

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 2227

102ND GENERAL ASSEMBLY

3974H.02P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 136.055, 210.560, 211.221, 302.178, 302.181, 568.060, and 578.421, RSMo, and to enact in lieu thereof seven new sections relating to the protection of children, with penalty provisions.

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

Section A. Sections 136.055, 210.560, 211.221, 302.178, 302.181, 568.060, and
2 578.421, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as
3 sections 136.055, 210.560, 211.221, 302.178, 302.181, 568.060, and 578.421, to read as
4 follows:

136.055. 1. **Except as provided in subsection 8 of this section**, any person who is
2 selected or appointed by the state director of revenue as provided in subsection 2 of this
3 section to act as an agent of the department of revenue, whose duties shall be the processing
4 of motor vehicle title and registration transactions and the collection of sales and use taxes
5 when required under sections 144.070 and 144.440, and who receives no salary from the
6 department of revenue, shall be authorized to collect from the party requiring such services
7 additional fees as compensation in full and for all services rendered on the following basis:
8 (1) For each motor vehicle or trailer registration issued, renewed or transferred, six
9 dollars and twelve dollars for those licenses sold or biennially renewed pursuant to section
10 301.147;
11 (2) For each application or transfer of title, six dollars;
12 (3) For each instruction permit, nondriver license, chauffeur's, operator's or driver's
13 license issued for a period of three years or less, six dollars and twelve dollars for licenses or
14 instruction permits issued or renewed for a period exceeding three years;

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

15 (4) For each notice of lien processed, six dollars;

16 (5) Notary fee or electronic transmission per processing, two dollars.

17 2. The director of revenue shall award fee office contracts under this section through
18 a competitive bidding process. The competitive bidding process shall give priority to
19 organizations and entities that are exempt from taxation under Section 501(c)(3), 501(c)(6), or
20 501(c)(4), except those civic organizations that would be considered action organizations
21 under 26 C.F.R. Section 1.501 (c)(3)-1(c)(3), of the Internal Revenue Code of 1986, as
22 amended, with special consideration given to those organizations and entities that reinvest a
23 minimum of seventy-five percent of the net proceeds to charitable organizations in Missouri,
24 and political subdivisions, including but not limited to, municipalities, counties, and fire
25 protection districts. The director of the department of revenue may promulgate rules and
26 regulations necessary to carry out the provisions of this subsection. Any rule or portion of a
27 rule, as that term is defined in section 536.010, that is created under the authority delegated in
28 this subsection shall become effective only if it complies with and is subject to all of the
29 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536
30 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
32 subsequently held unconstitutional, then the grant of rulemaking authority and any rule
33 proposed or adopted after August 28, 2009, shall be invalid and void.

34 3. All fees collected by a tax-exempt organization may be retained and used by the
35 organization.

36 4. All fees charged shall not exceed those in this section. The fees imposed by this
37 section shall be collected by all permanent offices and all full-time or temporary offices
38 maintained by the department of revenue.

39 5. Any person acting as agent of the department of revenue for the sale and issuance
40 of registrations, licenses, and other documents related to motor vehicles shall have an
41 insurable interest in all license plates, licenses, tabs, forms and other documents held on
42 behalf of the department.

43 6. The fees authorized by this section shall not be collected by motor vehicle dealers
44 acting as agents of the department of revenue under section 32.095 or those motor vehicle
45 dealers authorized to collect and remit sales tax under subsection 10 of section 144.070.

46 7. Notwithstanding any other provision of law to the contrary, the state auditor may
47 audit all records maintained and established by the fee office in the same manner as the
48 auditor may audit any agency of the state, and the department shall ensure that this audit
49 requirement is a necessary condition for the award of all fee office contracts. No confidential
50 records shall be divulged in such a way to reveal personally identifiable information.

51 **8. The fees described in subsection 1 of this section shall not be collected from**
52 **any person who qualifies as a homeless child or homeless youth, as defined in subsection**
53 **1 of section 167.020, or as an unaccompanied youth as defined in 42 U.S.C. Section**
54 **11434a(6). Such person's status as a homeless child or youth or unaccompanied youth**
55 **shall be verified by a letter signed by one of the following persons:**

56 **(1) A director or designee of a governmental or nonprofit agency that receives**
57 **public or private funding to provide services to homeless persons;**

58 **(2) A local education agency liaison for homeless children and youth designated**
59 **under 42 U.S.C. Section 11432(g)(1)(J)(ii), or a school social worker or counselor; or**

60 **(3) A licensed attorney representing the minor in any legal matter.**

210.560. 1. As used in this section, the following terms shall mean:

2 (1) "Child", any child placed in the legal custody of the division under chapter 211;

3 (2) "Division", the children's division of the department of social services of the state
4 of Missouri;

5 (3) "Money", any legal tender, note, draft, certificate of deposit, stocks, bond or
6 check;

7 (4) "Unmet needs", needs for which the division is not required by law to
8 provide financial support, such as:

9 **(a) Tuition, tutoring, and training, including application fees, books, equipment,**
10 **and testing;**

11 **(b) Transportation to and from work, training, education, or to maintain family**
12 **connections;**

13 **(c) Housing expenses if the child is preparing to leave the custody of the division**
14 **for reasons relating to the child's age; and**

15 **(d) Technology, special clothing needs, instruments, books, and other equipment**
16 **relating to the child's hobbies and interests;**

17 **(5) "Vested right", a legal right that is more than a mere expectancy and may be**
18 **reduced to a present monetary value.**

19 2. The child, the child's parents, any fiduciary or any representative payee holding or
20 receiving money that are vested rights solely for or on behalf of a child are jointly and
21 severally liable for funds expended by the division to or on behalf of the child. The liability
22 of any person, except a parent of the child, shall be limited to the money received in his or her
23 fiduciary or representative capacity. The Missouri state government shall not require a trustee
24 or a financial institution acting as a trustee to exercise any discretionary powers in the
25 operation of a trust.

26 3. **(1)** The division may accept an appointment to serve as representative payee or
27 fiduciary, or in a similar capacity for payments to a child under any public or private benefit

28 arrangement. Money so received shall be governed by this section to the extent that laws and
29 regulations governing payment of such benefits provide otherwise.

30 **(2) In the case of benefits administered by the Railroad Retirement Board, the**
31 **Social Security Administration, or the Veterans Administration, the division shall**
32 **determine whether the child is receiving or otherwise eligible to receive such benefits**
33 **within sixty days after the child is placed in the division's custody. If the division**
34 **determines that the child is eligible or may be eligible for the benefits, the division shall**
35 **apply for the benefits on behalf of the child. If the child is already receiving the benefits**
36 **before being placed in the division's custody or if the division applies for the benefits on**
37 **behalf of the child, the division shall identify, in consultation with the child and the**
38 **child's legal representative, a representative payee in accordance with 20 CFR 404.2021**
39 **and 20 CFR 416.621 and shall apply to become the representative payee only if no other**
40 **suitable candidate is available. The division shall annually review if someone other than**
41 **the division is available, if in the best interests of the child, to apply to assume the role of**
42 **representative payee.**

43 **(3) The division shall annually review cases of children in the division's custody**
44 **to determine whether a child may have become eligible for benefits after the division's**
45 **initial assessment.**

46 4. Any money received by the division on behalf of a child shall be accounted for in
47 the name of the child. Any money in the account of a child ~~may~~ **shall not** be expended by
48 the division for care or services for the child **including, but not limited to, foster care**
49 **maintenance expenses, as defined in 42 U.S.C. Section 675(4)(A), and any special**
50 **allowances or expenses established by the division for the care of children in the**
51 **division's custody, for a child of a similar age; provided, however, that the division may**
52 **use the benefits administered by the Railroad Retirement Board, the Social Security**
53 **Administration, or the Veterans Administration for the child's unmet needs beyond**
54 **what the division is obligated, required, or agrees to pay. The division shall by rule**
55 **adopted under chapter 536 establish procedures for the accounting of the money and the**
56 **protection of the money against theft, loss or misappropriation.**

57 5. The division shall deposit money with a financial institution. Any earnings
58 attributable to the money in the account of a child shall be credited to that child's account.
59 The division shall receive bids from banking corporations, associations or trust companies
60 which desire to be selected as depositories of children's moneys for the division. **The child's**
61 **account shall be established in a manner consistent with federal and state asset and**
62 **resource limits and may include a special-needs trust, a pooled special-needs trust, an**
63 **ABLE account as defined in section 209.600, or any other trust account determined not**

64 **to interfere with asset limitations for any state or federal benefit program for which the**
65 **child may be eligible.**

66 6. The division may accept funds which a parent, guardian or other person wishes to
67 provide for the use or benefit of the child. The use and deposit of such funds shall be
68 governed by this section and any additional directions given by the provider of the funds.

69 7. Each child for whose benefit funds have been received by the division and the
70 guardian ad litem of such child shall be furnished annually with a statement listing all
71 transactions involving the funds which have been deposited on the child's behalf, to include
72 each receipt and disbursement.

73 8. The division shall use all proper diligence to dispose of the balance of money
74 accumulated in the child's account when the child is released from the care and custody of the
75 division or the child dies. When the child is deceased the balance shall be disposed of as
76 provided by law for descent and distribution. If, after the division has diligently used such
77 methods and means as considered reasonable to refund such funds, there shall remain any
78 money, the owner of which is unknown to the division, or if known, cannot be located by the
79 division, in each and every such instance such money shall escheat and vest in the state of
80 Missouri, and the director and officials of the division shall pay the same to the state director
81 of the department of revenue, taking a receipt therefor, who shall deposit the money in the
82 state treasury to be credited to a fund to be designated as "escheat".

83 9. Within five years after money has been paid into the state treasury, any person who
84 appears and claims the money may file a petition in the circuit court of Cole County,
85 Missouri, stating the nature of the claim and praying that such money be paid to him. A copy
86 of the petition shall be served upon the director of the department of revenue who shall file an
87 answer to the same. The court shall proceed to examine the claim and the allegations and
88 proof, and if it finds that such person is entitled to any money so paid into the state treasury, it
89 shall order the commissioner of administration to issue a warrant on the state treasurer for the
90 amount of such claim, but without interest or costs. A certified copy of the order shall be
91 sufficient voucher for issuing a warrant; provided, that either party may appeal from the
92 decision of the court in the same manner as provided by law in other civil actions.

93 10. All moneys paid into the state treasury under the provisions of this section after
94 remaining there unclaimed for five years shall escheat and vest absolutely in the state and be
95 credited to the state treasury, and all persons shall be forever barred and precluded from
96 setting up title or claim to any such funds.

97 11. Nothing in this section shall be deemed to apply to funds regularly due the state of
98 Missouri for the support and maintenance of children in the care and custody of the division
99 or collected by the state of Missouri as reimbursement for state funds expended on behalf of
100 the child.

211.221. In placing a child in or committing a child to the custody of an individual or
2 of a private agency or institution the court, **children's division, or any child-placing agency**
3 **contracting with the state to provide foster care services** shall whenever practicable select
4 either a person, or an agency or institution governed by persons of the same religious faith as
5 that of the parents of such child, or in case of a difference in the religious faith of the parents,
6 then of the religious faith of the child or if the religious faith of the child is not ascertainable,
7 then of the faith of either of the parents.

302.178. 1. Any person between the ages of [~~sixteen~~] **fifteen** and eighteen years who
2 is qualified to obtain a license pursuant to sections 302.010 to 302.340 may apply for, and the
3 director shall issue, an intermediate driver's license entitling the applicant, while having such
4 license in his or her possession, to operate a motor vehicle of the appropriate class upon the
5 highways of this state in conjunction with the requirements of this section. An intermediate
6 driver's license shall be readily distinguishable from a license issued to those over the age of
7 eighteen. All applicants for an intermediate driver's license shall:

- 8 (1) Successfully complete the examination required by section 302.173;
- 9 (2) Pay the fee required by subsection 4 of this section;
- 10 (3) Have had a temporary instruction permit issued pursuant to subsection 1 of
11 section 302.130 for at least a six-month period or a valid license from another state; and
- 12 (4) Have a parent, grandparent, legal guardian, or, if the applicant is a participant in a
13 federal residential job training program, a driving instructor employed by a federal residential
14 job training program, sign the application stating that the applicant has completed at least
15 forty hours of supervised driving experience under a temporary instruction permit issued
16 pursuant to subsection 1 of section 302.130, or, if the applicant is an emancipated minor, the
17 person over twenty-one years of age who supervised such driving. For purposes of this
18 section, the term "emancipated minor" means a person who is at least sixteen years of age, but
19 less than eighteen years of age, who:
 - 20 (a) Marries with the consent of the legal custodial parent or legal guardian pursuant to
21 section 451.080;
 - 22 (b) Has been declared emancipated by a court of competent jurisdiction;
 - 23 (c) Enters active duty in the Armed Forces;
 - 24 (d) Has written consent to the emancipation from the custodial parent or legal
25 guardian; [~~or~~]
 - 26 (e) Through employment or other means provides for such person's own food, shelter
27 and other cost-of-living expenses; or
 - 28 (f) **Qualifies as a homeless child or homeless youth, as defined in subsection 1 of**
29 **section 167.020, or as an unaccompanied youth as defined in 42 U.S.C. Section 11434a**
30 **(6), and whose status as such is verified as provided under subsection 10 of this section;**

31 (5) Have had no alcohol-related enforcement contacts as defined in section 302.525
32 during the preceding twelve months; and

33 (6) Have no nonalcoholic traffic convictions for which points are assessed pursuant to
34 section 302.302, within the preceding six months.

35 2. An intermediate driver's license grants the licensee the same privileges to operate
36 that classification of motor vehicle as a license issued pursuant to section 302.177, except that
37 no person shall operate a motor vehicle on the highways of this state under such an
38 intermediate driver's license between the hours of 1:00 a.m. and 5:00 a.m. unless
39 accompanied by a person described in subsection 1 of section 302.130; except the licensee
40 may operate a motor vehicle without being accompanied if the travel is to or from a school or
41 educational program or activity, a regular place of employment or in emergency situations as
42 defined by the director by regulation.

43 3. Each intermediate driver's license shall be restricted by requiring that the driver
44 and all passengers in the licensee's vehicle wear safety belts at all times. This safety belt
45 restriction shall not apply to a person operating a motorcycle. For the first six months after
46 issuance of the intermediate driver's license, the holder of the license shall not operate a motor
47 vehicle with more than one passenger who is under the age of nineteen who is not a member
48 of the holder's immediate family. As used in this subsection, an intermediate driver's license
49 holder's immediate family shall include brothers, sisters, stepbrothers or stepsisters of the
50 driver, including adopted or foster children residing in the same household of the intermediate
51 driver's license holder. After the expiration of the first six months, the holder of an
52 intermediate driver's license shall not operate a motor vehicle with more than three passengers
53 who are under nineteen years of age and who are not members of the holder's immediate
54 family. The passenger restrictions of this subsection shall not be applicable to any
55 intermediate driver's license holder who is operating a motor vehicle being used in
56 agricultural work-related activities.

57 4. Notwithstanding the provisions of section 302.177 to the contrary, the fee for an
58 intermediate driver's license shall be five dollars and such license shall be valid for a period of
59 two years. **Such fee shall be waived for any person qualifying as an emancipated minor
60 under subdivision (4) of subsection 1 of this section.**

61 5. Any intermediate driver's licensee accumulating six or more points in a twelve-
62 month period may be required to participate in and successfully complete a driver-
63 improvement program approved by the state highways and transportation commission. The
64 driver-improvement program ordered by the director of revenue shall not be used in lieu of
65 point assessment.

66 6. (1) An intermediate driver's licensee who has, for the preceding twelve-month
67 period, had no alcohol-related enforcement contacts, as defined in section 302.525 and no

68 traffic convictions for which points are assessed, upon reaching the age of eighteen years or
69 within the thirty days immediately preceding their eighteenth birthday may apply for and
70 receive without further examination, other than a vision test as prescribed by section 302.173,
71 a license issued pursuant to this chapter granting full driving privileges. Such person shall
72 pay the required fee for such license as prescribed in section 302.177.

73 (2) If an intermediate driver's license expires on a Saturday, Sunday, or legal holiday,
74 such license shall remain valid for the five business days immediately following the
75 expiration date. In no case shall a licensee whose intermediate driver's license expires on a
76 Saturday, Sunday, or legal holiday be guilty of an offense of driving with an expired or invalid
77 driver's license if such offense occurred within five business days immediately following an
78 expiration date that occurs on a Saturday, Sunday, or legal holiday.

79 (3) The director of revenue shall deny an application for a full driver's license until
80 the person has had no traffic convictions for which points are assessed for a period of twelve
81 months prior to the date of application for license or until the person is eligible to apply for a
82 six-year driver's license as provided for in section 302.177, provided the applicant is
83 otherwise eligible for full driving privileges. An intermediate driver's license shall expire
84 when the licensee is eligible and receives a full driver's license as prescribed in subdivision
85 (1) of this section.

86 7. No person upon reaching the age of eighteen years whose intermediate driver's
87 license and driving privilege is denied, suspended, cancelled or revoked in this state or any
88 other state for any reason may apply for a full driver's license until such license or driving
89 privilege is fully reinstated. Any such person whose intermediate driver's license has been
90 revoked pursuant to the provisions of sections 302.010 to 302.540 shall, upon receipt of
91 reinstatement of the revocation from the director, pass the complete driver examination, apply
92 for a new license, and pay the proper fee before again operating a motor vehicle upon the
93 highways of this state.

94 8. A person shall be exempt from the intermediate licensing requirements if the
95 person has reached the age of eighteen years and meets all other licensing requirements.

96 9. Any person who violates any of the provisions of this section relating to
97 intermediate drivers' licenses or the provisions of section 302.130 relating to temporary
98 instruction permits is guilty of an infraction, and no points shall be assessed to his or her
99 driving record for any such violation.

100 10. **A person's status as a homeless child or youth or unaccompanied youth**
101 **under paragraph (f) of subdivision (4) of subsection 1 of this section shall be verified by**
102 **a letter signed by one of the following persons:**

103 (1) **A director or designee of a governmental or nonprofit agency that receives**
104 **public or private funding to provide services to homeless persons;**

105 **(2) A local education agency liaison for homeless children and youth designated**
106 **under 42 U.S.C. Section 11432(g)(1)(J)(ii), or a school social worker or counselor; or**

107 **(3) A licensed attorney representing the minor in any legal matter.**

108 **11.** Any rule or portion of a rule, as that term is defined in section 536.010, that is
109 created under the authority delegated in this section shall become effective only if it complies
110 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
111 This section and chapter 536 are nonseverable and if any of the powers vested with the
112 general assembly pursuant to chapter 536 to review, to delay the effective date or to
113 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
114 rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid
115 and void.

302.181. 1. The license issued pursuant to the provisions of sections 302.010 to
2 302.340 shall be in such form as the director shall prescribe, but the license shall be a card
3 made of plastic or other comparable material. All licenses shall be manufactured of materials
4 and processes that will prohibit, as nearly as possible, the ability to reproduce, alter,
5 counterfeit, forge, or duplicate any license without ready detection. The license shall also
6 bear the expiration date of the license, the classification of the license, the name, date of birth,
7 residence address including the county of residence or a code number corresponding to such
8 county established by the department, and brief description and colored digitized image of the
9 licensee, and a facsimile of the signature of the licensee. The director shall provide by
10 administrative rule the procedure and format for a licensee to indicate on the back of the
11 license together with the designation for an anatomical gift as provided in section 194.240 the
12 name and address of the person designated pursuant to sections 404.800 to 404.865 as the
13 licensee's attorney in fact for the purposes of a durable power of attorney for health care
14 decisions. No license shall be valid until it has been so signed by the licensee. If any portion
15 of the license is prepared by a private firm, any contract with such firm shall be made in
16 accordance with the competitive purchasing procedures as established by the state director of
17 the division of purchasing.

18 2. All digital images produced for licenses shall become the property of the
19 department of revenue.

20 3. The license issued shall be carried at all times by the holder thereof while driving a
21 motor vehicle, and shall be displayed upon demand of any officer of the highway patrol, or
22 any police officer or peace officer, or any other duly authorized person, for inspection when
23 demand is made therefor. Failure of any operator of a motor vehicle to exhibit his or her
24 license to any duly authorized officer shall be presumptive evidence that such person is not a
25 duly licensed operator.

26 4. The director of revenue shall not issue a license without a facial digital image of
27 the license applicant, except as provided pursuant to subsection 7 of this section. A digital
28 image of the applicant's full facial features shall be taken in a manner prescribed by the
29 director. No digital image shall be taken wearing anything which cloaks the facial features of
30 the individual.

31 5. The department of revenue may issue a temporary license or a full license without
32 the photograph or with the last photograph or digital image in the department's records to
33 members of the Armed Forces, except that where such temporary license is issued it shall be
34 valid only until the applicant shall have had time to appear and have his or her picture taken
35 and a license with his or her photograph issued.

36 6. The department of revenue shall issue upon request a nondriver's license card
37 containing essentially the same information and photograph or digital image, except as
38 provided pursuant to subsection 7 of this section, as the driver's license upon payment of six
39 dollars. All nondriver's licenses shall expire on the applicant's birthday in the sixth year after
40 issuance. A person who has passed his or her seventieth birthday shall upon application be
41 issued a nonexpiring nondriver's license card. Notwithstanding any other provision of this
42 chapter, a nondriver's license containing a concealed carry endorsement shall expire three
43 years from the date the certificate of qualification was issued pursuant to section 571.101, as
44 section 571.101 existed prior to August 28, 2013. The fee for nondriver's licenses issued for a
45 period exceeding three years is six dollars or three dollars for nondriver's licenses issued for a
46 period of three years or less. The nondriver's license card shall be used for identification
47 purposes only and shall not be valid as a license. **No fee shall be required or collected from**
48 **a homeless child or homeless youth, as defined in subsection 1 of section 167.020, or**
49 **unaccompanied youth, as defined in 42 U.S.C. Section 11434a(6), for a first nondriver's**
50 **license card issued under this subsection. Such person's status as a homeless child or**
51 **youth or unaccompanied youth shall be verified by a letter signed by one of the**
52 **following persons:**

53 (1) **A director or designee of a governmental or nonprofit agency that receives**
54 **public or private funding to provide services to homeless persons;**

55 (2) **A local education agency liaison for homeless children and youth designated**
56 **under 42 U.S.C. Section 11432(g)(1)(J)(ii), or a school social worker or counselor; or**

57 (3) **A licensed attorney representing the minor in any legal matter.**

58 7. If otherwise eligible, an applicant may receive a driver's license or nondriver's
59 license without a photograph or digital image of the applicant's full facial features except that
60 such applicant's photograph or digital image shall be taken and maintained by the director and
61 not printed on such license. In order to qualify for a license without a photograph or digital
62 image pursuant to this section the applicant must:

63 (1) Present a form provided by the department of revenue requesting the applicant's
64 photograph be omitted from the license or nondriver's license due to religious affiliations.
65 The form shall be signed by the applicant and another member of the religious tenant
66 verifying the photograph or digital image exemption on the license or nondriver's license is
67 required as part of their religious affiliation. The required signatures on the prescribed form
68 shall be properly notarized;

69 (2) Provide satisfactory proof to the director that the applicant has been a United
70 States citizen for at least five years and a resident of this state for at least one year, except that
71 an applicant moving to this state possessing a valid driver's license from another state without
72 a photograph shall be exempt from the one-year state residency requirement. The director
73 may establish rules necessary to determine satisfactory proof of citizenship and residency
74 pursuant to this section;

75 (3) Applications for a driver's license or nondriver's license without a photograph or
76 digital image must be made in person at a license office determined by the director. The
77 director is authorized to limit the number of offices that may issue a driver's or nondriver's
78 license without a photograph or digital image pursuant to this section.

79 8. The department of revenue shall make available, at one or more locations within
80 the state, an opportunity for individuals to have their full facial photograph taken by an
81 employee of the department of revenue, or their designee, who is of the same sex as the
82 individual being photographed, in a segregated location.

83 9. Beginning July 1, 2005, the director shall not issue a driver's license or a
84 nondriver's license for a period that exceeds an applicant's lawful presence in the United
85 States. The director may, by rule or regulation, establish procedures to verify the lawful
86 presence of the applicant and establish the duration of any driver's license or nondriver's
87 license issued under this section.

88 10. (1) Notwithstanding any biometric data restrictions contained in section 302.170,
89 the department of revenue is hereby authorized to design and implement a secure digital
90 driver's license program that allows applicants applying for a driver's license in accordance
91 with this chapter to obtain a secure digital driver's license in addition to the physical card-
92 based license specified in this section.

93 (2) A digital driver's license as described in this subsection shall be accepted for all
94 purposes for which a license, as defined in section 302.010, is used.

95 (3) The department may contract with one or more entities to develop the secure
96 digital driver's license system. The department or entity may develop a mobile software
97 application capable of being utilized through a person's electronic device to access the
98 person's secure digital driver's license.

99 (4) The department shall suspend, disable, or terminate a person's participation in the
100 secure digital driver's license program if:

101 (a) The person's driving privilege is suspended, revoked, denied, withdrawn, or
102 cancelled as provided in this chapter; or

103 (b) The person reports that the person's electronic device has been lost, stolen, or
104 compromised.

105 11. The director of the department of revenue may promulgate rules as necessary for
106 the implementation of this section. Any rule or portion of a rule, as that term is defined in
107 section 536.010 that is created under the authority delegated in this section shall become
108 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
109 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the
110 powers vested with the general assembly pursuant to chapter 536 to review, to delay the
111 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then
112 the grant of rulemaking authority and any rule proposed or adopted after August 28, 2020,
113 shall be invalid and void.

568.060. 1. As used in this section, the following terms shall mean:

2 (1) "Abuse", the infliction of physical, sexual, or mental injury against a child by any
3 person eighteen years of age or older. For purposes of this section, abuse shall not include
4 injury inflicted on a child by accidental means by a person with care, custody, or control of
5 the child, or discipline of a child by a person with care, custody, or control of the child,
6 including spanking, in a reasonable manner;

7 (2) "Abusive head trauma", a serious physical injury to the head or brain caused by
8 any means, including but not limited to shaking, jerking, pushing, pulling, slamming, hitting,
9 or kicking;

10 (3) "Mental injury", an injury to the intellectual or psychological capacity or the
11 emotional condition of a child as evidenced by an observable and substantial impairment of
12 the ability of the child to function within his or her normal range of performance or behavior;

13 (4) "Neglect", the failure to provide, by those responsible for the care, custody, and
14 control of a child under the age of eighteen years, the care reasonable and necessary to
15 maintain the physical and mental health of the child, when such failure presents a substantial
16 probability that death or physical injury or sexual injury would result;

17 (5) "Physical injury", physical pain, illness, or any impairment of physical condition,
18 including but not limited to bruising, lacerations, hematomas, welts, or permanent or
19 temporary disfigurement and impairment of any bodily function or organ;

20 (6) "Serious emotional injury", an injury that creates a substantial risk of temporary or
21 permanent medical or psychological damage, manifested by impairment of a behavioral,
22 cognitive, or physical condition. Serious emotional injury shall be established by testimony

23 of qualified experts upon the reasonable expectation of probable harm to a reasonable degree
24 of medical or psychological certainty;

25 (7) "Serious physical injury", a physical injury that creates a substantial risk of death
26 or that causes serious disfigurement or protracted loss or impairment of the function of any
27 part of the body.

28 2. A person commits the offense of abuse or neglect of a child if such person
29 knowingly causes a child who is less than eighteen years of age:

30 (1) To suffer physical or mental injury as a result of abuse or neglect; or

31 (2) To be placed in a situation in which the child may suffer physical or mental injury
32 as the result of abuse or neglect.

33 3. A person commits the offense of abuse or neglect of a child if such person
34 recklessly causes a child who is less than eighteen years of age to suffer from abusive head
35 trauma.

36 4. A person does not commit the offense of abuse or neglect of a child by virtue of the
37 sole fact that the person delivers or allows the delivery of a child to a provider of emergency
38 services.

39 **5. (1) A person does not commit the offense of abuse or neglect of a child by**
40 **virtue of the sole fact that the person allows the child to engage in independent activities**
41 **without adult supervision and the person is a parent to the child or is responsible for the**
42 **child's care, provided that the:**

43 (a) Independent activities are appropriate based on the child's age, maturity,
44 and physical and mental abilities; and

45 (b) Lack of adult supervision does not constitute conduct that is so grossly
46 negligent as to endanger the health or safety of the child.

47 (2) As used in this subsection, "independent activities" shall include traveling to
48 or from school or nearby locations by bicycle or on foot, playing outdoors, or remaining
49 at home for a reasonable period of time without adult supervision.

50 ~~5.~~ 6. The offense of abuse or neglect of a child is:

51 (1) A class D felony, without eligibility for probation, parole, or conditional release
52 until the defendant has served no less than one year of such sentence, unless the person has
53 previously been found guilty of a violation of this section or of a violation of the law of any
54 other jurisdiction that prohibits the same or similar conduct or the injury inflicted on the child
55 is a serious emotional injury or a serious physical injury, in which case abuse or neglect of a
56 child is a class B felony, without eligibility for probation or parole until the defendant has
57 served not less than five years of such sentence; or

58 (2) A class A felony if the child dies as a result of injuries sustained from conduct
59 chargeable under the provisions of this section.

60 ~~[6-]~~ 7. Notwithstanding subsection ~~[5]~~ 6 of this section to the contrary, the offense of
61 abuse or neglect of a child is a class A felony, without eligibility for probation, parole, or
62 conditional release until the defendant has served not less than fifteen years of such sentence,
63 if:

64 (1) The injury is a serious emotional injury or a serious physical injury;

65 (2) The child is less than fourteen years of age; and

66 (3) The injury is the result of sexual abuse or sexual abuse in the first degree as
67 defined under section 566.100 or sexual exploitation of a minor as defined under section
68 573.023.

69 ~~[7-]~~ 8. The circuit or prosecuting attorney may refer a person who is suspected of
70 abuse or neglect of a child to an appropriate public or private agency for treatment or
71 counseling so long as the agency has consented to taking such referrals. Nothing in this
72 subsection shall limit the discretion of the circuit or prosecuting attorney to prosecute a
73 person who has been referred for treatment or counseling pursuant to this subsection.

74 ~~[8-]~~ 9. Nothing in this section shall be construed to alter the requirement that every
75 element of any crime referred to herein must be proven beyond a reasonable doubt.

76 ~~[9-]~~ 10. Discipline, including spanking administered in a reasonable manner, shall not
77 be construed to be abuse under this section.

 578.421. 1. Sections 578.421 to 578.437 shall be known and may be cited as the
2 "Missouri Criminal Street Gangs Prevention Act".

3 2. As used in sections 578.421 to 578.437, the following terms mean:

4 (1) "Criminal street gang", any ongoing organization, association, or group of three or
5 more persons, whether formal or informal, having as one of its motivating activities the
6 commission of one or more of the criminal acts enumerated in subdivision (2) of this
7 subsection, whose members individually or collectively engage in or have engaged in a
8 pattern of criminal gang activity;

9 (2) "Pattern of criminal street gang activity", the commission, attempted commission,
10 or solicitation of two or more of the following offenses, provided at least one of those
11 offenses occurred after August 28, 1993, and the last of those offenses occurred within three
12 years after a prior offense, and the offenses are committed on separate occasions, or by two or
13 more persons:

14 (a) Assault with a deadly weapon or by means of force likely to cause serious
15 physical injury, as provided in sections 565.050 and 565.052;

16 (b) Robbery, arson and those offenses under chapter 569 which are related to robbery
17 and arson;

18 (c) Murder or manslaughter, as provided in sections 565.020 to 565.024;

- 19 (d) Any violation of the provisions of chapter 579 which involves the distribution,
20 delivery or manufacture of a substance prohibited by chapter 579;
- 21 (e) Unlawful use of a weapon which is a felony pursuant to section 571.030;
- 22 (f) Tampering with witnesses and victims, as provided in section 575.270;
- 23 (g) Promoting online sexual solicitation, as provided in section 566.103;
- 24 (h) Sexual trafficking of a child in the first degree, as provided in section 566.210;
- 25 (i) Sexual trafficking of a child in the second degree, as provided in section 566.211;
- 26 (j) Patronizing prostitution, as provided in subsection 4 of section 567.030;
- 27 (k) Promoting prostitution in the first degree, as provided in section 567.050;
- 28 (l) Promoting prostitution in the second degree, as provided in section 567.060;
- 29 (m) Abuse or neglect of a child, as provided in subsection ~~[6]~~ 7 of section 568.060;
- 30 (n) Sexual exploitation of a minor, as provided in section 573.023;
- 31 (o) Child used in sexual performance, as provided in section 573.200;
- 32 (p) Promoting sexual performance by a child, as provided in section 573.205; or
- 33 (q) Any dangerous felony, as defined in section 556.061.

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