

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 87

103RD GENERAL ASSEMBLY

0544S.03C

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 287.243, 302.304, 302.440, 302.520, 302.525, 302.530, 302.574, 477.650, 491.641, 577.010, 595.045, and 650.120, RSMo, and to enact in lieu thereof sixteen new sections relating to public safety, with penalty provisions.

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

Section A. Sections 287.243, 302.304, 302.440, 302.520,
2 302.525, 302.530, 302.574, 477.650, 491.641, 577.010, 595.045,
3 and 650.120, RSMo, are repealed and sixteen new sections enacted
4 in lieu thereof, to be known as sections 173.2655, 173.2660,
5 287.243, 302.304, 302.440, 302.520, 302.525, 302.530, 302.574,
6 454.1050, 477.650, 491.641, 557.520, 577.010, 595.045, and
7 650.120, to read as follows:

173.2655. 1. This section and section 173.2660 shall
2 **be known and may be cited as the "Public Safety Recruitment**
3 **and Retention Act".**

4 **2. For purposes of this section and section 173.2660,**
5 **unless the context clearly indicates otherwise, the**
6 **following terms mean:**

7 **(1) "Advanced emergency medical technician", as such**
8 **term is defined in section 190.100;**

9 **(2) "Department", the department of higher education**
10 **and workforce development;**

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

11 (3) "Emergency medical technician", as such term is
12 defined in section 190.100;

13 (4) "Firefighter", any officer or employee of a fire
14 department who is employed for the purpose of fighting
15 fires, excluding volunteer firefighters and anyone employed
16 in a clerical or other capacity not involving fire-fighting
17 duties;

18 (5) "Legal dependent", as such term is defined by the
19 United States Department of Education for purposes of the
20 Free Application for Student Financial Aid;

21 (6) "Line of duty", any action that public safety
22 personnel is authorized or obligated by law, rule, or
23 regulation to perform, related to or as a condition of
24 employment or service;

25 (7) "Open seat", a vacant position in a class, course,
26 or program that is available for enrollment, and which may
27 become available when a student drops out or transfers, or
28 when a class, course, or program has unused capacity,
29 allowing new students to register or enroll;

30 (8) "Paramedic", as such term is defined in section
31 190.100;

32 (9) "Police officer", any person who, by virtue of
33 office or public employment, is vested by law with the power
34 and duty to make arrests for violation of the laws of the
35 state of Missouri or ordinances of any municipality thereof,
36 while acting within the scope of his or her authority as an
37 employee of a public law enforcement agency, as such term is
38 defined in section 590.1040;

39 (10) "Public institution of higher education", a
40 public community college, state college, or state university
41 located in Missouri;

(11) "Public safety personnel", includes any police officer, firefighter, paramedic, telecommunicator first responder, emergency medical technician, or advanced emergency medical technician who is trained and authorized by law or rule to render emergency medical assistance or treatment;

(12) "Telecommunicator first responder", as such term is defined in section 650.320;

(13) "Tuition", the charges and cost of tuition as set by the governing body of a public institution of higher education, including fees such as course fees, activity fees, technology fees, and mandatory fees charged by such institution to all full-time students as a condition of enrollment, but excluding the costs of room, board, books, and any other educational materials, equipment, or supplies.

3. Subject to appropriation, public safety personnel with at least six years of service shall be entitled to an award worth up to one hundred percent of the resident tuition charges of a public institution of higher education if the individual:

(1) Possesses one of the following:

(a) A current, valid license issued by the department of health and senior services authorizing such person to serve as an emergency medical technician, advanced emergency medical technician, or paramedic;

(b) A current, valid license issued by the peace officer standards and training commission authorizing such person to serve as a peace officer pursuant to the provisions of chapter 590;

(c) A current, valid certificate issued by the division of fire safety authorizing such person to serve as a firefighter; or

74 (d) A current, valid certificate confirming successful
75 completion of any ongoing training requirements pursuant to
76 section 650.340; and

77 (e) For all public safety personnel, a certificate of
78 verification signed by the individual's supervisor or
79 employer verifying that such individual is currently
80 employed full-time as public safety personnel and trained
81 and authorized by law or rule to render emergency medical
82 assistance or treatment;

83 (2) Meets all admission requirements of the public
84 institution of higher education;

85 (3) Has not already earned a baccalaureate degree;

86 (4) Pursues studies leading to an associate degree or
87 baccalaureate degree in one of the following academic
88 subject areas:

89 (a) For police officers, eligible subjects include
90 forensic science, fisheries and wildlife, political science,
91 psychology, history, philosophy, sociology, anthropology,
92 global studies, Spanish, journalism, advertising, public
93 relations, nutrition and health sciences, communication
94 sciences and disorders, and criminal justice;

95 (b) For firefighters, paramedics, emergency medical
96 technicians, and advanced emergency medical technicians,
97 eligible subjects include biology, chemistry, biochemistry,
98 microbiology, nutrition and health sciences, communication
99 sciences and disorders, Spanish, advertising, public
100 relations, paramedicine, fire science, fire technology, fire
101 administration, fire management, communications, homeland
102 security, emergency management, disaster management, and
103 crisis management; and

104 (c) For telecommunicator first responders, eligible
105 subjects include any subject specified in paragraph (a) or
106 (b) of this subdivision;

107 (5) Submits verification of the professional license
108 or certificate and the certificate of verification required
109 by subdivision (1) of this subsection to the department, in
110 a form and manner as prescribed by the department;

111 (6) Files with the department documentation showing
112 proof of employment as public safety personnel and proof of
113 residence in Missouri each year such individual or such
114 individual's legal dependent applies for and receives the
115 tuition award;

116 (7) First applies for all other forms of federal and
117 state student financial aid before applying for a tuition
118 award, including, but not limited to, filing the United
119 States Department of Education Free Application for Federal
120 Student Aid and, if applicable, applying for financial
121 assistance pursuant to the provisions of 38 U.S.C. Section
122 3301, et seq.; and

123 (8) Submits a document to the department confirming
124 that the public safety personnel has satisfied the
125 provisions of subdivision (7) of this subsection, to be
126 submitted in a form and manner as prescribed by the
127 department.

128 4. Public safety personnel may receive the tuition
129 award pursuant to subsection 3 of this section for up to
130 five years if they otherwise continue to be eligible for the
131 tuition award. The five years of tuition award eligibility
132 starts once the individual applies for and receives the
133 tuition award for the first time and is available to such
134 individual for the next five consecutive years or the

135 individual's achievement of one hundred twenty credit hours,
136 whichever occurs first.

137 5. Subject to appropriation, a legal dependent of
138 public safety personnel with at least ten years of service
139 shall be entitled to a tuition award worth up to one hundred
140 percent of the resident tuition charges of any public
141 institution of higher education for an associate or
142 baccalaureate degree program if such public safety personnel
143 satisfies the provisions of subdivisions (1), (5), and (6)
144 of subsection 3 of this section and the legal dependent:

145 (1) Executes an agreement with the department in
146 accordance with the provisions of section 173.2660;

147 (2) Has not previously earned a baccalaureate degree;

148 (3) Meets all admission requirements of the public
149 institution of higher education;

150 (4) First applies for all other forms of federal and
151 state student financial aid before applying for a tuition
152 award, including, but not limited to, filing the United
153 States Department of Education Free Application for Federal
154 Student Aid and, if applicable, applying for financial
155 assistance pursuant to the provisions of 38 U.S.C. Section
156 3301, et seq.;

157 (5) Submits a document to the department confirming
158 that the legal dependent has satisfied subdivision (4) of
159 this subsection, to be submitted in a form and manner as
160 prescribed by the department;

161 (6) Submits the verification required pursuant to
162 subsection 8 of this section to the department; and

163 (7) Pursues studies leading to an associate degree or
164 baccalaureate degree in any one of the subject areas
165 specified in paragraphs (a) to (c) of subdivision (4) of
166 subsection 3 of this section.

167 6. A legal dependent may receive the tuition award for
168 up to five years if the public safety personnel and the
169 legal dependent continue to be eligible for such tuition
170 award. The five years of tuition award eligibility starts
171 once the legal dependent applies for and receives the
172 tuition award for the first time and is available to such
173 legal dependent for the next five consecutive years or the
174 legal dependent's achievement of one hundred twenty credit
175 hours, whichever occurs first.

176 7. The tuition award shall be worth up to one hundred
177 percent of the public safety personnel's or the legal
178 dependent's tuition remaining due after subtracting awarded
179 federal financial aid grants and state scholarships and
180 grants for the eligible public safety personnel or legal
181 dependent during the time the public safety personnel or
182 legal dependent is enrolled. To remain eligible, the public
183 safety personnel or legal dependent shall comply with all
184 requirements of the institution for continued attendance and
185 award of an associate degree or a baccalaureate degree.

186 8. (1) An application for a tuition award shall
187 include a verification of the public safety personnel's
188 satisfaction of the requirements of subdivisions (1), (5),
189 and (6) of subsection 3 of this section. The public safety
190 personnel shall include such verification when he or she or
191 his or her legal dependent is applying to the department for
192 a tuition waiver.

193 (2) The death of public safety personnel in the line
194 of duty which occurs after submission of an application for
195 a tuition award shall not disqualify such individual's
196 otherwise eligible legal dependent from receiving the
197 tuition award. In such case, in lieu of submitting the
198 certificate of verification provided for in subdivision (1)

199 of this subsection, the legal dependent shall submit a
200 statement attesting that:

201 (a) At the time of death, such public safety personnel
202 satisfied the requirements of subdivision (1) of this
203 subsection; and

204 (b) Such public safety personnel died in the line of
205 duty.

206 9. The department shall provide a tuition award to
207 public safety personnel and legal dependents who satisfy the
208 provisions of this section and section 173.2660, if
209 applicable, and apply for an open seat at a public
210 institution of higher education, but shall not provide a
211 tuition award if doing so would require the institution to
212 create additional seats exceeding class, course, or program
213 capacity.

214 10. All applicants for a tuition award shall submit
215 their applications to the department no later than December
216 fifteenth annually. No later than March first annually, the
217 department shall send written notice of the applicant's
218 eligibility or ineligibility for the tuition award and state
219 whether the application has been approved or denied. If the
220 applicant is determined not to be eligible for the tuition
221 award, the notice shall include the reason or reasons for
222 such determination. If the application is denied, the
223 notice shall include the reason or reasons for the denial.

224 11. The department shall promulgate rules to implement
225 the provisions of this section and section 173.2660. Any
226 rule or portion of a rule, as that term is defined in
227 section 536.010, that is created under the authority
228 delegated in this section shall become effective only if it
229 complies with and is subject to all of the provisions of
230 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, 2025, shall be invalid and void.

12. (1) There is hereby created in the state treasury the "Public Safety Recruitment and Retention Fund", which shall consist of moneys appropriated by the general assembly or any gifts, donations, or bequests for the purpose of implementing the provisions of this section and section 173.2660. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and money in the fund shall be used solely by the department of higher education and workforce development for the purpose of granting tuition awards as provided in this section and section 173.2660.

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

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

13. In any year in which moneys in the public safety recruitment and retention fund are insufficient to fully fund tuition awards for all eligible applicants, tuition awards shall be awarded in the following order of priority; provided that, in the event of a tie in eligibility, available funds shall be distributed on a pro rata basis:

263 (1) Priority class one shall include public safety
264 personnel, in the following order:

265 (a) Public safety personnel in departments located
266 wholly or partially in counties or cities not within a
267 county with the highest crime rate per capita, as determined
268 by the most recent uniform crime reporting statistics from
269 the Federal Bureau of Investigation; and

270 (b) Public safety personnel with the most years of
271 service; and

272 (2) Priority class two shall include dependents of
273 public safety personnel, in the following order:

274 (a) Dependents of public safety personnel in
275 departments located wholly or partially in counties or
276 cities not within a county with the highest crime rate per
277 capita, as determined by the most recent uniform crime
278 reporting statistics from the Federal Bureau of
279 Investigation; and

280 (b) Dependents of public safety personnel with the
281 most years of service.

282 14. The tuition awards provided for in this section
283 and section 173.2660 are subject to appropriation. If there
284 are no moneys in the fund established in subsection 12 of
285 this section, no tuition awards shall be granted.

173.2660. 1. Each legal dependent who is a tuition
2 award recipient pursuant to the provisions of section
3 173.2655 shall execute an agreement as provided in this
4 section. Such agreement shall include the following terms,
5 as appropriate:

6 (1) The tuition award recipient agrees to reside
7 within the state of Missouri for a period of five years
8 following the use of the tuition award;

9 (2) Each year during the five-year period following
10 use of the tuition award, the tuition award recipient agrees
11 to file a state income tax return and provide a copy of such
12 tax return to the department to document that such recipient
13 still resides in the state of Missouri;

14 (3) If the tuition award recipient fails to annually
15 file a tax return to prove residency in the state of
16 Missouri for the five-year period following the use of the
17 tuition award or fails to remain a resident of Missouri for
18 the five-year period following the use of the tuition award,
19 the tuition award recipient agrees that the tuition award
20 shall be treated as a loan to such recipient, subject to the
21 following conditions:

22 (a) Interest shall be charged on the unpaid balance of
23 the amount received from the date the recipient ceases to
24 reside in Missouri until the amount received is paid back to
25 the state. The interest rate shall be adjusted annually and
26 shall be equal to one percentage point over the prevailing
27 United States prime rate in effect on January first of such
28 year; and

29 (b) The servicer of such loans shall be the higher
30 education loan authority of the state of Missouri created
31 pursuant to sections 173.350 to 173.445; and

32 (4) Any residency, filing, or payment obligation
33 incurred by the tuition award recipient under section
34 173.2655 is canceled in the event of the tuition award
35 recipient's total and permanent disability or death.

36 2. The five-year residency requirement begins once the
37 legal dependent applies for and receives the tuition award
38 for the first time and continues until the tuition award
39 recipient's:

40 (1) Completion of the five-year tuition award
41 eligibility period;

42 (2) Completion of a baccalaureate degree at a public
43 institution of higher education;

44 (3) Completion of an associate degree at a public
45 community college and notification to the department that
46 such recipient does not intend to pursue a baccalaureate
47 degree or additional associate degree using tuition awards
48 pursuant to the public safety recruitment and retention act;
49 or

50 (4) Notification to the department that such recipient
51 does not plan to use additional tuition awards pursuant to
52 the public safety recruitment and retention act.

287.243. 1. This section shall be known and may be
2 cited as the "Line of Duty Compensation Act".

3 2. As used in this section, unless otherwise provided,
4 the following words shall mean:

5 (1) "Air ambulance pilot", a person certified as an
6 air ambulance pilot in accordance with sections 190.001 to
7 190.245 and corresponding regulations applicable to air
8 ambulances adopted by the department of health and senior
9 services;

10 (2) "Air ambulance registered professional nurse", a
11 person licensed as a registered professional nurse in
12 accordance with sections 335.011 to 335.096 and
13 corresponding regulations adopted by the state board of
14 nursing, 20 CSR 2200-4, et seq., who provides registered
15 professional nursing services as a flight nurse in
16 conjunction with an air ambulance program that is certified
17 in accordance with sections 190.001 to 190.245 and the
18 corresponding regulations applicable to such programs;

19 (3) "Air ambulance registered respiratory therapist",
20 a person licensed as a registered respiratory therapist in
21 accordance with sections 334.800 to 334.930 and
22 corresponding regulations adopted by the state board for
23 respiratory care, who provides respiratory therapy services
24 in conjunction with an air ambulance program that is
25 certified in accordance with sections 190.001 to 190.245 and
26 corresponding regulations applicable to such programs;

27 (4) "Child", any natural, illegitimate, adopted, or
28 posthumous child or stepchild of a deceased public safety
29 officer who, at the time of the public safety officer's
30 fatality is:

31 (a) Eighteen years of age or under;

32 (b) Over eighteen years of age and a student, as
33 defined in 5 U.S.C. Section 8101; or

34 (c) Over eighteen years of age and incapable of self-
35 support because of physical or mental disability;

36 (5) "Emergency medical technician", a person licensed
37 in emergency medical care in accordance with standards
38 prescribed by sections 190.001 to 190.245 and by rules
39 adopted by the department of health and senior services
40 under sections 190.001 to 190.245;

41 (6) "Firefighter", any person, including a volunteer
42 firefighter, employed by the state or a local governmental
43 entity as an employer defined under subsection 1 of section
44 287.030, or otherwise serving as a member or officer of a
45 fire department either for the purpose of the prevention or
46 control of fire or the underwater recovery of drowning
47 victims;

48 (7) "Flight crew member", an individual engaged in
49 flight responsibilities with an air ambulance licensed in

50 accordance with sections 190.001 to 190.245 and
51 corresponding regulations applicable to such programs;

52 (8) "Killed in the line of duty", when any person
53 defined in this section loses his or her life when:

54 (a) Death is caused by an accident or the willful act
55 of violence of another;

56 (b) The public safety officer is in the active
57 performance of his or her duties in his or her respective
58 profession and there is a relationship between the accident
59 or commission of the act of violence and the performance of
60 the duty, even if the individual is off duty; the public
61 safety officer is traveling to or from employment; or the
62 public safety officer is taking any meal break or other
63 break which takes place while that individual is on duty;

64 (c) Death is the natural and probable consequence of
65 the injury; and

66 (d) Death occurs within three hundred weeks from the
67 date the injury was received.

68 The term excludes death resulting from the willful
69 misconduct or intoxication of the public safety officer.
70 The division of workers' compensation shall have the burden
71 of proving such willful misconduct or intoxication;

72 (9) "Law enforcement officer", any person employed by
73 the state or a local governmental entity as a police
74 officer, peace officer certified under chapter 590, or
75 serving as an auxiliary police officer or in some like
76 position involving the enforcement of the law and protection
77 of the public interest at the risk of that person's life;

78 (10) "Local governmental entity", includes counties,
79 municipalities, townships, board or other political
80 subdivision, cities under special charter, or under the

81 commission form of government, fire protection districts,
82 ambulance districts, and municipal corporations;

83 (11) "Public safety officer", any law enforcement
84 officer, firefighter, uniformed employee of the office of
85 the state fire marshal, emergency medical technician, police
86 officer, capitol police officer, parole officer, probation
87 officer, state correctional employee, water safety officer,
88 park ranger, conservation officer, or highway patrolman
89 employed by the state of Missouri or a political subdivision
90 thereof who is killed in the line of duty or any emergency
91 medical technician, air ambulance pilot, air ambulance
92 registered professional nurse, air ambulance registered
93 respiratory therapist, or flight crew member who is killed
94 in the line of duty;

95 (12) "State", the state of Missouri and its
96 departments, divisions, boards, bureaus, commissions,
97 authorities, and colleges and universities;

98 (13) "Volunteer firefighter", a person having
99 principal employment other than as a firefighter, but who is
100 carried on the rolls of a regularly constituted fire
101 department either for the purpose of the prevention or
102 control of fire or the underwater recovery of drowning
103 victims, the members of which are under the jurisdiction of
104 the corporate authorities of a city, village, incorporated
105 town, or fire protection district. Volunteer firefighter
106 shall not mean an individual who volunteers assistance
107 without being regularly enrolled as a firefighter.

108 3. (1) A claim for compensation under this section
109 shall be filed by survivors of the deceased with the
110 division of workers' compensation not later than one year
111 from the date of death of a public safety officer. If a
112 claim is made within one year of the date of death of a

public safety officer killed in the line of duty,
compensation shall be paid, if the division finds that the
claimant is entitled to compensation under this section.

(2) The amount of compensation paid to the claimant
shall be twenty-five thousand dollars, subject to
appropriation, for death occurring on or after June 19,
2009, but before August 28, 2025.

(3) The amount of compensation paid to the claimant
shall be one hundred thousand dollars, subject to
appropriation, for death occurring on or after the effective
date of this section. The amount of compensation paid,
subject to the modifications under subdivision (4) of this
subsection, shall be determined as the amount in effect as
of the date of death of the public safety officer.

(4) Beginning with the 2026 calendar year, the amount
of compensation paid as identified under subdivision (3) of
this subsection shall be adjusted annually by the percent
increase in the Consumer Price Index for All Urban
Consumers, or its successor index, as such index is defined
and officially reported by the United States Department of
Labor, or its successor agency. Such annual adjustment
under this subdivision, however, shall not decrease the
amount of compensation paid to an amount less than one
hundred thousand dollars. The department of labor and
industrial relations shall annually publish such adjusted
amount. The modification shall take effect on January first
of each calendar year and shall apply to all calendar years
beginning on or after the effective date of the adjusted
compensation amount, until the next modification occurs.

4. Any compensation awarded under the provisions of
this section shall be distributed as follows:

(1) To the surviving spouse of the public safety officer if there is no child who survived the public safety officer;

(2) Fifty percent to the surviving child, or children, in equal shares, and fifty percent to the surviving spouse if there is at least one child who survived the public safety officer, and a surviving spouse of the public safety officer;

(3) To the surviving child, or children, in equal shares, if there is no surviving spouse of the public safety officer;

(4) If there is no surviving spouse of the public safety officer and no surviving child:

(a) To the surviving individual, or individuals, in shares per the designation or, otherwise, in equal shares, designated by the public safety officer to receive benefits under this subsection in the most recently executed designation of beneficiary of the public safety officer on file at the time of death with the public safety agency, organization, or unit; or

(b) To the surviving individual, or individuals, in equal shares, designated by the public safety officer to receive benefits under the most recently executed life insurance policy of the public safety officer on file at the time of death with the public safety agency, organization, or unit if there is no individual qualifying under paragraph

(a) **of this subdivision;**

(5) To the surviving parent, or parents, in equal shares, of the public safety officer if there is no individual qualifying under subdivision (1), (2), (3), or (4) of this subsection; or

175 (6) To the surviving individual, or individuals, in
176 equal shares, who would qualify under the definition of the
177 term "child" but for age if there is no individual
178 qualifying under subdivision (1), (2), (3), (4), or (5) of
179 this subsection.

180 5. Notwithstanding subsection 3 of this section, no
181 compensation is payable under this section unless a claim is
182 filed within the time specified under this section setting
183 forth:

184 (1) The name, address, and title or designation of the
185 position in which the public safety officer was serving at
186 the time of his or her death;

187 (2) The name and address of the claimant;

188 (3) A full, factual account of the circumstances
189 resulting in or the course of events causing the death at
190 issue; and

191 (4) Such other information that is reasonably required
192 by the division.

193 When a claim is filed, the division of workers' compensation
194 shall make an investigation for substantiation of matters
195 set forth in the application.

196 6. The compensation provided for under this section is
197 in addition to, and not exclusive of, any pension rights,
198 death benefits, or other compensation the claimant may
199 otherwise be entitled to by law.

200 7. Neither employers nor workers' compensation
201 insurers shall have subrogation rights against any
202 compensation awarded for claims under this section. Such
203 compensation shall not be assignable, shall be exempt from
204 attachment, garnishment, and execution, and shall not be
205 subject to setoff or counterclaim, or be in any way liable

206 for any debt, except that the division or commission may
207 allow as lien on the compensation, reasonable attorney's
208 fees for services in connection with the proceedings for
209 compensation if the services are found to be necessary.
210 Such fees are subject to regulation as set forth in section
211 287.260.

212 8. Any person seeking compensation under this section
213 who is aggrieved by the decision of the division of workers'
214 compensation regarding his or her compensation claim, may
215 make application for a hearing as provided in section
216 287.450. The procedures applicable to the processing of
217 such hearings and determinations shall be those established
218 by this chapter. Decisions of the administrative law judge
219 under this section shall be binding, subject to review by
220 either party under the provisions of section 287.480.

221 9. Pursuant to section 23.253 of the Missouri sunset
222 act:

223 (1) The provisions of the new program authorized under
224 this section shall **be reauthorized as of August 28, 2025,**
225 **and shall** automatically sunset [six years after June 19,
226 2019] **on December 31, 2031,** unless reauthorized by an act of
227 the general assembly; and

228 (2) If such program is reauthorized, the program
229 authorized under this section shall automatically sunset
230 twelve years after the effective date of the reauthorization
231 of this section; and

232 (3) This section shall terminate on September first of
233 the calendar year immediately following the calendar year in
234 which the program authorized under this section is sunset.

235 10. The provisions of this section, unless specified,
236 shall not be subject to other provisions of this chapter.

237 11. There is hereby created in the state treasury the
238 "Line of Duty Compensation Fund", which shall consist of
239 moneys appropriated to the fund and any voluntary
240 contributions, gifts, or bequests to the fund. The state
241 treasurer shall be custodian of the fund and shall approve
242 disbursements from the fund in accordance with sections
243 30.170 and 30.180. Upon appropriation, money in the fund
244 shall be used solely for paying claims under this section.
245 Notwithstanding the provisions of section 33.080 to the
246 contrary, any moneys remaining in the fund at the end of the
247 biennium shall not revert to the credit of the general
248 revenue fund. The state treasurer shall invest moneys in
249 the fund in the same manner as other funds are invested.
250 Any interest and moneys earned on such investments shall be
251 credited to the fund.

252 12. The division shall promulgate rules to administer
253 this section, including but not limited to the appointment
254 of claims to multiple claimants, record retention, and
255 procedures for information requests. Any rule or portion of
256 a rule, as that term is defined in section 536.010, that is
257 created under the authority delegated in this section shall
258 become effective only if it complies with and is subject to
259 all of the provisions of chapter 536 and, if applicable,
260 section 536.028. This section and chapter 536 are
261 nonseverable and if any of the powers vested with the
262 general assembly under chapter 536 to review, to delay the
263 effective date, or to disapprove and annul a rule are
264 subsequently held unconstitutional, then the grant of
265 rulemaking authority and any rule proposed or adopted after
266 June 19, 2009, shall be invalid and void.

302.304. 1. The director shall notify by ordinary
2 mail any operator of the point value charged against the

operator's record when the record shows four or more points have been accumulated in a twelve-month period.

2. In an action to suspend or revoke a license or driving privilege under this section points shall be accumulated on the date of conviction. No case file of any conviction for a driving violation for which points may be assessed pursuant to section 302.302 may be closed until such time as a copy of the record of such conviction is forwarded to the department of revenue.

3. The director shall suspend the license and driving privileges of any person whose driving record shows the driver has accumulated eight points in eighteen months.

4. The license and driving privilege of any person whose license and driving privilege have been suspended under the provisions of sections 302.010 to 302.540 except those persons whose license and driving privilege have been suspended under the provisions of subdivision (8) of subsection 1 of section 302.302 or has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 and who has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, and is otherwise eligible, shall be reinstated as follows:

(1) In the case of an initial suspension, thirty days after the effective date of the suspension;

(2) In the case of a second suspension, sixty days after the effective date of the suspension;

(3) In the case of the third and subsequent suspensions, ninety days after the effective date of the suspension.

33 Unless proof of financial responsibility is filed with the
34 department of revenue, a suspension shall continue in effect
35 for two years from its effective date.

36 5. The period of suspension of the driver's license
37 and driving privilege of any person under the provisions of
38 subdivision (8) of subsection 1 of section 302.302 or who
39 has accumulated sufficient points together with a conviction
40 under subdivision (10) of subsection 1 of section 302.302
41 shall be thirty days, followed by a sixty-day period of
42 restricted driving privilege as defined in section 302.010.
43 Upon completion of such period of restricted driving
44 privilege, upon compliance with other requirements of law
45 and upon filing of proof of financial responsibility with
46 the department of revenue, in accordance with chapter 303,
47 the license and driving privilege shall be reinstated. If a
48 person, otherwise subject to the provisions of this
49 subsection, files proof of installation with the department
50 of revenue that any vehicle operated by such person is
51 equipped with a functioning, certified ignition interlock
52 device, there shall be no period of suspension. However, in
53 lieu of a suspension the person shall instead complete a
54 ninety-day period of restricted driving privilege. If the
55 person fails to maintain such proof of the device with the
56 director of revenue as required, the restricted driving
57 privilege shall be terminated. Upon completion of such
58 ninety-day period of restricted driving privilege, upon
59 compliance with other requirements of law, and upon filing
60 of proof of financial responsibility with the department of
61 revenue, in accordance with chapter 303, the license and
62 driving privilege shall be reinstated. However, if the
63 monthly monitoring reports during such ninety-day period
64 indicate that the ignition interlock device has registered a

confirmed blood alcohol concentration level above the alcohol setpoint established by the department of transportation or such reports indicate that the ignition interlock device has been tampered with or circumvented, then the license and driving privilege of such person shall not be reinstated until the person completes an additional thirty-day period of restricted driving privilege.

6. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, or, if applicable, if the person fails to maintain proof that any vehicle operated is equipped with a functioning, certified ignition interlock device installed pursuant to subsection 5 of this section, the person's driving privilege and license shall be resuspended.

7. The director shall revoke the license and driving privilege of any person when the person's driving record shows such person has accumulated twelve points in twelve months or eighteen points in twenty-four months or twenty-four points in thirty-six months. The revocation period of any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303 and is otherwise eligible, shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, except as provided in subsection 2 of section 302.541, the revocation shall remain in effect for a period of two years from its effective date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, the person's license and driving privilege shall be rerevoked.

Any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 shall, upon receipt of the notice of termination of the revocation from the director, pass the complete driver examination and apply for a new license before again operating a motor vehicle upon the highways of this state.

8. If, prior to conviction for an offense that would require suspension or revocation of a person's license under the provisions of this section, the person's total points accumulated are reduced, pursuant to the provisions of section 302.306, below the number of points required for suspension or revocation pursuant to the provisions of this section, then the person's license shall not be suspended or revoked until the necessary points are again obtained and accumulated.

9. If any person shall neglect or refuse to surrender the person's license, as provided herein, the director shall direct the state highway patrol or any peace or police officer to secure possession thereof and return it to the director.

10. Upon the issuance of a reinstatement or termination notice after a suspension or revocation of any person's license and driving privilege under the provisions of sections 302.010 to 302.540, the accumulated point value shall be reduced to four points, except that the points of any person serving as a member of the Armed Forces of the United States outside the limits of the United States during a period of suspension or revocation shall be reduced to zero upon the date of the reinstatement or termination of notice. It shall be the responsibility of such member of the Armed Forces to submit copies of official orders to the director of revenue to substantiate such overseas service.

Any other provision of sections 302.010 to 302.540 to the contrary notwithstanding, the effective date of the four points remaining on the record upon reinstatement or termination shall be the date of the reinstatement or termination notice.

11. No credit toward reduction of points shall be given during periods of suspension or revocation or any period of driving under a limited driving privilege granted by a court or the director of revenue.

12. Any person or nonresident whose license or privilege to operate a motor vehicle in this state has been suspended or revoked under this or any other law shall, before having the license or privilege to operate a motor vehicle reinstated, pay to the director a reinstatement fee of twenty dollars which shall be in addition to all other fees provided by law.

13. Notwithstanding any other provision of law to the contrary, if after two years from the effective date of any suspension or revocation issued under this chapter, except any suspension or revocation issued under section 302.410, 302.462, or 302.574, the person or nonresident has not paid the reinstatement fee of twenty dollars, the director shall reinstate such license or privilege to operate a motor vehicle in this state. Any person who has had his or her license suspended or revoked under section 302.410, 302.462, or 302.574, shall be required to pay the reinstatement fee.

14. No person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a violation under subdivision (8), (9) or (10) of subsection 1 of section 302.302 shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender

program defined in section 302.010, or a program determined to be comparable by the department of mental health.

Assignment recommendations, based upon the needs assessment as described in subdivision (24) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court of the county in which such assignment was given, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a like offense in the future, except that the court may modify but may not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.001 or of a person determined to have operated a motor vehicle with fifteen-hundredths of one percent or more by weight in such person's blood.

Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any

192 hearing conducted pursuant to this subsection shall not be
193 necessary unless directed by the court.

194 15. The fees for the program authorized in subsection
195 14 of this section, or a portion thereof to be determined by
196 the department of mental health, shall be paid by the person
197 enrolled in the program. Any person who is enrolled in the
198 program shall pay, in addition to any fee charged for the
199 program, a supplemental fee in an amount to be determined by
200 the department of mental health for the purposes of funding
201 the substance abuse traffic offender program defined in
202 section 302.010 or a program determined to be comparable by
203 the department of mental health. The administrator of the
204 program shall remit to the division of alcohol and drug
205 abuse of the department of mental health on or before the
206 fifteenth day of each month the supplemental fee for all
207 persons enrolled in the program, less two percent for
208 administrative costs. Interest shall be charged on any
209 unpaid balance of the supplemental fees due the division of
210 alcohol and drug abuse pursuant to this section and shall
211 accrue at a rate not to exceed the annual rate established
212 pursuant to the provisions of section 32.065, plus three
213 percentage points. The supplemental fees and any interest
214 received by the department of mental health pursuant to this
215 section shall be deposited in the mental health earnings
216 fund which is created in section 630.053.

217 16. Any administrator who fails to remit to the
218 division of alcohol and drug abuse of the department of
219 mental health the supplemental fees and interest for all
220 persons enrolled in the program pursuant to this section
221 shall be subject to a penalty equal to the amount of
222 interest accrued on the supplemental fees due the division
223 pursuant to this section. If the supplemental fees,

interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection of said fees and interest accrued. The court shall assess attorney fees and court costs against any delinquent program.

17. Any person who has had a license to operate a motor vehicle suspended or revoked as a result of:

(1) An assessment of points for a conviction for an intoxication-related traffic offense, as defined under section 577.001, **in which the person's blood alcohol content was found to be at least eight-hundredths of one percent but less than fifteen-hundredths of one percent by weight of alcohol in such person's blood** and who has a prior alcohol-related enforcement contact as defined under section 302.525[**7**]; or

(2) An assessment of points for a conviction for an intoxication-related traffic offense, as defined under section 577.001, **in which the person's blood alcohol content was found to be fifteen-hundredths of one percent or more by weight of alcohol in such person's blood;**

shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement of the license. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has

255 registered any confirmed blood alcohol concentration
256 readings above the alcohol setpoint established by the
257 department of transportation or that the person has tampered
258 with or circumvented the ignition interlock device within
259 the last three months of the six-month period of required
260 installation of the ignition interlock device, then the
261 period for which the person must maintain the ignition
262 interlock device following the date of reinstatement shall
263 be extended until the person has completed three consecutive
264 months with no violations as described in this section. If
265 the person fails to maintain such proof with the director,
266 the license shall be resuspended or revoked and the person
267 shall be guilty of a class A misdemeanor.

302.440. In addition to any other provisions of law, a
2 court may require that any person who is found guilty of a
3 first intoxication-related traffic offense, as defined in
4 section 577.001, and a court shall require that any person
5 who is found guilty of a second or subsequent intoxication-
6 related traffic offense, as defined in section 577.001, **or**
7 **any person who is found guilty of an intoxication-related**
8 **traffic offense, as defined under section 577.001, in which**
9 **the person's blood alcohol content was found to be fifteen-**
10 **hundredths of one percent or more by weight of alcohol in**
11 **such person's blood** shall not operate any motor vehicle
12 unless that vehicle is equipped with a functioning,
13 certified ignition interlock device **that the person must use**
14 for a period of not less than six months from the date of
15 reinstatement of the person's driver's license. In
16 addition, any court authorized to grant a limited driving
17 privilege under section 302.309 to any person who is found
18 guilty of a second or subsequent intoxication-related
19 traffic offense **or to any person who is found guilty of an**

20 **intoxication-related traffic offense, as defined under**
21 **section 577.001, in which the person's blood alcohol content**
22 **was found to be fifteen-hundredths of one percent or more by**
23 **weight of alcohol in such person's blood** shall require the
24 use of an ignition interlock device on all vehicles operated
25 by the person as a required condition of the limited driving
26 privilege, except as provided in section 302.441. These
27 requirements shall be in addition to any other provisions of
28 this chapter or chapter 577 requiring installation and
29 maintenance of an ignition interlock device. Any person
30 required to use an ignition interlock device shall comply
31 with such requirement subject to the penalties provided by
32 section 577.599.

302.520. 1. Whenever the chemical test results are
2 available to the law enforcement officer while the arrested
3 person is still in custody, and where the results show an
4 alcohol concentration of eight-hundredths of one percent or
5 more by weight of alcohol in such person's blood or where
6 such person is less than twenty-one years of age and the
7 results show that there is two-hundredths of one percent or
8 more of alcohol in the person's blood, the officer, acting
9 on behalf of the department, shall serve the notice of
10 suspension or revocation personally on the arrested person.

11 2. When the law enforcement officer serves the notice
12 of suspension or revocation, [the officer shall take
13 possession of any driver's license issued by this state
14 which is held by the person. When the officer takes
15 possession of a valid driver's license issued by this
16 state,] the officer, acting on behalf of the department,
17 shall issue a temporary permit which is valid for fifteen
18 days after its date of issuance and shall also give the
19 person arrested a notice which shall inform the person of

20 all rights and responsibilities pursuant to sections 302.500
21 to 302.540. The notice shall be in such form so that the
22 arrested person may sign the original as evidence of receipt
23 thereof. The notice shall also contain a detachable form
24 permitting the arrested person to request a hearing.
25 Signing the hearing request form and mailing such request to
26 the department shall constitute a formal application for a
27 hearing.

28 3. A copy of the completed notice of suspension or
29 revocation form, a copy of any completed temporary permit
30 form, a copy of the notice of rights and responsibilities
31 given to the arrested person, including any request for
32 hearing, and any driver's license taken into possession
33 pursuant to this section shall be forwarded to the
34 department by the officer along with the report required in
35 section 302.510.

36 4. The department shall provide forms for notice of
37 suspension or revocation, for notice of rights and
38 responsibilities, for request for a hearing and for
39 temporary permits to law enforcement agencies.

302.525. 1. The license suspension or revocation
2 shall become effective fifteen days after the subject person
3 has received the notice of suspension or revocation as
4 provided in section 302.520, or is deemed to have received
5 the notice of suspension or revocation by mail as provided
6 in section 302.515. If a request for a hearing is received
7 by or postmarked to the department within that fifteen-day
8 period, the effective date of the suspension or revocation
9 shall be stayed until a final order is issued following the
10 hearing; provided, that any delay in the hearing which is
11 caused or requested by the subject person or counsel
12 representing that person without good cause shown shall not

13 result in a stay of the suspension or revocation during the
14 period of delay.

15 2. The period of license suspension or revocation
16 under this section shall be as follows:

17 (1) If the person's driving record shows no prior
18 alcohol-related enforcement contacts during the immediately
19 preceding five years, the period of suspension shall be
20 thirty days after the effective date of suspension, followed
21 by a sixty-day period of restricted driving privilege as
22 defined in section 302.010 and issued by the director of
23 revenue. The restricted driving privilege shall not be
24 issued until he or she has filed proof of financial
25 responsibility with the department of revenue, in accordance
26 with chapter 303, and is otherwise eligible. The restricted
27 driving privilege shall indicate **[whether] that** a
28 functioning, certified ignition interlock device is required
29 as a condition of operating a motor vehicle. A copy of the
30 restricted driving privilege shall be given to the person
31 and such person shall carry a copy of the restricted driving
32 privilege while operating a motor vehicle. In no case shall
33 restricted driving privileges be issued pursuant to this
34 section or section 302.535 until the person has completed
35 the first thirty days of a suspension under this section.
36 If a person otherwise subject to the provisions of this
37 subdivision files proof of installation with the department
38 of revenue that any vehicle that he or she operates is
39 equipped with a functioning, certified ignition interlock
40 device, there shall be no period of suspension. However, in
41 lieu of a suspension the person shall instead complete a
42 ninety-day period of restricted driving privilege. Upon
43 completion of such ninety-day period of restricted driving
44 privilege, compliance with other requirements of law, and

45 filing of proof of financial responsibility with the
46 department of revenue, in accordance with chapter 303, the
47 license and driving privilege shall be reinstated. However,
48 if the monthly monitoring reports during such ninety-day
49 period indicate that the ignition interlock device has
50 registered a confirmed blood alcohol concentration level
51 above the alcohol setpoint established by the department of
52 transportation or such reports indicate that the ignition
53 interlock device has been tampered with or circumvented,
54 then the license and driving privilege of such person shall
55 not be reinstated until the person completes an additional
56 thirty-day period of restricted driving privilege. If the
57 person fails to maintain such proof of the device with the
58 director of revenue as required, the restricted driving
59 privilege shall be terminated;

60 (2) The period of revocation shall be one year if the
61 person's driving record shows one or more prior alcohol-
62 related enforcement contacts during the immediately
63 preceding five years;

64 (3) In no case shall restricted driving privileges be
65 issued under this section to any person whose driving record
66 shows one or more prior alcohol-related enforcement contacts
67 **or to any person whose driving record shows a conviction of**
68 **an intoxication-related traffic offense, as defined under**
69 **section 577.001, in which the person's blood alcohol content**
70 **was found to be fifteen-hundredths of one percent or more by**
71 **weight of alcohol in such person's blood** until the person
72 has filed proof with the department of revenue that any
73 motor vehicle operated by the person is equipped with a
74 functioning, certified ignition interlock device as a
75 required condition of the restricted driving privilege. If

76 the person fails to maintain such proof the restricted
77 driving privilege shall be terminated.

78 3. For purposes of this section, "alcohol-related
79 enforcement contacts" shall include any suspension or
80 revocation under sections 302.500 to 302.540, any suspension
81 or revocation entered in this or any other state for a
82 refusal to submit to chemical testing under an implied
83 consent law, and any conviction in this or any other state
84 for a violation which involves driving while intoxicated,
85 driving while under the influence of drugs or alcohol, or
86 driving a vehicle while having an unlawful alcohol
87 concentration.

88 4. Where a license is suspended or revoked under this
89 section and the person is also convicted on charges arising
90 out of the same occurrence for a violation of section
91 577.010 or 577.012 or for a violation of any county or
92 municipal ordinance prohibiting driving while intoxicated or
93 alcohol-related traffic offense, both the suspension or
94 revocation under this section and any other suspension or
95 revocation arising from such convictions shall be imposed,
96 but the period of suspension or revocation under sections
97 302.500 to 302.540 shall be credited against any other
98 suspension or revocation arising from such convictions, and
99 the total period of suspension or revocation shall not
100 exceed the longer of the two suspension or revocation
101 periods.

102 5. Any person who has had a license to operate a motor
103 vehicle revoked under this section or suspended under this
104 section with one or more prior alcohol-related enforcement
105 contacts **or a conviction for an intoxication-related traffic**
106 **offense, as defined under section 577.001, in which the**
107 **person's blood alcohol content was found to be fifteen-**

108 **hundredths of one percent or more by weight of alcohol in**
109 **such person's blood** showing on their driver record shall be
110 required to file proof with the director of revenue that any
111 motor vehicle operated by that person is equipped with a
112 functioning, certified ignition interlock device as a
113 required condition of reinstatement. The ignition interlock
114 device shall further be required to be maintained on all
115 motor vehicles operated by the person for a period of not
116 less than six months immediately following the date of
117 reinstatement. If the monthly monitoring reports show that
118 the ignition interlock device has registered any confirmed
119 blood alcohol concentration readings above the alcohol
120 setpoint established by the department of transportation or
121 that the person has tampered with or circumvented the
122 ignition interlock device within the last three months of
123 the six-month period of required installation of the
124 ignition interlock device, then the period for which the
125 person must maintain the ignition interlock device following
126 the date of reinstatement shall be extended until the person
127 has completed three consecutive months with no violations as
128 described in this section. If the person fails to maintain
129 such proof with the director, the license shall be suspended
130 or revoked, until proof as required by this section is filed
131 with the director, and the person shall be guilty of a class
132 A misdemeanor.

302.530. 1. Any person who has received a notice of
2 suspension or revocation may make a request within fifteen
3 days of receipt of the notice for a review of the
4 department's determination at a hearing. [If the person's
5 driver's license has not been previously surrendered, it may
6 be surrendered at the time the request for a hearing is
7 made.]

8 2. At the time the request for a hearing is made, if
9 it appears from the record that the person is the holder of
10 a valid driver's license issued by this state, [and that the
11 driver's license has been surrendered,] the department shall
12 issue a temporary permit which shall be valid until the
13 scheduled date for the hearing. The department may later
14 issue an additional temporary permit or permits in order to
15 stay the effective date of the suspension or revocation
16 until the final order is issued following the hearing, as
17 required by section 302.520.

18 3. The hearing may be held by telephone, or if
19 requested by the person, such person's attorney or
20 representative, at a regional location as designated by the
21 director. The hearing shall be conducted by examiners who
22 are licensed to practice law in the state of Missouri and
23 who are employed by the department on a part-time or full-
24 time basis as the department may determine.

25 4. The sole issue at the hearing shall be whether by a
26 preponderance of the evidence the person was driving a
27 vehicle pursuant to the circumstances set out in section
28 302.505. The burden of proof shall be on the state to
29 adduce such evidence. If the department finds the
30 affirmative of this issue, the suspension or revocation
31 order shall be sustained. If the department finds the
32 negative of the issue, the suspension or revocation order
33 shall be rescinded.

34 5. The procedure at such hearing shall be conducted in
35 accordance with chapter 536, with sections 302.500 to
36 302.540. A report certified under subsection 2 of section
37 302.510 shall be admissible in a like manner as a verified
38 report as evidence of the facts stated therein and any
39 provision of chapter 536 to the contrary shall not apply.

40 6. The department shall promptly notify the person of
41 its decision including the reasons for that decision. Such
42 notification shall include a notice advising the person that
43 the department's decision shall be final within fifteen days
44 from the date such notice was mailed unless the person
45 challenges the department's decision within that time period
46 by filing an appeal in the circuit court in the county where
47 the arrest occurred.

48 7. Unless the person, within fifteen days after being
49 notified of the department's decision, files an appeal for
50 judicial review pursuant to section 302.535, the decision of
51 the department shall be final.

52 8. The director may adopt any rules and regulations
53 necessary to carry out the provisions of this section.

302.574. 1. If a person who was operating a vehicle
2 refuses upon the request of the officer to submit to any
3 chemical test under section 577.041, the officer shall, on
4 behalf of the director of revenue, serve the notice of
5 license revocation personally upon the person and shall take
6 possession of any license to operate a vehicle issued by
7 this state which is held by that person. The officer shall
8 issue a temporary permit, on behalf of the director of
9 revenue, which is valid for fifteen days and shall also give
10 the person notice of his or her right to file a petition for
11 review to contest the license revocation.

12 2. Such officer shall make a certified report under
13 penalties of perjury for making a false statement to a
14 public official. The report shall be forwarded to the
15 director of revenue and shall include the following:

16 (1) That the officer has:

17 (a) Reasonable grounds to believe that the arrested
18 person was driving a motor vehicle while in an intoxicated
19 condition; or

20 (b) Reasonable grounds to believe that the person
21 stopped, being under the age of twenty-one years, was
22 driving a motor vehicle with a blood alcohol content of two-
23 hundredths of one percent or more by weight; or

24 (c) Reasonable grounds to believe that the person
25 stopped, being under the age of twenty-one years, was
26 committing a violation of the traffic laws of the state, or
27 political subdivision of the state, and such officer has
28 reasonable grounds to believe, after making such stop, that
29 the person had a blood alcohol content of two-hundredths of
30 one percent or greater;

31 (2) That the person refused to submit to a chemical
32 test;

33 (3) Whether the officer secured the license to operate
34 a motor vehicle of the person;

35 (4) Whether the officer issued a fifteen-day temporary
36 permit;

37 (5) Copies of the notice of revocation, the fifteen-
38 day temporary permit, and the notice of the right to file a
39 petition for review. The notices and permit may be combined
40 in one document; and

41 (6) Any license, which the officer has taken into
42 possession, to operate a motor vehicle.

43 3. Upon receipt of the officer's report, the director
44 shall revoke the license of the person refusing to take the
45 test for a period of one year; or if the person is a
46 nonresident, such person's operating permit or privilege
47 shall be revoked for one year; or if the person is a
48 resident without a license or permit to operate a motor

49 vehicle in this state, an order shall be issued denying the
50 person the issuance of a license or permit for a period of
51 one year.

52 4. If a person's license has been revoked because of
53 the person's refusal to submit to a chemical test, such
54 person may petition for a hearing before a circuit division
55 or associate division of the court in the county in which
56 the arrest or stop occurred. Pursuant to local court rule
57 promulgated pursuant to Section 15 of Article V of the
58 Missouri Constitution, the case may also be assigned to a
59 traffic judge pursuant to section 479.500. The person may
60 request such court to issue an order staying the revocation
61 until such time as the petition for review can be heard. If
62 the court, in its discretion, grants such stay, it shall
63 enter the order upon a form prescribed by the director of
64 revenue and shall send a copy of such order to the
65 director. Such order shall serve as proof of the privilege
66 to operate a motor vehicle in this state and the director
67 shall maintain possession of the person's license to operate
68 a motor vehicle until termination of any revocation under
69 this section. Upon the person's request, the clerk of the
70 court shall notify the prosecuting attorney of the county
71 and the prosecutor shall appear at the hearing on behalf of
72 the director of revenue. At the hearing, the court shall
73 determine only:

74 (1) Whether the person was arrested or stopped;

75 (2) Whether the officer had:

76 (a) Reasonable grounds to believe that the person was
77 driving a motor vehicle while in an intoxicated or drugged
78 condition; or

79 (b) Reasonable grounds to believe that the person
80 stopped, being under the age of twenty-one years, was

81 driving a motor vehicle with a blood alcohol content of two-
82 hundredths of one percent or more by weight; or

83 (c) Reasonable grounds to believe that the person
84 stopped, being under the age of twenty-one years, was
85 committing a violation of the traffic laws of the state, or
86 political subdivision of the state, and such officer had
87 reasonable grounds to believe, after making such stop, that
88 the person had a blood alcohol content of two-hundredths of
89 one percent or greater; and

90 (3) Whether the person refused to submit to the test.

91 5. If the court determines any issue not to be in the
92 affirmative, the court shall order the director to reinstate
93 the license or permit to drive.

94 6. Requests for review as provided in this section
95 shall go to the head of the docket of the court wherein
96 filed.

97 7. No person who has had a license to operate a motor
98 vehicle suspended or revoked under the provisions of this
99 section shall have that license reinstated until such person
100 has participated in and successfully completed a substance
101 abuse traffic offender program defined in section 302.010,
102 or a program determined to be comparable by the department
103 of mental health. Assignment recommendations, based upon
104 the needs assessment as described in subdivision (24) of
105 section 302.010, shall be delivered in writing to the person
106 with written notice that the person is entitled to have such
107 assignment recommendations reviewed by the court if the
108 person objects to the recommendations. The person may file
109 a motion in the associate division of the circuit court of
110 the county in which such assignment was given, on a printed
111 form provided by the state courts administrator, to have the
112 court hear and determine such motion under the provisions of

chapter 517. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a similar offense in the future, except that the court may modify but shall not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.001, or of a person determined to have operated a motor vehicle with a blood alcohol content of fifteen-hundredths of one percent or more by weight. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted under this subsection shall not be necessary unless directed by the court.

8. The fees for the substance abuse traffic offender program, or a portion thereof, to be determined by the division of behavioral health of the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010. The administrator of the program shall remit to the division of behavioral health of the department of mental health on

145 or before the fifteenth day of each month the supplemental
146 fee for all persons enrolled in the program, less two
147 percent for administrative costs. Interest shall be charged
148 on any unpaid balance of the supplemental fees due to the
149 division of behavioral health under this section, and shall
150 accrue at a rate not to exceed the annual rates established
151 under the provisions of section 32.065, plus three
152 percentage points. The supplemental fees and any interest
153 received by the department of mental health under this
154 section shall be deposited in the mental health earnings
155 fund, which is created in section 630.053.

156 9. Any administrator who fails to remit to the
157 division of behavioral health of the department of mental
158 health the supplemental fees and interest for all persons
159 enrolled in the program under this section shall be subject
160 to a penalty equal to the amount of interest accrued on the
161 supplemental fees due to the division under this section.
162 If the supplemental fees, interest, and penalties are not
163 remitted to the division of behavioral health of the
164 department of mental health within six months of the due
165 date, the attorney general of the state of Missouri shall
166 initiate appropriate action for the collection of said fees
167 and accrued interest. The court shall assess attorneys'
168 fees and court costs against any delinquent program.

169 10. Any person who has had a license to operate a
170 motor vehicle revoked under this section and who has a prior
171 alcohol-related enforcement contact, as defined in section
172 302.525, **or who has been convicted of an intoxication-**
173 **related traffic offense, as defined under section 577.001,**
174 **in which the person's blood alcohol content was found to be**
175 **fifteen-hundredths of one percent or more by weight of**
176 **alcohol in such person's blood** shall be required to file

proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of license reinstatement. Such ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered any confirmed blood alcohol concentration readings above the alcohol setpoint established by the department of transportation or that the person has tampered with or circumvented the ignition interlock device within the last three months of the six-month period of required installation of the ignition interlock device, then the period for which the person shall maintain the ignition interlock device following the date of reinstatement shall be extended until the person has completed three consecutive months with no violations as described in this section. If the person fails to maintain such proof with the director as required by this section, the license shall be rerevoked until proof as required by this section is filed with the director, and the person shall be guilty of a class A misdemeanor.

11. The revocation period of any person whose license and driving privilege has been revoked under this section and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303 and is otherwise eligible shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, the revocation shall remain in effect for a period of two years from its

209 effective date. If the person fails to maintain proof of
210 financial responsibility in accordance with chapter 303, the
211 person's license and driving privilege shall be rerevoked.

212 12. A person commits the offense of failure to
213 maintain proof with the Missouri department of revenue if,
214 when required to do so, he or she fails to file proof with
215 the director of revenue that any vehicle operated by the
216 person is equipped with a functioning, certified ignition
217 interlock device or fails to file proof of financial
218 responsibility with the department of revenue in accordance
219 with chapter 303. The offense of failure to maintain proof
220 with the Missouri department of revenue is a class A
221 misdemeanor.

454.1050. 1. This section shall be known and may be
2 cited as "Bentley's Law".

3 2. If a person is convicted of the offense of driving
4 while intoxicated, such offense caused the death of a parent
5 or parents of a child or children, and a surviving parent or
6 guardian files a petition to receive child maintenance from
7 the person convicted of such offense, such person shall be
8 ordered by the court to pay child maintenance to the child
9 or children until the child or children:

10 (1) Die;

11 (2) Marry;

12 (3) Enter active military duty;

13 (4) Reach eighteen years of age unless the provisions
14 of subsection 3 of this section apply; or

15 (5) Reach twenty-one years of age unless the
16 provisions of the maintenance order specifically extend
17 beyond the child's or children's twenty-first birthdays for
18 reasons provided under subdivision (1) of subsection 3 of
19 this section.

20 3. (1) If the child or children are physically or
21 mentally incapacitated from supporting themselves and
22 insolvent and unmarried, the court may extend the
23 maintenance obligation past the child's or children's
24 eighteenth birthday.

25 (2) (a) If the child or children reach eighteen years
26 of age and are enrolled in and attending a secondary school
27 program of instruction, maintenance shall continue, if the
28 child or children continue to attend and progress toward
29 completion of such program, until the child or children
30 complete such program or reach twenty-one years of age,
31 whichever first occurs.

32 (b) If the child or children are enrolled in an
33 institution of vocational or higher education no later than
34 October first following graduation from a secondary school
35 or completion of a graduation equivalence degree program and
36 so long as the child or children enroll for and complete at
37 least twelve hours of credit each semester, not including
38 the summer semester, at an institution of vocational or
39 higher education and achieve grades sufficient to reenroll
40 at such institution, maintenance shall continue until the
41 child or children complete their education or until the
42 child or children reach twenty-one years of age, whichever
43 first occurs. To remain eligible for such continued
44 maintenance, at the beginning of each semester the child or
45 children shall submit to the court a transcript or similar
46 official document provided by the institution of vocational
47 or higher education that includes the courses the child or
48 children are enrolled in and have completed for each term,
49 the grades and credits received for each such course, and an
50 official document from the institution listing the courses
51 that the child or children are enrolled in for the upcoming

term and the number of credits for each such course. When enrolled in at least twelve credit hours, if the child or children receive failing grades in half or more of the child's or children's courseload in any one semester, payment of maintenance for the child or children receiving the failing grades may be terminated and shall not be eligible for reinstatement. Upon request for notification of the child's or children's grades by the court, the child or children shall produce the required documents to the court within thirty days of receipt of grades from the education institution. If the child or children fail to produce the required documents, payment of maintenance may terminate without the accrual of any maintenance arrearage and shall not be eligible for reinstatement. If the circumstances of the child or children manifestly dictate, the court may waive the October first deadline for enrollment required by this subdivision. As used in this subdivision, "institution of vocational education" means any postsecondary training or schooling for which the child is assessed a fee and attends classes regularly. "Higher education" means any community college, college, or university at which the child attends classes regularly. A child or children who have been diagnosed with a developmental disability, as defined under section 630.005, or whose physical disability or diagnosed health problem limits the child's or children's ability to carry the number of credit hours prescribed in this subdivision, shall remain eligible for maintenance so long as such child or children are enrolled in and attending an institution of vocational or higher education and the child or children continue to meet the other requirements of this subdivision. A child or children who are employed at least fifteen hours per week

84 during the semester may take as few as nine credit hours per
85 semester and remain eligible for maintenance so long as all
86 other requirements of this subdivision are complied with.

87 4. The court shall order the person convicted of the
88 offense of driving while intoxicated as provided under
89 subsection 2 of this section to pay maintenance in an amount
90 that is reasonable or necessary for the maintenance of the
91 child or children after considering all relevant factors,
92 including:

93 (1) The financial needs and resources of the child or
94 children;

95 (2) The financial resources and needs of the surviving
96 parent or, if no other parent is alive or capable of caring
97 for the child or children, the guardian of the child or
98 children, including the state if the state is the guardian;

99 (3) The standard of living the child or children would
100 have enjoyed;

101 (4) The physical and emotional condition of the child
102 or children and the child's or children's educational needs;

103 (5) The child's or children's physical and legal
104 custody arrangements; and

105 (6) The reasonable work-related child care expenses of
106 the surviving parent or guardian.

107 5. In addition to the relevant factors listed under
108 subsection 4 of this section, the court shall consider the
109 guidelines set out under subsection 8 of section 452.340 and
110 Missouri Supreme Court Civil Procedure Rule Form 14 in
111 determining the amount reasonable or necessary for the
112 maintenance of the child or children.

113 6. (1) The court shall order that child maintenance
114 payments be made to the circuit clerk as trustee for
115 remittance to the surviving parent or guardian entitled to

116 receive the payments. The circuit clerk shall remit such
117 payments to the surviving parent or guardian within three
118 working days of receipt by the circuit clerk. Circuit
119 clerks shall deposit all receipts no later than the next
120 working day after receipt.

121 (2) As an alternative to subdivision (1) of this
122 subsection, the court may, upon its own motion, order that
123 maintenance payments be made to the family support payment
124 center established under section 454.530 as trustee for
125 remittance to the surviving parent or guardian. However,
126 the court shall not order payments to be made to the payment
127 center if the family support division notifies the court
128 that such payments shall not be made to the center. In such
129 cases, payments shall be made to the clerk as trustee until
130 the division notifies the court that payments shall be
131 directed to the payment center.

132 7. In addition to any other remedy provided by law for
133 the enforcement of child maintenance, if a maintenance order
134 has been entered, the director of the family support
135 division or the director's designee shall issue an order
136 directing any employer or other payer of the person required
137 to pay child maintenance under this section to withhold and
138 pay over to the family support division or the clerk of the
139 circuit court in the county in which a trusteeship is or
140 will be established moneys due or to become due to the
141 surviving parent or guardian for the child or children in an
142 amount not to exceed federal wage garnishment limitations.

143 8. If a person ordered to pay child maintenance under
144 this section is incarcerated and unable to pay the required
145 maintenance, the person shall have up to one year after the
146 release from incarceration to begin payment, including any
147 arrearage. If any obligation under this section is to

148 terminate as provided under subsection 2 of this section but
149 the person's obligation is not paid in full, payments shall
150 continue until the entire arrearage is paid.

151 9. (1) If the surviving parent or guardian of the
152 child or children brings a civil action against the person
153 convicted of driving while intoxicated prior to any child
154 maintenance order under this section and the surviving
155 parent or guardian obtains a judgment in his or her favor in
156 the civil suit, no maintenance shall be ordered under this
157 section.

158 (2) If the court orders child maintenance under this
159 section but the surviving parent or guardian brings a civil
160 action and obtains a judgment in his or her favor, the child
161 maintenance order shall offset the judgment awarded in the
162 civil action.

163 10. The provisions of any order respecting maintenance
164 under this section may be modified only upon a showing of
165 changed circumstances so substantial and continuing as to
166 make the terms unreasonable.

477.650. 1. There is hereby created in the state
2 treasury the "Basic Civil Legal Services Fund", to be
3 administered by, or under the direction of, the Missouri
4 supreme court. All moneys collected under section 488.031
5 shall be credited to the fund. In addition to the court
6 filing surcharges, funds from other public or private
7 sources also may be deposited into the fund and all earnings
8 of the fund shall be credited to the fund. The purpose of
9 this section is to increase the funding available for basic
10 civil legal services to eligible low-income persons as such
11 persons are defined by the Federal Legal Services
12 Corporation's Income Eligibility Guidelines.

2. Funds in the basic civil legal services fund shall be allocated annually and expended to provide legal representation to eligible low-income persons in the state in civil matters. Moneys, funds, or payments paid to the credit of the basic civil legal services fund shall, at least as often as annually, be distributed to the legal services organizations in this state which qualify for Federal Legal Services Corporation funding. The funds so distributed shall be used by legal services organizations in this state solely to provide legal services to eligible low-income persons as such persons are defined by the Federal Legal Services Corporation's Income Eligibility Guidelines. Fund money shall be subject to all restrictions imposed on such legal services organizations by law. Funds shall be allocated to the programs according to the funding formula employed by the Federal Legal Services Corporation for the distribution of funds to this state. Notwithstanding the provisions of section 33.080, any balance remaining in the basic civil legal services fund at the end of any year shall not be transferred to the state's general revenue fund. Moneys in the basic civil legal services fund shall not be used to pay any portion of a refund mandated by Article X, Section **[15] 18** of the Missouri Constitution. State legal services programs shall represent individuals to secure lawful state benefits, but shall not sue the state, its agencies, or its officials, with any state funds.

3. Contracts for services with state legal services programs shall provide eligible low-income Missouri citizens with equal access to the civil justice system, with a high priority on families and children, domestic violence, the elderly, and qualification for benefits under the Social Security Act. State legal services programs shall abide by

all restrictions, requirements, and regulations of the Legal Services Corporation regarding their cases.

4. The Missouri supreme court, or a person or organization designated by the court, is the administrator and shall administer the fund in such manner as determined by the Missouri supreme court, including in accordance with any rules and policies adopted by the Missouri supreme court for such purpose. Moneys from the fund shall be used to pay for the collection of the fee and the implementation and administration of the fund.

5. Each recipient of funds from the basic civil legal services fund shall maintain appropriate records accounting for the receipt and expenditure of all funds distributed and received pursuant to this section. These records must be maintained for a period of five years from the close of the fiscal year in which such funds are distributed or received or until audited, whichever is sooner. All funds distributed or received pursuant to this section are subject to audit by the Missouri supreme court or the state auditor.

6. The Missouri supreme court, or a person or organization designated by the court, shall, by January thirty-first of each year, report to the general assembly on the moneys collected and disbursed pursuant to this section and section 488.031 by judicial circuit.

[7. The provisions of this section shall expire on December 31, 2025.]

491.641. 1. (1) There is hereby created in the state treasury the "Pretrial Witness Protection Services Fund", which shall consist of moneys collected under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a

7 dedicated fund and money in the fund shall be used solely by
8 the department of public safety for the purposes of witness
9 protection services pursuant to this section.

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

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

18 2. Any law enforcement agency **and any prosecuting or**
19 **circuit attorney's office** may provide for the security of
20 witnesses, potential witnesses, and their immediate families
21 in criminal proceedings instituted or investigations pending
22 against a person alleged to have engaged in a violation of
23 state law. Providing for witnesses may include provision of
24 housing facilities and for the health, safety, and welfare
25 of such witnesses and their immediate families, if testimony
26 by such a witness might subject the witness or a member of
27 his or her immediate family to danger of bodily injury, and
28 may continue so long as such danger exists. Subject to
29 appropriations from the general assembly for the purposes
30 provided for in this section, funds may be appropriated from
31 the pretrial witness protection services fund.

32 3. The department of public safety may authorize funds
33 to be disbursed to law enforcement agencies **and prosecuting**
34 **or circuit attorney's offices** for the purchase, rental, or
35 modification of protected housing facilities for the purpose
36 of this section. The law enforcement agency **or prosecuting**
37 **or circuit attorney's office** may contract with any

department of federal or state government to obtain or to provide the facilities or services to carry out this section.

4. The department of public safety may authorize expenditures for law enforcement agencies **and prosecuting or circuit attorney's offices** to provide for the health, safety, and welfare of witnesses and victims, and the families of such witnesses and victims, whenever testimony from, or a willingness to testify by, such a witness or victim would place the life of such person, or a member of his or her family or household, in jeopardy. [A law enforcement agency shall submit an application to the department of public safety which shall include, but not necessarily be limited to:

(1) Statement of conditions which qualify persons for protection;

(2) Precise methods the originating agency will use to provide protection, including relocation of persons and reciprocal agreements with other law enforcement agencies;

(3) Statement of the projected costs over a specified period of time;

(4) If the requesting agency expects the person to provide evidence in any court of competent jurisdiction:

(a) Brief statement of the anticipated evidence;

(b) Certification of a reasonable belief in the person's competency to give evidence;

(c) Statement of facts supporting the law enforcement agency's belief in the accuracy of the evidence; and

(d) Any offer made in exchange for the person agreeing to give evidence.] **Law enforcement agencies and prosecuting**

or circuit attorney's offices seeking reimbursement shall submit an application to be approved by the department of public safety.

70 5. The application **and any associated documents**
71 submitted in subsection 4 of this section shall be a closed
72 record and not subject to disclosure under the provisions of
73 chapter 610. Any information contained in the application[,
74 or] **and** any other documents, which reveals or could reveal
75 the location or address of the individual or individuals who
76 qualify for services under this section shall be
77 confidential and shall not be disclosed by any entity.

557.520. 1. For purposes of this section, the
2 **following terms shall mean:**

3 (1) "Failed start", any attempt to start a vehicle
4 with a breath alcohol concentration exceeding twenty-five
5 thousandths of one percent by weight of alcohol in a
6 person's breath, unless a subsequent retest performed within
7 ten minutes registers a breath alcohol concentration not
8 exceeding twenty-five thousandths of one percent by weight
9 of alcohol in such person's breath;

10 (2) "Running retest", failure to take a breath test
11 performed by a driver upon a certified ignition interlock
12 device at random intervals after an initial engine startup
13 breath test and while the vehicle's motor is running or
14 failure to take a breath retest with a breath alcohol
15 concentration not exceeding twenty-five thousandths of one
16 percent by weight of alcohol in such driver's breath;

17 (3) "Vehicle", any mechanical device on wheels,
18 designed primarily for use, or used, on highways.

19 2. In any criminal case involving an intoxication-
20 related traffic offense, the defendant may request to divert
21 the criminal case to a driving while intoxicated (DWI)
22 diversion program described in this section by submitting a
23 request to the prosecuting or circuit attorney and sending a
24 copy of such request to the department of revenue within

25 fifteen days of his or her arrest. The prosecuting or
26 circuit attorney may divert the criminal case to this DWI
27 diversion program by filing a motion with the court to stay
28 the criminal proceeding, if the defendant meets the
29 following criteria for eligibility for entry into the DWI
30 diversion program:

31 (1) The defendant has not previously pled guilty to or
32 been convicted of an intoxication-related traffic offense in
33 violation of section 577.010, 577.012, 577.013, 577.014,
34 577.015, or 577.016;

35 (2) The defendant is not currently enrolled in, and
36 has not in the previous five years completed, a diversion
37 program pursuant to this section;

38 (3) The defendant does not hold a commercial driver's
39 license;

40 (4) The offense did not occur while operating a
41 commercial vehicle;

42 (5) The offense did not result in the injury or death
43 of another person; and

44 (6) The defendant did not refuse to submit to any test
45 allowed pursuant to section 577.020.

46 3. Upon a motion filed by the prosecuting or circuit
47 attorney, the court may continue a diverted case involving
48 an intoxication-related traffic offense if the prosecuting
49 or circuit attorney deems appropriate based on the specific
50 situation of the defendant. The case shall be diverted for
51 a period not to exceed twenty-four months and order the
52 defendant to comply with terms, conditions, or requirements.

53 4. The DWI diversion plan shall be for a specified
54 period and be in writing. The prosecuting or circuit
55 attorney has the sole authority to develop diversionary
56 program requirements, but shall require installation of an

57 ignition interlock device for a period of not less than one
58 year, require the defendant to participate in a victim
59 impact panel sponsored by a nonprofit organization, and
60 require other terms deemed necessary by the court.

61 5. If the court continues the criminal case to divert
62 the defendant to this DWI diversion program, a copy of such
63 order shall be sent to the department of revenue and, upon
64 receipt, the department shall continue any proceeding to
65 suspend or revoke a license pursuant to chapter 302 for a
66 period not to exceed twenty-four months. After the
67 defendant successfully completes the requirements of the DWI
68 diversion program, the department shall dismiss any
69 proceeding against the defendant.

70 6. The court shall notify the defendant that he or she
71 is required to install a functioning, certified ignition
72 interlock device on each vehicle that the defendant operates
73 and the defendant is prohibited from operating a motor
74 vehicle unless that vehicle is equipped with a functioning,
75 certified ignition interlock device pursuant to this
76 section. These requirements shall be in addition to any
77 other provisions of this chapter or chapter 302 requiring
78 installation and maintenance of an ignition interlock
79 device. Any person required to use an ignition interlock
80 device shall comply with such requirement subject to the
81 penalties provided by section 577.599.

82 7. The department of revenue shall inform the
83 defendant of the requirements of this section, including the
84 term for which the defendant is required to have a certified
85 ignition interlock device installed and shall notify the
86 defendant that installation of a functioning, certified
87 ignition interlock device on a vehicle does not allow the
88 defendant to drive without a valid driver's license. The

89 department shall record the mandatory use of the device for
90 the term required and the time when the device is required
91 to be installed pursuant to the court order. A defendant
92 who is notified by the department shall do all of the
93 following:

94 (1) Arrange for each vehicle operated by the defendant
95 to be equipped with a functioning, certified ignition
96 interlock device by a certified ignition interlock device
97 provider as determined by the department of transportation;
98 and

99 (2) Arrange for each vehicle with a functioning,
100 certified ignition interlock device to be serviced by the
101 installer at least once every thirty days for the installer
102 to recalibrate and monitor the operation of the device.

103 8. The certified ignition interlock device provider
104 shall notify the department:

105 (1) If the device is removed or indicates that the
106 defendant has attempted to remove, bypass by a running
107 retest, or tamper with the device;

108 (2) If the defendant fails three or more times to
109 comply with any requirement for the maintenance or
110 calibration of the ignition interlock device; or

111 (3) If the device registers a failed start.

112 If a defendant has any failed start that occurs within the
113 last ninety days of the required period of installation of
114 the ignition interlock device, the term may be extended for
115 a period of up to ninety days.

116 9. After the completion of the DWI diversion program
117 and if the defendant has complied with all the imposed terms
118 and conditions, the court shall dismiss the criminal case
119 against the defendant, record the dismissal, and transmit

120 the record to the central repository upon dismissal. Any
121 court automation system, including any pilot project, that
122 provides public access to electronic records on the internet
123 shall redact any personal identifying information of the
124 defendant, including name, address, and year of birth. Such
125 information shall be provided in a confidential filing sheet
126 contemporaneously filed with the court or entered by the
127 court, which shall not be subject to public inspection or
128 availability.

129 10. In the event of noncompliance by the defendant
130 with the terms and conditions of the DWI diversion program,
131 the prosecuting or circuit attorney may file a motion to
132 terminate the defendant from the diversion program and may
133 recommend the prosecution of the underlying case. Upon the
134 filing of such motion, after notice to the defendant, the
135 court shall hold a hearing to determine by preponderance of
136 the evidence whether the defendant has failed to comply with
137 the terms and conditions of the diversion program. If the
138 court finds that the defendant has not complied with the
139 terms and conditions of the diversion program, the court may
140 end the diversion program and set the case on the next
141 available criminal docket.

142 11. Any defendant who is found guilty of any
143 intoxication-related traffic offense and who has previously
144 utilized the DWI diversion program pursuant to this section
145 shall be considered a prior offender as defined in section
146 577.001, provided that the prior offense occurred within
147 five years of the intoxication-related offense for which the
148 person is charged, as provided in subsection 20 of section
149 577.001.

150 12. For the limited purpose of determining whether a
151 defendant is a chronic, habitual, persistent, or prior

152 offender under section 577.001, a criminal case diverted to
153 a DWI diversion program and successfully completed by a
154 defendant shall be counted as one intoxication-related
155 traffic offense.

156 13. A certified ignition interlock device provider
157 shall adopt a discounted fee schedule that provides for the
158 payment of the costs of the certified ignition interlock
159 device by offenders with an income at or below one hundred
160 and fifty percent of the federal poverty level. A person
161 with an income at or below one hundred and fifty percent of
162 the federal poverty level who provides income verification
163 shall be responsible for ten percent of the cost of the
164 ignition interlock device. Any additional costs accrued by
165 the person for noncompliance with program requirements are
166 not subject to discounted rates and are the sole
167 responsibility of the person. The certified ignition
168 interlock provider shall verify the offender's income to
169 determine the cost of the ignition interlock device by
170 verifying from the offender the previous year's federal
171 income tax return, the previous three months of weekly or
172 monthly income statements, or a court order declaring the
173 person with an income at or below one hundred and fifty
174 percent of the federal poverty level.

175 14. Nothing in this section shall prohibit a
176 prosecuting or circuit attorney from diverting a criminal
177 case pursuant to section 557.014 in any criminal case
178 involving an intoxication-related traffic offense.

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

4 2. The offense of driving while intoxicated is:

5 (1) A class B misdemeanor;

6 (2) A class A misdemeanor if:

7 (a) The defendant is a prior offender; or

8 (b) A person less than seventeen years of age is
9 present in the vehicle;

10 (3) A class E felony if[:

11 (a)] the defendant is a persistent offender; [or

12 (b) While driving while intoxicated, the defendant
13 acts with criminal negligence to cause physical injury to
14 another person;]

15 (4) A class D felony if:

16 (a) The defendant is an aggravated offender; **or**

17 (b) While driving while intoxicated, the defendant
18 acts with criminal negligence to cause physical injury to [a
19 law enforcement officer or emergency personnel] **another**
20 **person; [or**

21 (c) While driving while intoxicated, the defendant
22 acts with criminal negligence to cause serious physical
23 injury to another person;]

24 (5) A class C felony if:

25 (a) The defendant is a chronic offender; **or**

26 (b) While driving while intoxicated, the defendant
27 acts with criminal negligence to cause serious physical
28 injury to [a law enforcement officer or emergency personnel]
29 **another person; [or**

30 (c) While driving while intoxicated, the defendant
31 acts with criminal negligence to cause the death of another
32 person;]

33 (6) A class B felony if:

34 (a) The defendant is a habitual offender; **or**

35 (b) While driving while intoxicated, the defendant
36 acts with criminal negligence to cause the death of [a law
37 enforcement officer or emergency personnel] **another person;**

38 [(c) While driving while intoxicated, the defendant
39 acts with criminal negligence to cause the death of any
40 person not a passenger in the vehicle operated by the
41 defendant, including the death of an individual that results
42 from the defendant's vehicle leaving a highway, as defined
43 in section 301.010, or the highway's right-of-way;

44 (d) While driving while intoxicated, the defendant
45 acts with criminal negligence to cause the death of two or
46 more persons; or

47 (e) While driving while intoxicated, the defendant
48 acts with criminal negligence to cause the death of any
49 person while he or she has a blood alcohol content of at
50 least eighteen-hundredths of one percent by weight of
51 alcohol in such person's blood;]

52 (7) A class A felony if:

53 (a) While driving while intoxicated, the defendant
54 acts with criminal negligence to cause the death of two or
55 more persons;

56 (b) While driving while intoxicated, the defendant
57 acts with criminal negligence to cause the death of any
58 person while the defendant has a blood alcohol content of at
59 least fifteen-hundredths of one percent by weight of
60 alcohol; or

61 (c) The defendant has previously been found guilty of
62 an offense under [paragraphs] paragraph (a) [to (e)] or (b)
63 of subdivision (6) of this subsection and is found guilty of
64 a subsequent violation of [such paragraphs] **this section.**

65 3. Notwithstanding the provisions of subsection 2 of
66 this section, a person found guilty of the offense of
67 driving while intoxicated as a first offense shall not be
68 granted a suspended imposition of sentence:

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

71 (2) In a circuit where a DWI court or docket created
72 under section 478.007 or other court-ordered treatment
73 program is available, and where the offense was committed
74 with fifteen-hundredths of one percent or more by weight of
75 alcohol in such person's blood, unless the individual
76 participates and successfully completes a program under such
77 DWI court or docket or other court-ordered treatment program.

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

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

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

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

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

97 (1) As a prior offender, persistent offender,
98 aggravated offender, chronic offender, or habitual offender
99 shall not be granted a suspended imposition of sentence or
100 be sentenced to pay a fine in lieu of a term of

101 imprisonment, section 557.011 to the contrary
102 notwithstanding;

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

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

111 (b) The offender participates in and successfully
112 completes a program established under section 478.007 or
113 other court-ordered treatment program, if available, and as
114 part of either program, the offender performs at least
115 thirty days of community service under the supervision of
116 the court;

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

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

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

130 (4) As an aggravated offender shall not be eligible
131 for parole or probation until he or she has served a minimum
132 of sixty days imprisonment; **and**

133 (5) As a chronic or habitual offender shall not be
134 eligible for parole or probation until he or she has served
135 a minimum of two years imprisonment[; and].

136 [(6)] 7. Any probation or parole granted under [this]
137 subsection **6 of this section** may include a period of
138 continuous alcohol monitoring or verifiable breath alcohol
139 testing performed a minimum of four times per day.

140 **8. Notwithstanding any other provision of law, an**
141 **offender found guilty under paragraph (b) of subdivision (6)**
142 **of subsection 2 of this section shall not be eligible for**
143 **parole or probation until he or she has served a minimum of**
144 **five years' imprisonment.**

145 **9. Notwithstanding any other provision of law, an**
146 **offender found guilty under subdivision (7) of subsection 2**
147 **of this section shall not be eligible for parole or**
148 **probation until he or she has served a minimum of ten years'**
149 **imprisonment.**

595.045. 1. There is established in the state
2 treasury the "Crime Victims' Compensation Fund". A
3 surcharge of seven dollars and fifty cents shall be assessed
4 as costs in each court proceeding filed in any court in the
5 state in all criminal cases including violations of any
6 county ordinance or any violation of criminal or traffic
7 laws of the state, including an infraction and violation of
8 a municipal ordinance; except that no such fee shall be
9 collected in any proceeding in any court when the proceeding
10 or the defendant has been dismissed by the court or when
11 costs are to be paid by the state, county, or municipality.
12 A surcharge of seven dollars and fifty cents shall be
13 assessed as costs in a juvenile court proceeding in which a
14 child is found by the court to come within the applicable

15 provisions of subdivision (3) of subsection 1 of section
16 211.031.

17 2. Notwithstanding any other provision of law to the
18 contrary, the moneys collected by clerks of the courts
19 pursuant to the provisions of subsection 1 of this section
20 shall be collected and disbursed in accordance with sections
21 488.010 to 488.020 and shall be payable to the director of
22 the department of revenue.

23 3. The director of revenue shall deposit annually the
24 amount of two hundred fifty thousand dollars to the state
25 forensic laboratory account administered by the department
26 of public safety to provide financial assistance to defray
27 expenses of crime laboratories if such analytical
28 laboratories are registered with the federal Drug
29 Enforcement Agency or the Missouri department of health and
30 senior services. Subject to appropriations made therefor,
31 such funds shall be distributed by the department of public
32 safety to the crime laboratories serving the courts of this
33 state making analysis of a controlled substance or analysis
34 of blood, breath or urine in relation to a court proceeding.

35 4. The remaining funds collected under subsection 1 of
36 this section shall be denoted to the payment of an annual
37 appropriation for the administrative and operational costs
38 of the office for victims of crime and, if a statewide
39 automated crime victim notification system is established
40 pursuant to section 650.310, to the monthly payment of
41 expenditures actually incurred in the operation of such
42 system. Additional remaining funds shall be subject to the
43 following provisions:

44 (1) On the first of every month, the director of
45 revenue or the director's designee shall determine the
46 balance of the funds in the crime victims' compensation fund

47 available to satisfy the amount of compensation payable
48 pursuant to sections 595.010 to 595.075, excluding sections
49 595.050 and 595.055;

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

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

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

70 (1) On the first of every month, the director of
71 revenue or the director's designee shall determine the
72 balance of the funds in the crime victims' compensation fund
73 available to satisfy the amount of compensation payable
74 pursuant to sections 595.010 to 595.075, excluding sections
75 595.050 and 595.055;

76 (2) Beginning on September 1, 2004, and on the first
77 of each month the director of revenue or the director's
78 designee shall deposit fifty percent of the balance of funds

79 available to the credit of the crime victims' compensation
80 fund and fifty percent to the services to victims' fund
81 established in section 595.100.

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

86 8. In addition to the moneys collected pursuant to
87 subsection 1 of this section, the court shall enter a
88 judgment in favor of the state of Missouri, payable to the
89 crime victims' compensation fund, of sixty-eight dollars
90 upon a plea of guilty or a finding of guilt for a class A or
91 B felony; forty-six dollars upon a plea of guilty or finding
92 of guilt for a class C [or], D, or E felony; and ten dollars
93 upon a plea of guilty or a finding of guilt for any
94 misdemeanor under Missouri law except for those in chapter
95 252 relating to fish and game, chapter 302 relating to
96 drivers' and commercial drivers' license, chapter 303
97 relating to motor vehicle financial responsibility, chapter
98 304 relating to traffic regulations, chapter 306 relating to
99 watercraft regulation and licensing, and chapter 307
100 relating to vehicle equipment regulations. Any clerk of the
101 court receiving moneys pursuant to such judgments shall
102 collect and disburse such crime victims' compensation
103 judgments in the manner provided by sections 488.010 to
104 488.020. Such funds shall be payable to the state treasury
105 and deposited to the credit of the crime victims'
106 compensation fund.

107 9. The clerk of the court processing such funds shall
108 maintain records of all dispositions described in subsection
109 1 of this section and all dispositions where a judgment has
110 been entered against a defendant in favor of the state of

Missouri in accordance with this section; all payments made on judgments for alcohol-related traffic offenses; and any judgment or portion of a judgment entered but not collected.

These records shall be subject to audit by the state auditor. The clerk of each court transmitting such funds shall report separately the amount of dollars collected on judgments entered for alcohol-related traffic offenses from other crime victims' compensation collections or services to victims collections.

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

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

12. All awards made to injured victims under sections 595.010 to 595.105 and all appropriations for administration of sections 595.010 to 595.105, except sections 595.050 and 595.055, shall be made from the crime victims' compensation fund. Any unexpended balance remaining in the crime victims' compensation fund at the end of each biennium shall not be subject to the provision of section 33.080 requiring the transfer of such unexpended balance to the ordinary revenue fund of the state, but shall remain in the crime victims' compensation fund. In the event that there are insufficient funds in the crime victims' compensation fund to pay all claims in full, all claims shall be paid on a pro rata basis. If there are no funds in the crime victims' compensation fund, then no claim shall be paid until funds

143 have again accumulated in the crime victims' compensation
144 fund. When sufficient funds become available from the fund,
145 awards which have not been paid shall be paid in
146 chronological order with the oldest paid first. In the
147 event an award was to be paid in installments and some
148 remaining installments have not been paid due to a lack of
149 funds, then when funds do become available that award shall
150 be paid in full. All such awards on which installments
151 remain due shall be paid in full in chronological order
152 before any other postdated award shall be paid. Any award
153 pursuant to this subsection is specifically not a claim
154 against the state, if it cannot be paid due to a lack of
155 funds in the crime victims' compensation fund.

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

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

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

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

 650.120. 1. There is hereby created in the state
2 treasury the "Cyber Crime Investigation Fund". The
3 treasurer shall be custodian of the fund and may approve
4 disbursements from the fund in accordance with sections
5 30.170 and 30.180. The department of public safety shall be
6 the administrator of the fund. Moneys in the fund shall be
7 used solely for the administration of the grant program
8 established under this section. Notwithstanding the
9 provisions of section 33.080 to the contrary, any moneys
10 remaining in the fund at the end of the biennium shall not
11 revert to the credit of the general revenue fund. The state
12 treasurer shall invest moneys in the fund in the same manner
13 as other funds are invested. Any interest and moneys earned
14 on such investments shall be credited to the fund.

15 2. The department of public safety shall create a
16 program to distribute grants to multijurisdictional internet
17 cyber crime law enforcement task forces, multijurisdictional
18 enforcement groups, as defined in section 650.153, that are
19 investigating internet sex crimes against children, and
20 other law enforcement agencies. The program shall be funded

21 by the cyber crime investigation fund created under
22 subsection 1 of this section. Not more than three percent
23 of the money in the fund may be used by the department to
24 pay the administrative costs of the grant program. The
25 grants shall be awarded and used to pay the salaries of
26 detectives and computer forensic personnel whose focus is
27 investigating internet sex crimes against children,
28 including but not limited to enticement of a child,
29 possession or promotion of child pornography, provide
30 funding for the training of law enforcement personnel and
31 prosecuting and circuit attorneys as well as their assistant
32 prosecuting and circuit attorneys, and purchase necessary
33 equipment, supplies, and services. The funding for such
34 training may be used to cover the travel expenses of those
35 persons participating.

36 3. A panel is hereby established in the department of
37 public safety to award grants under this program and shall
38 be comprised of the following members:

39 (1) The director of the department of public safety,
40 or his or her designee;

41 (2) Two members appointed by the director of the
42 department of public safety from a list of six nominees
43 submitted by the Missouri Police Chiefs Association;

44 (3) Two members appointed by the director of the
45 department of public safety from a list of six nominees
46 submitted by the Missouri Sheriffs' Association;

47 (4) Two members of the state highway patrol appointed
48 by the director of the department of public safety from a
49 list of six nominees submitted by the Missouri State
50 Troopers Association;

51 (5) One member of the house of representatives
52 appointed by the speaker of the house of representatives; and

53 (6) One member of the senate appointed by the
54 president pro tem.

55 The panel members who are appointed under subdivisions (2),
56 (3), and (4) of this subsection shall serve a four-year term
57 ending four years from the date of expiration of the term
58 for which his or her predecessor was appointed. However, a
59 person appointed to fill a vacancy prior to the expiration
60 of such a term shall be appointed for the remainder of the
61 term. Such members shall hold office for the term of his or
62 her appointment and until a successor is appointed. The
63 members of the panel shall receive no additional
64 compensation but shall be eligible for reimbursement for
65 mileage directly related to the performance of panel duties.

66 4. Local matching amounts, which may include new or
67 existing funds or in-kind resources including but not
68 limited to equipment or personnel, are required for
69 multijurisdictional internet cyber crime law enforcement
70 task forces and other law enforcement agencies to receive
71 grants awarded by the panel. Such amounts shall be
72 determined by the state appropriations process or by the
73 panel.

74 5. When awarding grants, priority should be given to
75 newly hired detectives and computer forensic personnel.

76 6. The panel shall establish minimum training
77 standards for detectives and computer forensic personnel
78 participating in the grant program established in subsection
79 2 of this section.

80 7. Multijurisdictional internet cyber crime law
81 enforcement task forces and other law enforcement agencies
82 participating in the grant program established in subsection
83 2 of this section shall share information and cooperate with

84 the highway patrol and with existing internet crimes against
85 children task force programs.

86 8. The panel may make recommendations to the general
87 assembly regarding the need for additional resources or
88 appropriations.

89 9. The power of arrest of any peace officer who is
90 duly authorized as a member of a multijurisdictional
91 internet cyber crime law enforcement task force shall only
92 be exercised during the time such peace officer is an active
93 member of such task force and only within the scope of the
94 investigation on which the task force is working.

95 Notwithstanding other provisions of law to the contrary,
96 such task force officer shall have the power of arrest, as
97 limited in this subsection, anywhere in the state and shall
98 provide prior notification to the chief of police of a
99 municipality or the sheriff of the county in which the
100 arrest is to take place. If exigent circumstances exist,
101 such arrest may be made and notification shall be made to
102 the chief of police or sheriff as appropriate and as soon as
103 practical. The chief of police or sheriff may elect to work
104 with the multijurisdictional internet cyber crime law
105 enforcement task force at his or her option when such task
106 force is operating within the jurisdiction of such chief of
107 police or sheriff.

108 10. Under section 23.253 of the Missouri sunset act:

109 (1) The provisions of the new program authorized under
110 this section shall be reauthorized on August 28, 2014, and
111 shall expire on December 31, [2024] 2034, unless
112 reauthorized by an act of the general assembly; and

113 (2) If such program is reauthorized, the program
114 authorized under this section shall sunset automatically

115 twelve years after the effective date of the reauthorization
116 of this section; and

117 (3) This section shall terminate on September first of
118 the calendar year immediately following the calendar year in
119 which the program authorized under this section is sunset.

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