

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR  
**HOUSE BILL NO. 495**

103RD GENERAL ASSEMBLY

1623S.09C

KRISTINA MARTIN, Secretary

**AN ACT**

To repeal sections 43.505, 84.020, 84.030, 84.100, 84.150, 84.160, 84.170, 84.175, 84.240, 84.341, 84.342, 84.343, 84.344, 84.345, 84.346, 84.347, 105.726, 211.141, 300.100, 302.304, 302.440, 302.525, 302.574, 304.012, 455.095, 513.605, 531.050, 556.061, 566.210, 566.211, 568.045, 569.170, 570.030, 574.050, 575.133, 575.150, 576.030, and 577.150, RSMo, and section 304.022 as enacted by house bill no. 1606, one hundred first general assembly, second regular session, and section 304.022 as enacted by senate bill no. 26 merged with senate bills nos. 53 & 60, one hundred first general assembly, first regular session, and to enact in lieu thereof forty 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 43.505, 84.020, 84.030, 84.100,  
2 84.150, 84.160, 84.170, 84.175, 84.240, 84.341, 84.342, 84.343,  
3 84.344, 84.345, 84.346, 84.347, 105.726, 211.141, 300.100,  
4 302.304, 302.440, 302.525, 302.574, 304.012, 455.095, 513.605,  
5 531.050, 556.061, 566.210, 566.211, 568.045, 569.170, 570.030,  
6 574.050, 575.133, 575.150, 576.030, and 577.150, RSMo, and  
7 section 304.022 as enacted by house bill no. 1606, one hundred  
8 first general assembly, second regular session, and section  
9 304.022 as enacted by senate bill no. 26 merged with senate  
10 bills nos. 53 & 60, one hundred first general assembly, first  
11 regular session, are repealed and forty new sections enacted in  
12 lieu thereof, to be known as sections 43.505, 44.087, 84.012,

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

13 84.020, 84.030, 84.100, 84.150, 84.160, 84.170, 84.225, 84.325,  
14 105.726, 191.1005, 211.141, 300.100, 302.304, 302.440, 302.525,  
15 302.574, 304.012, 304.022, 304.145, 455.095, 513.605, 531.050,  
16 556.061, 566.210, 566.211, 568.045, 569.151, 569.170, 569.175,  
17 570.030, 574.045, 574.050, 575.133, 575.150, 576.030, 577.150,  
18 and 590.208, to read as follows:

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

9 2. The department of public safety shall:

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

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

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

23 (4) Annually publish a report on the nature and extent  
24 of crime and submit such report to the governor and the  
25 general assembly. Such report and other statistical reports  
26 shall be made available to state and local law enforcement

27 agencies and the general public through an electronic or  
28 manual medium;

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

32 (6) Establish such rules and regulations as are  
33 necessary for implementing the provisions of this section.  
34 Any rule or portion of a rule, as that term is defined in  
35 section 536.010, that is created under the authority  
36 delegated in this section shall become effective only if it  
37 complies with and is subject to all of the provisions of  
38 chapter 536 and, if applicable, section 536.028. This  
39 section and chapter 536 are nonseverable and if any of the  
40 powers vested with the general assembly pursuant to chapter  
41 536 to review, to delay the effective date or to disapprove  
42 and annul a rule are subsequently held unconstitutional,  
43 then the grant of rulemaking authority and any rule proposed  
44 or adopted after August 28, 2000, shall be invalid and void.

45 3. Every law enforcement agency in the state shall:

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

49 (2) Submit any other crime incident information which  
50 may be required by the department of public safety,  
51 **including information pertaining to the immigration status**  
52 **of any criminal offender, indicating whether the offender is**  
53 **a citizen of the United States, is a lawfully present**  
54 **immigrant, or does not possess the information to show that**  
55 **he or she is a citizen of the United States or a lawfully**  
56 **present immigrant.**

57 4. Any law enforcement agency that violates this  
58 section after December 31, 2021, may be ineligible to

59 receive state or federal funds which would otherwise be paid  
60 to such agency for law enforcement, safety or criminal  
61 justice purposes.

44.087. 1. The chief law enforcement executive for  
2 any law enforcement agency, or such executive's designee,  
3 may request assistance from a law enforcement agency of  
4 another jurisdiction, including a jurisdiction outside the  
5 state of Missouri but within the United States.

6 2. If a law enforcement officer makes an arrest or  
7 apprehension outside such officer's jurisdiction, the  
8 offender shall be delivered to the first available law  
9 enforcement officer who is commissioned in the jurisdiction  
10 in which the arrest was made. The officer making the  
11 initial arrest or apprehension shall assist in the  
12 preparation of any affidavits filed with the complaint or  
13 based on other evidence that there is probable cause to  
14 believe that both a crime has been committed and the  
15 defendant has committed such crime.

16 3. For the purpose of liability, workers'  
17 compensation, and any other employment-related matter, law  
18 enforcement officers remain employees of their respective  
19 law enforcement agency throughout any request for  
20 assistance. Qualified immunity, sovereign immunity,  
21 official immunity, and the public duty rule shall apply to  
22 the provisions of this section as interpreted by the federal  
23 and state courts of the responding agency.

24 4. Nothing in this section shall be construed to limit  
25 the actions of law enforcement officers or agencies  
26 conducted in accordance with section 44.095 or 44.098, or  
27 any other mutual aid agreement made under this chapter.

28 5. The provisions of chapter 544 are applicable to any  
29 law enforcement officers from jurisdictions located outside

30 the state of Missouri, but within the United States, who are  
31 acting pursuant to a request made under this section.

84.012. In all cities of this state not within a  
2 county, the common council or municipal assembly of such  
3 cities may pass ordinances for preserving order; securing  
4 property and persons from violence, danger, or destruction;  
5 protecting public and private property; and promoting the  
6 interests and ensuring the good governance of the cities,  
7 but no ordinances heretofore passed, or that may hereafter  
8 be passed, by the common council or municipal assembly of  
9 the cities shall, in any manner, conflict or interfere with  
10 the powers or the exercise of the powers of the boards of  
11 police commissioners of the cities as created by section  
12 84.020, nor shall the cities or any officer or agent of the  
13 corporation of the cities, or the mayor thereof, in any  
14 manner impede, obstruct, hinder, or interfere with the  
15 boards of police, any officer, agent, or servant thereof or  
16 thereunder.

84.020. 1. In all cities [of this state that now  
2 have, or may hereafter attain, a population of five hundred  
3 thousand inhabitants or over] **not within a county**, there  
4 shall be, and is hereby established, within and for said  
5 cities, a board of police **commissioners**, to consist of four  
6 **citizen** commissioners, as provided in sections 84.040 to  
7 84.080, **to be the governing body of the permanent police**  
8 **force pursuant to section 84.100**, together with the mayor of  
9 said cities for the time being, or whosoever may be  
10 officially acting in that capacity, and said board shall  
11 **annually** appoint one of its members as president, [and] one  
12 member who shall act as vice president [during the absence  
13 of the president], **and one member who shall act as board**  
14 **secretary**; and such president or vice president shall be the

15 executive officer of the board and shall act for it when the  
16 board is not in session.

17       2. The board shall consist of five commissioners, one  
18 of whom is the mayor of a city not within a county, one  
19 citizen commissioner appointed at the sole discretion of the  
20 governor, and three citizen commissioners appointed as  
21 provided in subdivision (2) of this subsection. Each  
22 citizen commissioner shall be a resident of a city not  
23 within a county or shall be an owner of a business that is  
24 located within a city not within a county and registered  
25 with the secretary of state, and such owner shall be a  
26 resident of this state whose primary residence is located  
27 within fifty miles of the city limits of a city not within a  
28 county. Except for the mayor, no commissioner shall be  
29 nominated for or hold any other elective or appointed  
30 political office. If any citizen commissioner is nominated  
31 for or elected to any elective or appointed political  
32 office, such commissioner shall forfeit the appointment and  
33 shall immediately vacate his or her office. The mayor of a  
34 city not within a county shall automatically be a member of  
35 the board, while the remaining inaugural commissioners shall  
36 be appointed as follows:

37       (1) One citizen commissioner to be appointed at the  
38 sole discretion of the governor; and

39       (2) The remaining three citizen commissioners may be  
40 appointed by the governor from three separate panels of  
41 candidates submitted to the governor, which shall include  
42 one candidate submitted by the mayor of a city not within a  
43 county and up to four candidates submitted by the local  
44 fraternal organizations representing the rank of police  
45 officer within the city not within a county. The number of  
46 candidates submitted by the local fraternal organizations

47 shall be based on one selection per two hundred fifty total  
48 active members of which they represent from the St. Louis  
49 Metropolitan Police Department, not to exceed a total of  
50 three selections per local fraternal organization. If the  
51 governor elects not to select a candidate from a panel, then  
52 the governor may appoint any resident of a city not within a  
53 county or business owner who meets the requirements provided  
54 in this subsection. As used in this subdivision, the term  
55 "local fraternal organization" means the St. Louis Police  
56 Officers' Association and the Ethical Society of Police, or  
57 any successor organization thereof.

58 3. Any member of the board may be removed for cause  
59 with the approval of a majority of the other board members,  
60 but such member shall first be presented with a written  
61 statement of the reasons for removal and shall have the  
62 opportunity for a hearing by the board to establish cause  
63 for removal. The decision for removal of a board member is  
64 final. However, the removed member may appeal their removal  
65 to the twenty-second judicial circuit court.

66 4. A majority of the board shall constitute a quorum  
67 for the transaction of business, but no action shall be  
68 taken by the board or deemed valid unless three concurring  
69 votes are cast.

70 5. The board shall have the power to summon and compel  
71 the attendance of witnesses before the board and to compel  
72 the production of documents and other evidence, whenever  
73 necessary in the discharge of its duties, and shall have the  
74 power to administer oaths or affirmations to any person  
75 appearing or called before it.

76 6. The board shall have the following powers and  
77 duties:

78           (1) To receive input from the chief of police, in  
79 order to formulate and approve policies governing the  
80 operation and conduct of the permanent police force pursuant  
81 to section 84.100;

82           (2) To appoint as a chief of police any person who  
83 shall be responsible to the board for proper execution of  
84 the policies, duties, and responsibilities established by  
85 the board for the administration of the police department,  
86 and to remove the chief pursuant to section 106.273;

87           (3) To hear and determine appeals from the decisions  
88 of the chief of police on disciplinary matters arising in  
89 the department, pursuant to section 590.502; however, at the  
90 time of the effective date of this act and until such time  
91 as the board adopts other investigative and disciplinary  
92 policies and procedures not inconsistent with section  
93 590.502, discipline and investigative procedures for  
94 commissioned and civilian employees of the police force  
95 shall be regulated by rule 7 of the police manual of the  
96 police department in effect as of November 4, 2013; except  
97 that, where rule 7 is in conflict with section 590.502, the  
98 board shall comply with the requirements of section  
99 590.502. Under no circumstances shall the board initially  
100 or hereafter adopt investigative and disciplinary procedures  
101 that do not include the summary hearing board procedures  
102 provided for in rule 7 of the police manual of the police  
103 department in effect as of November 4, 2013;

104           (4) To promulgate a manual of rules and regulations  
105 for the qualifications and conduct of personnel of the  
106 police department and its operation;

107           (5) To have such other powers and duties with respect  
108 to police administration and law enforcement as provided by  
109 statute;



110           (6) To regulate and license all private watchmen,  
111 private detectives, and private police serving or acting in  
112 the city and no person shall act as such without first  
113 having obtained such license. Penalties for the violation  
114 of regulations promulgated by the board under this  
115 subsection shall be prescribed by ordinance.

84.030. 1. Beginning on [January 9, 1989, the  
2 governor of the state of Missouri, by and with the advice  
3 and consent of the senate, shall appoint the four  
4 commissioners provided for in section 84.020, and one  
5 commissioner shall be appointed for a term of one year; one  
6 commissioner shall be appointed for a term of two years; one  
7 commissioner shall be appointed for a term of three years;  
8 one commissioner shall be appointed for a term of four  
9 years] August 28, 2025, and no later than September 28,  
10 2025, the four citizen commissioners shall be appointed as  
11 provided under section 84.020 and shall serve as follows:

12           (1) One citizen commissioner appointed by the governor  
13 shall serve for a term of one year; and

14           (2) Of the three remaining citizen commissioners  
15 selected by the governor: one shall serve for a term of two  
16 years, one shall serve for a term of three years, and one  
17 shall serve for a term of four years.

18 Their successors shall each be appointed for a term of four  
19 years, and said commissioners shall hold office for their  
20 term of appointment and until their successors shall have  
21 been appointed and qualified. [In case of a vacancy in said  
22 board for any cause whatsoever, it shall be filled by  
23 appointment for the unexpired term, in the same manner as in  
24 the case of original appointments. The governor shall issue  
25 commissions to the persons so appointed, designating the

26 time for which they are appointed in case the appointment is  
27 to fill an unexpired term occasioned by death, resignation  
28 or any other cause, and whenever the term of office of any  
29 commissioner expires, the appointment of his successor shall  
30 be for four years. The commissioners now holding offices  
31 under existing laws in any city of this state to which  
32 sections 84.010 to 84.340 apply are to hold their offices  
33 until the expiration of their terms, and their successors  
34 are duly appointed and qualified.]

35       **2. With the exception of the citizen commissioner**  
36 **appointed at the sole discretion of the governor, whenever a**  
37 **vacancy occurs on the commission, the governor may fill the**  
38 **vacancy for the unexpired term from a panel of names**  
39 **determined by the formula established under subsection 2 of**  
40 **section 84.020.**

84.100. To enable the boards to perform the duties  
2 imposed upon them, they are hereby authorized and required  
3 to appoint, enroll and employ [a] **only one** permanent police  
4 force for the cities which they shall equip and arm as they  
5 may judge necessary. [Except as provided below,] The number  
6 of patrolmen to be appointed shall [not be more than one  
7 thousand six hundred eighty-three of which number not more  
8 than two hundred fifty are to be probationary patrolmen.  
9 Any increase in the number of patrolmen authorized, in  
10 addition to that provided for above, shall be permitted upon  
11 recommendation] **be determined** by the board of police  
12 commissioners[, with the approval of the municipal board of  
13 estimate and apportionment. The number of turnkeys to be  
14 appointed shall be sixty-five, except that for each  
15 patrolman hereafter promoted, demoted, removed, resigned or  
16 otherwise separated from the force, an additional turnkey  
17 may be appointed, but under no circumstances shall more than

18 one hundred fifty turnkeys be appointed. As each additional  
19 turnkey is appointed, the maximum number of patrolmen to be  
20 appointed shall be reduced accordingly so that when one  
21 hundred fifty turnkeys have been appointed, the number of  
22 patrolmen to be appointed shall not be more than one  
23 thousand five hundred ninety-eight]. **The board may continue**  
24 **to employ as many noncommissioned police civilians, which**  
25 **shall include city marshals and park rangers, as it deems**  
26 **necessary in order to perform the duties imposed upon it.**

84.150. The **total number of officers and the number of**  
2 **officers at each rank** of the police force in each such city  
3 shall be [as follows: one chief of police with the rank of  
4 colonel; lieutenant colonels, not to exceed five in number  
5 and other such ranks and number of members within such ranks  
6 as the board from time to time deems necessary] **determined**  
7 **by the board of police commissioners.** The officers of the  
8 police force shall have commissions issued to them by the  
9 boards of police commissioners, and those heretofore and  
10 those hereafter commissioned shall serve so long as they  
11 shall faithfully perform their duties and possess the  
12 necessary mental and physical ability, and be subject to  
13 removal only for cause after a hearing by the board, who are  
14 hereby invested with exclusive jurisdiction in the premises.

84.160. 1. As of August 28, [2006] **2025**, the board of  
2 police commissioners shall have the authority to compute and  
3 establish the annual salary of each member of the police  
4 force without receiving prior authorization from the general  
5 assembly, **which shall not be less than the annual salary**  
6 **paid to any member at the time of the enactment of this act.**

7 2. Each officer of police and patrolman whose regular  
8 assignment requires nonuniformed attire may receive, in  
9 addition to his or her salary, an allowance not to exceed

10 three hundred sixty dollars per annum payable biweekly.  
11 Notwithstanding the provisions of subsection 1 of this  
12 section to the contrary, no additional compensation or  
13 compensatory time off for overtime, court time, or standby  
14 court time shall be paid or allowed to any officer of the  
15 rank of [sergeant] **lieutenant** or above. Notwithstanding any  
16 other provision of law to the contrary, nothing in this  
17 section shall prohibit the payment of additional  
18 compensation pursuant to this subsection to officers of the  
19 ranks of sergeants and above, provided that funding for such  
20 compensation shall not:

21 (1) Be paid from the general funds of either the city  
22 or the board of police commissioners of the city; or

23 (2) Be violative of any federal law or other state law.

24 3. It is the duty of the municipal assembly or common  
25 council of the cities to make the necessary appropriation  
26 for the expenses of the maintenance of the police force  
27 **governed by the board of police commissioners** in the manner  
28 herein and hereafter provided[; provided, that in no event  
29 shall such municipal assembly or common council be required  
30 to appropriate for such purposes (including, but not limited  
31 to, costs of funding pensions or retirement plans) for any  
32 fiscal year a sum in excess of any limitation imposed by]  
33 **for in section 84.210, except that, pursuant to subsection 2**  
34 **of article X[, ] of section 21[, ] of the Missouri**  
35 **Constitution[; and provided further, that],** such municipal  
36 assembly or common council [may] **shall** appropriate a **minimum**  
37 **sum [in excess of such limitation for any fiscal year by an**  
38 **appropriations ordinance enacted in conformity with the**  
39 **provisions of the charter of such cities] equal to twenty-**  
40 **five percent of the city's general revenue to fund the**  
41 **police force governed by the board of police commissioners.**

42 **Pension and retirement costs are excluded from the**  
43 **calculation of expenses for maintenance of the police force**  
44 **for purposes of the minimum funding requirement.**

45 4. Notwithstanding the provisions of subsection 1 of  
46 this section to the contrary, the board of police  
47 commissioners shall pay additional compensation for all  
48 hours of service rendered by probationary patrolmen [and],  
49 patrolmen, **and sergeants** in excess of the established  
50 regular working period, and the rate of compensation shall  
51 be one and one-half times the regular hourly rate of pay to  
52 which each member shall normally be entitled; except that,  
53 the court time and court standby time shall be paid at the  
54 regular hourly rate of pay to which each member shall  
55 normally be entitled. No credit shall be given or  
56 deductions made from payments for overtime for the purpose  
57 of retirement benefits.

58 5. Notwithstanding the provisions of subsection 1 of  
59 this section to the contrary, probationary patrolmen [and],  
60 patrolmen, **and sergeants** shall receive additional  
61 compensation for authorized overtime, court time and court  
62 standby time whenever the total accumulated time exceeds  
63 forty hours. The accumulated forty hours shall be taken as  
64 compensatory time off at the officer's discretion with the  
65 approval of his supervisor.

66 6. The allowance of compensation or compensatory time  
67 off for court standby time shall be computed at the rate of  
68 one-third of one hour for each hour spent on court standby  
69 time.

70 7. The board of police commissioners [may] **shall**  
71 effect programs to provide additional compensation to its  
72 employees for successful completion of academic work at an  
73 accredited college or university, in amounts not to exceed

74 ten percent of their yearly salaries or for field training  
75 officer and lead officer responsibilities in amounts not to  
76 exceed three percent of their yearly salaries for field  
77 training officer responsibilities and an additional three  
78 percent of their yearly salaries for lead officer  
79 responsibilities. The board may designate up to one hundred  
80 fifty employees as field training officers and up to fifty  
81 employees as lead officers.

82 8. The board of police commissioners:

83 (1) Shall provide or contract for life insurance  
84 coverage and for insurance benefits providing health,  
85 medical and disability coverage for officers and employees  
86 of the department;

87 (2) Shall provide or contract for insurance coverage  
88 providing salary continuation coverage for officers and  
89 employees of the police department;

90 (3) Shall provide health, medical, and life insurance  
91 coverage for retired officers and employees of the police  
92 department. Health, medical and life insurance coverage  
93 shall be made available for purchase to the spouses or  
94 dependents of deceased retired officers and employees of the  
95 police department who receive pension benefits pursuant to  
96 sections 86.200 to 86.364 at the rate that such dependent's  
97 or spouse's coverage would cost under the appropriate plan  
98 if the deceased were living;

99 (4) May pay an additional shift differential  
100 compensation to members of the police force for evening and  
101 night tour of duty in an amount not to exceed ten percent of  
102 the officer's base hourly rate.

103 9. Notwithstanding the provisions of subsection 1 of  
104 this section to the contrary, the board of police  
105 commissioners shall pay additional compensation to members

106 of the police force up to and including the rank of police  
107 officer for any full hour worked between the hours of 11:00  
108 p.m. and 7:00 a.m., in amounts equal to **[five]** **ten** percent  
109 of the officer's base hourly pay.

110 10. The board of police commissioners, from time to  
111 time and in its discretion, may pay additional compensation  
112 to police officers, sergeants and lieutenants by paying  
113 commissioned officers in the aforesaid ranks for  
114 accumulated, unused vacation time. Any such payments shall  
115 be made in increments of not less than forty hours, and at  
116 rates equivalent to the base straight-time rates being  
117 earned by said officers at the time of payment; except that,  
118 no such officer shall be required to accept payment for  
119 accumulated unused vacation time.

84.170. 1. When any vacancy shall take place in any  
2 grade of officers, it shall be filled from the next lowest  
3 grade; provided, however, that probationary patrolmen shall  
4 serve at least six months as such before being promoted to  
5 the rank of patrolman; patrolmen shall serve at least three  
6 years as such before being promoted to the rank of sergeant;  
7 sergeants shall serve at least one year as such before being  
8 promoted to the rank of lieutenant; lieutenants shall serve  
9 at least one year as such before being promoted to the rank  
10 of captain; and in no case shall the chief or assistant  
11 chief be selected from men not members of the force or below  
12 the grade of captain. Patrolmen shall serve at least three  
13 years as such before promotion to the rank of detective; the  
14 inspector shall be taken from men in the rank not below the  
15 grade of lieutenant.

16 2. The boards of police are hereby authorized to make  
17 all such rules and regulations, not inconsistent with  
18 sections 84.010 to 84.340, or other laws of the state, as

19 they may judge necessary, for the appointment, employment,  
20 uniforming, discipline, trial and government of the police.  
21 **At the time of the effective date of this act and until such**  
22 **time as the board adopts other investigative and**  
23 **disciplinary policies and procedures not inconsistent with**  
24 **section 590.502, discipline and investigative procedures for**  
25 **commissioned and civilian employees of the police force**  
26 **shall be regulated by rule 7 of the police manual of the**  
27 **police department in effect as of November 4, 2013; except**  
28 **that, where rule 7 is in conflict with section 590.502, the**  
29 **board shall comply with the requirements of section**  
30 **590.502. Under no circumstances shall the board initially**  
31 **or hereafter adopt investigative and disciplinary procedures**  
32 **that do not include the summary hearing board procedures**  
33 **provided for in rule 7 of the police manual of the police**  
34 **department in effect as of November 4, 2013. The said**  
35 boards shall also have power to require of any officer or  
36 policeman bond with sureties when they may consider it  
37 demanded by the public interests. All lawful rules and  
38 regulations of the board shall be obeyed by the police force  
39 on pain of dismissal or such lighter punishment, either by  
40 suspension, fine, reduction or forfeiture of pay, or  
41 otherwise as the boards may adjudge.

42 3. The authority possessed by the board of police  
43 includes, but is not limited to, the authority to delegate  
44 portions of its powers authorized in section 84.120,  
45 including presiding over a disciplinary hearing, to a  
46 hearing officer as determined by the board.

**84.225. Any officer or servant of the mayor or common**  
2 **council or municipal assembly of the cities, or other**  
3 **persons whatsoever, who forcibly resists or obstructs the**  
4 **execution or enforcement of any of the provisions of**



5 sections 84.012 to 84.340 or relating to the same, or who  
6 disburses or fails to disburse any money in violation  
7 thereof, or who hinders or obstructs the organization or  
8 maintenance of the board of police or the police force  
9 therein provided to be organized and maintained, or who  
10 maintains or controls any police force other than the one  
11 therein provided for, or who delays or hinders the due  
12 enforcement of sections 84.012 to 84.340 by failing or  
13 neglecting to perform the duties by such sections imposed  
14 upon him or her, shall be subject to a penalty of one  
15 thousand dollars for each offense, recoverable by the boards  
16 by action at law in the name of the state, and shall forever  
17 thereafter be disqualified from holding or exercising any  
18 office or employment whatsoever under the mayor or common  
19 council or municipal assembly of such cities, or under  
20 sections 84.012 to 84.340, provided that nothing in this  
21 section shall be construed to interfere with the punishment,  
22 under any existing or any future laws of this state, of any  
23 criminal offense that is committed by the parties in or  
24 about the resistance, obstruction, hindrance, conspiracy,  
25 combination, or disbursement aforesaid.

84.325. 1. A transition director shall be appointed  
2 by the governor to ensure oversight of an orderly transition  
3 of the control of any municipal police force from any city  
4 not within a county to the board of police commissioners.  
5 The implementation period shall begin on August 28, 2025,  
6 and end no later than July 1, 2026. The board of police  
7 commissioners shall assume control of any municipal police  
8 force established within any city not within a county during  
9 the implementation period, according to the requirements of  
10 this section and any rules promulgated under subsection 6 of  
11 this section and as determined in coordination with the

12 transition director, local officials, and the board of  
13 police commissioners. The purpose of these procedures and  
14 requirements is to ensure the continuity of operations of  
15 the municipal police force with minimized disruptions to the  
16 residents of any city not within a county, to provide for an  
17 orderly and appropriate transition in the governance of the  
18 police force, and to provide for an equitable employment  
19 transition for commissioned and civilian personnel.

20 2. Upon the assumption of control by the board of  
21 police commissioners under subsection 1 of this section, any  
22 municipal police department within any city not within a  
23 county shall convey, assign, and otherwise transfer to the  
24 board title and ownership of all indebtedness and assets,  
25 including, but not limited to, all funds and real and  
26 personal property held in the name of or controlled by the  
27 municipal police department. Such city shall thereafter  
28 cease the operation of any police department or police force.

29 3. Upon the assumption of control by the board of  
30 police commissioners under subsection 1 of this section, the  
31 state shall accept responsibility, ownership, and liability  
32 as successor-in-interest for contractual obligations and  
33 other lawful obligations of the municipal police department.

34 4. The board of police commissioners shall initially  
35 employ, without a reduction in rank, salary, or benefits,  
36 all commissioned and civilian personnel of the municipal  
37 police department who were employed by the municipal police  
38 department immediately prior to the date the board assumed  
39 control. The board shall recognize all accrued years of  
40 service that such commissioned and civilian personnel had  
41 with the municipal police department, as well as all accrued  
42 years of service that such commissioned and civilian  
43 personnel had previously with the board of police

44 commissioners. Such personnel shall be entitled to the same  
45 holidays, vacation, sick leave, sick bonus time, and annual  
46 step-increases they were entitled to as employees of the  
47 municipal police department.

48 5. The commissioned and civilian personnel who retire  
49 from service with the municipal police department before the  
50 board of police commissioners assumed control of the  
51 department under subsection 1 of this section shall continue  
52 to be entitled to the same pension benefits provided as  
53 employees of the municipal police department and the same  
54 benefits set forth in subsection 4 of this section. Any  
55 police pension system created under chapter 86 for the  
56 benefit of a police force established under sections 84.012  
57 to 84.340 shall continue to be governed by chapter 86 and  
58 shall apply to any comprehensive policing plan and any  
59 police force established under sections 84.012 to 84.340.  
60 Other than any provision that makes chapter 86 applicable to  
61 a municipal police force established under sections 84.343  
62 to 84.346, nothing in sections 84.012 to 84.340 shall be  
63 construed as limiting or changing the rights or benefits  
64 provided under chapter 86.

65 6. The board of police commissioners may promulgate  
66 all necessary rules and regulations for the implementation  
67 and administration of this section. Any rule or portion of  
68 a rule, as that term is defined in section 536.010, that is  
69 created under the authority delegated in this section shall  
70 become effective only if it complies with and is subject to  
71 all of the provisions of chapter 536 and, if applicable,  
72 section 536.028. This section and chapter 536 are  
73 nonseverable and if any of the powers vested with the  
74 general assembly pursuant to chapter 536 to review, to delay  
75 the effective date, or to disapprove and annul a rule are

76 **subsequently held unconstitutional, then the grant of**  
77 **rulemaking authority and any rule proposed or adopted after**  
78 **August 28, 2025, shall be invalid and void.**

105.726. 1. Nothing in sections 105.711 to 105.726  
2 shall be construed to broaden the liability of the state of  
3 Missouri beyond the provisions of sections 537.600 to  
4 537.610, nor to abolish or waive any defense at law which  
5 might otherwise be available to any agency, officer, or  
6 employee of the state of Missouri. Sections 105.711 to  
7 105.726 do not waive the sovereign immunity of the state of  
8 Missouri.

2. The creation of the state legal expense fund and  
10 the payment therefrom of such amounts as may be necessary  
11 for the benefit of any person covered thereby are deemed  
12 necessary and proper public purposes for which funds of this  
13 state may be expended.

3. Moneys in the state legal expense fund shall not be  
15 available for the payment of any claim or any amount  
16 required by any final judgment rendered by a court of  
17 competent jurisdiction against a board of police  
18 commissioners established under chapter 84, including the  
19 commissioners, any police officer, notwithstanding sections  
20 84.330 and 84.710, or other provisions of law, other  
21 employees, agents, representative, or any other individual  
22 or entity acting or purporting to act on its or their  
23 behalf. Such was the intent of the general assembly in the  
24 original enactment of sections 105.711 to 105.726, and it is  
25 made express by this section in light of the decision in  
26 Wayman Smith, III, et al. v. State of Missouri, 152 S.W.3d  
27 275. Except that the commissioner of administration shall  
28 reimburse from the legal expense fund the board of police  
29 commissioners established under [section 84.350, and any

30 successor-in-interest established pursuant to section  
31 84.344,] **chapter 84** for liability claims otherwise eligible  
32 for payment under section 105.711 paid by such [board]  
33 **boards on an equal share basis per claim** up to a maximum of  
34 one million dollars per fiscal year.

35 4. [Subject to the provisions of subsection 2 of  
36 section 84.345,] If the representation of the attorney  
37 general is requested by a board of police commissioners [or  
38 its successor-in-interest established pursuant to section  
39 84.344], the attorney general shall represent, investigate,  
40 defend, negotiate, or compromise all claims under sections  
41 105.711 to 105.726 for the board of police commissioners,  
42 [its successor-in-interest pursuant to section 84.344,] any  
43 police officer, other employees, agents, representatives, or  
44 any other individual or entity acting or purporting to act  
45 on their behalf. The attorney general may establish  
46 procedures by rules promulgated under chapter 536 under  
47 which claims must be referred for the attorney general's  
48 representation. The attorney general and the officials of  
49 the city which the police board represents [or represented]  
50 shall meet and negotiate reasonable expenses or charges that  
51 will fairly compensate the attorney general and the office  
52 of administration for the cost of the representation of the  
53 claims under this section.

54 5. Claims tendered to the attorney general promptly  
55 after the claim was asserted as required by section 105.716  
56 and prior to August 28, 2005, may be investigated, defended,  
57 negotiated, or compromised by the attorney general and full  
58 payments may be made from the state legal expense fund on  
59 behalf of the entities and individuals described in this  
60 section as a result of the holding in *Wayman Smith, III, et*  
61 *al. v. State of Missouri*, 152 S.W.3d 275.

191.1005. 1. No individual or entity shall knowingly  
2 open, lease, rent, own, use, maintain, manage, operate, or  
3 control a public or private facility, site, or building for  
4 the purpose, in part or in whole, of allowing individuals to  
5 self-administer preobtained controlled substances, the  
6 possession of which by the individual is punishable under  
7 section 579.015 and is not otherwise authorized by chapters  
8 195 and 579.

9 2. This section shall not apply to any health care  
10 facility licensed pursuant to chapter 197 or 198 that:

- 11 (a) Provides medical assistance or monitoring to
- 12 individuals who have self-administered controlled substances;
- 13 (b) Provides sterile injection supplies;
- 14 (c) Collects used hypodermic needles and syringes; or
- 15 (d) Provides secure hypodermic needle and syringe
- 16 disposal services.

17 3. This section shall not affect the immunity from  
18 liability provided by section 195.205 for any individual  
19 who, in good faith, seeks or obtains medical assistance for  
20 someone who is experiencing an overdose of a controlled  
21 substance or for any individual experiencing an overdose of  
22 a controlled substance who seeks medical assistance for  
23 himself or herself or is the subject of a good faith request  
24 for medical assistance for an overdose of a controlled  
25 substance.

26 4. As used in this section, the term "controlled  
27 substance" means a drug, substance, or immediate precursor  
28 in Schedules I through V listed in chapter 195.

211.141. 1. When a child is taken into custody as  
2 provided in section 211.131, the person taking the child  
3 into custody shall, unless it has been otherwise ordered by  
4 the court, return the child to his or her parent, guardian

5 or legal custodian on the promise of such person to bring  
6 the child to court, if necessary, at a stated time or at  
7 such times as the court may direct. The court may also  
8 impose other conditions relating to activities of the  
9 child. If these additional conditions are not met, the  
10 court may order the child detained as provided in section  
11 211.151. If additional conditions are imposed, the child  
12 shall be notified that failure to adhere to the conditions  
13 may result in the court imposing more restrictive conditions  
14 or ordering the detention of the child. If the person  
15 taking the child into custody believes it desirable, he may  
16 request the parent, guardian or legal custodian to sign a  
17 written promise to bring the child into court and  
18 acknowledging any additional conditions imposed on the child.

19 2. If the child is not released as provided in  
20 subsection 1 of this section, he or she may be conditionally  
21 released or detained in any place of detention specified in  
22 section 211.151 but only on order of the court specifying  
23 the reason for the conditional release or the detention.  
24 The parent, guardian or legal custodian of the child shall  
25 be notified of the terms of the conditional release or the  
26 place of detention as soon as possible.

27 3. The juvenile officer may conditionally release or  
28 detain a child for a period not to exceed twenty-four hours  
29 if it is impractical to obtain a written order from the  
30 court because of the unreasonableness of the hour or the  
31 fact that it is a Sunday or holiday. The conditional  
32 release shall be as provided in subsection 1 of this  
33 section, and the detention shall be as provided in section  
34 211.151. A written record of such conditional release or  
35 detention shall be kept and a report in writing filed with  
36 the court. In the event that the judge is absent from his

37 circuit, or is unable to act, the approval of another  
38 circuit judge of the same or adjoining circuit must be  
39 obtained as a condition or continuing the conditional  
40 release or detention of a child for more than twenty-four  
41 hours.

42 4. In any matter referred to the juvenile court  
43 pursuant to section 211.031, the juvenile officer shall make  
44 a risk and needs assessment of the child and, before the  
45 disposition of the matter, shall report the results of the  
46 assessment to the juvenile court. The assessment shall be  
47 written on a standardized form approved by the office of  
48 state courts administrator. **The juvenile officer shall use**  
49 **a cumulative total of points assessed for all alleged**  
50 **offenses committed to determine whether the court shall**  
51 **order the child to be detained as provided in section**  
52 **211.151.**

53 5. The division, in cooperation with juvenile officers  
54 and juvenile courts, shall at least biennially review a  
55 random sample of assessments of children and the disposition  
56 of each child's case to recommend assessment and disposition  
57 equity throughout the state. Such review shall identify any  
58 evidence of racial disparity in certification. Such review  
59 shall be conducted in a manner which protects the  
60 confidentiality of the cases examined.

300.100. 1. The driver of an authorized emergency  
2 vehicle, when responding to an emergency call or when in the  
3 pursuit of an actual or suspected violator of the law or  
4 when responding to but not upon returning from a fire alarm,  
5 may exercise the privileges set forth in this section, but  
6 subject to the conditions herein stated.

7 2. The driver of an authorized emergency vehicle may:



8           (1) Park or stand, irrespective of the provisions of  
9 this ordinance;

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

13           (3) Exceed the maximum speed limits so long as he does  
14 not endanger life or property;

15           (4) Disregard regulations governing direction of  
16 movement or turning in specified directions.

17           3. The exemptions herein granted to an authorized  
18 emergency vehicle shall apply only when the driver of any  
19 said vehicle while in motion sounds audible signal by siren  
20 or while having at least one lighted lamp exhibiting a red  
21 light visible under normal atmospheric conditions from a  
22 distance of five hundred feet to the front of such vehicle  
23 or a flashing blue light authorized by section 307.175,  
24 **except that an authorized emergency vehicle operated as a**  
25 **police vehicle is not required to use an audible signal or**  
26 **display a visual signal when the vehicle is being used to:**

27           (1) Obtain evidence of a speeding violation on a  
28 maintained federal or state highway and where the speed  
29 limit is set by state statute;

30           (2) Respond to a suspected crime in progress when use  
31 of an audible or visual signal, or both, could reasonably  
32 result in the destruction of evidence or escape of a  
33 suspect; or

34           (3) Conduct surveillance of a vehicle or the  
35 passengers of a vehicle who are suspected of involvement in  
36 a crime.

37           4. The foregoing provisions shall not relieve the  
38 driver of an authorized emergency vehicle from the duty to  
39 drive with due regard for the safety of all persons, nor

40 shall such provisions protect the driver from the  
41 consequences of his reckless disregard for the safety of  
42 others.

302.304. 1. The director shall notify by ordinary  
2 mail any operator of the point value charged against the  
3 operator's record when the record shows four or more points  
4 have been accumulated in a twelve-month period.

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

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

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

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

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

30           (3) In the case of the third and subsequent  
31 suspensions, ninety days after the effective date of the  
32 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  
65 confirmed blood alcohol concentration level above the  
66 alcohol setpoint established by the department of  
67 transportation or such reports indicate that the ignition  
68 interlock device has been tampered with or circumvented,  
69 then the license and driving privilege of such person shall  
70 not be reinstated until the person completes an additional  
71 thirty-day period of restricted driving privilege.

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

79 7. The director shall revoke the license and driving  
80 privilege of any person when the person's driving record  
81 shows such person has accumulated twelve points in twelve  
82 months or eighteen points in twenty-four months or twenty-  
83 four points in thirty-six months. The revocation period of  
84 any person whose license and driving privilege have been  
85 revoked under the provisions of sections 302.010 to 302.540  
86 and who has filed proof of financial responsibility with the  
87 department of revenue in accordance with chapter 303 and is  
88 otherwise eligible, shall be terminated by a notice from the  
89 director of revenue after one year from the effective date  
90 of the revocation. Unless proof of financial responsibility  
91 is filed with the department of revenue, except as provided  
92 in subsection 2 of section 302.541, the revocation shall

93 remain in effect for a period of two years from its  
94 effective date. If the person fails to maintain proof of  
95 financial responsibility in accordance with chapter 303, the  
96 person's license and driving privilege shall be rerevoked.  
97 Any person whose license and driving privilege have been  
98 revoked under the provisions of sections 302.010 to 302.540  
99 shall, upon receipt of the notice of termination of the  
100 revocation from the director, pass the complete driver  
101 examination and apply for a new license before again  
102 operating a motor vehicle upon the highways of this state.

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

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

117 10. Upon the issuance of a reinstatement or  
118 termination notice after a suspension or revocation of any  
119 person's license and driving privilege under the provisions  
120 of sections 302.010 to 302.540, the accumulated point value  
121 shall be reduced to four points, except that the points of  
122 any person serving as a member of the Armed Forces of the  
123 United States outside the limits of the United States during  
124 a period of suspension or revocation shall be reduced to

125 zero upon the date of the reinstatement or termination of  
126 notice. It shall be the responsibility of such member of  
127 the Armed Forces to submit copies of official orders to the  
128 director of revenue to substantiate such overseas service.  
129 Any other provision of sections 302.010 to 302.540 to the  
130 contrary notwithstanding, the effective date of the four  
131 points remaining on the record upon reinstatement or  
132 termination shall be the date of the reinstatement or  
133 termination notice.

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

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

145 13. Notwithstanding any other provision of law to the  
146 contrary, if after two years from the effective date of any  
147 suspension or revocation issued under this chapter, except  
148 any suspension or revocation issued under section 302.410,  
149 302.462, or 302.574, the person or nonresident has not paid  
150 the reinstatement fee of twenty dollars, the director shall  
151 reinstate such license or privilege to operate a motor  
152 vehicle in this state. Any person who has had his or her  
153 license suspended or revoked under section 302.410, 302.462,  
154 or 302.574, shall be required to pay the reinstatement fee.

155 14. No person who has had a license to operate a motor  
156 vehicle suspended or revoked as a result of an assessment of

157 points for a violation under subdivision (8), (9) or (10) of  
158 subsection 1 of section 302.302 shall have that license  
159 reinstated until such person has participated in and  
160 successfully completed a substance abuse traffic offender  
161 program defined in section 302.010, or a program determined  
162 to be comparable by the department of mental health.  
163 Assignment recommendations, based upon the needs assessment  
164 as described in subdivision (24) of section 302.010, shall  
165 be delivered in writing to the person with written notice  
166 that the person is entitled to have such assignment  
167 recommendations reviewed by the court if the person objects  
168 to the recommendations. The person may file a motion in the  
169 associate division of the circuit court of the county in  
170 which such assignment was given, on a printed form provided  
171 by the state courts administrator, to have the court hear  
172 and determine such motion pursuant to the provisions of  
173 chapter 517. The motion shall name the person or entity  
174 making the needs assessment as the respondent and a copy of  
175 the motion shall be served upon the respondent in any manner  
176 allowed by law. Upon hearing the motion, the court may  
177 modify or waive any assignment recommendation that the court  
178 determines to be unwarranted based upon a review of the  
179 needs assessment, the person's driving record, the  
180 circumstances surrounding the offense, and the likelihood of  
181 the person committing a like offense in the future, except  
182 that the court may modify but may not waive the assignment  
183 to an education or rehabilitation program of a person  
184 determined to be a prior or persistent offender as defined  
185 in section 577.001 or of a person determined to have  
186 operated a motor vehicle with fifteen-hundredths of one  
187 percent or more by weight in such person's blood.  
188 Compliance with the court determination of the motion shall

189 satisfy the provisions of this section for the purpose of  
190 reinstating such person's license to operate a motor  
191 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,  
224 interest, and penalties are not remitted to the division of  
225 alcohol and drug abuse of the department of mental health  
226 within six months of the due date, the attorney general of  
227 the state of Missouri shall initiate appropriate action of  
228 the collection of said fees and interest accrued. The court  
229 shall assess attorney fees and court costs against any  
230 delinquent program.

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

233 (1) An assessment of points for a conviction for an  
234 intoxication-related traffic offense, as defined under  
235 section 577.001, **in which the person's blood alcohol content**  
236 **was found to be at least eight-hundredths of one percent but**  
237 **less than fifteen-hundredths of one percent by weight of**  
238 **alcohol in such person's blood** and who has a prior alcohol-  
239 related enforcement contact as defined under section  
240 302.525[,]; or

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

246 shall be required to file proof with the director of revenue  
247 that any motor vehicle operated by the person is equipped  
248 with a functioning, certified ignition interlock device as a  
249 required condition of reinstatement of the license. The  
250 ignition interlock device shall further be required to be  
251 maintained on all motor vehicles operated by the person for

252 a period of not less than six months immediately following  
253 the date of reinstatement. If the monthly monitoring  
254 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.

302.525. 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.

302.574. 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  
113 chapter 517. The motion shall name the person or entity  
114 making the needs assessment as the respondent and a copy of  
115 the motion shall be served upon the respondent in any manner  
116 allowed by law. Upon hearing the motion, the court may  
117 modify or waive any assignment recommendation that the court  
118 determines to be unwarranted based upon a review of the  
119 needs assessment, the person's driving record, the  
120 circumstances surrounding the offense, and the likelihood of  
121 the person committing a similar offense in the future,  
122 except that the court may modify but shall not waive the  
123 assignment to an education or rehabilitation program of a  
124 person determined to be a prior or persistent offender as  
125 defined in section 577.001, or of a person determined to  
126 have operated a motor vehicle with a blood alcohol content  
127 of fifteen-hundredths of one percent or more by weight.  
128 Compliance with the court determination of the motion shall  
129 satisfy the provisions of this section for the purpose of  
130 reinstating such person's license to operate a motor  
131 vehicle. The respondent's personal appearance at any  
132 hearing conducted under this subsection shall not be  
133 necessary unless directed by the court.

134 8. The fees for the substance abuse traffic offender  
135 program, or a portion thereof, to be determined by the  
136 division of behavioral health of the department of mental  
137 health, shall be paid by the person enrolled in the  
138 program. Any person who is enrolled in the program shall

139 pay, in addition to any fee charged for the program, a  
140 supplemental fee to be determined by the department of  
141 mental health for the purposes of funding the substance  
142 abuse traffic offender program defined in section 302.010.  
143 The administrator of the program shall remit to the division  
144 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  
177 proof with the director of revenue that any motor vehicle  
178 operated by the person is equipped with a functioning,  
179 certified ignition interlock device as a required condition  
180 of license reinstatement. Such ignition interlock device  
181 shall further be required to be maintained on all motor  
182 vehicles operated by the person for a period of not less  
183 than six months immediately following the date of  
184 reinstatement. If the monthly monitoring reports show that  
185 the ignition interlock device has registered any confirmed  
186 blood alcohol concentration readings above the alcohol  
187 setpoint established by the department of transportation or  
188 that the person has tampered with or circumvented the  
189 ignition interlock device within the last three months of  
190 the six-month period of required installation of the  
191 ignition interlock device, then the period for which the  
192 person shall maintain the ignition interlock device  
193 following the date of reinstatement shall be extended until  
194 the person has completed three consecutive months with no  
195 violations as described in this section. If the person  
196 fails to maintain such proof with the director as required  
197 by this section, the license shall be rerevoked until proof  
198 as required by this section is filed with the director, and  
199 the person shall be guilty of a class A misdemeanor.

200 11. The revocation period of any person whose license  
201 and driving privilege has been revoked under this section  
202 and who has filed proof of financial responsibility with the

203 department of revenue in accordance with chapter 303 and is  
204 otherwise eligible shall be terminated by a notice from the  
205 director of revenue after one year from the effective date  
206 of the revocation. Unless proof of financial responsibility  
207 is filed with the department of revenue, the revocation  
208 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.

304.012. 1. Every person operating a motor vehicle on  
2 the roads and highways of this state shall drive the vehicle  
3 in a careful and prudent manner and at a rate of speed so as  
4 not to endanger the property of another or the life or limb  
5 of any person and shall exercise the highest degree of care.

6 2. **No person operating a motor vehicle on the roads**  
7 **and highways of this state shall perform stunt driving, as**  
8 **such term is defined in section 304.145.**

9 3. Any person who violates the provisions of this  
10 section is guilty of a class B misdemeanor, unless an  
11 accident is involved then it shall be a class A misdemeanor.

2 [304.022. 1. Upon the immediate approach  
of an emergency vehicle giving audible signal by

3 siren or while having at least one lighted lamp  
4 exhibiting red light visible under normal  
5 atmospheric conditions from a distance of five  
6 hundred feet to the front of such vehicle or a  
7 flashing blue light authorized by section  
8 307.175, the driver of every other vehicle shall  
9 yield the right-of-way and shall immediately  
10 drive to a position parallel to, and as far as  
11 possible to the right of, the traveled portion  
12 of the highway and thereupon stop and remain in  
13 such position until such emergency vehicle has  
14 passed, except when otherwise directed by a  
15 police or traffic officer.

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

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

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

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

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

41 (1) A vehicle operated by the state  
42 highway patrol, the state water patrol, the  
43 Missouri capitol police, a conservation agent,  
44 or a state or a county or municipal park ranger,  
45 those vehicles operated by enforcement personnel  
46 of the state highways and transportation

47 commission, police or fire department, sheriff,  
48 constable or deputy sheriff, federal law  
49 enforcement officer authorized to carry firearms  
50 and to make arrests for violations of the laws  
51 of the United States, traffic officer, coroner,  
52 medical examiner, or forensic investigator of  
53 the county medical examiner's office, or by a  
54 privately owned emergency vehicle company;

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

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

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

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

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

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

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

86 (9) Any vehicle owned by the state  
87 highways and transportation commission and  
88 operated by an authorized employee of the  
89 department of transportation that is marked as a



90 department of transportation emergency response  
91 or motorist assistance vehicle; or

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

101 5. (1) The driver of any vehicle referred  
102 to in subsection 4 of this section shall not  
103 sound the siren thereon or have the front red  
104 lights or blue lights on except when such  
105 vehicle is responding to an emergency call or  
106 when in pursuit of an actual or suspected law  
107 violator, or when responding to, but not upon  
108 returning from, a fire.

109 (2) The driver of an emergency vehicle may:

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

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

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

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

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

132 6. No person shall purchase an emergency  
133 light as described in this section without

134 furnishing the seller of such light an affidavit  
135 stating that the light will be used exclusively  
136 for emergency vehicle purposes.

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

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

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

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

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

26 3. The motorman of every streetcar shall immediately  
27 stop such car clear of any intersection and keep it in such

28 position until the emergency vehicle has passed, except as  
29 otherwise directed by a police or traffic officer.

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

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

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

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

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

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

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

56 (7) Any vehicle operated by an authorized employee of  
57 the department of corrections who, as part of the employee's  
58 official duties, is responding to a riot, disturbance,  
59 hostage incident, escape or other critical situation where

60 there is the threat of serious physical injury or death,  
61 responding to mutual aid call from another criminal justice  
62 agency, or in accompanying an ambulance which is  
63 transporting an offender to a medical facility;

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

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

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

80 5. (1) The driver of any vehicle referred to in  
81 subsection 4 of this section shall not sound the siren  
82 thereon or have the front red lights or blue lights on  
83 except when such vehicle is responding to an emergency call  
84 or when in pursuit of an actual or suspected law violator,  
85 or when responding to, but not upon returning from, a fire.

86 (2) The driver of an emergency vehicle may:

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

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

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

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

96 (3) The exemptions granted to an emergency vehicle  
97 pursuant to subdivision (2) of this subsection shall apply  
98 only when the driver of any such vehicle while in motion  
99 sounds audible signal by bell, siren, or exhaust whistle as  
100 may be reasonably necessary, and when the vehicle is  
101 equipped with at least one lighted lamp displaying a red  
102 light or blue light visible under normal atmospheric  
103 conditions from a distance of five hundred feet to the front  
104 of such vehicle, **except that an authorized emergency vehicle**  
105 **operated as a police vehicle is not required to use an**  
106 **audible signal or display a visual signal when the vehicle**  
107 **is being used to:**

108 (a) Obtain evidence of a speeding violation on a  
109 maintained federal or state highway and where the speed  
110 limit is set by state statute;

111 (b) Respond to a suspected crime in progress when use  
112 of an audible or visual signal, or both, could reasonably  
113 result in the destruction of evidence or escape of a  
114 suspect; or

115 (c) Conduct surveillance of a vehicle or the  
116 passengers of a vehicle who are suspected of involvement in  
117 a crime.

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

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

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

3 (1) "Aggravated offender", a person who has been found  
4 guilty of:

5 (a) Three or more violations of this section committed  
6 on separate occasions; or

7 (b) Two or more violations of this section committed  
8 on separate occasions where at least one of the violations  
9 the defendant was operating a vehicle and another person was  
10 injured or killed;

11 (2) "Burnout", a maneuver performed while operating a  
12 motor vehicle whereby the wheels of the motor vehicle are  
13 spun, resulting in friction causing the motor vehicle's  
14 tires to heat up and emit smoke;

15 (3) "Chronic offender", a person who has been found  
16 guilty of:

17 (a) Four or more violations of this section committed  
18 on separate occasions; or

19 (b) Three or more violations of this section committed  
20 on separate occasions where at least one of the violations  
21 the defendant was operating a vehicle and another person was  
22 injured or killed; or

23 (c) Two or more violations of this section committed  
24 on separate occasions where both of the violations the  
25 defendant was operating a vehicle and another person was  
26 injured or killed;

27 (4) "Donut", a motor vehicle maneuver in which the  
28 front or rear of the motor vehicle is rotated around the  
29 opposite set of wheels in a motion that may cause a curved  
30 skid-mark pattern of rubber on the driving surface, or the  
31 tires to heat up and emit smoke, or both;

32           (5) "Drag race", the operation of two or more motor  
33 vehicles from a point side by side in a competitive attempt  
34 to outgain or outdistance each other, or the operation of  
35 one or more motor vehicles over a common selected course,  
36 for the purpose of comparing the relative speeds, power, or  
37 acceleration of such motor vehicles within a certain  
38 distance or time limit;

39           (6) "Drifting", a motor vehicle maneuver in which the  
40 motor vehicle is steered so that it makes a controlled skid  
41 sideways through a turn with the front wheels oriented in a  
42 direction opposite the turn;

43           (7) "Habitual offender", a person who has been found  
44 guilty of:

45           (a) Five or more violations of this section committed  
46 on separate occasions; or

47           (b) Four or more violations of this section committed  
48 on separate occasions where at least one of the violations  
49 the defendant was operating a vehicle and another person was  
50 injured or killed; or

51           (c) Three or more violations of this section committed  
52 on separate occasions where at least two of the violations  
53 the defendant was operating a vehicle and another person was  
54 injured or killed;

55           (8) "Highway", any public thoroughfare for vehicles,  
56 including state roads, county roads and public streets,  
57 avenues, boulevards, parkways, or alleys in any municipality;

58           (9) "Persistent offender", a person who has been found  
59 guilty of:

60           (a) Two or more violations of this section committed  
61 on separate occasions; or

62 (b) One violation of this section where the defendant  
63 was operating a vehicle and another person was injured or  
64 killed;

65 (10) "Prior offender", a person who has been found  
66 guilty of a violation of this section where such prior  
67 offense occurred within five years of the violation for  
68 which the person is charged;

69 (11) "Race", the operation of one or more motor  
70 vehicles arising from a challenge to demonstrate superiority  
71 of a motor vehicle or driver, and the acceptance of or  
72 competitive response to that challenge, either through a  
73 prior arrangement or in immediate response, in which the  
74 competitor attempts to outgain or outdistance another motor  
75 vehicle, to prevent another motor vehicle from passing, to  
76 arrive at a given destination ahead of another motor  
77 vehicle, to test the physical stamina or endurance of  
78 drivers, to exhibit speed or acceleration, or to set a speed  
79 or acceleration record;

80 (12) "Street takeover", the act of disrupting the  
81 regular flow of traffic for the purpose of performing,  
82 facilitating, or spectating stunt driving;

83 (13) "Stunt driving", to operate a motor vehicle  
84 performing a race, a drag race, a burnout, a donut, a  
85 wheelie, or drifting;

86 (14) "Wheelie", a motor vehicle maneuver whereby a  
87 vehicle is ridden for a distance with the front or rear  
88 wheel or wheels raised off the ground.

89 2. Except as otherwise permitted by law, no person  
90 shall:

91 (1) Perform stunt driving in connection with a street  
92 takeover; or

93 (2) Perform or participate in a street takeover.



94           3. Violation of this section shall be a class A  
95 misdemeanor for a first offense, a class E felony for a  
96 second offense, and a class D felony for a third or  
97 subsequent offense.

98           4. No defendant alleged and proven to be a prior  
99 offender, persistent offender, aggravated offender, chronic  
100 offender, or habitual offender shall be granted a suspended  
101 imposition of sentence or be sentenced to pay a fine in lieu  
102 of imprisonment.

103           5. No defendant alleged and proven to be a prior  
104 offender shall be granted probation or parole until he or  
105 she has served a minimum of ten days of imprisonment, unless  
106 as a condition of such probation or parole the person  
107 performs at least thirty days of community service under the  
108 supervision of the court in a jurisdiction that has a  
109 recognized program for community service.

110           6. No defendant alleged and proven to be an aggravated  
111 offender shall be eligible for probation or parole until he  
112 or she has served a minimum of thirty days of imprisonment.

113           7. No defendant alleged and proven to be a chronic or  
114 habitual offender shall be eligible for probation or parole  
115 until he or she has served a minimum of one year of  
116 imprisonment.

117           8. Prior pleas of guilty and prior findings of guilty  
118 shall be pleaded and proven in the same manner as required  
119 by section 558.021.

120           9. This section shall not apply to events sanctioned  
121 by a political subdivision or private entity with  
122 responsibility for maintenance and control of the portion of  
123 highway or private property on which the motor vehicle  
124 operation occurs.

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

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

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

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

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

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

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

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

30 (f) Identification of support services available to  
31 assist the protected person in developing a safety plan to

32 use if the monitored person violates an order or if the  
33 electronic monitoring equipment fails;

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

39 (h) The nonconfidential nature of the protected  
40 person's communications with the court concerning electronic  
41 monitoring and the restrictions to be imposed upon the  
42 monitored person's movements.

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

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

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

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

58 4. Electronic monitoring with victim notification  
59 shall be ordered only with the protected person's informed  
60 consent. In determining whether to place a person on  
61 electronic monitoring with victim notification, the court  
62 may hold a hearing to consider the likelihood that the  
63 person's participation in electronic monitoring will deter

64 the person from injuring the protected person. The court  
65 shall consider the following factors:

- 66 (1) The gravity and seriousness of harm that the  
67 person inflicted on the protected person in the commission  
68 of any act of domestic violence;
- 69 (2) The person's previous history of domestic violence;
- 70 (3) The person's history of other criminal acts, if  
71 any;
- 72 (4) Whether the person has access to a weapon;
- 73 (5) Whether the person has threatened suicide or  
74 homicide;
- 75 (6) Whether the person has a history of mental illness  
76 or has been civilly committed; and
- 77 (7) Whether the person has a history of alcohol or  
78 substance abuse.

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

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

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

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

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

114           10. A person shall be found guilty of the offense of  
115 tampering with electronic monitoring equipment under section  
116 575.205 if he or she commits the actions prohibited under  
117 such section with any equipment that a court orders the  
118 person to wear under this section.

119           11. The department of corrections shall promulgate  
120 rules and regulations for the implementation of subsection 5  
121 of this section. Any rule or portion of a rule, as that  
122 term is defined in section 536.010, that is created under  
123 the authority delegated in this section shall become  
124 effective only if it complies with and is subject to all of  
125 the provisions of chapter 536 and, if applicable, section

126 536.028. This section and chapter 536 are nonseverable and  
127 if any of the powers vested with the general assembly  
128 pursuant to chapter 536 to review, to delay the effective  
129 date, or to disapprove and annul a rule are subsequently  
130 held unconstitutional, then the grant of rulemaking  
131 authority and any rule proposed or adopted after August 28,  
132 2018, shall be invalid and void.

133 12. The provisions of this section shall expire on  
134 August 28, [2024] **2034**.

513.605. As used in sections 513.600 to 513.645,  
2 unless the context clearly indicates otherwise, the  
3 following terms mean:

4 (1) (a) "Beneficial interest":

5 a. The interest of a person as a beneficiary under any  
6 other trust arrangement pursuant to which a trustee holds  
7 legal or record title to real property for the benefit of  
8 such person; or

9 b. The interest of a person under any other form of  
10 express fiduciary arrangement pursuant to which any other  
11 person holds legal or record title to real property for the  
12 benefit of such person;

13 (b) "Beneficial interest" does not include the  
14 interest of a stockholder in a corporation or the interest  
15 of a partner in either a general partnership or limited  
16 partnership. A beneficial interest shall be deemed to be  
17 located where the real property owned by the trustee is  
18 located;

19 (2) "Civil proceeding", any civil suit commenced by an  
20 investigative agency under any provision of sections 513.600  
21 to 513.645;

22 (3) "Criminal activity" is the commission, attempted  
23 commission, conspiracy to commit, or the solicitation,

24 coercion or intimidation of another person to commit any  
25 crime which is chargeable by indictment or information under  
26 the following Missouri laws:

27 (a) Chapter 195, relating to drug regulations;

28 (b) **Chapter 301, relating to registration and**  
29 **licensing of motor vehicles;**

30 (c) **Chapter 304, but relating only to felony**  
31 **violations of this chapter involving the use of a motor**  
32 **vehicle;**

33 (d) **Chapter 311, but relating only to felony**  
34 **violations of this chapter committed by persons not duly**  
35 **licensed by the supervisor of liquor control;**

36 (e) **Chapter 409, relating to regulation of securities;**

37 (f) **Chapter 491, relating to witnesses;**

38 (g) Chapter 565, relating to offenses against the  
39 person;

40 [(c)] (h) Chapter 566, relating to sexual offenses;

41 [(d)] (i) **Chapter 567, relating to prostitution;**

42 (j) Chapter 568, relating to offenses against the  
43 family;

44 [(e)] (k) Chapter 569, relating to robbery, arson,  
45 burglary and related offenses;

46 [(f)] (l) Chapter 570, relating to stealing and  
47 related offenses;

48 [(g) Chapter 567, relating to prostitution;

49 (h)] (m) **Chapter 571, relating to weapons offenses;**

50 (n) **Chapter 572, relating to gambling;**

51 (o) Chapter 573, relating to pornography and related  
52 offenses;

53 [(i)] (p) Chapter 574, relating to offenses against  
54 public order;

55 [(j)] (q) Chapter 575, relating to offenses against  
56 the administration of justice;

57 [(k) Chapter 491, relating to witnesses;

58 (l) Chapter 572, relating to gambling;

59 (m) Chapter 311, but relating only to felony

60 violations of this chapter committed by persons not duly  
61 licensed by the supervisor of liquor control;

62 (n) Chapter 571, relating to weapons offenses;

63 (o) Chapter 409, relating to regulation of securities;

64 (p) Chapter 301, relating to registration and  
65 licensing of motor vehicles]

66 (r) Chapter 578, but only relating to offenses by a  
67 criminal street gang;

68 (4) "Criminal proceeding", any criminal prosecution  
69 commenced by an investigative agency under any criminal law  
70 of this state;

71 (5) "Investigative agency", the attorney general's  
72 office, or the office of any prosecuting attorney or circuit  
73 attorney;

74 (6) "Pecuniary value":

75 (a) Anything of value in the form of money, a  
76 negotiable instrument, a commercial interest, or anything  
77 else the primary significance of which is economic  
78 advantage; or

79 (b) Any other property or service that has a value in  
80 excess of one hundred dollars;

81 (7) "Real property", any estate or legal or equitable  
82 interest in land situated in this state or any interest in  
83 such real property, including, but not limited to, any lease  
84 or deed of trust upon such real property;

85 (8) "Seizing agency", the agency which is the primary  
86 employer of the officer or agent seizing the property,



87 including any agency in which one or more of the employees  
88 acting on behalf of the seizing agency is employed by the  
89 state of Missouri or any political subdivision of this state;

90 (9) "Seizure", the point at which any law enforcement  
91 officer or agent discovers and exercises any control over  
92 property that an officer or agent has reason to believe was  
93 used or intended for use in the course of, derived from, or  
94 realized through criminal activity. Seizure includes but is  
95 not limited to preventing anyone found in possession of the  
96 property from leaving the scene of the investigation while  
97 in possession of the property;

98 (10) (a) "Trustee":

99 a. Any person who holds legal or record title to real  
100 property for which any other person has a beneficial  
101 interest; or

102 b. Any successor trustee or trustees to any of the  
103 foregoing persons;

104 (b) "Trustee" does not include the following:

105 a. Any person appointed or acting as a personal  
106 representative under chapter 475 or under chapter 473;

107 b. Any person appointed or acting as a trustee of any  
108 testamentary trust or as trustee of any indenture of trust  
109 under which any bonds are or are to be issued.

531.050. In case any person, against whom any such  
2 information in the nature of a quo warranto shall be  
3 prosecuted, shall be adjudged guilty of any usurpation of,  
4 or intrusion into, or unlawfully holding and executing any  
5 office or franchise, it may be lawful for the court as well  
6 to give judgment of ouster against such person from any of  
7 the said offices or franchises, as to fine such person for  
8 his usurpation of, intruding into or unlawfully holding and  
9 executing any such office or franchise, and to give judgment

10 that the relator in such information named shall recover his  
11 costs of such prosecution; and if judgment shall be given  
12 for the defendant in such information, he shall recover his  
13 costs against such relator. **Any person against whom such**  
14 **judgment is entered, or who resigns during the pendency of**  
15 **such action, shall be permanently barred from holding, being**  
16 **appointed to, or appearing on any ballot for the office for**  
17 **which judgment was entered against such person.**

556.061. In this code, unless the context requires a  
2 different definition, the following terms shall mean:

3 (1) "Access", to instruct, communicate with, store  
4 data in, retrieve or extract data from, or otherwise make  
5 any use of any resources of, a computer, computer system, or  
6 computer network;

7 (2) "Affirmative defense":

8 (a) The defense referred to is not submitted to the  
9 trier of fact unless supported by evidence; and

10 (b) If the defense is submitted to the trier of fact  
11 the defendant has the burden of persuasion that the defense  
12 is more probably true than not;

13 (3) "Burden of injecting the issue":

14 (a) The issue referred to is not submitted to the  
15 trier of fact unless supported by evidence; and

16 (b) If the issue is submitted to the trier of fact any  
17 reasonable doubt on the issue requires a finding for the  
18 defendant on that issue;

19 (4) "Commercial film and photographic print  
20 processor", any person who develops exposed photographic  
21 film into negatives, slides or prints, or who makes prints  
22 from negatives or slides, for compensation. The term  
23 commercial film and photographic print processor shall  
24 include all employees of such persons but shall not include

25 a person who develops film or makes prints for a public  
26 agency;

27 (5) "Computer", the box that houses the central  
28 processing unit (CPU), along with any internal storage  
29 devices, such as internal hard drives, and internal  
30 communication devices, such as internal modems capable of  
31 sending or receiving electronic mail or fax cards, along  
32 with any other hardware stored or housed internally. Thus,  
33 computer refers to hardware, software and data contained in  
34 the main unit. Printers, external modems attached by cable  
35 to the main unit, monitors, and other external attachments  
36 will be referred to collectively as peripherals and  
37 discussed individually when appropriate. When the computer  
38 and all peripherals are referred to as a package, the term  
39 "computer system" is used. Information refers to all the  
40 information on a computer system including both software  
41 applications and data;

42 (6) "Computer equipment", computers, terminals, data  
43 storage devices, and all other computer hardware associated  
44 with a computer system or network;

45 (7) "Computer hardware", all equipment which can  
46 collect, analyze, create, display, convert, store, conceal  
47 or transmit electronic, magnetic, optical or similar  
48 computer impulses or data. Hardware includes, but is not  
49 limited to, any data processing devices, such as central  
50 processing units, memory typewriters and self-contained  
51 laptop or notebook computers; internal and peripheral  
52 storage devices, transistor-like binary devices and other  
53 memory storage devices, such as floppy disks, removable  
54 disks, compact disks, digital video disks, magnetic tape,  
55 hard drive, optical disks and digital memory; local area  
56 networks, such as two or more computers connected together

57 to a central computer server via cable or modem; peripheral  
58 input or output devices, such as keyboards, printers,  
59 scanners, plotters, video display monitors and optical  
60 readers; and related communication devices, such as modems,  
61 cables and connections, recording equipment, RAM or ROM  
62 units, acoustic couplers, automatic dialers, speed dialers,  
63 programmable telephone dialing or signaling devices and  
64 electronic tone-generating devices; as well as any devices,  
65 mechanisms or parts that can be used to restrict access to  
66 computer hardware, such as physical keys and locks;

67 (8) "Computer network", two or more interconnected  
68 computers or computer systems;

69 (9) "Computer program", a set of instructions,  
70 statements, or related data that directs or is intended to  
71 direct a computer to perform certain functions;

72 (10) "Computer software", digital information which  
73 can be interpreted by a computer and any of its related  
74 components to direct the way they work. Software is stored  
75 in electronic, magnetic, optical or other digital form. The  
76 term commonly includes programs to run operating systems and  
77 applications, such as word processing, graphic, or  
78 spreadsheet programs, utilities, compilers, interpreters and  
79 communications programs;

80 (11) "Computer-related documentation", written,  
81 recorded, printed or electronically stored material which  
82 explains or illustrates how to configure or use computer  
83 hardware, software or other related items;

84 (12) "Computer system", a set of related, connected or  
85 unconnected, computer equipment, data, or software;

86 (13) "Confinement":

87           (a) A person is in confinement when such person is  
88 held in a place of confinement pursuant to arrest or order  
89 of a court, and remains in confinement until:

90           a. A court orders the person's release; or

91           b. The person is released on bail, bond, or  
92 recognizance, personal or otherwise; or

93           c. A public servant having the legal power and duty to  
94 confine the person authorizes his release without guard and  
95 without condition that he return to confinement;

96           (b) A person is not in confinement if:

97           a. The person is on probation or parole, temporary or  
98 otherwise; or

99           b. The person is under sentence to serve a term of  
100 confinement which is not continuous, or is serving a  
101 sentence under a work-release program, and in either such  
102 case is not being held in a place of confinement or is not  
103 being held under guard by a person having the legal power  
104 and duty to transport the person to or from a place of  
105 confinement;

106           (14) "Consent": consent or lack of consent may be  
107 expressed or implied. Assent does not constitute consent if:

108           (a) It is given by a person who lacks the mental  
109 capacity to authorize the conduct charged to constitute the  
110 offense and such mental incapacity is manifest or known to  
111 the actor; or

112           (b) It is given by a person who by reason of youth,  
113 mental disease or defect, intoxication, a drug-induced  
114 state, or any other reason is manifestly unable or known by  
115 the actor to be unable to make a reasonable judgment as to  
116 the nature or harmfulness of the conduct charged to  
117 constitute the offense; or

118           (c) It is induced by force, duress or deception;

119           (15) "Controlled substance", a drug, substance, or  
120 immediate precursor in schedules I through V as defined in  
121 chapter 195;

122           (16) "Criminal negligence", failure to be aware of a  
123 substantial and unjustifiable risk that circumstances exist  
124 or a result will follow, and such failure constitutes a  
125 gross deviation from the standard of care which a reasonable  
126 person would exercise in the situation;

127           (17) "Custody", a person is in custody when he or she  
128 has been arrested but has not been delivered to a place of  
129 confinement;

130           (18) "Damage", when used in relation to a computer  
131 system or network, means any alteration, deletion, or  
132 destruction of any part of the computer system or network;

133           (19) "Dangerous felony", the felonies of arson in the  
134 first degree, assault in the first degree, attempted rape in  
135 the first degree if physical injury results, attempted  
136 forcible rape if physical injury results, attempted sodomy  
137 in the first degree if physical injury results, attempted  
138 forcible sodomy if physical injury results, rape in the  
139 first degree, forcible rape, sodomy in the first degree,  
140 forcible sodomy, assault in the second degree if the victim  
141 of such assault is a special victim as defined in  
142 subdivision (14) of section 565.002, kidnapping in the first  
143 degree, kidnapping, murder in the second degree, assault of  
144 a law enforcement officer in the first degree, domestic  
145 assault in the first degree, elder abuse in the first  
146 degree, robbery in the first degree, armed criminal action,  
147 conspiracy to commit an offense when the offense is a  
148 dangerous felony, vehicle hijacking when punished as a class  
149 A felony, statutory rape in the first degree when the victim  
150 is a child less than twelve years of age at the time of the

151 commission of the act giving rise to the offense, statutory  
152 sodomy in the first degree when the victim is a child less  
153 than twelve years of age at the time of the commission of  
154 the act giving rise to the offense, child molestation in the  
155 first or second degree, abuse of a child if the child dies  
156 as a result of injuries sustained from conduct chargeable  
157 under section 568.060, child kidnapping, parental kidnapping  
158 committed by detaining or concealing the whereabouts of the  
159 child for not less than one hundred twenty days under  
160 section 565.153, **endangering the welfare of a child in the**  
161 **first degree, rioting when punished as a class A or B**  
162 **felony, bus hijacking when punished as a class A felony,**  
163 **planting a bomb or explosive in or near a bus or terminal,**  
164 and an "intoxication-related traffic offense" or  
165 "intoxication-related boating offense" if the person is  
166 found to be a "habitual offender" or "habitual boating  
167 offender" as such terms are defined in section 577.001;

168 (20) "Dangerous instrument", any instrument, article  
169 or substance, which, under the circumstances in which it is  
170 used, is readily capable of causing death or other serious  
171 physical injury;

172 (21) "Data", a representation of information, facts,  
173 knowledge, concepts, or instructions prepared in a  
174 formalized or other manner and intended for use in a  
175 computer or computer network. Data may be in any form  
176 including, but not limited to, printouts, microfiche,  
177 magnetic storage media, punched cards and as may be stored  
178 in the memory of a computer;

179 (22) "Deadly weapon", any firearm, loaded or unloaded,  
180 or any weapon from which a shot, readily capable of  
181 producing death or serious physical injury, may be

182 discharged, or a switchblade knife, dagger, billy club,  
183 blackjack or metal knuckles;

184 (23) "Digital camera", a camera that records images in  
185 a format which enables the images to be downloaded into a  
186 computer;

187 (24) "Disability", a mental, physical, or  
188 developmental impairment that substantially limits one or  
189 more major life activities or the ability to provide  
190 adequately for one's care or protection, whether the  
191 impairment is congenital or acquired by accident, injury or  
192 disease, where such impairment is verified by medical  
193 findings;

194 (25) "Elderly person", a person sixty years of age or  
195 older;

196 (26) "Felony", an offense so designated or an offense  
197 for which persons found guilty thereof may be sentenced to  
198 death or imprisonment for a term of more than one year;

199 (27) "Forcible compulsion" either:

200 (a) Physical force that overcomes reasonable  
201 resistance; or

202 (b) A threat, express or implied, that places a person  
203 in reasonable fear of death, serious physical injury or  
204 kidnapping of such person or another person;

205 (28) "Incapacitated", a temporary or permanent  
206 physical or mental condition in which a person is  
207 unconscious, unable to appraise the nature of his or her  
208 conduct, or unable to communicate unwillingness to an act;

209 (29) "Infraction", a violation defined by this code or  
210 by any other statute of this state if it is so designated or  
211 if no sentence other than a fine, or fine and forfeiture or  
212 other civil penalty, is authorized upon conviction;



213           (30) "Inhabitable structure", a vehicle, vessel or  
214 structure:

215           (a) Where any person lives or carries on business or  
216 other calling; or

217           (b) Where people assemble for purposes of business,  
218 government, education, religion, entertainment, or public  
219 transportation; or

220           (c) Which is used for overnight accommodation of  
221 persons.

222 Any such vehicle, vessel, or structure is inhabitable  
223 regardless of whether a person is actually present. If a  
224 building or structure is divided into separately occupied  
225 units, any unit not occupied by the actor is an inhabitable  
226 structure of another;

227           (31) "Knowingly", when used with respect to:

228           (a) Conduct or attendant circumstances, means a person  
229 is aware of the nature of his or her conduct or that those  
230 circumstances exist; or

231           (b) A result of conduct, means a person is aware that  
232 his or her conduct is practically certain to cause that  
233 result;

234           (32) "Law enforcement officer", any public servant  
235 having both the power and duty to make arrests for  
236 violations of the laws of this state, and federal law  
237 enforcement officers authorized to carry firearms and to  
238 make arrests for violations of the laws of the United States;

239           (33) "Misdemeanor", an offense so designated or an  
240 offense for which persons found guilty thereof may be  
241 sentenced to imprisonment for a term of which the maximum is  
242 one year or less;

243           (34) "Of another", property that any entity, including  
244 but not limited to any natural person, corporation, limited  
245 liability company, partnership, association, governmental  
246 subdivision or instrumentality, other than the actor, has a  
247 possessory or proprietary interest therein, except that  
248 property shall not be deemed property of another who has  
249 only a security interest therein, even if legal title is in  
250 the creditor pursuant to a conditional sales contract or  
251 other security arrangement;

252           (35) "Offense", any felony or misdemeanor;

253           (36) "Physical injury", slight impairment of any  
254 function of the body or temporary loss of use of any part of  
255 the body;

256           (37) "Place of confinement", any building or facility  
257 and the grounds thereof wherein a court is legally  
258 authorized to order that a person charged with or convicted  
259 of a crime be held;

260           (38) "Possess" or "possessed", having actual or  
261 constructive possession of an object with knowledge of its  
262 presence. A person has actual possession if such person has  
263 the object on his or her person or within easy reach and  
264 convenient control. A person has constructive possession if  
265 such person has the power and the intention at a given time  
266 to exercise dominion or control over the object either  
267 directly or through another person or persons. Possession  
268 may also be sole or joint. If one person alone has  
269 possession of an object, possession is sole. If two or more  
270 persons share possession of an object, possession is joint;

271           (39) "Property", anything of value, whether real or  
272 personal, tangible or intangible, in possession or in action;

273           (40) "Public servant", any person employed in any way  
274 by a government of this state who is compensated by the

275 government by reason of such person's employment, any person  
276 appointed to a position with any government of this state,  
277 or any person elected to a position with any government of  
278 this state. It includes, but is not limited to,  
279 legislators, jurors, members of the judiciary and law  
280 enforcement officers. It does not include witnesses;

281 (41) "Purposely", when used with respect to a person's  
282 conduct or to a result thereof, means when it is his or her  
283 conscious object to engage in that conduct or to cause that  
284 result;

285 (42) "Recklessly", consciously disregarding a  
286 substantial and unjustifiable risk that circumstances exist  
287 or that a result will follow, and such disregard constitutes  
288 a gross deviation from the standard of care which a  
289 reasonable person would exercise in the situation;

290 (43) "Serious emotional injury", an injury that  
291 creates a substantial risk of temporary or permanent medical  
292 or psychological damage, manifested by impairment of a  
293 behavioral, cognitive or physical condition. Serious  
294 emotional injury shall be established by testimony of  
295 qualified experts upon the reasonable expectation of  
296 probable harm to a reasonable degree of medical or  
297 psychological certainty;

298 (44) "Serious physical injury", physical injury that  
299 creates a substantial risk of death or that causes serious  
300 disfigurement or protracted loss or impairment of the  
301 function of any part of the body;

302 (45) "Services", when used in relation to a computer  
303 system or network, means use of a computer, computer system,  
304 or computer network and includes, but is not limited to,  
305 computer time, data processing, and storage or retrieval  
306 functions;

307 (46) "Sexual orientation", male or female  
308 heterosexuality, homosexuality or bisexuality by  
309 inclination, practice, identity or expression, or having a  
310 self-image or identity not traditionally associated with  
311 one's gender;

312 (47) "Vehicle", a self-propelled mechanical device  
313 designed to carry a person or persons, excluding vessels or  
314 aircraft;

315 (48) "Vessel", any boat or craft propelled by a motor  
316 or by machinery, whether or not such motor or machinery is a  
317 principal source of propulsion used or capable of being used  
318 as a means of transportation on water, or any boat or craft  
319 more than twelve feet in length which is powered by sail  
320 alone or by a combination of sail and machinery, and used or  
321 capable of being used as a means of transportation on water,  
322 but not any boat or craft having, as the only means of  
323 propulsion, a paddle or oars;

324 (49) "Voluntary act":

325 (a) A bodily movement performed while conscious as a  
326 result of effort or determination. Possession is a  
327 voluntary act if the possessor knowingly procures or  
328 receives the thing possessed, or having acquired control of  
329 it was aware of his or her control for a sufficient time to  
330 have enabled him or her to dispose of it or terminate his or  
331 her control; or

332 (b) An omission to perform an act of which the actor  
333 is physically capable. A person is not guilty of an offense  
334 based solely upon an omission to perform an act unless the  
335 law defining the offense expressly so provides, or a duty to  
336 perform the omitted act is otherwise imposed by law;

337 (50) "Vulnerable person", any person in the custody,  
338 care, or control of the department of mental health who is

339 receiving services from an operated, funded, licensed, or  
340 certified program.

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

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

13 (2) Causes a person under the age of twelve to engage  
14 in a commercial sex act, a sexual performance, or the  
15 production of explicit sexual material as defined in section  
16 573.010; or

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

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

23 3. The offense of sexual trafficking of a child in the  
24 first degree is a felony for which the authorized term of  
25 imprisonment is life imprisonment without eligibility for  
26 probation or parole until the offender has served not less  
27 than ~~twenty-five~~ **thirty** years of such sentence.

28 Subsection 4 of section 558.019 shall not apply to the  
29 sentence of a person who has been found guilty of sexual  
30 trafficking of a child less than twelve years of age, and

31 "life imprisonment" shall mean imprisonment for the duration  
32 of a person's natural life for the purposes of this section.

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

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

13 (2) Causes a person under the age of eighteen to  
14 engage in a commercial sex act, a sexual performance, or the  
15 production of explicit sexual material as defined in section  
16 573.010; or

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

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

23 3. The offense **of** sexual trafficking of a child in the  
24 second degree is a felony punishable by imprisonment for a  
25 term of years not less than **[ten] twenty-five** years or life  
26 and a fine not to exceed two hundred fifty thousand dollars  
27 if the child is under the age of eighteen. If a violation  
28 of this section was effected by force, abduction, or  
29 coercion, the crime of sexual trafficking of a child shall  
30 be a felony for which the authorized term of imprisonment is

31 life imprisonment without eligibility for probation or  
32 parole until the defendant has served not less than [twenty-  
33 five] **thirty** years of such sentence.

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

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

7 (2) Knowingly engages in sexual conduct with a person  
8 under the age of seventeen years over whom the person is a  
9 parent, guardian, or otherwise charged with the care and  
10 custody;

11 (3) Knowingly encourages, aids or causes a child less  
12 than seventeen years of age to engage in any conduct which  
13 violates the provisions of chapter 571 or 579; **or**

14 (4) In the presence of a child less than seventeen  
15 years of age or in a residence where a child less than  
16 seventeen years of age resides, unlawfully manufactures or  
17 attempts to manufacture compounds, possesses, produces,  
18 prepares, sells, transports, tests or analyzes **any of the**  
19 **following: fentanyl, carfentanil,** amphetamine [or],  
20 methamphetamine, or any [of its analogues] **analogue thereof.**

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

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

29           (2) Involves fentanyl or carfentanil, or any analogue  
30 thereof, in which case:

31           (a) The person who commits the offense shall be  
32 punished by a term of imprisonment of not less than five  
33 years and not more than ten years;

34           (b) No court shall suspend the imposition or execution  
35 of sentence of a person who pleads guilty to or is found  
36 guilty of an offense under this subdivision;

37           (c) No court shall sentence such person to pay a fine  
38 in lieu of a term of imprisonment; and

39           (d) A person sentenced under this subdivision shall  
40 not be eligible for conditional release or parole until he  
41 or she has served at least five years of imprisonment;

42           (3) Results in serious physical injury to the child,  
43 in which case the offense is a class B felony; or

44           [(3)] (4) Results in the death of a child, in which  
45 case the offense is a class A felony.

          569.151. 1. A person commits the offense of trespass  
2 in the third degree if he or she enters a retail  
3 establishment or similar public place with the primary  
4 purpose of:

5           (1) Engaging in tumultuous or violent conduct causing  
6 damage to property;

7           (2) Disrupting lawful commerce in such retail  
8 establishment or similar public place;

9           (3) Creating the danger of serious physical injury to  
10 persons; or

11           (4) Threatening or adversely affecting the health or  
12 physical well-being of any individual located in or around  
13 such retail establishment or similar public place.

14           2. A person commits the offense of trespass in the  
15 third degree if he or she, either individually or as part of



16 an organized campaign, sponsors, promotes, or assists in the  
17 conduct made unlawful under subsection 1 of this section.

18 3. The offense of trespass in the third degree is a  
19 class B misdemeanor. If it is shown that an organized  
20 campaign sponsored, promoted, or assisted in any conduct in  
21 violation of this section, in addition to the penalty  
22 imposed under this section, the organized campaign may be  
23 required to pay a civil fine not to exceed five thousand  
24 dollars.

569.170. 1. A person commits the offense of burglary  
2 in the second degree when he or she knowingly:

3 (1) Enters unlawfully or knowingly remains unlawfully  
4 in a building or inhabitable structure for the purpose of  
5 committing a crime therein; or

6 (2) Enters unlawfully into a motor vehicle or any part  
7 of a motor vehicle with the intent to commit any felony or  
8 theft. As used in this subdivision, "enters" means a person  
9 intrudes with:

10 (a) Any part of the body; or

11 (b) Any physical object connected with the body.

12 2. The offense of burglary in the second degree is a  
13 class D felony unless committed under subdivision (2) of  
14 subsection 1 of this section and the person was in  
15 possession of a firearm or stole a firearm from the motor  
16 vehicle in which case it is a class C felony.

569.175. 1. A person commits the offense of  
2 unlawfully gaining entry into motor vehicles if the person  
3 lifts the door handles or otherwise tries the doors and  
4 locks of successive motor vehicles to gain entry into the  
5 motor vehicles unless the person is the owner of the motor  
6 vehicles or has the owners' permission to enter the motor  
7 vehicles. For purposes of this section, "successive" means

8 **lifting the door handles or otherwise trying the doors and**  
9 **locks of one vehicle after another.**

10 **2. The offense of unlawfully gaining entry into motor**  
11 **vehicles is a class E felony.**

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

3 (1) Appropriates property or services of another with  
4 the purpose to deprive him or her thereof, either without  
5 his or her consent or by means of deceit or coercion;

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

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

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

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

20 (1) The property appropriated or attempted to be  
21 appropriated consists of any amount of anhydrous ammonia or  
22 liquid nitrogen;

23 (2) The property consists of any animal considered  
24 livestock as the term livestock is defined in section  
25 144.010, or any captive wildlife held under permit issued by  
26 the conservation commission, and the value of the animal or  
27 animals appropriated exceeds three thousand dollars and that  
28 person has previously been found guilty of appropriating any

29 animal considered livestock or captive wildlife held under  
30 permit issued by the conservation commission.

31 Notwithstanding any provision of law to the contrary, such  
32 person shall serve a minimum prison term of not less than  
33 eighty percent of his or her sentence before he or she is  
34 eligible for probation, parole, conditional release, or  
35 other early release by the department of corrections;

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

42 (4) The property appropriated or attempted to be  
43 appropriated consists of any animal considered livestock as  
44 the term is defined in section 144.010 if the value of the  
45 livestock exceeds ten thousand dollars; [or]

46 (5) The property appropriated or attempted to be  
47 appropriated is owned by or in the custody of a financial  
48 institution and the property is taken or attempted to be  
49 taken physically from an individual person to deprive the  
50 owner or custodian of the property; or

51 (6) **The person appropriates property, the person's**  
52 **course of conduct is part of an organized retail theft, and**  
53 **the value of the property taken, combined with any property**  
54 **damage inflicted in such theft, is ten thousand dollars or**  
55 **more.**

56 4. The offense of stealing is a class C felony if:

57 (1) The value of the property or services appropriated  
58 is twenty-five thousand dollars or more [or];

59           (2) The property is a teller machine or the contents  
60 of a teller machine, including cash, regardless of the value  
61 or amount; **or**

62           (3) **The person appropriates property, the person's**  
63 **course of conduct is part of an organized retail theft, and**  
64 **the value of the property taken, combined with any property**  
65 **damage inflicted in such theft, is seven hundred fifty**  
66 **dollars or more but less than ten thousand dollars.**

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

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

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

72           (3) The property appropriated consists of:

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

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

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

78           (d) Any firearms;

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

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

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

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

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

91 (j) Any animal considered livestock as that term is  
92 defined in section 144.010;

93 (k) Any live fish raised for commercial sale with a  
94 value of seventy-five dollars or more;

95 (l) Any captive wildlife held under permit issued by  
96 the conservation commission;

97 (m) Any controlled substance as defined by section  
98 195.010;

99 (n) Ammonium nitrate;

100 (o) Any wire, electrical transformer, or metallic wire  
101 associated with transmitting telecommunications, video,  
102 internet, or voice over internet protocol service, or any  
103 other device or pipe that is associated with conducting  
104 electricity or transporting natural gas or other combustible  
105 fuels; or

106 (p) Any material appropriated with the intent to use  
107 such material to manufacture, compound, produce, prepare,  
108 test or analyze amphetamine or methamphetamine or any of  
109 their analogues.

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

111 (1) The property appropriated is an animal;

112 (2) The property is a catalytic converter;

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

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

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

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

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

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

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

145           **12. As used in this section, the term "organized**  
146 **retail theft" means:**

147           **(1) Any act of stealing committed by one or more**  
148 **persons, as part of any agreement to steal property from any**  
149 **business, and separate acts of stealing that are part of any**  
150 **ongoing agreement to steal may be aggregated for the purpose**  
151 **of determining value regardless of whether such acts are**  
152 **committed in the same jurisdiction or at the same time;**

153           **(2) Any act of receiving or possessing any property**  
154 **that has been taken or stolen in violation of subdivision**

155 (1) of this subsection while knowing or having reasonable  
156 grounds to believe the property is stolen from any business  
157 in violation of this section, and separate acts of receiving  
158 or possessing such stolen property that are part of any  
159 ongoing agreement to receive or possess such stolen property  
160 may be aggregated for the purpose of determining value  
161 regardless of whether such acts are committed in the same  
162 jurisdiction or at the same time; or

163 (3) Any act of organizing, supervising, financing,  
164 leading, or managing between one or more persons to engage  
165 for profit in a scheme or course of conduct to effectuate or  
166 intend to effectuate the transfer or sale of property stolen  
167 from any business in violation of this section, and separate  
168 acts of organizing, supervising, financing, leading, or  
169 managing between one or more persons to engage for profit in  
170 a scheme or course of conduct to effectuate or intend to  
171 effectuate the transfer or sale of such stolen property that  
172 are part of any ongoing agreement to organize, supervise,  
173 finance, lead, or manage between one or more persons to  
174 engage for profit in a scheme or course of conduct to  
175 effectuate or intend to effectuate the transfer or sale of  
176 such stolen property may be aggregated for the purpose of  
177 determining the value regardless of whether such acts are  
178 committed in the same jurisdiction or at the same time.

179 13. If any prosecuting attorney or circuit attorney  
180 makes a request in writing to the attorney general, the  
181 attorney general shall have the authority to commence and  
182 prosecute the offense of stealing if such offense involves  
183 organized retail theft, and any other offenses that directly  
184 arise from or causally occur as a result of an alleged  
185 violation of the offense of stealing involving organized  
186 retail theft, in each or any county or a city not within a

187 county in which the offense occurred with the same power and  
188 authority granted to prosecuting attorneys in section 56.060  
189 and circuit attorneys in section 56.450, except that all  
190 costs and fees of such prosecution by the attorney general  
191 shall be paid by the state and not by any county or local  
192 government.

193 14. No provision of this section shall grant any  
194 additional power to the attorney general beyond commencement  
195 and prosecution of offenses as authorized in this section.

574.045. 1. A person commits the offense of unlawful  
2 traffic interference if, with the intention to impede  
3 vehicular traffic, the person walks, stands, sits, kneels,  
4 lies, or places an object in such a manner as to block  
5 passage by a vehicle on any public street, highway, or  
6 interstate highway. This section shall not apply to the  
7 blocking of passage by any person who has permission to do  
8 so from a government authority, who is a law enforcement  
9 officer, or who does so to direct traffic away from  
10 hazardous road conditions, an obstacle, or a scene of an  
11 accident.

12 2. The offense of unlawful traffic interference is an  
13 infraction, unless it is a second offense, in which case it  
14 is a class A misdemeanor. Any third or subsequent offense  
15 of unlawful traffic interference is a class E felony.

574.050. 1. A person commits the offense of rioting  
2 if he or she knowingly assembles with six or more other  
3 persons [and agrees with such persons to violate any of the  
4 criminal laws of this state or of the United States with  
5 force or violence], and thereafter, while still so  
6 assembled, [does violate any of said laws with force or  
7 violence] violates any of the criminal laws of this state or  
8 of the United States.



9           2. The offense of rioting is a class [A misdemeanor] D  
10 **felony. A second or subsequent conviction under this**  
11 **section shall be a class C felony.**

575.133. 1. A person commits the offense of filing a  
2 nonconsensual common law lien if he or she files a document  
3 that purports to assert a lien against the assets, real or  
4 personal, of any person and that, regardless of any self-  
5 description:

6           (1) Is not expressly provided for by a specific state  
7 or federal statute;

8           (2) Does not depend upon the consent of the owner of  
9 the property affected or the existence of a contract for its  
10 existence; and

11           (3) Is not an equitable or constructive lien imposed  
12 by a state or federal court of competent jurisdiction.

13           2. This section shall not apply to a filing officer as  
14 defined in section 428.105 that is acting in the scope of  
15 his or her employment.

16           3. The offense of filing a nonconsensual common law  
17 lien is a class B misdemeanor, **unless it is a second**  
18 **offense, in which case it is a class A misdemeanor. Any**  
19 **third or subsequent offense of filing a nonconsensual common**  
20 **law lien is a class E felony. Any person convicted of a**  
21 **third or subsequent offense of filing a nonconsensual common**  
22 **law lien shall be considered a persistent offender, as such**  
23 **term is defined in section 558.016.**

575.150. 1. A person commits the offense of resisting  
2 or interfering with arrest, detention, or stop if he or she  
3 knows or reasonably should know that a law enforcement  
4 officer is making an arrest or attempting to lawfully detain  
5 or stop an individual or vehicle, and for the purpose of

6 preventing the officer from effecting the arrest, stop or  
7 detention, he or she:

8 (1) Resists the arrest, stop or detention of such  
9 person by using or threatening the use of violence or  
10 physical force or by fleeing from such officer; or

11 (2) Interferes with the arrest, stop or detention of  
12 another person by using or threatening the use of violence,  
13 physical force or physical interference.

14 2. This section applies to:

15 (1) Arrests, stops, or detentions, with or without  
16 warrants;

17 (2) Arrests, stops, or detentions, for any offense,  
18 infraction, or ordinance violation; and

19 (3) Arrests for warrants issued by a court or a  
20 probation and parole officer.

21 3. A person is presumed to be fleeing a vehicle stop  
22 if he or she continues to operate a motor vehicle after he  
23 or she has seen or should have seen clearly visible  
24 emergency lights or has heard or should have heard an  
25 audible signal emanating from the law enforcement vehicle  
26 pursuing him or her.

27 4. It is no defense to a prosecution pursuant to  
28 subsection 1 of this section that the law enforcement  
29 officer was acting unlawfully in making the arrest.  
30 However, nothing in this section shall be construed to bar  
31 civil suits for unlawful arrest.

32 5. The offense of resisting or interfering with an  
33 arrest is a class E felony for an arrest for a:

34 (1) Felony;

35 (2) Warrant issued for failure to appear on a felony  
36 case; or

37           (3) Warrant issued for a probation violation on a  
38 felony case.

39 The offense of resisting an arrest, detention or stop in  
40 violation of subdivision (1) or (2) of subsection 1 of this  
41 section is a class A misdemeanor, unless the person fleeing  
42 creates a substantial risk of serious physical injury or  
43 death to any person, in which case it is a class E felony.

44           **6. In the case of an offense under this section that**  
45 **is subject to punishment as a class E felony, any vehicle**  
46 **used in violation of this section shall be impounded and**  
47 **forfeited pursuant to section 82.1000 and sections 513.600**  
48 **to 513.645.**

          576.030. 1. A person commits the offense of  
2 obstructing government operations if he or she purposely  
3 obstructs, impairs, hinders or perverts the performance of a  
4 governmental function by the use or threat of violence,  
5 force, or other physical interference or obstacle.

6           2. The offense of obstructing government operations is  
7 a class **[B] A** misdemeanor **if the person threatens violence,**  
8 **force, or other physical interference or obstacle. The**  
9 **offense of obstructing government operations is a class E**  
10 **felony if the person uses violence, force, or other physical**  
11 **interference or obstacle.**

          577.150. 1. A person commits the offense of tampering  
2 with a water supply if he or she purposely:

3           (1) Poisons, defiles, or in any way corrupts the water  
4 of a well, spring, brook, or reservoir used for domestic or  
5 municipal purposes; or

6           (2) Diverts, dams up, and holds back from its natural  
7 course and flow any spring, brook, or other water supply for  
8 domestic or municipal purposes, after said water supply

9 shall have once been taken for use by any person or persons,  
10 corporation, town, or city for their use.

11 2. The offense of tampering with a water supply is a  
12 class E felony when the offense is a violation of  
13 subdivision (1) of subsection 1 of this section and is a  
14 class A misdemeanor when the offense is a violation of  
15 subdivision (2) of subsection 1 of this section.

590.208. 1. There is hereby established the  
2 "Committee on School Safety" within the department of public  
3 safety.

4 2. The committee shall consist of the following  
5 members:

6 (1) Up to three representatives of the department of  
7 public safety, one of whom shall be a representative of the  
8 Missouri state emergency management agency;

9 (2) A representative of the Missouri Sheriff's  
10 Association;

11 (3) A representative of the Missouri Municipal League;

12 (4) A representative of the department of elementary  
13 and secondary education; and

14 (5) A representative of the Missouri School Boards'  
15 Association's Center for Education Safety.

16 3. One member who represents the department of public  
17 safety shall serve as chair of the committee.

18 4. Members of the committee shall serve without  
19 compensation but may be reimbursed for actual expenses  
20 necessary to the performance of their official duties for  
21 the committee.

22 5. The committee shall meet at least four times per  
23 year, and at least once per calendar quarter, to evaluate  
24 and establish guidelines for school safety concerns,

25 including plans to prevent and improve responses to school  
26 firearm violence.

27 6. Except as provided in section 610.021, all meetings  
28 of the committee shall be open to the public.

29 7. The committee shall submit a report in writing to  
30 the governor, president pro tempore of the senate, and  
31 speaker of the house of representatives on an annual basis.

[84.175. 1. Upon recommendation of the  
2 chief of police, the board may authorize and  
3 provide for the organization of a police reserve  
4 force composed of members who receive a service  
5 retirement under the provisions of sections  
6 86.200 to 86.366 and who qualify under the  
7 provisions of section 84.120. Such reserve  
8 force shall be under the command of the chief of  
9 police and shall be provided training,  
10 equipment, uniforms, and arms as the chief shall  
11 direct with the approval of the board. Members  
12 of the reserve force shall possess all of the  
13 powers of regular police officers and shall be  
14 subject to all laws and regulations applicable  
15 to police officers; provided, however, that the  
16 city council or other governing body of any such  
17 city may in its discretion fix a total in number  
18 which the reserve force may not exceed.

19 2. In event of riot or other emergencies  
20 as declared and defined by the mayor, in  
21 concurrence with the board, the board, upon  
22 recommendation of the chief, may appoint special  
23 officers or patrolmen for temporary service in  
24 addition to the police reserve force herein  
25 provided for, but the length of time for which  
26 such officers or patrolmen shall be employed  
27 shall be limited to the time during which such  
28 emergency shall exist.]

[84.240. The board of police commissioners  
2 shall establish the Bertillon system of  
3 identification of criminals and others by means  
4 of anthropometric indications, and they are  
5 further required to employ such additional

6 assistance as may be necessary to properly  
7 conduct and manage this department.]

[84.341. No elected or appointed official  
2 of the state or any political subdivision  
3 thereof shall act or refrain from acting in any  
4 manner to impede, obstruct, hinder, or otherwise  
5 interfere with any member of a municipal police  
6 force established under sections 84.343 to  
7 84.346 in the performance of his or her job  
8 duties, or with any aspect of any investigation  
9 arising from the performance of such job  
10 duties. This section shall not be construed to  
11 prevent such officials from acting within the  
12 normal course and scope of their employment or  
13 from acting to implement sections 84.343 to  
14 84.346. Any person who violates this section  
15 shall be liable for a penalty of two thousand  
16 five hundred dollars for each offense and shall  
17 forever be disqualified from holding any office  
18 or employment whatsoever with the governmental  
19 entity the person served at the time of the  
20 violation. The penalty shall not be paid by the  
21 funds of any committee as the term committee is  
22 defined in section 130.011. This section shall  
23 not be construed to interfere with the  
24 punishment, under any laws of this state, of a  
25 criminal offense committed by such officials,  
26 nor shall this section apply to duly appointed  
27 members of the municipal police force, or their  
28 appointing authorities, whose conduct is  
29 otherwise provided for by law.]

[84.342. 1. It shall be an unlawful  
2 employment practice for an official, employee,  
3 or agent of a municipal police force established  
4 under sections 84.343 to 84.346 to discharge,  
5 demote, reduce the pay of, or otherwise  
6 retaliate against an employee of the municipal  
7 police force for reporting to any superior,  
8 government agency, or the press the conduct of  
9 another employee that the reporting employee  
10 believes, in good faith, is illegal.

11 2. Any employee of the municipal police  
12 force may bring a cause of action for general or

13 special damages based on a violation of this  
14 section.]

[84.343. 1. Subject to the provisions of  
2 sections 84.344 to 84.346, any city not within a  
3 county may establish a municipal police force  
4 for the purposes of:

5 (1) Preserving the public peace, welfare,  
6 and order;

7 (2) Preventing crime and arresting  
8 suspected offenders;

9 (3) Enforcing the laws of the state and  
10 ordinances of the city;

11 (4) Exercising all powers available to a  
12 police force under generally applicable state  
13 law; and

14 (5) Regulating and licensing all private  
15 watchmen, private detectives, and private  
16 policemen serving or acting as such in said city.

17 2. Any person who acts as a private  
18 watchman, private detective, or private  
19 policeman in said cities without having obtained  
20 a written license from said cities is guilty of  
21 a class A misdemeanor.]

[84.344. 1. Notwithstanding any  
2 provisions of this chapter to the contrary, any  
3 city not within a county may establish a  
4 municipal police force on or after July 1, 2013,  
5 according to the procedures and requirements of  
6 this section. The purpose of these procedures  
7 and requirements is to provide for an orderly  
8 and appropriate transition in the governance of  
9 the police force and provide for an equitable  
10 employment transition for commissioned and  
11 civilian personnel.

12 2. Upon the establishment of a municipal  
13 police force by a city under sections 84.343 to  
14 84.346, the board of police commissioners shall  
15 convey, assign, and otherwise transfer to the  
16 city title and ownership of all indebtedness and  
17 assets, including, but not limited to, all funds  
18 and real and personal property held in the name  
19 of or controlled by the board of police  
20 commissioners created under sections 84.010 to

21 84.340. The board of police commissioners shall  
22 execute all documents reasonably required to  
23 accomplish such transfer of ownership and  
24 obligations.

25 3. If the city establishes a municipal  
26 police force and completes the transfer  
27 described in subsection 2 of this section, the  
28 city shall provide the necessary funds for the  
29 maintenance of the municipal police force.

30 4. Before a city not within a county may  
31 establish a municipal police force under this  
32 section, the city shall adopt an ordinance  
33 accepting responsibility, ownership, and  
34 liability as successor-in-interest for  
35 contractual obligations, indebtedness, and other  
36 lawful obligations of the board of police  
37 commissioners subject to the provisions of  
38 subsection 2 of section 84.345.

39 5. A city not within a county that  
40 establishes a municipal police force shall  
41 initially employ, without a reduction in rank,  
42 salary, or benefits, all commissioned and  
43 civilian personnel of the board of police  
44 commissioners created under sections 84.010 to  
45 84.340 that were employed by the board  
46 immediately prior to the date the municipal  
47 police force was established. Such commissioned  
48 personnel who previously were employed by the  
49 board may only be involuntarily terminated by  
50 the city not within a county for cause. The  
51 city shall also recognize all accrued years of  
52 service that such commissioned and civilian  
53 personnel had with the board of police  
54 commissioners. Such personnel shall be entitled  
55 to the same holidays, vacation, and sick leave  
56 they were entitled to as employees of the board  
57 of police commissioners.

58 6. Commissioned and civilian personnel of  
59 a municipal police force established under this  
60 section shall not be subject to a residency  
61 requirement of retaining a primary residence in  
62 a city not within a county but may be required  
63 to maintain a primary residence located within a  
64 one-hour response time.



65           7. The commissioned and civilian personnel  
66 who retire from service with the board of police  
67 commissioners before the establishment of a  
68 municipal police force under subsection 1 of  
69 this section shall continue to be entitled to  
70 the same pension benefits provided under chapter  
71 86 and the same benefits set forth in subsection  
72 5 of this section.

73           8. If the city not within a county elects  
74 to establish a municipal police force under this  
75 section, the city shall establish a separate  
76 division for the operation of its municipal  
77 police force. The civil service commission of  
78 the city may adopt rules and regulations  
79 appropriate for the unique operation of a police  
80 department. Such rules and regulations shall  
81 reserve exclusive authority over the  
82 disciplinary process and procedures affecting  
83 commissioned officers to the civil service  
84 commission; however, until such time as the city  
85 adopts such rules and regulations, the  
86 commissioned personnel shall continue to be  
87 governed by the board of police commissioner's  
88 rules and regulations in effect immediately  
89 prior to the establishment of the municipal  
90 police force, with the police chief acting in  
91 place of the board of police commissioners for  
92 purposes of applying the rules and regulations.  
93 Unless otherwise provided for, existing civil  
94 service commission rules and regulations  
95 governing the appeal of disciplinary decisions  
96 to the civil service commission shall apply to  
97 all commissioned and civilian personnel. The  
98 civil service commission's rules and regulations  
99 shall provide that records prepared for  
100 disciplinary purposes shall be confidential,  
101 closed records available solely to the civil  
102 service commission and those who possess  
103 authority to conduct investigations regarding  
104 disciplinary matters pursuant to the civil  
105 service commission's rules and regulations. A  
106 hearing officer shall be appointed by the civil  
107 service commission to hear any such appeals that  
108 involve discipline resulting in a suspension of

109 greater than fifteen days, demotion, or  
110 termination, but the civil service commission  
111 shall make the final findings of fact,  
112 conclusions of law, and decision which shall be  
113 subject to any right of appeal under chapter 536.

114 9. A city not within a county that  
115 establishes and maintains a municipal police  
116 force under this section:

117 (1) Shall provide or contract for life  
118 insurance coverage and for insurance benefits  
119 providing health, medical, and disability  
120 coverage for commissioned and civilian personnel  
121 of the municipal police force to the same extent  
122 as was provided by the board of police  
123 commissioners under section 84.160;

124 (2) Shall provide or contract for medical  
125 and life insurance coverage for any commissioned  
126 or civilian personnel who retired from service  
127 with the board of police commissioners or who  
128 were employed by the board of police  
129 commissioners and retire from the municipal  
130 police force of a city not within a county to  
131 the same extent such medical and life insurance  
132 coverage was provided by the board of police  
133 commissioners under section 84.160;

134 (3) Shall make available medical and life  
135 insurance coverage for purchase to the spouses  
136 or dependents of commissioned and civilian  
137 personnel who retire from service with the board  
138 of police commissioners or the municipal police  
139 force and deceased commissioned and civilian  
140 personnel who receive pension benefits under  
141 sections 86.200 to 86.366 at the rate that such  
142 dependent's or spouse's coverage would cost  
143 under the appropriate plan if the deceased were  
144 living; and

145 (4) May pay an additional shift  
146 differential compensation to commissioned and  
147 civilian personnel for evening and night tours  
148 of duty in an amount not to exceed ten percent  
149 of the officer's base hourly rate.

150 10. A city not within a county that  
151 establishes a municipal police force under  
152 sections 84.343 to 84.346 shall establish a

153 transition committee of five members for the  
154 purpose of: coordinating and implementing the  
155 transition of authority, operations, assets, and  
156 obligations from the board of police  
157 commissioners to the city; winding down the  
158 affairs of the board; making nonbinding  
159 recommendations for the transition of the police  
160 force from the board to the city; and other  
161 related duties, if any, established by executive  
162 order of the city's mayor. Once the ordinance  
163 referenced in this section is enacted, the city  
164 shall provide written notice to the board of  
165 police commissioners and the governor of the  
166 state of Missouri. Within thirty days of such  
167 notice, the mayor shall appoint three members to  
168 the committee, two of whom shall be members of a  
169 statewide law enforcement association that  
170 represents at least five thousand law  
171 enforcement officers. The remaining members of  
172 the committee shall include the police chief of  
173 the municipal police force and a person who  
174 currently or previously served as a commissioner  
175 on the board of police commissioners, who shall  
176 be appointed to the committee by the mayor of  
177 such city.]

2 [84.345. 1. Except as required for the  
3 board of police commissioners to conclude its  
4 affairs and pursue legal claims and defenses,  
5 upon the establishment of a municipal police  
6 force, the terms of office of the commissioners  
7 of the board of police created under sections  
8 84.020 and 84.030 shall expire, and the  
9 provisions of sections 84.010 to 84.340 shall  
10 not apply to any city not within a county or its  
11 municipal police force as of such date. The  
12 board shall continue to operate, if necessary,  
13 to wind down the board's affairs until the  
14 transfer of ownership and obligations under  
15 subsection 2 of section 84.344 has been  
16 completed. During such time, the board of  
17 police commissioners shall designate and  
18 authorize its secretary to act on behalf of the  
board for purposes of performing the board's

19 duties and any other actions incident to the  
20 transfer and winding down of the board's affairs.

21 2. For any claim, lawsuit, or other action  
22 arising out of actions occurring before the date  
23 of completion of the transfer provided under  
24 subsection 2 of section 84.344, the state shall  
25 continue to provide legal representation as set  
26 forth in section 105.726, and the state legal  
27 expense fund shall continue to provide  
28 reimbursement for such claims under section  
29 105.726. This subsection applies to all claims,  
30 lawsuits, and other actions brought against any  
31 commissioner, police officer, employee, agent,  
32 representative, or any individual or entity  
33 acting or purporting to act on its or their  
34 behalf.

35 3. Notwithstanding any other provision of  
36 law, rule, or regulation to the contrary, any  
37 city not within a county that establishes a  
38 municipal police force under sections 84.343 to  
39 84.346 shall not be restricted or limited in any  
40 way in the selection of a police chief or chief  
41 of the division created under subsection 8 of  
42 section 84.344.

43 4. It shall be the duty of the sheriff for  
44 any city not within a county, whenever called  
45 upon by the police chief of the municipal police  
46 force, to act under the police chief's control  
47 for the preservation of the public peace and  
48 quiet; and, whenever the exigency or  
49 circumstances may, in the police chief's  
50 judgment, warrant it, said police chief shall  
51 have the power to assume the control and command  
52 of all local and municipal conservators of the  
53 peace of the city, whether sheriff, constable,  
54 policemen or others, and they shall act under  
55 the orders of the said police chief and not  
56 otherwise.]

2 [84.346. Any police pension system created  
3 under chapter 86 for the benefit of a police  
4 force established under sections 84.010 to  
5 84.340 shall continue to be governed by chapter  
86, and shall apply to any police force

6 established under section 84.343 to 84.346.  
7 Other than any provision that makes chapter 86  
8 applicable to a municipal police force  
9 established under section 84.343 to 84.346,  
10 nothing in sections 84.343 to 84.346 shall be  
11 construed as limiting or changing the rights or  
12 benefits provided under chapter 86.]

2 [84.347. Notwithstanding the provisions of  
3 section 1.140 to the contrary, the provisions of  
4 sections 84.343 to 84.346 shall be  
5 nonseverable. If any provision of sections  
6 84.343 to 84.346 is for any reason held to be  
7 invalid, such decision shall invalidate all of  
the remaining provisions of this act.]

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