

SECOND REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
CONFERENCE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NOS. 2637 & 3155**  
**103RD GENERAL ASSEMBLY**

6162H.09T

2026

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**AN ACT**

To repeal sections 43.500, 43.503, 43.506, 43.509, 43.527, 43.530, 43.533, 43.650, 43.651, 56.265, 57.540, 211.021, 211.071, 211.319, 211.331, 211.341, 217.362, 217.690, 217.760, 455.050, 527.270, 556.061, 557.011, 557.021, 558.011, 558.016, 558.019, 558.026, 558.031, 558.046, 559.115, 565.002, 565.050, 565.052, 565.054, 565.056, 565.072, 565.073, 565.074, 565.076, 565.090, 565.091, 565.225, 565.227, 566.030, 566.032, 566.060, 566.103, 566.125, 566.203, 566.209, 566.210, 566.211, 568.045, 568.060, 577.800, 589.400, 589.401, 589.402, 589.403, 589.404, 589.405, 589.407, 589.410, 589.414, 589.415, 589.417, 589.425, 590.192, 632.305, 632.489, 632.492, 632.495, 632.504, and 632.520, RSMo, sections 211.021, 211.071, 211.331, 211.341, 211.342, 211.436, 217.362, 217.690, 217.760, 557.011, 557.021, 558.011, 558.019, 558.026, 558.031, 558.046, 559.115, 566.030, 566.060, 566.125, 566.210, 566.211, 568.060, and 589.425 as enacted by senate substitute no. 3 for senate bill number 888, one hundred third general assembly, second regular session, section 589.407 as truly agreed to and finally passed by house committee substitute for senate bill no. 982, one hundred third general assembly, second regular session, and sections 589.400 and 589.414 as enacted by senate substitute for senate committee substitute for house committee substitute for house bills nos. 2273, 1946, 1814 & 2551, one hundred third general assembly, second regular session, and to enact in lieu thereof ninety-four new sections relating to public safety, with penalty provisions, delayed effective dates for certain sections, and an emergency clause for certain sections.

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

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

Section A. Sections 43.500, 43.503, 43.506, 43.509, 43.527, 43.530, 43.533, 43.650,  
2 43.651, 56.265, 57.540, 211.021, 211.071, 211.319, 211.331, 211.341, 217.362, 217.690,  
3 217.760, 455.050, 527.270, 556.061, 557.011, 557.021, 558.011, 558.016, 558.019, 558.026,  
4 558.031, 558.046, 559.115, 565.002, 565.050, 565.052, 565.054, 565.056, 565.072, 565.073,  
5 565.074, 565.076, 565.090, 565.091, 565.225, 565.227, 566.030, 566.032, 566.060, 566.103,  
6 566.125, 566.203, 566.209, 566.210, 566.211, 568.045, 568.060, 577.800, 589.400, 589.401,  
7 589.402, 589.403, 589.404, 589.405, 589.407, 589.410, 589.414, 589.415, 589.417, 589.425,  
8 590.192, 632.305, 632.489, 632.492, 632.495, 632.504, and 632.520, RSMo, sections 211.021,  
9 211.071, 211.331, 211.341, 211.342, 211.436, 217.362, 217.690, 217.760, 557.011, 557.021,  
10 558.011, 558.019, 558.026, 558.031, 558.046, 559.115, 566.030, 566.060, 566.125, 566.210,  
11 566.211, 568.060, and 589.425 as enacted by senate substitute no. 3 for senate bill number 888,  
12 one hundred third general assembly, second regular session, section 589.407 as truly agreed to  
13 and finally passed by house committee substitute for senate bill no. 982, one hundred third  
14 general assembly, second regular session, and sections 589.400 and 589.414 as enacted by senate  
15 substitute for senate committee substitute for house committee substitute for house bills nos.  
16 2273, 1946, 1814 & 2551, one hundred third general assembly, second regular session, are  
17 repealed and ninety-four new sections enacted in lieu thereof, to be known as sections 27.117,  
18 43.500, 43.503, 43.506, 43.509, 43.527, 43.530, 56.265, 57.540, 211.021, 211.071, 211.319,  
19 211.331, 211.341, 211.342, 217.362, 217.690, 217.760, 455.050, 455.098, 527.270, 544.667,  
20 556.061, 557.011, 557.021, 558.011, 558.016, 558.019, 558.026, 558.031, 558.046, 559.115,  
21 565.002, 565.050, 565.052, 565.054, 565.056, 565.072, 565.073, 565.074, 565.076, 565.090,  
22 565.091, 565.225, 565.227, 565.260, 565.400, 565.405, 566.030, 566.032, 566.060, 566.103,  
23 566.125, 566.203, 566.209, 566.210, 566.211, 568.045, 568.060, 573.570, 573.575, 577.800,  
24 589.400, 589.401, 589.403, 589.404, 589.405, 589.407, 589.410, 589.411, 589.412, 589.413,  
25 589.414, 589.415, 589.417, 589.425, 589.900, 589.902, 590.192, 632.305, 632.489, 632.492,  
26 632.495, 632.504, 632.520, 632.580, 632.585, 632.590, 632.593, 632.595, 632.600, 632.605,  
27 632.610, and 1, to read as follows:

**27.117. A prosecuting or circuit attorney may request assistance from the attorney  
2 general, or one of his or her assistants, to assist in the prosecution of a violation of sections  
3 565.090, 565.091, 565.225, 565.227, 565.400, 565.405, 573.570 or 573.575, where the offense  
4 occurred in more than one jurisdiction of the state. The prosecuting or circuit attorney  
5 may request any resource or capability of the attorney general when prosecuting such  
6 cases.**

43.500. As used in sections 43.500 to ~~[43.651]~~ **43.600**, the following terms mean:

- 2 (1) "Administration of criminal justice", performance of any of the following activities:  
3 detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication,  
4 correctional supervision, or rehabilitation of accused persons or criminal offenders. The  
5 administration of criminal justice shall include the screening of employees or applicants seeking  
6 employment with criminal justice agencies, criminal identification activities, and the collection,  
7 storage, and dissemination of criminal history information, including fingerprint searches,  
8 photographs, and other unique biometric identification;
- 9 (2) "Central repository", the division within the Missouri state highway patrol  
10 responsible for compiling and disseminating complete and accurate criminal history records and  
11 statistics;
- 12 (3) "Committee", criminal records and justice information advisory committee;
- 13 (4) "Comparable ordinance violation", a violation of an ordinance having all the  
14 essential elements of a statutory felony or a class A misdemeanor;
- 15 (5) "Criminal history record information", information collected by criminal justice  
16 agencies on individuals consisting of identifiable descriptions and notations of arrests,  
17 detentions, indictments, informations, or other formal criminal charges, and any disposition  
18 arising therefrom, sentencing, correctional supervision, and release;
- 19 (6) "Final disposition", the formal conclusion of a criminal proceeding at whatever stage  
20 it occurs in the criminal justice system;
- 21 (7) "Missouri charge code", a unique number assigned by the office of state courts  
22 administrator to an offense for tracking and grouping offenses. Beginning January 1, 2005, the  
23 complete charge code shall consist of digits assigned by the office of state courts administrator,  
24 the two-digit national crime information center modifiers and a single digit designating attempt,  
25 accessory, or conspiracy. The only exception to the January 1, 2005, date shall be the courts that  
26 are not using the statewide court automation case management pursuant to section 476.055; the  
27 effective date will be as soon thereafter as economically feasible for all other courts;
- 28 (8) "State offense cycle number", a unique number, supplied by or approved by the  
29 Missouri state highway patrol, on the state criminal fingerprint card. The offense cycle number,  
30 OCN, is used to link the identity of a person, through unique biometric identification, to one or  
31 many offenses for which the person is arrested or charged. The OCN will be used to track an  
32 offense incident from the date of arrest to the final disposition when the offender exits from the  
33 criminal justice system;
- 34 (9) "Unique biometric identification", automated methods of recognizing and identifying  
35 an individual based on a physiological characteristic. Biometric identification methods may  
36 include but are not limited to facial recognition, fingerprints, palm prints, hand geometry, iris  
37 recognition, and retinal scan.

43.503. 1. For the purpose of maintaining complete and accurate criminal history record information, all police officers of this state, the clerk of each court, the department of corrections, the sheriff of each county, the chief law enforcement official of a city not within a county and the prosecuting attorney of each county or the circuit attorney of a city not within a county shall submit certain criminal arrest, charge, and disposition information to the central repository for filing without undue delay in the form and manner required by sections 43.500 to ~~[43.651]~~ **43.600**.

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

3. In order for the Missouri office of prosecution services to maintain complete and accurate statewide reports as required by section 56.750, on or before January 1, 2028, and thereafter, all police officers of this state, the sheriff and each deputy sheriff of each county, and the chief law enforcement official of a city not within a county and his or her officers shall submit referrals for any traffic violation, ordinance violation, or misdemeanor or felony offense referred to a prosecuting or circuit attorney in the form and manner approved by the Missouri office of prosecution services as required by subdivision (7) of subsection 1 of section 56.750. At a minimum, any referral to a prosecuting attorney or circuit attorney for a felony offense shall include a probable cause statement and an investigative report. Any law enforcement agency that violates this subsection shall be ineligible to receive state or federal funds that would otherwise be paid to such agency for law enforcement, safety, or criminal justice purposes.

4. In instances where an individual ~~[less than seventeen]~~ **under eighteen** years of age and not currently certified as an adult is taken into custody for an offense ~~[which]~~ **that** would be a **class A or B felony, felony under chapter 566, or two felony offenses arising from distinct acts committed within one year of each other**, if committed by an adult, the arresting officer shall take fingerprints for the central repository. These fingerprints shall be taken on fingerprint cards supplied by or approved by the highway patrol or transmitted electronically in

38 a format and manner approved by the highway patrol and in compliance with the standards set  
39 by the Federal Bureau of Investigation in its Automated Fingerprint Identification System or its  
40 successor program. ~~[The fingerprint cards shall be so constructed that the name of the juvenile  
41 should not be made available to the central repository.]~~ The individual's name and the unique  
42 number associated with the fingerprints and other pertinent information shall be provided to the  
43 court of jurisdiction by the agency taking the juvenile into custody. The juvenile's fingerprints  
44 and other information shall be forwarded to the central repository and the courts without undue  
45 delay. The fingerprint information from the card shall be captured and stored in the automated  
46 fingerprint identification system operated by the central repository. In the event the fingerprints  
47 are found to match other tenprints or unsolved latent prints, the central repository shall notify  
48 the submitting agency who shall notify the court of jurisdiction as per local agreement. Under  
49 section 211.031, in instances where a juvenile over fifteen and one-half years of age is alleged  
50 to have violated a state or municipal traffic ordinance or regulation, which does not constitute  
51 a felony, and the juvenile court does not have jurisdiction, the juvenile shall not be fingerprinted  
52 unless certified as an adult. **Records of a juvenile who has been fingerprinted under this  
53 subsection shall be closed records as provided under section 610.120.**

54         5. Upon certification of the individual as an adult, the certifying court shall order a law  
55 enforcement agency to immediately fingerprint and photograph the individual and certification  
56 papers will be forwarded to the appropriate law enforcement agency with the order for  
57 fingerprinting. The law enforcement agency shall submit such fingerprints, photograph, and  
58 certification papers to the central repository within fifteen days and shall furnish the offense  
59 cycle number associated with the fingerprints to the prosecuting attorney or the circuit attorney  
60 of a city not within a county and to the clerk of the court ordering the subject fingerprinted. If  
61 the juvenile is acquitted of the crime and is no longer certified as an adult, the prosecuting  
62 attorney shall notify within fifteen days the central repository of the change of status of the  
63 juvenile. Records of a child who has been fingerprinted and photographed after being taken into  
64 custody shall be closed records as provided under section 610.100 if a petition has not been filed  
65 within thirty days of the date that the child was taken into custody; and if a petition for the child  
66 has not been filed within one year of the date the child was taken into custody, any records  
67 relating to the child concerning the alleged offense may be expunged under the procedures in  
68 sections 610.122 to 610.126.

69         6. The prosecuting attorney of each county or the circuit attorney of a city not within a  
70 county or the municipal prosecuting attorney shall notify the central repository on standard  
71 forms supplied by the highway patrol or in a manner approved by the highway patrol of his or  
72 her decision to not file a criminal charge on any charge referred to such prosecuting attorney or  
73 circuit attorney for criminal charges. All records forwarded to the central repository and the  
74 courts by prosecutors or circuit attorneys as required by sections 43.500 to 43.530 shall include

75 the state offense cycle number of the offense, the charge code for the offense, and the originating  
76 agency identifier number of the reporting prosecutor, using such numbers as assigned by the  
77 highway patrol.

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

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

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

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

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

95 8. The clerk of the courts of each county or city not within a county shall furnish, to the  
96 department of corrections or department of mental health, court judgment and sentence  
97 documents and the state offense cycle number and the charge code of the offense which resulted  
98 in the commitment or assignment of an offender to the jurisdiction of the department of  
99 corrections or the department of mental health if the person is committed pursuant to chapter  
100 552. This information shall be reported to the department of corrections or the department of  
101 mental health at the time of commitment or assignment. If the offender was already in the  
102 custody of the department of corrections or the department of mental health at the time of such  
103 subsequent conviction, the clerk shall furnish notice of such subsequent conviction to the  
104 appropriate department by certified mail, return receipt requested, or in a manner and format  
105 mutually agreed to, within fifteen days of such disposition.

106 9. Information and fingerprints, photograph and if available, any other unique biometric  
107 identification collected, forwarded to the central repository, normally obtained from a person at  
108 the time of the arrest, may be obtained at any time the subject is in the criminal justice system  
109 or committed to the department of mental health. A law enforcement agency or the department  
110 of corrections may fingerprint, photograph, and capture any other unique biometric identification  
111 of the person unless collecting other unique biometric identification of the person is not

112 financially feasible for the law enforcement agency, and obtain the necessary information at any  
113 time the subject is in custody. If at the time of any court appearance, the defendant has not been  
114 fingerprinted and photographed for an offense in which a fingerprint and photograph is required  
115 by statute to be collected, maintained, or disseminated by the central repository, the court shall  
116 order a law enforcement agency or court marshal to fingerprint and photograph immediately the  
117 defendant. The order for fingerprints shall contain the offense, charge code, date of offense, and  
118 any other information necessary to complete the fingerprint card. The law enforcement agency  
119 or court marshal shall submit such fingerprints, photograph, and if available, any other unique  
120 biometric identification collected, to the central repository without undue delay and within thirty  
121 days and shall furnish the offense cycle number associated with the fingerprints to the  
122 prosecuting attorney or the circuit attorney of a city not within a county and to the court clerk  
123 of the court ordering the subject fingerprinted.

124         10. The department of corrections and the department of mental health shall furnish the  
125 central repository with all information concerning the receipt, escape, execution, death, release,  
126 pardon, parole, commutation of sentence, granting of executive clemency, legal name change,  
127 or discharge of an individual who has been sentenced to that department's custody for any  
128 offenses which are mandated by law to be collected, maintained or disseminated by the central  
129 repository. All records forwarded to the central repository by the department as required by  
130 sections 43.500 to ~~[43.651]~~ **43.600** shall include the offense cycle number of the offense, and  
131 the originating agency identifier number of the department using such numbers as assigned by  
132 the highway patrol.

43.506. 1. Those offenses considered reportable for the purposes of sections 43.500 to  
2 ~~[43.651]~~ **43.600** include all felonies; class A misdemeanors; all violations for driving under the  
3 influence of drugs or alcohol; any offense that can be enhanced to a class A misdemeanor or  
4 higher for subsequent violations; and comparable ordinance violations consistent with the  
5 reporting standards established by the National Crime Information Center, Federal Bureau of  
6 Investigation, for the Federal Interstate Identification Index System; and all cases arising under  
7 chapter 566. The following types of offenses shall not be considered reportable for the purposes  
8 of sections 57.403, 43.500 to ~~[43.651]~~ **43.600**, and 595.200 to 595.218: nonspecific charges of  
9 suspicion or investigation, general traffic violations and all misdemeanor violations of the state  
10 wildlife code. All offenses considered reportable shall be reviewed annually and noted in the  
11 Missouri charge code manual established in section 43.512. All information collected pursuant  
12 to sections 43.500 to ~~[43.651]~~ **43.600** shall be available only as set forth in section 610.120.

13         2. Law enforcement agencies, court clerks, prosecutors and custody agencies may report  
14 required information by electronic medium either directly to the central repository or indirectly  
15 to the central repository via other criminal justice agency computer systems in the state with the  
16 approval of the highway patrol, based upon standards established by the advisory committee.

17           3. In addition to the repository of fingerprint records for individual offenders and  
18 applicants, the central repository of criminal history and identification records for the state shall  
19 maintain a repository of latent prints, palm prints and other unique biometric identification  
20 submitted to the repository.

          43.509. The director of the department of public safety shall, in accordance with the  
2 provisions of chapter 536, establish such rules and regulations as are necessary to implement the  
3 provisions of sections 43.500 to ~~[43.651]~~ **43.600**. All collection and dissemination of criminal  
4 history information shall be in compliance with chapter 610 and applicable federal laws or  
5 regulations. Such rules shall relate to the collection of criminal history information from or  
6 dissemination of such information to criminal justice, noncriminal justice, and private agencies  
7 or citizens both in this and other states. No rule or portion of a rule promulgated under the  
8 authority of sections 43.500 to ~~[43.651]~~ **43.600** shall become effective unless it has been  
9 promulgated pursuant to the provisions of section 536.024.

          43.527. For purposes of sections 43.500 to ~~[43.651]~~ **43.600**, all federal and nonstate of  
2 Missouri agencies and persons shall pay for criminal records checks, fingerprint searches, and  
3 any of the information as defined in subdivision (5) of section 43.500, when such information  
4 is not related to the administration of criminal justice. There shall be no charge for information  
5 supplied to criminal justice agencies for the administration of criminal justice. For purposes of  
6 sections 43.500 to ~~[43.651]~~ **43.600**, the administration of criminal justice is defined in  
7 subdivision (1) of section 43.500 and shall be available only as set forth in section 610.120.

          43.530. 1. For each request requiring the payment of a fee received by the central  
2 repository, the requesting entity shall pay a fee of not more than nine dollars per request for  
3 criminal history record information not based on a fingerprint search. In each year beginning  
4 on or after January 1, 2010, the superintendent may increase the fee paid by requesting entities  
5 by an amount not to exceed one dollar per year, however, under no circumstance shall the fee  
6 paid by requesting entities exceed fifteen dollars per request.

          2. For each request requiring the payment of a fee received by the central repository, the  
8 requesting entity shall pay a fee of not more than twenty dollars per request for criminal history  
9 record information based on a fingerprint search, unless the request is required under the  
10 provisions of subdivision (6) of section 210.481, section 210.487, or section 571.101, in which  
11 case the fee shall be fourteen dollars.

          3. A request made under subsections 1 and 2 of this section shall be limited to check and  
13 search on one individual. Each request shall be accompanied by a check, warrant, voucher,  
14 money order, or electronic payment payable to the state of Missouri-criminal record system or  
15 payment shall be made in a manner approved by the highway patrol. The highway patrol may  
16 establish procedures for receiving requests for criminal history record information for  
17 classification and search for fingerprints, from courts and other entities, and for the payment of

18 such requests. There is hereby established by the treasurer of the state of Missouri a fund to be  
 19 entitled as the "Criminal Record System Fund". Notwithstanding the provisions of section  
 20 33.080 to the contrary, if the moneys collected and deposited into this fund are not totally  
 21 expended annually for the purposes set forth in sections 43.500 to ~~[43.651]~~ **43.600**, the  
 22 unexpended moneys in such fund shall remain in the fund and the balance shall be kept in the  
 23 fund to accumulate from year to year.

56.265. 1. The county prosecuting attorney in any county ~~[, other than in a chartered  
 2 county,]~~ shall receive an annual salary computed ~~[using the following schedule, when applicable.  
 3 The assessed valuation factor shall be the amount thereof as shown for the year immediately  
 4 preceding the year for which the computation is done]~~ **as provided in this subsection.**

5 (1) For a full-time ~~[prosecutor]~~ **prosecuting attorney of a charter, first, or second**  
 6 **class county, or of a city not within a county,** the ~~[prosecutor]~~ **prosecuting attorney** shall  
 7 receive compensation equal to **one hundred percent** of the compensation of ~~[an associate] a~~  
 8 circuit judge[;] .

9 (2) ~~[For a part-time prosecutor:]~~ **For a full-time prosecuting attorney of a third or**  
 10 **fourth class county, the prosecuting attorney shall receive compensation equal to one**  
 11 **hundred percent of the compensation of an associate circuit judge or, upon approval by**  
 12 **a majority of the county commission, the prosecuting attorney shall receive compensation**  
 13 **equal to ninety-five percent of the compensation of a circuit judge.**

14 (3) **Upon approval by a majority of the county commission, a part-time prosecuting**  
 15 **attorney shall receive compensation equal to between thirty and sixty percent of the**  
 16 **compensation of an associate circuit judge.**

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<del>[Assessed Valuation</del>	<del>Amount</del>
<del>\$18,000,000 to 40,999,999</del>	<del>\$37,000</del>
<del>41,000,000 to 53,999,999</del>	<del>38,000</del>
<del>54,000,000 to 65,999,999</del>	<del>39,000</del>
<del>66,000,000 to 85,999,999</del>	<del>41,000</del>
<del>86,000,000 to 99,999,999</del>	<del>43,000</del>
<del>100,000,000 to 130,999,999</del>	<del>45,000</del>
<del>131,000,000 to 159,999,999</del>	<del>47,000</del>
<del>160,000,000 to 189,999,999</del>	<del>49,000</del>
<del>190,000,000 to 249,999,999</del>	<del>51,000</del>
<del>250,000,000 to 299,999,999</del>	<del>53,000</del>
<del>300,000,000 or more</del>	<del>55,000]</del>

31           **(4) Notwithstanding any other provision of this section to the contrary, no**  
32 **prosecuting attorney who has held the office of prosecuting attorney prior to January 1,**  
33 **2027, shall have their compensation lowered by the implementation of the compensation**  
34 **procedures of this section, nor shall any prosecuting attorney have their compensation**  
35 **lowered during their tenure of office.**

36           2. Two thousand dollars of the salary shall be payable to any prosecuting attorney only  
37 if the prosecuting attorney has completed at least twenty hours of classroom instruction each  
38 calendar year relating to the operations of the prosecuting attorney's office when approved by  
39 a professional association of the county prosecuting attorneys of Missouri unless exempted from  
40 the training by the professional association. The professional association approving the program  
41 shall provide a certificate of completion to each prosecuting attorney who completes the training  
42 program and shall send a list of certified prosecuting attorneys to the treasurer of each county  
43 or city not within a county. Expenses incurred for attending the training session may be  
44 reimbursed to the prosecuting attorney in the same manner as other expenses as may be  
45 appropriated for that purpose.

46           3. Each calendar year, five thousand dollars of the salary shall be payable to any  
47 prosecuting attorney only if the prosecuting attorney has collected the data described in  
48 subsection 2 of section 56.750 in a manner approved by the prosecutors coordinators training  
49 council and makes the data described in subsection 2 of section 56.750 readily accessible to the  
50 Missouri office of prosecution services. The Missouri office of prosecution services shall  
51 provide a certificate of compliance to each prosecuting attorney who complies with this  
52 subsection and shall send a list of any certified prosecuting attorney to the respective treasurer  
53 of each county or city not within a county.

54           4. For each calendar year, three thousand dollars of the salary shall be payable to any  
55 prosecuting attorney only if the prosecuting attorney has provided discovery to criminal defense  
56 attorneys who have entered an appearance on behalf of a defendant in a manner approved by the  
57 prosecutors coordinators training council. The Missouri office of prosecution services shall  
58 provide a certificate of compliance to each prosecuting attorney who complies with this  
59 subsection and shall send a list of any certified prosecuting attorney to the respective treasurer  
60 of each county or city not within a county.

61           5. As used in this section, the term "prosecuting attorney" includes the circuit attorney  
62 of any city not within a county.

63           6. The prosecuting attorney of any county which becomes a county of the first  
64 classification during a four-year term of office or a county which passed the proposition  
65 authorized by subsection 1 of section 56.363 shall not be required to devote full time to such  
66 office pursuant to section 56.067 until the beginning of the prosecuting attorney's next term of  
67 office or until the proposition otherwise becomes effective.

68           **7. Notwithstanding any other provision of law to the contrary, any county with a**  
69 **vacancy in the office of prosecuting attorney for more than sixty days may consolidate with**  
70 **one contiguous county with a sitting prosecuting attorney upon a unanimous vote of the**  
71 **county commissions of such counties to establish a cooperative regional prosecuting**  
72 **attorney's office at any time. The prosecuting attorney of the contiguous county shall then**  
73 **become the prosecuting attorney of that region for the remainder of that prosecuting**  
74 **attorney's term of office or until such time as the governor appoints a prosecuting attorney**  
75 **to fill the vacant prosecuting attorney position pursuant to section 105.030. Regional**  
76 **prosecuting attorneys shall be designated as full-time prosecuting attorneys and shall be**  
77 **compensated in the manner provided under the provisions of subdivision (2) of subsection**  
78 **1 of this section. No two counties that each have sitting prosecuting attorneys shall be**  
79 **permitted to consolidate in the manner described in this section.**

80           **8. The provisions of section 56.066 shall not apply to full-time prosecutors who are**  
81 **compensated pursuant to subdivision (1) of subsection 1 of this section.**

82           **9. (1) There is hereby created in the state treasury the "Missouri State**  
83 **Prosecutorial Services Grant Fund", which shall consist of moneys appropriated by the**  
84 **general assembly.**

85           **(2) The state treasurer shall be custodian of the fund. In accordance with sections**  
86 **30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a**  
87 **dedicated fund and, upon appropriation, moneys in this fund shall be used solely as**  
88 **provided in this section and shall be allocated to counties of the third and fourth**  
89 **classification on the basis of need in order for such counties to be in compliance with the**  
90 **prosecuting attorney compensation provisions of this section.**

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

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

57.540. **1. The sheriff of the City of St. Louis may employ an attorney at law to aid and**  
2 **advise him in the discharge of his duties and to represent him in court**~~], which said attorney shall~~  
3 ~~be known as "sheriff's attorney", and who shall receive as compensation for his services as such~~  
4 ~~sheriff's attorney a sum of not less than three thousand dollars and not more than fifteen~~  
5 ~~thousand dollars per annum, payable in semimonthly installments].~~ **The sheriff shall set the**  
6 **compensation for an attorney hired pursuant to this section and such compensation shall**  
7 **be paid out of the same funds and revenue as the sheriff of such city is paid.**

8           **2. The attorney employed by a sheriff pursuant to subsection 1 of this section shall**  
 9 **be employed at the pleasure of the sheriff.**

2           ~~[211.021. As used in this chapter, unless the context clearly requires~~  
 3 ~~otherwise, the following terms shall mean:~~

4           ~~(1) "Adult" [means], a person eighteen years of age or older;~~

5           ~~(2) "Child" [means], any person under eighteen years of age;~~

6           ~~(3) "Juvenile court" [means], the juvenile division or divisions of the~~  
 7 ~~circuit court of the county, or judges while hearing juvenile cases assigned to~~  
 8 ~~them;~~

9           ~~(4) "Juvenile detention facility", a place for the temporary care~~  
 10 ~~of a juvenile in judicial custody in a proceeding under subdivision (2) or~~  
 11 ~~(3) of subsection 1 of section 211.031 and includes a place that is~~  
 12 ~~physically confining, but does not include a jail or other adult detention~~  
 13 ~~facility unless the juvenile is seventeen years of age or older or unless the~~  
 14 ~~juvenile detention facility is operated, administered, and staffed~~  
 15 ~~separately and independently of a jail or other adult detention facility and~~  
 16 ~~used exclusively for the lawful custody and treatment of juveniles. A~~  
 17 ~~juvenile detention facility may be located in the same building or grounds~~  
 18 ~~as a jail or other adult detention facility if there is spatial separation~~  
 19 ~~between the facilities which prevents haphazard or accidental contact~~  
 20 ~~between juvenile and adult detainees; there is separation between juvenile~~  
 21 ~~and adult program activities; and there are separate juvenile and adult~~  
 22 ~~staff other than specialized support staff who have infrequent contact~~  
 23 ~~with detainees. The facility may be owned or operated by public or~~  
 24 ~~private agencies;~~

25           ~~(5) "Legal custody" [means], the right to the care, custody and control~~  
 26 ~~of a child and the duty to provide food, clothing, shelter, ordinary medical~~  
 27 ~~care, education, treatment and discipline of a child. Legal custody may be~~  
 28 ~~taken from a parent only by court action and if the legal custody is taken from~~  
 29 ~~a parent without termination of parental rights, the parent's duty to provide~~  
 30 ~~support continues even though the person having legal custody may provide~~  
 31 ~~the necessities of daily living;~~

32           ~~{(5)} (6) "Parent" [means], either a natural parent or a parent by~~  
 33 ~~adoption and if the child is illegitimate, "parent" means the mother;~~

34           ~~{(6)} (7) "Shelter care" [means], the temporary care of juveniles in~~  
 35 ~~physically unrestricting facilities pending final court disposition. These~~  
 36 ~~facilities may include:~~

37           ~~(a) "Foster home", the private home of foster parents providing~~  
 38 ~~twenty-four-hour care to one to three children unrelated to the foster parents~~  
 39 ~~by blood, marriage or adoption;~~

40           ~~(b) "Group foster home", the private home of foster parents providing~~  
 41 ~~twenty-four-hour care to no more than six children unrelated to the foster~~  
 42 ~~parents by blood, marriage or adoption;~~

42 ~~(c) "Group home", a child care facility which approximates a family~~  
 43 ~~setting, provides access to community activities and resources, and provides~~  
 44 ~~care to no more than twelve children.]~~

211.021. As used in this chapter, unless the context clearly requires otherwise, **the following terms shall mean:**

- 3 (1) "Adult" [~~means~~], a person eighteen years of age or older;
- 4 (2) "Child" [~~means~~], any person under eighteen years of age;
- 5 (3) "Juvenile court" [~~means~~], the juvenile division or divisions of the circuit court of the  
 6 county, or judges while hearing juvenile cases assigned to them;
- 7 (4) **"Juvenile detention facility", a place for the temporary care of a juvenile in**  
 8 **judicial custody in a proceeding under subdivision (2) or (3) of subsection 1 of section**  
 9 **211.031 and includes a place that is physically confining, but does not include a jail or**  
 10 **other adult detention facility unless the juvenile is eighteen years of age or older or unless**  
 11 **the juvenile detention facility is operated, administered, and staffed separately and**  
 12 **independently of a jail or other adult detention facility and used exclusively for the lawful**  
 13 **custody and treatment of juveniles. A juvenile detention facility may be located in the**  
 14 **same building or grounds as a jail or other adult detention facility if there is spatial**  
 15 **separation between the facilities which prevents haphazard or accidental contact between**  
 16 **juvenile and adult detainees; there is separation between juvenile and adult program**  
 17 **activities; and there are separate juvenile and adult staff other than specialized support**  
 18 **staff who have infrequent contact with detainees. The facility may be owned or operated**  
 19 **by public or private agencies;**
- 20 (5) "Legal custody" [~~means~~], the right to the care, custody and control of a child and  
 21 the duty to provide food, clothing, shelter, ordinary medical care, education, treatment and  
 22 discipline of a child. Legal custody may be taken from a parent only by court action and if the  
 23 legal custody is taken from a parent without termination of parental rights, the parent's duty to  
 24 provide support continues even though the person having legal custody may provide the  
 25 necessities of daily living;
- 26 ~~(5)~~ (6) "Parent" [~~means~~], either a natural parent or a parent by adoption and if the child  
 27 is illegitimate, "parent" means the mother;
- 28 ~~(6)~~ (7) "Shelter care" [~~means~~], the temporary care of juveniles in physically  
 29 unrestricting facilities pending final court disposition. These facilities may include:
- 30 (a) "Foster home", the private home of foster parents providing twenty-four-hour care  
 31 to one to three children unrelated to the foster parents by blood, marriage or adoption;
- 32 (b) "Group foster home", the private home of foster parents providing twenty-four-hour  
 33 care to no more than six children unrelated to the foster parents by blood, marriage or adoption;

34 (c) "Group home", a child care facility which approximates a family setting, provides  
35 access to community activities and resources, and provides care to no more than twelve children.

2 ~~[211.071. 1. (1) If a petition or motion to modify alleges that a child~~  
3 ~~would be considered a class A or B felony, felony under chapter 566, or~~  
4 ~~three felony offenses arising from distinct acts committed within one~~  
5 ~~hundred eighty days of each other, if committed by an adult, the court may,~~  
6 ~~upon its own motion or upon motion by the juvenile officer, the office of the~~  
7 ~~prosecuting or circuit attorney, the child, or the child's custodian, order a~~  
8 ~~hearing at which the prosecuting or circuit attorney may present evidence~~  
9 ~~if the prosecuting or circuit attorney filed the petition, and may, in its~~  
10 ~~discretion, dismiss the petition or motion to modify and such child may be~~  
11 ~~transferred to the court of general jurisdiction and prosecuted under the~~  
12 ~~general law; except that, if a petition alleges that a child between the ages of~~  
13 ~~twelve and eighteen has committed an offense that would be considered first~~  
14 ~~degree murder under section 565.020, second degree murder under section~~  
15 ~~565.021, first degree assault under section 565.050, forcible rape under section~~  
16 ~~566.030 as it existed prior to August 28, 2013, rape in the first degree under~~  
17 ~~section 566.030, forcible sodomy under section 566.060 as it existed prior to~~  
18 ~~August 28, 2013, sodomy in the first degree under section 566.060, first~~  
19 ~~degree robbery under section 569.020 as it existed prior to January 1, 2017,~~  
20 ~~robbery in the first degree under section 570.023, distribution of drugs under~~  
21 ~~section 195.211 as it existed prior to January 1, 2017, or the manufacturing of~~  
22 ~~a controlled substance under section 579.055, if committed by an adult, or a~~  
23 ~~dangerous felony as defined in section 556.061, or any felony involving the~~  
24 ~~use, assistance, or aid of a deadly weapon, or has committed two or more prior~~  
25 ~~unrelated offenses that would be felonies if committed by an adult, the court~~  
26 ~~shall order a hearing, and may, in its discretion, dismiss the petition or motion~~  
27 ~~to modify and transfer the child to a court of general jurisdiction for~~  
28 ~~prosecution under the general law.~~

29 ~~(2) The moving party shall be solely responsible for all duties~~  
30 ~~enumerated under this section. If the juvenile officer forwards to the~~  
31 ~~prosecuting or circuit attorney a class A or B felony that is not certified~~  
32 ~~by the juvenile officer, the prosecuting or circuit attorney shall notify the~~  
33 ~~juvenile officer within fourteen days of the decision to certify the case.~~

34 ~~2. Upon apprehension and arrest, jurisdiction over the criminal offense~~  
35 ~~allegedly committed by any person between eighteen and twenty-one years of~~  
36 ~~age over whom the juvenile court has retained continuing jurisdiction shall~~  
37 ~~automatically terminate and that offense shall be dealt with in the court of~~  
38 ~~general jurisdiction as provided in section 211.041.~~

39 ~~3. Knowing and willful age misrepresentation by a juvenile subject~~  
40 ~~shall not affect any action or proceeding which occurs based upon the~~  
41 ~~misrepresentation. Any evidence obtained during the period of time in which~~

42 a child misrepresents his or her age may be used against the child and will be  
43 subject only to rules of evidence applicable in adult proceedings.

44 ~~4. Written notification of a transfer hearing shall be given to the~~  
45 ~~juvenile and his or her custodian in the same manner as provided in sections~~  
46 ~~211.101 and 211.111. Notice of the hearing may be waived by the custodian.~~  
47 ~~Notice shall contain a statement that the purpose of the hearing is to determine~~  
48 ~~whether the child is a proper subject to be dealt with under the provisions of~~  
49 ~~this chapter, and that if the court finds that the child is not a proper subject to~~  
50 ~~be dealt with under the provisions of this chapter, the petition or motion to~~  
51 ~~modify will be dismissed to allow for prosecution of the child under the~~  
52 ~~general law.~~

53 ~~5. The juvenile officer [may] shall consult with the office of~~  
54 ~~prosecuting or circuit attorney concerning any offense for which the child~~  
55 ~~could be certified as an adult under this section. The prosecuting or circuit~~  
56 ~~attorney shall [have access to] **be provided** police reports, reports of the~~  
57 ~~juvenile or deputy juvenile officer, statements of witnesses, **a copy of the**~~  
58 ~~**completed Missouri Juvenile Detention Assessment Form (JDTA) or**~~  
59 ~~**similar form that was used in determining detention,** and all other records~~  
60 ~~or reports relating to the offense alleged to have been committed by the child.~~  
61 ~~The prosecuting or circuit attorney shall have access to the disposition records~~  
62 ~~of the child when the child has been adjudicated pursuant to subdivision (3)~~  
63 ~~of subsection 1 of section 211.031. The prosecuting or circuit attorney shall~~  
64 ~~not divulge any information regarding the child and the offense until the~~  
65 ~~juvenile court at a judicial hearing has determined that the child is not a proper~~  
66 ~~subject to be dealt with under the provisions of this chapter. **Any sanction**~~  
67 ~~**recommended as a result of the JDTA shall be used as a guideline and**~~  
68 ~~**shall not be mandatory.**~~

69 ~~6. In every incident, the juvenile officer shall consider legally~~  
70 ~~sufficient charges submitted by a law enforcement agency when utilizing~~  
71 ~~the JDTA form to determine whether or not to detain a child and shall~~  
72 ~~provide a copy of that completed JDTA form to the law enforcement~~  
73 ~~agency once a determination has been made. For purposes of this section,~~  
74 ~~the term "legally sufficient" means a reasonable belief with articulable~~  
75 ~~facts that a crime has been or is being committed based on the totality of~~  
76 ~~the circumstances.~~

77 ~~7. Notwithstanding any other provision of law or the Missouri~~  
78 ~~supreme court operating rules to the contrary, law enforcement agencies~~  
79 ~~who detain juveniles for offenses where fingerprinting is required, shall~~  
80 ~~collect fingerprints and forward detention information to the central~~  
81 ~~repository, in a manner prescribed by the central repository. The~~  
82 ~~juvenile officer and court of jurisdiction over the juvenile offender shall~~  
83 ~~report all adjudication, delinquency, and custody information to the~~  
84 ~~central repository, in a manner prescribed by the central repository. All~~  
85 ~~information reported under this section shall be available to criminal~~

86 ~~justice agencies for the administration of criminal justice under section~~  
87 ~~43.500 through the Missouri Uniform Law Enforcement System~~  
88 ~~(MULES). Such records maintained by the central repository under this~~  
89 ~~subsection shall be closed pursuant to section 610.120.~~

90 ~~8. A written report shall be prepared in accordance with this chapter~~  
91 ~~developing fully all available information relevant to the criteria which shall~~  
92 ~~be considered by the court in determining whether the child is a proper subject~~  
93 ~~to be dealt with under the provisions of this chapter and whether there are~~  
94 ~~reasonable prospects of rehabilitation within the juvenile justice system.~~  
95 ~~These criteria shall include but not be limited to:~~

96 ~~(1) The seriousness of the offense alleged and whether the protection~~  
97 ~~of the community requires transfer to the court of general jurisdiction;~~

98 ~~(2) Whether the offense alleged involved viciousness, force and~~  
99 ~~violence;~~

100 ~~(3) Whether the offense alleged was against persons or property with~~  
101 ~~greater weight being given to the offense against persons, especially if~~  
102 ~~personal injury resulted;~~

103 ~~(4) Whether the offense alleged is a part of a repetitive pattern of~~  
104 ~~offenses which indicates that the child may be beyond rehabilitation under the~~  
105 ~~juvenile code;~~

106 ~~(5) The record and history of the child, including experience with the~~  
107 ~~juvenile justice system, other courts, supervision, commitments to juvenile~~  
108 ~~institutions and other placements;~~

109 ~~(6) The sophistication and maturity of the child as determined by~~  
110 ~~consideration of his or her home and environmental situation, emotional~~  
111 ~~condition and pattern of living;~~

112 ~~(7) The age of the child;~~

113 ~~(8) The program and facilities available to the juvenile court in~~  
114 ~~considering disposition;~~

115 ~~(9) Whether or not the child can benefit from the treatment or~~  
116 ~~rehabilitative programs available to the juvenile court; and~~

117 ~~(10) Racial disparity in certification.~~

118 ~~[7.] 9. If the court dismisses the petition to permit the child to be~~  
119 ~~prosecuted under the general law, the court shall enter a dismissal order~~  
120 ~~containing:~~

121 ~~(1) Findings showing that the court had jurisdiction of the cause and~~  
122 ~~of the parties;~~

123 ~~(2) Findings showing that the child was represented by counsel;~~

124 ~~(3) Findings showing that the hearing was held in the presence of the~~  
125 ~~child and his or her counsel; and~~

126 ~~(4) Findings showing the reasons underlying the court's decision to~~  
127 ~~transfer jurisdiction.~~

128 ~~[8.] 10. A copy of the petition or motion to modify and order of the~~  
129 ~~dismissal shall be sent to the prosecuting attorney.~~

130 ~~{9.} 11.~~ When a petition or motion to modify has been dismissed  
 131 thereby permitting a child to be prosecuted under the general law and the  
 132 prosecution of the child results in a conviction, the jurisdiction of the juvenile  
 133 court over that child is forever terminated, except as provided in subsection  
 134 ~~{10.} 12~~ of this section, for an act that would be a violation of a state law or  
 135 municipal ordinance.

136 ~~{10.} 12.~~ If a petition or motion to modify has been dismissed thereby  
 137 permitting a child to be prosecuted under the general law and the child is  
 138 found not guilty by a court of general jurisdiction, the juvenile court shall  
 139 have jurisdiction over any later offense committed by that child which would  
 140 be considered a misdemeanor or felony if committed by an adult, subject to  
 141 the certification provisions of this section.

142 ~~{11.} 13.~~ If the court does not dismiss the petition or motion to modify  
 143 to permit the child to be prosecuted under the general law, it shall set a date  
 144 for the hearing upon the petition as provided in section 211.171.]

211.071. 1. (1) If a petition or motion to modify alleges that a child between the ages  
 2 of fourteen and eighteen has committed an offense that would be considered a **class A or B**  
 3 **felony, felony under chapter 566, or three felony offenses arising from distinct acts**  
 4 **committed within one hundred eighty days of each other**, if committed by an adult, the court  
 5 may, upon its own motion or upon motion by the juvenile officer, **the office of the prosecuting**  
 6 **or circuit attorney**, the child, or the child's custodian, order a hearing **at which the prosecuting**  
 7 **or circuit attorney may present evidence if the prosecuting or circuit attorney filed the**  
 8 **motion**, and may, in its discretion, dismiss the petition or motion to modify and such child may  
 9 be transferred to the court of general jurisdiction and prosecuted under the general law; except  
 10 that, if a petition alleges that a child between the ages of twelve and eighteen has committed an  
 11 offense that would be considered first degree murder under section 565.020, second degree  
 12 murder under section 565.021, first degree assault under section 565.050, forcible rape under  
 13 section 566.030 as it existed prior to August 28, 2013, rape in the first degree under section  
 14 566.030, forcible sodomy under section 566.060 as it existed prior to August 28, 2013, sodomy  
 15 in the first degree under section 566.060, first degree robbery under section 569.020 as it existed  
 16 prior to January 1, 2017, robbery in the first degree under section 570.023, distribution of drugs  
 17 under section 195.211 as it existed prior to January 1, 2017, or the manufacturing of a controlled  
 18 substance under section 579.055, if committed by an adult, or a dangerous felony as defined in  
 19 section 556.061, or any felony involving the use, assistance, or aid of a deadly weapon, or has  
 20 committed two or more prior unrelated offenses that would be felonies if committed by an adult,  
 21 the court shall order a hearing, and may, in its discretion, dismiss the petition or motion to  
 22 modify and transfer the child to a court of general jurisdiction for prosecution under the general  
 23 law.

24           **(2) The moving party shall be solely responsible for all duties enumerated under**  
25 **this section. If the juvenile officer forwards to the prosecuting or circuit attorney a class**  
26 **A or B felony that is not certified by the juvenile officer, the prosecuting or circuit attorney**  
27 **shall notify the juvenile officer within fourteen days of the decision to certify the case.**  
28 **Should certification be sought, the prosecuting attorney shall have no more than fourteen**  
29 **days to file such motion.**

30           2. Upon apprehension and arrest, jurisdiction over the criminal offense allegedly  
31 committed by any person between eighteen and twenty-one years of age over whom the juvenile  
32 court has retained continuing jurisdiction shall automatically terminate and that offense shall be  
33 dealt with in the court of general jurisdiction as provided in section 211.041.

34           3. Knowing and willful age misrepresentation by a juvenile subject shall not affect any  
35 action or proceeding which occurs based upon the misrepresentation. Any evidence obtained  
36 during the period of time in which a child misrepresents his or her age may be used against the  
37 child and will be subject only to rules of evidence applicable in adult proceedings.

38           4. Written notification of a transfer hearing shall be given to the juvenile and his or her  
39 custodian in the same manner as provided in sections 211.101 and 211.111. Notice of the  
40 hearing may be waived by the custodian. Notice shall contain a statement that the purpose of  
41 the hearing is to determine whether the child is a proper subject to be dealt with under the  
42 provisions of this chapter, and that if the court finds that the child is not a proper subject to be  
43 dealt with under the provisions of this chapter, the petition or motion to modify will be dismissed  
44 to allow for prosecution of the child under the general law.

45           5. The juvenile officer ~~[may]~~ **shall** consult with the office of prosecuting **or circuit**  
46 attorney concerning any offense for which the child could be certified as an adult under this  
47 section. The prosecuting or circuit attorney shall ~~[have access to]~~ **be provided** police reports,  
48 reports of the juvenile or deputy juvenile officer, statements of witnesses, **a copy of the**  
49 **completed Missouri Juvenile Detention Assessment Form (JDTA) or similar form that was**  
50 **used in determining detention**, and all other records or reports relating to the offense alleged  
51 to have been committed by the child. The prosecuting or circuit attorney shall have access to  
52 the disposition records of the child when the child has been adjudicated pursuant to subdivision  
53 (3) of subsection 1 of section 211.031. The prosecuting **or circuit** attorney shall not divulge any  
54 information regarding the child and the offense until the juvenile court at a judicial hearing has  
55 determined that the child is not a proper subject to be dealt with under the provisions of this  
56 chapter. **Any recommendation as a result of the JDTA shall be used as a guideline and shall**  
57 **not be mandatory.**

58           6. **In every incident, the juvenile officer shall consider legally sufficient charges**  
59 **submitted by a law enforcement agency when utilizing the JDTA form to determine**  
60 **whether or not to detain a child and shall provide a copy of that completed JDTA form to**

61 the law enforcement agency once a determination has been made. For purposes of this  
62 section, the term "legally sufficient" means a reasonable belief with articulable facts that  
63 a crime has been or is being committed based on the totality of the circumstances.

64 7. Notwithstanding any other provision of law or the Missouri supreme court  
65 operating rules to the contrary, law enforcement agencies who detain juveniles for offenses  
66 where fingerprinting is required, shall collect fingerprints and forward detention  
67 information to the central repository, in a manner prescribed by the central repository.  
68 The juvenile officer and court of jurisdiction over the juvenile offender shall report all  
69 adjudication, delinquency, and custody information to the central repository, in a manner  
70 prescribed by the central repository. All information reported under this section shall be  
71 available to criminal justice agencies for the administration of criminal justice under  
72 section 43.500 through the Missouri Uniform Law Enforcement System (MULES). Such  
73 records maintained by the central repository under this subsection shall be closed pursuant  
74 to section 610.120.

75 8. A written report shall be prepared in accordance with this chapter developing fully  
76 all available information relevant to the criteria which shall be considered by the court in  
77 determining whether the child is a proper subject to be dealt with under the provisions of this  
78 chapter and whether there are reasonable prospects of rehabilitation within the juvenile justice  
79 system. These criteria shall include but not be limited to:

80 (1) The seriousness of the offense alleged and whether the protection of the community  
81 requires transfer to the court of general jurisdiction;

82 (2) Whether the offense alleged involved viciousness, force and violence;

83 (3) Whether the offense alleged was against persons or property with greater weight  
84 being given to the offense against persons, especially if personal injury resulted;

85 (4) Whether the offense alleged is a part of a repetitive pattern of offenses which  
86 indicates that the child may be beyond rehabilitation under the juvenile code;

87 (5) The record and history of the child, including experience with the juvenile justice  
88 system, other courts, supervision, commitments to juvenile institutions and other placements;

89 (6) The sophistication and maturity of the child as determined by consideration of his  
90 or her home and environmental situation, emotional condition and pattern of living;

91 (7) The age of the child;

92 (8) The program and facilities available to the juvenile court in considering disposition;

93 (9) Whether or not the child can benefit from the treatment or rehabilitative programs  
94 available to the juvenile court; and

95 (10) Racial disparity in certification.

96 [7-] 9. If the court dismisses the petition to permit the child to be prosecuted under the  
97 general law, the court shall enter a dismissal order containing:

98 (1) Findings showing that the court had jurisdiction of the cause and of the parties;

99 (2) Findings showing that the child was represented by counsel;

100 (3) Findings showing that the hearing was held in the presence of the child and his or  
101 her counsel; and

102 (4) Findings showing the reasons underlying the court's decision to transfer jurisdiction.

103 ~~[8-]~~ **10.** A copy of the petition or motion to modify and order of the dismissal shall be  
104 sent to the prosecuting attorney.

105 ~~[9-]~~ **11.** When a petition or motion to modify has been dismissed thereby permitting a  
106 child to be prosecuted under the general law and the prosecution of the child results in a  
107 conviction, the jurisdiction of the juvenile court over that child is forever terminated, except as  
108 provided in subsection ~~[10]~~ **12** of this section, for an act that would be a violation of a state law  
109 or municipal ordinance.

110 ~~[10-]~~ **12.** If a petition or motion to modify has been dismissed thereby permitting a child  
111 to be prosecuted under the general law and the child is found not guilty by a court of general  
112 jurisdiction, the juvenile court shall have jurisdiction over any later offense committed by that  
113 child which would be considered a misdemeanor or felony if committed by an adult, subject to  
114 the certification provisions of this section.

115 ~~[11-]~~ **13.** If the court does not dismiss the petition or motion to modify to permit the  
116 child to be prosecuted under the general law, it shall set a date for the hearing upon the petition  
117 as provided in section 211.171.

211.319. 1. On or before July 1, 2005, all juvenile court proceedings conducted  
2 pursuant to subdivision (1) of subsection 1 of section 211.031 and for termination of parental  
3 rights cases pursuant to sections 211.442 to 211.487 initiated by a juvenile officer or the division  
4 shall be open to the public; except that, when the parent has consented in writing to the  
5 termination of his or her parental rights in conjunction with a placement with a licensed child-  
6 placing agency under subsection 6 of section 453.010, the hearing shall be closed. The court,  
7 on its own motion, may exclude for good cause shown any person or persons from the  
8 proceedings to protect the welfare and best interests of the child and for exceptional  
9 circumstances. Any party to a juvenile court proceeding referred to in this subsection, except  
10 the state, may file a motion requesting that the general public be excluded from the proceeding  
11 or any portion of the proceeding. Upon the filing of such motion, the court shall hear arguments  
12 by the parties, but no evidence, and shall make a determination whether closure is in the best  
13 interest of the parties or whether it is in the public interest to deny such motion. The court shall  
14 make a finding on the record when a motion to close a hearing pursuant to this section is made  
15 and heard by the court.

16 2. Notwithstanding the provisions of subsection 1 of this section, the general public shall  
17 be excluded from all juvenile court proceedings referred to in subsection 1 of this section during

18 the testimony of any child or victim and only such persons who have a direct interest in the case  
19 or in the work of the court will be admitted to the proceedings.

20 3. For juvenile court proceedings described in subsection 1 of this section, pleadings and  
21 orders of the juvenile court other than confidential files and those specifically ordered closed by  
22 the juvenile court judge shall be open to the general public. For purposes of this section,  
23 "confidential file" means all other records and reports considered closed or confidential by law,  
24 including but not limited to medical reports, psychological or psychiatric evaluations,  
25 investigation reports of the children's division, social histories, home studies, and police reports  
26 and law enforcement records. Only persons who are found by the court to have a legitimate  
27 interest shall be allowed access to confidential or closed files. In determining whether a person  
28 has a legitimate interest, the court shall consider the nature of the proceedings, the welfare and  
29 safety of the public, and the interest of any child involved.

30 4. For records made available to the public pursuant to this section:

31 (1) The identity of any child involved except the perpetrator shall not be disclosed and  
32 all references in such records to the identity of any child involved except the perpetrator shall  
33 be redacted prior to disclosure to the public; and

34 (2) All information that may identify or lead to the disclosure of the identity of a reporter  
35 of child abuse under sections 210.109 to 210.183 and section 352.400 shall not be disclosed to  
36 the public.

37 5. **All juvenile court proceedings conducted pursuant to subdivision (3) of**  
38 **subsection 1 of section 211.031 shall not be open to the general public.**

39 6. The provisions of this section shall apply to juvenile court proceedings and records  
40 specified in this section in which the initial pleadings are filed on or after July 1, 2005.

2 ~~[211.331. 1. In each county of the first and second classifications and~~  
3 ~~in [the city of St. Louis] any city not within a county, it is the duty of the~~  
4 ~~county [commission, or, where there is no county commission, such other~~  
5 ~~authorized] governing body, to provide a place of juvenile detention [for~~  
6 ~~children coming within the provisions of this chapter] or juvenile detention~~  
7 ~~facility. It is also the duty of the county [commission or other authorized]~~  
8 ~~governing body to provide offices for the personnel of the juvenile court.~~

9 2. ~~The place of juvenile detention or juvenile detention facility shall~~  
10 ~~be so located and arranged that the child being detained does not come in~~  
11 ~~contact, at any time or in any manner, with adults convicted or under arrest,~~  
12 ~~and the care of children in detention shall approximate as closely as possible~~  
13 ~~the care of children in good homes.~~

14 3. ~~The place of juvenile detention or juvenile detention facility shall~~  
15 ~~be in charge of a superintendent. The judge of the juvenile court or the family~~  
16 ~~court administrator, if provided by local rule, shall appoint and fix the~~  
~~compensation and maintenance of the superintendent and of any assistants or~~

17 other personnel required to operate the detention facility. Such compensation  
18 and maintenance are payable out of funds of the county.

19 ~~4. The county [commission or other] governing body [of the county]  
20 is authorized to lease or to acquire by purchase, gift or devise land for such  
21 purpose, and to erect buildings thereon and to provide funds to equip and  
22 maintain the same for the subsistence and education of the children placed  
23 therein.]~~

211.331. 1. In each county of the first and second classifications and in [the city of St.  
2 Louis] **any city not within a county**, it is the duty of the county [commission, or, where there  
3 is no county commission, such other authorized] **governing** body[;] to provide a place of  
4 **juvenile** detention [for children coming within the provisions of this chapter] **or juvenile**  
5 **detention facility**. It is also the duty of the county [commission or other authorized] **governing**  
6 body to provide offices for the personnel of the juvenile court.

7 2. The place of **juvenile** detention **or juvenile detention facility** shall be so located and  
8 arranged that the child being detained does not come in contact, at any time or in any manner,  
9 with adults convicted or under arrest, and the care of children in detention shall approximate as  
10 closely as possible the care of children in good homes.

11 3. The place of **juvenile** detention **or juvenile detention facility** shall be in charge of  
12 a superintendent. The judge of the juvenile court or the family court administrator, if provided  
13 by local rule, shall appoint and fix the compensation and maintenance of the superintendent and  
14 of any assistants or other personnel required to operate the detention facility. Such  
15 compensation and maintenance are payable out of funds of the county.

16 4. The county [commission or other] governing body [of the county] is authorized to  
17 lease or to acquire by purchase, gift or devise land for such purpose, and to erect buildings  
18 thereon and to provide funds to equip and maintain the same for the subsistence and education  
19 of the children placed therein.

~~[211.341. 1. [Counties of the third and fourth classes within one  
2 judicial circuit, shall,] Upon the written recommendation of the [circuit]  
3 **presiding** judge of that judicial circuit, **or upon written notice from the**  
4 **county governing body to the presiding judge of approval of ordinances,**  
5 **orders, or resolutions authorizing a juvenile detention facility by all**  
6 **counties within that judicial circuit and the agreement provided in section**  
7 **211.342, counties of the third and fourth classes within one judicial circuit**  
8 **shall** establish a place of juvenile detention **or juvenile detention facility** to  
9 serve all of the counties within that judicial circuit, and in like manner, the  
10 counties shall supply offices for the juvenile officers of that circuit.—~~

11 ~~2. The recommendation of the [circuit] **presiding** judge **provided in**  
12 **subsection 1 of this section** shall be made only after a hearing conducted by  
13 [him] **the judge**, after thirty days' notice, to determine the need and feasibility  
14 of establishing such a place of **juvenile** detention **or juvenile detention**~~

15 ~~facility~~ within the judicial circuit.

16 ~~3. The provisions of section 211.331 apply as to the form of operation~~  
 17 ~~and means of maintenance of the place of juvenile detention or juvenile~~  
 18 ~~detention facility~~, except that the total cost of establishment and operation of  
 19 the places of ~~juvenile detention or juvenile detention facilities~~ shall be  
 20 prorated among the several counties within that judicial circuit upon a ratio to  
 21 be determined by a comparison of the respective populations of the counties.  
 22 The point of location of the place of ~~juvenile detention or juvenile detention~~  
 23 ~~facility~~ shall be determined by the [circuit] **presiding** judge of the judicial  
 24 circuit ~~or pursuant to an agreement established by section 211.342.~~

25 ~~[2. Circuit judges of any two or more adjoining judicial circuits after~~  
 26 ~~a hearing as provided in subsection 1 may, by agreement confirmed by~~  
 27 ~~judicial order, and] 4. In the interest of economy of administration, after a~~  
 28 ~~hearing as provided in subsection 2 of this section, the presiding judges~~  
 29 ~~of any two or more adjoining judicial circuit may~~ establish one place of  
 30 ~~juvenile detention or juvenile detention facility~~ to serve their respective  
 31 ~~judicial circuits, by agreement confirmed by judicial order. In such event,~~  
 32 ~~the [circuit] presiding judges so agreeing shall jointly govern the affairs of the~~  
 33 ~~place of juvenile detention or juvenile detention facility and the cost thereof~~  
 34 ~~shall be apportioned among the counties served in the manner provided for in~~  
 35 ~~subsection 1 of this section.~~

36 ~~[3.] 5. Any county of the third or fourth class desiring to provide its~~  
 37 ~~own place of juvenile detention or juvenile detention facility may do so in~~  
 38 ~~the manner prescribed for counties of the first and second classes.]~~

211.341. 1. ~~[Counties of the third and fourth classes within one judicial circuit, shall,]~~

2 Upon the written recommendation of the [circuit] **presiding** judge of [that] a judicial circuit, **or**  
 3 **upon written notice from the county governing body to the presiding judge of approval of**  
 4 **ordinances, orders, or resolutions authorizing a juvenile detention facility by all counties**  
 5 **within that judicial circuit and the agreement provided in section 211.342, counties of the**  
 6 **third and fourth classes within one judicial circuit shall** establish a place of juvenile detention  
 7 **or juvenile detention facility** to serve all of the counties within that judicial circuit, and in like  
 8 manner, the counties shall supply offices for the juvenile officers of that circuit.

9 **2. The recommendation of the [circuit] presiding judge provided in subsection 1 of**  
 10 **this section shall be made only after a hearing conducted by [him] the judge, after thirty days'**  
 11 **notice, to determine the need and feasibility of establishing such a place of juvenile detention**  
 12 **or juvenile detention facility** within the judicial circuit.

13 **3. The provisions of section 211.331 apply as to the form of operation and means of**  
 14 **maintenance of the place of juvenile detention or juvenile detention facility, except that the**  
 15 **total cost of establishment and operation of the places of juvenile detention or juvenile**  
 16 **detention facilities shall be prorated among the several counties within that judicial circuit upon**

17 a ratio to be determined by a comparison of the respective populations of the counties. The point  
18 of location of the place of juvenile detention **or juvenile detention facility** shall be determined  
19 by the ~~[circuit]~~ **presiding** judge of the judicial circuit **or pursuant to an agreement established**  
20 **by section 211.342.**

21 ~~[2. Circuit judges of any two or more adjoining judicial circuits after a hearing as~~  
22 ~~provided in subsection 1 may, by agreement confirmed by judicial order, and]~~ **4.** In the interest  
23 of economy of administration, **after a hearing as provided in subsection 2 of this section, the**  
24 **presiding judges of any two or more adjoining judicial circuits may** establish one place of  
25 juvenile detention **or juvenile detention facility** to serve their respective judicial circuits, **by**  
26 **agreement confirmed by judicial order.** In such event, the ~~[circuit]~~ **presiding** judges so  
27 agreeing shall jointly govern the affairs of the place of **juvenile detention or juvenile detention**  
28 **facility** and the cost thereof shall be apportioned among the counties served in the manner  
29 provided for in subsection 1 **of this section.**

30 ~~[3.]~~ **5.** Any county of the third or fourth class desiring to provide its own place of  
31 juvenile detention **or juvenile detention facility** may do so in the manner prescribed for  
32 counties of the first and second classes.

~~[211.342. 1. (1) In coordination with each other, the governing~~  
2 ~~bodies of the counties within the same judicial circuit may establish a~~  
3 ~~juvenile detention facility to serve the judicial circuit.~~

4 ~~(2) The governing body of each county desiring to coordinate a~~  
5 ~~juvenile detention facility under this subsection shall approve an~~  
6 ~~ordinance, order, or resolution authorizing a juvenile detention facility~~  
7 ~~within one of the counties and shall approve an agreement between all~~  
8 ~~counties within the same judicial circuit, as specified by subsection 4 of~~  
9 ~~this section.~~

10 ~~2. (1) In coordination with each other, the governing bodies of the~~  
11 ~~counties in adjoining judicial circuits may establish a juvenile detention~~  
12 ~~facility to serve the judicial circuits.~~

13 ~~(2) The governing body of each county desiring to coordinate a~~  
14 ~~juvenile detention facility under this subsection shall approve an~~  
15 ~~ordinance, order, or resolution authorizing a juvenile detention facility~~  
16 ~~within one of the counties and shall approve an agreement between all~~  
17 ~~counties within each judicial circuit, as specified by subsection 4 of this~~  
18 ~~section.~~

19 ~~3. The governing body of each county desiring to coordinate a~~  
20 ~~juvenile detention facility under subsection 1 or 2 of this section shall~~  
21 ~~notify the presiding judge of the judicial circuit or each judicial circuit of~~  
22 ~~the authorization of a juvenile detention facility. The notice shall include~~  
23 ~~the authorizing ordinance, order, or resolution of each county and the~~

24 approved agreement, as specified in subsection 4 of this section.

25 ~~4. The agreement that specifies the duties of each county shall~~  
26 ~~contain the following:~~

27 ~~(1) The total cost of establishment and operation of the places of~~  
28 ~~detention;~~

29 ~~(2) The prorated formula for the calculation of each county's~~  
30 ~~contribution to the costs of a juvenile detention facility based upon a ratio~~  
31 ~~of the respective populations of the counties;~~

32 ~~(3) The methods and powers that may be used for constructing,~~  
33 ~~leasing, or financing a juvenile detention facility;~~

34 ~~(4) The use of the sales tax as authorized by subsection 6 of this~~  
35 ~~section; and~~

36 ~~(5) The point of location of the place of juvenile detention facility.~~

37 ~~5. Subsection 3 and 4 of section 211.331 shall apply to a juvenile~~  
38 ~~detention facility authorized pursuant to this section. The operation and~~  
39 ~~support of a juvenile detention facility authorized pursuant to this section~~  
40 ~~shall be regulated in accordance with the rules and standards of the~~  
41 ~~Missouri supreme court under the governance of the presiding judge of~~  
42 ~~the judicial circuit. If the counties of adjoining judicial circuits have~~  
43 ~~authorized a juvenile detention facility pursuant to this section, the~~  
44 ~~presiding judges shall jointly govern the affairs of the juvenile detention~~  
45 ~~facility.~~

46 ~~6. (1) The counties authorizing a juvenile detention facility~~  
47 ~~pursuant to this section may impose, by order, a sales tax up to one~~  
48 ~~percent on all retail sales made in such counties which are subject to~~  
49 ~~taxation pursuant to the provisions of sections 144.010 to 144.525 for the~~  
50 ~~purpose of providing a juvenile detention facility. The tax authorized by~~  
51 ~~this section shall be in addition to any and all other sales taxes allowed by~~  
52 ~~law, except that no order imposing a sales tax pursuant to this section~~  
53 ~~shall be effective unless the governing body, for each county in the~~  
54 ~~judicial circuit or circuits submits to the voters of the county, on any~~  
55 ~~election date authorized in chapter 115, a proposal to authorize the~~  
56 ~~governing body of the county to impose a tax.~~

57 ~~(2) The ballot of submission shall contain, but need not be limited~~  
58 ~~to, the following language:~~

59 ~~Shall the (counties' names) impose a region-~~  
60 ~~wide sales tax of \_\_\_\_\_ (insert amount) for the~~  
61 ~~purpose of providing a juvenile detention facility~~  
62 ~~within in the jurisdiction of (judicial circuit's name~~

63  
64

~~or judicial circuits' name)?~~

65  
66

~~YES~~

~~NO~~

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~~If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".~~

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~~If a majority of the votes cast on the proposal by the qualified voters of the county voting thereon are in favor of the proposal, then the order and any amendment to such order shall be in effect on the first day of the second quarter immediately following the election approving the proposal. If the proposal receives less than the required majority, the governing body of the county shall have no power to impose the sales tax authorized pursuant to this section unless and until the governing body of the county shall again have submitted another proposal to authorize the county commission, or authorized body, to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters of the county commission, or authorized body, voting on such proposal; however, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last submission of a proposal pursuant to this section.~~

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~~(3) All revenue received by a county from the tax authorized pursuant to this section shall be deposited in a special trust fund and shall be used solely for providing a juvenile detention facility for children coming within the provisions of this chapter for so long as the tax shall remain in effect.~~

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~~(4) Once the tax authorized by this section is abolished or terminated by any means, all funds remaining in the special trust fund shall be used solely for providing a juvenile detention facility for children coming within the provisions of this chapter for the counties. Any funds in such special trust fund which are not needed for current expenditures may be invested by the county commission in accordance with applicable laws relating to the investment of other county funds.~~

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~~(5) All sales taxes collected by the director of revenue pursuant to this section on behalf of any county, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment~~

103 ~~of premiums for surety bonds as provided in section 32.087, shall be~~  
104 ~~deposited in a special trust fund, which is hereby created, to be known as~~  
105 ~~the "Juvenile Detention Facility Sales Tax Trust Fund". The moneys in~~  
106 ~~the juvenile detention facility sales tax trust fund shall not be deemed to~~  
107 ~~be state funds and shall not be commingled with any funds of the state.~~  
108 ~~The director of revenue shall keep accurate records of the amount of~~  
109 ~~money in the trust fund which was collected in each county imposing a~~  
110 ~~sales tax pursuant to this section, and the records shall be open to the~~  
111 ~~inspection of officers of each member county and the public. Not later~~  
112 ~~than the tenth day of each month the director of revenue shall distribute~~  
113 ~~all moneys deposited in the trust fund during the preceding month to the~~  
114 ~~county which levied the tax. Such funds shall be deposited with the~~  
115 ~~treasurer of each such county, and all expenditures of funds arising from~~  
116 ~~the juvenile detention facility sales tax trust fund shall be paid pursuant~~  
117 ~~to an appropriation adopted by the governing body of the county.~~  
118 ~~Expenditures may be made from the fund for the function authorized in~~  
119 ~~the order adopted by the governing body of the county submitting the~~  
120 ~~juvenile detention facility tax to the voters.~~

121 ~~(6) The director of revenue may make refunds from the amounts~~  
122 ~~in the trust fund and credited to any county for erroneous payments and~~  
123 ~~overpayments made, and may redeem dishonored checks and drafts~~  
124 ~~deposited to the credit of such counties. If any county abolishes the tax,~~  
125 ~~the governing body of the county shall notify the director of revenue of~~  
126 ~~the action at least ninety days prior to the effective date of the repeal, and~~  
127 ~~the director of revenue may order retention in the trust fund, for a period~~  
128 ~~of one year, of two percent of the amount collected after receipt of such~~  
129 ~~notice to cover possible refunds or overpayment of the tax and to redeem~~  
130 ~~dishonored checks and drafts deposited to the credit of such accounts.~~  
131 ~~After one year has elapsed after the effective date of abolition of the tax~~  
132 ~~in such county, the director of revenue shall remit the balance in the~~  
133 ~~account to the county and close the account of that county. The director~~  
134 ~~of revenue shall notify each county in each instance of any amount~~  
135 ~~refunded or any check redeemed from receipts due the county.~~

136 ~~(7) Except as provided in this section, all provisions of sections~~  
137 ~~32.085 and 32.087 shall apply to the tax imposed pursuant to this section.]~~

211.342. 1. (1) In coordination with each other, the governing bodies of the  
2 counties within the same judicial circuit may establish a juvenile detention facility to serve  
3 the judicial circuit.

4 (2) The governing body of each county desiring to coordinate a juvenile detention  
5 facility under this subsection shall approve an ordinance, order, or resolution authorizing  
6 a juvenile detention facility within one of the counties and shall approve an agreement

7 between all counties within the same judicial circuit, as specified by subsection 4 of this  
8 section.

9       2. (1) In coordination with each other, the governing bodies of the counties in  
10 adjoining judicial circuits may establish a juvenile detention facility to serve the judicial  
11 circuits.

12       (2) The governing body of each county desiring to coordinate a juvenile detention  
13 facility under this subsection shall approve an ordinance, order, or resolution authorizing  
14 a juvenile detention facility within one of the counties and shall approve an agreement  
15 between all counties within each judicial circuit, as specified by subsection 4 of this section.

16       3. The governing body of each county desiring to coordinate a juvenile detention  
17 facility under subsection 1 or 2 of this section shall notify the presiding judge of the judicial  
18 circuit or each judicial circuit of the authorization of a juvenile detention facility. The  
19 notice shall include the authorizing ordinance, order, or resolution of each county and the  
20 approved agreement, as specified in subsection 4 of this section.

21       4. The agreement that specifies the duties of each county shall contain the  
22 following:

23       (1) The total cost of establishment and operation of the places of detention;

24       (2) The prorated formula for the calculation of each county's contribution to the  
25 costs of a juvenile detention facility based upon a ratio of the respective populations of the  
26 counties;

27       (3) The methods and powers that may be used for constructing, leasing, or  
28 financing a juvenile detention facility;

29       (4) The use of the sales tax as authorized by subsection 6 of this section; and

30       (5) The point of location of the place of a juvenile detention facility.

31       5. Subsections 3 and 4 of section 211.331 shall apply to a juvenile detention facility  
32 authorized pursuant to this section. The operation and support of a juvenile detention  
33 facility authorized pursuant to this section shall be regulated in accordance with the rules  
34 and standards of the Missouri supreme court under the governance of the presiding judge  
35 of the judicial circuit. If the counties of adjoining judicial circuits have authorized a  
36 juvenile detention facility pursuant to this section, the presiding judges shall jointly govern  
37 the affairs of the juvenile detention facility.

38       6. (1) The counties authorizing a juvenile detention facility pursuant to this section  
39 may impose, by order, a sales tax up to one percent on all retail sales made in such counties  
40 which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525 for  
41 the purpose of providing a juvenile detention facility. The tax authorized by this section  
42 shall be in addition to any and all other sales taxes allowed by law, except that no order  
43 imposing a sales tax pursuant to this section shall be effective unless the governing body,

44 for each county in the judicial circuit or circuits submits to the voters of the county, on any  
45 election date authorized in chapter 115, a proposal to authorize the governing body of the  
46 county to impose a tax.

47 (2) The ballot of submission shall contain, but need not be limited to, the following  
48 language:

49 Shall the (counties' names) impose a region-wide sales tax of \_\_\_\_\_  
50 (insert amount) for the purpose of providing a juvenile detention  
51 facility within the jurisdiction of (judicial circuit's name or judicial  
52 circuits' names)?

53  YES

NO

54 If you are in favor of the question, place an "X" in the box opposite  
55 "YES". If you are opposed to the question, place an "X" in the box  
56 opposite "NO".

57

58 If a majority of the votes cast on the proposal by the qualified voters of the county voting  
59 thereon are in favor of the proposal, then the order and any amendment to such order shall  
60 be in effect on the first day of the second quarter immediately following the election  
61 approving the proposal. If the proposal receives less than the required majority, the  
62 governing body of the county shall have no power to impose the sales tax authorized  
63 pursuant to this section unless and until the governing body of the county shall again have  
64 submitted another proposal to authorize the county commission, or authorized body, to  
65 impose the sales tax authorized by this section and such proposal is approved by the  
66 required majority of the qualified voters of the county commission, or authorized body,  
67 voting on such proposal; however, in no event shall a proposal pursuant to this section be  
68 submitted to the voters sooner than twelve months from the date of the last submission of  
69 a proposal pursuant to this section.

70 (3) All revenue received by a county from the tax authorized pursuant to this  
71 section shall be deposited in a special trust fund and shall be used solely for providing a  
72 juvenile detention facility for children coming within the provisions of this chapter for so  
73 long as the tax shall remain in effect.

74 (4) Once the tax authorized by this section is abolished or terminated by any  
75 means, all funds remaining in the special trust fund shall be used solely for providing a  
76 juvenile detention facility for children coming within the provisions of this chapter for the  
77 counties. Any funds in such special trust fund which are not needed for current

78 expenditures may be invested by the county commission in accordance with applicable  
79 laws relating to the investment of other county funds.

80 (5) All sales taxes collected by the director of revenue pursuant to this section on  
81 behalf of any county, less one percent for cost of collection which shall be deposited in the  
82 state's general revenue fund after payment of premiums for surety bonds as provided in  
83 section 32.087, shall be deposited in a special trust fund, which is hereby created, to be  
84 known as the "Juvenile Detention Facility Sales Tax Trust Fund". The moneys in the  
85 juvenile detention facility sales tax trust fund shall not be deemed to be state funds and  
86 shall not be commingled with any funds of the state. The director of revenue shall keep  
87 accurate records of the amount of money in the trust fund which was collected in each  
88 county imposing a sales tax pursuant to this section, and the records shall be open to the  
89 inspection of officers of each member county and the public. Not later than the tenth day  
90 of each month the director of revenue shall distribute all moneys deposited in the trust  
91 fund during the preceding month to the county which levied the tax. Such funds shall be  
92 deposited with the treasurer of each such county, and all expenditures of funds arising  
93 from the juvenile detention facility sales tax trust fund shall be paid pursuant to an  
94 appropriation adopted by the governing body of the county. Expenditures may be made  
95 from the fund for the function authorized in the order adopted by the governing body of  
96 the county submitting the juvenile detention facility tax to the voters.

97 (6) The director of revenue may make refunds from the amounts in the trust fund  
98 and credited to any county for erroneous payments and overpayments made, and may  
99 redeem dishonored checks and drafts deposited to the credit of such counties. If any  
100 county abolishes the tax, the governing body of the county shall notify the director of  
101 revenue of the action at least ninety days prior to the effective date of the repeal, and the  
102 director of revenue may order retention in the trust fund, for a period of one year, of two  
103 percent of the amount collected after receipt of such notice to cover possible refunds or  
104 overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit  
105 of such accounts. After one year has elapsed after the effective date of abolition of the tax  
106 in such county, the director of revenue shall remit the balance in the account to the county  
107 and close the account of that county. The director of revenue shall notify each county in  
108 each instance of any amount refunded or any check redeemed from receipts due the  
109 county.

110 (7) Except as provided in this section, all provisions of sections 32.085 and 32.087  
111 shall apply to the tax imposed pursuant to this section.

2 ~~[217.362. 1. The department of corrections shall design and~~  
3 ~~implement an intensive long-term program for the treatment of chronic~~  
~~nonviolent offenders with serious substance abuse addictions who have not~~

4 ~~[pleaded] pled~~ guilty to or been convicted of a dangerous felony as defined in  
5 section 556.061.

6 ~~2. Prior to sentencing, any judge considering an offender for this~~  
7 ~~program shall notify the department. The potential candidate for the program~~  
8 ~~shall be screened by the department to determine eligibility. The department~~  
9 ~~shall, by regulation, establish eligibility criteria and inform the court of such~~  
10 ~~criteria. The department shall notify the court as to the offender's eligibility~~  
11 ~~and the availability of space in the program. Notwithstanding any other~~  
12 ~~provision of law to the contrary, except as provided for in section 558.019, if~~  
13 ~~an offender is eligible and there is adequate space, the court may sentence a~~  
14 ~~person to the program which shall consist of institutional drug or alcohol~~  
15 ~~treatment for a period of at least twelve and no more than twenty-four months,~~  
16 ~~as well as a term of incarceration. The department shall determine the nature,~~  
17 ~~intensity, duration, and completion criteria of the education, treatment, and~~  
18 ~~aftercare portions of any program services provided. Execution of the~~  
19 ~~offender's term of incarceration shall be suspended pending completion of said~~  
20 ~~program. Allocation of space in the program may be distributed by the~~  
21 ~~department in proportion to drug arrest patterns in the state. If the court is~~  
22 ~~advised that an offender is not eligible or that there is no space available, the~~  
23 ~~court shall consider other authorized dispositions.~~

24 ~~3. Upon successful completion of the program, the division of~~  
25 ~~probation and parole shall advise the sentencing court of an offender's~~  
26 ~~probationary release date thirty days prior to release. If the court determines~~  
27 ~~that probation is not appropriate the court may order the execution of the~~  
28 ~~offender's sentence.~~

29 ~~4. If it is determined by the department that the offender has not~~  
30 ~~successfully completed the program, or that the offender is not cooperatively~~  
31 ~~participating in the program, the offender shall be removed from the program~~  
32 ~~and the court shall be advised. Failure of an offender to complete the program~~  
33 ~~shall cause the offender to serve the sentence prescribed by the court and void~~  
34 ~~the right to be considered for probation on this sentence.~~

35 ~~[5. An offender's first incarceration in a department of corrections~~  
36 ~~program pursuant to this section prior to release on probation shall not be~~  
37 ~~considered a previous prison commitment for the purpose of determining a~~  
38 ~~minimum prison term pursuant to the provisions of section 558.019.]]~~

217.362. 1. The department of corrections shall design and implement an intensive  
2 long-term program for the treatment of chronic nonviolent offenders with serious substance  
3 abuse addictions who have not ~~[pleaded] pled~~ guilty to or been convicted of a dangerous felony  
4 as defined in section 556.061.

5 2. Prior to sentencing, any judge considering an offender for this program shall notify  
6 the department. The potential candidate for the program shall be screened by the department to  
7 determine eligibility. The department shall, by regulation, establish eligibility criteria and

8 inform the court of such criteria. The department shall notify the court as to the offender's  
9 eligibility and the availability of space in the program. Notwithstanding any other provision of  
10 law to the contrary, except as provided for in section 558.019, if an offender is eligible and there  
11 is adequate space, the court may sentence a person to the program which shall consist of  
12 institutional drug or alcohol treatment for a period of at least twelve and no more than twenty-  
13 four months, as well as a term of incarceration. The department shall determine the nature,  
14 intensity, duration, and completion criteria of the education, treatment, and aftercare portions  
15 of any program services provided. Execution of the offender's term of incarceration shall be  
16 suspended pending completion of said program. Allocation of space in the program may be  
17 distributed by the department in proportion to drug arrest patterns in the state. If the court is  
18 advised that an offender is not eligible or that there is no space available, the court shall consider  
19 other authorized dispositions.

20         3. Upon successful completion of the program, the division of probation and parole shall  
21 advise the sentencing court of an offender's probationary release date thirty days prior to release.  
22 If the court determines that probation is not appropriate the court may order the execution of the  
23 offender's sentence.

24         4. If it is determined by the department that the offender has not successfully completed  
25 the program, or that the offender is not cooperatively participating in the program, the offender  
26 shall be removed from the program and the court shall be advised. Failure of an offender to  
27 complete the program shall cause the offender to serve the sentence prescribed by the court and  
28 void the right to be considered for probation on this sentence.

29         ~~[5. An offender's first incarceration in a department of corrections program pursuant to  
30 this section prior to release on probation shall not be considered a previous prison commitment  
31 for the purpose of determining a minimum prison term pursuant to the provisions of section  
32 558.019.]~~

2         ~~[217.690. 1. All releases or paroles shall issue upon order of the  
parole board, duly adopted.~~

3         ~~2. Before ordering the parole of any offender, the parole board shall  
4 conduct a validated risk and needs assessment and evaluate the case under the  
5 rules governing parole that are promulgated by the parole board. The parole  
6 board shall then have the offender appear before a hearing panel and shall  
7 conduct a personal interview with him or her, unless waived by the offender,  
8 or if the guidelines indicate the offender may be paroled without need for an  
9 interview. The guidelines and rules shall not allow for the waiver of a hearing  
10 if a victim requests a hearing. The appearance or presence may occur by  
11 means of a videoconference at the discretion of the parole board. A parole  
12 may be ordered for the best interest of society when there is a reasonable  
13 probability, based on the risk assessment and indicators of release readiness,  
14 that the person can be supervised under parole supervision and successfully~~

15 reintegrated into the community, not as an award of clemency; it shall not be  
16 considered a reduction of sentence or a pardon. Every offender while on  
17 parole shall remain in the legal custody of the department but shall be subject  
18 to the orders of the parole board.

19 3. The division of probation and parole has discretionary authority to  
20 require the payment of a fee, not to exceed sixty dollars per month, from every  
21 offender placed under division supervision on probation, parole, or conditional  
22 release, to waive all or part of any fee, to sanction offenders for willful  
23 nonpayment of fees, and to contract with a private entity for fee collections  
24 services. All fees collected shall be deposited in the inmate fund established  
25 in section 217.430. Fees collected may be used to pay the costs of contracted  
26 collections services. The fees collected may otherwise be used to provide  
27 community corrections and intervention services for offenders. Such services  
28 include substance abuse assessment and treatment, mental health assessment  
29 and treatment, electronic monitoring services, residential facilities services,  
30 employment placement services, and other offender community corrections  
31 or intervention services designated by the division of probation and parole to  
32 assist offenders to successfully complete probation, parole, or conditional  
33 release. The division of probation and parole shall adopt rules not inconsistent  
34 with law, in accordance with section 217.040, with respect to sanctioning  
35 offenders and with respect to establishing, waiving, collecting, and using fees.

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

41 5. When considering parole for an offender with consecutive  
42 sentences, the minimum term for eligibility for parole shall be calculated by  
43 adding the minimum terms for parole eligibility for each of the consecutive  
44 sentences, except the minimum term for parole eligibility shall not exceed the  
45 minimum term for parole eligibility for an ordinary life sentence.

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

53 7. The provisions of subsection 6 of this section shall not apply to an  
54 offender found guilty of capital murder, murder in the first degree or murder  
55 in the second degree, when murder in the second degree is committed  
56 pursuant to subdivision (1) of subsection 1 of section 565.021, who was under  
57 eighteen years of age when the offender committed the offense or offenses  
58 who may be found ineligible for parole or whose parole eligibility may be

59 controlled by section ~~558.047~~ or ~~565.033~~.

60 8. Any offender under a sentence for first degree murder who has been  
61 denied release on parole after a parole hearing shall not be eligible for another  
62 parole hearing until at least three years from the month of the parole denial;  
63 however, this subsection shall not prevent a release pursuant to subsection [4]  
64 7 of section 558.011.

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

70 10. ~~Parole hearings shall, at a minimum, contain the following~~  
71 ~~procedures:~~

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

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

77 (3) ~~The victim or person representing the victim may call or write the~~  
78 ~~parole board rather than attend the hearing;~~

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

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

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

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

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

97 13. ~~Special parole conditions shall be responsive to the assessed risk~~  
98 ~~and needs of the offender or the need for extraordinary supervision, such as~~  
99 ~~electronic monitoring. The parole board shall adopt rules to minimize the~~  
100 ~~conditions placed on low-risk cases, to frontload conditions upon release, and~~  
101 ~~to require the modification and reduction of conditions based on the person's~~  
102 ~~continuing stability in the community. Parole board rules shall permit parole~~

103 conditions to be modified by parole officers with review and approval by  
104 supervisors:

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

108 ~~15. Beginning January 1, 2001, the parole board shall not order a~~  
109 ~~parole unless the offender has obtained a high school diploma or its~~  
110 ~~equivalent, or unless the parole board is satisfied that the offender, while~~  
111 ~~committed to the custody of the department, has made an honest good-faith~~  
112 ~~effort to obtain a high school diploma or its equivalent; provided that the~~  
113 ~~director may waive this requirement by certifying in writing to the parole~~  
114 ~~board that the offender has actively participated in mandatory education~~  
115 ~~programs or is academically unable to obtain a high school diploma or its~~  
116 ~~equivalent.~~

117 ~~16. Any rule or portion of a rule, as that term is defined in section~~  
118 ~~536.010, that is created under the authority delegated in this section shall~~  
119 ~~become effective only if it complies with and is subject to all of the provisions~~  
120 ~~of chapter 536 and, if applicable, section 536.028. This section and chapter~~  
121 ~~536 are nonseverable and if any of the powers vested with the general~~  
122 ~~assembly pursuant to chapter 536 to review, to delay the effective date, or to~~  
123 ~~disapprove and annul a rule are subsequently held unconstitutional, then the~~  
124 ~~grant of rulemaking authority and any rule proposed or adopted after August~~  
125 ~~28, 2005, shall be invalid and void.~~

126 ~~**17. When concurrent sentences are imposed by a court, the person**~~  
127 ~~**shall serve the minimum required percentage for the longest sentence**~~  
128 ~~**prior to parole eligibility.]**~~

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

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

16           3. The division of probation and parole has discretionary authority to require the  
17 payment of a fee, not to exceed sixty dollars per month, from every offender placed under  
18 division supervision on probation, parole, or conditional release, to waive all or part of any fee,  
19 to sanction offenders for willful nonpayment of fees, and to contract with a private entity for fee  
20 collections services. All fees collected shall be deposited in the inmate fund established in  
21 section 217.430. Fees collected may be used to pay the costs of contracted collections services.  
22 The fees collected may otherwise be used to provide community corrections and intervention  
23 services for offenders. Such services include substance abuse assessment and treatment, mental  
24 health assessment and treatment, electronic monitoring services, residential facilities services,  
25 employment placement services, and other offender community corrections or intervention  
26 services designated by the division of probation and parole to assist offenders to successfully  
27 complete probation, parole, or conditional release. The division of probation and parole shall  
28 adopt rules not inconsistent with law, in accordance with section 217.040, with respect to  
29 sanctioning offenders and with respect to establishing, waiving, collecting, and using fees.

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

34           5. When considering parole for an offender with consecutive sentences, the minimum  
35 term for eligibility for parole shall be calculated by adding the minimum terms for parole  
36 eligibility for each of the consecutive sentences, except the minimum term for parole eligibility  
37 shall not exceed the minimum term for parole eligibility for an ordinary life sentence.

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

44           7. The provisions of subsection 6 of this section shall not apply to an offender found  
45 guilty of capital murder, murder in the first degree or murder in the second degree, when murder  
46 in the second degree is committed pursuant to subdivision (1) of subsection 1 of section 565.021,  
47 who was under eighteen years of age when the offender committed the offense or offenses who  
48 may be found ineligible for parole or whose parole eligibility may be controlled by section  
49 558.047 or 565.033.

50           8. Any offender under a sentence for first degree murder who has been denied release  
51 on parole after a parole hearing shall not be eligible for another parole hearing until at least three

52 years from the month of the parole denial; however, this subsection shall not prevent a release  
53 pursuant to subsection [4] 7 of section 558.011.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

102           **17. When concurrent sentences are imposed by a court, the person shall serve the**  
103 **minimum required percentage for the longest sentence prior to parole eligibility.**

104                     ~~[217.760. 1. In all felony cases and class A misdemeanor cases, the~~  
105                     ~~basis of which misdemeanor cases are contained in chapters 565 and 566 and~~  
106                     ~~section 577.023, at the request of a [circuit] sentencing judge of any circuit~~  
107                     ~~court, the division of probation and parole shall assign one or more state~~  
108                     ~~probation and parole officers to make an investigation of the person convicted~~  
109                     ~~of the crime or offense before sentence is imposed. In all felony cases in~~  
110                     ~~which the recommended sentence established by the sentencing advisory~~  
111                     ~~commission pursuant to subsection [7] 1 of section 558.019 includes probation~~  
112                     ~~but the recommendation of the prosecuting attorney or circuit attorney does~~  
113                     ~~not include probation, the division of probation and parole shall, prior to~~  
114                     ~~sentencing, provide the judge with a report on available alternatives to~~  
115                     ~~incarceration. If a presentence investigation report is completed then the~~  
116                     ~~available alternatives shall be included in the presentence investigation report.~~

117                     ~~2. The report of the presentence investigation or preparole~~  
118                     ~~investigation shall contain any prior criminal record of the defendant and such~~  
119                     ~~information about his or her characteristics, his or her financial condition, his~~  
120                     ~~or her social history, the circumstances affecting his or her behavior as may~~  
121                     ~~be helpful in imposing sentence or in granting probation or in the correctional~~  
122                     ~~treatment of the defendant, information concerning the impact of the crime~~  
123                     ~~upon the victim, the recommended sentence established by the sentencing~~  
124                     ~~advisory commission and available alternatives to incarceration including~~  
125                     ~~opportunities for restorative justice, as well as a recommendation by the~~  
126                     ~~probation and parole officer. The officer shall secure such other information~~  
127                     ~~as may be required by the court and, whenever it is practicable and needed,~~

128           ~~such investigation shall include a physical and mental examination of the~~  
129           ~~defendant.]~~

217.760. 1. In all felony cases and class A misdemeanor cases, the basis of which  
2 misdemeanor cases are contained in chapters 565 and 566 and section 577.023, at the request  
3 of a [circuit] **sentencing** judge of any circuit court, the division of probation and parole shall  
4 assign one or more state probation and parole officers to make an investigation of the person  
5 convicted of the crime or offense before sentence is imposed. In all felony cases in which the  
6 recommended sentence established by the sentencing advisory commission pursuant to  
7 subsection [7] **1** of section 558.019 includes probation but the recommendation of the  
8 prosecuting attorney or circuit attorney does not include probation, the division of probation and  
9 parole shall, prior to sentencing, provide the judge with a report on available alternatives to  
10 incarceration. If a presentence investigation report is completed then the available alternatives  
11 shall be included in the presentence investigation report.

12           2. The report of the presentence investigation or preparole investigation shall contain  
13 any prior criminal record of the defendant and such information about his or her characteristics,  
14 his or her financial condition, his or her social history, the circumstances affecting his or her  
15 behavior as may be helpful in imposing sentence or in granting probation or in the correctional  
16 treatment of the defendant, information concerning the impact of the crime upon the victim, the  
17 recommended sentence established by the sentencing advisory commission and available  
18 alternatives to incarceration including opportunities for restorative justice, as well as a  
19 recommendation by the probation and parole officer. The officer shall secure such other  
20 information as may be required by the court and, whenever it is practicable and needed, such  
21 investigation shall include a physical and mental examination of the defendant.

455.050. 1. Any full or ex parte order of protection granted pursuant to sections 455.010  
2 to 455.085 shall be to protect the petitioner from **cyberstalking**, domestic violence, stalking, or  
3 sexual assault and may include such terms as the court reasonably deems necessary to ensure  
4 the petitioner's safety, including but not limited to:

5           (1) Temporarily enjoining the respondent from committing or threatening to commit  
6 **cyberstalking**, domestic violence, molesting, stalking, sexual assault, or disturbing the peace  
7 of the petitioner, including violence against a pet;

8           (2) Temporarily enjoining the respondent from entering the premises of the dwelling unit  
9 of the petitioner when the dwelling unit is:

10           (a) Jointly owned, leased or rented or jointly occupied by both parties; or

11           (b) Owned, leased, rented or occupied by petitioner individually; or

12           (c) Jointly owned, leased, rented or occupied by petitioner and a person other than  
13 respondent; provided, however, no spouse shall be denied relief pursuant to this section by  
14 reason of the absence of a property interest in the dwelling unit; or

15 (d) Jointly occupied by the petitioner and a person other than respondent; provided that  
16 the respondent has no property interest in the dwelling unit; or

17 (3) Temporarily enjoining the respondent from communicating with the petitioner in any  
18 manner or through any medium.

19 2. Mutual orders of protection are prohibited unless both parties have properly filed  
20 written petitions and proper service has been made in accordance with sections 455.010 to  
21 455.085.

22 3. When the court has, after a hearing for any full order of protection, issued an order  
23 of protection, it may, in addition:

24 (1) Award custody of any minor child born to or adopted by the parties when the court  
25 has jurisdiction over such child and no prior order regarding custody is pending or has been  
26 made, and the best interests of the child require such order be issued;

27 (2) Establish a visitation schedule that is in the best interests of the child;

28 (3) Award child support in accordance with supreme court rule 88.01 and chapter 452;

29 (4) Award maintenance to petitioner when petitioner and respondent are lawfully  
30 married in accordance with chapter 452;

31 (5) Order respondent to make or to continue to make rent or mortgage payments on a  
32 residence occupied by the petitioner if the respondent is found to have a duty to support the  
33 petitioner or other dependent household members;

34 (6) Order the respondent to pay the petitioner's rent at a residence other than the one  
35 previously shared by the parties if the respondent is found to have a duty to support the  
36 petitioner and the petitioner requests alternative housing;

37 (7) Order that the petitioner be given temporary possession of specified personal  
38 property, such as automobiles, checkbooks, keys, and other personal effects;

39 (8) Prohibit the respondent from transferring, encumbering, or otherwise disposing of  
40 specified property mutually owned or leased by the parties;

41 (9) Order the respondent to participate in a court-approved counseling program designed  
42 to help batterers stop violent behavior or to participate in a substance abuse treatment program;

43 (10) Order the respondent to pay a reasonable fee for housing and other services that  
44 have been provided or that are being provided to the petitioner by a shelter for victims of  
45 domestic violence;

46 (11) Order the respondent to pay court costs;

47 (12) Order the respondent to pay the cost of medical treatment and services that have  
48 been provided or that are being provided to the petitioner as a result of injuries sustained to the  
49 petitioner by an act of domestic violence committed by the respondent;

50 (13) Award possession and care of any pet, along with any moneys necessary to cover  
51 medical costs that may have resulted from abuse of the pet.

52           4. A verified petition seeking orders for maintenance, support, custody, visitation,  
53 payment of rent, payment of monetary compensation, possession of personal property,  
54 prohibiting the transfer, encumbrance, or disposal of property, or payment for services of a  
55 shelter for victims of domestic violence, shall contain allegations relating to those orders and  
56 shall pray for the orders desired.

57           5. In making an award of custody, the court shall consider all relevant factors including  
58 the presumption that the best interests of the child will be served by placing the child in the  
59 custody and care of the nonabusive parent, unless there is evidence that both parents have  
60 engaged in abusive behavior, in which case the court shall not consider this presumption but may  
61 appoint a guardian ad litem or a court-appointed special advocate to represent the children in  
62 accordance with chapter 452 and shall consider all other factors in accordance with chapter 452.

63           6. The court shall grant to the noncustodial parent rights to visitation with any minor  
64 child born to or adopted by the parties, unless the court finds, after hearing, that visitation would  
65 endanger the child's physical health, impair the child's emotional development or would  
66 otherwise conflict with the best interests of the child, or that no visitation can be arranged which  
67 would sufficiently protect the custodial parent from further domestic violence. The court may  
68 appoint a guardian ad litem or court-appointed special advocate to represent the minor child in  
69 accordance with chapter 452 whenever the custodial parent alleges that visitation with the  
70 noncustodial parent will damage the minor child.

71           7. The court shall make an order requiring the noncustodial party to pay an amount  
72 reasonable and necessary for the support of any child to whom the party owes a duty of support  
73 when no prior order of support is outstanding and after all relevant factors have been considered,  
74 in accordance with Missouri supreme court rule 88.01 and chapter 452.

75           8. The court may grant a maintenance order to a party for a period of time, not to exceed  
76 one hundred eighty days. Any maintenance ordered by the court shall be in accordance with  
77 chapter 452.

78           9. (1) The court may, in order to ensure that a petitioner can maintain an existing  
79 wireless telephone number or numbers, issue an order, after notice and an opportunity to be  
80 heard, directing a wireless service provider to transfer the billing responsibility for and rights  
81 to the wireless telephone number or numbers to the petitioner, if the petitioner is not the wireless  
82 service accountholder.

83           (2) (a) The order transferring billing responsibility for and rights to the wireless  
84 telephone number or numbers to the petitioner shall list the name and billing telephone number  
85 of the accountholder, the name and contact information of the person to whom the telephone  
86 number or numbers will be transferred, and each telephone number to be transferred to that  
87 person. The court shall ensure that the contact information of the petitioner is not provided to  
88 the accountholder in proceedings held under this chapter.

89 (b) Upon issuance, a copy of the full order of protection shall be transmitted, either  
90 electronically or by certified mail, to the wireless service provider's registered agent listed with  
91 the secretary of state, or electronically to the email address provided by the wireless service  
92 provider. Such transmittal shall constitute adequate notice for the wireless service provider  
93 acting under this section and section 455.523.

94 (c) If the wireless service provider cannot operationally or technically effectuate the  
95 order due to certain circumstances, the wireless service provider shall notify the petitioner within  
96 three business days. Such circumstances shall include, but not be limited to, the following:

97 a. The accountholder has already terminated the account;

98 b. The differences in network technology prevent the functionality of a device on the  
99 network; or

100 c. There are geographic or other limitations on network or service availability.

101 (3) (a) Upon transfer of billing responsibility for and rights to a wireless telephone  
102 number or numbers to the petitioner under this subsection by a wireless service provider, the  
103 petitioner shall assume all financial responsibility for the transferred wireless telephone number  
104 or numbers, monthly service costs, and costs for any mobile device associated with the wireless  
105 telephone number or numbers.

106 (b) This section shall not preclude a wireless service provider from applying any routine  
107 and customary requirements for account establishment to the petitioner as part of this transfer  
108 of billing responsibility for a wireless telephone number or numbers and any devices attached  
109 to that number or numbers including, but not limited to, identification, financial information, and  
110 customer preferences.

111 (4) This section shall not affect the ability of the court to apportion the assets and debts  
112 of the parties as provided for in law, or the ability to determine the temporary use, possession,  
113 and control of personal property.

114 (5) No cause of action shall lie against any wireless service provider, its officers,  
115 employees, or agents, for actions taken in accordance with the terms of a court order issued  
116 under this section.

117 (6) As used in this section and section 455.523, a "wireless service provider" means a  
118 provider of commercial mobile service under Section 332(d) of the Federal  
119 [~~Telecommunications Act of 1996~~] **Communications Act of 1934** (47 U.S.C. Section [~~151, et~~  
120 ~~seq.~~] 332).

**455.098. 1. Upon the request of the victim or the prosecuting or circuit attorney,  
2 a court shall have jurisdiction at the time of sentencing to enter a lifetime protection order  
3 restraining or enjoining the defendant from contacting the victim if the defendant has been  
4 found guilty of a dangerous felony, as defined in section 556.061. The protection order  
5 shall be effective immediately and shall be served on the defendant at the time of**

6 **sentencing. An order issued pursuant to this section shall not expire and is valid for the**  
7 **defendant's lifetime unless:**

8 **(1) The defendant makes a showing to the court that the victim has died or the**  
9 **conviction has been dismissed, expunged, or overturned or the defendant has been**  
10 **pardoned; or**

11 **(2) The victim submits a written request to the court for an early expiration upon**  
12 **which the court may hold a hearing to terminate the order.**

13 **2. A copy of any order of protection granted pursuant to this section shall be issued**  
14 **to the victim and to the local law enforcement agency in the jurisdiction where the victim**  
15 **resides. The court shall provide all necessary information, including the defendant's**  
16 **relationship to the victim, for entry of the order of protection into the Missouri Uniform**  
17 **Law Enforcement System (MULES) and the National Crime Information Center (NCIC).**  
18 **Upon receiving the order under this subsection, the sheriff shall make the entry into**  
19 **MULES within twenty-four hours. MULES shall forward the order information to NCIC,**  
20 **which will in turn make the order viewable within the National Instant Criminal**  
21 **Background Check System (NICS). The sheriff shall enter information contained in the**  
22 **order, including, but not limited to, any orders regarding child custody or visitation and**  
23 **all specifics as to times and dates of custody or visitation that are provided in the order.**  
24 **A notice of termination of any order of protection or any change in child custody or**  
25 **visitation within that order shall be issued to the local law enforcement agency for entry**  
26 **into MULES or any other comparable law enforcement system. The information**  
27 **contained in an order of protection may be entered into MULES or any other comparable**  
28 **law enforcement system using a direct automated data transfer from the court automated**  
29 **system to the law enforcement system.**

527.270. 1. Hereafter every person desiring to change his or her name may present a  
2 petition to that effect, verified by affidavit, to the circuit court in the county of the petitioner's  
3 residence, which petition shall set forth the petitioner's full name, the new name desired, and a  
4 concise statement of the reason for such desired change; and it shall be the duty of the judge of  
5 such court to order such change to be made, and spread upon the records of the court, in proper  
6 form, if such judge is satisfied that the desired change would be proper and not detrimental to  
7 the interests of any other person.

8 **2. Notwithstanding subsection 1 of this section, no person required to register**  
9 **under sections 589.400 to 589.425 shall change his or her name for the period of time he**  
10 **or she is required to register on the registry.**

544.667. In addition to the forfeiture of any security which was given or pledged  
2 for a person's release, any person who, having been released upon a recognizance or bond  
3 pursuant to any other provisions of law while pending preliminary hearing, trial,

4 **sentencing, appeal, probation or parole revocation, or any other stage of a criminal matter**  
5 **against him or her, knowingly violates any condition of release that imposes no contact**  
6 **with specific individuals shall be guilty of a class A misdemeanor.**

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

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

6 (2) "Affirmative defense":

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

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

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

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

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

16 (4) "Commercial film and photographic print processor", any person who develops  
17 exposed photographic film into negatives, slides or prints, or who makes prints from negatives  
18 or slides, for compensation. The term commercial film and photographic print processor shall  
19 include all employees of such persons but shall not include a person who develops film or makes  
20 prints for a public agency;

21 (5) "Computer", the box that houses the central processing unit (CPU), along with any  
22 internal storage devices, such as internal hard drives, and internal communication devices, such  
23 as internal modems capable of sending or receiving [~~electronic mail~~] **email** or fax cards, along  
24 with any other hardware stored or housed internally. Thus, computer refers to hardware,  
25 software and data contained in the main unit. Printers, external modems attached by cable to the  
26 main unit, monitors, and other external attachments will be referred to collectively as peripherals  
27 and discussed individually when appropriate. When the computer and all peripherals are  
28 referred to as a package, the term "computer system" is used. Information refers to all the  
29 information on a computer system including both software applications and data;

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

32 (7) "Computer hardware", all equipment which can collect, analyze, create, display,  
33 convert, store, conceal or transmit electronic, magnetic, optical or similar computer impulses or  
34 data. Hardware includes, but is not limited to, any data processing devices, such as central

35 processing units, memory typewriters and self-contained laptop or notebook computers; internal  
36 and peripheral storage devices, transistor-like binary devices and other memory storage devices,  
37 such as floppy disks, removable disks, compact disks, digital video disks, magnetic tape, hard  
38 drive, optical disks and digital memory; local area networks, such as two or more computers  
39 connected together to a central computer server via cable or modem; peripheral input or output  
40 devices, such as keyboards, printers, scanners, plotters, video display monitors and optical  
41 readers; and related communication devices, such as modems, cables and connections, recording  
42 equipment, RAM or ROM units, acoustic couplers, automatic dialers, speed dialers,  
43 programmable telephone dialing or signaling devices and electronic tone-generating devices; as  
44 well as any devices, mechanisms or parts that can be used to restrict access to computer  
45 hardware, such as physical keys and locks;

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

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

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

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

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

59 (13) "Confinement":

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

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

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

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

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

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

68 b. The person is under sentence to serve a term of confinement which is not continuous,  
69 or is serving a sentence under a work-release program, and in either such case is not being held  
70 in a place of confinement or is not being held under guard by a person having the legal power  
71 and duty to transport the person to or from a place of confinement;

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

74 (a) It is given by a person who lacks the mental capacity to authorize the conduct  
75 charged to constitute the offense and such mental incapacity is manifest or known to the actor;  
76 or

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

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

82 (15) "Controlled substance", a drug, substance, or immediate precursor in Schedules I  
83 through V as defined in chapter 195;

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

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

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

91 (19) "Dangerous felony", the felonies ~~[of]~~ **requiring eighty-five percent of the**  
92 **imposed sentence to be served prior to parole eligibility, which are** arson in the first degree,  
93 assault in the first degree, attempted rape in the first degree if physical injury results, attempted  
94 forcible rape if physical injury results, attempted sodomy in the first degree if physical injury  
95 results, attempted forcible sodomy if physical injury results, rape in the first degree, forcible  
96 rape, sodomy in the first degree, forcible sodomy, assault in the second degree if the victim of  
97 such assault is a special victim as defined in subdivision (14) of section 565.002, kidnapping in  
98 the first degree, kidnapping, murder in the second degree, assault of a law enforcement officer  
99 in the first degree, domestic assault in the first degree, elder abuse in the first degree, robbery  
100 in the first degree, armed criminal action, conspiracy to commit an offense when the offense is  
101 a dangerous felony, vehicle hijacking when punished as a class A felony, statutory rape in the  
102 first degree ~~[when the victim is a child less than twelve years of age at the time of the~~  
103 ~~commission of the act giving rise to the offense]~~, statutory sodomy in the first degree ~~[when the~~  
104 ~~victim is a child less than twelve years of age at the time of the commission of the act giving rise~~  
105 ~~to the offense]~~, child molestation in the first or second degree, abuse of a child if the child dies  
106 as a result of injuries sustained from conduct chargeable under section 568.060, child  
107 kidnapping, parental kidnapping committed by detaining or concealing the whereabouts of the  
108 child for not less than one hundred twenty days under section 565.153, bus hijacking when

109 punished as a class A felony, planting a bomb or explosive in or near a bus or terminal, [and]  
110 an "intoxication-related traffic offense" or "intoxication-related boating offense" if the person  
111 is found to be a "habitual offender" or "habitual boating offender" as such terms are defined in  
112 section 577.001, **abuse through forced labor when punished under subsection 4 of section**  
113 **566.203, trafficking for the purposes of slavery, involuntary servitude, peonage, or forced**  
114 **labor or the attempt of such when punished under subsection 4 of section 566.206,**  
115 **trafficking for the purposes of sexual exploitation or the attempt of such when the offense**  
116 **was effected by force, abduction, or coercion, sexual trafficking of a child in the first**  
117 **degree, sexual trafficking of a child in the second degree, a third violation of failure to**  
118 **register as a sexual offender, and endangering the welfare of a child in the first degree**  
119 **when punished under section 568.045;**

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

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

127 (22) "Deadly weapon", any firearm, loaded or unloaded, or any weapon from which a  
128 shot, readily capable of producing death or serious physical injury, may be discharged, or a  
129 switchblade knife, dagger, billy club, blackjack or metal knuckles;

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

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

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

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

139 (27) "Forcible compulsion" either:

140 (a) Physical force that overcomes reasonable resistance; or

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

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

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

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

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

151 (b) Where people assemble for purposes of business, government, education, religion,  
152 entertainment, or public transportation; or

153 (c) Which is used for overnight accommodation of persons.  
154

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

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

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

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

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

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

169 (34) "Of another", property that any entity, including but not limited to any natural  
170 person, corporation, limited liability company, partnership, association, governmental  
171 subdivision or instrumentality, other than the actor, has a possessory or proprietary interest  
172 therein, except that property shall not be deemed property of another who has only a security  
173 interest therein, even if legal title is in the creditor pursuant to a conditional sales contract or  
174 other security arrangement;

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

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

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

180 (38) "Possess" or "possessed", having actual or constructive possession of an object with  
181 knowledge of its presence. A person has actual possession if such person has the object on his  
182 or her person or within easy reach and convenient control. A person has constructive possession

183 if such person has the power and the intention at a given time to exercise dominion or control  
184 over the object either directly or through another person or persons. Possession may also be sole  
185 or joint. If one person alone has possession of an object, possession is sole. If two or more  
186 persons share possession of an object, possession is joint;

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

189 (40) "Public servant", any person employed in any way by a government of this state  
190 who is compensated by the government by reason of such person's employment, any person  
191 appointed to a position with any government of this state, or any person elected to a position  
192 with any government of this state. It includes, but is not limited to, legislators, jurors, members  
193 of the judiciary and law enforcement officers. It does not include witnesses;

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

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

199 (43) "Serious emotional injury", an injury that creates a substantial risk of temporary or  
200 permanent medical or psychological damage, manifested by impairment of a behavioral,  
201 cognitive or physical condition. Serious emotional injury shall be established by testimony of  
202 qualified experts upon the reasonable expectation of probable harm to a reasonable degree of  
203 medical or psychological certainty;

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

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

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

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

215 (48) "Vessel", any boat or craft propelled by a motor or by machinery, whether or not  
216 such motor or machinery is a principal source of propulsion used or capable of being used as a  
217 means of transportation on water, or any boat or craft more than twelve feet in length which is  
218 powered by sail alone or by a combination of sail and machinery, and used or capable of being

219 used as a means of transportation on water, but not any boat or craft having, as the only means  
220 of propulsion, a paddle or oars;

221 (49) "Voluntary act":

222 (a) A bodily movement performed while conscious as a result of effort or determination.

223 Possession is a voluntary act if the possessor knowingly procures or receives the thing  
224 possessed, or having acquired control of it was aware of his or her control for a sufficient time  
225 to have enabled him or her to dispose of it or terminate his or her control; or

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

230 (50) "Vulnerable person", any person in the custody, care, or control of the department  
231 of mental health who is receiving services from an operated, funded, licensed, or certified  
232 program.

2 ~~[557.011. 1. Every person found guilty of an offense shall be dealt~~  
3 ~~with by the court in accordance with the provisions of this chapter, except that~~  
4 ~~for offenses defined outside this code and not repealed, the term of~~  
5 ~~imprisonment or the fine that may be imposed is that provided in the statute~~  
6 ~~defining the offense; however, the conditional release term of any sentence of~~  
7 ~~a term of years shall be determined as provided in subsection [4] 7 of section~~  
8 ~~558.011.~~

9 ~~2. Whenever any person has been found guilty of a felony or a~~  
10 ~~misdemeanor the court shall make one or more of the following dispositions~~  
11 ~~of the offender in any appropriate combination. The court may:~~

12 ~~(1) Sentence the person to a term of imprisonment as authorized by~~  
13 ~~chapter 558;~~

14 ~~(2) Sentence the person to pay a fine as authorized by chapter 560;~~

15 ~~(3) Suspend the imposition of sentence, with or without placing the~~  
16 ~~person on probation;~~

17 ~~(4) Pronounce sentence and suspend its execution, placing the person~~  
18 ~~on probation;~~

19 ~~(5) Impose a period of detention as a condition of probation, as~~  
20 ~~authorized by section 559.026.~~

21 ~~3. Whenever any person has been found guilty of an infraction, the~~  
22 ~~court shall make one or more of the following dispositions of the offender in~~  
23 ~~any appropriate combination. The court may:~~

24 ~~(1) Sentence the person to pay a fine as authorized by chapter 560;~~

25 ~~(2) Suspend the imposition of sentence, with or without placing the~~  
26 ~~person on probation;~~

27 ~~(3) Pronounce sentence and suspend its execution, placing the person~~  
~~on probation.~~

28                   4. Whenever any organization has been found guilty of an offense, the  
29 court shall make one or more of the following dispositions of the organization  
30 in any appropriate combination. The court may:

31                   (1) Sentence the organization to pay a fine as authorized by chapter  
32 560;

33                   (2) Suspend the imposition of sentence, with or without placing the  
34 organization on probation;

35                   (3) Pronounce sentence and suspend its execution, placing the  
36 organization on probation;

37                   (4) Impose any special sentence or sanction authorized by law.

38                   5. This chapter shall not be construed to deprive the court of any  
39 authority conferred by law to decree a forfeiture of property, suspend or  
40 cancel a license, remove a person from office, or impose any other civil  
41 penalty. An appropriate order exercising such authority may be included as  
42 part of any sentence.

43                   6. In the event a sentence of confinement is ordered executed, a court  
44 may order that an individual serve all or any portion of such sentence on  
45 electronic monitoring, except that all costs associated with the electronic  
46 monitoring shall be charged to the person on house arrest. If the judge finds  
47 the person unable to afford the costs associated with electronic monitoring, the  
48 judge may order that the person be placed on house arrest with electronic  
49 monitoring if the county commission agrees to pay the costs of such  
50 monitoring. If the person on house arrest is unable to afford the costs  
51 associated with electronic monitoring and the county commission does not  
52 agree to pay from the general revenue of the county the costs of such  
53 electronic monitoring, the judge shall not order that the person be placed on  
54 house arrest with electronic monitoring.]

557.011. 1. Every person found guilty of an offense shall be dealt with by the court in  
2 accordance with the provisions of this chapter, except that for offenses defined outside this code  
3 and not repealed, the term of imprisonment or the fine that may be imposed is that provided in  
4 the statute defining the offense; however, the conditional release term of any sentence of a term  
5 of years shall be determined as provided in subsection [4] 7 of section 558.011.

6                   2. Whenever any person has been found guilty of a felony or a misdemeanor the court  
7 shall make one or more of the following dispositions of the offender in any appropriate  
8 combination. The court may:

9                   (1) Sentence the person to a term of imprisonment as authorized by chapter 558;

10                   (2) Sentence the person to pay a fine as authorized by chapter 560;

11                   (3) Suspend the imposition of sentence, with or without placing the person on probation;

12                   (4) Pronounce sentence and suspend its execution, placing the person on probation;

13                   (5) Impose a period of detention as a condition of probation, as authorized by section

14 559.026.

15           3. Whenever any person has been found guilty of an infraction, the court shall make one  
16 or more of the following dispositions of the offender in any appropriate combination. The court  
17 may:

- 18           (1) Sentence the person to pay a fine as authorized by chapter 560;  
19           (2) Suspend the imposition of sentence, with or without placing the person on probation;  
20           (3) Pronounce sentence and suspend its execution, placing the person on probation.

21           4. Whenever any organization has been found guilty of an offense, the court shall make  
22 one or more of the following dispositions of the organization in any appropriate combination.  
23 The court may:

- 24           (1) Sentence the organization to pay a fine as authorized by chapter 560;  
25           (2) Suspend the imposition of sentence, with or without placing the organization on  
26 probation;  
27           (3) Pronounce sentence and suspend its execution, placing the organization on  
28 probation;  
29           (4) Impose any special sentence or sanction authorized by law.

30           5. This chapter shall not be construed to deprive the court of any authority conferred by  
31 law to decree a forfeiture of property, suspend or cancel a license, remove a person from office,  
32 or impose any other civil penalty. An appropriate order exercising such authority may be  
33 included as part of any sentence.

34           6. In the event a sentence of confinement is ordered executed, a court may order that an  
35 individual serve all or any portion of such sentence on electronic monitoring; except that all  
36 costs associated with the electronic monitoring shall be charged to the person on house arrest.  
37 If the judge finds the person unable to afford the costs associated with electronic monitoring, the  
38 judge may order that the person be placed on house arrest with electronic monitoring if the  
39 county commission agrees to pay the costs of such monitoring. If the person on house arrest is  
40 unable to afford the costs associated with electronic monitoring and the county commission does  
41 not agree to pay from the general revenue of the county the costs of such electronic monitoring,  
42 the judge shall not order that the person be placed on house arrest with electronic monitoring.

2           ~~[557.021. 1. Any offense defined outside this code [which] that is  
3 declared to be a misdemeanor without specification of the penalty therefor is  
4 a class A misdemeanor.~~

5           ~~2. Any offense defined outside this code [which] that is declared to  
6 be a felony without specification of the penalty therefor is a class E felony  
7 and subject to the terms as provided in chapter 558.~~

8           ~~3. For the purpose of applying the extended term provisions of section  
9 558.016 [and the minimum prison term provisions of], the parole eligibility  
10 provisions pursuant to section [558.019] 558.011 and for determining the  
penalty for attempts, offenses defined outside of this code shall be classified~~

11 as follows:

12 (1) If the offense is a felony:

13 (a) ~~It is a class A felony if the authorized penalty includes death, life~~  
14 ~~imprisonment or imprisonment for a term of twenty years or more;~~

15 (b) ~~It is a class B felony if the maximum term of imprisonment~~  
16 ~~authorized exceeds ten years but is less than twenty years;~~

17 (c) ~~It is a class C felony if the maximum term of imprisonment~~  
18 ~~authorized is ten years;~~

19 (d) ~~It is a class D felony if the maximum term of imprisonment~~  
20 ~~exceeds four years but is less than ten years;~~

21 (e) ~~It is a class E felony if the maximum term of imprisonment is four~~  
22 ~~years or less;~~

23 (2) If the offense is a misdemeanor:

24 (a) ~~It is a class A misdemeanor if the authorized imprisonment~~  
25 ~~exceeds six months in jail;~~

26 (b) ~~It is a class B misdemeanor if the authorized imprisonment~~  
27 ~~exceeds thirty days but is not more than six months;~~

28 (c) ~~It is a class C misdemeanor if the authorized imprisonment is thirty~~  
29 ~~days or less;~~

30 (d) ~~It is a class D misdemeanor if it includes a mental state as an~~  
31 ~~element of the offense and there is no authorized imprisonment;~~

32 (e) ~~It is an infraction if there is no authorized imprisonment.]~~

557.021. 1. Any offense defined outside this code ~~[which]~~ **that** is declared to be a  
2 misdemeanor without specification of the penalty therefor is a class A misdemeanor.

3 2. Any offense defined outside this code ~~[which]~~ **that** is declared to be a felony without  
4 specification of the penalty therefor is a class E felony **and subject to the terms as provided**  
5 **in chapter 558.**

6 3. For the purpose of applying the extended term provisions of section 558.016 ~~[and the~~  
7 ~~minimum prison term provisions of]~~, **the parole eligibility provisions pursuant to** section  
8 ~~[558.019]~~ **558.011** and for determining the penalty for attempts, offenses defined outside of this  
9 code shall be classified as follows:

10 (1) If the offense is a felony:

11 (a) It is a class A felony if the authorized penalty includes death, life imprisonment or  
12 imprisonment for a term of twenty years or more;

13 (b) It is a class B felony if the maximum term of imprisonment authorized exceeds ten  
14 years but is less than twenty years;

15 (c) It is a class C felony if the maximum term of imprisonment authorized is ten years;

16 (d) It is a class D felony if the maximum term of imprisonment exceeds four years but  
17 is less than ten years;

18 (e) It is a class E felony if the maximum term of imprisonment is four years or less;

- 19 (2) If the offense is a misdemeanor:
- 20 (a) It is a class A misdemeanor if the authorized imprisonment exceeds six months in
- 21 jail;
- 22 (b) It is a class B misdemeanor if the authorized imprisonment exceeds thirty days but
- 23 is not more than six months;
- 24 (c) It is a class C misdemeanor if the authorized imprisonment is thirty days or less;
- 25 (d) It is a class D misdemeanor if it includes a mental state as an element of the offense
- 26 and there is no authorized imprisonment;
- 27 (e) It is an infraction if there is no authorized imprisonment.

~~[558.011. 1. The authorized terms of imprisonment, including both prison and conditional release terms, for all offenses are as follows:~~

~~(1) For a class A felony, a term of years not less than ten years and not to exceed thirty years, or life imprisonment, for which an offender shall serve seventy percent of the imposed sentence prior to parole eligibility;~~

~~(2) For a class B felony, a term of years not less than five years and not to exceed fifteen years, for which an offender shall serve fifty percent of the imposed sentence prior to parole eligibility;~~

~~(3) For a class C felony, a term of years not less than three years and not to exceed ten years, for which an offender shall serve:~~

~~(a) Forty percent of the imposed sentence prior to parole eligibility for an offense under chapters 566, 568, and 573 that requires registration as a sex offender under chapter 589;~~

~~(b) Thirty percent of the imposed sentence prior to parole eligibility for a first offense other than an offense under paragraph (a) of this subdivision;~~

~~(c) Thirty-five percent of the imposed sentence prior to parole eligibility for a second offense other than an offense under paragraph (a) of this subdivision;~~

~~(d) Fifty percent of the imposed sentence prior to parole eligibility for a third or subsequent offense other than an offense under paragraph (a) of this subdivision;~~

~~(4) For a class D felony, a term of years not to exceed seven years, for which an offender shall serve:~~

~~(a) Twenty-five percent of the imposed sentence prior to parole eligibility for an offense under chapters 566, 568, and 573 that requires registration as a sex offender under chapter 589;~~

~~(b) Twenty percent of the imposed sentence prior to parole eligibility for a first offense other than an offense under paragraph (a) of this subdivision;~~

~~(c) Twenty-five percent of the imposed sentence prior to parole eligibility for a second offense other than an offense under paragraph (a) of this subdivision;~~

34 ~~(d) Fifty percent of the imposed sentence prior to parole eligibility~~  
35 ~~for a third or subsequent offense other than an offense under paragraph~~  
36 ~~(a) of this subdivision;~~

37 ~~(5) For a class E felony, a term of years not to exceed four years, for~~  
38 ~~which an offender shall serve:~~

39 ~~(a) Twenty-five percent of the imposed sentence prior to parole~~  
40 ~~eligibility for an offense under chapters 566, 568, and 573 that requires~~  
41 ~~registration as a sex offender under chapter 589;~~

42 ~~(b) Fifteen percent of the imposed sentence prior to parole~~  
43 ~~eligibility for a first offense other than an offense under paragraph (a) of~~  
44 ~~this subdivision;~~

45 ~~(c) Twenty percent of the imposed sentence prior to parole~~  
46 ~~eligibility for a second offense other than an offense under paragraph (a)~~  
47 ~~of this subdivision;~~

48 ~~(d) Fifty percent of the imposed sentence prior to parole eligibility~~  
49 ~~for a third or subsequent offense other than an offense under paragraph~~  
50 ~~(a) of this subdivision;~~

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

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

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

54 ~~2. When a person is sentenced to the authorized term of~~  
55 ~~imprisonment for a higher class than the offense for which the person was~~  
56 ~~found guilty under sections 558.016, 565.079, and 579.170, the person~~  
57 ~~shall also be sentenced to the parole eligibility percentage of the higher~~  
58 ~~class.~~

59 ~~3. The authorized terms of imprisonment under subsections 1 and~~  
60 ~~2 of this section shall apply to all offenses, except if the terms for parole~~  
61 ~~eligibility otherwise provided by statute result in a higher parole~~  
62 ~~eligibility percentage, in which case the statute resulting in the higher~~  
63 ~~parole eligibility percentage shall apply.~~

64 ~~4. The authorized terms of imprisonment under subsection 1 of~~  
65 ~~this section shall not apply to any offense where a suspended imposition~~  
66 ~~of sentence is imposed or where the matter is referred to an adult~~  
67 ~~treatment court as provided in chapter 478.~~

68 ~~5. In cases of class D and E felonies, the court shall have discretion~~  
69 ~~to imprison for a special term not to exceed one year in the county jail or other~~  
70 ~~authorized penal institution, and the place of confinement shall be fixed by the~~  
71 ~~court. If the court imposes a sentence of imprisonment for a term longer than~~  
72 ~~one year upon a person convicted of a class D or E felony, it shall commit the~~  
73 ~~person to the custody of the department of corrections.~~

74 ~~{3.} 6. (1) When a regular sentence of imprisonment for a felony is~~  
75 ~~imposed, the court shall commit the person to the custody of the department~~  
76 ~~of corrections for the term imposed under section 557.036, or until released~~  
77 ~~under procedures established elsewhere by law.~~

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

82                   ~~{4.} 7. (1) Except as otherwise provided, a sentence of imprisonment~~  
83 ~~for a term of years for felonies other than dangerous felonies as defined in~~  
84 ~~section 556.061, and other than sentences of imprisonment which involve the~~  
85 ~~individual's fourth or subsequent remand to the department of corrections shall~~  
86 ~~consist of a prison term and a conditional release term. The conditional~~  
87 ~~release term of any term imposed under section 557.036 shall be:~~

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

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

90                   ~~(c) Five years for terms more than fifteen years; and the prison term~~  
91 ~~shall be the remainder of such term. The prison term may be extended by the~~  
92 ~~parole board pursuant to subsection {5} 8 of this section.~~

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

101                   ~~{5.} 8. The date of conditional release from the prison term may be~~  
102 ~~extended up to a maximum of the entire sentence of imprisonment by the~~  
103 ~~parole board. The director of any division of the department of corrections~~  
104 ~~except the division of probation and parole may file with the parole board a~~  
105 ~~petition to extend the conditional release date when an offender fails to follow~~  
106 ~~the rules and regulations of the division or commits an act in violation of such~~  
107 ~~rules. Within ten working days of receipt of the petition to extend the~~  
108 ~~conditional release date, the parole board shall convene a hearing on the~~  
109 ~~petition. The offender shall be present and may call witnesses in his or her~~  
110 ~~behalf and cross-examine witnesses appearing against the offender. The~~  
111 ~~hearing shall be conducted as provided in section 217.670. If the violation~~  
112 ~~occurs in close proximity to the conditional release date, the conditional~~  
113 ~~release may be held for a maximum of fifteen working days to permit~~  
114 ~~necessary time for the division director to file a petition for an extension with~~  
115 ~~the parole board and for the parole board to conduct a hearing, provided some~~  
116 ~~affirmative manifestation of an intent to extend the conditional release has~~  
117 ~~occurred prior to the conditional release date. If at the end of a fifteen-~~  
118 ~~working-day period a parole board decision has not been reached, the offender~~  
119 ~~shall be released conditionally. The decision of the parole board shall be final.~~

120                   **9. Any person who commits a class A or B felony or an offense**  
121 **under chapters 566, 568, and 573 that requires registration as a sex**

122 ~~offender under chapter 589, on or after January 1, 2028, shall not be~~  
 123 ~~eligible for conditional release for that offense.~~

124 ~~10. Notwithstanding any other provision of law to the contrary,~~  
 125 ~~any offender who has been found guilty of a dangerous felony as defined~~  
 126 ~~in section 556.061 and is committed to the department of corrections shall~~  
 127 ~~be required to serve eighty-five percent of the sentence imposed by the~~  
 128 ~~court prior to parole eligibility.~~

129 ~~11. For the purpose of determining the minimum time required~~  
 130 ~~to be served by the offender before he or she is eligible for parole, the~~  
 131 ~~following calculations shall apply:~~

132 ~~(1) A sentence of life shall be calculated to be thirty years; and~~

133 ~~(2) Any sentence either alone or in the aggregate with other~~  
 134 ~~consecutive sentences for offenses committed at or near the same time~~  
 135 ~~that is over seventy-five years shall be calculated to be seventy-five years.~~

136 ~~12. When consecutive sentences are imposed by a court, the~~  
 137 ~~minimum percentage for each respective felony shall be met prior to~~  
 138 ~~parole eligibility.~~

139 ~~13. When concurrent sentences are imposed by a court, the person~~  
 140 ~~shall serve the minimum required percentage for the longest sentence~~  
 141 ~~prior to parole eligibility.]~~

558.011. 1. The authorized terms of imprisonment, including both prison and  
 2 conditional release terms, **for all offenses are as follows:**

3 (1) For a class A felony, a term of years not less than ten years and not to exceed thirty  
 4 years, or life imprisonment, **for which an offender shall serve seventy percent of the imposed**  
 5 **sentence prior to parole eligibility;**

6 (2) For a class B felony, a term of years not less than five years and not to exceed fifteen  
 7 years, **for which an offender shall serve fifty percent of the imposed sentence prior to**  
 8 **parole eligibility;**

9 (3) For a class C felony, a term of years not less than three years and not to exceed ten  
 10 years, **for which an offender shall serve:**

11 (a) **Forty percent of the imposed sentence prior to parole eligibility for a conviction**  
 12 **under chapter 566, 568, or 573 that requires registration as a sex offender under chapter**  
 13 **589;**

14 (b) **Thirty percent of the imposed sentence prior to parole eligibility for a first**  
 15 **conviction other than an offense under paragraph (a) of this subdivision;**

16 (c) **Thirty-five percent of the imposed sentence prior to parole eligibility for a**  
 17 **second conviction other than an offense under paragraph (a) of this subdivision;**

18 (d) **Fifty percent of the imposed sentence prior to parole eligibility for a third or**  
 19 **subsequent conviction other than an offense under paragraph (a) of this subdivision;**

20 (4) For a class D felony, a term of years not to exceed seven years, **for which an**  
21 **offender shall serve:**

22 (a) **Twenty-five percent of the imposed sentence prior to parole eligibility for a**  
23 **conviction under chapter 566, 568, or 573 that requires registration as a sex offender under**  
24 **chapter 589;**

25 (b) **Twenty percent of the imposed sentence prior to parole eligibility for a first**  
26 **conviction other than an offense under paragraph (a) of this subdivision;**

27 (c) **Twenty-five percent of the imposed sentence prior to parole eligibility for a**  
28 **second conviction other than an offense under paragraph (a) of this subdivision;**

29 (d) **Fifty percent of the imposed sentence prior to parole eligibility for a third or**  
30 **subsequent conviction other than an offense under paragraph (a) of this subdivision;**

31 (5) For a class E felony, a term of years not to exceed four years, **for which an offender**  
32 **shall serve:**

33 (a) **Twenty-five percent of the imposed sentence prior to parole eligibility for a**  
34 **conviction under chapter 566, 568, or 573 that requires registration as a sex offender under**  
35 **chapter 589;**

36 (b) **Fifteen percent of the imposed sentence prior to parole eligibility for a first**  
37 **conviction other than an offense under paragraph (a) of this subdivision;**

38 (c) **Twenty percent of the imposed sentence prior to parole eligibility for a second**  
39 **conviction other than an offense under paragraph (a) of this subdivision;**

40 (d) **Fifty percent of the imposed sentence prior to parole eligibility for a third or**  
41 **subsequent conviction other than an offense under paragraph (a) of this subdivision;**

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

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

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

45 **2. When a person is sentenced to the authorized term of imprisonment for a higher**  
46 **class than the offense for which the person was found guilty under section 558.016, 565.079,**  
47 **or 579.170, the person shall also be sentenced to the parole eligibility percentage of the**  
48 **higher class.**

49 **3. The authorized terms of imprisonment under subsections 1 and 2 of this section**  
50 **shall apply to all offenses, except if the terms for parole eligibility otherwise provided by**  
51 **statute result in a higher parole eligibility percentage, in which case the statute resulting**  
52 **in the higher parole eligibility percentage shall apply.**

53 **4. The authorized terms of imprisonment under subsection 1 of this section shall**  
54 **not apply to any offense where a suspended imposition of sentence is imposed or where the**  
55 **matter is referred to an adult treatment court as provided in chapter 478.**

56           **5.** In cases of class D and E felonies, the court shall have discretion to imprison for a  
57 special term not to exceed one year in the county jail or other authorized penal institution, and  
58 the place of confinement shall be fixed by the court. If the court imposes a sentence of  
59 imprisonment for a term longer than one year upon a person convicted of a class D or E felony,  
60 it shall commit the person to the custody of the department of corrections.

61           ~~[3:]~~ **6.** (1) When a regular sentence of imprisonment for a felony is imposed, the court  
62 shall commit the person to the custody of the department of corrections for the term imposed  
63 under section 557.036, or until released under procedures established elsewhere by law.

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

67           ~~[4:]~~ **7.** (1) Except as otherwise provided, a sentence of imprisonment for a term of years  
68 for felonies other than dangerous felonies as defined in section 556.061, and other than sentences  
69 of imprisonment which involve the individual's fourth or subsequent remand to the department  
70 of corrections shall consist of a prison term and a conditional release term. The conditional  
71 release term of any term imposed under section 557.036 shall be:

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

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

74           (c) Five years for terms more than fifteen years; and the prison term shall be the  
75 remainder of such term. The prison term may be extended by the parole board pursuant to  
76 subsection ~~[5]~~ **8** of this section.

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

83           ~~[5:]~~ **8.** The date of conditional release from the prison term may be extended up to a  
84 maximum of the entire sentence of imprisonment by the parole board. The director of any  
85 division of the department of corrections except the division of probation and parole may file  
86 with the parole board a petition to extend the conditional release date when an offender fails to  
87 follow the rules and regulations of the division or commits an act in violation of such rules.  
88 Within ten working days of receipt of the petition to extend the conditional release date, the  
89 parole board shall convene a hearing on the petition. The offender shall be present and may call  
90 witnesses in his or her behalf and cross-examine witnesses appearing against the offender. The  
91 hearing shall be conducted as provided in section 217.670. If the violation occurs in close

92 proximity to the conditional release date, the conditional release may be held for a maximum of  
93 fifteen working days to permit necessary time for the division director to file a petition for an  
94 extension with the parole board and for the parole board to conduct a hearing, provided some  
95 affirmative manifestation of an intent to extend the conditional release has occurred prior to the  
96 conditional release date. If at the end of a fifteen-working-day period a parole board decision  
97 has not been reached, the offender shall be released conditionally. The decision of the parole  
98 board shall be final.

99 **9. Any person who commits a class A or B felony or an offense under chapter 566,**  
100 **568, or 573 that requires registration as a sex offender under chapter 589, on or after**  
101 **January 1, 2028, shall not be eligible for conditional release for that offense.**

102 **10. Notwithstanding any other provision of law to the contrary, any offender who**  
103 **has been found guilty of a dangerous felony as defined in section 556.061 and is committed**  
104 **to the department of corrections shall be required to serve eighty-five percent of the**  
105 **sentence imposed by the court prior to parole eligibility.**

106 **11. For the purpose of determining the minimum time required to be served by the**  
107 **offender before he or she is eligible for parole, the following calculations shall apply:**

108 **(1) A sentence of life shall be calculated to be thirty years; and**

109 **(2) Any sentence either alone or in the aggregate with other consecutive sentences**  
110 **for offenses committed at or near the same time that is over seventy-five years shall be**  
111 **calculated to be seventy-five years.**

112 **12. When consecutive sentences are imposed by a court, the minimum percentage**  
113 **for each respective felony shall be met prior to parole eligibility.**

114 **13. When concurrent sentences are imposed by a court, the person shall serve the**  
115 **minimum required percentage for the longest sentence prior to parole eligibility.**

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

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

8 (2) The statute under which the person was found guilty contains a sentencing  
9 enhancement provision that is based on a prior finding of guilt or a finding of prior criminal  
10 conduct and the person is sentenced according to the statute; or

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

- 13           2. A "prior offender" is one who has been found guilty of one felony.
- 14           3. A "persistent offender" is one who has been found guilty of two or more felonies  
15 committed at different times, or one who has been previously found guilty of a dangerous felony  
16 as defined in subdivision (19) of section 556.061.
- 17           4. A "dangerous offender" is one who:
- 18           (1) Is being sentenced for a felony during the commission of which he knowingly  
19 murdered or endangered or threatened the life of another person or knowingly inflicted or  
20 attempted or threatened to inflict serious physical injury on another person; and
- 21           (2) Has been found guilty of a class A or B felony or a dangerous felony.
- 22           5. A "persistent misdemeanor offender" is one who has been found guilty of two or more  
23 offenses, committed at different times that are classified as A or B misdemeanors under the laws  
24 of this state.
- 25           6. The findings of guilt shall be prior to the date of commission of the present offense.
- 26           7. The court shall sentence a person, who has been found to be a persistent offender or  
27 a dangerous offender, and is found guilty of a class B, C, D, or E felony to the authorized term  
28 of imprisonment for the offense that is one class higher than the offense for which the person is  
29 found guilty.

2           ~~[558.019. 1. [This section shall not be construed to affect the powers~~  
3 ~~of the governor under Article IV, Section 7, of the Missouri Constitution.~~  
4 ~~This statute shall not affect those provisions of section 565.020 or section~~  
5 ~~566.125, which set minimum terms of sentences, or the provisions of section~~  
6 ~~559.115, relating to probation.~~

7           ~~2. The provisions of subsections 2 to 5 of this section shall only be~~  
8 ~~applicable to the offenses contained in sections 565.021, 565.023, 565.024,~~  
9 ~~565.027, 565.050, 565.052, 565.054, 565.072, 565.073, 565.074, 565.090,~~  
10 ~~565.110, 565.115, 565.120, 565.153, 565.156, 565.225, 565.300, 566.030,~~  
11 ~~566.031, 566.032, 566.034, 566.060, 566.061, 566.062, 566.064, 566.067,~~  
12 ~~566.068, 566.069, 566.071, 566.083, 566.086, 566.100, 566.101, 566.103,~~  
13 ~~566.111, 566.115, 566.145, 566.151, 566.153, 566.203, 566.206, 566.209,~~  
14 ~~566.210, 566.211, 566.215, 568.030, 568.045, 568.060, 568.065, 568.175,~~  
15 ~~569.040, 569.160, 570.023, 570.025, 570.030 when punished as a class A, B,~~  
16 ~~or C felony, 570.145 when punished as a class A or B felony, 570.223 when~~  
17 ~~punished as a class B or C felony, 571.020, 571.030, 571.070, 573.023,~~  
18 ~~573.025, 573.035, 573.037, 573.200, 573.205, 574.070, 574.080, 574.115,~~  
19 ~~575.030, 575.150, 575.153, 575.155, 575.157, 575.200 when punished as a~~  
20 ~~class A felony, 575.210, 575.230 when punished as a class B felony, 575.240~~  
21 ~~when punished as a class B felony, 576.070, 576.080, 577.010, 577.013,~~  
22 ~~577.078, 577.703, 577.706, 579.065, and 579.068 when punished as a class~~  
23 ~~A or B felony. For the purposes of this section, "prison commitment" means~~  
~~and is the receipt by the department of corrections of an offender after~~

24 ~~sentencing. For purposes of this section, prior prison commitments to the~~  
25 ~~department of corrections shall not include an offender's first incarceration~~  
26 ~~prior to release on probation under section 217.362 or 559.115. Other~~  
27 ~~provisions of the law to the contrary notwithstanding, any offender who has~~  
28 ~~been found guilty of a felony other than a dangerous felony as defined in~~  
29 ~~section 556.061 and is committed to the department of corrections shall be~~  
30 ~~required to serve the following minimum prison terms:~~

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

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

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

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

53 ~~4. For the purpose of determining the minimum prison term to be~~  
54 ~~served, the following calculations shall apply:~~

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

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

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

63 ~~6. An offender who was convicted of, or pled guilty to, a felony~~  
64 ~~offense other than those offenses listed in subsection 2 of this section prior to~~  
65 ~~August 28, 2019, shall no longer be subject to the minimum prison term~~  
66 ~~provisions under subsection 2 of this section, and shall be eligible for parole,~~  
67 ~~conditional release, or other early release by the department of corrections~~

68 according to the rules and regulations of the department.

69 ~~7.] (1) A sentencing advisory commission is hereby created to consist~~  
70 ~~of eleven members. One member shall be appointed by the speaker of the~~  
71 ~~house. One member shall be appointed by the president pro tem of the senate.~~  
72 ~~One member shall be the director of the department of corrections. Six~~  
73 ~~members shall be appointed by and serve at the pleasure of the governor from~~  
74 ~~among the following: the public defender commission; private citizens; a~~  
75 ~~private member of the Missouri Bar; the board of probation and parole; and~~  
76 ~~a prosecutor. Two members shall be appointed by the supreme court, one~~  
77 ~~from a metropolitan area and one from a rural area. All members shall be~~  
78 ~~appointed to a four-year term. All members of the sentencing commission~~  
79 ~~appointed prior to August 28, 1994, shall continue to serve on the sentencing~~  
80 ~~advisory commission at the pleasure of the governor.~~

81 ~~(2) The commission shall study sentencing practices in the circuit~~  
82 ~~courts throughout the state for the purpose of determining whether and to what~~  
83 ~~extent disparities exist among the various circuit courts with respect to the~~  
84 ~~length of sentences imposed and the use of probation for offenders convicted~~  
85 ~~of the same or similar offenses and with similar criminal histories. The~~  
86 ~~commission shall also study and examine whether and to what extent~~  
87 ~~sentencing disparity among economic and social classes exists in relation to~~  
88 ~~the sentence of death and if so, the reasons therefor, if sentences are~~  
89 ~~comparable to other states, if the length of the sentence is appropriate, and the~~  
90 ~~rate of rehabilitation based on sentence. It shall compile statistics, examine~~  
91 ~~cases, draw conclusions, and perform other duties relevant to the research and~~  
92 ~~investigation of disparities in death penalty sentencing among economic and~~  
93 ~~social classes.~~

94 ~~(3) The commission shall study alternative sentences, prison work~~  
95 ~~programs, work release, home-based incarceration, probation and parole~~  
96 ~~options, and any other programs and report the feasibility of these options in~~  
97 ~~Missouri.~~

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

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

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

110 ~~[8.] 2. Courts shall retain discretion to lower or exceed the sentence~~  
111 ~~recommended by the commission as otherwise allowable by law, and to order~~

112 restorative justice methods, when applicable.  
 113 ~~{9.} 3.~~ If the imposition or execution of a sentence is suspended, the  
 114 court may order any or all of the following restorative justice methods, or any  
 115 other method that the court finds just or appropriate:  
 116 (1) Restitution to any victim or a statutorily created fund for costs  
 117 incurred as a result of the offender's actions;  
 118 (2) Offender treatment programs;  
 119 (3) Mandatory community service;  
 120 (4) Work release programs in local facilities; and  
 121 (5) Community-based residential and nonresidential programs.  
 122 ~~{10.} 4.~~ Pursuant to subdivision (1) of subsection ~~{9} 3~~ of this section,  
 123 the court may order the assessment and payment of a designated amount of  
 124 restitution to a county law enforcement restitution fund established by the  
 125 county commission pursuant to section 50.565. Such contribution shall not  
 126 exceed three hundred dollars for any charged offense. Any restitution moneys  
 127 deposited into the county law enforcement restitution fund pursuant to this  
 128 section shall only be expended pursuant to the provisions of section 50.565.  
 129 ~~{11.} 5.~~ A judge may order payment to a restitution fund only if such  
 130 fund had been created by ordinance or resolution of a county of the state of  
 131 Missouri prior to sentencing. A judge shall not have any direct supervisory  
 132 authority or administrative control over any fund to which the judge is  
 133 ordering a person to make payment.  
 134 ~~{12.} 6.~~ A person who fails to make a payment to a county law  
 135 enforcement restitution fund may not have his or her probation revoked solely  
 136 for failing to make such payment unless the judge, after evidentiary hearing,  
 137 makes a finding supported by a preponderance of the evidence that the person  
 138 either willfully refused to make the payment or that the person willfully,  
 139 intentionally, and purposefully failed to make sufficient bona fide efforts to  
 140 acquire the resources to pay.  
 141 ~~{13.} 7.~~ Nothing in this section shall be construed to allow the  
 142 sentencing advisory commission to issue recommended sentences in specific  
 143 cases pending in the courts of this state.]

558.019. 1. ~~[This section shall not be construed to affect the powers of the governor  
 2 under Article IV, Section 7, of the Missouri Constitution. This statute shall not affect those  
 3 provisions of section 565.020 or section 566.125, which set minimum terms of sentences, or the  
 4 provisions of section 559.115, relating to probation:~~

5 2. ~~The provisions of subsections 2 to 5 of this section shall only be applicable to the  
 6 offenses contained in sections 565.021, 565.023, 565.024, 565.027, 565.050, 565.052, 565.054,  
 7 565.072, 565.073, 565.074, 565.090, 565.110, 565.115, 565.120, 565.153, 565.156, 565.225,  
 8 565.300, 566.030, 566.031, 566.032, 566.034, 566.060, 566.061, 566.062, 566.064, 566.067,  
 9 566.068, 566.069, 566.071, 566.083, 566.086, 566.100, 566.101, 566.103, 566.111, 566.115,~~

10 ~~566.145, 566.151, 566.153, 566.203, 566.206, 566.209, 566.210, 566.211, 566.215, 568.030,~~  
11 ~~568.045, 568.060, 568.065, 568.175, 569.040, 569.160, 570.023, 570.025, 570.030 when~~  
12 ~~punished as a class A, B, or C felony, 570.145 when punished as a class A or B felony, 570.223~~  
13 ~~when punished as a class B or C felony, 571.020, 571.030, 571.070, 573.023, 573.025, 573.035,~~  
14 ~~573.037, 573.200, 573.205, 574.070, 574.080, 574.115, 575.030, 575.150, 575.153, 575.155,~~  
15 ~~575.157, 575.200 when punished as a class A felony, 575.210, 575.230 when punished as a class~~  
16 ~~B felony, 575.240 when punished as a class B felony, 576.070, 576.080, 577.010, 577.013,~~  
17 ~~577.078, 577.703, 577.706, 579.065, and 579.068 when punished as a class A or B felony. For~~  
18 ~~the purposes of this section, "prison commitment" means and is the receipt by the department~~  
19 ~~of corrections of an offender after sentencing. For purposes of this section, prior prison~~  
20 ~~commitments to the department of corrections shall not include an offender's first incarceration~~  
21 ~~prior to release on probation under section 217.362 or 559.115. Other provisions of the law to~~  
22 ~~the contrary notwithstanding, any offender who has been found guilty of a felony other than a~~  
23 ~~dangerous felony as defined in section 556.061 and is committed to the department of~~  
24 ~~corrections shall be required to serve the following minimum prison terms:~~

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

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

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

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

43 4. ~~For the purpose of determining the minimum prison term to be served, the following~~  
44 ~~calculations shall apply:~~

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

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

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

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

57 ~~7.] (1) A sentencing advisory commission is hereby created to consist of eleven~~  
58 ~~members. One member shall be appointed by the speaker of the house. One member shall be~~  
59 ~~appointed by the president pro tem of the senate. One member shall be the director of the~~  
60 ~~department of corrections. Six members shall be appointed by and serve at the pleasure of the~~  
61 ~~governor from among the following: the public defender commission; private citizens; a private~~  
62 ~~member of the Missouri Bar; the board of probation and parole; and a prosecutor. Two members~~  
63 ~~shall be appointed by the supreme court, one from a metropolitan area and one from a rural area.~~  
64 ~~All members shall be appointed to a four-year term. All members of the sentencing commission~~  
65 ~~appointed prior to August 28, 1994, shall continue to serve on the sentencing advisory~~  
66 ~~commission at the pleasure of the governor.~~

67 ~~(2) The commission shall study sentencing practices in the circuit courts throughout the~~  
68 ~~state for the purpose of determining whether and to what extent disparities exist among the~~  
69 ~~various circuit courts with respect to the length of sentences imposed and the use of probation~~  
70 ~~for offenders convicted of the same or similar offenses and with similar criminal histories. The~~  
71 ~~commission shall also study and examine whether and to what extent sentencing disparity among~~  
72 ~~economic and social classes exists in relation to the sentence of death and if so, the reasons~~  
73 ~~therefor, if sentences are comparable to other states, if the length of the sentence is appropriate,~~  
74 ~~and the rate of rehabilitation based on sentence. It shall compile statistics, examine cases, draw~~  
75 ~~conclusions, and perform other duties relevant to the research and investigation of disparities in~~  
76 ~~death penalty sentencing among economic and social classes.~~

77 ~~(3) The commission shall study alternative sentences, prison work programs, work~~  
78 ~~release, home-based incarceration, probation and parole options, and any other programs and~~  
79 ~~report the feasibility of these options in Missouri.~~

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

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

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

90 ~~[8:]~~ 2. Courts shall retain discretion to lower or exceed the sentence recommended by  
91 the commission as otherwise allowable by law, and to order restorative justice methods, when  
92 applicable.

93 ~~[9:]~~ 3. If the imposition or execution of a sentence is suspended, the court may order any  
94 or all of the following restorative justice methods, or any other method that the court finds just  
95 or appropriate:

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

98 (2) Offender treatment programs;

99 (3) Mandatory community service;

100 (4) Work release programs in local facilities; and

101 (5) Community-based residential and nonresidential programs.

102 ~~[10:]~~ 4. Pursuant to subdivision (1) of subsection ~~[9]~~ 3 of this section, the court may  
103 order the assessment and payment of a designated amount of restitution to a county law  
104 enforcement restitution fund established by the county commission pursuant to section 50.565.  
105 Such contribution shall not exceed three hundred dollars for any charged offense. Any  
106 restitution moneys deposited into the county law enforcement restitution fund pursuant to this  
107 section shall only be expended pursuant to the provisions of section 50.565.

108 ~~[11:]~~ 5. A judge may order payment to a restitution fund only if such fund had been  
109 created by ordinance or resolution of a county of the state of Missouri prior to sentencing. A  
110 judge shall not have any direct supervisory authority or administrative control over any fund to  
111 which the judge is ordering a person to make payment.

112 ~~[12:]~~ 6. A person who fails to make a payment to a county law enforcement restitution  
113 fund may not have his or her probation revoked solely for failing to make such payment unless  
114 the judge, after evidentiary hearing, makes a finding supported by a preponderance of the  
115 evidence that the person either willfully refused to make the payment or that the person willfully,  
116 intentionally, and purposefully failed to make sufficient bona fide efforts to acquire the resources  
117 to pay.

118           ~~[43:]~~ 7. Nothing in this section shall be construed to allow the sentencing advisory  
119 commission to issue recommended sentences in specific cases pending in the courts of this state.

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

~~6           (1) Rape in the first degree, forcible rape, or rape;~~

~~7           (2) Statutory rape in the first degree;~~

~~8           (3) Sodomy in the first degree, forcible sodomy, or sodomy;~~

~~9           (4) Statutory sodomy in the first degree; or~~

~~10          (5) An attempt to commit any of the felonies listed in this subsection.~~

~~11 In such case, the sentence of imprisonment imposed for any felony listed in  
12 this subsection or an attempt to commit any of the aforesaid shall run  
13 consecutively to the other sentences. The sentences imposed for any other  
14 offense may run concurrently.~~

~~15           2. If a person who is on probation, parole or conditional release is  
16 sentenced to a term of imprisonment for an offense committed after the  
17 granting of probation or parole or after the start of his or her conditional  
18 release term, the court shall direct the manner in which the sentence or  
19 sentences imposed by the court shall run with respect to any resulting  
20 probation, parole or conditional release revocation term or terms. If the  
21 subsequent sentence to imprisonment is in another jurisdiction, the court shall  
22 specify how any resulting probation, parole or conditional release revocation  
23 term or terms shall run with respect to the foreign sentence of imprisonment.~~

~~24           3. A court may cause any sentence it imposes to run concurrently with  
25 a sentence an individual is serving or is to serve in another state or in a federal  
26 correctional center. If the Missouri sentence is served in another state or in  
27 a federal correctional center, subsection [4] 7 of section 558.011 and section  
28 217.690 shall apply as if the individual were serving his or her sentence within  
29 the department of corrections of the state of Missouri, except that a personal  
30 hearing before the parole board shall not be required for parole consideration.]~~

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

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

6           (2) Statutory rape in the first degree;

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

8           (4) Statutory sodomy in the first degree; or

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

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

13 2. If a person who is on probation, parole or conditional release is sentenced to a term  
14 of imprisonment for an offense committed after the granting of probation or parole or after the  
15 start of his or her conditional release term, the court shall direct the manner in which the  
16 sentence or sentences imposed by the court shall run with respect to any resulting probation,  
17 parole or conditional release revocation term or terms. If the subsequent sentence to  
18 imprisonment is in another jurisdiction, the court shall specify how any resulting probation,  
19 parole or conditional release revocation term or terms shall run with respect to the foreign  
20 sentence of imprisonment.

21 3. A court may cause any sentence it imposes to run concurrently with a sentence an  
22 individual is serving or is to serve in another state or in a federal correctional center. If the  
23 Missouri sentence is served in another state or in a federal correctional center, subsection [4] 7  
24 of section 558.011 and section 217.690 shall apply as if the individual were serving his or her  
25 sentence within the department of corrections of the state of Missouri, except that a personal  
26 hearing before the parole board shall not be required for parole consideration.

2 ~~[558.031. 1. A sentence of imprisonment shall commence when a~~  
3 ~~person convicted of an offense in this state is received into the custody of the~~  
4 ~~department of corrections or other place of confinement where the offender~~  
5 ~~is sentenced.~~

6 ~~2. [Such] When placing a person on probation for a suspended~~  
7 ~~imposition of sentence, probation for a suspended execution of sentence,~~  
8 ~~or when executing a sentence of imprisonment, the court shall record, as~~  
9 ~~part of each judgment, the number of days the person [shall receive credit~~  
10 ~~toward the service of a sentence of imprisonment for all time] was in prison,~~  
11 ~~jail, or custody, that was related to the offense, after the offense occurred~~  
12 ~~and before [the commencement of the sentence, when the time in custody was~~  
13 ~~related to that offense] being sentenced to imprisonment and the defendant~~  
14 ~~shall be awarded credit toward the service of a sentence of imprisonment~~  
15 ~~for that number of days. [This] The jail time credit calculation shall be~~  
16 ~~based upon the certification of the sheriff as provided in subdivision (3) of~~  
17 ~~subsection 2 of section 217.305 and may be supplemented by a certificate of~~  
18 ~~a sheriff or other custodial officer from another jurisdiction having held the~~  
19 ~~person on the charge of the offense for which the sentence of imprisonment~~  
20 ~~is ordered and shall be pronounced at the time of the judgment, the~~  
21 ~~execution of a suspended sentence, or the suspension of imposition of~~  
22 ~~sentence, shall be included in the record, and shall include both the dates~~  
23 ~~the person was in custody and the number of days to be credited toward~~  
~~the service of the sentence.~~

24 ~~3. For purposes of this section, time in custody related to an~~  
25 ~~offense includes time during which the offense was charged in a criminal~~  
26 ~~proceeding, there was an arrest warrant issued in said criminal~~  
27 ~~proceeding, and the arrest warrant was served upon the person, and~~  
28 ~~includes time served on house arrest. The person shall not be entitled to~~  
29 ~~any credit toward the service of a sentence of imprisonment for any time~~  
30 ~~such person was not being held on said arrest warrant because such~~  
31 ~~person posted bond, the arrest warrant was recalled, or the person was~~  
32 ~~otherwise released.~~

33 ~~4. The court may take judicial notice of all time the person has~~  
34 ~~served in prison, jail, or custody, or on house arrest for a criminal~~  
35 ~~proceeding by comparing dates of service on arrest warrants with~~  
36 ~~evidence contained within the court file of dates of release and the~~  
37 ~~prosecution and defense attorney may enter into a stipulation with regard~~  
38 ~~to credit for the service of a sentence of imprisonment for all time in~~  
39 ~~prison, jail, or custody, or on house arrest except in no event may the~~  
40 ~~court approve a stipulation that is greater than or less than the time in~~  
41 ~~custody related to an offense.~~

42 ~~5. Upon motion and notice by defendant or defense counsel, for~~  
43 ~~any such person who was held in a juvenile detention facility for an~~  
44 ~~offense for which such person was subsequently adjudicated to stand trial~~  
45 ~~as an adult, the court may also award credit toward the service of a~~  
46 ~~sentence of imprisonment for any time such person was confined in a~~  
47 ~~juvenile detention facility.~~

48 ~~6. In the event a criminal proceeding related to an offense is~~  
49 ~~dismissed without prejudice by a court or nolle prossed by the state, upon~~  
50 ~~motion and notice by defendant or defense counsel, the proceeding may~~  
51 ~~be consolidated into the present matter for purposes of calculating credit~~  
52 ~~for the service of a sentence of imprisonment.~~

53 ~~7. The officer required by law to deliver a person convicted of an~~  
54 ~~offense in this state to the department of corrections shall endorse upon the~~  
55 ~~papers required by section 217.305 both the dates the offender was in custody~~  
56 ~~and the period of time to be credited toward the service of the sentence of~~  
57 ~~imprisonment, [except as endorsed by such officer] included in the judgment~~  
58 ~~or suspended imposition of sentence and such additional days after the~~  
59 ~~pronouncement of sentence and before the delivery of the person to the~~  
60 ~~department of corrections.~~

61 ~~[4.] 8. If a person convicted of an offense escapes from custody, such~~  
62 ~~escape shall interrupt the sentence. The interruption shall continue until such~~  
63 ~~person is returned to the correctional center where the sentence was being~~  
64 ~~served, or in the case of a person committed to the custody of the department~~  
65 ~~of corrections, to any correctional center operated by the department of~~  
66 ~~corrections. An escape shall also interrupt the jail time credit to be applied to~~  
67 ~~a sentence which had not commenced when the escape occurred.~~

68 ~~{5.} 9. If a sentence of imprisonment is vacated and a new sentence~~  
 69 ~~imposed upon the offender for that offense, all time served under the vacated~~  
 70 ~~sentence shall be credited against the new sentence, unless the time has~~  
 71 ~~already been credited to another sentence as provided in subsection 1 of this~~  
 72 ~~section.~~

73 ~~{6.} 10. If a person released from imprisonment on parole or serving~~  
 74 ~~a conditional release term violates any of the conditions of his or her parole~~  
 75 ~~or release, he or she may be treated as a parole violator. If the parole board~~  
 76 ~~revokes the parole or conditional release, the paroled person shall serve the~~  
 77 ~~remainder of the prison term and conditional release term, as an additional~~  
 78 ~~prison term, and the conditionally released person shall serve the remainder~~  
 79 ~~of the conditional release term as a prison term, unless released on parole.~~

80 ~~{7. Subsection 2 of this section shall be applicable to offenses for~~  
 81 ~~which the offender was sentenced on or after August 28, 2023.~~

82 ~~8. The total amount of credit given shall not exceed the number of~~  
 83 ~~days spent in prison, jail, or custody after the offense occurred and before the~~  
 84 ~~commencement of the sentence.]~~

85 ~~11. A person may only challenge credit awarded or not awarded~~  
 86 ~~pursuant to this section by the filing of a petition for a writ of habeas~~  
 87 ~~corpus.]~~

2 558.031. 1. A sentence of imprisonment shall commence when a person convicted of  
 3 an offense in this state is received into the custody of the department of corrections or other  
 4 place of confinement where the offender is sentenced.

5 2. **[Such] When placing a person on probation for a suspended imposition of**  
 6 **sentence, probation for a suspended execution of sentence, or when executing a sentence**  
 7 **of imprisonment, the court shall record, as part of each judgment, the number of days the**  
 8 **person [shall receive credit toward the service of a sentence of imprisonment for all time] was**  
 9 **in prison, jail, or custody, that was related to the offense, after the offense occurred and before**  
 10 **[the commencement of the sentence, when the time in custody was related to that offense] being**  
 11 **sentenced to imprisonment and the defendant shall be awarded credit toward the service**  
 12 **of a sentence of imprisonment for that number of days. [This] The jail time credit**  
 13 **calculation shall be based upon the certification of the sheriff as provided in subdivision (3) of**  
 14 **subsection 2 of section 217.305 and may be supplemented by a certificate of a sheriff or other**  
 15 **custodial officer from another jurisdiction having held the person on the charge of the offense**  
 16 **for which the sentence of imprisonment is ordered and shall be pronounced at the time of the**  
 17 **judgment, the execution of a suspended sentence, or the suspension of imposition of**  
 18 **sentence, shall be included in the record, and shall include both the dates the person was**  
 19 **in custody and the number of days to be credited toward the service of the sentence.**

3. For purposes of this section, time in custody related to an offense includes time

20 **during which the offense was charged in a criminal proceeding, there was an arrest**  
21 **warrant issued in said criminal proceeding, and the arrest warrant was served upon the**  
22 **person, and includes time served on house arrest. The person shall not be entitled to any**  
23 **credit toward the service of a sentence of imprisonment for any time such person was not**  
24 **being held on said arrest warrant because such person posted bond, the arrest warrant was**  
25 **recalled, or the person was otherwise released.**

26 **4. The court may take judicial notice of all time the person has served in prison,**  
27 **jail, or custody, or on house arrest for a criminal proceeding by comparing dates of service**  
28 **on arrest warrants with evidence contained within the court file of dates of release and the**  
29 **prosecution and defense attorney may enter into a stipulation with regard to credit for the**  
30 **service of a sentence of imprisonment for all time in prison, jail, or custody, or on house**  
31 **arrest except in no event may the court approve a stipulation that is greater than or less**  
32 **than the time in custody related to an offense.**

33 **5. Upon motion and notice by defendant or defense counsel, for any such person**  
34 **who was held in a juvenile detention facility for an offense for which such person was**  
35 **subsequently adjudicated to stand trial as an adult, the court may also award credit toward**  
36 **the service of a sentence of imprisonment for any time such person was confined in a**  
37 **juvenile detention facility.**

38 **6. In the event a criminal proceeding related to an offense is dismissed without**  
39 **prejudice by a court or nolle prossed by the state, upon motion and notice by defendant or**  
40 **defense counsel, the proceeding may be consolidated into the present matter for purposes**  
41 **of calculating credit for the service of a sentence of imprisonment.**

42 **7. The officer required by law to deliver a person convicted of an offense in this state**  
43 **to the department of corrections shall endorse upon the papers required by section 217.305 both**  
44 **the dates the offender was in custody and the period of time to be credited toward the service of**  
45 **the sentence of imprisonment, ~~except as endorsed by such officer~~ included in the judgment**  
46 **or suspended imposition of sentence and such additional days after the pronouncement of**  
47 **sentence and before the delivery of the person to the department of corrections.**

48 **[4:] 8. If a person convicted of an offense escapes from custody, such escape shall**  
49 **interrupt the sentence. The interruption shall continue until such person is returned to the**  
50 **correctional center where the sentence was being served, or in the case of a person committed**  
51 **to the custody of the department of corrections, to any correctional center operated by the**  
52 **department of corrections. An escape shall also interrupt the jail time credit to be applied to a**  
53 **sentence which had not commenced when the escape occurred.**

54 **[5:] 9. If a sentence of imprisonment is vacated and a new sentence imposed upon the**  
55 **offender for that offense, all time served under the vacated sentence shall be credited against the**

56 new sentence, unless the time has already been credited to another sentence as provided in  
57 subsection 1 of this section.

58 ~~[6:]~~ **10.** If a person released from imprisonment on parole or serving a conditional  
59 release term violates any of the conditions of his or her parole or release, he or she may be  
60 treated as a parole violator. If the parole board revokes the parole or conditional release, the  
61 paroled person shall serve the remainder of the prison term and conditional release term, as an  
62 additional prison term, and the conditionally released person shall serve the remainder of the  
63 conditional release term as a prison term, unless released on parole.

64 ~~[7- Subsection 2 of this section shall be applicable to offenses for which the offender was~~  
65 ~~sentenced on or after August 28, 2023.~~

66 ~~8. The total amount of credit given shall not exceed the number of days spent in prison,~~  
67 ~~jail, or custody after the offense occurred and before the commencement of the sentence.]~~

68 **11. A person may only challenge credit awarded or not awarded pursuant to this**  
69 **section by the filing of a petition for a writ of habeas corpus.**

2 ~~[558.046. The sentencing court may, upon petition, reduce any term~~  
3 ~~of sentence or probation pronounced by the court or a term of conditional~~  
4 ~~release or parole pronounced by the parole board if the court determines that:~~

5 ~~(1) The convicted person was:~~

6 ~~(a) Convicted of an offense that did not involve violence or the threat~~  
7 ~~of violence; and~~

8 ~~(b) Convicted of an offense that involved alcohol or illegal drugs; and~~

9 ~~(2) Since the commission of such offense, the convicted person has~~  
10 ~~successfully completed a detoxification and rehabilitation program; and~~

11 ~~(3) The convicted person is not:~~

12 ~~(a) A prior offender, a persistent offender, a dangerous offender or a~~  
13 ~~persistent misdemeanor offender as defined by section 558.016; or~~

14 ~~(b) A persistent sexual offender as defined in section 566.125]; or~~

15 ~~(c) A prior offender, a persistent offender or a class X offender as~~  
~~defined in section 558.019].]~~

2 558.046. The sentencing court may, upon petition, reduce any term of sentence or  
3 probation pronounced by the court or a term of conditional release or parole pronounced by the  
4 parole board if the court determines that:

5 (1) The convicted person was:

6 (a) Convicted of an offense that did not involve violence or the threat of violence; and

7 (b) Convicted of an offense that involved alcohol or illegal drugs; and

8 (2) Since the commission of such offense, the convicted person has successfully  
9 completed a detoxification and rehabilitation program; and

9 (3) The convicted person is not:

- 10 (a) A prior offender, a persistent offender, a dangerous offender or a persistent  
11 misdemeanor offender as defined by section 558.016; or  
12 (b) A persistent sexual offender as defined in section 566.125]; ~~or~~  
13 (c) ~~A prior offender, a persistent offender or a class X offender as defined in section~~  
14 ~~558.019].~~

2 ~~[559.115. 1. Neither probation nor parole shall be granted by the~~  
3 ~~circuit court between the time the transcript on appeal from the offender's~~  
4 ~~conviction has been filed in appellate court and the disposition of the appeal~~  
5 ~~by such court.~~

6 ~~2. Unless otherwise prohibited by subsection [8] 7 of this section, a~~  
7 ~~circuit court only upon its own motion and not that of the state or the offender~~  
8 ~~shall have the power to grant probation to an offender anytime up to one~~  
9 ~~hundred twenty days after such offender has been delivered to the department~~  
10 ~~of corrections but not thereafter. The court may request information and a~~  
11 ~~recommendation from the department concerning the offender and such~~  
12 ~~offender's behavior during the period of incarceration. Except as provided in~~  
13 ~~this section, the court may place the offender on probation in a program~~  
14 ~~created pursuant to section 217.777, or may place the offender on probation~~  
15 ~~with any other conditions authorized by law.~~

16 ~~3. The court may recommend placement of an offender in a~~  
17 ~~department of corrections one hundred twenty-day program under this~~  
18 ~~subsection. The department of corrections shall assess each offender to~~  
19 ~~determine the appropriate one hundred twenty-day program in which to place~~  
20 ~~the offender, which may include placement in the structured cognitive~~  
21 ~~behavioral intervention program or institutional treatment program. The~~  
22 ~~placement of an offender in the structured cognitive behavioral intervention~~  
23 ~~program or institutional treatment program shall be at the sole discretion of the~~  
24 ~~department based on the assessment of the offender and available bed space.~~  
25 ~~When the court recommends and receives placement of an offender in a~~  
26 ~~department of corrections one hundred twenty-day program, the offender shall~~  
27 ~~be released on probation if the department of corrections determines that the~~  
28 ~~offender has successfully completed the program except as follows. Upon~~  
29 ~~successful completion of a program under this subsection, the division of~~  
30 ~~probation and parole shall advise the sentencing court of an offender's~~  
31 ~~probationary release date thirty days prior to release. The court shall follow~~  
32 ~~the recommendation of the department unless the court determines that~~  
33 ~~probation is not appropriate. If the court determines that probation is not~~  
34 ~~appropriate, the court may order the execution of the offender's sentence only~~  
35 ~~after conducting a hearing on the matter within ninety to one hundred twenty~~  
36 ~~days from the date the offender was delivered to the department of~~  
37 ~~corrections. If the department determines the offender has not successfully~~  
38 ~~completed a one hundred twenty-day program under this subsection, the~~  
~~division of probation and parole shall advise the prosecuting attorney and the~~

39 ~~sentencing court of the defendant's unsuccessful program exit and the~~  
40 ~~defendant shall be removed from the program. The department shall report~~  
41 ~~on the offender's participation in the program and may provide~~  
42 ~~recommendations for terms and conditions of an offender's probation. The~~  
43 ~~court shall then have the power to grant probation or order the execution of~~  
44 ~~the offender's sentence.~~

45 ~~4. If the court is advised that an offender is not eligible for placement~~  
46 ~~in a one hundred twenty-day program under subsection 3 of this section, the~~  
47 ~~court shall consider other authorized dispositions. If the department of~~  
48 ~~corrections one hundred twenty-day program under subsection 3 of this~~  
49 ~~section is full, the court may place the offender in a private program approved~~  
50 ~~by the department of corrections or the court, the expenses of such program~~  
51 ~~to be paid by the offender, or in an available program offered by another~~  
52 ~~organization. If the offender is convicted of a class C, class D, or class E~~  
53 ~~nonviolent felony, the court may order probation while awaiting appointment~~  
54 ~~to treatment.~~

55 ~~5. Except when the offender has been found to be a predatory sexual~~  
56 ~~offender pursuant to section 566.125, the court shall request the department~~  
57 ~~of corrections to conduct a sexual offender assessment if the defendant has~~  
58 ~~been found guilty of sexual abuse when classified as a class B felony. Upon~~  
59 ~~completion of the assessment, the department shall provide to the court a~~  
60 ~~report on the offender and may provide recommendations for terms and~~  
61 ~~conditions of an offender's probation. The assessment shall not be considered~~  
62 ~~a one hundred twenty-day program as provided under subsection 3 of this~~  
63 ~~section. The process for granting probation to an offender who has completed~~  
64 ~~the assessment shall be as provided under subsections 2 and 6 of this section.~~

65 ~~6. Unless the offender is being granted probation pursuant to~~  
66 ~~successful completion of a one hundred twenty-day program the circuit court~~  
67 ~~shall notify the state in writing when the court intends to grant probation to the~~  
68 ~~offender pursuant to the provisions of this section. The state may, in writing,~~  
69 ~~request a hearing within ten days of receipt of the court's notification that the~~  
70 ~~court intends to grant probation. Upon the state's request for a hearing, the~~  
71 ~~court shall grant a hearing as soon as reasonably possible. If the state does not~~  
72 ~~respond to the court's notice in writing within ten days, the court may proceed~~  
73 ~~upon its own motion to grant probation.~~

74 ~~7. [An offender's first incarceration under this section prior to release~~  
75 ~~on probation shall not be considered a previous prison commitment for the~~  
76 ~~purpose of determining a minimum prison term under the provisions of section~~  
77 ~~558.019.~~

78 ~~8.] Notwithstanding any other provision of law, probation may not be~~  
79 ~~granted pursuant to this section to offenders who have been convicted of~~  
80 ~~murder in the second degree pursuant to section 565.021, forcible rape~~  
81 ~~pursuant to section 566.030 as it existed prior to August 28, 2013; rape in the~~  
82 ~~first degree under section 566.030; forcible sodomy pursuant to section~~

83 ~~566.060 as it existed prior to August 28, 2013; sodomy in the first degree~~  
84 ~~under section 566.060; statutory rape in the first degree pursuant to section~~  
85 ~~566.032; statutory sodomy in the first degree pursuant to section 566.062;~~  
86 ~~child molestation in the first degree pursuant to section 566.067 when~~  
87 ~~classified as a class A felony; abuse of a child pursuant to section 568.060~~  
88 ~~when classified as a class A felony; or an offender who has been found to be~~  
89 ~~a predatory sexual offender pursuant to section 566.125; any offense under~~  
90 ~~section 557.045; or any offense in which there exists a statutory prohibition~~  
91 ~~against either probation or parole.]~~

559.115. 1. Neither probation nor parole shall be granted by the circuit court between  
2 the time the transcript on appeal from the offender's conviction has been filed in appellate court  
3 and the disposition of the appeal by such court.

4 2. Unless otherwise prohibited by subsection [8] 7 of this section, a circuit court only  
5 upon its own motion and not that of the state or the offender shall have the power to grant  
6 probation to an offender anytime up to one hundred twenty days after such offender has been  
7 delivered to the department of corrections but not thereafter. The court may request information  
8 and a recommendation from the department concerning the offender and such offender's  
9 behavior during the period of incarceration. Except as provided in this section, the court may  
10 place the offender on probation in a program created pursuant to section 217.777, or may place  
11 the offender on probation with any other conditions authorized by law.

12 3. The court may recommend placement of an offender in a department of corrections  
13 one hundred twenty-day program under this subsection. The department of corrections shall  
14 assess each offender to determine the appropriate one hundred twenty-day program in which to  
15 place the offender, which may include placement in the structured cognitive behavioral  
16 intervention program or institutional treatment program. The placement of an offender in the  
17 structured cognitive behavioral intervention program or institutional treatment program shall be  
18 at the sole discretion of the department based on the assessment of the offender and available  
19 bed space. When the court recommends and receives placement of an offender in a department  
20 of corrections one hundred twenty-day program, the offender shall be released on probation if  
21 the department of corrections determines that the offender has successfully completed the  
22 program except as follows. Upon successful completion of a program under this subsection, the  
23 division of probation and parole shall advise the sentencing court of an offender's probationary  
24 release date thirty days prior to release. The court shall follow the recommendation of the  
25 department unless the court determines that probation is not appropriate. If the court determines  
26 that probation is not appropriate, the court may order the execution of the offender's sentence  
27 only after conducting a hearing on the matter within ninety to one hundred twenty days from the  
28 date the offender was delivered to the department of corrections. If the department determines

29 the offender has not successfully completed a one hundred twenty-day program under this  
30 subsection, the division of probation and parole shall advise the prosecuting attorney and the  
31 sentencing court of the defendant's unsuccessful program exit and the defendant shall be  
32 removed from the program. The department shall report on the offender's participation in the  
33 program and may provide recommendations for terms and conditions of an offender's probation.  
34 The court shall then have the power to grant probation or order the execution of the offender's  
35 sentence.

36 4. If the court is advised that an offender is not eligible for placement in a one hundred  
37 twenty-day program under subsection 3 of this section, the court shall consider other authorized  
38 dispositions. If the department of corrections one hundred twenty-day program under subsection  
39 3 of this section is full, the court may place the offender in a private program approved by the  
40 department of corrections or the court, the expenses of such program to be paid by the offender,  
41 or in an available program offered by another organization. If the offender is convicted of a class  
42 C, class D, or class E nonviolent felony, the court may order probation while awaiting  
43 appointment to treatment.

44 5. Except when the offender has been found to be a predatory sexual offender pursuant  
45 to section 566.125, the court shall request the department of corrections to conduct a sexual  
46 offender assessment if the defendant has been found guilty of sexual abuse when classified as  
47 a class B felony. Upon completion of the assessment, the department shall provide to the court  
48 a report on the offender and may provide recommendations for terms and conditions of an  
49 offender's probation. The assessment shall not be considered a one hundred twenty-day program  
50 as provided under subsection 3 of this section. The process for granting probation to an offender  
51 who has completed the assessment shall be as provided under subsections 2 and 6 of this section.

52 6. Unless the offender is being granted probation pursuant to successful completion of  
53 a one hundred twenty-day program the circuit court shall notify the state in writing when the  
54 court intends to grant probation to the offender pursuant to the provisions of this section. The  
55 state may, in writing, request a hearing within ten days of receipt of the court's notification that  
56 the court intends to grant probation. Upon the state's request for a hearing, the court shall grant  
57 a hearing as soon as reasonably possible. If the state does not respond to the court's notice in  
58 writing within ten days, the court may proceed upon its own motion to grant probation.

59 ~~7. [An offender's first incarceration under this section prior to release on probation shall~~  
60 ~~not be considered a previous prison commitment for the purpose of determining a minimum~~  
61 ~~prison term under the provisions of section 558.019.~~

62 ~~8.]~~ Notwithstanding any other provision of law, probation may not be granted pursuant  
63 to this section to offenders who have been convicted of murder in the second degree pursuant  
64 to section 565.021; forcible rape pursuant to section 566.030 as it existed prior to August 28,

65 2013; rape in the first degree under section 566.030; forcible sodomy pursuant to section  
 66 566.060 as it existed prior to August 28, 2013; sodomy in the first degree under section 566.060;  
 67 statutory rape in the first degree pursuant to section 566.032; statutory sodomy in the first degree  
 68 pursuant to section 566.062; child molestation in the first degree pursuant to section 566.067  
 69 when classified as a class A felony; abuse of a child pursuant to section 568.060 when classified  
 70 as a class A felony; or an offender who has been found to be a predatory sexual offender  
 71 pursuant to section 566.125; any offense under section 557.045; or any offense in which there  
 72 exists a statutory prohibition against either probation or parole.

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

- 3 (1) "Adequate cause", cause that would reasonably produce a degree of passion in a  
 4 person of ordinary temperament sufficient to substantially impair an ordinary person's capacity  
 5 for self-control;
- 6 (2) **"Bodily harm", physical pain or injury, illness, or any impairment of physical**  
 7 **condition;**
- 8 (3) "Child", a person under [~~seventeen~~] **eighteen** years of age;
- 9 [~~(3)~~] (4) "Conduct", includes any act or omission;
- 10 [~~(4)~~] (5) "Course of conduct", a pattern of conduct composed of two or more acts, which  
 11 may include communication by any means, over a period of time, however short, evidencing a  
 12 continuity of purpose. Constitutionally protected activity is not included within the meaning of  
 13 course of conduct. Such constitutionally protected activity includes picketing or other organized  
 14 protests;
- 15 [~~(5)~~] (6) "Deliberation", cool reflection for any length of time no matter how brief;
- 16 [~~(6)~~] (7) "Domestic victim", a household or family member as the term "family" or  
 17 "household member" is defined in section 455.010, including any child who is a member of the  
 18 household or family;
- 19 [~~(7)~~] (8) "Emotional distress", something markedly greater than the level of uneasiness,  
 20 nervousness, unhappiness, or the like which are commonly experienced in day-to-day living;
- 21 [~~(8)~~] (9) "Full or partial nudity", the showing of all or any part of the human genitals,  
 22 pubic area, buttock, or any part of the nipple of the breast of any female person, with less than  
 23 a fully opaque covering;
- 24 [~~(9)~~] (10) **"Great bodily harm", bodily injury which creates a high probability of**  
 25 **death, or which causes serious permanent or protracted loss or impairment of function of**  
 26 **any bodily member or organ, or other serious bodily harm;**
- 27 (11) "Legal custody", the right to the care, custody and control of a child;
- 28 [~~(10)~~] (12) "Parent", either a biological parent or a parent by adoption;

- 29           ~~[(11)]~~ (13) "Person having a right of custody", a parent or legal guardian of the child;
- 30           ~~[(12)]~~ (14) "Photographs" or "films", the making of any photograph, motion picture film,
- 31 videotape, or any other recording or transmission of the image of a person;
- 32           ~~[(13)]~~ (15) "Place where a person would have a reasonable expectation of privacy", any
- 33 place where a reasonable person would believe that a person could disrobe in privacy, without
- 34 being concerned that the person's undressing was being viewed, photographed or filmed by
- 35 another;
- 36           ~~[(14)]~~ (16) "Special victim", any of the following:
- 37           (a) A law enforcement officer assaulted in the performance of his or her official duties
- 38 or as a direct result of such official duties;
- 39           (b) Emergency personnel, any paid or volunteer firefighter, emergency room, hospital,
- 40 or trauma center personnel, or emergency medical technician, assaulted in the performance of
- 41 his or her official duties or as a direct result of such official duties;
- 42           (c) A probation and parole officer assaulted in the performance of his or her official
- 43 duties or as a direct result of such official duties;
- 44           (d) An elderly person;
- 45           (e) A person with a disability;
- 46           (f) A vulnerable person;
- 47           (g) Any jailer or corrections officer of the state or one of its political subdivisions
- 48 assaulted in the performance of his or her official duties or as a direct result of such official
- 49 duties;
- 50           (h) A highway worker in a construction or work zone as the terms "highway worker",
- 51 "construction zone", and "work zone" are defined under section 304.580;
- 52           (i) Any utility worker, meaning any employee of a utility that provides gas, heat,
- 53 electricity, water, steam, telecommunications services, or sewer services, whether privately,
- 54 municipally, or cooperatively owned, while in the performance of his or her job duties, including
- 55 any person employed under a contract;
- 56           (j) Any cable worker, meaning any employee of a cable operator, as such term is defined
- 57 in section 67.2677, including any person employed under contract, while in the performance of
- 58 his or her job duties; and
- 59           (k) Any employee of a mass transit system, including any employee of public bus or
- 60 light rail companies, while in the performance of his or her job duties;
- 61           ~~[(15)]~~ (17) **"Substantial bodily harm", bodily injury which involves a temporary**
- 62 **but substantial disfigurement, or which causes temporary but substantial loss or**
- 63 **impairment of the function of any bodily member or organ, or which causes a fracture of**
- 64 **any bodily member;**

65 (18) "Sudden passion", passion directly caused by and arising out of provocation by the  
66 victim or another acting with the victim which passion arises at the time of the offense and is not  
67 solely the result of former provocation;

68 ~~[(16)]~~ (19) "Technological abuse conduct", an act or pattern of behavior that is  
69 intended to harm, threaten, intimidate, control, stalk, harass, monitor, except as otherwise  
70 permitted by law, another person, that occurs using any form of technology, including  
71 internet enabled devices, online platforms, computers, mobile devices, cameras and  
72 imaging programs, apps, location tracking devices, or any other emerging technologies;

73 (20) "Trier", the judge or jurors to whom issues of fact, guilt or innocence, or the  
74 assessment and declaration of punishment are submitted for decision;

75 ~~[(17)]~~ (21) "Views", the looking upon of another person, with the unaided eye or with  
76 any device designed or intended to improve visual acuity, for the purpose of arousing or  
77 gratifying the sexual desire of any person.

565.050. 1. A person commits the offense of assault in the first degree if he or she  
2 attempts to kill or knowingly causes or attempts to cause ~~[serious physical injury]~~ **great bodily**  
3 **harm** to another person.

4 2. The offense of assault in the first degree is a class B felony unless in the course  
5 thereof the person inflicts ~~[serious physical injury]~~ **great bodily harm** on the victim, or if the  
6 victim of such assault is a special victim, as the term "special victim" is defined under section  
7 565.002, in which case it is a class A felony.

565.052. 1. A person commits the offense of assault in the second degree if he or she:

2 (1) Attempts to kill or knowingly causes or attempts to cause ~~[serious physical injury]~~  
3 **great bodily harm** to another person under the influence of sudden passion arising out of  
4 adequate cause; or

5 (2) Attempts to cause or knowingly causes ~~[physical injury]~~ **bodily harm** to another  
6 person by means of a deadly weapon or dangerous instrument; or

7 (3) Recklessly causes ~~[serious physical injury]~~ **great bodily harm** to another person;  
8 or

9 (4) Recklessly causes ~~[physical injury]~~ **bodily harm** to another person by means of  
10 discharge of a firearm.

11 2. The defendant shall have the burden of injecting the issue of influence of sudden  
12 passion arising from adequate cause under subdivision (1) of subsection 1 of this section.

13 3. The offense of assault in the second degree is a class D felony, unless the victim of  
14 such assault is a special victim, as the term "special victim" is defined under section 565.002,  
15 in which case it is a class B felony.

2 565.054. 1. A person commits the offense of assault in the third degree if he or she  
3 knowingly causes [~~physical injury~~] **bodily harm** to another person.

4 2. The offense of assault in the third degree is a class E felony, unless the victim of such  
5 assault is a special victim, as the term "special victim" is defined under section 565.002, in  
6 which case it is a class D felony.

7 565.056. 1. A person commits the offense of assault in the fourth degree if:

8 (1) The person attempts to cause or recklessly causes [~~physical injury, physical pain, or~~  
9 ~~illness~~] **bodily harm** to another person;

10 (2) With criminal negligence the person causes [~~physical injury~~] **bodily harm** to another  
11 person by means of a firearm;

12 (3) The person purposely places another person in apprehension of immediate [~~physical~~  
13 ~~injury~~] **bodily harm**;

14 (4) The person recklessly engages in conduct which creates a substantial risk of death  
15 or [~~serious physical injury~~] **great bodily harm** to another person;

16 (5) The person knowingly causes or attempts to cause physical contact with a person  
17 with a disability, which a reasonable person, who does not have a disability, would consider  
18 offensive or provocative; or

19 (6) The person knowingly causes physical contact with another person knowing the  
20 other person will regard the contact as offensive or provocative.

2. Except as provided in subsection 3 of this section, assault in the fourth degree is a  
class A misdemeanor.

3. Violation of the provisions of subdivision (3) or (6) of subsection 1 of this section is  
a class C misdemeanor unless the victim is a special victim, as the term "special victim" is  
defined under section 565.002, in which case a violation of such provisions is a class A  
misdemeanor.

565.072. 1. A person commits the offense of domestic assault in the first degree if he  
or she attempts to kill or knowingly causes or attempts to cause [~~serious physical injury~~] **great**  
**bodily harm** to a domestic victim, as the term "domestic victim" is defined under section  
565.002.

2. The offense of domestic assault in the first degree is a class B felony unless in the  
course thereof the person inflicts serious physical injury on the victim, in which case it is a class  
A felony.

565.073. 1. A person commits the offense of domestic assault in the second degree if  
the act involves a domestic victim, as the term "domestic victim" is defined under section  
565.002, and he or she:

(1) Knowingly causes [~~physical injury~~] **bodily harm** to such domestic victim by any

5 means, including but not limited to, use of a deadly weapon or dangerous instrument, or by  
6 choking or strangulation; or

7 (2) Recklessly causes [~~serious physical injury~~] **great bodily harm** to such domestic  
8 victim; or

9 (3) Recklessly causes [~~physical injury~~] **bodily harm** to such domestic victim by means  
10 of any deadly weapon.

11 2. The offense of domestic assault in the second degree is a class D felony.

565.074. 1. A person commits the offense of domestic assault in the third degree if he  
2 or she attempts to cause [~~physical injury~~] **substantial bodily harm** or knowingly causes  
3 [~~physical pain or illness~~] **bodily harm** to a domestic victim, as the term "domestic victim" is  
4 defined under section 565.002.

5 2. The offense of domestic assault in the third degree is a class E felony.

565.076. 1. A person commits the offense of domestic assault in the fourth degree if the  
2 act involves a domestic victim, as the term "domestic victim" is defined under section 565.002,  
3 and:

4 (1) The person attempts to cause or recklessly causes [~~physical injury, physical pain, or~~  
5 ~~illness~~] **bodily harm** to such domestic victim;

6 (2) With criminal negligence the person causes [~~physical injury~~] **bodily harm** to such  
7 domestic victim by means of a deadly weapon or dangerous instrument;

8 (3) The person purposely places such domestic victim in apprehension of immediate  
9 [~~physical injury~~] **bodily harm** by any means;

10 (4) The person recklessly engages in conduct which creates a substantial risk of death  
11 or [~~serious physical injury~~] **great bodily harm** to such domestic victim;

12 (5) The person knowingly causes physical contact with such domestic victim knowing  
13 he or she will regard the contact as offensive; or

14 (6) The person knowingly attempts to cause or causes the isolation of such domestic  
15 victim by unreasonably and substantially restricting or limiting his or her access to other  
16 persons, telecommunication devices or transportation for the purpose of isolation.

17 2. The offense of domestic assault in the fourth degree is a class A misdemeanor, unless  
18 the person has previously been found guilty of the offense of domestic assault, of any assault  
19 offense under this chapter, or of any offense against a domestic victim committed in violation  
20 of any county or municipal ordinance in any state, any state law, any federal law, or any military  
21 law which if committed in this state two or more times would be a violation of this section, in  
22 which case it is a class E felony. The offenses described in this subsection may be against the  
23 same domestic victim or against different domestic victims.

565.090. 1. A person commits the offense of harassment in the first degree if he or she, without good cause, engages in any act with the purpose to cause emotional distress to another person, and such act does cause such person to suffer emotional distress.

2. The offense of harassment in the first degree is a class E felony, **unless the defendant has previously been found guilty of a violation of this section or section 565.091, or any offense committed in another jurisdiction which, if committed in this state, would be chargeable or indictable as a violation of any offense listed in this section or section 565.091, in which case harassment in the first degree is a class D felony.**

3. This section shall not apply to activities of federal, state, county, or municipal law enforcement officers conducting investigations of violation of federal, state, county, or municipal law.

565.091. 1. A person commits the offense of harassment in the second degree if he or she, without good cause, engages in any act with the purpose to cause emotional distress to another person.

2. The offense of harassment in the second degree is a class A misdemeanor, unless the ~~[person has previously pleaded guilty to or been found guilty of a violation of this section, of any offense committed in violation of any county or municipal ordinance in any state, any state law, any federal law, or any military law which if committed in this state would be chargeable or indictable as a violation of any offense listed in this subsection, in which case it is a class E felony]~~ **defendant has previously been found guilty of a violation of this section or section 565.090, or of any offense committed in another jurisdiction which, if committed in this state, would be chargeable or indictable as a violation of any offense listed in this section or section 565.090, in which case harassment in the second degree is a class E felony.**

3. This section shall not apply to activities of federal, state, county, or municipal law enforcement officers conducting investigations of violations of federal, state, county, or municipal law.

565.225. 1. ~~[As used in this section and section 565.227, the term "disturbs" shall mean to engage in a course of conduct directed at a specific person that serves no legitimate purpose and that would cause a reasonable person under the circumstances to be frightened, intimidated, or emotionally distressed.~~

~~2.]~~ A person commits the offense of stalking in the first degree if he or she ~~[purposely]~~ **knowingly**, through ~~[his or her]~~ a course of conduct~~[-disturbs or follows with the intent of disturbing]~~ **that is directed at another person [and] or through technological abuse conduct, engages in conduct that would cause a reasonable person under similar circumstances to:**

(1) ~~[Makes a threat communicated with the intent to cause the person who is the target of the threat to reasonably]~~ Fear ~~[for his or her safety, the safety of his or her family or~~

11 household member, or the safety of domestic animals or livestock as defined in section 276.606  
 12 kept at such person's residence or on such person's property. The threat shall be against the life  
 13 of, or a threat to cause physical] **death or bodily** injury to[, or the kidnapping of] the person[;]  
 14 ;

15 **(2) Fear that an offense will be committed against a member of the person's family**  
 16 or household members, or [~~the person's domestic animals or livestock as defined in section~~  
 17 ~~276.606 kept at such person's residence or on such person's property]~~ **an individual with whom**  
 18 **the person has a dating relationship; [or**

19 ~~(2) At least one of the acts constituting the course of conduct is in violation of an order~~  
 20 ~~of protection and the person has received actual notice of such order, or]~~

21 ~~(3) [At least one of the actions constituting the course of conduct is in violation of a~~  
 22 ~~condition of probation, parole, pretrial release, or release on bond pending appeal]~~ **Fear that an**  
 23 **offense will be committed against the person's property; or**

24 ~~(4) [At any time during the course of conduct, the other person is seventeen years of age~~  
 25 ~~or younger and the person disturbing the other person is twenty-one years of age or older, or~~

26 ~~(5) He or she has previously been found guilty of domestic assault, violation of an order~~  
 27 ~~of protection, or any other crime where the other person was the victim, or~~

28 ~~(6) At any time during the course of conduct, the other person is a participant of the~~  
 29 ~~address confidentiality program under sections 589.660 to 589.681, and the person disturbing~~  
 30 ~~the other person knowingly accesses or attempts to access the address of the other person]~~ **Feel**  
 31 **harassed, terrified, or intimidated.**

32 ~~[3-]~~ **2.** Any law enforcement officer may arrest, without a warrant, any person he or she  
 33 has probable cause to believe has violated the provisions of this section.

34 ~~[4-]~~ **3.** This section shall not apply to activities of federal, state, county, or municipal law  
 35 enforcement officers conducting investigations of any violation of federal, state, county, or  
 36 municipal law.

37 ~~[5-]~~ **4.** The offense of stalking in the first degree is a class E felony, unless the defendant  
 38 has previously been found guilty of a violation of this section or section 565.227, or any offense  
 39 committed in another jurisdiction which, if committed in this state, would be chargeable or  
 40 indictable as a violation of any offense listed in this section or section 565.227, or unless the  
 41 victim is intentionally targeted as a law enforcement officer, as defined in section 556.061, or  
 42 the victim is targeted because he or she is a relative within the second degree of consanguinity  
 43 or affinity to a law enforcement officer, in which case stalking in the first degree is a class D  
 44 felony.

565.227. 1. A person commits the offense of stalking in the second degree if he or she  
 2 [~~purposely, through his or her course of]~~ **knowingly engages in a course of conduct**[, disturbs,

3 ~~or follows with the intent to disturb another person]~~ **directed at a specific person or**  
4 **technological abuse conduct which would cause a reasonable person under the**  
5 **circumstances to feel harassed, terrified, or intimidated.**

6         2. This section shall not apply to activities of federal, state, county, or municipal law  
7 enforcement officers conducting investigations of any violation of federal, state, county, or  
8 municipal law.

9         3. Any law enforcement officer may arrest, without a warrant, any person he or she has  
10 probable cause to believe has violated the provisions of this section.

11         4. The offense of stalking in the second degree is a class A misdemeanor, unless the  
12 defendant has previously been found guilty of a violation of this section or section 565.225, or  
13 of any offense committed in another jurisdiction which, if committed in this state, would be  
14 chargeable or indictable as a violation of any offense listed in this section or section 565.225,  
15 or unless the victim is intentionally targeted as a law enforcement officer, as defined in section  
16 556.061, or the victim is targeted because he or she is a relative within the second degree of  
17 consanguinity or affinity to a law enforcement officer, in which case stalking in the second  
18 degree is a class E felony.

**565.260. 1. Except as provided in subsection 2 of this section, a person commits the**  
2 **offense of unlawful tracking of a motor vehicle if the person knowingly installs, conceals,**  
3 **or otherwise places an electronic tracking device in or on a motor vehicle without the**  
4 **consent of all owners of the vehicle for the purpose of monitoring or following an occupant**  
5 **or occupants of the vehicle. As used in this section, "person" does not include the**  
6 **manufacturer of the motor vehicle.**

7         **2. (1) It shall not be an offense under this section if the installing, concealing, or**  
8 **placing of an electronic tracking device in or on a motor vehicle is by, or at the direction**  
9 **of, a law enforcement officer in furtherance of a criminal investigation and such**  
10 **investigation is carried out in accordance with applicable state and federal law.**

11         **(2) If the installing, concealing, or placing of an electronic tracking device in or on**  
12 **a motor vehicle is by, or at the direction of, a parent or legal guardian who owns or leases**  
13 **the vehicle, and if the device is used solely for the purpose of monitoring the minor child**  
14 **of the parent or legal guardian when the child is an occupant of the vehicle, the installation,**  
15 **concealment, or placement of the device in or on the vehicle without the consent of any or**  
16 **all occupants of the vehicle shall not be an offense under this section.**

17         **(3) It shall not be an offense under this section if the installing, concealing, or**  
18 **placing of an electronic tracking device in or on a motor vehicle is for the purpose of**  
19 **tracking the location of stolen goods being transported in the vehicle or for the purpose of**  
20 **tracking the location of the vehicle if the motor vehicle is stolen.**

21           **(4) It shall not be an offense under this section if the installing, concealing, or**  
22 **placing of an electronic tracking device in or on a motor vehicle is by a legally authorized**  
23 **representative of a vulnerable adult. As used in this subdivision, "vulnerable adult" means**  
24 **any person eighteen years of age or older who is impaired by reason of mental illness,**  
25 **intellectual or developmental disability, physical illness or disability, or other causes,**  
26 **including age, to the extent the adult lacks sufficient understanding or capacity to make,**  
27 **communicate, or carry out reasonable decisions concerning his or her well-being or has**  
28 **one or more limitations that substantially impair the adult's ability to independently**  
29 **provide for his or her daily needs or safeguard his or her person, property, or legal**  
30 **interests.**

31           **(5) If the installing, concealing, or placing of an electronic tracking device in or on**  
32 **a motor vehicle is by, or at the direction of, a person who obtains consent from all owners**  
33 **of the vehicle, the installation, concealment, or placement of the device in or on the vehicle**  
34 **shall not be an offense under this section.**

35           **(6) It shall not be an offense under this section if the installing, concealing, or**  
36 **placing of an electronic tracking device in or on a motor vehicle is by a vehicle rental,**  
37 **sharing, or leasing company that rents motor vehicles for the purpose of tracking or**  
38 **managing the motor vehicles owned by such company or providing services to customers.**

39           **(7) It shall not be an offense under this section if the installing, concealing, or**  
40 **placing of an electronic tracking device in or on a motor vehicle is by a lienholder or agent**  
41 **of a lienholder acting to track the movement or location of a motor vehicle in order to**  
42 **repossess the motor vehicle.**

43           **(8) It shall not be an offense under this section if the installing, concealing, or**  
44 **placing of an electronic tracking device in or on a motor vehicle is for any party to**  
45 **participate in a voluntary usage-based insurance program. "Voluntary usage-based**  
46 **insurance program" shall mean any program implemented by, or on behalf of, an**  
47 **insurance company that collects, records, or transmits information relating to driving**  
48 **behavior of an insured party.**

49           **3. The provisions of this section shall not apply to a tracking system installed by the**  
50 **manufacturer of a motor vehicle.**

51           **4. The offense of unlawful tracking of a motor vehicle is a class A misdemeanor for**  
52 **a first offense and a class E felony for any second or subsequent offense.**

**565.400. 1. A person commits the offense of cyberharassment if such person**  
2 **purposely or knowingly engages in a threatening, aggressive, or otherwise fear-inducing,**  
3 **course of conduct by using digital technology, internet service providers, electronic service**

4 providers or other electronic communications and devices to cause reasonable fear, alarm,  
5 anxiety, undue stress, or terror to others by repeated contact with no legitimate purpose.

6 2. The first offense of cyberharassment shall be a class B misdemeanor. A second  
7 and any subsequent offense shall be a class A misdemeanor.

565.405. 1. A person commits the offense of cyberstalking if such person purposely  
2 or knowingly engages in a threatening, aggressive, or otherwise fear-inducing, course of  
3 conduct by using digital technology, internet service providers, electronic service providers  
4 or other electronic communications and devices to enhance the ability to intimidate, track,  
5 follow or cause reasonable fear, alarm, anxiety, undue stress, or terror to another person.

6 2. The first offense of cyberstalking shall be a class A misdemeanor. A second and  
7 any subsequent offense shall be a class E felony.

~~566.030. 1. A person commits the offense of rape in the first degree  
2 if he or she has sexual intercourse with another person who is incapacitated,  
3 incapable of consent, or lacks the capacity to consent, or by the use of forcible  
4 compulsion. Forcible compulsion includes the use of a substance  
5 administered without a victim's knowledge or consent which renders the  
6 victim physically or mentally impaired so as to be incapable of making an  
7 informed consent to sexual intercourse.~~

~~2. The offense of rape in the first degree or an attempt to commit rape  
9 in the first degree is a class A felony for which the authorized term of  
10 imprisonment is life imprisonment or a term of years not less than [five] ten  
11 years, not to exceed thirty years, unless:~~

~~(1) The offense is an aggravated sexual offense, in which case the  
12 authorized term of imprisonment is life imprisonment as defined in section  
13 558.011 or [a term of years not less than fifteen years] life imprisonment  
14 without eligibility for probation or parole;~~

~~(2) The person is a persistent or predatory sexual offender as defined  
16 in section 566.125 and subjected to an extended term of imprisonment under  
17 said section;~~

~~(3) The victim is a child less than twelve years of age, in which case  
19 the required term of imprisonment is life imprisonment as defined in section  
20 558.011 or life imprisonment without eligibility for probation or parole [until  
21 the offender has served not less than thirty years of such sentence or unless the  
22 offender has reached the age of seventy-five years and has served at least  
23 fifteen years of such sentence, unless such rape in the first degree is described  
24 under subdivision (4) of this subsection]; or~~

~~(4) The victim is a child less than twelve years of age and such rape  
26 in the first degree or attempt to commit rape in the first degree was  
27 outrageously or wantonly vile, horrible or inhumane, in that it involved torture  
28 or depravity of mind, in which case the required term of imprisonment is life  
29 imprisonment without eligibility for probation, parole or conditional release.~~

31 3. ~~[Subsection 4 of section 558.019 shall not apply to the sentence of~~

32 ~~a person who has been found guilty of rape in the first degree or attempt to~~  
33 ~~commit rape in the first degree when the victim is less than twelve years of~~  
34 ~~age, and "life imprisonment" shall mean imprisonment for the duration of a~~  
35 ~~person's natural life for the purposes of this section.~~

36 ~~4.] No person found guilty of rape in the first degree or an attempt to~~  
37 ~~commit rape in the first degree shall be granted a suspended imposition of~~  
38 ~~sentence or suspended execution of sentence.]~~

566.030. 1. A person commits the offense of rape in the first degree if he or she has  
2 sexual intercourse with another person who is incapacitated, incapable of consent, or lacks the  
3 capacity to consent, or by the use of forcible compulsion. Forcible compulsion includes the use  
4 of a substance administered without a victim's knowledge or consent which renders the victim  
5 physically or mentally impaired so as to be incapable of making an informed consent to sexual  
6 intercourse.

7 2. The offense of rape in the first degree or an attempt to commit rape in the first degree  
8 is a **class A** felony for which the authorized term of imprisonment is life imprisonment or a term  
9 of years not less than ~~[five]~~ **ten years, not to exceed thirty years**, unless:

10 (1) The offense is an aggravated sexual offense, in which case the authorized term of  
11 imprisonment is life imprisonment **as defined in section 558.011** or ~~[a term of years not less~~  
12 ~~than fifteen years]~~ **life imprisonment without eligibility for probation or parole;**

13 (2) The person is a persistent or predatory sexual offender as defined in section 566.125  
14 and subjected to an extended term of imprisonment under said section;

15 (3) The victim is a child less than twelve years of age, in which case the required term  
16 of imprisonment is life imprisonment **as defined in section 558.011 or life imprisonment**  
17 **without eligibility for probation or parole** ~~[until the offender has served not less than thirty years~~  
18 ~~of such sentence or unless the offender has reached the age of seventy-five years and has served~~  
19 ~~at least fifteen years of such sentence, unless such rape in the first degree is described under~~  
20 ~~subdivision (4) of this subsection]; or~~

21 (4) The victim is a child less than twelve years of age and such rape in the first degree  
22 or attempt to commit rape in the first degree was outrageously or wantonly vile, horrible or  
23 inhumane, in that it involved torture or depravity of mind, in which case the required term of  
24 imprisonment is life imprisonment without eligibility for probation, parole or conditional release.

25 3. ~~[Subsection 4 of section 558.019 shall not apply to the sentence of a person who has~~  
26 ~~been found guilty of rape in the first degree or attempt to commit rape in the first degree when~~  
27 ~~the victim is less than twelve years of age, and "life imprisonment" shall mean imprisonment for~~  
28 ~~the duration of a person's natural life for the purposes of this section.~~

29 ~~4.] No person found guilty of rape in the first degree or an attempt to commit rape in the~~  
30 ~~first degree shall be granted a suspended imposition of sentence or suspended execution of~~

31 sentence.

566.032. 1. A person commits the offense of statutory rape in the first degree if he or she has sexual intercourse with another person who is less than fourteen years of age.

2. The offense of statutory rape in the first degree or an attempt to commit statutory rape in the first degree is a felony for which the authorized term of imprisonment is life imprisonment or a term of years not less than ~~[five]~~ **ten** years, unless:

(1) The offense is an aggravated sexual offense, or the victim is less than twelve years of age in which case the authorized term of imprisonment is life imprisonment or a term of years not less than ~~[ten]~~ **fifteen** years; or

(2) The person is a persistent or predatory sexual offender as defined in section 566.125 and subjected to an extended term of imprisonment under said section.

~~[566.060. 1. A person commits the offense of sodomy in the first degree if he or she has deviate sexual intercourse with another person who is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse.~~

~~2. The offense of sodomy in the first degree or an attempt to commit sodomy in the first degree is a felony for which the authorized term of imprisonment is life imprisonment or a term of years not less than five years, unless:~~

~~(1) The offense is an aggravated sexual offense, in which case the authorized term of imprisonment is life imprisonment or a term of years not less than ten years;~~

~~(2) The person is a persistent or predatory sexual offender as defined in section 566.125 and subjected to an extended term of imprisonment under said section;~~

~~(3) The victim is a child less than twelve years of age, in which case the required term of imprisonment is life imprisonment **as defined in section 558.011 or life imprisonment** without eligibility for probation or parole [until the offender has served not less than thirty years of such sentence or unless the offender has reached the age of seventy-five years and has served at least fifteen years of such sentence, unless such sodomy in the first degree is described under subdivision (4) of this subsection]; or~~

~~(4) The victim is a child less than twelve years of age and such sodomy in the first degree or attempt to commit sodomy in the first degree was outrageously or wantonly vile, horrible or inhumane, in that it involved torture or depravity of mind, in which case the required term of imprisonment is life imprisonment without eligibility for probation, parole or conditional release.~~

~~3. [Subsection 4 of section 558.019 shall not apply to the sentence of~~

32 a person who has been found guilty of sodomy in the first degree or an attempt  
33 to commit sodomy in the first degree when the victim is less than twelve years  
34 of age, and "life imprisonment" shall mean imprisonment for the duration of  
35 a person's natural life for the purposes of this section.

36 ~~4.] No person found guilty of sodomy in the first degree or an attempt~~  
37 ~~to commit sodomy in the first degree shall be granted a suspended imposition~~  
38 ~~of sentence or suspended execution of sentence.]~~

566.060. 1. A person commits the offense of sodomy in the first degree if he or she has  
2 deviate sexual intercourse with another person who is incapacitated, incapable of consent, or  
3 lacks the capacity to consent, or by the use of forcible compulsion. Forcible compulsion  
4 includes the use of a substance administered without a victim's knowledge or consent which  
5 renders the victim physically or mentally impaired so as to be incapable of making an informed  
6 consent to sexual intercourse.

7 2. The offense of sodomy in the first degree or an attempt to commit sodomy in the first  
8 degree is a felony for which the authorized term of imprisonment is life imprisonment or a term  
9 of years not less than five years, unless:

10 (1) The offense is an aggravated sexual offense, in which case the authorized term of  
11 imprisonment is life imprisonment or a term of years not less than ten years;

12 (2) The person is a persistent or predatory sexual offender as defined in section 566.125  
13 and subjected to an extended term of imprisonment under said section;

14 (3) The victim is a child less than twelve years of age, in which case the required term  
15 of imprisonment is life imprisonment **as defined in section 558.011 or life imprisonment**  
16 **without eligibility for probation or parole** ~~[until the offender has served not less than thirty years~~  
17 ~~of such sentence or unless the offender has reached the age of seventy-five years and has served~~  
18 ~~at least fifteen years of such sentence, unless such sodomy in the first degree is described under~~  
19 ~~subdivision (4) of this subsection];~~ or

20 (4) The victim is a child less than twelve years of age and such sodomy in the first  
21 degree or attempt to commit sodomy in the first degree was outrageously or wantonly vile,  
22 horrible or inhumane, in that it involved torture or depravity of mind, in which case the required  
23 term of imprisonment is life imprisonment without eligibility for probation, parole or conditional  
24 release.

25 3. ~~[Subsection 4 of section 558.019 shall not apply to the sentence of a person who has~~  
26 ~~been found guilty of sodomy in the first degree or an attempt to commit sodomy in the first~~  
27 ~~degree when the victim is less than twelve years of age, and "life imprisonment" shall mean~~  
28 ~~imprisonment for the duration of a person's natural life for the purposes of this section.~~

29 ~~4.] No person found guilty of sodomy in the first degree or an attempt to commit sodomy~~  
30 ~~in the first degree shall be granted a suspended imposition of sentence or suspended execution~~

31 of sentence.

566.103. 1. A person or entity commits the offense of promoting online sexual solicitation if such person or entity knowingly permits a web-based classified service owned or operated by such person or entity to be used by individuals to post advertisements promoting prostitution, enticing a child to engage in sexual conduct, or promoting sexual trafficking of a child after receiving notice under this section.

2. As used in this section, the term "web-based classified service" means a person or entity in whose name a specific URL or internet domain name is registered which has advertisements for goods and services or personal advertisements.

3. An advertisement may be deemed to promote prostitution, entice a child to engage in sexual conduct, or promote sexual trafficking of a child, if the content of such advertisement would be interpreted by a reasonable person as offering to exchange sexual conduct for goods or services in violation of chapter 567, as seeking a child for the purpose of sexual conduct or commercial sex act, or as offering a child as a participant in sexual conduct or commercial sex act in violation of section 566.151, 566.210, or 566.211.

4. It shall be prima facie evidence that a person or entity acts knowingly if an advertisement is not removed from the web-based classified service within seventy-two hours of that person or entity being notified that an advertisement has been posted on that service which is prohibited under this section.

5. Notice under this section may be provided by certified mail or facsimile transmission by the attorney general or any prosecuting attorney or circuit attorney.

6. A violation of this section shall be a **class E** felony, punishable by **imprisonment or** a fine in the amount of five thousand dollars per day that the advertisement remains posted on the web-based classified service after seventy-two hours of when notice has been provided pursuant to this section, **or by both such fine and imprisonment.**

7. Original jurisdiction for prosecution of a violation of this section shall be with the local prosecuting attorney or circuit attorney.

~~[566.125. 1. The court shall sentence a person to an extended term of imprisonment if it finds the defendant is a persistent sexual offender and has been found guilty of attempting to commit or committing the following offenses:~~

- ~~(1) Statutory rape in the first degree or statutory sodomy in the first degree;~~
- ~~(2) Rape in the first degree or sodomy in the first degree;~~
- ~~(3) Forcible rape;~~
- ~~(4) Forcible sodomy;~~
- ~~(5) Rape;~~
- ~~(6) Sodomy.~~

12           2. ~~A "persistent sexual offender" is one who has previously been~~  
13 ~~found guilty of attempting to commit or committing any of the offenses listed~~  
14 ~~in subsection 1 of this section or one who has previously been found guilty of~~  
15 ~~an offense in any other jurisdiction which would constitute any of the offenses~~  
16 ~~listed in subsection 1 of this section.~~

17           3. ~~The term of imprisonment for one found to be a persistent sexual~~  
18 ~~offender shall be imprisonment for life without eligibility for probation or~~  
19 ~~parole. [Subsection 4 of section 558.019 shall not apply to any person~~  
20 ~~imprisoned under this subsection, and] "Imprisonment for life" shall mean~~  
21 ~~imprisonment for the duration of the person's natural life.~~

22           4. ~~The court shall sentence a person to an extended term of~~  
23 ~~imprisonment as provided for in this section if it finds the defendant is a~~  
24 ~~predatory sexual offender and has been found guilty of committing or~~  
25 ~~attempting to commit any of the offenses listed in subsection 1 of this section~~  
26 ~~or committing child molestation in the first or second degree or sexual abuse~~  
27 ~~when classified as a class B felony.~~

28           5. ~~For purposes of this section, a "predatory sexual offender" is a~~  
29 ~~person who:~~

30           (1) ~~Has previously been found guilty of committing or attempting to~~  
31 ~~commit any of the offenses listed in subsection 1 of this section, or~~  
32 ~~committing child molestation in the first or second degree, or sexual abuse~~  
33 ~~when classified as a class B felony; or~~

34           (2) ~~Has previously committed an act which would constitute an~~  
35 ~~offense listed in subsection 4 of this section, whether or not the act resulted in~~  
36 ~~a conviction; or~~

37           (3) ~~Has committed an act or acts against more than one victim which~~  
38 ~~would constitute an offense or offenses listed in subsection 4 of this section,~~  
39 ~~whether or not the defendant was charged with an additional offense or~~  
40 ~~offenses as a result of such act or acts.~~

41           6. ~~A person found to be a predatory sexual offender shall be~~  
42 ~~imprisoned for life with eligibility for parole]; however subsection 4 of section~~  
43 ~~558.019 shall not apply to persons found to be predatory sexual offenders for~~  
44 ~~the purposes of determining the minimum prison term or the length of~~  
45 ~~sentence as defined or used in such subsection]. Notwithstanding any other~~  
46 ~~provision of law, in no event shall a person found to be a predatory sexual~~  
47 ~~offender receive a final discharge from parole.~~

48           7. ~~Notwithstanding any other provision of law, the court shall set the~~  
49 ~~minimum time required to be served before a predatory sexual offender is~~  
50 ~~eligible for parole, conditional release or other early release by the department~~  
51 ~~of corrections. The minimum time to be served by a person found to be a~~  
52 ~~predatory sexual offender who:~~

53           (1) ~~Has previously been found guilty of committing or attempting to~~  
54 ~~commit any of the offenses listed in subsection 1 of this section and is found~~  
55 ~~guilty of committing or attempting to commit any of the offenses listed in~~

56 subsection 1 of this section shall be any number of years but not less than  
57 thirty years;

58 (2) ~~Has previously been found guilty of child molestation in the first~~  
59 ~~or second degree, or sexual abuse when classified as a class B felony and is~~  
60 ~~found guilty of attempting to commit or committing any of the offenses listed~~  
61 ~~in subsection 1 of this section shall be any number of years but not less than~~  
62 ~~fifteen years;~~

63 (3) ~~Has previously been found guilty of committing or attempting to~~  
64 ~~commit any of the offenses listed in subsection 1 of this section, or~~  
65 ~~committing child molestation in the first or second degree, or sexual abuse~~  
66 ~~when classified as a class B felony shall be any number of years but not less~~  
67 ~~than fifteen years;~~

68 (4) ~~Has previously been found guilty of child molestation in the first~~  
69 ~~degree or second degree, or sexual abuse when classified as a class B felony,~~  
70 ~~and is found guilty of child molestation in the first or second degree, or sexual~~  
71 ~~abuse when classified as a class B felony shall be any number of years but not~~  
72 ~~less than fifteen years;~~

73 (5) ~~Is found to be a predatory sexual offender pursuant to subdivision~~  
74 ~~(2) or (3) of subsection 5 of this section shall be any number of years within~~  
75 ~~the range to which the person could have been sentenced pursuant to the~~  
76 ~~applicable law if the person was not found to be a predatory sexual offender.~~

77 8. ~~Notwithstanding any provision of law to the contrary, the~~  
78 ~~department of corrections, or any division thereof, may not furlough an~~  
79 ~~individual found to be and sentenced as a persistent sexual offender or a~~  
80 ~~predatory sexual offender.]~~

566.125. 1. The court shall sentence a person to an extended term of imprisonment if  
2 it finds the defendant is a persistent sexual offender and has been found guilty of attempting to  
3 commit or committing the following offenses:

- 4 (1) Statutory rape in the first degree or statutory sodomy in the first degree;
- 5 (2) Rape in the first degree or sodomy in the first degree;
- 6 (3) Forcible rape;
- 7 (4) Forcible sodomy;
- 8 (5) Rape;
- 9 (6) Sodomy.

10 2. A "persistent sexual offender" is one who has previously been found guilty of  
11 attempting to commit or committing any of the offenses listed in subsection 1 of this section or  
12 one who has previously been found guilty of an offense in any other jurisdiction which would  
13 constitute any of the offenses listed in subsection 1 of this section.

14 3. The term of imprisonment for one found to be a persistent sexual offender shall be  
15 imprisonment for life without eligibility for probation or parole. ~~[Subsection 4 of section~~

16 ~~558.019 shall not apply to any person imprisoned under this subsection, and]~~ "Imprisonment for  
17 life" shall mean imprisonment for the duration of the person's natural life.

18 4. The court shall sentence a person to an extended term of imprisonment as provided  
19 for in this section if it finds the defendant is a predatory sexual offender and has been found  
20 guilty of committing or attempting to commit any of the offenses listed in subsection 1 of this  
21 section or committing child molestation in the first or second degree or sexual abuse when  
22 classified as a class B felony.

23 5. For purposes of this section, a "predatory sexual offender" is a person who:

24 (1) Has previously been found guilty of committing or attempting to commit any of the  
25 offenses listed in subsection 1 of this section, or committing child molestation in the first or  
26 second degree, or sexual abuse when classified as a class B felony; or

27 (2) Has previously committed an act which would constitute an offense listed in  
28 subsection 4 of this section, whether or not the act resulted in a conviction; or

29 (3) Has committed an act or acts against more than one victim which would constitute  
30 an offense or offenses listed in subsection 4 of this section, whether or not the defendant was  
31 charged with an additional offense or offenses as a result of such act or acts.

32 6. A person found to be a predatory sexual offender shall be imprisoned for life with  
33 eligibility for parole~~]; however subsection 4 of section 558.019 shall not apply to persons found~~  
34 ~~to be predatory sexual offenders for the purposes of determining the minimum prison term or~~  
35 ~~the length of sentence as defined or used in such subsection]~~. Notwithstanding any other  
36 provision of law, in no event shall a person found to be a predatory sexual offender receive a  
37 final discharge from parole.

38 7. Notwithstanding any other provision of law, the court shall set the minimum time  
39 required to be served before a predatory sexual offender is eligible for parole, conditional release  
40 or other early release by the department of corrections. The minimum time to be served by a  
41 person found to be a predatory sexual offender who:

42 (1) Has previously been found guilty of committing or attempting to commit any of the  
43 offenses listed in subsection 1 of this section and is found guilty of committing or attempting to  
44 commit any of the offenses listed in subsection 1 of this section shall be any number of years but  
45 not less than thirty years;

46 (2) Has previously been found guilty of child molestation in the first or second degree,  
47 or sexual abuse when classified as a class B felony and is found guilty of attempting to commit  
48 or committing any of the offenses listed in subsection 1 of this section shall be any number of  
49 years but not less than fifteen years;

50 (3) Has previously been found guilty of committing or attempting to commit any of the  
51 offenses listed in subsection 1 of this section, or committing child molestation in the first or

52 second degree, or sexual abuse when classified as a class B felony shall be any number of years  
53 but not less than fifteen years;

54 (4) Has previously been found guilty of child molestation in the first degree or second  
55 degree, or sexual abuse when classified as a class B felony, and is found guilty of child  
56 molestation in the first or second degree, or sexual abuse when classified as a class B felony  
57 shall be any number of years but not less than fifteen years;

58 (5) Is found to be a predatory sexual offender pursuant to subdivision (2) or (3) of  
59 subsection 5 of this section shall be any number of years within the range to which the person  
60 could have been sentenced pursuant to the applicable law if the person was not found to be a  
61 predatory sexual offender.

62 8. Notwithstanding any provision of law to the contrary, the department of corrections,  
63 or any division thereof, may not furlough an individual found to be and sentenced as a persistent  
64 sexual offender or a predatory sexual offender.

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

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

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

5 (3) By blackmail;

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

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

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

13 3. The offense of abuse through forced labor is a felony punishable by imprisonment for  
14 a term of years not less than five years and not more than twenty years and a fine not to exceed  
15 two hundred fifty thousand dollars.

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

566.209. 1. A person commits the ~~[crime]~~ offense of trafficking for the purposes of  
2 sexual exploitation if a person knowingly recruits, entices, harbors, transports, provides,  
3 advertises the availability of or obtains by any means, including but not limited to through the

4 use of force, **intoxicating or inhibiting substances**, abduction, coercion, fraud, deception,  
 5 blackmail, or causing or threatening to cause financial harm, another person for the use or  
 6 employment of such person in a commercial sex act, sexual conduct, a sexual performance, or  
 7 the production of explicit sexual material as defined in section 573.010, without his or her  
 8 consent, or benefits, financially or by receiving anything of value, from participation in such  
 9 activities.

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

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

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

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

~~(3) Advertises the availability of a person under the age of fourteen  
 12 to participate in a commercial sex act, a sexual performance, or the production  
 13 of explicit sexual material as defined in section 573.010.~~

~~2. It shall not be a defense that the defendant believed that the person  
 14 was fourteen years of age or older.~~

~~3. The offense of sexual trafficking of a child in the first degree is a  
 15 felony for which the authorized term of imprisonment is life imprisonment  
 16 without eligibility for probation or parole until the offender has served not less  
 17 than thirty years of such sentence. [Subsection 4 of section 558.019 shall not  
 18 apply to the sentence of a person who has been found guilty of sexual  
 19 trafficking of a child less than fourteen years of age, and "life imprisonment"  
 20 shall mean imprisonment for the duration of a person's natural life for the  
 21 purposes of this section.]~~

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

(1) Recruits, entices, harbors, transports, provides, or obtains by any means, including

4 but not limited to through the use of force, abduction, coercion, fraud, deception, blackmail, or  
5 causing or threatening to cause financial harm, a person under the age of fourteen to participate  
6 in a commercial sex act, a sexual performance, or the production of explicit sexual material as  
7 defined in section 573.010, or benefits, financially or by receiving anything of value, from  
8 participation in such activities;

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

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

15 2. It shall not be a defense that the defendant believed that the person was fourteen years  
16 of age or older.

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

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

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

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

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

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

~~3. The offense of sexual trafficking of a child in the second degree is  
14 a felony punishable by imprisonment for a term of years not less than twenty  
15 years or life and a fine not to exceed two hundred fifty thousand dollars if the  
16 child is under the age of eighteen. If a violation of this section was effected  
17  
18  
19  
20  
21~~

22 by force, abduction, or coercion, the ~~[crime]~~ **offense** of sexual trafficking of  
23 a child shall be a felony for which the authorized term of imprisonment is life  
24 imprisonment without eligibility for probation or parole until the defendant  
25 has served ~~[not less than twenty-five years]~~ **eighty-five percent** of such  
26 sentence ~~as provided under section 558.011.~~

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

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

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

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

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

17 3. The offense of sexual trafficking of a child in the second degree is a felony punishable  
18 by imprisonment for a term of years not less than twenty years or life and a fine not to exceed  
19 two hundred fifty thousand dollars if the child is under the age of eighteen. If a violation of this  
20 section was effected by force, abduction, or coercion, the ~~[crime]~~ **offense** of sexual trafficking  
21 of a child shall be a felony for which the authorized term of imprisonment is life imprisonment  
22 without eligibility for probation or parole until the defendant has served ~~[not less than twenty-~~  
23 ~~five years]~~ **eighty-five percent** of such sentence **as provided under section 558.011.**

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

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

5 (2) Knowingly engages in sexual conduct with a person under the age of eighteen years  
6 over whom the person is a parent, guardian, or otherwise charged with the care and custody;

7 (3) Knowingly encourages, aids or causes a child less than ~~[seventeen]~~ **eighteen** years  
8 of age to engage in any conduct which violates the provisions of chapter 571 or 579; or

9 (4) In the presence of a child less than ~~[seventeen]~~ **eighteen** years of age or in a

10 residence where a child less than ~~[seventeen]~~ **eighteen** years of age resides, unlawfully  
 11 manufactures or attempts to manufacture compounds, possesses, produces, prepares, sells,  
 12 transports, tests or analyzes any of the following: fentanyl, carfentanil, amphetamine, or  
 13 methamphetamine, or any analogue thereof.

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

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

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

21 (a) The offense is a class B felony; and

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

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

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

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

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

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

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

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

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

24                   (6) "Serious emotional injury", an injury that creates a substantial risk  
25 of temporary or permanent medical or psychological damage, manifested by  
26 impairment of a behavioral, cognitive, or physical condition.—Serious  
27 emotional injury shall be established by testimony of qualified experts upon  
28 the reasonable expectation of probable harm to a reasonable degree of medical  
29 or psychological certainty;

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

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

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

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

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

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

45                   5. (1) A person does not commit the offense of abuse or neglect of a  
46 child by virtue of the sole fact that the person allows the child to engage in  
47 independent activities without adult supervision and the person is a parent to  
48 the child or is responsible for the child's care, provided that the:

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

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

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

57                   6. The offense of abuse or neglect of a child is:

58                   (1) A class D felony[, without eligibility for probation, parole, or  
59 conditional release until the defendant has served no less than one year of such  
60 sentence], unless the person has previously been found guilty of a violation of  
61 this section or of a violation of the law of any other jurisdiction that prohibits  
62 the same or similar conduct or the injury inflicted on the child is a serious  
63 emotional injury or a serious physical injury, in which case abuse or neglect  
64 of a child is a class B felony, without eligibility for probation or parole until  
65 the defendant has served not less than five years of such sentence; or

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

68 ~~7. Notwithstanding subsection 6 of this section to the contrary, the~~  
69 ~~offense of abuse or neglect of a child is a class A felony, without eligibility for~~  
70 ~~probation, parole, or conditional release until the defendant has served not less~~  
71 ~~than fifteen years of such sentence, if:~~

72 ~~(1) The injury is a serious emotional injury or a serious physical~~  
73 ~~injury;~~

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

75 ~~(3) The injury is the result of sexual abuse or sexual abuse in the first~~  
76 ~~degree as defined under section 566.100 or sexual exploitation of a minor as~~  
77 ~~defined under section 573.023.~~

78 ~~8. The circuit or prosecuting attorney may refer a person who is~~  
79 ~~suspected of abuse or neglect of a child to an appropriate public or private~~  
80 ~~agency for treatment or counseling so long as the agency has consented to~~  
81 ~~taking such referrals. Nothing in this subsection shall limit the discretion of~~  
82 ~~the circuit or prosecuting attorney to prosecute a person who has been referred~~  
83 ~~for treatment or counseling pursuant to this subsection.~~

84 ~~9. Nothing in this section shall be construed to alter the requirement~~  
85 ~~that every element of any crime referred to herein must be proven beyond a~~  
86 ~~reasonable doubt.~~

87 ~~10. Discipline, including spanking administered in a reasonable~~  
88 ~~manner, shall not be construed to be abuse under this section.]~~

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

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

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

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

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

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

19 disfigurement and impairment of any bodily function or organ;

20 (6) "Serious emotional injury", an injury that creates a substantial risk of temporary or  
21 permanent medical or psychological damage, manifested by impairment of a behavioral,  
22 cognitive, or physical condition. Serious emotional injury shall be established by testimony of  
23 qualified experts upon the reasonable expectation of probable harm to a reasonable degree of  
24 medical or psychological certainty;

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

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

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

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

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

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

38 5. (1) A person does not commit the offense of abuse or neglect of a child by virtue of  
39 the sole fact that the person allows the child to engage in independent activities without adult  
40 supervision and the person is a parent to the child or is responsible for the child's care, provided  
41 that the:

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

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

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

49 6. The offense of abuse or neglect of a child is:

50 (1) A class D felony~~], without eligibility for probation, parole, or conditional release~~  
51 ~~until the defendant has served no less than one year of such sentence]~~, unless the person has  
52 previously been found guilty of a violation of this section or of a violation of the law of any  
53 other jurisdiction that prohibits the same or similar conduct or the injury inflicted on the child  
54 is a serious emotional injury or a serious physical injury, in which case abuse or neglect of a

55 child is a class B felony, without eligibility for probation or parole until the defendant has served  
56 not less than five years of such sentence; or

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

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

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

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

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

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

71 9. Nothing in this section shall be construed to alter the requirement that every element  
72 of any crime referred to herein must be proven beyond a reasonable doubt.

73 10. Discipline, including spanking administered in a reasonable manner, shall not be  
74 construed to be abuse under this section.

**573.570. 1. As used in this section, the following terms mean:**

2 (1) **"Depicted individual", an individual who, as a result of digitization or by means**  
3 **of digital manipulation, appears in whole or in part in an intimate digital depiction and**  
4 **who is identifiable by virtue of the individual's face, likeness, or other distinguishing**  
5 **characteristic, such as a unique birthmark or other recognizable feature, or from**  
6 **information displayed in connection with the digital depiction;**

7 (2) **"Digital depiction", a realistic visual depiction of an individual that has been**  
8 **created or altered using digital manipulation;**

9 (3) **"Information content providers", any person or entity that is responsible, in**  
10 **whole or in part, for the creation or development of information provided through the**  
11 **internet or any other interactive computer service;**

12 (4) **"Intimate digital depiction", a digital depiction of an individual that has been**  
13 **created or altered using digital manipulation and that depicts:**

14 (a) **The uncovered genitals, pubic area, anus, or postpubescent female nipple of an**  
15 **identifiable individual;**

16 (b) **The display or transfer of bodily sexual fluids:**

- 17           **a. Onto any part of the body of an identifiable individual; or**  
18           **b. From the body of an identifiable individual; or**  
19           **(c) An identifiable individual engaging in sexually explicit conduct;**  
20           **(5) "Sexually explicit conduct", actual or simulated:**  
21           **(a) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-**  
22 **anal, whether between persons of the same or opposite sex;**  
23           **(b) Bestiality;**  
24           **(c) Masturbation;**  
25           **(d) Sadistic or masochistic abuse; or**  
26           **(e) Lascivious exhibition of the genitals or pubic area of any person.**  
27           **2. A person commits the offense of disclosure of an intimate digital depiction if the**  
28 **person:**  
29           **(1) Discloses an intimate digital depiction:**  
30           **(a) With the intent to harass, annoy, threaten, alarm, or cause substantial harm to**  
31 **the finances or reputation of the depicted individual; or**  
32           **(b) With the actual knowledge that, or reckless disregard for whether, such**  
33 **disclosure will cause physical, emotional, reputational, or economic harm to the depicted**  
34 **individual; or**  
35           **(2) Threatens to disclose an intimate digital depiction:**  
36           **(a) With the intent to harass, annoy, threaten, alarm, or cause substantial harm to**  
37 **the finances or reputation of the depicted individual; or**  
38           **(b) With the actual knowledge that, or reckless disregard for whether, such**  
39 **threatened disclosure will cause physical, emotional, reputational, or economic harm to the**  
40 **depicted individual.**  
41           **3. (1) A violation of subdivision (1) of subsection 2 of this section shall be a class**  
42 **D felony.**  
43           **(2) A violation of subdivision (2) of subsection 2 of this section shall be a class E**  
44 **felony.**  
45           **(3) A violation of subsection 2 of this section shall be a class C felony if:**  
46           **(a) The violation is a second or other subsequent violation of subsection 2 of this**  
47 **section; or**  
48           **(b) The violation is such that the digital depiction could be reasonably expected to:**  
49           **a. Affect the conduct of any administrative, legislative, or judicial proceeding of a**  
50 **federal, state, local, or tribal government agency, including the administration of an**  
51 **election or the conduct of foreign relations; or**  
52           **b. Facilitate violence.**

53           **4. It shall not be a defense to an offense of disclosure of an intimate digital depiction**  
54 **under this section that there is a disclaimer stating that the intimate digital depiction of the**  
55 **depicted individual was unauthorized or that the depicted individual did not participate**  
56 **in the creation or development of the digital depiction.**

57           **5. For the purposes of this section, a provider of an interactive computer service**  
58 **shall not be held to have committed the offense of disclosure of an intimate digital**  
59 **depiction due to:**

60           **(1) Any action voluntarily taken in good faith to restrict access to or availability of**  
61 **intimate digital depictions; or**

62           **(2) Any action taken to enable or make available to information content providers**  
63 **or other persons the technical means to restrict access to intimate digital depictions.**

**573.575. 1. A person commits the offense of sadistic online exploitation if he or she:**

2           **(1) Uses the internet to manipulate, intimidate, hurt, scare, control, or threaten a**  
3 **victim to undergo suffering through forcing their submission, use of violence, self-harm,**  
4 **or destruction for sadistic or sinister purposes;**

5           **(2) Coerces a victim into performing self-harm, animal harm, harming another**  
6 **person, sharing personal information, or suicidal actions or ideations;**

7           **(3) Uses non-physical forms of coercion, manipulation, shame or fear to extort**  
8 **another person into providing sexually explicit content then using such content to further**  
9 **extort, threaten, or control the victim; or**

10           **(4) Uses intimate depictions as devices to threaten or coerce a victim by demanding**  
11 **any kind of financial gain.**

12           **2. The offense of sadistic online exploitation shall be a class E felony.**

**577.800. 1. A person commits the offense of unlawful use of unmanned aircraft over**  
2 **an open-air facility or critical infrastructure facility if he or she purposely:**

3           **(1) Operates an unmanned aircraft within a vertical distance of four hundred feet from**  
4 **the ground and within the property line of an open-air facility; [or]**

5           **(2) Uses an unmanned aircraft with the purpose of delivering to a person within an open-**  
6 **air facility any object described in subdivision (1) or (2) of subsection 4 of this section;**

7           **(3) Uses an unmanned aircraft within the boundary of any critical infrastructure**  
8 **facility; or**

9           **(4) Operates an unmanned aircraft within a vertical distance of four hundred feet**  
10 **from the ground and within the property line of a critical infrastructure facility in**  
11 **furtherance of any violation of criminal law.**

12           **2. For purposes of this section, "open-air facility" shall mean any sports, theater, music,**  
13 **performing arts, or other entertainment facility with a capacity of five [thousand] hundred**

14 people or more and not completely enclosed by a roof or other structure. **For purposes of this**  
15 **section, "critical infrastructure facility" shall have the same meaning as section 569.086.**

16 3. The provisions of this section shall not prohibit the operation of an unmanned aircraft  
17 by:

18 (1) An employee, **owner, or operator** of an open-air facility [~~at the direction of the~~  
19 ~~president or chief executive officer of the open-air facility~~] **or critical infrastructure facility**  
20 **for the purpose of monitoring, inspecting, operating, or maintaining the facility;**

21 (2) A person who has written consent from the president or chief executive officer of  
22 the open-air facility **or critical infrastructure facility;**

23 (3) An employee of a law enforcement agency, fire department, or emergency medical  
24 service in the exercise of official duties;

25 (4) A government official or employee in the exercise of official duties;

26 (5) A public utility or a rural electric cooperative if:

27 (a) The unmanned aircraft is used for the purpose of inspecting, repairing, or  
28 maintaining utility transmission or distribution lines or other utility equipment or infrastructure;

29 (b) The utility or cooperative notifies the open-air facility **or critical infrastructure**  
30 **facility** before flying the unmanned aircraft, except during an emergency; and

31 (c) The person operating the unmanned aircraft does not physically enter the prohibited  
32 space without an escort provided by the open-air facility **or critical infrastructure facility;** or

33 (6) An employee of a railroad in the exercise of official duties on any land owned or  
34 operated by a railroad corporation regulated by the Federal Railroad Administration.

35 4. The offense of unlawful use of unmanned aircraft over an open-air facility **or critical**  
36 **infrastructure facility** shall be punishable as an infraction unless the person uses an unmanned  
37 aircraft for:

38 (1) Delivering a gun, knife, weapon, or other article, **including any explosive device**  
39 **or material**, that may be used in such manner to endanger the life of an employee or guest at  
40 an open-air facility **or critical infrastructure facility**, in which case the offense is a class B  
41 felony; or

42 (2) Delivering a controlled substance, as that term is defined under section 195.010, in  
43 which case the offense is a class D felony.

44 5. Each open-air facility **or critical infrastructure facility** shall post a sign warning of  
45 the provisions of this section. The sign shall be at least eleven inches by fourteen inches and  
46 posted in a conspicuous place.

47 **6. This section shall not apply to an operator of an unmanned aircraft that is being**  
48 **used for a commercial purpose that is otherwise operating lawfully, provided the operator**  
49 **is authorized by the Federal Aviation Administration to conduct lawful operations in that**

50 **airspace.**

[589.400. 1. Sections 589.400 to 589.425 shall apply to:

2 (1) ~~Any person who, since July 1, 1979, has been or is hereafter~~  
3 ~~adjudicated for an offense referenced in section 589.414, unless such person~~  
4 ~~is exempt from registering under subsection 9 or 10 of this section or section~~  
5 ~~589.401;~~

6 (2) ~~Any person who, since July 1, 1979, has been or is hereafter~~  
7 ~~convicted of, been found guilty of, or pled guilty or nolo contendere to~~  
8 ~~committing, attempting to commit, or conspiring to commit one or more of the~~  
9 ~~following offenses: kidnapping or kidnapping in the first degree when the~~  
10 ~~victim was a child and the defendant was not a parent or guardian of the child;~~  
11 ~~abuse of a child under section 568.060 when such abuse is sexual in nature;~~  
12 ~~felonious restraint or kidnapping in the second degree when the victim was a~~  
13 ~~child and the defendant is not a parent or guardian of the child; sexual contact~~  
14 ~~or sexual intercourse with a resident of a nursing home or sexual conduct with~~  
15 ~~a nursing facility resident or vulnerable person in the first or second degree;~~  
16 ~~endangering the welfare of a child under section 568.045 when the~~  
17 ~~endangerment is sexual in nature; genital mutilation of a female child, under~~  
18 ~~section 568.065; promoting prostitution in the first degree; promoting~~  
19 ~~prostitution in the second degree; promoting prostitution in the third degree;~~  
20 ~~sexual exploitation of a minor; promoting child pornography in the first~~  
21 ~~degree as it existed prior to August 28, 2026; **promoting child sexual abuse**~~  
22 ~~**material in the first degree;** promoting child pornography in the second~~  
23 ~~degree as it existed prior to August 28, 2026; **promoting child sexual abuse**~~  
24 ~~**material in the second degree;** possession of child pornography as it existed~~  
25 ~~**prior to August 28, 2026; possession of child sexual abuse material;**~~  
26 ~~furnishing pornographic material to minors; public display of explicit sexual~~  
27 ~~material; coercing acceptance of obscene material; promoting obscenity in the~~  
28 ~~first degree; promoting pornography for minors or obscenity in the second~~  
29 ~~degree; incest; use of a child in a sexual performance; or promoting sexual~~  
30 ~~performance by a child; patronizing prostitution if the individual the person~~  
31 ~~patronizes is less than eighteen years of age; **grooming of a minor;**~~  
32 ~~**nonconsensual dissemination of private sexual images; or threatening the**~~  
33 ~~**nonconsensual dissemination of private sexual images;**~~

34 (3) ~~Any person who, since July 1, 1979, has been committed to the~~  
35 ~~department of mental health as a criminal sexual psychopath;~~

36 (4) ~~Any person who, since July 1, 1979, has been found not guilty as~~  
37 ~~a result of mental disease or defect of any offense referenced in section~~  
38 ~~589.414;~~

39 (5) ~~Any juvenile certified as an adult and transferred to a court of~~  
40 ~~general jurisdiction who has been adjudicated for an offense listed under~~  
41 ~~section 589.414;~~

42 (6) ~~Any juvenile fourteen years of age or older at the time of the~~  
43 ~~offense who has been adjudicated for an offense which is equal to or more~~

44 severe than aggravated sexual abuse under 18 U.S.C. Section 2241, which  
45 shall include any attempt or conspiracy to commit such offense;

46 ~~(7) Any person who is a resident of this state who has, since July 1,  
47 1979, been or is hereafter adjudicated in any other state, territory, the District  
48 of Columbia, or foreign country, or under federal, tribal, or military  
49 jurisdiction for an offense which, if committed in this state, would constitute  
50 an offense listed under section 589.414, or has been or is required to register  
51 in another state, territory, the District of Columbia, or foreign country, or has  
52 been or is required to register under tribal, federal, or military law; or~~

53 ~~(8) Any person who has been or is required to register in another state,  
54 territory, the District of Columbia, or foreign country, or has been or is  
55 required to register under tribal, federal, or military law and who works or  
56 attends an educational institution, whether public or private in nature,  
57 including any secondary school, trade school, professional school, or  
58 institution of higher education on a full-time or on a part-time basis or has a  
59 temporary residence in Missouri. "Part-time" in this subdivision means for  
60 more than seven days in any twelve-month period.~~

61 ~~2. Any person to whom sections 589.400 to 589.425 apply shall,  
62 within three business days of adjudication, release from incarceration, or  
63 placement upon probation, register with the chief law enforcement official of  
64 the county or city not within a county in which such person resides unless  
65 such person has already registered in that county for the same offense. For  
66 any juvenile under subdivision (6) of subsection 1 of this section, within three  
67 business days of adjudication or release from commitment to the division of  
68 youth services, the department of mental health, or other placement, such  
69 juvenile shall register with the chief law enforcement official of the county or  
70 city not within a county in which he or she resides unless he or she has already  
71 registered in such county or city not within a county for the same offense.  
72 Any person to whom sections 589.400 to 589.425 apply if not currently  
73 registered in their county of residence shall register with the chief law  
74 enforcement official of such county or city not within a county within three  
75 business days. The chief law enforcement official shall forward a copy of the  
76 registration form required by section 589.407 to a city, town, village, or  
77 campus law enforcement agency located within the county of the chief law  
78 enforcement official.~~

79 ~~3. The registration requirements of sections 589.400 through 589.425  
80 shall be as provided under subsection 4 of this section unless:~~

81 ~~(1) All offenses requiring registration are reversed, vacated, or set  
82 aside;~~

83 ~~(2) The registrant is no longer required to register and his or her name  
84 shall be removed from the registry under the provisions of section 589.414;  
85 or~~

86 ~~(3) The court orders the removal or exemption of such person from the  
87 registry under section 589.401.~~

- 88                   4. The registration requirements shall be as follows:
- 89                   (1) Fifteen years if the offender is a tier I sex offender as provided
- 90 under section 589.414;
- 91                   (2) Twenty-five years if the offender is a tier II sex offender as
- 92 provided under section 589.414; or
- 93                   (3) The life of the offender if the offender is a tier III sex offender.
- 94                   5. (1) The registration period shall be reduced as described in
- 95 subdivision (3) of this subsection for a sex offender who maintains a clean
- 96 record for the periods described under subdivision (2) of this subsection by:
- 97                   (a) Not being adjudicated of any offense for which imprisonment for
- 98 more than one year may be imposed;
- 99                   (b) Not being adjudicated of any sex offense;
- 100                   (c) Successfully completing any periods of supervised release;
- 101 probation, or parole; and
- 102                   (d) Successfully completing an appropriate sex offender treatment
- 103 program certified by the attorney general.
- 104                   (2) In the case of a:
- 105                   (a) Tier I sex offender, the period during which the clean record shall
- 106 be maintained is ten years;
- 107                   (b) Tier III sex offender adjudicated delinquent for the offense which
- 108 required registration in a sex offender registry under sections 589.400 to
- 109 589.425, the period during which the clean record shall be maintained is
- 110 twenty-five years.
- 111                   (3) In the case of a:
- 112                   (a) Tier I sex offender, the reduction is five years;
- 113                   (b) Tier III sex offender adjudicated delinquent, the reduction is from
- 114 life to that period for which the clean record under paragraph (b) of
- 115 subdivision (2) of this subsection is maintained.
- 116                   6. For processing an initial sex offender registration the chief law
- 117 enforcement officer of the county or city not within a county may charge the
- 118 offender registering a fee of up to ten dollars.
- 119                   7. For processing any change in registration required pursuant to
- 120 section 589.414 the chief law enforcement official of the county or city not
- 121 within a county may charge the person changing their registration a fee of five
- 122 dollars for each change made after the initial registration.
- 123                   8. Any person currently on the sexual offender registry or who
- 124 otherwise would be required to register for being adjudicated for the offense
- 125 of felonious restraint of a nonsexual nature when the victim was a child and
- 126 he or she was the parent or guardian of the child, nonsexual child abuse that
- 127 was committed under section 568.060, or kidnapping of a nonsexual nature
- 128 when the victim was a child and he or she was the parent or guardian of the
- 129 child shall be removed from the registry. However, such person shall remain
- 130 on the sexual offender registry for any other offense for which he or she is
- 131 required to register under sections 589.400 to 589.425.

132           9. The following persons shall be exempt from registering as a sexual  
133 offender upon petition to the court of jurisdiction under section 589.401;  
134 except that, such person shall remain on the sexual offender registry for any  
135 other offense for which he or she is required to register under sections 589.400  
136 to 589.425:

137           (1) ~~Any person currently on the sexual offender registry or who~~  
138 ~~otherwise would be required to register for a sexual offense involving:~~

139           (a) ~~Sexual conduct where no force or threat of force was directed~~  
140 ~~toward the victim or any other individual involved, if the victim was an adult,~~  
141 ~~unless the adult was under the custodial authority of the offender at the time~~  
142 ~~of the offense; or~~

143           (b) ~~Sexual conduct where no force or threat of force was directed~~  
144 ~~toward the victim, the victim was at least fourteen years of age, and the~~  
145 ~~offender was not more than four years older than the victim at the time of the~~  
146 ~~offense; or~~

147           (2) Any person currently required to register for the following sexual  
148 offenses:

- 149           (a) ~~Promoting obscenity in the first degree under section 573.020;~~  
150           (b) ~~Promoting obscenity in the second degree under section 573.030;~~  
151           (c) ~~Furnishing pornographic materials to minors under section~~  
152 ~~573.040;~~  
153           (d) ~~Public display of explicit sexual material under section 573.060;~~  
154           (e) ~~Coercing acceptance of obscene material under section 573.065;~~  
155           (f) ~~Trafficking for the purpose of slavery, involuntary servitude,~~  
156 ~~peonage, or forced labor under section 566.206;~~  
157           (g) ~~Abusing an individual through forced labor under section 566.203;~~  
158           (h) ~~Contributing to human trafficking through the misuse of~~  
159 ~~documentation under section 566.215; or~~  
160           (i) ~~Acting as an international marriage broker and failing to provide~~  
161 ~~the information and notice as required under section 578.475.~~

162           10. Any person currently on the sexual offender registry for having  
163 been adjudicated for a tier I or II offense or adjudicated delinquent for a tier  
164 III offense or other comparable offenses listed under section 589.414 may file  
165 a petition under section 589.401.

166           11. Any nonresident worker, including work as a volunteer or intern,  
167 or nonresident student shall register for the duration of such person's  
168 employment, including participation as a volunteer or intern, or attendance at  
169 any school of higher education whether public or private, including any  
170 secondary school, trade school, professional school, or institution of higher  
171 education on a full-time or part-time basis in this state unless granted relief  
172 under section 589.401. Any registered offender shall provide information  
173 regarding any place in which the offender is staying when away from his or  
174 her residence for seven or more days, including the period of time the offender  
175 is staying in such place. Any registered offender from another state who has

176 a temporary residence in this state and resides more than seven days in a  
177 twelve-month period shall register for the duration of such person's temporary  
178 residency unless granted relief under section 589.401.]

589.400. 1. **Unless exempt from registering under section 589.401**, sections 589.400  
2 to 589.425 shall apply to:

3 (1) Any person who, since July 1, 1979, has been or is hereafter adjudicated for an  
4 offense [~~referenced in section 589.414, unless such person is exempt from registering under~~  
5 ~~subsection 9 or 10 of this section or section 589.401~~] **that would classify the person as a tier**  
6 **I offender, tier II offender, or tier III offender in this state;**

7 (2) [~~Any person who, since July 1, 1979, has been or is hereafter convicted of, been~~  
8 ~~found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or~~  
9 ~~conspiring to commit one or more of the following offenses: kidnapping or kidnapping in the~~  
10 ~~first degree when the victim was a child and the defendant was not a parent or guardian of the~~  
11 ~~child; abuse of a child under section 568.060 when such abuse is sexual in nature; felonious~~  
12 ~~restraint or kidnapping in the second degree when the victim was a child and the defendant is~~  
13 ~~not a parent or guardian of the child; sexual contact or sexual intercourse with a resident of a~~  
14 ~~nursing home or sexual conduct with a nursing facility resident or vulnerable person in the first~~  
15 ~~or second degree; endangering the welfare of a child under section 568.045 when the~~  
16 ~~endangerment is sexual in nature; genital mutilation of a female child, under section 568.065;~~  
17 ~~promoting prostitution in the first degree; promoting prostitution in the second degree;~~  
18 ~~promoting prostitution in the third degree; sexual exploitation of a minor; promoting child~~  
19 ~~pornography in the first degree; promoting child pornography in the second degree; possession~~  
20 ~~of child pornography; furnishing pornographic material to minors; public display of explicit~~  
21 ~~sexual material; coercing acceptance of obscene material; promoting obscenity in the first~~  
22 ~~degree; promoting pornography for minors or obscenity in the second degree; incest; use of a~~  
23 ~~child in a sexual performance; or promoting sexual performance by a child; patronizing~~  
24 ~~prostitution if the individual the person patronizes is less than eighteen years of age;~~

25 (3) Any person who, since July 1, 1979, has been committed to the department of  
26 mental health as a criminal sexual psychopath;

27 [(4)] (3) Any person who, since July 1, 1979, has been found not guilty as a result of  
28 mental disease or defect of any offense [~~referenced in section 589.414~~] **that would classify the**  
29 **person as a tier I offender, tier II offender, or tier III offender;**

30 [(5)] (4) Any juvenile certified as an adult and transferred to a court of general  
31 jurisdiction who has been adjudicated for an offense [~~listed under section 589.414~~] **that would**  
32 **classify the juvenile as a tier I offender, tier II offender, or tier III offender;**

33 [(6)] (5) Any juvenile fourteen years of age or older at the time of the offense who has

34 been adjudicated for an offense which is equal to or more severe than aggravated sexual abuse  
35 under 18 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such  
36 offense. **Juveniles registering under this subdivision shall be assigned a tier under the**  
37 **provisions of section 589.414 and eligible for removal when meeting all other qualifications**  
38 **in sections 589.400 to 589.425. The tier assignment under section 589.414 shall be only for**  
39 **the purposes of registration visit frequency and removal eligibility and shall not otherwise**  
40 **affect the analysis of whether registration is required under this section;**

41 ~~[(7)]~~ (6) Any person who is a resident of this state who has, since July 1, 1979, been or  
42 is hereafter adjudicated in any other state, territory, the District of Columbia, or foreign country,  
43 or under federal, tribal, or military jurisdiction for an offense which, if committed in this state,  
44 would constitute an offense ~~[listed under section 589.414]~~ **that would classify the person as**  
45 **a tier I offender, tier II offender, or tier III offender**, or has been or is required to register in  
46 another state, territory, the District of Columbia, or foreign country, or has been or is required  
47 to register under tribal, federal, or military law. **Persons registering under this subdivision**  
48 **shall be assigned a tier under the provisions of section 589.414 and eligible for removal**  
49 **when meeting all other qualifications in sections 589.400 to 589.425. The tier assignment**  
50 **under section 589.414 shall be only for the purposes of registration visit frequency and**  
51 **removal eligibility and shall not otherwise affect the analysis of whether registration is**  
52 **required under this section; or**

53 ~~[(8)]~~ (7) Any person who has been or is required to register in another state, territory,  
54 the District of Columbia, or foreign country, or has been or is required to register under tribal,  
55 federal, or military law and who works or attends an educational institution, whether public or  
56 private in nature, including any secondary school, trade school, professional school, or  
57 institution of higher education on a full-time or on a part-time basis or has a temporary residence  
58 in Missouri. ~~["Part-time" in this subdivision means for more than seven days in any twelve-~~  
59 ~~month period.]~~ **Persons registering under this subdivision shall be assigned a tier under the**  
60 **provisions of section 589.414 and eligible for removal when meeting all other qualifications**  
61 **in sections 589.400 to 589.425. The tier assignment under section 589.414 shall be only for**  
62 **the purposes of registration visit frequency and removal eligibility and shall not otherwise**  
63 **affect the analysis of whether registration is required under this section.**

64 2. Any person **or juvenile** to whom sections 589.400 to 589.425 apply shall, within three  
65 business days of adjudication, release from incarceration, ~~[or]~~ placement upon probation, **release**  
66 **from commitment to the division of youth services, release from the department of mental**  
67 **health, or release from other placement**, register with the ~~[chief law enforcement]~~  
68 **registration** official of the county or city not within a county in which such person **or juvenile**  
69 resides unless such person has already registered in that county for the same offense. ~~[For any~~

70 juvenile under subdivision (6) of subsection 1 of this section, within three business days of  
71 adjudication or release from commitment to the division of youth services, the department of  
72 mental health, or other placement, such juvenile shall register with the chief law enforcement  
73 official of the county or city not within a county in which he or she resides unless he or she has  
74 already registered in such county or city not within a county for the same offense.] Any person  
75 **or juvenile** to whom sections 589.400 to 589.425 apply if not currently registered in their county  
76 of residence shall register with the **[chief law enforcement] registration** official ~~[of such county~~  
77 ~~or city not within a county]~~ within three business days. The ~~[chief law enforcement]~~  
78 **registration** official shall forward a copy of the registration form required by section 589.407  
79 to a city, town, village, or campus law enforcement agency located within the county of the  
80 **[chief law enforcement] registration** official.

81 3. ~~[The registration requirements of sections 589.400 through 589.425 shall be as~~  
82 ~~provided under subsection 4 of this section unless:~~

83 (1) ~~All offenses requiring registration are reversed, vacated, or set aside;~~

84 (2) ~~The registrant is no longer required to register and his or her name shall be removed~~  
85 ~~from the registry under the provisions of section 589.414; or~~

86 (3) ~~The court orders the removal or exemption of such person from the registry under~~  
87 ~~section 589.401.~~

88 4.] The registration requirements shall be as follows:

89 (1) Fifteen years if the offender is a tier I ~~[sex]~~ offender ~~[as provided under section~~  
90 ~~589.414];~~

91 (2) Twenty-five years if the offender is a tier II ~~[sex]~~ offender ~~[as provided under section~~  
92 ~~589.414]; or~~

93 (3) The life of the offender if the offender is a tier III ~~[sex]~~ offender.

94 ~~[5:]~~ 4. (1) The registration period shall be reduced as described in subdivision (3) of this  
95 subsection for a sex offender who maintains a clean record for the periods described under  
96 subdivision (2) of this subsection by:

97 (a) Not being adjudicated of any offense for which imprisonment for more than one year  
98 may be imposed;

99 (b) Not being adjudicated of any sex offense;

100 (c) Successfully completing any periods of supervised release, probation, or parole; and

101 (d) Successfully completing an appropriate sex offender treatment program certified by  
102 **a jurisdiction or the attorney general, regardless of whether such program was court**  
103 **ordered or voluntary. If records of program completion are unavailable and completion**  
104 **of such program was required as a term of probation, an order discharging the offender**  
105 **from probation or other record acknowledging satisfactory completion of probation shall**

106 **constitute prima facie evidence that the offender successfully completed the necessary sex**  
107 **offender treatment program unless rebutted by evidence to the contrary.**

108 (2) In the case of a:

109 (a) Tier I [~~sex~~] offender, the period during which the clean record shall be maintained  
110 is ten years;

111 (b) Tier III [~~sex~~] offender adjudicated delinquent for the offense which required  
112 registration in a sex offender registry under sections 589.400 to 589.425, the period during  
113 which the clean record shall be maintained is twenty-five years.

114 (3) In the case of a:

115 (a) Tier I [~~sex~~] offender, the reduction is five years;

116 (b) Tier III [~~sex~~] offender adjudicated delinquent, the reduction is from life to that period  
117 for which the clean record under paragraph (b) of subdivision (2) of this subsection is  
118 maintained.

119 ~~[6.]~~ **5.** For processing an initial sex offender registration, the [~~chief law enforcement~~  
120 ~~officer of the county or city not within a county]~~ **registration official** may charge the offender  
121 registering a fee of up to ten dollars.

122 ~~[7.]~~ **6.** For processing any change in registration required pursuant to section 589.414,  
123 the [~~chief law enforcement]~~ **registration official** [~~of the county or city not within a county]~~ may  
124 charge the person changing their registration a fee of five dollars for each change made after the  
125 initial registration.

126 ~~[8.] Any person currently on the sexual offender registry or who otherwise would be~~  
127 ~~required to register for being adjudicated for the offense of felonious restraint of a nonsexual~~  
128 ~~nature when the victim was a child and he or she was the parent or guardian of the child,~~  
129 ~~nonsexual child abuse that was committed under section 568.060, or kidnapping of a nonsexual~~  
130 ~~nature when the victim was a child and he or she was the parent or guardian of the child shall~~  
131 ~~be removed from the registry. However, such person shall remain on the sexual offender~~  
132 ~~registry for any other offense for which he or she is required to register under sections 589.400~~  
133 ~~to 589.425.~~

134 ~~9. The following persons shall be exempt from registering as a sexual offender upon~~  
135 ~~petition to the court of jurisdiction under section 589.401; except that, such person shall remain~~  
136 ~~on the sexual offender registry for any other offense for which he or she is required to register~~  
137 ~~under sections 589.400 to 589.425:~~

138 ~~(1) Any person currently on the sexual offender registry or who otherwise would be~~  
139 ~~required to register for a sexual offense involving:~~

140 ~~(a) Sexual conduct where no force or threat of force was directed toward the victim or~~  
141 ~~any other individual involved, if the victim was an adult, unless the adult was under the custodial~~

142 authority of the offender at the time of the offense; or

143 (b) ~~Sexual conduct where no force or threat of force was directed toward the victim, the~~  
144 ~~victim was at least fourteen years of age, and the offender was not more than four years older~~  
145 ~~than the victim at the time of the offense; or~~

146 (2) ~~Any person currently required to register for the following sexual offenses:~~

147 (a) ~~Promoting obscenity in the first degree under section 573.020;~~

148 (b) ~~Promoting obscenity in the second degree under section 573.030;~~

149 (c) ~~Furnishing pornographic materials to minors under section 573.040;~~

150 (d) ~~Public display of explicit sexual material under section 573.060;~~

151 (e) ~~Coercing acceptance of obscene material under section 573.065;~~

152 (f) ~~Trafficking for the purpose of slavery, involuntary servitude, peonage, or forced labor~~  
153 ~~under section 566.206;~~

154 (g) ~~Abusing an individual through forced labor under section 566.203;~~

155 (h) ~~Contributing to human trafficking through the misuse of documentation under~~  
156 ~~section 566.215; or~~

157 (i) ~~Acting as an international marriage broker and failing to provide the information and~~  
158 ~~notice as required under section 578.475.~~

159 10. ~~Any person currently on the sexual offender registry for having been adjudicated for~~  
160 ~~a tier I or II offense or adjudicated delinquent for a tier III offense or other comparable offenses~~  
161 ~~listed under section 589.414 may file a petition under section 589.401.]~~

162 **7. Any person with a primary residence outside this state who has a temporary**  
163 **residence in this state in which he or she resides for more than a part-time period shall**  
164 **register with the registration official in the jurisdiction of the temporary residence in**  
165 **accordance with this section for the duration of such person's temporary residency.**

166 ~~[11.]~~ **8. Any [nonresident worker] person who is not a resident of this state and not**  
167 **currently registered due to temporary residence under subsection 7 of this section and who**  
168 **works, including work as a volunteer or intern, or is a nonresident student shall register for the**  
169 **duration of such person's employment, including participation as a volunteer or intern, or**  
170 **attendance at any school of higher education, whether public or private, including any secondary**  
171 **school, trade school, professional school, or institution of higher education on a full-time or part-**  
172 **time basis [in this state unless granted relief under section 589.401. Any registered offender**  
173 **shall provide information regarding any place in which the offender is staying when away from**  
174 **his or her residence for seven or more days, including the period of time the offender is staying**  
175 **in such place. Any registered offender from another state who has a temporary residence in this**  
176 **state and resides more than seven days in a twelve-month period shall register for the duration**  
177 **of such person's temporary residency unless granted relief under section 589.401], as long as**

178 **the status requiring registration remains active. Such registration shall occur in the county**  
179 **or city not within a county where the status requiring registration occurs. If more than one**  
180 **county or city not within a county meets the requirement, priority shall be in the following**  
181 **order:**

182 **(1) The county of work;**

183 **(2) The county of school; and**

184 **(3) The county of volunteering or any other required status;**

185

186 **with registration being required at only the highest priority county or city not within a**  
187 **county where the registerable status remains.**

589.401. 1. A person on the sexual offender registry **of this state** may file a petition in  
2 the division of the circuit court in the county or city not within a county in which the offense  
3 requiring registration was ~~committed~~ **adjudicated** to have his or her name **exempted or**  
4 removed from the sexual offender registry **in accordance with this section.**

5 2. **(1)** A person who is required to register in this state because of an offense that was  
6 adjudicated in another jurisdiction shall file his or her petition for removal, **termination, or**  
7 **relief from registration, or the declaratory judgment providing for removal, termination,**  
8 **or relief from registration** according to the laws of the state, **federal**, territory, tribal, or  
9 military jurisdiction, the District of Columbia, or foreign country in which his or her offense was  
10 adjudicated. Upon ~~the grant of the petition for removal in the~~ **entry of a judgment by a court**  
11 **of competent jurisdiction [where the offense was adjudicated] providing that the person is no**  
12 **longer required to register as a sex offender under the laws of the adjudicating jurisdiction,**  
13 such judgment may be registered in this state by sending the information required under  
14 subsection 5 of this section as well as one authenticated copy of the order granting removal from  
15 the sexual offender registry in the jurisdiction where the offense was adjudicated to the court in  
16 the county or city not within a county in which the offender is required to register. On receipt  
17 of a request for registration removal, the registering court shall cause the order to be filed as a  
18 foreign judgment, together with one copy of the documents and information, regardless of their  
19 form. The petitioner shall be responsible for costs associated with filing the petition. **Nothing**  
20 **in this subdivision shall be construed to remove any requirements for a petition under this**  
21 **section or to remove the requirement that a person prove he or she is entitled to removal**  
22 **under Missouri law, when applicable.**

23 **(2)** A person required to register as an offender in this state based solely on an  
24 **offense adjudicated in another jurisdiction may file a petition for removal from this state's**  
25 **sexual offender registry, provided that:**

26 **(a) The offense did not require the person to register as an offender in the**

27 **adjudicating jurisdiction at the time the offense was adjudicated; or**

28 **(b) The person never resided, worked, or attended school in the adjudicating**  
29 **jurisdiction and was never required to register in the adjudicating jurisdiction.**

30 **(3) A petition filed under subdivision (2) of this subsection shall otherwise satisfy**  
31 **the requirements applicable to a petition filed under subdivision (1) of this subsection.**

32 3. A person required to register as a tier III offender shall not file a petition under this  
33 section unless the requirement to register results from a juvenile adjudication.

34 4. The petition shall be dismissed without prejudice if the following time periods have  
35 not elapsed since the date the person was required to register for his or her most recent offense  
36 under sections 589.400 to 589.425:

37 (1) For a tier I offense, ten years;

38 (2) For a tier II offense, twenty-five years; or

39 (3) For a tier III offense adjudicated delinquent, twenty-five years.

40 5. The petition shall be dismissed without prejudice if it fails to include any of the  
41 following:

42 (1) The petitioner's:

43 (a) Full name, including any alias used by the ~~[individual]~~ **petitioner**;

44 (b) Sex;

45 (c) Race;

46 (d) Date of birth;

47 (e) Last four digits of the Social Security number;

48 (f) Address; and

49 (g) Place of employment, school, or volunteer status;

50 (2) The offense and tier of the offense that required the petitioner to register;

51 (3) The date the petitioner was adjudicated for the offense;

52 (4) The date the petitioner was required to register;

53 (5) The case number and court, including the county or city not within a county, that  
54 entered the original order for the adjudicated sex offense;

55 (6) Petitioner's **original** fingerprints on an applicant fingerprint card;

56 (7) If the petitioner was pardoned or an offense requiring registration was reversed,  
57 vacated, or set aside, an authenticated copy of the order; and

58 (8) If the petitioner is currently registered under applicable law and has not been  
59 adjudicated for failure to register in any jurisdiction and does not have any charges pending for  
60 failure to register.

61 6. The petition shall name as respondents the Missouri state highway patrol and the  
62 ~~[chief law enforcement]~~ **registration** official in the county or city not within a county in which

63 the petition is filed.

64 7. All proceedings under this section shall be governed under the Missouri supreme  
65 court rules of civil procedure.

66 8. The person seeking removal or exemption from the registry shall provide the  
67 prosecuting attorney in the circuit court in which the petition is filed with notice of the petition.  
68 The prosecuting attorney may present evidence in opposition to the requested relief or may  
69 otherwise demonstrate the reasons why the petition should be denied. Failure of the person  
70 seeking removal or exemption from the registry to notify the prosecuting attorney of the petition  
71 shall result in an automatic denial of such person's petition.

72 9. The **Missouri state highway patrol**, the prosecuting attorney in the circuit court in  
73 which the petition is filed, **and the petitioner** shall have access to all applicable records  
74 concerning the petitioner including, but not limited to, criminal history records, mental health  
75 records, juvenile records, and records of the department of corrections or probation and parole.

76 10. The prosecuting attorney shall make reasonable efforts to notify the victim of the  
77 crime for which the person was required to register of the petition and the dates and times of any  
78 hearings or other proceedings in connection with such petition.

79 11. The court shall not enter an order directing the removal of the petitioner's name from  
80 the sexual offender registry unless it finds the petitioner:

81 (1) Has not been adjudicated or does not have charges pending for any additional  
82 nonsexual offense for which imprisonment for more than one year may be imposed since the  
83 date the offender was required to register for his or her current tier level;

84 (2) Has not been adjudicated or does not have charges pending for any additional sex  
85 offense that would require registration under sections 589.400 to 589.425 since the date the  
86 offender was required to register for his or her current tier level, even if the offense was  
87 punishable by less than one year imprisonment;

88 (3) Has successfully completed any required periods of supervised release, probation,  
89 or parole without revocation since the date the offender was required to register for his or her  
90 current tier level, **or, in the case of lifetime supervision or probation, such term has been**  
91 **reduced or terminated by a court of competent jurisdiction;**

92 (4) Has successfully completed an appropriate sex offender treatment program as  
93 approved by a court of competent jurisdiction or the Missouri department of corrections; and

94 (5) Is not a current or potential threat to public safety.

95 12. In order to meet the criteria required by subdivisions (1) and (2) of subsection 11 of  
96 this section, the fingerprints filed in the case shall be examined by the Missouri state highway  
97 patrol. The petitioner shall be responsible for all costs associated with the fingerprint-based  
98 criminal history check of both state and federal files under section 43.530.

99           13. If the petition is denied due to an adjudication in violation of subdivision (1) or (2)  
100 of subsection 11 of this section, the petitioner shall not file a new petition under this section  
101 until:

102           (1) Fifteen years have passed from the date of the adjudication resulting in the denial of  
103 relief if the petitioner is classified as a tier I offender; or

104           (2) Twenty-five years have passed from the date of adjudication resulting in the denial  
105 of relief if the petitioner is classified as a tier II offender; or

106           (3) Twenty-five years have passed from the date of the adjudication resulting in the  
107 denial of relief if the petitioner is classified as a tier III offender on the basis of a juvenile  
108 adjudication.

109           14. If the petition is denied due to the petitioner having charges pending in violation of  
110 subdivision (1) or (2) of subsection 11 of this section, the petitioner shall not file a new petition  
111 under this section until:

112           (1) The pending charges resulting in the denial of relief have been finally disposed of  
113 in a manner other than adjudication; or

114           (2) If the pending charges result in an adjudication, the necessary time period has  
115 elapsed under subsection 13 of this section.

116           15. **(1) Except as provided in subdivision (2) of this subsection,** if the petition is  
117 denied for reasons other than those outlined in subsection 11 of this section, no successive  
118 petition requesting such relief shall be filed for at least five years from the date the judgment  
119 denying relief is entered.

120           **(2) If the denial was based on a statute or law that has since been amended,**  
121 **repealed, or invalidated, a person may file a new petition within the five-year period. In**  
122 **addition to the requirements under subsection 5 of this section, the new petition shall**  
123 **include the case number and court of the prior petition and identify the applicable change**  
124 **in the statute or law.**

125           16. If the court finds the petitioner is entitled to have his or her name removed from the  
126 sexual offender registry, the court shall enter judgment directing the removal of the name. A  
127 copy of the judgment shall be provided to the respondents named in the petition.

128           17. Any person subject to the judgment requiring his or her name to be removed from  
129 the sexual offender registry is not required to register under sections 589.400 to 589.425 unless  
130 such person is required to register for an offense that was different from that listed on the  
131 judgment of removal.

132           18. The court shall not deny the petition unless the petition failed to comply with the  
133 provisions of sections 589.400 to 589.425 or the prosecuting attorney provided evidence  
134 demonstrating the petition should be denied.

135           **19. (1) The provisions of subsections 3 and 4 of this section shall not apply to**  
136 **persons filing for exemption pursuant to this subsection.**

137           **(2) Except as provided in this subsection, a petition for exemption shall be governed**  
138 **by the other requirements provided in this section.**

139           **(3) A petition for exemption under this subsection shall be the exclusive remedy for**  
140 **adjudicating the applicability of the exemptions in this subsection.**

141           **(4) A person shall be ordered exempt from registration if the person meets the**  
142 **requirements of this section and the offense requiring registration is:**

143           **(a) Sexual conduct where no force or threat of force was directed toward the victim,**  
144 **the victim was at least fourteen years of age, and the person was not more than four years**  
145 **older than the victim at the time of the offense, unless the victim was under the custodial**  
146 **authority of the offender at the time of the offense;**

147           **(b) Sexual conduct where no force or threat of force was directed toward the victim**  
148 **or any other individual involved if the victim or other individual was eighteen years of age**  
149 **or older, unless the victim was under the custodial authority of the offender at the time of**  
150 **the offense;**

151           **(c) Promoting obscenity in the first degree under section 573.020;**

152           **(d) Promoting obscenity in the second degree under section 573.030;**

153           **(e) Furnishing pornographic materials to minors under section 573.040;**

154           **(f) Public display of explicit sexual material under section 573.060; or**

155           **(g) Coercing acceptance of obscene material under section 573.065.**

156           **(5) The person shall have the burden of proving the person meets the requirements**  
157 **for exemption. In determining whether the person meets the requirements, a court may**  
158 **look beyond the offense of conviction and consider the underlying facts and conduct of the**  
159 **offense when evaluating noncategorical exemptions.**

160           **(6) If a court determines a person to be exempt, the provisions of sections 589.400**  
161 **to 589.425 shall not apply for the purposes of the exempt offense. In the event a person**  
162 **currently registering is found to be exempt from the registration visit requirements, the**  
163 **person shall also be removed from the sexual offender registry.**

164           **(7) Nothing in this subsection shall prohibit a person from remaining or being**  
165 **placed on the sexual offender registry for any other nonexempt offense for which the**  
166 **person is required to register under sections 589.400 to 589.425.**

167           **(8) If a petition for exemption is filed before a person is required to register under**  
168 **sections 589.400 to 589.425, the requirements of sections 589.400 to 589.425 shall be**  
169 **automatically stayed pending the outcome. In the event a petition is denied, the**  
170 **requirements of sections 589.400 to 589.425 shall be in effect three business days following**

171 **the exhaustion of all appeal rights. Nothing in this subdivision shall alter or be construed**  
172 **to give any court authority to alter ongoing requirements for persons whose initial**  
173 **registration requirement begins prior to the filing of a petition for exemption until a final**  
174 **order of exemption is entered.**

175 **20. The provisions of subsections 3 and 4 of this section shall not apply to persons**  
176 **filing for removal if the offense requiring registration is reversed, vacated, or set aside. A**  
177 **petition for removal due to the offense being reversed, vacated, or set aside shall be filed**  
178 **in accordance with all other requirements of this section and shall be the exclusive remedy**  
179 **for removal in such situations. Such petition shall include a certified copy of the action**  
180 **reversing, vacating, or setting aside the offense requiring registration.**

181 **21. This section shall be the sole remedy for removal or exemption for persons**  
182 **adjudicated of a registerable offense. No declaratory action shall be filed for relief from**  
183 **registration requirements, except if registration, or threat thereof, is the result of an**  
184 **offense never requiring registration. Nothing in this subsection shall be construed to**  
185 **prohibit the filing of a declaratory action solely on the issue of what tier an offender should**  
186 **be classified under.**

187 **22. Notwithstanding any other provision of law, no person convicted of an offense**  
188 **that requires him or her to register under sections 589.400 to 589.425 shall change his or**  
189 **her legal name for the period of time he or she is required to register. To the extent the**  
190 **person has a prior legal name that was utilized on or after the date of conviction for any**  
191 **offense requiring registration, such name shall be reported under this section as an alias.**

589.403. 1. Any person who is required to register under sections 589.400 to 589.425  
2 and who is paroled, discharged, or otherwise released from any correctional facility of the  
3 department of corrections, any mental health institution, private jail under section 221.095, or  
4 other private facility recognized by or contracted with the department of corrections or  
5 department of mental health where such person was confined shall:

6 (1) If the person plans to reside in this state, be informed by the official in charge of such  
7 correctional facility, private jail, or mental health institution of the person's possible duty to  
8 register pursuant to sections 589.400 to 589.425. If such person is required to register pursuant  
9 to sections 589.400 to 589.425, the official in charge of the correctional facility, private jail, or  
10 the mental health institution shall complete the initial registration notification at least seven days  
11 prior to release and ~~forward~~ **report** the offender's **initial** registration~~;~~ **notification in**  
12 **accordance with subsection 1 of section 589.410** within three business days of release~~;~~ to the  
13 Missouri state highway patrol and the ~~chief law enforcement~~ **registration** official of the county  
14 or city not within a county where the person expects to reside upon discharge, parole, or release;  
15 or

16 (2) If the person does not reside or plan to reside in Missouri, be informed by the official  
17 in charge of such correctional facility, private jail, or mental health institution of the person's  
18 possible duty to register under sections 589.400 to 589.425. If such person is required to register  
19 under sections 589.400 to 589.425, the official in charge of the correctional facility, private jail,  
20 or ~~the~~ mental health institution shall complete the initial registration notification at least seven  
21 days prior to release and ~~forward~~ **report** the offender's **initial** registration~~;~~ **notification in**  
22 **accordance with subsection 1 of section 589.410** within three business days of release~~;~~ to the  
23 Missouri state highway patrol and the ~~chief law enforcement~~ **registration** official ~~within~~ **of**  
24 the county or city not within a county where the correctional facility, private jail, or mental  
25 health institution is located.

26 2. If the offender refuses to complete and sign the registration information as outlined  
27 in this section or fails to register with the ~~chief law enforcement~~ **registration** official within  
28 three business days as directed, the offender commits the offense of failure to register under  
29 section 589.425 within the jurisdiction where the correctional facility, private jail, or mental  
30 health institution is located.

589.404. As used in sections 589.400 to 589.425, the following terms mean:

2 (1) "Adjudicated" or "adjudication", adjudication of delinquency, a finding of guilt, plea  
3 of guilt, finding of not guilty due to mental disease or defect, or plea of nolo contendere to  
4 committing, attempting to commit, or conspiring to commit. **Adjudication does not require**  
5 **the imposition of sentence for the purposes of sections 589.400 to 589.425. The term**  
6 **"adjudication" shall include by reference all acts meeting the definition of "conviction"**  
7 **under Section 111 of the Sex Offender Registration and Notification Act, Title I of the**  
8 **Adam Walsh Child Protection and Safety Act of 2006, P.L. 109-248, as amended;**

9 (2) "Adjudicated delinquent", a person found to have committed an offense that, if  
10 committed by an adult, would be a criminal offense;

11 (3) "Chief law enforcement official", the sheriff's office of each county or the police  
12 department of a city not within a county;

13 (4) "Electronic mail", **the transmission of information or communication by the**  
14 **use of the internet, a computer, a facsimile machine, a pager, a cellular telephone or other**  
15 **wireless communication device, a video recorder, or other electronic means sent to a**  
16 **person identified by a unique address or address number and received by that person;**

17 (5) "Entity", **a business or organization that provides internet service, electronic**  
18 **communications service, remote computing service, online service, electronic mail service,**  
19 **or electronic instant message or chat services regardless of whether the business or**  
20 **organization is within or outside this state;**

21 (6) "Instant message", **a form of real-time text communication between two or**

22 **more people. The communication is conveyed via computers connected over a network**  
23 **such as the internet, or between cell phone or wireless communication device users, or over**  
24 **a cell phone or wireless communication device network;**

25 (7) "Offender registration", the required minimum informational content of sex offender  
26 registries, which shall consist of, but not be limited to, a full set of fingerprints on a standard sex  
27 offender registration card upon initial registration in Missouri, as well as all other forms **and in**  
28 **whatever manner** required by the Missouri state highway patrol upon each initial and  
29 subsequent registration;

30 (8) "Online identifier", includes all of the following: electronic mail address,  
31 instant message screen name, user ID, cell phone number or wireless communication  
32 device number or identifier, chat or other internet communication name, social media  
33 profiles, IP addresses, or other identity information specified on the registration form by  
34 the Missouri state highway patrol;

35 (9) "Part-time", more than seven days in any twelve-month period;

36 (10) "Probation officer", includes any agent of a private entity assigned to provide  
37 probation supervision services to an offender due to the offender's status as a sexual  
38 offender who is required to register pursuant to sections 589.400 to 589.425;

39 (11) "Registration official", the chief law enforcement official for the county or city  
40 not within a county in which the offender is required to register;

41 ~~[(5)]~~ (12) "Residence", ~~[any place where an offender sleeps for seven or more~~  
42 ~~consecutive or nonconsecutive days or nights within a twelve-month period]~~ **the domicile of the**  
43 **offender;**

44 ~~[(6)]~~ (13) "Sex offender", any person who meets the criteria to register under sections  
45 589.400 to 589.425 or **under** the Sex Offender Registration and Notification Act, Title I of the  
46 Adam Walsh Child Protection and Safety Act of 2006, P.L. 109-248, **as amended;**

47 (14) "Sex offender registry", a system maintained by the Missouri state highway  
48 patrol to collect, store, and disseminate all initial notification information, registration  
49 information, offender status, and all other information required under sections 589.400 to  
50 589.425. The sex offender registry is a distinct system from the website maintained by the  
51 Missouri state highway patrol, which displays a distinct set of information contained within  
52 the sex offender registry publicly on the web in accordance with this section;

53 ~~[(7)]~~ (15) "Sex offense", any offense ~~[which]~~ **that** is listed ~~[under section 589.414 or~~  
54 ~~comparable to those listed under section 589.414 or otherwise]~~ **as a tier I offense, tier II**  
55 **offense, or tier III offense, that is** comparable to offenses **listed as a tier I offense, tier II**  
56 **offense, or tier III offense, or that is otherwise comparable to offenses** covered under the Sex  
57 Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and

58 Safety Act of 2006, P.L. 109-248, **as amended**;

59 ~~[(8)]~~ **(16)** "Sexual act", any type or degree of genital, oral, or anal penetration;

60 ~~[(9)]~~ **(17)** "Sexual conduct", sexual intercourse, deviate sexual intercourse, or sexual  
61 contact;

62 ~~[(10)]~~ **(18)** "Sexual contact", any touching of another person with the genitals or any  
63 touching of the genitals or anus of another person, or the breast of a female person, or such  
64 touching through the clothing, or causing semen, seminal fluid, or other ejaculate to come into  
65 contact with another person, for the purpose of arousing or gratifying the sexual desire of any  
66 person or for the purpose of terrorizing the victim;

67 ~~[(11)]~~ **(19)** "Sexual element", used for the purposes of distinguishing if sexual contact  
68 or a sexual act was committed. Authorities shall refer to information filed by the prosecutor,  
69 amended information filed by the prosecutor, indictment information filed by the prosecutor, or  
70 amended indictment information filed by the prosecutor, the plea agreement, or court  
71 documentation to determine if a sexual element exists;

72 ~~[(12)]~~ **(20)** "Signature", the name of the offender signed in writing or electronic form  
73 approved by the Missouri state highway patrol;

74 ~~[(13)]~~ **(21)** "Student", an individual who enrolls in or attends the physical location of an  
75 educational institution, including a public or private secondary school, trade or professional  
76 school, or an institution of higher education;

77 **(22)** "Temporary residence", any place where a person sleeps for seven or more  
78 consecutive or nonconsecutive days or nights within a twelve-month period, other than the  
79 person's domicile;

80 **(23) "Tier I offender":**

81 **(a) An individual who has been adjudicated for a tier I offense; or**

82 **(b) Any offender who is or has been adjudicated in any other state, territory, the**  
83 **District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction**  
84 **for an offense comparable to a tier I offense or that meets the definition of a tier I offense**  
85 **under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child**  
86 **Protection and Safety Act of 2006, P.L. 109-248, as amended;**

87 **(24) "Tier II offender":**

88 **(a) An individual who has been adjudicated for a tier II offense; or**

89 **(b) Any offender who is adjudicated for an offense comparable to a tier I offense**  
90 **or failure to register offense under section 589.425 or comparable out-of-state failure to**  
91 **register offense and who is already required to register as a tier I offender due to having**  
92 **been adjudicated of a tier I offense on a previous occasion; or**

93 **(c) Any offender who is or has been adjudicated in any other state, territory, the**

94 **District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction**  
95 **for an offense of a sexual nature or with a sexual element that is comparable to a tier II**  
96 **offense or that meets the definition of a tier II offense under the Sex Offender Registration**  
97 **and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006,**  
98 **P.L. 109-248, as amended;**

99 **(25) "Tier III offender":**

100 **(a) An individual who has been adjudicated for a tier III offense;**

101 **(b) Any offender registered as a predatory sexual offender or a persistent sexual**  
102 **offender, as the terms "predatory sexual offender" and "persistent sexual offender" are**  
103 **defined in section 566.125;**

104 **(c) Any offender who is adjudicated for an offense comparable to a tier I offense**  
105 **or tier II offense or failure to register offense under section 589.425, or other comparable**  
106 **out-of-state failure to register offense, who has been or is already required to register as**  
107 **a tier II offender because of having been adjudicated for a tier II offense, two tier I**  
108 **offenses, or a combination of a tier I offense and a failure to register offense, on a previous**  
109 **occasion;**

110 **(d) Any offender who is adjudicated in any other state, territory, the District of**  
111 **Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an**  
112 **offense of a sexual nature or with a sexual element that is comparable to a tier III offense**  
113 **or that meets the definition of a tier III offense under the Sex Offender Registration and**  
114 **Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, P.L.**  
115 **109-248, as amended; or**

116 **(e) Any offender who is adjudicated in this state for any offense of a sexual nature**  
117 **or with a sexual element requiring registration under sections 589.400 to 589.425 that is**  
118 **not classified as a tier I offense or tier II offense in this section;**

119 **(26) "Tier I offense", the following adjudicated offenses:**

120 **(a) Kidnapping in the first degree under section 565.110 with sexual motivation if**  
121 **the victim is eighteen years of age or older;**

122 **(b) Kidnapping in the second degree under section 565.120 with sexual motivation**  
123 **if the victim is eighteen years of age or older;**

124 **(c) Kidnapping in the third degree under section 565.130 with sexual motivation**  
125 **if the victim is eighteen years of age or older;**

126 **(d) Invasion of privacy under section 565.252 if the victim is less than eighteen**  
127 **years of age;**

128 **(e) Child molestation in the second degree under section 566.068 as it existed prior**  
129 **to January 1, 2017, if the punishment is less than one year;**

- 130           **(f) Sexual misconduct involving a child under section 566.083 if it is a first offense**  
131 **and the punishment is less than one year;**
- 132           **(g) Sexual misconduct in the first degree under section 566.093;**
- 133           **(h) Sexual misconduct in the second degree under section 566.095;**
- 134           **(i) Sexual abuse in the first degree under section 566.100 if the victim is eighteen**  
135 **years of age or older;**
- 136           **(j) Sexual abuse in the second degree under section 566.101 if the punishment is less**  
137 **than a year;**
- 138           **(k) Sex with an animal under section 566.111;**
- 139           **(l) Sexual conduct with a nursing facility resident or vulnerable person in the first**  
140 **degree under section 566.115 if the punishment is less than one year;**
- 141           **(m) Sexual conduct under section 566.116 with a nursing facility resident or**  
142 **vulnerable person;**
- 143           **(n) Sexual conduct in the course of public duty under section 566.145 if the victim**  
144 **is eighteen years of age or older;**
- 145           **(o) Trafficking for the purpose of sexual exploitation under section 566.209 if the**  
146 **victim is eighteen years of age or older;**
- 147           **(p) Promoting obscenity in the first degree under section 573.020 if the victim is less**  
148 **than eighteen years of age;**
- 149           **(q) Promoting pornography for minors or obscenity in the second degree under**  
150 **section 573.030 if the victim is less than eighteen years of age;**
- 151           **(r) Possession of child pornography under section 573.037 as it existed prior to**  
152 **August 28, 2026;**
- 153           **(s) Possession of child sexual abuse material under section 573.037;**
- 154           **(t) Furnishing pornographic material to minors under section 573.040;**
- 155           **(u) Public display of explicit sexual material under section 573.060 if the victim is**  
156 **less than eighteen years of age; or**
- 157           **(v) Coercing acceptance of obscene material under section 573.065 if the victim is**  
158 **less than eighteen years of age;**
- 159           **(27) "Tier II offense", the following adjudicated offenses:**
- 160           **(a) Statutory sodomy in the second degree under section 566.064 if the victim is**  
161 **sixteen to seventeen years of age;**
- 162           **(b) Child molestation in the third degree under section 566.069 if the victim is**  
163 **between thirteen and fourteen years of age;**
- 164           **(c) Child molestation in the fourth degree under section 566.071 if the victim is**  
165 **thirteen to seventeen years of age;**

- 166           **(d) Sexual misconduct involving a child under section 566.083 if it is a first offense**  
167 **and the penalty is a term of imprisonment of one year or more;**
- 168           **(e) Sexual contact with a student under section 566.086 if the victim is thirteen to**  
169 **seventeen years of age;**
- 170           **(f) Sexual abuse in the first degree under section 566.100 if the victim is thirteen**  
171 **to seventeen years of age;**
- 172           **(g) Sexual conduct in the course of public duty under section 566.145 if the victim**  
173 **is thirteen to seventeen years of age;**
- 174           **(h) Grooming or enticement of a minor under section 566.151;**
- 175           **(i) Age misrepresentation with intent to solicit a minor under section 566.153;**
- 176           **(j) Patronizing prostitution under section 567.030 if the person patronized is**  
177 **eighteen years of age or older;**
- 178           **(k) Promoting prostitution in the first degree under section 567.050 if the victim**  
179 **is eighteen years of age or older;**
- 180           **(l) Promoting prostitution in the second degree under section 567.060 if the victim**  
181 **is eighteen years of age or older;**
- 182           **(m) Promoting prostitution in the third degree under section 567.070 if the victim**  
183 **is eighteen years of age or older;**
- 184           **(n) Abuse of a child under section 568.060 if the offense is of a sexual nature and**  
185 **the victim is thirteen to seventeen years of age;**
- 186           **(o) Sexual exploitation of a minor under section 573.023;**
- 187           **(p) Promoting child pornography in the first degree under section 573.025 as it**  
188 **existed prior to August 28, 2026;**
- 189           **(q) Promoting child sexual abuse material in the first degree under section 573.025;**
- 190           **(r) Promoting child pornography in the second degree under section 573.035 as it**  
191 **existed prior to August 28, 2026;**
- 192           **(s) Promoting child sexual abuse material in the second degree under section**  
193 **573.035;**
- 194           **(t) Nonconsensual dissemination of private sexual images under section 573.110 if**  
195 **the victim is seventeen years of age or under or if coercion of the victim was sexual in**  
196 **nature; or**
- 197           **(u) Threatening the nonconsensual dissemination of private sexual images under**  
198 **section 573.112 if the victim is seventeen years of age or under or if coercion of the victim**  
199 **was sexual in nature;**
- 200           **(28) "Tier III offense", the following adjudicated offenses:**
- 201           **(a) Kidnapping in the first degree under section 565.110 if the victim is under**

- 202 **eighteen years of age, excluding kidnapping by a parent or guardian of a nonsexual nature;**  
203 **(b) Kidnapping in the second degree under section 565.120 if the victim is under**  
204 **eighteen years of age, excluding kidnapping by a parent or guardian of a nonsexual nature;**  
205 **(c) Kidnapping in the third degree under section 565.130 if the victim is under**  
206 **eighteen years of age, excluding kidnapping by a parent or guardian of a nonsexual nature;**  
207 **(d) Child kidnapping under section 565.115;**  
208 **(e) Rape in the first degree under section 566.030;**  
209 **(f) Rape in the second degree under section 566.031;**  
210 **(g) Statutory rape in the first degree under section 566.032;**  
211 **(h) Statutory rape in the second degree under section 566.034;**  
212 **(i) Sodomy in the first degree under section 566.060;**  
213 **(j) Sodomy in the second degree under section 566.061;**  
214 **(k) Statutory sodomy in the first degree under section 566.062;**  
215 **(l) Statutory sodomy in the second degree under section 566.064 if the victim is**  
216 **under sixteen years of age;**  
217 **(m) Child molestation in the first degree under section 566.067;**  
218 **(n) Child molestation in the second degree under section 566.068;**  
219 **(o) Child molestation in the third degree under section 566.069 if the victim is**  
220 **under thirteen years of age;**  
221 **(p) Child molestation in the fourth degree under section 566.071 if the victim is**  
222 **under thirteen years of age;**  
223 **(q) Sexual misconduct involving a child under section 566.083 if the offense is a**  
224 **second or subsequent offense;**  
225 **(r) Sexual contact with a student under section 566.086 if the victim is under**  
226 **thirteen years of age;**  
227 **(s) Sexual abuse in the first degree under section 566.100 if the victim is under**  
228 **thirteen years of age;**  
229 **(t) Sexual abuse in the second degree under section 566.101 if the penalty is a term**  
230 **of imprisonment of one year or more;**  
231 **(u) Sexual conduct with a nursing facility resident or vulnerable person in the first**  
232 **degree under section 566.115 if the punishment is one year or more;**  
233 **(v) Sexual conduct in the course of public duty under section 566.145 if the victim**  
234 **is under thirteen years of age;**  
235 **(w) Trafficking for the purpose of sexual exploitation under section 566.209 if the**  
236 **victim is under eighteen years of age;**  
237 **(x) Sexual trafficking of a child in the first degree under section 566.210;**

- 238           (y) **Sexual trafficking of a child in the second degree under section 566.211;**  
 239           (z) **Patronizing prostitution under section 567.030 if the offender is a persistent**  
 240 **offender or if the person patronized is less than eighteen years of age;**  
 241           (aa) **Promoting prostitution in the first degree under section 567.050 if the victim**  
 242 **is under eighteen years of age;**  
 243           (bb) **Promoting prostitution in the second degree under section 567.060 if the victim**  
 244 **is under eighteen years of age;**  
 245           (cc) **Promoting prostitution in the third degree under section 567.070 if the victim**  
 246 **is under eighteen years of age;**  
 247           (dd) **Promoting travel for prostitution under section 567.085 if the victim is under**  
 248 **eighteen years of age;**  
 249           (ee) **Incest under section 568.020;**  
 250           (ff) **Endangering the welfare of a child in the first degree under section 568.045 if**  
 251 **the offense is sexual in nature or if the offense involves sexual intercourse or deviate sexual**  
 252 **intercourse with a victim under eighteen years of age;**  
 253           (gg) **Abuse of a child under section 568.060 if the offense is of a sexual nature and**  
 254 **the victim is under thirteen years of age;**  
 255           (hh) **Genital mutilation of a female child under section 568.065;**  
 256           (ii) **Use of a child in a sexual performance under section 573.200; or**  
 257           (jj) **Promoting a sexual performance by a child under section 573.205;**  
 258           [(14)] **(29) "Vehicle", any land vehicle, watercraft, or aircraft.**

589.405. 1. Any person who is required to register under sections 589.400 to 589.425  
 2 and who is released on probation, discharged upon payment of a fine, or released after  
 3 confinement in a county jail shall, prior to such release or discharge and at the time of  
 4 adjudication, be informed of the possible duty to register pursuant to sections 589.400 to 589.425  
 5 by the court having jurisdiction over the case. If such person is required to register pursuant to  
 6 sections 589.400 to 589.425 and is placed on probation, the court shall make it a condition of  
 7 probation that the offender report within three business days to the [~~chief law enforcement~~]  
 8 **registration** official of the county of adjudication or city not within a county of adjudication to  
 9 complete initial registration. If such offender is not placed on probation, the court shall:

- 10           (1) If the offender resides in Missouri, complete the initial notification of duty to register  
 11 form approved by the state judicial records committee and the Missouri state highway patrol and  
 12 forward the form within three business days to the Missouri state highway patrol and the [~~chief~~  
 13 ~~law enforcement~~] **registration** official in the county or city not within a county in which the  
 14 offender resides; or  
 15           (2) If the offender does not reside in Missouri:

16 (a) Order the offender to report directly to the ~~[chief law enforcement]~~ **registration**  
 17 official in the county or city not within a county where the adjudication was heard to register as  
 18 provided in sections 589.400 to 589.425; and

19 (b) Complete the initial notification of duty to register form approved by the state  
 20 judicial records committee and the Missouri state highway patrol and forward the form within  
 21 three business days to the Missouri state highway patrol and the ~~[chief law enforcement]~~  
 22 **registration** official in the county or city not within a county where the offender was  
 23 adjudicated.

24 2. If the offender resides in Missouri and refuses to complete and sign the registration  
 25 information as provided in subdivision (1) of subsection 1 of this section, or if the offender  
 26 resides outside of Missouri and refuses to directly report to the ~~[chief law enforcement]~~  
 27 **registration** official as provided in subdivision (2) of subsection 1 of this section, the offender  
 28 commits the offense of failure to register under section 589.425.

~~[589.407. 1. Any registration pursuant to sections 589.400 to 589.425 shall consist of completion of an offender registration form developed by the Missouri state highway patrol or other format approved by the Missouri state highway patrol. Such form shall consist of a statement, including the signature of the offender, and shall include, but is not limited to, the following:~~

2 (1) ~~A statement in writing signed by the person, giving the name, address, date of birth, biological sex, as defined in section 191.1720, Social Security number, and phone number of the person, the license plate number and vehicle description, including the year, make, model, and color of each vehicle owned or operated by the offender, any online identifiers[, as defined in section 43.651,] used by the person, the place of employment of such person, enrollment within any institutions of higher education, the crime which requires registration, whether the person was sentenced as a persistent or predatory offender pursuant to section 566.125, the date, place, and a brief description of such crime, the date and place of the conviction or plea regarding such crime, the age and gender of the victim at the time of the offense and whether the person successfully completed the Missouri sexual offender program pursuant to section 589.040, if applicable;~~

3 (2) ~~The fingerprints and palm prints of the person;~~

4 (3) ~~Unless the offender's appearance has not changed significantly, a photograph of such offender as follows:~~

5 (a) ~~Quarterly if a tier III sex offender [under section 589.414]. Such photograph shall be taken every ninety days beginning in the month of the person's birth;~~

6 (b) ~~Semiannually if a tier II sex offender. Such photograph shall be taken in the month of the person's birth and six months thereafter; and~~

7 (c) ~~Yearly if a tier I sex offender. Such photograph shall be taken in~~

29 the month of the person's birth; [and]

30 (4) ~~A DNA sample from the individual, if a sample has not already~~  
31 ~~been obtained; and~~

32 ~~(5) Information regarding any temporary residence where the~~  
33 ~~offender is staying away from his or her primary residence for seven or~~  
34 ~~more days, including the period of time the offender is staying in such~~  
35 ~~place, regardless of whether the temporary residence is in Missouri or~~  
36 ~~any other place.~~

37 2. ~~The offender shall provide positive identification and~~  
38 ~~documentation to substantiate the accuracy of the information completed on~~  
39 ~~the offender registration form, including but not limited to the following:~~

40 (1) ~~A photocopy of a valid driver's license or nondriver's identification~~  
41 ~~card;~~

42 (2) ~~A document verifying proof of the offender's residency; and~~

43 (3) ~~A photocopy of the vehicle registration for each of the offender's~~  
44 ~~vehicles.~~

45 3. ~~The Missouri state highway patrol shall maintain all required~~  
46 ~~registration information in digitized form.~~

47 4. ~~[Upon receipt of any changes to an offender's registration~~  
48 ~~information contained in this section, the Missouri state highway patrol shall~~  
49 ~~immediately notify all other jurisdictions in which the offender is either~~  
50 ~~registered or required to register.~~

51 5. ~~The offender shall be responsible for reviewing his or her existing~~  
52 ~~registration information for accuracy at every regular in-person appearance~~  
53 ~~and, if any inaccuracies are found, provide proof of the information in~~  
54 ~~question.~~

55 ~~5. (1) Regular in-person appearances to the registration official~~  
56 ~~following initial registration shall be required:~~

57 ~~(a) Annually for tier I offenders;~~

58 ~~(b) Every six months for tier II offenders; and~~

59 ~~(c) Every ninety days for tier III offenders.~~

60 ~~(2) For the purposes of establishing a schedule for registration~~  
61 ~~appearances, the registration official shall ensure that the required~~  
62 ~~registration interval is followed from the date of any initial registration~~  
63 ~~until the month of an offender's birth and at the appropriate interval~~  
64 ~~beginning from the month of the offender's birth thereafter.~~

65 6. ~~The signed offender registration form shall serve as proof that the~~  
66 ~~individual understands his or her duty to register as a sexual offender under~~  
67 ~~sections 589.400 to 589.425 and a statement to this effect shall be included on~~  
68 ~~the form that the individual is required to sign at each registration.~~

69 7. ~~If an offender has a guardian appointed by a court of~~  
70 ~~competent jurisdiction, the guardian may sign affirming the accuracy of~~  
71 ~~the offender registration form under this section. Nothing in this~~  
72 ~~subsection shall alleviate the requirements of the offender to appear in~~

73 ~~person, nor shall this subsection be construed to affect any restrictions~~  
74 ~~applicable to an offender because of the offender's status on the sexual~~  
75 ~~offender registry.~~

76 ~~8. Notwithstanding subsection 1 of section 527.270, no person~~  
77 ~~required to register under sections 589.400 to 589.425 shall change his or~~  
78 ~~her name for the period of time he or she is required to be placed on the~~  
79 ~~registry.]~~

589.407. 1. Any registration pursuant to sections 589.400 to 589.425 shall consist of  
2 completion of an offender registration form developed by the Missouri state highway patrol or  
3 other format approved by the Missouri state highway patrol. Such form shall consist of a  
4 statement, including the signature of the offender, and shall include, but is not limited to, the  
5 following:

6 (1) A statement in writing signed by the person, giving the name, address, date of birth,  
7 **biological sex, as designated on the birth certificate**, Social Security number, and phone  
8 number of the person, the license plate number and vehicle description, including the year,  
9 make, model, and color of each vehicle owned or operated by the offender, any online  
10 identifiers~~], as defined in section 43.651;~~ used by the person, the place of employment of such  
11 person, enrollment within any institutions of higher education, the crime which requires  
12 registration, whether the person was sentenced as a persistent or predatory offender pursuant to  
13 section 566.125, the date, place, and a brief description of such crime, the date and place of the  
14 conviction or plea regarding such crime, the age and gender of the victim at the time of the  
15 offense and whether the person successfully completed the Missouri sexual offender program  
16 pursuant to section 589.040, if applicable;

17 (2) The fingerprints and palm prints of the person;

18 (3) Unless the offender's appearance has not changed significantly, a photograph of such  
19 offender as follows:

20 (a) Quarterly if a tier III sex offender ~~[under section 589.414]~~. Such photograph shall  
21 be taken every ninety days beginning in the month of the person's birth;

22 (b) Semiannually if a tier II sex offender. Such photograph shall be taken in the month  
23 of the person's birth and six months thereafter; and

24 (c) Yearly if a tier I sex offender. Such photograph shall be taken in the month of the  
25 person's birth; ~~[and]~~

26 (4) A DNA sample from the individual, if a sample has not already been obtained; **and**

27 **(5) Information regarding any temporary residence where the offender is staying**  
28 **away from his or her primary residence for seven or more days, including the period of**  
29 **time the offender is staying in such place, regardless of whether the temporary residence**  
30 **is in Missouri or any other place.**

31           2. The offender shall provide positive identification and documentation to substantiate  
32 the accuracy of the information completed on the offender registration form, including but not  
33 limited to the following:

- 34           (1) A photocopy of a valid driver's license or nondriver's identification card;  
35           (2) A document verifying proof of the offender's residency; and  
36           (3) A photocopy of the vehicle registration for each of the offender's vehicles.

37           3. The Missouri state highway patrol shall maintain all required registration information  
38 in digitized form.

39           4. ~~Upon receipt of any changes to an offender's registration information contained in~~  
40 ~~this section, the Missouri state highway patrol shall immediately notify all other jurisdictions~~  
41 ~~in which the offender is either registered or required to register.~~

42           5.] The offender shall be responsible for reviewing his or her existing registration  
43 information for accuracy at every regular in-person appearance and, if any inaccuracies are  
44 found, provide proof of the information in question.

45           **5. (1) Regular in-person appearances to the registration official following initial**  
46 **registration shall be required:**

- 47           **(a) Annually for tier I offenders;**  
48           **(b) Every six months for tier II offenders; and**  
49           **(c) Every ninety days for tier III offenders.**

50           **(2) For the purposes of establishing a schedule for registration appearances, the**  
51 **registration official shall ensure that the required registration interval is followed from the**  
52 **date of any initial registration until the month of an offender's birth and at the appropriate**  
53 **interval beginning from the month of the offender's birth thereafter.**

54           6. The signed offender registration form shall serve as proof that the individual  
55 understands his or her duty to register as a sexual offender under sections 589.400 to 589.425  
56 and a statement to this effect shall be included on the form that the individual is required to sign  
57 at each registration.

58           **7. If an offender has a guardian appointed by a court of competent jurisdiction, the**  
59 **guardian may sign affirming the accuracy of the offender registration form under this**  
60 **section. Nothing in this subsection shall alleviate the requirements of the offender to**  
61 **appear in person, nor shall this subsection be construed to affect any restrictions**  
62 **applicable to an offender because of the offender's status on the sexual offender registry.**

63           **8. Notwithstanding subsection 1 of section 527.270, no person required to register**  
64 **under sections 589.400 to 589.425 shall change his or her name for the period of time he**  
65 **or she is required to be placed on the registry.**

589.410. 1. All notifications of a requirement to register shall be reported to the sex offender registry within three days, in a manner prescribed by the Missouri state highway patrol.

2. The ~~chief law enforcement~~ registration official shall ~~forward~~ enter the completed offender registration ~~form to~~ forms and related updates into the sex offender registry in a manner prescribed by the Missouri state highway patrol within three days. The Missouri state highway patrol shall ~~enter~~ ensure the information entered into the sex offender registry is accessible through the Missouri uniform law enforcement system (MULES) ~~where it is~~ and forwarded to the National Crime Information Center (NCIC) in accordance with applicable law. The information shall also be available to members of the criminal justice system, and other entities as provided by law, upon inquiry. Certain portions of the information shall also be published on the internet in accordance with this section.

~~[43.650:]~~ 589.411. 1. The Missouri state highway patrol shall ~~subject to appropriation,~~ maintain a web page on the internet which shall be open to the public and shall include a registered sexual offender search capability.

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

3. The registered sexual offender search shall include the capability to search for sexual offenders by name, zip code, and by typing in an address and specifying a search within a certain number of miles radius from that address.

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

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

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

(3) A physical description of the offender;

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

(5) Any photographs of the offender;

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

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

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

25 the offender to register;

26 (9) Compliance status of the offender with the provisions of section 589.400 to 589.425;  
27 and

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

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

36 **6. The Missouri state highway patrol shall regularly update the web page to remove**  
37 **persons who have been ordered removed or exempt by a court in accordance with section**  
38 **589.401, persons who are deceased, and persons who have moved out of the state. In the**  
39 **case of a person who has moved out of the state, the entry shall remain until the Missouri**  
40 **state highway patrol confirms the person has complied with all registration requirements**  
41 **in the person's new state, territory, or country of residence, when applicable.**

42 **7. In addition to the web page maintained by the Missouri state highway patrol, a**  
43 **registration official may maintain a web page on the internet, which shall be open to the**  
44 **public and shall include a registered sexual offender search capability. Except as provided**  
45 **in subsections 5 and 6 of this section, the registered sexual offender search shall make it**  
46 **possible for any person using the internet to search for and find the information specified**  
47 **in subsection 5 of this section, if known, on offenders registered in this state pursuant to**  
48 **sections 589.400 to 589.425. The chief law enforcement officer of any county or city not**  
49 **within a county may also publish in any newspaper distributed in the county or city not**  
50 **within a county the offender information provided under subsection 3 of this section for**  
51 **any offender residing in the county or city not within a county.**

~~[43.651.]~~ **589.412.** ~~[1. As used in this section, the following terms shall mean:~~

2 (1) ~~"Electronic mail", the transmission of information or communication by the use of~~  
3 ~~the internet, a computer, a facsimile machine, a pager, a cellular telephone or other wireless~~  
4 ~~communication device, a video recorder, or other electronic means sent to a person identified~~  
5 ~~by a unique address or address number and received by that person;~~

6 (2) ~~"Entity", a business or organization that provides internet service, electronic~~  
7 ~~communications service, remote computing service, online service, electronic mail service, or~~  
8 ~~electronic instant message or chat services whether the business or organization is within or~~  
9 ~~outside this state;~~

10           (3) ~~"Instant message", a form of real-time text communication between two or more~~  
11 ~~people. The communication is conveyed via computers connected over a network such as the~~  
12 ~~internet, or between cell phone or wireless communication device users, or over a cell phone or~~  
13 ~~wireless communication device network;~~

14           (4) ~~"Online identifier", includes all of the following: electronic mail address and instant~~  
15 ~~message screen name, user ID, cell phone number or wireless communication device number~~  
16 ~~or identifier, chat or other internet communication name, or other identity information.~~

17           2.] Subject to appropriations, the **Missouri state highway** patrol shall make registry  
18 information regarding a registered sexual offender's online identifiers available to an entity for  
19 the purpose of allowing the entity to prescreen users or for comparison with information held  
20 by the entity as provided by this subsection:

21           (1) The information obtained by an entity from the state sexual offender registry shall  
22 not be used for any purpose other than for prescreening its users or comparing the database of  
23 registered users of the entity against the list of online identifiers of persons in the state sexual  
24 offender registry in order to protect children from online sexual predators. The **Missouri state**  
25 **highway** patrol shall promulgate rules and regulations regarding the release and use of online  
26 identifier information. Any rule or portion of a rule, as that term is defined in section 536.010,  
27 that is created under the authority delegated in this section shall become effective only if it  
28 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section  
29 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with  
30 the general assembly pursuant to chapter 536 to review, to delay the effective date, or to  
31 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking  
32 authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void;

33           (2) Any entity desiring to prescreen its users or compare its database of registered users  
34 to the list of online identifiers of persons in the state sexual offender registry may apply to the  
35 **Missouri state highway** patrol to access the information. An entity that complies with the rules  
36 and regulations promulgated by the **Missouri state highway** patrol regarding the release and use  
37 of the online identifier information and pays the fee established by the **Missouri state highway**  
38 patrol may screen new users or compare its database of registered users to the list of online  
39 identifiers of persons in the state sexual offender registry as frequently as the **Missouri state**  
40 **highway** patrol may allow for the purpose of identifying a registered user associated with an  
41 online identifier contained in the state sexual offender registry;

42           (3) Any entity complying with this subsection in good faith shall be immune from any  
43 civil or criminal liability resulting from:

44           (a) The entity's refusal to provide system service to a person on the basis that the entity  
45 believed that the person was required to register under sections 589.400 to 589.425;

46 (b) A person's criminal or tortious acts when the person is required to register pursuant  
 47 to sections 589.400 to 589.425, and the person complied with the requirement to register their  
 48 online identifiers under section 589.407, and committed the criminal or tortious acts against a  
 49 minor with whom he or she had communicated on the entity's system by using their registered  
 50 online identifier; or

51 (c) Any activity for which the entity would be immune from liability under 47 U.S.C.  
 52 Section 230.

[43.533:] **589.413.** 1. The **Missouri state** highway patrol shall, subject to appropriation,  
 2 operate a toll-free telephone number in order to disseminate registration information provided  
 3 by [individuals] **persons** who are required to register under sections 589.400 to 589.425, and  
 4 receive information from persons regarding the residency of a registered sexual offender. The  
 5 information available via the telephone number shall include only information that offenders are  
 6 required to provide under section 589.407. When the **Missouri state** highway patrol provides  
 7 such information regarding a sexual offender, the patrol personnel shall advise the person  
 8 making the inquiry that positive identification of a person believed to be a sexual offender  
 9 cannot be established unless a fingerprint comparison is made, and that it is illegal to use such  
 10 information regarding a registered sexual offender to facilitate the commission of a crime. The  
 11 toll-free telephone number shall be published on the **Missouri state** highway patrol's sexual  
 12 offender registry website maintained under section [43.650] **589.411.**

13 2. The **Missouri state highway** patrol shall promulgate rules to effect the enforcement  
 14 of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
 15 created under the authority delegated in this section shall become effective only if it complies  
 16 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
 17 This section and chapter 536 are nonseverable and if any of the powers vested with the general  
 18 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and  
 19 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and  
 20 any rule proposed or adopted after August 28, 2006, shall be invalid and void.

[589.414. 1. Any person required by sections 589.400 to 589.425 to  
 2 register shall, within three business days, appear in person to the chief law  
 3 enforcement officer of the county or city not within a county if there is a  
 4 change to any of the following information:

- 5 (1) Name;
- 6 (2) Residence;
- 7 (3) Employment, including status as a volunteer or intern;
- 8 (4) Student status; or
- 9 (5) A termination to any of the items listed in this subsection.

10 2. Any person required to register under sections 589.400 to 589.425  
 11 shall, within three business days, notify the chief law enforcement official of

12 the county or city not within a county of any changes to the following  
13 information:

14 (1) ~~Vehicle information;~~  
15 (2) ~~Temporary lodging information;~~  
16 (3) ~~Temporary residence information;~~  
17 (4) ~~Email addresses, instant messaging addresses, and any other~~  
18 ~~designations used in internet communications, postings, or telephone~~  
19 ~~communications; or~~

20 (5) ~~Telephone or other cellular number, including any new forms of~~  
21 ~~electronic communication.~~

22 3. ~~The chief law enforcement official in the county or city not within~~  
23 ~~a county shall immediately forward the registration changes described under~~  
24 ~~subsections 1 and 2 of this section to the Missouri state highway patrol within~~  
25 ~~three business days.~~

26 4. ~~If any person required by sections 589.400 to 589.425 to register~~  
27 ~~changes such person's residence or address to a different county or city not~~  
28 ~~within a county, the person shall appear in person and shall inform both the~~  
29 ~~chief law enforcement official with whom the person last registered and the~~  
30 ~~chief law enforcement official of the county or city not within a county having~~  
31 ~~jurisdiction over the new residence or address in writing within three business~~  
32 ~~days of such new address and phone number, if the phone number is also~~  
33 ~~changed. If any person required by sections 589.400 to 589.425 to register~~  
34 ~~changes his or her state, territory, the District of Columbia, or foreign country,~~  
35 ~~or federal, tribal, or military jurisdiction of residence, the person shall appear~~  
36 ~~in person and shall inform both the chief law enforcement official with whom~~  
37 ~~the person was last registered and the chief law enforcement official of the~~  
38 ~~area in the new state, territory, the District of Columbia, or foreign country,~~  
39 ~~or federal, tribal, or military jurisdiction having jurisdiction over the new~~  
40 ~~residence or address within three business days of such new address.~~  
41 ~~Whenever a registrant changes residence, the chief law enforcement official~~  
42 ~~of the county or city not within a county where the person was previously~~  
43 ~~registered shall inform the Missouri state highway patrol of the change within~~  
44 ~~three business days. When the registrant is changing the residence to a new~~  
45 ~~state, territory, the District of Columbia, or foreign country, or federal, tribal,~~  
46 ~~or military jurisdiction, the Missouri state highway patrol shall inform the~~  
47 ~~responsible official in the new state, territory, the District of Columbia, or~~  
48 ~~foreign country, or federal, tribal, or military jurisdiction of residence within~~  
49 ~~three business days.~~

50 5. ~~Tier I sexual offenders, in addition to the requirements of~~  
51 ~~subsections 1 to 4 of this section, shall report in person to the chief law~~  
52 ~~enforcement official annually in the month of their birth to verify the~~  
53 ~~information contained in their statement made pursuant to section 589.407.~~  
54 ~~Tier I sexual offenders include:~~

55 (1) ~~Any offender who has been adjudicated for the offense of:~~

- 56                   (a) Sexual abuse in the first degree under section 566.100 if the victim  
57 is eighteen years of age or older;
- 58                   (b) Sexual misconduct involving a child under section 566.083 if it is  
59 a first offense and the punishment is less than one year;
- 60                   (c) Sexual abuse in the second degree under section 566.101 if the  
61 punishment is less than a year;
- 62                   (d) Kidnapping in the second degree under section 565.120 with  
63 sexual motivation;
- 64                   (e) Kidnapping in the third degree under section 565.130;
- 65                   (f) Sexual conduct with a nursing facility resident or vulnerable  
66 person in the first degree under section 566.115 if the punishment is less than  
67 one year;
- 68                   (g) Sexual conduct under section 566.116 with a nursing facility  
69 resident or vulnerable person;
- 70                   (h) Sexual [contact with a prisoner or offender] **conduct in the course**  
71 **of public duty** under section 566.145 if the victim is eighteen years of age or  
72 older;
- 73                   (i) Sex with an animal under section 566.111;
- 74                   (j) Trafficking for the purpose of sexual exploitation under section  
75 566.209 if the victim is eighteen years of age or older;
- 76                   (k) Possession of child pornography under section 573.037 **as it**  
77 **existed prior to August 28, 2026;**
- 78                   (l) **Possession of child sexual abuse material under section**  
79 **573.037;**
- 80                   (m) Sexual misconduct in the first degree under section 566.093;
- 81                   {(m)} (n) Sexual misconduct in the second degree under section  
82 566.095;
- 83                   {(n)} (o) Child molestation in the second degree under section 566.068  
84 as it existed prior to January 1, 2017, if the punishment is less than one year;
- 85                   for
- 86                   (o) (p) Invasion of privacy under section 565.252 if the victim is less  
87 than eighteen years of age; **or**
- 88                   (q) **Grooming of a minor under section 566.152;**
- 89                   (2) Any offender who is or has been adjudicated in any other state,  
90 territory, the District of Columbia, or foreign country, or under federal, tribal,  
91 or military jurisdiction of an offense of a sexual nature or with a sexual  
92 element that is comparable to the tier I sexual offenses listed in this subsection  
93 or, if not comparable to those in this subsection, comparable to those  
94 described as tier I offenses under the Sex Offender Registration and  
95 Notification Act, Title I of the Adam Walsh Child Protection and Safety Act  
96 of 2006, Pub. L. 109-248.
- 97                   6. Tier II sexual offenders, in addition to the requirements of  
98 subsections 1 to 4 of this section, shall report semiannually in person in the  
99 month of their birth and six months thereafter to the chief law enforcement

100 official to verify the information contained in their statement made pursuant  
 101 to section 589.407. Tier II sexual offenders include:

102 ~~(1) Any offender who has been adjudicated for the offense of:~~  
 103 ~~(a) Statutory sodomy in the second degree under section 566.064 if~~  
 104 ~~the victim is sixteen to seventeen years of age;~~  
 105 ~~(b) Child molestation in the third degree under section 566.069 if the~~  
 106 ~~victim is between thirteen and fourteen years of age;~~  
 107 ~~(c) Sexual contact with a student under section 566.086 if the victim~~  
 108 ~~is thirteen to seventeen years of age;~~  
 109 ~~(d) Enticement of a child under section 566.151;~~  
 110 ~~(e) Abuse of a child under section 568.060 if the offense is of a sexual~~  
 111 ~~nature and the victim is thirteen to seventeen years of age;~~  
 112 ~~(f) Sexual exploitation of a minor under section 573.023;~~  
 113 ~~(g) Promoting child pornography in the first degree under section~~  
 114 ~~573.025 as it existed prior to August 28, 2026;~~  
 115 ~~(h) Promoting child sexual abuse material in the first degree~~  
 116 ~~under section 573.025;~~  
 117 ~~(i) Promoting child pornography in the second degree under section~~  
 118 ~~573.035 as it existed prior to August 28, 2026;~~  
 119 ~~(j) Promoting child sexual abuse material in the second degree~~  
 120 ~~under section 573.035;~~  
 121 ~~{(i)} (k) Patronizing prostitution under section 567.030;~~  
 122 ~~{(j)} (l) Sexual [contact with a prisoner or offender] **conduct in the**~~  
 123 ~~**course of public duty** under section 566.145 if the victim is thirteen to~~  
 124 ~~seventeen years of age;~~  
 125 ~~{(k)} (m) Child molestation in the fourth degree under section 566.071~~  
 126 ~~if the victim is thirteen to seventeen years of age;~~  
 127 ~~{(l)} (n) Sexual misconduct involving a child under section 566.083~~  
 128 ~~if it is a first offense and the penalty is a term of imprisonment of more than~~  
 129 ~~a year; [or~~  
 130 ~~(m)] (o) Age misrepresentation with intent to solicit a minor under~~  
 131 ~~section 566.153;~~  
 132 ~~(p) **Nonconsensual dissemination of private sexual images under**~~  
 133 ~~**section 573.110 if the victim is seventeen years of age or under or if**~~  
 134 ~~**coercion of the victim was sexual in nature; or**~~  
 135 ~~(q) **Threatening the nonconsensual dissemination of private sexual**~~  
 136 ~~**images under section 573.112 if the victim is seventeen years of age or**~~  
 137 ~~**under or if coercion of the victim was sexual in nature;**~~  
 138 (2) Any person who is adjudicated of an offense comparable to a tier  
 139 I offense listed in this section or failure to register offense under section  
 140 589.425 or comparable out-of-state failure to register offense and who is  
 141 already required to register as a tier I offender due to having been adjudicated  
 142 of a tier I offense on a previous occasion; or  
 143 (3) Any person who is or has been adjudicated in any other state;

144 territory, the District of Columbia, or foreign country, or under federal, tribal,  
145 or military jurisdiction for an offense of a sexual nature or with a sexual  
146 element that is comparable to the tier II sexual offenses listed in this  
147 subsection or, if not comparable to those in this subsection, comparable to  
148 those described as tier II offenses under the Sex Offender Registration and  
149 Notification Act, Title I of the Adam Walsh Child Protection and Safety Act  
150 of 2006, Pub. L. 109-248.

151 ~~7. Tier III sexual offenders, in addition to the requirements of~~  
152 ~~subsections 1 to 4 of this section, shall report in person to the chief law~~  
153 ~~enforcement official every ninety days to verify the information contained in~~  
154 ~~their statement made under section 589.407. Tier III sexual offenders include:~~

155 ~~(1) Any offender registered as a predatory [sexual offender as defined~~  
156 ~~in section 566.123 or a] or persistent sexual offender as defined in section~~  
157 ~~[566.124] **566.125;**~~

158 ~~(2) Any offender who has been adjudicated for the crime of:~~

159 ~~(a) Rape in the first degree under section 566.030;~~

160 ~~(b) Statutory rape in the first degree under section 566.032;~~

161 ~~(c) Rape in the second degree under section 566.031;~~

162 ~~(d) Endangering the welfare of a child in the first degree under section~~  
163 ~~568.045 if the offense is sexual in nature;~~

164 ~~(e) Sodomy in the first degree under section 566.060;~~

165 ~~(f) Statutory sodomy under section 566.062;~~

166 ~~(g) Statutory sodomy under section 566.064 if the victim is under~~  
167 ~~sixteen years of age;~~

168 ~~(h) Sodomy in the second degree under section 566.061;~~

169 ~~(i) Sexual misconduct involving a child under section 566.083 if the~~  
170 ~~offense is a second or subsequent offense;~~

171 ~~(j) Sexual abuse in the first degree under section 566.100 if the victim~~  
172 ~~is under thirteen years of age;~~

173 ~~(k) Kidnapping in the first degree under section 565.110 if the victim~~  
174 ~~is under eighteen years of age, excluding kidnapping by a parent or guardian;~~

175 ~~(l) Child kidnapping under section 565.115;~~

176 ~~(m) Sexual conduct with a nursing facility resident or vulnerable~~  
177 ~~person in the first degree under section 566.115 if the punishment is greater~~  
178 ~~than a year;~~

179 ~~(n) Incest under section 568.020;~~

180 ~~(o) Endangering the welfare of a child in the first degree under section~~  
181 ~~568.045 with sexual intercourse or deviate sexual intercourse with a victim~~  
182 ~~under eighteen years of age;~~

183 ~~(p) Child molestation in the first degree under section 566.067;~~

184 ~~(q) Child molestation in the second degree under section 566.068;~~

185 ~~(r) Child molestation in the third degree under section 566.069 if the~~  
186 ~~victim is under thirteen years of age;~~

187 ~~(s) Promoting prostitution in the first degree under section 567.050 if~~

188 the victim is under eighteen years of age;  
189 (t) Promoting prostitution in the second degree under section 567.060  
190 if the victim is under eighteen years of age;  
191 (u) Promoting prostitution in the third degree under section 567.070  
192 if the victim is under eighteen years of age;  
193 (v) Promoting travel for prostitution under section 567.085 if the  
194 victim is under eighteen years of age;  
195 (w) Trafficking for the purpose of sexual exploitation under section  
196 566.209 if the victim is under eighteen years of age;  
197 (x) Sexual trafficking of a child in the first degree under section  
198 566.210;  
199 (y) Sexual trafficking of a child in the second degree under section  
200 566.211;  
201 (z) Genital mutilation of a female child under section 568.065;  
202 (aa) Statutory rape in the second degree under section 566.034;  
203 (bb) Child molestation in the fourth degree under section 566.071 if  
204 the victim is under thirteen years of age;  
205 (cc) Sexual abuse in the second degree under section 566.101 if the  
206 penalty is a term of imprisonment of more than a year;  
207 (dd) Patronizing prostitution under section 567.030 if the offender is  
208 a persistent offender;  
209 (ee) Abuse of a child under section 568.060 if the offense is of a  
210 sexual nature and the victim is under thirteen years of age;  
211 (ff) Sexual [contact with a prisoner or offender] **conduct in the**  
212 **course of public duty** under section 566.145 if the victim is under thirteen  
213 years of age;  
214 (gg) [Sexual intercourse with a prisoner or offender under section  
215 566.145;  
216 (hh)] Sexual contact with a student under section 566.086 if the victim  
217 is under thirteen years of age;  
218 [(ii)] **(hh)** Use of a child in a sexual performance under section  
219 573.200; or  
220 [(jj)] **(ii)** Promoting a sexual performance by a child under section  
221 573.205;  
222 (3) Any offender who is adjudicated for a crime comparable to a tier  
223 I or tier II offense listed in this section or failure to register offense under  
224 section 589.425, or other comparable out-of-state failure to register offense,  
225 who has been or is already required to register as a tier II offender because of  
226 having been adjudicated for a tier II offense, two tier I offenses, or  
227 combination of a tier I offense and failure to register offense, on a previous  
228 occasion;  
229 (4) Any offender who is adjudicated in any other state, territory, the  
230 District of Columbia, or foreign country, or under federal, tribal, or military  
231 jurisdiction for an offense of a sexual nature or with a sexual element that is

232 comparable to a tier III offense listed in this section or a tier III offense under  
 233 the Sex Offender Registration and Notification Act, Title I of the Adam Walsh  
 234 Child Protection and Safety Act of 2006, Pub. L. 109-248; or

235 (5) Any offender who is adjudicated in Missouri for any offense of a  
 236 sexual nature requiring registration under sections 589.400 to 589.425 that is  
 237 not classified as a tier I or tier II offense in this section.

238 8. In addition to the requirements of subsections 1 to 7 of this section,  
 239 all Missouri registrants who work, including as a volunteer or unpaid intern,  
 240 or attend any school whether public or private, including any secondary  
 241 school, trade school, professional school, or institution of higher education,  
 242 on a full-time or part-time basis or have a temporary residence in this state  
 243 shall be required to report in person to the chief law enforcement officer in the  
 244 area of the state where they work, including as a volunteer or unpaid intern,  
 245 or attend any school or training and register in that state. "Part-time" in this  
 246 subsection means for more than seven days in any twelve-month period.

247 9. If a person who is required to register as a sexual offender under  
 248 sections 589.400 to 589.425 changes or obtains a new online identifier as  
 249 defined in section 43.651, the person shall report such information in the same  
 250 manner as a change of residence before using such online identifier.]

589.414. 1. Any person required by sections 589.400 to 589.425 to register shall, within  
 2 three business days, appear in person to the [~~chief law enforcement officer of the county or city~~  
 3 ~~not within a county~~] **registration official** if there is a change to any of the following  
 4 information:

- 5 (1) Name;
- 6 (2) Residence;
- 7 (3) Employment, including status as a volunteer or intern;
- 8 (4) Student status; or
- 9 (5) A termination to any of the items listed in this subsection.

10 2. Any person required to register under sections 589.400 to 589.425 shall, within three  
 11 business days, notify the [~~chief law enforcement~~] **registration official** [~~of the county or city not~~  
 12 ~~within a county~~] of any changes to the following information:

- 13 (1) Vehicle information;
- 14 (2) [~~Temporary lodging information;~~
- 15 (3)] Temporary residence information;
- 16 [(4) ~~Email addresses, instant messaging addresses, and any other designations used in~~  
 17 ~~internet communications, postings, or telephone communications; or~~
- 18 (5)] (3) Telephone or other cellular number, including any new forms of electronic  
 19 communication; or
- 20 (4) **Online identifiers.**

21           3. The ~~[chief law enforcement]~~ **registration** official ~~[in the county or city not within a~~  
22 ~~county]~~ shall immediately forward the registration changes described under subsections 1 and  
23 2 of this section to the Missouri state highway patrol within three business days **in accordance**  
24 **with section 589.410.**

25           4. **(1)** If any person required by sections 589.400 to 589.425 to register changes such  
26 person's residence or address to a different county or city not within a county, the person shall  
27 appear in person and shall inform both the ~~[chief law enforcement]~~ **registration** official with  
28 whom the person last registered and the ~~[chief law enforcement]~~ **registration** official of the  
29 county or city not within a county having jurisdiction over the new residence or address in  
30 writing within three business days of such new address and phone number, if the phone number  
31 is also changed.

32           **(2)** If any person required by sections 589.400 to 589.425 to register changes his or her  
33 state, territory, the District of Columbia, or foreign country, or federal, tribal, or military  
34 jurisdiction of residence, the person shall appear in person and shall inform both the ~~[chief law~~  
35 ~~enforcement]~~ **registration** official with whom the person was last registered and the ~~[chief law~~  
36 ~~enforcement]~~ **registration** official of the area in the new state, territory, the District of  
37 Columbia, or foreign country, or federal, tribal, or military jurisdiction having jurisdiction over  
38 the new residence or address within three business days of such new address.

39           **(3)** Whenever a registrant changes residence, the ~~[chief law enforcement]~~ **registration**  
40 official of the county or city not within a county where the person was previously registered  
41 shall inform the Missouri state highway patrol of the change within three business days.

42           **(4)** When the registrant is changing the residence to a new state, territory, the District  
43 of Columbia, or foreign country, or federal, tribal, or military jurisdiction, the Missouri state  
44 highway patrol shall inform the responsible official in the new state, territory, the District of  
45 Columbia, or foreign country, or federal, tribal, or military jurisdiction of residence within three  
46 business days.

47           **5. Registrants shall appear in person before the registration official and complete**  
48 **all forms required for such purposes by the United States Marshals Service no less than**  
49 **twenty-one days before travel outside of the United States. Such information shall be**  
50 **forwarded to the United States Marshals Service, and a copy shall be provided by the**  
51 **registration official to the Missouri state highway patrol in a manner prescribed by the**  
52 **Missouri state highway patrol.**

53           **6. Offenders shall be classified as a tier I offender, tier II offender, or tier III**  
54 **offender in accordance with this section. To the extent more than one tier definition**  
55 **applies to an offender, the highest tier that applies shall be the tier into which the offender**  
56 **is classified.**

57           **7. The initial determination as to the tier of an offender shall be made by the**  
58 **registration official when an offender first appears for registration with the official. Upon**  
59 **receipt of an initial offender registration from a new registration official, the Missouri state**  
60 **highway patrol shall analyze the initial tier determination for accuracy. If the Missouri**  
61 **state highway patrol determines the initial tier decision is inaccurate, the Missouri state**  
62 **highway patrol shall notify the registration official, and the Missouri state highway patrol's**  
63 **determination shall control the tier classification. Upon receipt of an updated tiering**  
64 **decision, the registration official shall notify the offender no later than the next previously**  
65 **scheduled in-person check-in for the offender. Upon notification of the offender or failure**  
66 **of the offender to appear at the next regularly scheduled in-person check, reporting**  
67 **requirements aligning with the new tier determination shall be in effect.**

68           **8. Tier I [sexual] offenders, in addition to the requirements of subsections 1 to [4] 5 of**  
69 **this section, shall report in person [to] before the [chief law enforcement] registration official**  
70 **annually in the month of their birth to verify the information contained in their statement made**  
71 **pursuant to section 589.407. [Tier I sexual offenders include:**

72           ~~(1) Any offender who has been adjudicated for the offense of:~~

73           ~~(a) Sexual abuse in the first degree under section 566.100 if the victim is eighteen years~~  
74 ~~of age or older;~~

75           ~~(b) Sexual misconduct involving a child under section 566.083 if it is a first offense and~~  
76 ~~the punishment is less than one year;~~

77           ~~(c) Sexual abuse in the second degree under section 566.101 if the punishment is less~~  
78 ~~than a year;~~

79           ~~(d) Kidnapping in the second degree under section 565.120 with sexual motivation;~~

80           ~~(e) Kidnapping in the third degree under section 565.130;~~

81           ~~(f) Sexual conduct with a nursing facility resident or vulnerable person in the first degree~~  
82 ~~under section 566.115 if the punishment is less than one year;~~

83           ~~(g) Sexual conduct under section 566.116 with a nursing facility resident or vulnerable~~  
84 ~~person;~~

85           ~~(h) Sexual contact with a prisoner or offender under section 566.145 if the victim is~~  
86 ~~eighteen years of age or older;~~

87           ~~(i) Sex with an animal under section 566.111;~~

88           ~~(j) Trafficking for the purpose of sexual exploitation under section 566.209 if the victim~~  
89 ~~is eighteen years of age or older;~~

90           ~~(k) Possession of child pornography under section 573.037;~~

91           ~~(l) Sexual misconduct in the first degree under section 566.093;~~

92           ~~(m) Sexual misconduct in the second degree under section 566.095;~~

93 (n) Child molestation in the second degree under section 566.068 as it existed prior to  
94 January 1, 2017, if the punishment is less than one year; or

95 (o) Invasion of privacy under section 565.252 if the victim is less than eighteen years  
96 of age;

97 (2) Any offender who is or has been adjudicated in any other state, territory, the District  
98 of Columbia, or foreign country, or under federal, tribal, or military jurisdiction of an offense  
99 of a sexual nature or with a sexual element that is comparable to the tier I sexual offenses listed  
100 in this subsection or, if not comparable to those in this subsection, comparable to those described  
101 as tier I offenses under the Sex Offender Registration and Notification Act, Title I of the Adam  
102 Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.

103 ~~6.]~~ **9.** Tier II [~~sexual~~] offenders, in addition to the requirements of subsections 1 to [4]  
104 **5** of this section, shall report semiannually in person in the month of their birth and six months  
105 thereafter to the [~~chief law enforcement~~] **registration** official to verify the information contained  
106 in their statement made pursuant to section 589.407. [~~Tier II sexual offenders include:~~

107 (1) Any offender who has been adjudicated for the offense of:

108 (a) Statutory sodomy in the second degree under section 566.064 if the victim is sixteen  
109 to seventeen years of age;

110 (b) Child molestation in the third degree under section 566.069 if the victim is between  
111 thirteen and fourteen years of age;

112 (c) Sexual contact with a student under section 566.086 if the victim is thirteen to  
113 seventeen years of age;

114 (d) Enticement of a child under section 566.151;

115 (e) Abuse of a child under section 568.060 if the offense is of a sexual nature and the  
116 victim is thirteen to seventeen years of age;

117 (f) Sexual exploitation of a minor under section 573.023;

118 (g) Promoting child pornography in the first degree under section 573.025;

119 (h) Promoting child pornography in the second degree under section 573.035;

120 (i) Patronizing prostitution under section 567.030;

121 (j) Sexual contact with a prisoner or offender under section 566.145 if the victim is  
122 thirteen to seventeen years of age;

123 (k) Child molestation in the fourth degree under section 566.071 if the victim is thirteen  
124 to seventeen years of age;

125 (l) Sexual misconduct involving a child under section 566.083 if it is a first offense and  
126 the penalty is a term of imprisonment of more than a year; or

127 (m) Age misrepresentation with intent to solicit a minor under section 566.153;

128 (2) Any person who is adjudicated of an offense comparable to a tier I offense listed in

129 this section or failure to register offense under section 589.425 or comparable out-of-state failure  
130 to register offense and who is already required to register as a tier I offender due to having been  
131 adjudicated of a tier I offense on a previous occasion; or

132 (3) ~~Any person who is or has been adjudicated in any other state, territory, the District~~  
133 ~~of Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense~~  
134 ~~of a sexual nature or with a sexual element that is comparable to the tier II sexual offenses listed~~  
135 ~~in this subsection or, if not comparable to those in this subsection, comparable to those described~~  
136 ~~as tier II offenses under the Sex Offender Registration and Notification Act, Title I of the Adam~~  
137 ~~Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.~~

138 7.] **10.** Tier III [sexual] offenders, in addition to the requirements of subsections 1 to [4]  
139 **5** of this section, shall report in person [to] **before** the [chief law enforcement] **registration**  
140 official every ninety days to verify the information contained in their statement made under  
141 section 589.407. [Tier III sexual offenders include:

142 (1) ~~Any offender registered as a predatory sexual offender as defined in section 566.123~~  
143 ~~or a persistent sexual offender as defined in section 566.124;~~

144 (2) ~~Any offender who has been adjudicated for the crime of:~~

145 (a) ~~Rape in the first degree under section 566.030;~~

146 (b) ~~Statutory rape in the first degree under section 566.032;~~

147 (c) ~~Rape in the second degree under section 566.031;~~

148 (d) ~~Endangering the welfare of a child in the first degree under section 568.045 if the~~  
149 ~~offense is sexual in nature;~~

150 (e) ~~Sodomy in the first degree under section 566.060;~~

151 (f) ~~Statutory sodomy under section 566.062;~~

152 (g) ~~Statutory sodomy under section 566.064 if the victim is under sixteen years of age;~~

153 (h) ~~Sodomy in the second degree under section 566.061;~~

154 (i) ~~Sexual misconduct involving a child under section 566.083 if the offense is a second~~  
155 ~~or subsequent offense;~~

156 (j) ~~Sexual abuse in the first degree under section 566.100 if the victim is under thirteen~~  
157 ~~years of age;~~

158 (k) ~~Kidnapping in the first degree under section 565.110 if the victim is under eighteen~~  
159 ~~years of age, excluding kidnapping by a parent or guardian;~~

160 (l) ~~Child kidnapping under section 565.115;~~

161 (m) ~~Sexual conduct with a nursing facility resident or vulnerable person in the first~~  
162 ~~degree under section 566.115 if the punishment is greater than a year;~~

163 (n) ~~Incest under section 568.020;~~

164 (o) ~~Endangering the welfare of a child in the first degree under section 568.045 with~~

165 ~~sexual intercourse or deviate sexual intercourse with a victim under eighteen years of age;~~  
166 ~~(p) Child molestation in the first degree under section 566.067;~~  
167 ~~(q) Child molestation in the second degree under section 566.068;~~  
168 ~~(r) Child molestation in the third degree under section 566.069 if the victim is under~~  
169 ~~thirteen years of age;~~  
170 ~~(s) Promoting prostitution in the first degree under section 567.050 if the victim is under~~  
171 ~~eighteen years of age;~~  
172 ~~(t) Promoting prostitution in the second degree under section 567.060 if the victim is~~  
173 ~~under eighteen years of age;~~  
174 ~~(u) Promoting prostitution in the third degree under section 567.070 if the victim is~~  
175 ~~under eighteen years of age;~~  
176 ~~(v) Promoting travel for prostitution under section 567.085 if the victim is under~~  
177 ~~eighteen years of age;~~  
178 ~~(w) Trafficking for the purpose of sexual exploitation under section 566.209 if the victim~~  
179 ~~is under eighteen years of age;~~  
180 ~~(x) Sexual trafficking of a child in the first degree under section 566.210;~~  
181 ~~(y) Sexual trafficking of a child in the second degree under section 566.211;~~  
182 ~~(z) Genital mutilation of a female child under section 568.065;~~  
183 ~~(aa) Statutory rape in the second degree under section 566.034;~~  
184 ~~(bb) Child molestation in the fourth degree under section 566.071 if the victim is under~~  
185 ~~thirteen years of age;~~  
186 ~~(cc) Sexual abuse in the second degree under section 566.101 if the penalty is a term of~~  
187 ~~imprisonment of more than a year;~~  
188 ~~(dd) Patronizing prostitution under section 567.030 if the offender is a persistent~~  
189 ~~offender;~~  
190 ~~(ee) Abuse of a child under section 568.060 if the offense is of a sexual nature and the~~  
191 ~~victim is under thirteen years of age;~~  
192 ~~(ff) Sexual contact with a prisoner or offender under section 566.145 if the victim is~~  
193 ~~under thirteen years of age;~~  
194 ~~(gg) Sexual intercourse with a prisoner or offender under section 566.145;~~  
195 ~~(hh) Sexual contact with a student under section 566.086 if the victim is under thirteen~~  
196 ~~years of age;~~  
197 ~~(ii) Use of a child in a sexual performance under section 573.200; or~~  
198 ~~(jj) Promoting a sexual performance by a child under section 573.205;~~  
199 ~~(3) Any offender who is adjudicated for a crime comparable to a tier I or tier II offense~~  
200 ~~listed in this section or failure to register offense under section 589.425, or other comparable~~

201 ~~out-of-state failure to register offense, who has been or is already required to register as a tier~~  
202 ~~H offender because of having been adjudicated for a tier H offense, two tier I offenses, or~~  
203 ~~combination of a tier I offense and failure to register offense, on a previous occasion;~~

204 ~~(4) Any offender who is adjudicated in any other state, territory, the District of~~  
205 ~~Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense of~~  
206 ~~a sexual nature or with a sexual element that is comparable to a tier III offense listed in this~~  
207 ~~section or a tier III offense under the Sex Offender Registration and Notification Act, Title I of~~  
208 ~~the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248; or~~

209 ~~(5) Any offender who is adjudicated in Missouri for any offense of a sexual nature~~  
210 ~~requiring registration under sections 589.400 to 589.425 that is not classified as a tier I or tier~~  
211 ~~H offense in this section.~~

212 ~~8.] 11. In addition to the requirements of subsections 1 to [7] 5 and 8 to 10 of this~~  
213 ~~section, all Missouri registrants who work, including as a volunteer or unpaid intern, or attend~~  
214 ~~any school whether public or private, including any secondary school, trade school, professional~~  
215 ~~school, or institution of higher education, on a full-time or part-time basis or have a temporary~~  
216 ~~residence in this state shall be required to report in person [to] before the [chief law enforcement~~  
217 ~~officer] registration official in the area of the state where they work, including as a volunteer~~  
218 ~~or unpaid intern, or attend any school or training and register in that state. ["Part-time" in this~~  
219 ~~subsection means for more than seven days in any twelve-month period.~~

220 ~~9.] 12. If a person who is required to register as a sexual offender under sections 589.400~~  
221 ~~to 589.425 changes or obtains a new online identifier [as defined in section 43.651], the person~~  
222 ~~shall report such information in the same manner as a change of residence before using such~~  
223 ~~online identifier.~~

~~589.415. [1:] Any probation officer or parole officer assigned to a sexual offender who~~  
2 is required to register pursuant to sections 589.400 to 589.425 shall notify the appropriate law  
3 enforcement officials whenever the **probation officer or parole officer** has reason to believe  
4 that the offender will be changing his or her residence. Upon obtaining the new address where  
5 the offender expects to reside, the **probation officer or parole officer** shall report such address  
6 to the ~~[chief law enforcement] registration~~ **registration** official with whom the offender last registered and  
7 the ~~[chief law enforcement] registration~~ **registration** official of the county having jurisdiction over the new  
8 residence, if different. The **probation officer or parole officer** shall also inform the offender  
9 of the offender's duty to register. However, nothing in this section shall affect the offender's  
10 duty to register, pursuant to sections 589.400 to 589.425.

11 ~~[2. As used in this section, the term "probation officer" includes any agent of a private~~  
12 ~~entity assigned to provide probation supervision services to an offender due to the offender's~~  
13 ~~status as a sexual offender who is required to register pursuant to sections 589.400 to 589.425.]~~

589.417. 1. Except for the specific information listed in subsection 2 of this section, the complete statements, photographs and fingerprints required by sections 589.400 to 589.425 shall not be subject to the provisions of chapter 610 and are not public records as defined in section 610.010, and shall be available only to courts, prosecutors and law enforcement agencies.

2. ~~[Notwithstanding any provision of law to the contrary, the chief law enforcement official of the county]~~ **(1) The following information shall be available as an open record under chapter 610:**

**(a) Any information retained by the Missouri state highway patrol required to be published on the internet at the time of the request, as provided in section 589.411; and**

**(b) The name, offense requiring registration, dates of registration, and compliance status of any offender who has been removed from the internet because of death or a move out of the state. For offenders who have moved out of the state, the new state of residence shall also be an open record.**

**(2) The registration official** shall maintain, for all offenders registered in such county, a complete list of the names, addresses and crimes for which such offenders are registered. Any person may request such list from the ~~[chief law enforcement]~~ **registration** official of the county.

**3. Nothing in this section shall be construed to open any records relating to an offender who has been removed from the sexual offender registry or found exempt under section 589.401. Such records shall be governed by the provisions of chapter 610.**

**4. The metadata recorded by the sex offender registry system, website, or other related databases utilized by the sex offender registry including activity logs, user information, or other related information shall be a closed record, available only to authorized users for the administration of criminal justice, as the term "administration of criminal justice" is defined in section 43.500.**

~~[589.425. 1. A person commits the crime of failing to register as a sex offender when the person is required to register under sections 589.400 to 589.425 and fails to comply with any requirement of sections 589.400 to 589.425. Failing to register as a sex offender is a class E felony unless the person is required to register based on having committed an offense in chapter 566 which was an unclassified felony, a class A or B felony, or a felony involving a child under the age of fourteen, in which case it is a class D felony.~~

~~2. A person commits the crime of failing to register as a sex offender as a second offense by failing to comply with any requirement of sections 589.400 to 589.425 and he or she has previously pled guilty to or has previously been found guilty of failing to register as a sex offender. Failing to register as a sex offender as a second offense is a class E felony unless the person is required to register based on having committed an offense in chapter~~

15 ~~566, or an offense in any other state or foreign country, or under federal,~~  
16 ~~tribal, or military jurisdiction, which if committed in this state would be an~~  
17 ~~offense under chapter 566 which was an unclassified felony, a class A or B~~  
18 ~~felony, or a felony involving a child under the age of fourteen, in which case~~  
19 ~~it is a class D felony.~~

20 ~~3. (1) A person commits the crime of failing to register as a sex~~  
21 ~~offender as a third offense by failing to meet the requirements of sections~~  
22 ~~589.400 to 589.425 and he or she has, on two or more occasions, previously~~  
23 ~~pled guilty to or has previously been found guilty of failing to register as a sex~~  
24 ~~offender. Failing to register as a sex offender as a third offense is a class A~~  
25 ~~felony, which shall be punished by a term of imprisonment of not less than ten~~  
26 ~~years and not more than thirty years.~~

27 ~~(2) No court may suspend the imposition or execution of sentence of~~  
28 ~~a person who pleads guilty to or is found guilty of failing to register as a sex~~  
29 ~~offender as a third offense. No court may sentence such person to pay a fine~~  
30 ~~in lieu of a term of imprisonment.~~

31 ~~(3) [A person sentenced under this subsection shall not be eligible for~~  
32 ~~conditional release or parole until he or she has served at least two years of~~  
33 ~~imprisonment.~~

34 ~~(4)] Upon release, an offender who has committed failing to register~~  
35 ~~as a sex offender as a third offense shall be electronically monitored as a~~  
36 ~~mandatory condition of supervision. Electronic monitoring may be based on~~  
37 ~~a global positioning system or any other technology which identifies and~~  
38 ~~records the offender's location at all times.]~~

2 589.425. 1. A person commits the crime of failing to register as a sex offender when the  
3 person is required to register under sections 589.400 to 589.425 and fails to comply with any  
4 requirement of sections 589.400 to 589.425. Failing to register as a sex offender is a class E  
5 felony unless the person is required to register based on having committed an offense in chapter  
6 566 which was an unclassified felony, a class A or B felony, or a felony involving a child under  
7 the age of fourteen, in which case it is a class D felony.

8 2. A person commits the crime of failing to register as a sex offender as a second offense  
9 by failing to comply with any requirement of sections 589.400 to 589.425 and he or she has  
10 previously pled guilty to or has previously been found guilty of failing to register as a sex  
11 offender. Failing to register as a sex offender as a second offense is a class E felony unless the  
12 person is required to register based on having committed an offense in chapter 566, or an offense  
13 in any other state or foreign country, or under federal, tribal, or military jurisdiction, which if  
14 committed in this state would be an offense under chapter 566 which was an unclassified felony,  
15 a class A or B felony, or a felony involving a child under the age of fourteen, in which case it  
16 is a class D felony.

16 3. (1) A person commits the crime of failing to register as a sex offender as a third

17 offense by failing to meet the requirements of sections 589.400 to 589.425 and he or she has, on  
18 two or more occasions, previously pled guilty to or has previously been found guilty of failing  
19 to register as a sex offender. Failing to register as a sex offender as a third offense is a **class A**  
20 felony, which shall be punished by a term of imprisonment of not less than ten years and not  
21 more than thirty years.

22 (2) No court may suspend the imposition or execution of sentence of a person who  
23 pleads guilty to or is found guilty of failing to register as a sex offender as a third offense. No  
24 court may sentence such person to pay a fine in lieu of a term of imprisonment.

25 (3) ~~[A person sentenced under this subsection shall not be eligible for conditional release~~  
26 ~~or parole until he or she has served at least two years of imprisonment.]~~

27 (4) Upon release, an offender who has committed failing to register as a sex offender  
28 as a third offense shall be electronically monitored as a mandatory condition of supervision.  
29 Electronic monitoring may be based on a global positioning system or any other technology  
30 which identifies and records the offender's location at all times.

**589.900. 1. For the purposes of sections 589.900 to 589.902, the following terms**  
2 **mean:**

3 (1) **"Authorized individuals", peace officers, as defined in section 590.010, who are**  
4 **certified in accordance with federal requirements, including the Homeland Security Act**  
5 **of 2002, Pub. L. 107-296, as amended, when applicable, to conduct unmanned aircraft and**  
6 **unmanned aerial system mitigation;**

7 (2) **"Mitigate", any of the following actions:**

8 (a) **During the operation of an unmanned aircraft system, to detect, identify,**  
9 **monitor, or track the unmanned aircraft system or unmanned aircraft, without prior**  
10 **consent, including by means of intercept or other access of a wire communication, an oral**  
11 **communication, or an electronic communication used to control the unmanned aircraft**  
12 **system or unmanned aircraft;**

13 (b) **To warn the operator of the unmanned aircraft system or unmanned aircraft,**  
14 **including by passive or active and direct or indirect physical, electronic, radio, or**  
15 **electromagnetic means, or through the use of remote identification broadcast or other**  
16 **means;**

17 (c) **To disrupt control of the unmanned aircraft system or unmanned aircraft,**  
18 **without prior consent, including by disabling the unmanned aircraft system or unmanned**  
19 **aircraft by intercepting, interfering, or causing interference with wire, oral, electronic, or**  
20 **radio communications used to control the unmanned aircraft system or unmanned**  
21 **aircraft;**

22 (d) **To seize or exercise control of the unmanned aircraft system or unmanned**

23 **aircraft; or**

24 **(e) To use reasonable force, if necessary, to disable, damage, or destroy the**  
25 **unmanned aircraft system or unmanned aircraft.**

26 **2. The terms "unmanned aircraft" and "unmanned aircraft system" shall have the**  
27 **meanings given such terms in 49 U.S.C. Section 44801.**

**589.902. 1. To the greatest extent permissible under applicable federal law,**  
2 **including the Homeland Security Act of 2002, Pub. L. 107-296, as amended, authorized**  
3 **individuals in this state shall be empowered to take necessary action to mitigate a credible**  
4 **threat that an unmanned aircraft or unmanned aircraft system poses to the safety or**  
5 **security of people, facilities, assets, a venue or set of venues used for large-scale public**  
6 **gatherings or events, critical infrastructure, or correctional facilities.**

7 **2. Nothing in this section shall be construed to limit the power of a law enforcement**  
8 **officer in this state to seize an unmanned aircraft system or unmanned aircraft in the**  
9 **course of their duties. A law enforcement officer may use all lawful means to effect such**  
10 **a seizure, which may include the use of mitigation techniques where permissible.**

11 **3. Any unmanned aircraft system or unmanned aircraft seized under this section**  
12 **or in connection with a criminal act shall be subject to forfeiture under section 513.607.**

13 **4. Nothing in this section shall be construed to permit the jamming of or**  
14 **interference with any signal, except in accordance with all applicable federal laws, rules,**  
15 **and regulations, including, but not limited to, the Homeland Security Act of 2002, Pub. L.**  
16 **107-296, as amended.**

**590.192. 1. There is hereby established the "Critical Incident Stress Management**  
2 **Program" within the department of public safety. The program shall provide services for peace**  
3 **officers and first responders to assist in coping with stress and potential psychological trauma**  
4 **resulting from a response to a critical incident or emotionally difficult event. Such services may**  
5 **include consultation, risk assessment, education, intervention, and other crisis intervention**  
6 **services provided by the department to peace officers and first responders affected by a critical**  
7 **incident. For purposes of this section, a "critical incident" shall mean any event outside the**  
8 **usual realm of human experience that is markedly distressing or evokes reactions of intense fear,**  
9 **helplessness, or horror and involves the perceived threat to a person's physical integrity or the**  
10 **physical integrity of someone else. For purposes of this section, the term "first responder" shall**  
11 **have the same meaning as first responder in section 190.1010.**

12 **2. All peace officers and first responders shall be required to meet with a program**  
13 **service provider once every three to five years for a mental health check-in, or a department**  
14 **established behavioral health or mental health program that meets the requirements of**  
15 **subsection 1 of this section which shall satisfy this requirement. The program service**

16 provider shall send a notification to the peace officer's commanding officer, **or first responder's**  
17 **commanding officer**, or first responder's director or supervisor that he or she completed such  
18 check-in.

19 3. Any information disclosed by a peace officer or first responder shall be privileged and  
20 shall not be used as evidence in criminal, administrative, or civil proceedings against the peace  
21 officer or first responder unless:

22 (1) A program representative reasonably believes the disclosure is necessary to prevent  
23 harm to a person who received services or to prevent harm to another person;

24 (2) The person who received the services provides written consent to the disclosure; or

25 (3) The person receiving services discloses information that is required to be reported  
26 under mandatory reporting laws.

27 4. (1) There is hereby created in the state treasury the "988 Public Safety Fund", which  
28 shall consist of moneys appropriated by the general assembly. The state treasurer shall be  
29 custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may  
30 approve disbursements. The fund shall be a dedicated fund and moneys in the fund shall be used  
31 solely by the department of public safety for the purposes of providing services for peace  
32 officers and first responders to assist in coping with stress and potential psychological trauma  
33 resulting from a response to a critical incident or emotionally difficult event pursuant to  
34 subsection 1 of this section. Such services may include consultation, risk assessment, education,  
35 intervention, and other crisis intervention services provided by the department to peace officers  
36 or first responders affected by a critical incident. The director of public safety may prescribe  
37 rules and regulations necessary to carry out the provisions of this section. Any rule or portion  
38 of a rule, as that term is defined in section 536.010, that is created under the authority delegated  
39 in this section shall become effective only if it complies with and is subject to all of the  
40 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are  
41 nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536  
42 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held  
43 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after  
44 August 28, 2021, shall be invalid and void.

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

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

632.305. 1. An application for detention for evaluation and treatment at a mental health  
2 facility may be executed by any adult person, who need not be an attorney or represented by an

3 attorney, on a form provided by the court for such purpose, and shall allege under oath[~~], without~~  
4 ~~a notarization requirement,~~] that the applicant has reason to believe that the respondent is  
5 suffering from a mental disorder and presents a likelihood of serious harm to himself or herself  
6 or to others. The application shall specify the factual information on which such belief is based  
7 and should contain the names and addresses of all persons known to the applicant who have  
8 knowledge of such facts through personal observation.

9         2. The filing of a written application in court by any adult person, who need not be an  
10 attorney or represented by an attorney, shall authorize the applicant to bring the matter before  
11 the court on an ex parte basis to determine whether the respondent should be taken into custody  
12 and transported to a mental health facility. The application may be filed in the court having  
13 probate jurisdiction in any county where the respondent may be found. If the court finds that  
14 there is probable cause, either upon testimony under oath or upon a review of affidavits,  
15 declarations, or other supporting documentation, to believe that the respondent may be suffering  
16 from a mental disorder and presents a likelihood of serious harm to himself or herself or others,  
17 it shall direct a peace officer to take the respondent into custody and transport him or her to a  
18 mental health facility for detention for evaluation and treatment for a period not to exceed  
19 ninety-six hours unless further detention and treatment is authorized pursuant to this chapter.  
20 Nothing herein shall be construed to prohibit the court, in the exercise of its discretion, from  
21 giving the respondent an opportunity to be heard.

22         3. A peace officer may take a person into custody for detention for evaluation and  
23 treatment at a mental health facility for a period not to exceed ninety-six hours only when such  
24 peace officer has reasonable cause to believe that such person is suffering from a mental disorder  
25 and that the likelihood of serious harm by such person to himself or herself or others is imminent  
26 unless such person is immediately taken into custody. Upon arrival at the mental health facility,  
27 the peace officer who conveyed such person or caused him or her to be conveyed shall either  
28 present the application for detention for evaluation and treatment upon which the court has  
29 issued a finding of probable cause and the respondent was taken into custody or complete an  
30 application for initial detention for evaluation and treatment for a period not to exceed ninety-six  
31 hours which shall be based upon his or her own personal observations or investigations and shall  
32 contain the information required in subsection 1 of this section.

33         4. If a person presents himself or herself or is presented by others to a mental health  
34 facility and a licensed physician, a registered professional nurse or a mental health professional  
35 designated by the head of the facility and approved by the department for such purpose has  
36 reasonable cause to believe that the person is mentally disordered and presents an imminent  
37 likelihood of serious harm to himself or herself or others unless he or she is accepted for  
38 detention, the licensed physician, the mental health professional or the registered professional

39 nurse designated by the facility and approved by the department may complete an application  
40 for detention for evaluation and treatment for a period not to exceed ninety-six hours. The  
41 application shall be based on his or her own personal observations or investigation and shall  
42 contain the information required in subsection 1 of this section.

43 5. **(1)** No notarization shall be required for an application, or for any affidavits,  
44 declarations, or other documents supporting an application, **completed or executed, by:**

45 **(a) A peace officer under subsection 3 of this section;**

46 **(b) A licensed physician, mental health professional, or registered professional**  
47 **nurse under subsection 4 of this section; or**

48 **(c) An employee acting on behalf of a hospital, as defined in section 197.020, under**  
49 **subsections 1 and 2 of this section.**

50 **(2)** The application and any affidavits, declarations, or other documents supporting the  
51 application shall be subject to the provisions of section 492.060 allowing for declaration under  
52 penalty of perjury.

632.489. 1. Upon filing a petition pursuant to section 632.484 or 632.486, the judge  
2 shall determine whether probable cause exists to believe that the person named in the petition  
3 is a sexually violent predator. If such probable cause determination is made, the judge shall  
4 direct that person be taken into custody and direct that the person be transferred to an appropriate  
5 secure facility, including, but not limited to, a county jail. If the person is ordered to the  
6 department of mental health, the director of the department of mental health shall determine the  
7 appropriate secure facility to house the person under the provisions of section 632.495.

8 2. Within seventy-two hours after a person is taken into custody pursuant to subsection  
9 1 of this section, excluding Saturdays, Sundays and legal holidays, such person shall be provided  
10 with notice of, and an opportunity to appear in person at, a hearing to contest probable cause as  
11 to whether the detained person is a sexually violent predator. At this hearing the court shall:

12 (1) Verify the detainee's identity; and

13 (2) Determine whether probable cause exists to believe that the person is a sexually  
14 violent predator. The state may rely upon the petition and supplement the petition with  
15 additional documentary evidence or live testimony.

16 3. At the probable cause hearing as provided in subsection 2 of this section, the detained  
17 person shall have the following rights in addition to the rights previously specified:

18 (1) To be represented by counsel;

19 (2) To present evidence on such person's behalf;

20 (3) To cross-examine witnesses who testify against such person; and

21 (4) To view and copy all petitions and reports in the court file, including the assessment  
22 of the multidisciplinary team.

23           4. If the probable cause determination is made, the court shall direct that the person be  
24 transferred to an appropriate secure facility, including, but not limited to, a county jail, for an  
25 evaluation as to whether the person is a sexually violent predator. If the person is ordered to the  
26 department of mental health, the director of the department of mental health shall determine the  
27 appropriate secure facility, which may include **the department of corrections or** a county jail  
28 as set forth in section 632.495, to house the person. The court shall direct the director of the  
29 department of mental health to have the person examined by a psychiatrist or psychologist as  
30 defined in section 632.005 who was not a member of the multidisciplinary team that previously  
31 reviewed the person's records. In addition, such person may be examined by a consenting  
32 psychiatrist or psychologist of the person's choice at the person's own expense. Any  
33 examination shall be conducted in the facility in which the person is confined. Any  
34 examinations ordered shall be made at such time and under such conditions as the court deems  
35 proper; except that, if the order directs the director of the department of mental health to have  
36 the person examined, the director shall determine the time, place and conditions under which the  
37 examination shall be conducted. The psychiatrist or psychologist conducting such an  
38 examination shall be authorized to interview family and associates of the person being  
39 examined, as well as victims and witnesses of the person's offense or offenses, for use in the  
40 examination unless the court for good cause orders otherwise. The psychiatrist or psychologist  
41 shall have access to all materials provided to and considered by the multidisciplinary team and  
42 to any police reports related to sexual offenses committed by the person being examined. Any  
43 examination performed pursuant to this section shall be completed and filed with the court  
44 within sixty days of the date the order is received by the director or other evaluator unless the  
45 court for good cause orders otherwise. One examination shall be provided at no charge by the  
46 department. All costs of any subsequent evaluations shall be assessed to the party requesting  
47 the evaluation.

          632.492. Within sixty days after the completion of any examination held pursuant to  
2 section 632.489, the court shall conduct a trial to determine whether the person is a sexually  
3 violent predator. The trial may be continued upon the request of either party and a showing of  
4 good cause, or by the court on its own motion in the due administration of justice, and when the  
5 respondent will not be substantially prejudiced. At all stages of the proceedings pursuant to  
6 sections 632.480 to 632.513, any person subject to sections 632.480 to 632.513 shall be entitled  
7 to the assistance of counsel, and if the person is indigent, the court shall appoint counsel to assist  
8 such person. The person, the attorney general, or the judge shall have the right to demand that  
9 the trial be before a jury. If the trial is held before a jury, the judge shall instruct the jury that  
10 if it finds that the person is a sexually violent predator, the person shall be committed to the  
11 custody of the director of the department of mental health **to be housed in an appropriate**

12 **secure facility, as determined by the director of the department of mental health as set**  
13 **forth in section 632.495**, for control, care and treatment. If no demand for a jury is made, the  
14 trial shall be before the court. The court shall conduct all trials pursuant to this section in open  
15 court, except as otherwise provided for by the child victim witness protection law pursuant to  
16 sections 491.675 to 491.705.

632.495. 1. The court or jury shall determine whether, by clear and convincing  
2 evidence, the person is a sexually violent predator. If such determination that the person is a  
3 sexually violent predator is made by a jury, such determination shall be by unanimous verdict  
4 of such jury. Any determination as to whether a person is a sexually violent predator may be  
5 appealed.

6 2. If the court or jury determines that the person is a sexually violent predator, the person  
7 shall be committed to the custody of the director of the department of mental health for control,  
8 care and treatment until such time as the person's mental abnormality has so changed that the  
9 person is safe to be at large. Such control, care and treatment shall be provided **or arranged by**  
10 the department of mental health **in an appropriate secure facility, as determined by the**  
11 **director of the department of mental health as set forth in this section.**

12 3. At all times, persons ordered to the department of mental health after a determination  
13 by the court that such persons may meet the definition of a sexually violent predator, persons  
14 ordered to the department of mental health after a finding of probable cause under section  
15 632.489, and persons committed for control, care and treatment by the department of mental  
16 health pursuant to sections 632.480 to 632.513 shall be kept in a secure facility designated by  
17 the director of the department of mental health and such persons shall be segregated at all times  
18 from any other patient under the supervision of the director of the department of mental health.  
19 The department of mental health shall not place or house a person ordered to the department of  
20 mental health after a determination by the court that such person may meet the definition of a  
21 sexually violent predator, a person ordered to the department of mental health after a finding of  
22 probable cause under section 632.489, or a person committed for control, care, and treatment by  
23 the department of mental health, pursuant to sections 632.480 to 632.513, with other mental  
24 health patients. The provisions of this subsection shall not apply to a person who has been  
25 conditionally released under section 632.505.

26 4. The department of mental health is authorized to enter into an interagency agreement  
27 with the department of corrections for the confinement of ~~such~~ persons **ordered to the**  
28 **department of mental health after a determination by the court that such persons may**  
29 **meet the definition of a sexually violent predator or for the confinement of persons ordered**  
30 **to the department of mental health after a finding of probable cause under section 632.489,**  
31 **provided the department of corrections has necessary space and services available and the**

32 **director of the department of corrections has agreed to provide such confinement through**  
33 **an interagency agreement with the department of mental health.** Such persons who are in  
34 the confinement of the department of corrections pursuant to an interagency agreement shall be  
35 housed and managed separately from offenders in the custody of the department of corrections,  
36 and except for occasional instances of supervised incidental contact, shall be segregated from  
37 such offenders. **If the department of mental health and the department of corrections have**  
38 **entered into an interagency agreement as provided in this subsection, the department of**  
39 **corrections is authorized to enter into one or more contract agreements as may be**  
40 **necessary to perform the agreed upon responsibilities of the department of corrections**  
41 **under the interagency agreement including, but not limited to, a contract agreement with**  
42 **one or more licensed professionals or providers of health care services to provide health**  
43 **care services to the persons identified in this subsection.**

44 5. The department of mental health is authorized to enter into a contract agreement with  
45 one or more county jails in Missouri for the confinement of persons ordered to the department  
46 of mental health after a determination by the court that such persons may meet the definition of  
47 a sexually violent predator or for the confinement of persons ordered to the department of mental  
48 health after a finding of probable cause under section 632.489. Such persons who are in the  
49 confinement of a county jail pursuant to a contract agreement shall be housed and managed  
50 separately from offenders in the custody of the county jail, and except for occasional instances  
51 of supervised incidental contact, shall be segregated from such offenders.

52 6. **The department of mental health is authorized to enter into an interagency**  
53 **agreement with the department of corrections for the control and care, including health**  
54 **care services, of persons committed to the department of mental health by the court as a**  
55 **sexually violent predator, provided the department of corrections has necessary space and**  
56 **services available and the director of the department of corrections has agreed to provide**  
57 **such control and care through an interagency agreement with the department of mental**  
58 **health. Such persons who are in the control and care of the department of corrections**  
59 **under an interagency agreement shall be housed and managed separately from offenders**  
60 **in the custody of the department of corrections, and except for occasional instances of**  
61 **supervised incidental contact, shall be segregated from such offenders. If the department**  
62 **of mental health and the department of corrections have entered into an interagency**  
63 **agreement as provided in this subsection, the department of corrections is authorized to**  
64 **enter into one or more contract agreements as may be necessary to perform the agreed**  
65 **upon responsibilities of the department of corrections under the interagency agreement**  
66 **including, but not limited to, a contract agreement with one or more licensed professionals**  
67 **or providers of health care services to provide health care services to the persons identified**

68 **in this subsection.**

69 **7. The department of mental health is authorized to enter into a contract agreement**  
70 **with one or more licensed professionals or providers of health care or mental health care**  
71 **services to provide health care or mental health care services to persons ordered to the**  
72 **department of mental health after a determination by the court that such persons may**  
73 **meet the definition of a sexually violent predator, persons ordered to the department of**  
74 **mental health after a finding of probable cause under section 632.489, and persons**  
75 **committed for control, care, and treatment by the department of mental health under**  
76 **sections 632.480 to 632.513.**

77 **8.** If the court or jury is not satisfied by clear and convincing evidence that the person  
78 is a sexually violent predator, the court shall direct the person's release.

79 ~~[7.]~~ **9.** Upon a mistrial, the court shall direct that the person be held at an appropriate  
80 secure facility, including, but not limited to, a county jail, until another trial is conducted. If the  
81 person is ordered to the department of mental health, the director of the department of mental  
82 health shall determine the appropriate secure facility to house the person. Any subsequent trial  
83 following a mistrial shall be held within ninety days of the previous trial, unless such subsequent  
84 trial is continued as provided in section 632.492.

632.504. Nothing in sections 632.480 to 632.513 shall prohibit a person from filing a  
2 petition for release pursuant to sections 632.480 to 632.513. However, if a person has previously  
3 filed a petition for release without the ~~[director's]~~ **director of the department of mental**  
4 **health's** approval and the court determined either upon review of the petition or following a  
5 hearing that the petitioner's petition was frivolous or that the petitioner's condition had not so  
6 changed that the person was safe to be at large, then the court shall deny the subsequent petition  
7 unless the petition contains facts upon which a court could find the condition of the petitioner  
8 had so changed that a hearing was warranted. Upon receipt of a first or subsequent petition from  
9 committed persons without the director's approval, the court shall endeavor whenever possible  
10 to review the petition and determine if the petition is based upon frivolous grounds and if so  
11 shall deny the petition without a hearing.

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

2 (1) "Employee of the department of mental health", a person who is an employee of the  
3 department of mental health, an employee or contracted employee of a subcontractor of the  
4 department of mental health, or an employee or contracted employee of a subcontractor of an  
5 entity ~~[responsible for confining offenders]~~ **under an interagency agreement or contract with**  
6 **the department of mental health** as authorized by section 632.495;

7 (2) "Offender", a person ordered to the department of mental health after a determination  
8 by the court that the person meets the definition of a sexually violent predator, a person ordered

9 to the department of mental health after a finding of probable cause under section 632.489, or  
10 a person committed for control, care, and treatment by the department of mental health under  
11 sections 632.480 to 632.513;

12 (3) "Secure facility", a facility operated by the department of mental health or an entity  
13 ~~[responsible for confining offenders]~~ **designated by the department of mental health to**  
14 **confine offenders or provide control and care to offenders** as authorized by section 632.495.

15 2. No offender shall knowingly commit violence to an employee of the department of  
16 mental health or to another offender housed in a secure facility. Violation of this subsection  
17 shall be a class B felony.

18 3. No offender shall knowingly damage any building or other property owned or  
19 operated by the department of mental health. Violation of this subsection shall be a class D  
20 felony.

**632.580. The definitions set forth in section 632.005 shall apply to sections 632.580**  
2 **to 632.610. In addition, as used in sections 632.580 to 632.610, unless the context clearly**  
3 **requires otherwise, the following terms mean:**

4 (1) "Assisted outpatient treatment", court-ordered involuntary outpatient mental  
5 health care services that are provided by a mental health program under a treatment plan  
6 developed and monitored by a master's level mental health professional. Such services  
7 may include, but are not limited to:

8 (a) Case management;

9 (b) Medication management;

10 (c) Therapy or counseling;

11 (d) Substance use treatment, if applicable;

12 (e) Crisis intervention services; and

13 (f) Assistance with housing, employment, or other community resources necessary  
14 for an individual's stability;

15 (2) "Case manager", a mental health professional employed by a certified  
16 community mental health center who is assigned to a respondent to oversee the  
17 respondent's compliance with the outpatient treatment plan ordered by the court under  
18 sections 632.580 to 632.610;

19 (3) "Community mental health center", the same meaning given to the term in  
20 section 205.975;

21 (4) "Comprehensive mental health services", the same meaning given to the term  
22 in section 205.975;

23 (5) "Local public health agency", a county health center board established under  
24 chapter 205, a county health department, a combined city and county health department

25 or agency, a multicounty health department or agency, or any other county health  
26 authority;

27 (6) "Petition", a petition for assisted outpatient treatment filed under section  
28 632.585 or for continued assisted outpatient treatment filed under section 632.600;

29 (7) "Respondent", a person who is alleged in a petition to meet the criteria for  
30 assisted outpatient treatment in section 632.590;

31 (8) "Service area", the same meaning given to the term in section 205.975.

632.585. 1. A petition for an order authorizing assisted outpatient treatment may  
2 be filed by:

3 (1) The director, administrator, or treating physician of a mental health program  
4 in which the respondent is hospitalized;

5 (2) The director, administrator, or treating physician of an emergency receiving  
6 center in which the respondent is receiving services;

7 (3) A licensed physician, a registered professional nurse designated by the  
8 community mental health center and approved by the department of mental health, or a  
9 mental health professional from whom the respondent is receiving services;

10 (4) The appointed guardian or limited guardian of a ward who is the respondent;  
11 or

12 (5) The department of health and senior services, the department of mental health,  
13 or any local public health agency located within the probate jurisdiction in which the  
14 petition is filed.

15 2. The petition may be filed in the court having probate jurisdiction in which the  
16 respondent is present or reasonably believed to be present or in the probate jurisdiction  
17 in which the respondent resides.

18 3. The petition shall allege under oath, without a notarization requirement, that the  
19 petitioner has reason to believe that the respondent meets the criteria for assisted  
20 outpatient treatment in section 632.590. The petition shall specify factual information on  
21 which such belief is based and shall contain the names and addresses of all persons known  
22 to the petitioner who have knowledge of such facts through personal observation.

23 4. No notarization shall be required for a petition or for any affidavits,  
24 declarations, or other documents supporting a petition. The petition and any affidavits,  
25 declarations, or other documents supporting the petition shall be subject to the provisions  
26 of section 492.060 allowing for declaration under penalty of perjury.

27 5. The prosecuting attorney of the county in which a hearing on a petition takes  
28 place shall represent the petitioner and file and prosecute in court all petitions. Such duty  
29 shall be fulfilled by the county counselor in counties having a county counselor and by the

30 circuit attorney in any city not within a county.

632.590. Following receipt of a petition and completion of the procedures required  
2 in section 632.593, a court may issue an order requiring a respondent to participate in  
3 assisted outpatient treatment if:

4 (1) The respondent:

5 (a) Is eighteen years of age or older;

6 (b) Is suffering from a mental illness;

7 (c) Will not obtain treatment in the community voluntarily; and

8 (d) Is unable to make an informed decision to seek or to comply with voluntary  
9 treatment; and

10 (2) Either:

11 (a) Because of the respondent's fulfillment of the criteria of subdivision (1) of this  
12 section, the respondent requires treatment to prevent a deterioration in the respondent's  
13 mental illness that would be likely to result in serious harm to the respondent or others as  
14 described in section 632.305; or

15 (b) The respondent has a history of a lack of compliance with treatment for the  
16 respondent's mental illness, and within the thirty-six months immediately preceding the  
17 date of the filing of the petition such lack of compliance has either:

18 a. At least twice, been a significant factor in necessitating a civil detention period  
19 for treatment instituted under sections 632.120 or 632.305 or receipt of services in a  
20 forensic or other mental health unit of any state or local correctional facility, not including  
21 any period during which the respondent was hospitalized or incarcerated immediately  
22 preceding the date of the filing of the petition; or

23 b. Resulted in one or more acts of violent behavior with the intention of causing  
24 serious physical injury toward self or others or threats of, or attempts of, serious physical  
25 harm to self or others, not including any period during which the respondent was  
26 hospitalized or incarcerated immediately preceding the date of the filing of the petition.

632.593. 1. At the time of filing the petition, the court clerk shall set a date and  
2 time for the hearing, which shall take place within two judicial days of the filing of the  
3 petition. An attorney shall be appointed to represent the respondent as required under  
4 section 632.450 from the register of attorneys described in section 632.415. An attorney  
5 so appointed shall be entitled to attorney's fees to the same extent as allowed under section  
6 632.415. The clerk shall promptly notify the respondent, the respondent's attorney, the  
7 petitioner, and the petitioner's attorney of the date and time for the hearing. The court  
8 shall not grant continuances except upon a showing of good and sufficient cause.

9 2. The hearing shall be conducted in as informal a manner as may be consistent

10 **with orderly procedure and in a physical setting not likely to have a harmful effect on the**  
11 **respondent. The respondent shall have the following rights in addition to those specified**  
12 **elsewhere:**

- 13 (1) **To be represented by an attorney;**
- 14 (2) **To present evidence on his or her own behalf;**
- 15 (3) **To cross-examine witnesses who testify against him or her;**
- 16 (4) **To remain silent;**
- 17 (5) **To view and copy all petitions and reports in the court file of his or her case;**
- 18 (6) **To have the hearing open or closed to the public as he or she elects;**
- 19 (7) **To be proceeded against according to the rules of evidence applicable to civil**  
20 **judicial proceedings; and**

21 (8) **To have the hearing before a jury if requested by the respondent or his or her**  
22 **attorney.**

23 **3. The respondent shall be present at the hearing unless the respondent's physical**  
24 **condition is such that he or she cannot be present in the courtroom or if the court**  
25 **determines that the respondent's conduct in the courtroom is so disruptive that the**  
26 **proceedings cannot reasonably continue.**

27 **4. The burden of proof at the hearing shall be by clear and convincing evidence and**  
28 **shall be upon the petitioner.**

29 **5. If the matter is tried before a jury, the jury shall determine and shall be**  
30 **instructed only upon the issue of whether the respondent meets the criteria for assisted**  
31 **outpatient treatment in section 632.590. The remaining procedures for the jury trial shall**  
32 **be as in other civil matters.**

33 **6. The respondent shall not be required to file an answer or other responsive**  
34 **pleading.**

35 **7. At the conclusion of the hearing, if the court or jury finds, based upon clear and**  
36 **convincing evidence, that the respondent meets the criteria for assisted outpatient**  
37 **treatment in section 632.590, and the court finds that a mental health program appropriate**  
38 **to handle the respondent's condition has agreed to accept the respondent, the court shall**  
39 **issue an order requiring the respondent to participate in assisted outpatient treatment with**  
40 **the mental health program for a period not to exceed two years.**

41 **8. At the conclusion of the hearing, if the court or jury does not find by clear and**  
42 **convincing evidence that the respondent meets the criteria for assisted outpatient**  
43 **treatment in section 632.590, the court shall dismiss the petition.**

44 **9. An order requiring the respondent to participate in assisted outpatient treatment**  
45 **based on satisfaction of the provisions of subparagraph a. of paragraph (b) of subdivision**

46 **(2) of section 632.590 shall not be issued unless the court has considered, or the jury has**  
47 **been instructed to consider, at least the following factors:**

48 **(1) The respondent's ability to access finances in order to obtain food or medicine;**

49 **(2) The respondent's ability to obtain treatment for the respondent's medical**  
50 **condition;**

51 **(3) The respondent's ability to access necessary resources in the community without**  
52 **assistance;**

53 **(4) The degree to which there are risks to the respondent's safety;**

54 **(5) The likelihood that the respondent will decompensate without immediate care**  
55 **or treatment;**

56 **(6) The respondent's previous attempts to inflict physical injury on self or others;**

57 **(7) The respondent's history of behavioral health treatment in the community;**

58 **(8) The respondent's patterns of decompensation in the past;**

59 **(9) The respondent's risk of being victimized or harmed by others; and**

60 **(10) The respondent's access to the means to inflict harm on self or others.**

61 **10. Nothing in this section shall prevent the court or jury from considering any**  
62 **other factor not described in this section.**

63 **11. If requested by the respondent, the court shall appoint an available licensed**  
64 **physician or licensed psychologist to examine the respondent and testify at the**  
65 **respondent's request. If the respondent or the respondent's attorney so requests, the court**  
66 **shall not appoint a licensed physician or licensed psychologist who is an employee of any**  
67 **entity in which the respondent is hospitalized or receiving services or who is an employee**  
68 **of any entity that filed the petition. The appointment procedures in section 632.420 shall**  
69 **apply to any appointment under this subsection.**

70 **12. The physician-patient privilege recognized by section 491.060 and the**  
71 **psychologist-patient privilege recognized by section 337.055 shall be deemed waived in**  
72 **proceedings under sections 632.580 to 632.610. The fact that such privileges have been**  
73 **waived in accordance with this section shall not by itself waive the privileges in any other**  
74 **proceeding, civil or criminal. The waiver of the privileges shall extend only to that**  
75 **evidence that is directly material and relevant to the proceedings under sections 632.580**  
76 **to 632.610.**

77 **13. Appeals from court orders under this section may be made as described in**  
78 **section 632.430.**

79 **14. Assisted outpatient treatment shall not be deemed outpatient detention for**  
80 **purposes of this chapter, and no provision of this chapter relating to the requirements for**  
81 **inpatient or outpatient detention proceedings shall apply to assisted outpatient treatment**

82 under sections 632.580 to 632.610 unless such provision has been specifically incorporated  
83 into sections 632.580 to 632.610 by reference or otherwise.

84 15. The provisions of section 632.440 shall apply to assisted outpatient treatment  
85 under sections 632.580 to 632.610.

2 632.595. 1. The court shall assign a case manager from a certified community  
3 behavioral health clinic to each respondent ordered to participate in assisted outpatient  
4 treatment.

4 2. The case manager and the respondent shall report to the court at least once every  
5 ninety days. The court may, at its discretion, request more frequent appearances. The  
6 case manager shall immediately report to the court a substantial failure of the respondent  
7 or the mental health program providing the assisted outpatient treatment to comply with  
8 the conditions of the assisted outpatient treatment.

2 632.600. 1. The court order for assisted outpatient treatment shall expire at the end  
3 of the period specified in the order unless a petition for an extension has been filed. If any  
4 person or entity authorized to file a petition under section 632.585 determines that a  
5 respondent requires further involuntary assisted outpatient treatment, the person or entity  
6 shall file a petition for continued assisted outpatient treatment before the expiration of the  
7 involuntary assisted outpatient treatment ordered by the court.

7 2. The procedure for obtaining an extension shall be the same as for obtaining the  
8 original order, except that the thirty-six-month time period provided in paragraph (b) of  
9 subdivision (2) of section 632.590 shall not be applicable in determining the  
10 appropriateness of an extension.

2 632.605. 1. During the period of an order for assisted outpatient treatment, if the  
3 mental health program or mental health professional who is providing the respondent's  
4 assisted outpatient treatment determines that the respondent is not complying with the  
5 court order, the mental health program or mental health professional shall notify the court  
6 immediately.

6 2. If it comes to the attention of the court that a respondent subject to an order of  
7 assisted outpatient treatment is not complying with the order, the court may require one  
8 or more of the following, without a hearing:

9 (1) That the respondent be taken for evaluation to a community mental health  
10 center providing comprehensive mental health services to individuals residing in the  
11 service area in which the respondent resides;

12 (2) That the respondent be hospitalized in a psychiatric hospital for a period of not  
13 more than ten days; and

14 (3) Upon recommendation by the community mental health center providing

15 comprehensive mental health services to individuals residing in the service area in which  
16 the respondent resides, that the individual be hospitalized for a period of more than ten  
17 days, but not longer than the duration of the order for assisted outpatient treatment, or not  
18 longer than ninety days, whichever is less.

19 3. The court may direct peace officers to transport the respondent to a designated  
20 facility or a community mental health center, as applicable, and the court may specify  
21 conditions under which the respondent may return to assisted outpatient treatment before  
22 the order expires. Reimbursement for transportation costs shall be allowed as provided  
23 under section 632.312.

24 4. A respondent hospitalized without a hearing as provided in subsection 2 of this  
25 section may object to the hospitalization. Upon transfer of the respondent to the hospital,  
26 the hospital shall notify the respondent of his or her right to object under this section.  
27 Upon receipt of an objection to the hospitalization, the court shall schedule a hearing for  
28 a determination that the individual requires hospitalization. The respondent shall have  
29 all rights specified in section 632.593 at the hearing. The court shall order the respondent  
30 discharged from hospitalization unless the court or jury finds, based upon clear and  
31 convincing evidence, that the respondent requires hospitalization as a result of the  
32 respondent's failure to comply with the order for assisted outpatient treatment.

632.610. Beginning December 1, 2028, the office of state courts administrator shall  
2 submit an annual report to the general assembly summarizing:

- 3 (1) The number of individuals subject to orders for assisted outpatient treatment;
- 4 (2) Statistics on compliance and noncompliance rates with assisted outpatient  
5 treatment; and
- 6 (3) Any impact that assisted outpatient treatment has on hospitalization and  
7 incarceration rates.

Section 1. In the event that any section, provision, clause, phrase, or word of this  
2 act or the application thereof is declared invalid under the Constitution of the United  
3 States or the Constitution of the State of Missouri, whether on procedural or substantive  
4 grounds, it is the intent of the general assembly that the remaining sections of this act  
5 remain in force and effect as far as they are capable of being carried into execution as  
6 intended by the general assembly. The general assembly hereby declares that it would  
7 have passed each section, provision, clause, phrase, or word thereof, irrespective of the fact  
8 that any one or more sections, provisions, clauses, phrases, or words of this act or the  
9 application of this act would be declared unenforceable, unconstitutional, or invalid.

2 ~~[211.436. 1. Instruments of restraint, including handcuffs, chains,  
irons, or straitjackets, shall not be used on a child during a proceeding in a~~

3 juvenile court and shall be removed prior to the child's appearance before the  
4 court unless, after a hearing, the court finds both that:

5 ~~(1) The use of restraints is necessary due to one of the following~~  
6 ~~factors:~~

7 ~~(a) Instruments of restraint are necessary to prevent physical harm to~~  
8 ~~the child or another person;~~

9 ~~(b) The child has a history of disruptive courtroom behavior that has~~  
10 ~~placed others in potentially harmful situations or presents a substantial risk of~~  
11 ~~inflicting physical harm on himself or herself or others as evidenced by recent~~  
12 ~~behavior; or~~

13 ~~(c) There is evidence that the child presents a substantial risk of flight~~  
14 ~~from the courtroom; and~~

15 ~~(2) There are no less restrictive alternatives to restraints that will~~  
16 ~~prevent flight or physical harm to the child or another person including, but~~  
17 ~~not limited to, the presence of court personnel, law enforcement officers, or~~  
18 ~~bailiffs.~~

19 ~~2. If the juvenile officer believes that there is an immediate safety or~~  
20 ~~flight risk, as provided under subsection 1 of this section, the juvenile officer~~  
21 ~~shall advise the attorney for the child and make a request in writing prior to~~  
22 ~~the commencement of the proceeding for the child to remain restrained during~~  
23 ~~the court proceeding while in the presence of the parties to the proceeding.~~

24 ~~3. If a request for restraints is made by the juvenile officer, the court~~  
25 ~~shall order a hearing and provide the child's attorney an opportunity to be~~  
26 ~~heard before the court orders the use of restraints. If restraints are ordered, the~~  
27 ~~court shall make findings of fact in support of the order.~~

28 ~~4. If restraints are used, the restraints shall allow the child limited~~  
29 ~~movement of the hands to read and handle documents and writings necessary~~  
30 ~~to the proceeding. Under no circumstances shall a child be restrained using~~  
31 ~~restraints fixed to a wall, floor, furniture, or other stationary object.~~

32 ~~5. Leg restraints shall not be used on a child unless the child is~~  
33 ~~charged with a class A or class B felony, or the official overseeing custody~~  
34 ~~of the child determines the child to be an immediate safety or flight risk.]~~

2 ~~[589.402. 1. The chief law enforcement officer of the county or city~~  
3 ~~not within a county may maintain a web page on the internet, which shall be~~  
4 ~~open to the public and shall include a registered sexual offender search~~  
5 ~~capability.~~

6 ~~2. Except as provided in subsections 4 and 5 of this section, the~~  
7 ~~registered sexual offender search shall make it possible for any person using~~  
8 ~~the internet to search for and find the information specified in subsection 3 of~~  
9 ~~this section, if known, on offenders registered in this state pursuant to sections~~  
10 ~~589.400 to 589.425.~~

11 ~~3. Only the information listed in this subsection shall be provided to~~  
12 ~~the public in the registered sexual offender search:~~

- 12                   (1) The name and any known aliases of the offender;  
 13                   (2) ~~The date of birth and any known alias dates of birth of the~~  
 14 ~~offender;~~  
 15                   (3) A physical description of the offender;  
 16                   (4) ~~The residence, temporary, work, and school addresses of the~~  
 17 ~~offender, including the street address, city, county, state, and zip code;~~  
 18                   (5) Any photographs of the offender;  
 19                   (6) ~~A physical description of the offender's vehicles, including the~~  
 20 ~~year, make, model, color, and license plate number;~~  
 21                   (7) ~~The nature and dates of all offenses qualifying the offender to~~  
 22 ~~register, including the tier level assigned to the offender under sections~~  
 23 ~~589.400 to 589.425;~~  
 24                   (8) ~~The date on which the offender was released from the department~~  
 25 ~~of mental health, prison, or jail, or placed on parole, supervised release, or~~  
 26 ~~probation for the offenses qualifying the offender to register;~~  
 27                   (9) ~~Compliance status of the offender with the provisions of sections~~  
 28 ~~589.400 to 589.425; and~~  
 29                   (10) ~~Any online identifiers, as defined in section 43.651, used by the~~  
 30 ~~person. Such online identifiers shall not be included in the general profile of~~  
 31 ~~an offender on the web page and shall only be available to a member of the~~  
 32 ~~public by a search using the specific online identifier to determine if a match~~  
 33 ~~exists with a registered offender.~~  
 34                   4. ~~The chief law enforcement officer of any county or city not within~~  
 35 ~~a county may publish in any newspaper distributed in the county or city not~~  
 36 ~~within a county the sexual offender information provided under subsection 3~~  
 37 ~~of this section for any offender residing in the county or city not within a~~  
 38 ~~county.~~  
 39                   5. ~~Juveniles required to register under subdivision (6) of subsection~~  
 40 ~~1 of section 589.400 shall be exempt from public notification to include any~~  
 41 ~~adjudications from another state, territory, the District of Columbia, or foreign~~  
 42 ~~country or any federal, tribal, or military jurisdiction.]~~

Section B. The repeal of sections 211.436, 217.362, 217.690, 217.760, 557.011,  
 2 557.021, 558.011, 558.019, 558.026, 558.031, 558.046, 559.115, 566.030, 566.060, 566.125,  
 3 566.210, 566.211, 568.060, and 589.425 as enacted by senate substitute no. 3 for senate bill  
 4 number 888, one hundred third general assembly, second regular session, of this act shall  
 5 become effective on August 28, 2026. The repeal and reenactment of sections 217.362, 217.690,  
 6 217.760, 557.011, 557.021, 558.011, 558.019, 558.026, 558.031, 558.046, 559.115, 566.030,  
 7 566.060, 566.125, 566.210, 566.211, 568.060, and 589.425 of this act shall become effective on  
 8 January 1, 2028.

Section C. The repeal and reenactment of sections 565.002, 565.050, 565.052, 565.054,  
 2 565.056, 565.072, 565.073, 565.074, 565.076, 565.090, 565.091, 565.225, and 565.227 and the

3 enactment of sections 27.117, 565.260, 565.400, and 565.405 of this act shall become effective  
4 on July 1, 2027.

Section D. Because immediate action is necessary to address the urgent need of Missouri  
2 law enforcement agencies to be able to ensure and provide for the safety and security of  
3 Missouri residents from the threat that weaponized unmanned aircraft systems present to  
4 Missouri, the enactment of sections 589.900 and 589.902 and the repeal and reenactment of  
5 section 577.800 of this act are deemed necessary for the immediate preservation of the public  
6 health, welfare, peace, and safety, and is hereby declared to be an emergency act within the  
7 meaning of the constitution, and the enactment of sections 589.900 and 589.902 and the repeal  
8 and reenactment of section 577.800 of this act shall be in full force and effect upon its passage  
9 and approval.

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