 on the registry between biological parents or adult siblings and an adopted adult, an employee of the
30 division shall make the confidential contact provided in subsection 5 of this section with the
31 biological parents or adult siblings and with the adopted adult. If the division believes that a match
32 has occurred on the registry between one biological parent or adult sibling and an adopted adult, an
33 employee of the division shall make the confidential contact provided by subsection 5 of this section
34 with the biological parent or adult sibling. The division shall then attempt to make such confidential
35 contact with the other biological parent, and shall proceed thereafter to make such confidential
36 contact with the adopted adult only if the division determines that the other biological parent meets
37 one of the conditions specified in subsection 7 of this section. The biological parent, adult sibling,
38 or adopted adult may refuse to go forward with any further contact between the parties when
39 contacted by the division.

11. The provisions of this section, except as provided in subsection 5 of this section governing the release of identifying and nonidentifying adoptive information apply to adoptions completed before and after August 13, 1986.

12. All papers, records, and information known to or in the possession of an adoptive parent or adoptive child that pertain to an adoption, regardless of whether part of any permanent record or file, may be disclosed by the adoptive parent or adoptive child. The provisions of this subsection shall not be construed to create a right to have access to information not otherwise allowed under this section.

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

(1) "Abuse", includes but is not limited to the occurrence of any of the following acts, attempts or threats against a person who may be protected pursuant to this chapter, except abuse shall not include abuse inflicted on a child by accidental means by an adult household member or discipline of a child, including spanking, in a reasonable manner:

(a) "Abusing a pet", purposely or knowingly causing, attempting to cause, or threatening to cause physical injury to a pet with the intent to control, punish, intimidate, or distress the petitioner;

(b) "Assault", purposely or knowingly placing or attempting to place another in fear of physical harm;

(c) "Battery", purposely or knowingly causing physical harm to another with or without a deadly weapon;

(d) "Coercion", compelling another by force or threat of force to engage in conduct from which the latter has a right to abstain or to abstain from conduct in which the person has a right to engage;

(e) "Harassment", engaging in a purposeful or knowing course of conduct involving more than one incident that alarms or causes distress to an adult or child and serves no legitimate purpose. The course of conduct must be such as would cause a reasonable adult or child to suffer substantial emotional distress and must actually cause substantial emotional distress to the petitioner or child. Such conduct might include, but is not limited to:

a. Following another about in a public place or places;

b. Peering in the window or lingering outside the residence of another; but does not include constitutionally protected activity;

(f) "Sexual assault", causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, duress, or without that person's consent;

(g) "Unlawful imprisonment", holding, confining, detaining or abducting another person against that person's will;

(2) "Adult", any person ~~seventeen~~ eighteen years of age or older or otherwise emancipated;

(3) "Child", any person under ~~seventeen~~ eighteen years of age unless otherwise emancipated;

(4) "Court", the circuit or associate circuit judge or a family court commissioner;

(5) "Domestic violence", abuse or stalking committed by a family or household member, as such terms are defined in this section;

(6) "Ex parte order of protection", an order of protection issued by the court before the respondent has received notice of the petition or an opportunity to be heard on it;

(7) "Family" or "household member", spouses, former spouses, any person related by blood or marriage, persons who are presently residing together or have resided together in the past, any person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, and anyone who has a child in common regardless of whether they have been married or have resided together at any time;

(8) "Full order of protection", an order of protection issued after a hearing on the record where the respondent has received notice of the proceedings and has had an opportunity to be heard;

(9) "Order of protection", either an ex parte order of protection or a full order of protection;

(10) "Pending", exists or for which a hearing date has been set;

(11) "Pet", a living creature maintained by a household member for companionship and not for commercial purposes;

(12) "Petitioner", a family or household member who has been a victim of domestic violence, or any person who has been the victim of stalking or sexual assault, or a person filing on behalf of a child pursuant to section 455.503 who has filed a verified petition pursuant to the provisions of section 455.020 or section 455.505;

(13) "Respondent", the family or household member alleged to have committed an act of domestic violence, or person alleged to have committed an act of stalking or sexual assault, against whom a verified petition has been filed or a person served on behalf of a child pursuant to section 455.503;

(14) "Sexual assault", as defined under subdivision (1) of this section;

(15) "Stalking", is when any person purposely engages in an unwanted course of conduct that causes alarm to another person, or a person who resides together in the same household with the person seeking the order of protection when it is reasonable in that person's situation to have been alarmed by the conduct. As used in this subdivision:

(a) "Alarm", to cause fear of danger of physical harm; and

(b) "Course of conduct", two or more acts that serve no legitimate purpose including, but not limited to, acts in which the stalker directly, indirectly, or through a third party follows, monitors, observes, surveils, threatens, or communicates to a person by any action, method, or device.

455.035. 1. Upon the filing of a verified petition pursuant to sections 455.010 to 455.085 and for good cause shown in the petition, the court may immediately issue an ex parte order of protection. An immediate and present danger of domestic violence to the petitioner or the child on whose behalf the petition is filed shall constitute good cause for purposes of this section. An ex parte order of protection entered by the court shall take effect when entered and shall remain in

1 effect until there is valid service of process and a hearing is held on the motion. The court shall
2 deny the ex parte order and dismiss the petition if the petitioner is not authorized to seek relief
3 pursuant to section 455.020.

4 2. Failure to serve an ex parte order of protection on the respondent shall not affect the
5 validity or enforceability of such order. If the respondent is less than [~~seventeen~~] eighteen years of
6 age, unless otherwise emancipated, service of process shall be made upon a custodial parent or
7 guardian of the respondent, or upon a guardian ad litem appointed by the court, requiring that the
8 person appear and bring the respondent before the court at the time and place stated.

9 3. If an ex parte order is entered and the respondent is less than [~~seventeen~~] eighteen years
10 of age, the court shall transfer the case to juvenile court for a hearing on a full order of protection.
11 The court shall appoint a guardian ad litem for any such respondent not represented by a parent or
12 guardian.

13 455.513. 1. The court may immediately issue an ex parte order of protection upon the filing
14 of a verified petition under sections 455.500 to 455.538, for good cause shown in the petition, and
15 upon finding that:

16 (1) No prior order regarding custody involving the respondent and the child is pending or
17 has been made; or

18 (2) The respondent is less than [~~seventeen~~] eighteen years of age.

19
20 An immediate and present danger of domestic violence, including danger to the child's pet, stalking,
21 or sexual assault to a child shall constitute good cause for purposes of this section. An ex parte
22 order of protection entered by the court shall be in effect until the time of the hearing. The court
23 shall deny the ex parte order and dismiss the petition if the petitioner is not authorized to seek relief
24 pursuant to section 455.505.

25 2. Upon the entry of the ex parte order of protection, the court shall enter its order
26 appointing a guardian ad litem or court-appointed special advocate to represent the child victim.

27 3. If the allegations in the petition would give rise to jurisdiction under section 211.031, the
28 court may direct the children's division to conduct an investigation and to provide appropriate
29 services. The division shall submit a written investigative report to the court and to the juvenile
30 officer within thirty days of being ordered to do so. The report shall be made available to the parties
31 and the guardian ad litem or court-appointed special advocate.

32 4. If the allegations in the petition would give rise to jurisdiction under section 211.031
33 because the respondent is less than [~~seventeen~~] eighteen years of age, the court may issue an ex
34 parte order and shall transfer the case to juvenile court for a hearing on a full order of protection.
35 Service of process shall be made pursuant to section 455.035."; and

36
37 Further amend said bill, Page 45, Section 475.050, Line 54, by inserting after all of said section and
38 line the following:

1 "491.678. For purposes of sections 491.675 to 491.693, the term "child" means a person
2 under ~~[seventeen]~~ eighteen years of age who is the alleged victim in any criminal prosecution under
3 chapter 565, 566 or 568.

4 565.002. As used in this chapter, unless a different meaning is otherwise plainly required the
5 following terms mean:

6 (1) "Adequate cause", cause that would reasonably produce a degree of passion in a person
7 of ordinary temperament sufficient to substantially impair an ordinary person's capacity for self-
8 control;

9 (2) "Child", a person under ~~[seventeen]~~ eighteen years of age;

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

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

15 (5) "Deliberation", cool reflection for any length of time no matter how brief;

16 (6) "Domestic victim", a household or family member as the term "family" or "household
17 member" is defined in section 455.010, including any child who is a member of the household or
18 family;

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

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

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

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

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

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

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

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

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

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

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

- 1 (d) An elderly person;
- 2 (e) A person with a disability;
- 3 (f) A vulnerable person;
- 4 (g) Any jailer or corrections officer of the state or one of its political subdivisions assaulted
- 5 in the performance of his or her official duties or as a direct result of such official duties;
- 6 (h) A highway worker in a construction or work zone as the terms "highway worker",
- 7 "construction zone", and "work zone" are defined under section 304.580;
- 8 (i) Any utility worker, meaning any employee of a utility that provides gas, heat, electricity,
- 9 water, steam, telecommunications services, or sewer services, whether privately, municipally, or
- 10 cooperatively owned, while in the performance of his or her job duties, including any person
- 11 employed under a contract;
- 12 (j) Any cable worker, meaning any employee of a cable operator, as such term is defined in
- 13 section 67.2677, including any person employed under contract, while in the performance of his or
- 14 her job duties; and
- 15 (k) Any employee of a mass transit system, including any employee of public bus or light
- 16 rail companies, while in the performance of his or her job duties;
- 17 (15) "Sudden passion", passion directly caused by and arising out of provocation by the
- 18 victim or another acting with the victim which passion arises at the time of the offense and is not
- 19 solely the result of former provocation;
- 20 (16) "Trier", the judge or jurors to whom issues of fact, guilt or innocence, or the assessment
- 21 and declaration of punishment are submitted for decision;
- 22 (17) "Views", the looking upon of another person, with the unaided eye or with any device
- 23 designed or intended to improve visual acuity, for the purpose of arousing or gratifying the sexual
- 24 desire of any person.
- 25 565.140. 1. A person does not commit the offense of kidnapping in the third degree under
- 26 section 565.130 if the person restrained is a child less than ~~[seventeen]~~ eighteen years of age and:
- 27 (1) A parent, guardian or other person responsible for the general supervision of the child's
- 28 welfare has consented to the restraint; or
- 29 (2) The person is a relative of the child; and
- 30 (a) The person's sole purpose is to assume control of the child; and
- 31 (b) The child is not taken out of the state of Missouri.
- 32 2. For the purpose of this section, "relative" means a parent or stepparent, ancestor, sibling,
- 33 uncle or aunt, including an adoptive relative of the same degree through marriage or adoption.
- 34 3. The defendant shall have the burden of injecting the issue of a defense under this section.
- 35 566.155. 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; or

1 section 573.040, furnishing pornographic material to minors; or

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

4
5 shall not serve as an athletic coach, manager, or athletic trainer for any sports team in which a child
6 less than ~~[seventeen]~~ eighteen years of age is a member.

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

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

9 568.045. 1. A person commits the offense of endangering the welfare of a child in the first
10 degree if he or she:

11 (1) Knowingly acts in a manner that creates a substantial risk to the life, body, or health of a
12 child less than ~~[seventeen]~~ eighteen years of age; or

13 (2) Knowingly engages in sexual conduct with a person under the age of ~~[seventeen]~~
14 eighteen years over whom the person is a parent, guardian, or otherwise charged with the care and
15 custody;

16 (3) Knowingly encourages, aids or causes a child less than ~~[seventeen]~~ eighteen years of age
17 to engage in any conduct which violates the provisions of chapter 579;

18 (4) In the presence of a child less than ~~[seventeen]~~ eighteen years of age or in a residence
19 where a child less than ~~[seventeen]~~ eighteen years of age resides, unlawfully manufactures, or
20 attempts to manufacture compounds, possesses, produces, prepares, sells, transports, tests or
21 analyzes amphetamine or methamphetamine or any of their analogues.

22 2. The offense of endangering the welfare of a child in the first degree is a class D felony
23 unless the offense:

24 (1) Is committed as part of an act or series of acts performed by two or more persons as part
25 of an established or prescribed pattern of activity, or where physical injury to the child results, or the
26 offense is a second or subsequent offense under this section, in which case the offense is a class C
27 felony;

28 (2) Results in serious physical injury to the child, in which case the offense is a class B
29 felony; or

30 (3) Results in the death of a child, in which case the offense is a class A felony.

31 568.050. 1. A person commits the offense of endangering the welfare of a child in the
32 second degree if he or she:

33 (1) With criminal negligence acts in a manner that creates a substantial risk to the life, body
34 or health of a child less than ~~[seventeen]~~ eighteen years of age; or

35 (2) Knowingly encourages, aids or causes a child less than ~~[seventeen]~~ eighteen years of age
36 to engage in any conduct which causes or tends to cause the child to come within the provisions of
37 paragraph (d) of subdivision (2) of subsection 1 or subdivision (3) of subsection 1 of section
38 211.031; or

39 (3) Being a parent, guardian or other person legally charged with the care or custody of a

1 child less than ~~[seventeen]~~ eighteen years of age, recklessly fails or refuses to exercise reasonable
2 diligence in the care or control of such child to prevent him or her from coming within the
3 provisions of paragraph (c) of subdivision (1) of subsection 1 or paragraph (d) of subdivision (2) of
4 subsection 1 or subdivision (3) of subsection 1 of section 211.031; or

5 (4) Knowingly encourages, aids or causes a child less than ~~[seventeen]~~ eighteen years of age
6 to enter into any room, building or other structure which is a public nuisance as defined in section
7 579.105.

8 2. Nothing in this section shall be construed to mean the welfare of a child is endangered for
9 the sole reason that he or she is being provided nonmedical remedial treatment recognized and
10 permitted under the laws of this state.

11 3. The offense of endangering the welfare of a child in the second degree is a class A
12 misdemeanor unless the offense is committed as part of an act or series of acts performed by two or
13 more persons as part of an established or prescribed pattern of activity, in which case the offense is a
14 class E felony.

15 568.065. 1. A person commits the offense of genital mutilation if he or she:

16 (1) Excises or infibulates, in whole or in part, the labia majora, labia minora, vulva or
17 clitoris of a female child less than ~~[seventeen]~~ eighteen years of age; or

18 (2) Is a parent, guardian or other person legally responsible for a female child less than
19 ~~[seventeen]~~ eighteen years of age and permits the excision or infibulation, in whole or in part, of the
20 labia majora, labia minora, vulva or clitoris of such female child.

21 2. The offense of genital mutilation is a class B felony.

22 3. Belief that the conduct described in subsection 1 of this section is required as a matter of
23 custom, ritual or standard practice, or consent to the conduct by the child on whom it is performed
24 or by the child's parent or legal guardian, shall not be an affirmative defense to a charge pursuant to
25 this section.

26 4. It is a defense if the conduct which constitutes genital mutilation was:

27 (1) Necessary to preserve the health of the child on whom it is performed and is performed
28 by a person licensed to practice medicine in this state; or

29 (2) Performed on a child who is in labor or who has just given birth and is performed for
30 medical purposes connected with such labor or birth by a person licensed to practice medicine in
31 this state.

32 568.070. 1. A person commits the offense of unlawful transactions with a child if he or she:

33 (1) Being a pawnbroker, junk dealer, dealer in secondhand goods, or any employee of such
34 person, with criminal negligence buys or receives any personal property other than agricultural
35 products from an unemancipated minor, unless the child's custodial parent or guardian has consented
36 in writing to the transaction; or

37 (2) Knowingly permits a minor child to enter or remain in a place where illegal activity in
38 controlled substances, as defined in chapter 579, is maintained or conducted; or

39 (3) With criminal negligence sells blasting caps, bulk gunpowder, or explosives to a child

1 under the age of [~~seventeen~~] eighteen, or fireworks as defined in section 320.110, to a child under
 2 the age of fourteen, unless the child's custodial parent or guardian has consented in writing to the
 3 transaction. Criminal negligence as to the age of the child is not an element of this crime.

4 2. The offense of unlawful transactions with a child is a class B misdemeanor.

5 572.020. 1. A person commits the offense of gambling if he or she knowingly engages in
 6 gambling.

7 2. The offense of gambling is a class C misdemeanor unless:

8 (1) It is committed by a professional player, in which case it is a class A misdemeanor; or

9 (2) The person knowingly engages in gambling with a child less than [~~seventeen~~] eighteen
 10 years of age, in which case it is a class B misdemeanor.

11 573.010. As used in this chapter the following terms shall mean:

12 (1) "Adult cabaret", a nightclub, bar, juice bar, restaurant, bottle club, or other commercial
 13 establishment, regardless of whether alcoholic beverages are served, which regularly features
 14 persons who appear semi-nude;

15 (2) "Characterized by", describing the essential character or dominant theme of an item;

16 (3) "Child", any person under the age of fourteen;

17 (4) "Child pornography":

18 (a) Any obscene material or performance depicting sexual conduct, sexual contact as
 19 defined in section 566.010, or a sexual performance and which has as one of its participants or
 20 portrays as an observer of such conduct, contact, or performance a minor; or

21 (b) Any visual depiction, including any photograph, film, video, picture, or computer or
 22 computer-generated image or picture, whether made or produced by electronic, mechanical, or other
 23 means, of sexually explicit conduct where:

24 a. The production of such visual depiction involves the use of a minor engaging in sexually
 25 explicit conduct;

26 b. Such visual depiction is a digital image, computer image, or computer-generated image
 27 that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct, in that the
 28 depiction is such that an ordinary person viewing the depiction would conclude that the depiction is
 29 of an actual minor engaged in sexually explicit conduct; or

30 c. Such visual depiction has been created, adapted, or modified to show that an identifiable
 31 minor is engaging in sexually explicit conduct. "Identifiable minor" means a person who was a
 32 minor at the time the visual depiction was created, adapted, or modified; or whose image as a minor
 33 was used in creating, adapting, or modifying the visual depiction; and who is recognizable as an
 34 actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique
 35 birthmark or other recognizable feature. The term "identifiable minor" shall not be construed to
 36 require proof of the actual identity of the identifiable minor;

37 (5) "Employ", "employee", or "employment", any person who performs any service on the
 38 premises of a sexually oriented business, on a full-time, part-time, or contract basis, whether or not
 39 the person is denominated an employee, independent contractor, agent, or otherwise. Employee

1 does not include a person exclusively on the premises for repair or maintenance of the premises or
2 for the delivery of goods to the premises;

3 (6) "Explicit sexual material", any pictorial or three-dimensional material depicting human
4 masturbation, deviate sexual intercourse, sexual intercourse, direct physical stimulation or unclothed
5 genitals, sadomasochistic abuse, or emphasizing the depiction of postpubertal human genitals;
6 provided, however, that works of art or of anthropological significance shall not be deemed to be
7 within the foregoing definition;

8 (7) "Furnish", to issue, sell, give, provide, lend, mail, deliver, transfer, circulate,
9 disseminate, present, exhibit or otherwise provide;

10 (8) "Material", anything printed or written, or any picture, drawing, photograph, motion
11 picture film, videotape or videotape production, or pictorial representation, or any recording or
12 transcription, or any mechanical, chemical, or electrical reproduction, or stored computer data, or
13 anything which is or may be used as a means of communication. Material includes undeveloped
14 photographs, molds, printing plates, stored computer data and other latent representational objects;

15 (9) "Minor", any person less than eighteen years of age;

16 (10) "Nudity" or "state of nudity", the showing of the human genitals, pubic area, vulva,
17 anus, anal cleft, or the female breast with less than a fully opaque covering of any part of the nipple
18 or areola;

19 (11) "Obscene", any material or performance if, taken as a whole:

20 (a) Applying contemporary community standards, its predominant appeal is to prurient
21 interest in sex; and

22 (b) The average person, applying contemporary community standards, would find the
23 material depicts or describes sexual conduct in a patently offensive way; and

24 (c) A reasonable person would find the material lacks serious literary, artistic, political or
25 scientific value;

26 (12) "Operator", any person on the premises of a sexually oriented business who causes the
27 business to function, puts or keeps the business in operation, or is authorized to manage the business
28 or exercise overall operational control of the business premises. A person may be found to be
29 operating or causing to be operated a sexually oriented business whether or not such person is an
30 owner, part owner, or licensee of the business;

31 (13) "Performance", any play, motion picture film, videotape, dance or exhibition performed
32 before an audience of one or more;

33 (14) "Pornographic for minors", any material or performance if the following apply:

34 (a) The average person, applying contemporary community standards, would find that the
35 material or performance, taken as a whole, has a tendency to cater or appeal to a prurient interest of
36 minors; and

37 (b) The material or performance depicts or describes nudity, sexual conduct, the condition of
38 human genitals when in a state of sexual stimulation or arousal, or sadomasochistic abuse in a way
39 which is patently offensive to the average person applying contemporary adult community standards

1 with respect to what is suitable for minors; and

2 (c) The material or performance, taken as a whole, lacks serious literary, artistic, political, or
3 scientific value for minors;

4 (15) "Premises", the real property upon which a sexually oriented business is located, and
5 all appurtenances thereto and buildings thereon, including but not limited to the sexually oriented
6 business, the grounds, private walkways, and parking lots or parking garages or both;

7 (16) "Promote", to manufacture, issue, sell, provide, mail, deliver, transfer, transmute,
8 publish, distribute, circulate, disseminate, present, exhibit, or advertise, or to offer or agree to do the
9 same, by any means including a computer;

10 (17) "Regularly", the consistent and repeated doing of the act so described;

11 (18) "Sadomasochistic abuse", flagellation or torture by or upon a person as an act of sexual
12 stimulation or gratification;

13 (19) "Semi-nude" or "state of semi-nudity", the showing of the female breast below a
14 horizontal line across the top of the areola and extending across the width of the breast at such point,
15 or the showing of the male or female buttocks. Such definition includes the lower portion of the
16 human female breast, but shall not include any portion of the cleavage of the female breasts
17 exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is
18 not exposed in whole or in part;

19 (20) "Sexual conduct", actual or simulated, normal or perverted acts of human masturbation;
20 deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or
21 unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual
22 stimulation or gratification or any sadomasochistic abuse or acts including animals or any latent
23 objects in an act of apparent sexual stimulation or gratification;

24 (21) "Sexually explicit conduct", actual or simulated:

25 (a) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal,
26 whether between persons of the same or opposite sex;

27 (b) Bestiality;

28 (c) Masturbation;

29 (d) Sadistic or masochistic abuse; or

30 (e) Lascivious exhibition of the genitals or pubic area of any person;

31 (22) "Sexually oriented business" includes:

32 (a) An adult bookstore or adult video store. "Adult bookstore" or "adult video store" means
33 a commercial establishment which, as one of its principal business activities, offers for sale or rental
34 for any form of consideration any one or more of the following: books, magazines, periodicals, or
35 other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital
36 video discs, slides, or other visual representations which are characterized by their emphasis upon
37 the display of specified sexual activities or specified anatomical areas. A principal business activity
38 exists where the commercial establishment:

39 a. Has a substantial portion of its displayed merchandise which consists of such items; or

- 1 b. Has a substantial portion of the wholesale value of its displayed merchandise which
2 consists of such items; or
- 3 c. Has a substantial portion of the retail value of its displayed merchandise which consists of
4 such items; or
- 5 d. Derives a substantial portion of its revenues from the sale or rental, for any form of
6 consideration, of such items; or
- 7 e. Maintains a substantial section of its interior business space for the sale or rental of such
8 items; or
- 9 f. Maintains an adult arcade. "Adult arcade" means any place to which the public is
10 permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or
11 mechanically controlled still or motion picture machines, projectors, or other image-producing
12 devices are regularly maintained to show images to five or fewer persons per machine at any one
13 time, and where the images so displayed are characterized by their emphasis upon matter exhibiting
14 specified sexual activities or specified anatomical areas;
- 15 (b) An adult cabaret;
- 16 (c) An adult motion picture theater. "Adult motion picture theater" means a commercial
17 establishment where films, motion pictures, video cassettes, slides, or similar photographic
18 reproductions, which are characterized by their emphasis upon the display of specified sexual
19 activities or specified anatomical areas are regularly shown to more than five persons for any form
20 of consideration;
- 21 (d) A semi-nude model studio. "Semi-nude model studio" means a place where persons
22 regularly appear in a state of semi-nudity for money or any form of consideration in order to be
23 observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other
24 persons. Such definition shall not apply to any place where persons appearing in a state of semi-
25 nudity do so in a modeling class operated:
- 26 a. By a college, junior college, or university supported entirely or partly by taxation;
- 27 b. By a private college or university which maintains and operates educational programs in
28 which credits are transferable to a college, junior college, or university supported entirely or partly
29 by taxation; or
- 30 c. In a structure:
- 31 (i) Which has no sign visible from the exterior of the structure and no other advertising that
32 indicates a semi-nude person is available for viewing; and
- 33 (ii) Where, in order to participate in a class, a student must enroll at least three days in
34 advance of the class;
- 35 (e) A sexual encounter center. "Sexual encounter center" means a business or commercial
36 enterprise that, as one of its principal purposes, purports to offer for any form of consideration
37 physical contact in the form of wrestling or tumbling between two or more persons when one or
38 more of the persons is semi-nude;
- 39 (23) "Sexual performance", any performance, or part thereof, which includes sexual conduct

by a child who is less than ~~seventeen~~ eighteen years of age;

(24) "Specified anatomical areas" include:

(a) Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and

(b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered;

(25) "Specified sexual activity", includes any of the following:

(a) Intercourse, oral copulation, masturbation, or sodomy; or

(b) Excretory functions as a part of or in connection with any of the activities described in paragraph (a) of this subdivision;

(26) "Substantial", at least thirty percent of the item or items so modified;

(27) "Visual depiction", includes undeveloped film and videotape, and data stored on computer disk or by electronic means which is capable of conversion into a visual image.

573.090. 1. Video cassettes or other video reproduction devices, or the jackets, cases or coverings of such video reproduction devices shall be displayed or maintained in a separate area if the same are pornographic for minors as defined in section 573.010, or if:

(1) Taken as a whole and applying contemporary community standards, the average person would find that it has a tendency to cater or appeal to morbid interest in violence for persons less than ~~seventeen~~ eighteen years of age; and

(2) It depicts violence in a way which is patently offensive to the average person applying contemporary adult community standards with respect to what is suitable for persons less than ~~seventeen~~ eighteen years of age; and

(3) Taken as a whole, it lacks serious literary, artistic, political, or scientific value for persons less than ~~seventeen~~ eighteen years of age.

2. Any video cassettes or other video reproduction devices meeting the description in subsection 1 of this section shall not be rented or sold to a person less than ~~seventeen~~ eighteen years of age.

3. Violation of the provisions of subsection 1 or 2 of this section shall be punishable as an infraction, unless such violation constitutes furnishing pornographic materials to minors as defined in section 573.040, in which case it shall be punishable as a class A misdemeanor or class E felony as prescribed in section 573.040, or unless such violation constitutes promoting obscenity in the second degree as defined in section 573.030, in which case it shall be punishable as a class A misdemeanor or class E felony as prescribed in section 573.030.

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

2. The offense of driving while intoxicated is:

(1) A class B misdemeanor;

(2) A class A misdemeanor if:

(a) The defendant is a prior offender; or

- 1 (b) A person less than ~~seventeen~~ eighteen years of age is present in the vehicle;
- 2 (3) A class E felony if:
- 3 (a) The defendant is a persistent offender; or
- 4 (b) While driving while intoxicated, the defendant acts with criminal negligence to cause
- 5 physical injury to another person;
- 6 (4) A class D felony if:
- 7 (a) The defendant is an aggravated offender;
- 8 (b) While driving while intoxicated, the defendant acts with criminal negligence to cause
- 9 physical injury to a law enforcement officer or emergency personnel; or
- 10 (c) While driving while intoxicated, the defendant acts with criminal negligence to cause
- 11 serious physical injury to another person;
- 12 (5) A class C felony if:
- 13 (a) The defendant is a chronic offender;
- 14 (b) While driving while intoxicated, the defendant acts with criminal negligence to cause
- 15 serious physical injury to a law enforcement officer or emergency personnel; or
- 16 (c) While driving while intoxicated, the defendant acts with criminal negligence to cause the
- 17 death of another person;
- 18 (6) A class B felony if:
- 19 (a) The defendant is a habitual offender;
- 20 (b) While driving while intoxicated, the defendant acts with criminal negligence to cause the
- 21 death of a law enforcement officer or emergency personnel;
- 22 (c) While driving while intoxicated, the defendant acts with criminal negligence to cause the
- 23 death of any person not a passenger in the vehicle operated by the defendant, including the death of
- 24 an individual that results from the defendant's vehicle leaving a highway, as defined in section
- 25 301.010, or the highway's right-of-way;
- 26 (d) While driving while intoxicated, the defendant acts with criminal negligence to cause the
- 27 death of two or more persons; or
- 28 (e) While driving while intoxicated, the defendant acts with criminal negligence to cause the
- 29 death of any person while he or she has a blood alcohol content of at least eighteen-hundredths of
- 30 one percent by weight of alcohol in such person's blood;
- 31 (7) A class A felony if the defendant has previously been found guilty of an offense under
- 32 paragraphs (a) to (e) of subdivision (6) of this subsection and is found guilty of a subsequent
- 33 violation of such paragraphs.
- 34 3. Notwithstanding the provisions of subsection 2 of this section, a person found guilty of
- 35 the offense of driving while intoxicated as a first offense shall not be granted a suspended
- 36 imposition of sentence:
- 37 (1) Unless such person shall be placed on probation for a minimum of two years; or
- 38 (2) In a circuit where a DWI court or docket created under section 478.007 or other court-
- 39 ordered treatment program is available, and where the offense was committed with fifteen-

1 hundredths of one percent or more by weight of alcohol in such person's blood, unless the individual
2 participates and successfully completes a program under such DWI court or docket or other court-
3 ordered treatment program.

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

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

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

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

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

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

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

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

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

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

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

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

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

39 (5) As a chronic or habitual offender shall not be eligible for parole or probation until he or

1 she has served a minimum of two years imprisonment; and

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

5 577.013. 1. A person commits the offense of boating while intoxicated if he or she operates
6 a vessel while in an intoxicated condition.

7 2. The offense of boating while intoxicated is:

8 (1) A class B misdemeanor;

9 (2) A class A misdemeanor if:

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

11 (b) A person less than ~~seventeen~~ eighteen years of age is present in the vessel;

12 (3) A class E felony if:

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

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

16 (4) A class D felony if:

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

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

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

22 (5) A class C felony if:

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

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

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

28 (6) A class B felony if:

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

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

32 (7) A class A felony if the defendant is a habitual offender as a result of being found guilty
33 of an act described under paragraph (d) of subdivision (12) of section 577.001 and is found guilty of
34 a subsequent violation of such paragraph.

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

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

39 (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 in 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 boating 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 vessel with fifteen-hundredths to twenty-hundredths of one
11 percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not
12 less than forty-eight hours;

13 (2) If the individual operated the vessel 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 boating while intoxicated:

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

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

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

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

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

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

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

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

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

39 (6) Any probation or parole granted under this subsection may include a period of

1 continuous alcohol monitoring or verifiable breath alcohol testing performed a minimum of four
2 times per day.

3 579.020. 1. A person commits the offense of delivery of a controlled substance if, except as
4 authorized in this chapter or chapter 195, he or she:

- 5 (1) Knowingly distributes or delivers a controlled substance;
- 6 (2) Attempts to distribute or deliver a controlled substance;
- 7 (3) Knowingly possesses a controlled substance with the intent to distribute or deliver any
8 amount of a controlled substance; or
- 9 (4) Knowingly permits a minor to purchase or transport illegally obtained controlled
10 substances.

11 2. Except when the controlled substance is thirty-five grams or less of marijuana or
12 synthetic cannabinoid or as otherwise provided under subsection 5 of this section, the offense of
13 delivery of a controlled substance is a class C felony.

14 3. Except as otherwise provided under subsection 4 of this section, the offense of delivery of
15 thirty-five grams or less of marijuana or synthetic cannabinoid is a class E felony.

16 4. The offense of delivery of thirty-five grams or less of marijuana or synthetic cannabinoid
17 to a person less than ~~[seventeen]~~ eighteen years of age who is at least two years younger than the
18 defendant is a class C felony.

19 5. The offense of delivery of a controlled substance is a class B felony if:

20 (1) The delivery or distribution is any amount of a controlled substance except thirty-five
21 grams or less of marijuana or synthetic cannabinoid, to a person less than ~~[seventeen]~~ eighteen years
22 of age who is at least two years younger than the defendant; or

23 (2) The person knowingly permits a minor to purchase or transport illegally obtained
24 controlled substances.

25 650.055. 1. Every individual who:

26 (1) Is found guilty of a felony or any offense under chapter 566; or
27 (2) Is ~~[seventeen]~~ eighteen years of age or older and arrested for burglary in the first degree
28 under section 569.160, or burglary in the second degree under section 569.170, or a felony offense
29 under chapter 565, 566, 567, 568, or 573; or

30 (3) Has been determined to be a sexually violent predator pursuant to sections 632.480 to
31 632.513; or

32 (4) Is an individual required to register as a sexual offender under sections 589.400 to
33 589.425;

34
35 shall have a fingerprint and blood or scientifically accepted biological sample collected for purposes
36 of DNA profiling analysis.

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

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

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

3 (3) Upon entering or before release from a county jail or detention facility, state correctional
4 facility, or any other detention facility or institution, whether operated by a private, local, or state
5 agency, or any mental health facility if committed as a sexually violent predator pursuant to sections
6 632.480 to 632.513; or

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

12 (5) If such individual is under the jurisdiction of the department of corrections. Such
13 jurisdiction includes persons currently incarcerated, persons on probation, as defined in section
14 217.650, and on parole, as also defined in section 217.650; or

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

16 3. The Missouri state highway patrol and department of corrections shall be responsible for
17 ensuring adherence to the law. Any person required to provide a DNA sample pursuant to this
18 section shall be required to provide such sample, without the right of refusal, at a collection site
19 designated by the Missouri state highway patrol and the department of corrections. Authorized
20 personnel collecting or assisting in the collection of samples shall not be liable in any civil or
21 criminal action when the act is performed in a reasonable manner. Such force may be used as
22 necessary to the effectual carrying out and application of such processes and operations. The
23 enforcement of these provisions by the authorities in charge of state correctional institutions and
24 others having custody or jurisdiction over individuals included in subsection 1 of this section which
25 shall not be set aside or reversed is hereby made mandatory. The division of probation and parole
26 shall recommend that an individual on probation or parole who refuses to provide a DNA sample
27 have his or her probation or parole revoked. In the event that a person's DNA sample is not
28 adequate for any reason, the person shall provide another sample for analysis.

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

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

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

37 7. All DNA records and biological materials retained in the DNA profiling system are
38 considered closed records pursuant to chapter 610. All records containing any information held or
39 maintained by any person or by any agency, department, or political subdivision of the state

1 concerning an individual's DNA profile shall be strictly confidential and shall not be disclosed,
2 except to:

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

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

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

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

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

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

17 9. (1) An individual may request expungement of his or her DNA sample and DNA profile
18 through the court issuing the reversal or dismissal, or through the court granting an expungement of
19 all official records under section 568.040. A certified copy of the court order establishing that such
20 conviction has been reversed, guilty plea has been set aside, or expungement has been granted under
21 section 568.040 shall be sent to the Missouri state highway patrol crime laboratory. Upon receipt of
22 the court order, the laboratory will determine that the requesting individual has no other qualifying
23 offense as a result of any separate plea or conviction and no other qualifying arrest prior to
24 expungement.

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

30 (3) Upon receipt of a written request for expungement, a certified copy of the final court
31 order reversing the conviction, setting aside the plea, or granting an expungement of all official
32 records under section 568.040, and any other information necessary to ascertain the validity of the
33 request, the Missouri state highway patrol crime laboratory shall expunge all DNA records and
34 identifiable information in the state DNA database pertaining to the person and destroy the DNA
35 sample of the person, unless the Missouri state highway patrol determines that the person is
36 otherwise obligated to submit a DNA sample. Within thirty days after the receipt of the court order,
37 the Missouri state highway patrol shall notify the individual that it has expunged his or her DNA
38 sample and DNA profile, or the basis for its determination that the person is otherwise obligated to
39 submit a DNA sample.

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

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

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

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

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

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

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

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

28
29 If the state highway patrol crime laboratory receives notice under this subsection, such crime
30 laboratory shall determine, within thirty days, whether the individual has any other qualifying
31 offenses or arrests that would require a DNA sample to be taken. If the individual has no other
32 qualifying arrests or offenses, the crime laboratory shall expunge all DNA records in the database
33 pertaining to such person and destroy the person's DNA sample."; and

34
35 Further amend said bill by amending the title, enacting clause, and intersectional references
36 accordingly.