

CONFERENCE COMMITTEE SUBSTITUTE

FOR

SENATE SUBSTITUTE

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FOR

HOUSE BILL NO. 1633

AN ACT

To repeal sections 105.478, 303.025, 400.9-501, 488.029, 556.037, 556.046, 556.061, 563.011, 563.041, 567.050, 569.010, 569.140, 575.080, 576.040, 577.001, 577.010, 577.013, 577.014, 579.065, 579.068, 595.045, and 610.140, RSMo, and to enact in lieu thereof twenty-eight new sections relating to criminal offenses, with penalty provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Section A. Sections 105.478, 303.025, 400.9-501, 488.029, 556.037, 556.046, 556.061, 563.011, 563.041, 567.050, 569.010, 569.140, 575.080, 576.040, 577.001, 577.010, 577.013, 577.014, 579.065, 579.068, 595.045, and 610.140, RSMo, are repealed and twenty-eight new sections enacted in lieu thereof, to be known as sections 105.478, 303.025, 400.9-501, 488.029, 531.070, 537.560, 556.037, 556.046, 556.061, 563.011, 563.041, 567.050, 569.010, 569.140, 570.095, 575.080, 576.040, 576.042, 577.001, 577.010, 577.011, 577.013, 577.014, 579.065, 579.068, 595.045, 595.219, and 610.140, to read as follows:

105.478. Any person guilty of knowingly violating any of the provisions of sections 105.450 to 105.498 shall be punished

1 as follows:

2 (1) ~~For the first offense, such person is guilty of a~~ The  
3 offense is a class B misdemeanor, unless the offense involves  
4 more than seven hundred fifty dollars in value of any combination  
5 of goods or services, in which case such person shall be guilty  
6 of a class A misdemeanor;

7 (2) For the second and subsequent offenses, such person is  
8 guilty of a class E felony.

9 303.025. 1. No owner of a motor vehicle registered in this  
10 state, or required to be registered in this state, shall operate,  
11 register or maintain registration of a motor vehicle, or permit  
12 another person to operate such vehicle, unless the owner  
13 maintains the financial responsibility which conforms to the  
14 requirements of the laws of this state. No nonresident shall  
15 operate or permit another person to operate in this state a motor  
16 vehicle registered to such nonresident unless the nonresident  
17 maintains the financial responsibility which conforms to the  
18 requirements of the laws of the nonresident's state of residence.  
19 Furthermore, no person shall operate a motor vehicle owned by  
20 another with the knowledge that the owner has not maintained  
21 financial responsibility unless such person has financial  
22 responsibility which covers the person's operation of the other's  
23 vehicle; however, no owner or nonresident shall be in violation  
24 of this subsection if he or she fails to maintain financial  
25 responsibility on a motor vehicle which is inoperable or being  
26 stored and not in operation. The director may prescribe rules  
27 and regulations for the implementation of this section.

28 2. A motor vehicle owner shall maintain the owner's

1 financial responsibility in a manner provided for in section  
2 303.160, or with a motor vehicle liability policy which conforms  
3 to the requirements of the laws of this state. A nonresident  
4 motor vehicle owner shall maintain the owner's financial  
5 responsibility which conforms to the requirements of the laws of  
6 the nonresident's state of residence.

7 3. Any person who violates this section is guilty of a  
8 misdemeanor. A first violation of this section shall be  
9 punishable as a class D misdemeanor. A second or subsequent  
10 violation of this section shall be punishable ~~by imprisonment in~~  
11 ~~the county jail for a term not to exceed fifteen days and/or a~~  
12 ~~fine not to exceed five hundred dollars] as a class C~~  
13 misdemeanor. Prior pleas of guilty and prior findings of guilty  
14 shall be pleaded and proven in the same manner as required by  
15 section 558.021. However, no person shall be found guilty of  
16 violating this section if the operator demonstrates to the court  
17 that he or she met the financial responsibility requirements of  
18 this section at the time the peace officer, commercial vehicle  
19 enforcement officer or commercial vehicle inspector wrote the  
20 citation. In addition to any other authorized punishment, the  
21 court shall notify the director of revenue of any person  
22 convicted pursuant to this section and shall do one of the  
23 following:

24 (1) Enter an order suspending the driving privilege as of  
25 the date of the court order. If the court orders the suspension  
26 of the driving privilege, the court shall require the defendant  
27 to surrender to it any driver's license then held by such person.  
28 The length of the suspension shall be as prescribed in subsection

1 2 of section 303.042. The court shall forward to the director of  
2 revenue the order of suspension of driving privilege and any  
3 license surrendered within ten days;

4 (2) Forward the record of the conviction for an assessment  
5 of four points;

6 (3) In lieu of an assessment of points, render an order of  
7 supervision as provided in section 302.303. An order of  
8 supervision shall not be used in lieu of points more than one  
9 time in any thirty-six-month period. Every court having  
10 jurisdiction pursuant to the provisions of this section shall  
11 forward a record of conviction to the Missouri state highway  
12 patrol, or at the written direction of the Missouri state highway  
13 patrol, to the department of revenue, in a manner approved by the  
14 director of the department of public safety. The director shall  
15 establish procedures for the record keeping and administration of  
16 this section; or

17 (4) For a nonresident, suspend the nonresident's driving  
18 privileges in this state in accordance with section 303.030 and  
19 notify the official in charge of the issuance of licenses and  
20 registration certificates in the state in which such nonresident  
21 resides in accordance with section 303.080.

22 4. Nothing in sections 303.010 to 303.050, 303.060,  
23 303.140, 303.220, 303.290, 303.330 and 303.370 shall be construed  
24 as prohibiting the department of insurance, financial  
25 institutions and professional registration from approving or  
26 authorizing those exclusions and limitations which are contained  
27 in automobile liability insurance policies and the uninsured  
28 motorist provisions of automobile liability insurance policies.

1           5. If a court enters an order of suspension, the offender  
2 may appeal such order directly pursuant to chapter 512 and the  
3 provisions of section 302.311 shall not apply.

4           400.9-501. (a) Except as otherwise provided in subsection  
5 (b), if the local law of this state governs perfection of a  
6 security interest or agricultural lien, the office in which to  
7 file a financing statement to perfect the security interest or  
8 agricultural lien is:

9           (1) The office designated for the filing or recording of a  
10 record of a mortgage on the related real property, if:

11           (A) The collateral is as-extracted collateral or timber to  
12 be cut; or

13           (B) The financing statement is filed as a fixture filing  
14 and the collateral is goods that are or are to become fixtures;  
15 or

16           (2) The office of the secretary of state in all other  
17 cases, including a case in which the collateral is goods that are  
18 or are to become fixtures and the financing statement is not  
19 filed as a fixture filing.

20           (b) The office in which to file a financing statement to  
21 perfect a security interest in collateral, including fixtures, of  
22 a transmitting utility is the office of the secretary of state.  
23 The financing statement also constitutes a fixture filing as to  
24 the collateral indicated in the financing statement which is or  
25 is to become fixtures.

26           ~~[(c) A person shall not knowingly or intentionally file,~~  
27 ~~attempt to file, or record any document related to real property~~  
28 ~~with a recorder of deeds under chapter 59 or a financing~~

1 ~~statement with the secretary of state under subdivision (2) of~~  
2 ~~subsection (a) or subsection (b) of this section, with the intent~~  
3 ~~that such document or statement be used to harass or defraud any~~  
4 ~~other person or knowingly or intentionally file, attempt to file,~~  
5 ~~or record such a document or statement that is materially false~~  
6 ~~or fraudulent.~~

7 ~~— (1) A person who violates this subsection shall be guilty~~  
8 ~~of a class E felony.~~

9 ~~— (2) If a person is convicted of a violation under this~~  
10 ~~subsection, the court may order restitution.~~

11 ~~— (d) In the alternative to the provisions of sections~~  
12 ~~428.105 through 428.135, if a person files a false or fraudulent~~  
13 ~~financing statement with the secretary of state under subdivision~~  
14 ~~(2) of subsection (a) or subsection (b) of this section, a debtor~~  
15 ~~named in that financing statement may file an action against the~~  
16 ~~person that filed the financing statement seeking appropriate~~  
17 ~~equitable relief, actual damages, or punitive damages, including,~~  
18 ~~but not limited to, reasonable attorney fees.]~~

19 488.029. There shall be assessed and collected a surcharge  
20 of one hundred fifty dollars in all criminal cases for any  
21 violation of chapter 195 or chapter 579 in which a crime  
22 laboratory makes analysis of a controlled substance, but no such  
23 surcharge shall be assessed when the costs are waived or are to  
24 be paid by the state or when a criminal proceeding or the  
25 defendant has been dismissed by the court. The moneys collected  
26 by clerks of the courts pursuant to the provisions of this  
27 section shall be collected and disbursed as provided by sections  
28 488.010 to 488.020. All such moneys shall be payable to the

1 director of revenue, who shall deposit all amounts collected  
2 pursuant to this section to the credit of the state forensic  
3 laboratory account to be administered by the department of public  
4 safety pursuant to section 650.105.

5 531.070. A finding of guilt of the offense of official  
6 misconduct shall be admissible as prima facie evidence in support  
7 of an information in the nature of a quo warranto.

8 537.560. 1. Irrespective of any criminal prosecution or  
9 the result thereof, any person incurring bodily injury or damage  
10 or loss to his or her property as a result of a false report in  
11 violation of subdivision (4) of subsection 1 of section 575.080  
12 shall have a civil action to secure an injunction, damages, or  
13 other appropriate relief in law or in equity against any and all  
14 persons who violated section 575.080.

15 2. In any such action, whether a violation of section  
16 575.080 has occurred shall be determined according to the burden  
17 of proof used in other civil actions for similar relief.

18 3. In any such civil action, the plaintiff may recover:

19 (1) Both special and general damages; and

20 (2) Reasonable attorney's fees and costs.

21 4. The provisions of this section shall not apply to an  
22 alleged victim or other witness present at the location to which  
23 the emergency response was dispatched who communicated  
24 information about a complaint of domestic violence as defined in  
25 section 455.101.

26 556.037. 1. Notwithstanding the provisions of section  
27 556.036, prosecutions for unlawful sexual offenses involving a  
28 person eighteen years of age or under ~~must be commenced within~~

1 ~~thirty years after the victim reaches the age of eighteen unless~~  
2 ~~the prosecutions are for rape in the first degree, forcible rape,~~  
3 ~~attempted rape in the first degree, attempted forcible rape,~~  
4 ~~sodomy in the first degree, forcible sodomy, kidnapping,~~  
5 ~~kidnapping in the first degree, attempted sodomy in the first~~  
6 ~~degree, or attempted forcible sodomy in which case such~~  
7 ~~prosecutions]~~ may be commenced at any time.

8 2. For purposes of this section, "sexual offenses" include,  
9 but are not limited to, all offenses for which registration is  
10 required under sections 589.400 to 589.425.

11 556.046. 1. A person may be convicted of an offense  
12 included in an offense charged in the indictment or information.  
13 An offense is so included when:

14 (1) It is established by proof of the same or less than all  
15 the ~~[facts]~~ elements required to establish the commission of the  
16 offense charged; or

17 (2) It is specifically denominated by statute as a lesser  
18 degree of the offense charged; or

19 (3) It consists of an attempt to commit the offense charged  
20 or to commit an offense otherwise included therein.

21 2. The court shall ~~[not]~~ be obligated to charge the jury  
22 with respect to an included offense ~~[unless]~~ only if:

23 (1) It is established by proof of the same or less than all  
24 the elements required to establish the commission of the offense  
25 charged;

26 (2) There is a rational basis in the evidence for a verdict  
27 acquitting the person of the offense charged and convicting him  
28 or her of the included offense; and



1       (3) Either party requests the court to charge the jury with  
2 respect to a specific included offense.

3       3. Failure of the defendant or defense counsel to request  
4 the court to charge the jury with respect to a specific included  
5 offense shall not be a basis for plain-error review on direct  
6 appeal or post-conviction relief.

7       4. It shall be the trial court's duty to determine if a  
8 rational basis in the evidence for a verdict exists.

9       5. An offense is charged for the purposes of this section  
10 if:

11       (1) It is an indictment or information; or

12       (2) It is an offense submitted to the jury because there is  
13 a rational basis for a verdict acquitting the person of the  
14 offense charged and convicting the person of the included  
15 offense.

16       ~~[3. The court shall be obligated to instruct the jury with~~  
17 ~~respect to a particular included offense only if there is a basis~~  
18 ~~in the evidence for acquitting the person of the immediately~~  
19 ~~higher included offense and there is a basis in the evidence for~~  
20 ~~convicting the person of that particular included offense.]~~

21       556.061. In this code, unless the context requires a  
22 different definition, the following terms shall mean:

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

26       (2) "Affirmative defense":

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

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

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

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

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

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

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

1 computer system including both software applications and data;

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

5 (7) "Computer hardware", all equipment which can collect,  
6 analyze, create, display, convert, store, conceal or transmit  
7 electronic, magnetic, optical or similar computer impulses or  
8 data. Hardware includes, but is not limited to, any data  
9 processing devices, such as central processing units, memory  
10 typewriters and self-contained laptop or notebook computers;  
11 internal and peripheral storage devices, transistor-like binary  
12 devices and other memory storage devices, such as floppy disks,  
13 removable disks, compact disks, digital video disks, magnetic  
14 tape, hard drive, optical disks and digital memory; local area  
15 networks, such as two or more computers connected together to a  
16 central computer server via cable or modem; peripheral input or  
17 output devices, such as keyboards, printers, scanners, plotters,  
18 video display monitors and optical readers; and related  
19 communication devices, such as modems, cables and connections,  
20 recording equipment, RAM or ROM units, acoustic couplers,  
21 automatic dialers, speed dialers, programmable telephone dialing  
22 or signaling devices and electronic tone-generating devices; as  
23 well as any devices, mechanisms or parts that can be used to  
24 restrict access to computer hardware, such as physical keys and  
25 locks;

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

28 (9) "Computer program", a set of instructions, statements,

1 or related data that directs or is intended to direct a computer  
2 to perform certain functions;

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

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

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

16 (13) "Confinement":

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

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

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

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

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

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

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

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

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

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

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

18           (15) "Controlled substance", a drug, substance, or  
19 immediate precursor in schedules I through V as defined in  
20 chapter 195;

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

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

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

4           (19) "Dangerous felony", the felonies of arson in the first  
5 degree, assault in the first degree, attempted rape in the first  
6 degree if physical injury results, attempted forcible rape if  
7 physical injury results, attempted sodomy in the first degree if  
8 physical injury results, attempted forcible sodomy if physical  
9 injury results, rape in the first degree, forcible rape, sodomy  
10 in the first degree, forcible sodomy, assault in the second  
11 degree if the victim of such assault is a special victim as  
12 defined in subdivision (14) of section 565.002, kidnapping in the  
13 first degree, kidnapping, murder in the second degree, assault of  
14 a law enforcement officer in the first degree, domestic assault  
15 in the first degree, elder abuse in the first degree, robbery in  
16 the first degree, statutory rape in the first degree ~~[when]~~ if  
17 the victim is a child less than twelve years of age at the time  
18 of the commission of the act giving rise to the offense,  
19 statutory sodomy in the first degree when the victim is a child  
20 less than twelve years of age at the time of the commission of  
21 the act giving rise to the offense, child molestation in the  
22 first or second degree, abuse of a child if the child dies as a  
23 result of injuries sustained from conduct chargeable under  
24 section 568.060, child kidnapping, parental kidnapping committed  
25 by detaining or concealing the whereabouts of the child for not  
26 less than one hundred twenty days under section 565.153, and an  
27 "intoxication-related traffic offense" or "intoxication-related  
28 boating offense" if:

1           (a) The person is found to be a "habitual offender" or  
2 "habitual boating offender" as such terms are defined in section  
3 577.001; or

4           (b) The person causes the death of:

5           a. Any person not a passenger in the vehicle or vessel  
6 operated by the defendant;

7           b. Two or more persons; or

8           c. Any other person while the defendant had a blood alcohol  
9 content of at least eighteen-hundredths of one percent by weight  
10 of alcohol in his or her blood;

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

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

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

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

27           (24) "Disability", a mental, physical, or developmental  
28 impairment that substantially limits one or more major life

1 activities or the ability to provide adequately for one's care or  
2 protection, whether the impairment is congenital or acquired by  
3 accident, injury or disease, where such impairment is verified by  
4 medical findings;

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

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

10 (27) "Forcible compulsion" either:

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

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

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

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

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

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

27 (b) Where people assemble for purposes of business,  
28 government, education, religion, entertainment, or public



1 transportation; or

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

3

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

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

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

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

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

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

22 (34) "Of another", property that any entity, including but  
23 not limited to any natural person, corporation, limited liability  
24 company, partnership, association, governmental subdivision or  
25 instrumentality, other than the actor, has a possessory or  
26 proprietary interest therein, except that property shall not be  
27 deemed property of another who has only a security interest  
28 therein, even if legal title is in the creditor pursuant to a

1 conditional sales contract or other security arrangement;

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

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

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

8 (38) "Possess" or "possessed", having actual or  
9 constructive possession of an object with knowledge of its  
10 presence. A person has actual possession if such person has the  
11 object on his or her person or within easy reach and convenient  
12 control. A person has constructive possession if such person has  
13 the power and the intention at a given time to exercise dominion  
14 or control over the object either directly or through another  
15 person or persons. Possession may also be sole or joint. If one  
16 person alone has possession of an object, possession is sole. If  
17 two or more persons share possession of an object, possession is  
18 joint;

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

21 (40) "Public servant", any person employed in any way by a  
22 government of this state who is compensated by the government by  
23 reason of such person's employment, any person appointed to a  
24 position with any government of this state, or any person elected  
25 to a position with any government of this state. It includes,  
26 but is not limited to, legislators, jurors, members of the  
27 judiciary and law enforcement officers. It does not include  
28 witnesses;

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

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

10          (43) "Serious emotional injury", an injury that creates a  
11 substantial risk of temporary or permanent medical or  
12 psychological damage, manifested by impairment of a behavioral,  
13 cognitive or physical condition. Serious emotional injury shall  
14 be established by testimony of qualified experts upon the  
15 reasonable expectation of probable harm to a reasonable degree of  
16 medical or psychological certainty;

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

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

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

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

3 (48) "Vessel", any boat or craft propelled by a motor or by  
4 machinery, whether or not such motor or machinery is a principal  
5 source of propulsion used or capable of being used as a means of  
6 transportation on water, or any boat or craft more than twelve  
7 feet in length which is powered by sail alone or by a combination  
8 of sail and machinery, and used or capable of being used as a  
9 means of transportation on water, but not any boat or craft  
10 having, as the only means of propulsion, a paddle or oars;

11 (49) "Voluntary act":

12 (a) A bodily movement performed while conscious as a result  
13 of effort or determination. Possession is a voluntary act if the  
14 possessor knowingly procures or receives the thing possessed, or  
15 having acquired control of it was aware of his or her control for  
16 a sufficient time to have enabled him or her to dispose of it or  
17 terminate his or her control; or

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

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

27 563.011. As used in this chapter the following terms shall  
28 mean:

1           (1) "Armed nuclear security guard", a security guard who  
2 works at a nuclear power plant, who is employed as part of the  
3 security plan approved by the United States Nuclear Regulatory  
4 Commission, and who meets the requirements mandated by the United  
5 States Nuclear Regulatory Commission for carrying a firearm;

6           (2) "Deadly force", physical force which the actor uses  
7 with the purpose of causing or which he or she knows to create a  
8 substantial risk of causing death or serious physical injury;

9           ~~[(2)]~~ (3) "Dwelling", any building, inhabitable structure,  
10 or conveyance of any kind, whether the building, inhabitable  
11 structure, or conveyance is temporary or permanent, mobile or  
12 immobile, which has a roof over it, including a tent, and is  
13 designed to be occupied by people lodging therein at night;

14           ~~[(3)]~~ (4) "Forcible felony", any felony involving the use  
15 or threat of physical force or violence against any individual,  
16 including but not limited to murder, robbery, burglary, arson,  
17 kidnapping, assault, and any forcible sexual offense;

18           ~~[(4)]~~ (5) "Premises", includes any building, inhabitable  
19 structure and any real property;

20           ~~[(5)]~~ (6) "Private person", any person other than a law  
21 enforcement officer;

22           ~~[(6)]~~ (7) "Private property", any real property in this  
23 state that is privately owned or leased;

24           ~~[(7)]~~ (8) "Remain after unlawfully entering", to remain in  
25 or upon premises after unlawfully entering as defined in this  
26 section;

27           ~~[(8)]~~ (9) "Residence", a dwelling in which a person resides  
28 either temporarily or permanently or is visiting as an invited

1 guest;

2 ~~[(9)]~~ (10) "Structure or fenced yard", any structure,  
3 fenced yard, wall, building, other similar barrier, or any  
4 combination of the foregoing that is part located on the real  
5 property of a nuclear power plant and that is posted with signage  
6 indicating it is a felony to trespass;

7 (11) "Unlawfully enter", a person unlawfully enters in or  
8 upon premises or private property when he or she enters such  
9 premises or private property and is not licensed or privileged to  
10 do so. A person who, regardless of his or her purpose, enters in  
11 or upon private property or premises that are at the time open to  
12 the public does so with license unless he or she defies a lawful  
13 order not to enter, personally communicated to him or her by the  
14 owner of such premises or by another authorized person. A  
15 license to enter in a building that is only partly open to the  
16 public is not a license to enter in that part of the building  
17 that is not open to the public.

18 563.041. 1. A person may, subject to the limitations of  
19 subsection 2, use physical force upon another person when and to  
20 the extent that he or she reasonably believes it necessary to  
21 prevent what he or she reasonably believes to be the commission  
22 or attempted commission by such person of stealing, property  
23 damage or tampering in any degree.

24 2. A person may use deadly force under circumstances  
25 described in subsection 1 only when such use of deadly force is  
26 authorized under other sections of this chapter.

27 3. The justification afforded by this section extends to  
28 the use of physical restraint as protective force provided that

1 the actor takes all reasonable measures to terminate the  
2 restraint as soon as it is reasonable to do so.

3 4. An armed nuclear security guard may use the following  
4 levels of physical force against another person at a nuclear  
5 power plant or within a structure or fenced yard of a nuclear  
6 power plant if the armed nuclear security guard reasonably  
7 believes that such force is necessary:

8 (1) An armed nuclear security guard may use physical force,  
9 as he or she reasonably believes is immediately necessary, up to  
10 and including deadly physical force to:

11 (a) Prevent an action that would constitute murder in the  
12 first or second degree under section 565.020 or 565.021;

13 (b) Prevent an action that would constitute voluntary  
14 manslaughter under section 565.023;

15 (c) Prevent an action that would constitute assault in the  
16 first or second degree under section 565.050 or 565.052; or

17 (d) Defend himself, herself, or a third person from the use  
18 or imminent use of deadly physical force;

19 (2) An armed nuclear security guard may use physical force,  
20 as he or she reasonably believes is immediately necessary, up to  
21 but not including deadly physical force to prevent an action that  
22 would constitute:

23 (a) Assault in the third or fourth degree under section  
24 565.054 or 565.056;

25 (b) Kidnapping in the first, second, or third degree under  
26 section 565.110, 565.120, or 565.130;

27 (c) Burglary in the first or second degree under section  
28 569.160 or 569.170;

1           (d) Arson in the first, second, or third degree under  
2 section 569.040, 569.050, or 569.053;

3           (e) Property damage in the first degree under section  
4 569.100;

5           (f) Robbery in the first or second degree under section  
6 570.023 or 570.025;

7           (g) Armed criminal action under section 571.015; or

8           (h) Trespass in the first degree under section 569.140;

9           (3) An armed nuclear security guard is justified in  
10 threatening to use physical force or deadly physical force if and  
11 to the extent a reasonable armed nuclear security guard believes  
12 it necessary to protect himself, herself, or others against  
13 another person's potential use of physical force or deadly  
14 physical force.

15           5. Notwithstanding any provisions of section 563.016 to the  
16 contrary, an armed nuclear security guard, employer of an armed  
17 nuclear security guard, or owner of a nuclear power plant shall  
18 not be subject to civil liability for conduct of an armed nuclear  
19 security guard that is permitted by this section.

20           6. The defendant shall have the burden of injecting the  
21 issue of justification under this section.

22           567.050. 1. A person commits the offense of promoting  
23 prostitution in the first degree if he or she knowingly:

24           (1) Promotes prostitution by compelling a person to enter  
25 into, engage in, or remain in prostitution; ~~or~~

26           (2) Promotes prostitution of a person less than sixteen  
27 years of age; or

28           (3) Owns, manages, or operates an interactive computer



1 service, as defined 47 U.S.C. Section 230(f), or conspires or  
2 attempts to do so, with the intent to promote or facilitate the  
3 prostitution of another.

4 2. The term "compelling" includes:

5 (1) The use of forcible compulsion;

6 (2) The use of a drug or intoxicating substance to render a  
7 person incapable of controlling his conduct or appreciating its  
8 nature;

9 (3) Withholding or threatening to withhold dangerous drugs  
10 or a narcotic from a drug dependent person.

11 3. The offense of promoting prostitution in the first  
12 degree is a class B felony, or a class A felony if a person  
13 violates subdivision (3) of subsection 1 of this section and acts  
14 in reckless disregard of the fact that such conduct contributed  
15 to the offense of trafficking for the purposes of sexual  
16 exploitation under section 566.209.

17 4. A person injured by the acts committed in violation  
18 subdivision (3) of subsection 1 of this section and subsection 3  
19 of this section shall have a civil cause of action to recover  
20 damages and reasonable attorneys' fees for such injury.

21 5. In addition to the court's authority to order a  
22 defendant to make restitution for the damage or loss caused by  
23 his or her offense as provided in section 559.105, the court  
24 shall enter a judgment of restitution against the offender  
25 convicted of violating subdivision (3) of subsection 1 of this  
26 section and subsection 3 of this section.

27 569.010. As used in this chapter the following terms mean:

28 (1) "Cave or cavern", any naturally occurring subterranean

1 cavity enterable by a person including, without limitation, a  
2 pit, pothole, natural well, grotto, and tunnel, whether or not  
3 the opening has a natural entrance;

4 (2) "Enter unlawfully or remain unlawfully", a person  
5 enters or remains in or upon premises when he or she is not  
6 licensed or privileged to do so. A person who, regardless of his  
7 or her purpose, enters or remains in or upon premises which are  
8 at the time open to the public does so with license and privilege  
9 unless he or she defies a lawful order not to enter or remain,  
10 personally communicated to him or her by the owner of such  
11 premises or by other authorized person. A license or privilege  
12 to enter or remain in a building which is only partly open to the  
13 public is not a license or privilege to enter or remain in that  
14 part of the building which is not open to the public;

15 (3) "Nuclear power plant", a power generating facility that  
16 produces electricity by means of a nuclear reactor owned by a  
17 utility or a consortium utility. "Nuclear power plant" shall be  
18 limited to property within the structure or fenced yard, as  
19 defined in section 563.011;

20 (4) "To tamper", to interfere with something improperly, to  
21 meddle with it, displace it, make unwarranted alterations in its  
22 existing condition, or to deprive, temporarily, the owner or  
23 possessor of that thing;

24 ~~[(4)]~~ (5) "Utility", an enterprise which provides gas,  
25 electric, steam, water, sewage disposal, or communication, video,  
26 internet, or voice over internet protocol services, and any  
27 common carrier. It may be either publicly or privately owned or  
28 operated.

1           569.140. 1. A person commits the offense of trespass in  
2 the first degree if he or she knowingly enters unlawfully or  
3 knowingly remains unlawfully in a building or inhabitable  
4 structure or upon real property.

5           2. A person does not commit the offense of trespass in the  
6 first degree by entering or remaining upon real property unless  
7 the real property is fenced or otherwise enclosed in a manner  
8 designed to exclude intruders or as to which notice against  
9 trespass is given by:

10           (1) Actual communication to the actor; or

11           (2) Posting in a manner reasonably likely to come to the  
12 attention of intruders.

13           3. The offense of trespass in the first degree is a class B  
14 misdemeanor, unless the victim is intentionally targeted as a law  
15 enforcement officer, as defined in section 556.061, or the victim  
16 is targeted because he or she is a relative within the second  
17 degree of consanguinity or affinity to a law enforcement officer,  
18 in which case it is a class A misdemeanor. If the building or  
19 real property is part of a nuclear power plant, the offense of  
20 trespass in the first degree is a class E felony.

21           570.095. 1. A person commits the offense of filing false  
22 documents if:

23           (1) With the intent to defraud, deceive, harass, alarm, or  
24 negatively impact financially, or in such a manner reasonably  
25 calculated to deceive, defraud, harass, alarm, or negatively  
26 impact financially, he or she files, causes to be filed or  
27 recorded, or attempts to file or record, creates, uses as  
28 genuine, transfers or has transferred, presents, or prepares with

1 knowledge or belief that it will be filed, presented, recorded,  
2 or transferred to the secretary of state or his or her designee,  
3 to any recorder of deeds of any county or city not within a  
4 county or his or her designee, to any municipal, county,  
5 district, or state government entity, division, agency, or  
6 office, or to any credit bureau or financial institution any of  
7 the following types of documents:

8 (a) Common law lien;

9 (b) Uniform commercial code filing or record;

10 (c) Real property recording;

11 (d) Financing statement;

12 (e) Contract;

13 (f) Warranty, special, or quitclaim deed;

14 (g) Quiet title claim or action;

15 (h) Deed in lieu of foreclosure;

16 (i) Legal affidavit;

17 (j) Legal process;

18 (k) Legal summons;

19 (l) Bills and due bills;

20 (m) Criminal charging documents or materially false  
21 criminal charging documents;

22 (n) Any other document not stated in this subdivision that  
23 is related to real property; or

24 (o) Any state, county, district, federal, municipal, credit  
25 bureau, or financial institution form or document; and

26 (2) Such document listed in subdivision (1) of this  
27 subsection:

28 (a) Contains materially false information;

1       (b) Is fraudulent;

2       (c) Is a forgery, as defined in section 570.090;

3       (d) Lacks the consent of all parties listed in documents  
4 where mutual consent is required; or

5       (e) is otherwise invalid under Missouri law.

6       2. Filing false documents under this section shall be  
7 punishable as a class D felony for the first offense except under  
8 the following circumstances where filing false documents shall be  
9 punishable a class C felony:

10       (1) The defendant has been previously found guilty or  
11 pleaded guilty to a violation of this section;

12       (2) The victim or named party in the matter:

13       (a) Is an official elected or appointed to municipal,  
14 county, district, federal, or statewide office; or

15       (b) Is an employee of an official who has been elected or  
16 appointed to municipal, county, district, federal, or statewide  
17 office;

18       (3) The victim or named party in the matter is a judge or  
19 magistrate of:

20       (a) Any court or division of the court in this or any other  
21 state or an employee of any court of this state or any other  
22 state; or

23       (b) Any court system of the United States or is an employee  
24 of any court of the United States;

25       (4) The victim or named party in the matter is a full-time,  
26 part-time, auxiliary, or reserve peace officer, as defined in  
27 section 590.010, licensed in this state or any other state;

28       (5) The victim or named party in the matter is a full-time,

1 part-time, or volunteer firefighter in this state or any other  
2 state;

3 (6) The victim or named party in the matter is an officer  
4 of federal job class 1811 who is empowered to enforce United  
5 States laws;

6 (7) The victim or named party in the matter is a law  
7 enforcement officer of the United States as defined in 5 U.S.C.  
8 8401(17) (A) or (D);

9 (8) The victim or named party in the matter is an employee  
10 of any law enforcement or legal prosecution agency in this state,  
11 any other state, or the United States;

12 (9) The victim or named party in the matter is an employee  
13 of a federal agency that has agents or officers who are of job  
14 class 1811 who are empowered to enforce United States laws or is  
15 an employee of a federal agency that has law enforcement officers  
16 as defined in 5 U.S.C. 8401(17) (A) or (D); or

17 (10) The victim or named party in the matter is an officer  
18 of the railroad police as defined in section 388.600.

19 3. For a penalty enhancement as described in subsection 2  
20 of this section to apply, the occupation of the victim or named  
21 party shall be material to the subject matter of the document or  
22 documents filed or the relief sought by the document or documents  
23 filed, and the occupation of the victim or named party shall be  
24 materially connected to the apparent reason that the victim has  
25 been named, victimized, or involved. For purposes of this  
26 subsection and subsection 2 of this section, a person who has  
27 retired or resigned from any agency, institution, or occupation  
28 listed under subsection 2 of this section shall be considered the

1 same as a person who remains in employment and shall also include  
2 the following family members of a person listed under  
3 subdivisions (2) to (9) of subsection 2 of this section:

4 (1) Such person's spouse;

5 (2) The ancestor or descendant by blood or adoption of such  
6 person or such person's spouse; or

7 (3) Such person's stepchild, while the marriage creating  
8 that relationship exists.

9 4. Any person who pleads guilty or is found guilty under  
10 subsections 1 to 3 of this section shall be ordered by the court  
11 to make full restitution to any person or entity that has  
12 sustained actual losses or costs as a result of the actions of  
13 the defendants. Such restitution shall not be paid in lieu of  
14 jail or prison time, but rather in addition to any jail or prison  
15 time imposed by the court.

16 5. (1) Nothing in this section shall limit the power of  
17 the state to investigate, charge, or punish any person for any  
18 conduct that constitutes a crime by any other statute of this  
19 state or the United States.

20 (2) A receiving entity shall not be required to retain the  
21 filing or record in question for prosecution under this section.  
22 A filing or record being rejected by the receiving entity shall  
23 not be used as an affirmative defense.

24 6. (1) Any agency of the state, county, or city not within  
25 a county, which is responsible for or receives document filings  
26 or records, including county recorders of deeds and the secretary  
27 of state, shall, by January 1, 2019, impose a system in which the  
28 documents that have been submitted to the receiving agency or in

1 the case of the secretary of state those filings rejected under  
2 its legal authority, are logged or noted in a ledger,  
3 spreadsheet, or similar recording method if the filing or  
4 recording officer or employee believes the filings or records  
5 appear to be fraudulent or contain suspicious language. The  
6 receiving agency shall make available noted documents for review  
7 by:

8 (a) The jurisdictional prosecuting or circuit attorney, or  
9 his or her designee;

10 (b) The county sheriff, or his or her designee;

11 (c) The police chief of a city not within a county, or his  
12 or her designee; or

13 (d) A commissioned peace officer, as that term is defined  
14 in section 590.010.

15  
16 Review of such documents is permissible for the agent or agencies  
17 under this subdivision without the need of a grand jury subpoena  
18 or court order. No fees or monetary charges shall be levied on  
19 the investigative agents or agencies for review of documents  
20 noted in the ledger or spreadsheet. The ledger or spreadsheet  
21 and its contents shall be retained by the agency that controls  
22 entries into such ledger or spreadsheet for a minimum of three  
23 years from the earliest entry listed in the ledger or  
24 spreadsheet.

25 (2) The receiving entity shall, upon receipt of a filing or  
26 record that has been noted as a suspicious filing or record,  
27 notify the chief law enforcement officer or his or her designee  
28 and the prosecuting attorney or his or her designee of the



1 existence of the filing or record. Notification shall be made  
2 within two business days of the filing or record having been  
3 received. Notification may be accomplished via electronic mail  
4 or via paper memorandum.

5 (3) No agency receiving the filing or record shall be  
6 required under this section to notify the person conducting the  
7 filing or record that the filing or record has been entered as a  
8 logged or noted filing or record.

9 (4) Reviews to ensure compliance with the provisions of  
10 this section shall be the responsibility of any commissioned  
11 peace officer. Findings of noncompliance shall be reported to  
12 the jurisdictional prosecuting or circuit attorney or his or her  
13 designee by any commissioned peace officer who has probable cause  
14 to believe that the noncompliance has taken place purposely,  
15 knowingly, recklessly, or with criminal negligence, as described  
16 under section 562.016.

17 7. To petition for a judicial review of a filing or record  
18 that is believed to be fraudulent, false, misleading, forged, or  
19 contains materially false information, a petitioner may file a  
20 probable cause statement that delineates the basis for the belief  
21 that the filing or record is materially false, contains  
22 materially false information, is a forgery, is fraudulent, or is  
23 misleading. This probable cause statement shall be filed in the  
24 associate or circuit court of the county in which the original  
25 filing or record was transferred, received, or recorded.

26 8. A filed petition under this section shall have an  
27 initial hearing date within twenty business days of the petition  
28 being filed with the court. A court ruling of "invalid" shall be

1 evidence that the original filing or record was not accurate,  
2 true, or correct. A court ruling of "invalid" shall be retained  
3 or recorded at the original receiving entity. The receiving  
4 entity shall waive all filing or recording fees associated with  
5 the filing or recording of the court ruling document in this  
6 subsection. This ruling may be forwarded to credit bureaus or  
7 other institutions at the request of the petitioner via motion to  
8 the applicable court at no additional cost to the petitioner.

9 9. If a filing or record is deemed invalid, court costs and  
10 fees shall be the responsibility of the party who originally  
11 initiated the filing or record. If the filing or record is  
12 deemed valid, no court costs or fees, in addition to standard  
13 filing fees, shall be assessed.

14 575.080. 1. A person commits the offense of making a false  
15 report if he or she knowingly:

16 (1) Gives false information to any person for the purpose  
17 of implicating another person in an offense; ~~[or]~~

18 (2) Makes a false report to a law enforcement officer that  
19 an offense has occurred or is about to occur; ~~[or]~~

20 (3) Makes a false report or causes a false report to be  
21 made to a law enforcement officer, security officer, fire  
22 department or other organization, official or volunteer, which  
23 deals with emergencies involving danger to life or property that  
24 a fire or other incident calling for an emergency response has  
25 occurred or is about to occur; or

26 (4) With the intent to cause an emergency response in the  
27 absence of circumstances requiring such a response, communicates  
28 false or misleading information indicating that conduct has

1 taken, is taking, or will take place that may reasonably be  
2 believed to constitute a violation of any state or federal  
3 criminal law or be believed to endanger public health or safety.

4 2. It is a defense to a prosecution under subsection 1 of  
5 this section that the person retracted the false statement or  
6 report before the law enforcement officer or any other person  
7 took substantial action in reliance thereon.

8 3. The defendant shall have the burden of injecting the  
9 issue of retraction under subsection 2 of this section.

10 4. The offense of making a false report under subdivisions  
11 (1) to (3) of subsection 1 of this section is a class B  
12 misdemeanor. The offense of making a false report under  
13 subdivision (4) of subsection 1 of this section is a:

14 (1) Class B misdemeanor if no emergency response results;

15 (2) Class A misdemeanor if an emergency response results;

16 (3) Class E felony if serious bodily injury results; or

17 (4) Class D felony if death results.

18 5. For the purposes of this section, "emergency response"  
19 means any action taken by law enforcement personnel, security  
20 personnel, or a fire or rescue service to immediately respond to  
21 an event that threatens or may reasonably be believed to threaten  
22 public health or safety.

23 576.040. 1. A public servant, in such person's public  
24 capacity or under color of such person's office or employment,  
25 commits the offense of official misconduct if he or she:

26 (1) Knowingly discriminates against any employee or any  
27 applicant for employment on account of race, creed, color, sex or  
28 national origin, provided such employee or applicant possesses

1 adequate training and educational qualifications;

2 (2) Exercises an official function relating to his or her  
3 office or knowingly refrains from performing a duty imposed upon  
4 him or her by law for the sole purpose of obtaining an undue or  
5 unreasonable financial benefit for himself or herself or another  
6 person related within the third degree of consanguinity, or  
7 another person who is a business associate, or another person  
8 when such financial benefit also directly or indirectly benefits  
9 the public servant, and the result of the undue or unreasonable  
10 financial benefit would affect the public servant or other person  
11 in a substantially different manner or degree than the manner or  
12 degree in which the public in general will be affected or, if the  
13 matter affects only a special class of persons, then affected in  
14 a substantially different manner or degree than the manner or  
15 degree in which such class will be affected, except that such  
16 public servant may act on increases in compensation subject to  
17 the restrictions of Section 13 of Article VII of the Missouri  
18 Constitution;

19 (3) Knowingly demands or receives any fee or reward for the  
20 execution of any official act or the performance of a duty  
21 imposed by law or by the terms of his or her employment, that is  
22 not due, or that is more than is due, or before it is due;

23 [~~3~~] (4) Knowingly collects taxes when none are due, or  
24 exacts or demands more than is due;

25 [~~4~~] (5) Is a city or county treasurer, city or county  
26 clerk, or other municipal or county officer and knowingly orders  
27 the payment of any money, or draws any warrant, or pays over any  
28 money for any purpose other than the specific purpose for which

1 the same was assessed, levied and collected, unless it is or  
2 shall have become impossible to use such money for that specific  
3 purpose;

4 ~~[(5)]~~ (6) Is an officer or employee of any court and  
5 knowingly charges, collects or receives less fee for his services  
6 than is provided by law;

7 ~~[(6)]~~ (7) Is an officer or employee of any court and  
8 knowingly, directly or indirectly, buys, purchases or trades for  
9 any fee taxed or to be taxed as costs in any court of this state,  
10 or any county warrant, at less than par value which may be by law  
11 due or to become due to any person by or through any such court;  
12 or

13 ~~[(7)]~~ (8) Is a county officer, deputy or employee and  
14 knowingly traffics for or purchases at less than the par value or  
15 speculates in any county warrant issued by order of the county  
16 commission of his or her county, or in any claim or demand held  
17 against such county.

18 2. The offense of official misconduct is a class A  
19 misdemeanor.

20 576.042. A prosecuting attorney or circuit attorney or law  
21 enforcement agency may request the state auditor or his or her  
22 authorized representatives to audit all or part of any political  
23 subdivision, its employees or its elected officials, exclusively  
24 as part of an investigation of official misconduct relating to  
25 the receipt and expenditure of public funds. The state auditor  
26 shall report any findings to the requesting entity. Nothing in  
27 this section shall be construed to violate the provisions  
28 established in Article IV, Section 13 of the Missouri

1 Constitution.

2 577.001. As used in this chapter, the following terms mean:

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

5 (a) Three or more intoxication-related traffic offenses  
6 committed on separate occasions; or

7 (b) Two or more intoxication-related traffic offenses  
8 committed on separate occasions where at least one of the  
9 intoxication-related traffic offenses is an offense committed in  
10 violation of any state law, county or municipal ordinance, any  
11 federal offense, or any military offense in which the defendant  
12 was operating a vehicle while intoxicated and another person was  
13 injured or killed;

14 (2) "Aggravated boating offender", a person who has been  
15 found guilty of:

16 (a) Three or more intoxication-related boating offenses; or

17 (b) Two or more intoxication-related boating offenses  
18 committed on separate occasions where at least one of the  
19 intoxication-related boating offenses is an offense committed in  
20 violation of any state law, county or municipal ordinance, any  
21 federal offense, or any military offense in which the defendant  
22 was operating a vessel while intoxicated and another person was  
23 injured or killed;

24 (3) "All-terrain vehicle", any motorized vehicle  
25 manufactured and used exclusively for off-highway use which is  
26 fifty inches or less in width, with an unladen dry weight of one  
27 thousand pounds or less, traveling on three, four or more low  
28 pressure tires, with a seat designed to be straddled by the

1 operator, or with a seat designed to carry more than one person,  
2 and handlebars for steering control;

3 (4) "Court", any circuit, associate circuit, or municipal  
4 court, including traffic court, but not any juvenile court or  
5 drug court;

6 (5) "Chronic offender", a person who has been found guilty  
7 of:

8 (a) Four or more intoxication-related traffic offenses  
9 committed on separate occasions; or

10 (b) Three or more intoxication-related traffic offenses  
11 committed on separate occasions where at least one of the  
12 intoxication-related traffic offenses is an offense committed in  
13 violation of any state law, county or municipal ordinance, any  
14 federal offense, or any military offense in which the defendant  
15 was operating a vehicle while intoxicated and another person was  
16 injured or killed; or

17 (c) Two or more intoxication-related traffic offenses  
18 committed on separate occasions where both intoxication-related  
19 traffic offenses were offenses committed in violation of any  
20 state law, county or municipal ordinance, any federal offense, or  
21 any military offense in which the defendant was operating a  
22 vehicle while intoxicated and another person was injured or  
23 killed;

24 (6) "Chronic boating offender", a person who has been found  
25 guilty of:

26 (a) Four or more intoxication-related boating offenses; or

27 (b) Three or more intoxication-related boating offenses  
28 committed on separate occasions where at least one of the

1 intoxication-related boating offenses is an offense committed in  
2 violation of any state law, county or municipal ordinance, any  
3 federal offense, or any military offense in which the defendant  
4 was operating a vessel while intoxicated and another person was  
5 injured or killed; or

6 (c) Two or more intoxication-related boating offenses  
7 committed on separate occasions where both intoxication-related  
8 boating offenses were offenses committed in violation of any  
9 state law, county or municipal ordinance, any federal offense, or  
10 any military offense in which the defendant was operating a  
11 vessel while intoxicated and another person was injured or  
12 killed;

13 (7) "Continuous alcohol monitoring", automatically testing  
14 breath, blood, or transdermal alcohol concentration levels and  
15 tampering attempts at least once every hour, regardless of the  
16 location of the person who is being monitored, and regularly  
17 transmitting the data. Continuous alcohol monitoring shall be  
18 considered an electronic monitoring service under subsection 3 of  
19 section 217.690;

20 (8) "Controlled substance", a drug, substance, or immediate  
21 precursor in schedules I to V listed in section 195.017;

22 (9) "Drive", "driving", "operates" or "operating",  
23 physically driving or operating a vehicle or vessel;

24 (10) "Flight crew member", the pilot in command, copilots,  
25 flight engineers, and flight navigators;

26 (11) "Habitual offender", a person who has been found  
27 guilty of:

28 (a) Five or more intoxication-related traffic offenses



1 committed on separate occasions; or

2 (b) Four or more intoxication-related traffic offenses  
3 committed on separate occasions where at least one of the  
4 intoxication-related traffic offenses is an offense committed in  
5 violation of any state law, county or municipal ordinance, any  
6 federal offense, or any military offense in which the defendant  
7 was operating a vehicle while intoxicated and another person was  
8 injured or killed; or

9 (c) Three or more intoxication-related traffic offenses  
10 committed on separate occasions where at least two of the  
11 intoxication-related traffic offenses were offenses committed in  
12 violation of any state law, county or municipal ordinance, any  
13 federal offense, or any military offense in which the defendant  
14 was operating a vehicle while intoxicated and another person was  
15 injured or killed;

16 (12) "Habitual boating offender", a person who has been  
17 found guilty of:

18 (a) Five or more intoxication-related boating offenses;  
19 ~~or~~

20 (b) Four or more intoxication-related boating offenses  
21 committed on separate occasions where at least one of the  
22 intoxication-related boating offenses is an offense committed in  
23 violation of any state law, county or municipal ordinance, any  
24 federal offense, or any military offense in which the defendant  
25 was operating a vessel while intoxicated and another person was  
26 injured or killed; or

27 (c) Three or more intoxication-related boating offenses  
28 committed on separate occasions where at least two of the

1 intoxication-related boating offenses were offenses committed in  
2 violation of any state law, county or municipal ordinance, any  
3 federal offense, or any military offense in which the defendant  
4 was operating a vessel while intoxicated and another person was  
5 injured or killed; [~~or~~

6 ~~— (d) While boating while intoxicated, the defendant acted~~  
7 ~~with criminal negligence to:~~

8 ~~— a. Cause the death of any person not a passenger in the~~  
9 ~~vessel operated by the defendant, including the death of an~~  
10 ~~individual that results from the defendant's vessel leaving the~~  
11 ~~water; or~~

12 ~~— b. Cause the death of two or more persons; or~~

13 ~~— c. Cause the death of any person while he or she has a~~  
14 ~~blood alcohol content of at least eighteen-hundredths of one~~  
15 ~~percent by weight of alcohol in such person's blood;]~~

16 (13) "Intoxicated" or "intoxicated condition", when a  
17 person is under the influence of alcohol, a controlled substance,  
18 or drug, or any combination thereof;

19 (14) "Intoxication-related boating offense", operating a  
20 vessel while intoxicated; boating while intoxicated; operating a  
21 vessel with excessive blood alcohol content or an offense in  
22 which the defendant was operating a vessel while intoxicated and  
23 another person was injured or killed in violation of any state  
24 law, county or municipal ordinance, any federal offense, or any  
25 military offense;

26 (15) "Intoxication-related traffic offense", driving while  
27 intoxicated, driving with excessive blood alcohol content,  
28 driving under the influence of alcohol or drugs in violation of a

1 state law, county or municipal ordinance, any federal offense, or  
2 any military offense, or an offense in which the defendant was  
3 operating a vehicle while intoxicated and another person was  
4 injured or killed in violation of any state law, county or  
5 municipal ordinance, any federal offense, or any military  
6 offense;

7 (16) "Law enforcement officer" or "arresting officer",  
8 includes the definition of law enforcement officer in section  
9 556.061 and military policemen conducting traffic enforcement  
10 operations on a federal military installation under military  
11 jurisdiction in the state of Missouri;

12 (17) "Operate a vessel", to physically control the movement  
13 of a vessel in motion under mechanical or sail power in water;

14 (18) "Persistent offender", a person who has been found  
15 guilty of:

16 (a) Two or more intoxication-related traffic offenses  
17 committed on separate occasions; or

18 (b) One intoxication-related traffic offense committed in  
19 violation of any state law, county or municipal ordinance,  
20 federal offense, or military offense in which the defendant was  
21 operating a vehicle while intoxicated and another person was  
22 injured or killed;

23 (19) "Persistent boating offender", a person who has been  
24 found guilty of:

25 (a) Two or more intoxication-related boating offenses  
26 committed on separate occasions; or

27 (b) One intoxication-related boating offense committed in  
28 violation of any state law, county or municipal ordinance,

1 federal offense, or military offense in which the defendant was  
2 operating a vessel while intoxicated and another person was  
3 injured or killed;

4 (20) "Prior offender", a person who has been found guilty  
5 of one intoxication-related traffic offense, where such prior  
6 offense occurred within five years of the occurrence of the  
7 intoxication-related traffic offense for which the person is  
8 charged;

9 (21) "Prior boating offender", a person who has been found  
10 guilty of one intoxication-related boating offense, where such  
11 prior offense occurred within five years of the occurrence of the  
12 intoxication-related boating offense for which the person is  
13 charged.

14 577.010. 1. A person commits the offense of driving while  
15 intoxicated if he or she operates a vehicle while in an  
16 intoxicated condition.

17 2. The offense of driving while intoxicated is:

18 (1) A class B misdemeanor;

19 (2) A class A misdemeanor if:

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

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

23 (3) A class E felony if:

24 (a) The defendant is a persistent offender; or

25 (b) While driving while intoxicated, the defendant acts  
26 with criminal negligence to cause physical injury to another  
27 person;

28 (4) A class D felony if:

- 1 (a) The defendant is an aggravated offender;
- 2 (b) While driving while intoxicated, the defendant acts  
3 with criminal negligence to cause physical injury to a law  
4 enforcement officer or emergency personnel; or
- 5 (c) While driving while intoxicated, the defendant acts  
6 with criminal negligence to cause serious physical injury to  
7 another person;
- 8 (5) A class C felony if:
- 9 (a) The defendant is a chronic offender;
- 10 (b) While driving while intoxicated, the defendant acts  
11 with criminal negligence to cause serious physical injury to a  
12 law enforcement officer or emergency personnel; or
- 13 (c) While driving while intoxicated, the defendant acts  
14 with criminal negligence to cause the death of another person;
- 15 (6) A class B felony if:
- 16 (a) The defendant is a habitual offender;
- 17 (b) While driving while intoxicated, the defendant acts  
18 with criminal negligence to cause the death of a law enforcement  
19 officer or emergency personnel;
- 20 (c) While driving while intoxicated, the defendant acts  
21 with criminal negligence to cause the death of any person not a  
22 passenger in the vehicle operated by the defendant, including the  
23 death of an individual that results from the defendant's vehicle  
24 leaving a highway, as defined in section 301.010, or the  
25 highway's right-of-way;
- 26 (d) While driving while intoxicated, the defendant acts  
27 with criminal negligence to cause the death of two or more  
28 persons; or

1           (e) While driving while intoxicated, the defendant acts  
2 with criminal negligence to cause the death of any person while  
3 he or she has a blood alcohol content of at least  
4 eighteen-hundredths of one percent by weight of alcohol in such  
5 person's blood;

6           (7) A class A felony if the defendant has previously been  
7 found guilty of an offense under paragraphs (a) to (e) of  
8 subdivision (6) of this subsection and is found guilty of a  
9 subsequent violation of such paragraphs.

10          3. Notwithstanding the provisions of subsection 2 of this  
11 section, a person found guilty of the offense of driving while  
12 intoxicated as a first offense shall not be granted a suspended  
13 imposition of sentence:

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

16           (2) In a circuit where a DWI court or docket created under  
17 section 478.007 or other court-ordered treatment program is  
18 available, and where the offense was committed with  
19 fifteen-hundredths of one percent or more by weight of alcohol in  
20 such person's blood, unless the individual participates and  
21 successfully completes a program under such DWI court or docket  
22 or other court-ordered treatment program.

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

28          5. If a person is not granted a suspended imposition of

1 sentence for the reasons described in subsection 3 of this  
2 section:

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

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

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

13 (1) ~~As a prior offender, persistent offender, aggravated~~  
14 ~~offender, chronic offender, or habitual offender~~ Shall not be  
15 granted a suspended imposition of sentence or be sentenced to pay  
16 a fine in lieu of a term of imprisonment, section 557.011 to the  
17 contrary notwithstanding, if:

18 (a) The offender is a prior offender, persistent offender,  
19 aggravated offender, chronic offender, or habitual offender; or

20 (b) The offense causes the death of:

21 a. Any person not a passenger in the vehicle operated by  
22 the defendant;

23 b. Two or more persons; or

24 c. Any person while the offender has a blood alcohol  
25 content of at least eighteen-hundredths of one percent by weight  
26 of alcohol in such offender's blood;

27 (2) As a prior offender shall not be granted parole or  
28 probation until he or she has served a minimum of ten days

1 imprisonment:

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

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

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

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

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

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

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



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

5 577.011. 1. This section shall be known and may be cited  
6 as "Toby's Law".

7 2. In addition to other terms and conditions imposed on a  
8 person who has pled guilty to or been found guilty of driving  
9 while intoxicated under section 577.010, such person shall  
10 complete a victim impact program approved by the court. Such  
11 person shall be responsible for any charges imposed by the victim  
12 impact program.

13 577.013. 1. A person commits the offense of boating while  
14 intoxicated if he or she operates a vessel while in an  
15 intoxicated condition.

16 2. The offense of boating while intoxicated is:

17 (1) A class B misdemeanor;

18 (2) A class A misdemeanor if:

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

20 (b) A person less than seventeen years of age is present in  
21 the vessel;

22 (3) A class E felony if:

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

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

27 (4) A class D felony if:

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

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

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

7 (5) A class C felony if:

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

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

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

14 (6) A class B felony if:

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

16 (b) While boating while intoxicated, the defendant acts  
17 with criminal negligence to cause the death of:

18 a. A law enforcement officer or emergency personnel; or

19 b. Any person not a passenger in the vessel operated by the  
20 defendant;

21 c. Two or more persons; or

22 d. Any person while the defendant has a blood alcohol  
23 content of at least eighteen-hundredths of one percent by weight  
24 of alcohol in such defendant's blood;

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

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

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

7           (2) In a circuit where a DWI court or docket created under  
8 section 478.007 or other court-ordered treatment program is  
9 available, and where the offense was committed with  
10 fifteen-hundredths of one percent or more by weight of alcohol in  
11 such person's blood, unless the individual participates in and  
12 successfully completes a program under such DWI court or docket  
13 or other court-ordered treatment program.

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

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

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

26           (2) If the individual operated the vessel with greater than  
27 twenty-hundredths of one percent by weight of alcohol in such  
28 person's blood, the required term of imprisonment shall be not

1 less than five days.

2 6. A person found guilty of the offense of boating while  
3 intoxicated:

4 (1) As a prior boating offender, persistent boating  
5 offender, aggravated boating offender, chronic boating offender  
6 or habitual boating offender shall not be granted a suspended  
7 imposition of sentence or be sentenced to pay a fine in lieu of a  
8 term of imprisonment, section 557.011 to the contrary  
9 notwithstanding;

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

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

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

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

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

27 (b) The offender participates in and successfully completes  
28 a program established under section 478.007 or other

1 court-ordered treatment program, if available;

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

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

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

12 577.014. 1. A person commits the offense of boating with  
13 excessive blood alcohol content if he or she operates a vessel  
14 while having eight-hundredths of one percent or more by weight of  
15 alcohol in his or her blood.

16 2. As used in this section, percent by weight of alcohol in  
17 the blood shall be based upon grams of alcohol per one hundred  
18 milliliters of blood or two hundred ten liters of breath and may  
19 be shown by chemical analysis of the person's blood, breath,  
20 saliva or urine. For the purposes of determining the alcoholic  
21 content of a person's blood under this section, the test shall be  
22 conducted in accordance with the provisions of sections 577.020  
23 to 577.041.

24 3. The offense of boating with excessive blood alcohol  
25 content is:

26 (1) A class B misdemeanor;

27 (2) A class A misdemeanor if the defendant is alleged and  
28 proved to be a prior boating offender;

1 (3) A class E felony if the defendant is alleged and proved  
2 to be a persistent boating offender;

3 (4) A class D felony if the defendant is alleged and proved  
4 to be an aggravated boating offender;

5 (5) A class C felony if the defendant is alleged and proved  
6 to be a chronic boating offender;

7 (6) A class B felony if the defendant is alleged and proved  
8 to be a habitual boating offender or, at the time of the offense,  
9 the defendant acted with criminal negligence to cause the death  
10 of:

11 (a) Any person not a passenger in the vessel operated by  
12 the defendant;

13 (b) Two or more persons; or

14 (c) Any person while the defendant has a blood alcohol  
15 content of at least eighteen-hundredths of one percent by weight  
16 of alcohol in the defendant's blood.

17 4. A person found guilty of the offense of boating with  
18 excessive blood alcohol content as a first offense shall not be  
19 granted a suspended imposition of sentence:

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

22 (2) In a circuit where a DWI court or docket created under  
23 section 478.007 or other court-ordered treatment program is  
24 available, and where the offense was committed with  
25 fifteen-hundredths of one percent or more by weight of alcohol in  
26 such person's blood unless the individual participates in and  
27 successfully completes a program under such DWI court or docket  
28 or other court-ordered treatment program.

1           5. When a person is not granted a suspended imposition of  
2 sentence for the reasons described in subsection 4 of this  
3 section:

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

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

12           6. If a person is found guilty of a second or subsequent  
13 offense of boating with an excessive blood alcohol content, the  
14 court may order the person to submit to a period of continuous  
15 alcohol monitoring or verifiable breath alcohol testing performed  
16 a minimum of four times per day as a condition of probation.

17           7. A person found guilty of the offense of boating with  
18 excessive blood alcohol content:

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

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

28           (a) Unless as a condition of such parole or probation such

1 person performs at least two hundred forty hours of community  
2 service under the supervision of the court in those jurisdictions  
3 which have a recognized program for community service; or

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

7 (3) As a persistent boating offender, shall not be granted  
8 parole or probation until he or she has served a minimum of  
9 thirty days imprisonment:

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

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

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

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

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

27 579.065. 1. A person commits the offense of trafficking  
28 drugs in the first degree if, except as authorized by this



1 chapter or chapter 195, such person knowingly distributes,  
2 delivers, manufactures, produces or attempts to distribute,  
3 deliver, manufacture or produce:

4 (1) More than thirty grams [~~but less than ninety grams~~] of  
5 a mixture or substance containing a detectable amount of heroin;

6 (2) More than one hundred fifty grams [~~but less than four~~  
7 ~~hundred fifty grams~~] of a mixture or substance containing a  
8 detectable amount of coca leaves, except coca leaves and extracts  
9 of coca leaves from which cocaine, ecgonine, and derivatives of  
10 ecgonine or their salts have been removed; cocaine salts and  
11 their optical and geometric isomers, and salts of isomers;  
12 ecgonine, its derivatives, their salts, isomers, and salts of  
13 isomers; or any compound, mixture, or preparation which contains  
14 any quantity of any of the foregoing substances;

15 (3) More than eight grams [~~but less than twenty-four grams~~]  
16 of a mixture or substance described in subdivision (2) of this  
17 subsection which contains cocaine base;

18 (4) More than five hundred milligrams [~~but less than one~~  
19 ~~gram~~] of a mixture or substance containing a detectable amount of  
20 lysergic acid diethylamide (LSD);

21 (5) More than thirty grams [~~but less than ninety grams~~] of  
22 a mixture or substance containing a detectable amount of  
23 phencyclidine (PCP);

24 (6) More than four grams [~~but less than twelve grams~~] of  
25 phencyclidine;

26 (7) More than thirty kilograms [~~but less than one hundred~~  
27 ~~kilograms~~] of a mixture or substance containing marijuana;

28 (8) More than thirty grams [~~but less than ninety grams~~] of

1 any material, compound, mixture, or preparation containing any  
2 quantity of the following substances having a stimulant effect on  
3 the central nervous system: amphetamine, its salts, optical  
4 isomers and salts of its optical isomers; methamphetamine, its  
5 salts, optical isomers and salts of its optical isomers;  
6 phenmetrazine and its salts; or methylphenidate; or

7 (9) More than thirty grams [~~but less than ninety grams~~] of  
8 any material, compound, mixture, or preparation which contains  
9 any quantity of 3,4-methylenedioxymethamphetamine.

10 2. The offense of trafficking drugs in the first degree is  
11 a class B felony.

12 3. The offense of trafficking drugs in the first degree is  
13 a class A felony if the quantity involved is:

14 (1) Ninety grams or more of a mixture or substance  
15 containing a detectable amount of heroin; or

16 (2) Four hundred fifty grams or more of a mixture or  
17 substance containing a detectable amount of coca leaves, except  
18 coca leaves and extracts of coca leaves from which cocaine,  
19 ecgonine, and derivatives of ecgonine or their salts have been  
20 removed; cocaine salts and their optical and geometric isomers,  
21 and salts of isomers; ecgonine, its derivatives, their salts,  
22 isomers, and salts of isomers; or any compound, mixture, or  
23 preparation which contains any quantity of any of the foregoing  
24 substances; or

25 (3) Twenty-four grams or more of a mixture or substance  
26 described in subdivision (2) of this subsection which contains  
27 cocaine base; or

28 (4) One gram or more of a mixture or substance containing a

1 detectable amount of lysergic acid diethylamide (LSD); or  
2 (5) Ninety grams or more of a mixture or substance  
3 containing a detectable amount of phencyclidine (PCP); or  
4 (6) Twelve grams or more of phencyclidine; or  
5 (7) One hundred kilograms or more of a mixture or substance  
6 containing marijuana; or  
7 (8) Ninety grams or more of any material, compound,  
8 mixture, or preparation containing any quantity of the following  
9 substances having a stimulant effect on the central nervous  
10 system: amphetamine, its salts, optical isomers and salts of its  
11 optical isomers; methamphetamine, its salts, optical isomers and  
12 salts of its optical isomers; phenmetrazine and its salts; or  
13 methylphenidate; or  
14 (9) More than thirty grams of any material, compound,  
15 mixture, or preparation containing any quantity of the following  
16 substances having a stimulant effect on the central nervous  
17 system: amphetamine, its salts, optical isomers, and salts of  
18 its optical isomers; methamphetamine, its salts, optical isomers,  
19 and salts of its optical isomers; phenmetrazine and its salts; or  
20 methylphenidate, and the location of the offense was within two  
21 thousand feet of real property comprising a public or private  
22 elementary, vocational, or secondary school, college, community  
23 college, university, or any school bus, in or on the real  
24 property comprising public housing or any other governmental  
25 assisted housing, or within a motor vehicle, or in any structure  
26 or building which contains rooms furnished for the accommodation  
27 or lodging of guests, and kept, used, maintained, advertised, or  
28 held out to the public as a place where sleeping accommodations

1 are sought for pay or compensation to transient guests or  
2 permanent guests; or

3 (10) Ninety grams or more of any material, compound,  
4 mixture or preparation which contains any quantity of  
5 3,4-methylenedioxymethamphetamine; or

6 (11) More than thirty grams of any material, compound,  
7 mixture, or preparation which contains any quantity of  
8 3,4-methylenedioxymethamphetamine and the location of the offense  
9 was within two thousand feet of real property comprising a public  
10 or private elementary, vocational, or secondary school, college,  
11 community college, university, or any school bus, in or on the  
12 real property comprising public housing or any other governmental  
13 assisted housing, within a motor vehicle, or in any structure or  
14 building which contains rooms furnished for the accommodation or  
15 lodging of guests, and kept, used, maintained, advertised, or  
16 held out to the public as a place where sleeping accommodations  
17 are sought for pay or compensation to transient guests or  
18 permanent guests.

19 579.068. 1. A person commits the offense of trafficking  
20 drugs in the second degree if, except as authorized by this  
21 chapter or chapter 195, such person knowingly possesses or has  
22 under his or her control, purchases or attempts to purchase, or  
23 brings into this state:

24 (1) More than thirty grams [~~but less than ninety grams~~] of  
25 a mixture or substance containing a detectable amount of heroin;

26 (2) More than one hundred fifty grams [~~but less than four~~  
27 ~~hundred fifty grams~~] of a mixture or substance containing a  
28 detectable amount of coca leaves, except coca leaves and extracts

1 of coca leaves from which cocaine, ecgonine, and derivatives of  
2 ecgonine or their salts have been removed; cocaine salts and  
3 their optical and geometric isomers, and salts of isomers;  
4 ecgonine, its derivatives, their salts, isomers, and salts of  
5 isomers; or any compound, mixture, or preparation which contains  
6 any quantity of any of the foregoing substances;

7 (3) More than eight grams [~~but less than twenty-four grams~~]  
8 of a mixture or substance described in subdivision (2) of this  
9 subsection which contains cocaine base;

10 (4) More than five hundred milligrams [~~but less than one~~  
11 ~~gram~~] of a mixture or substance containing a detectable amount of  
12 lysergic acid diethylamide (LSD);

13 (5) More than thirty grams [~~but less than ninety grams~~] of  
14 a mixture or substance containing a detectable amount of  
15 phencyclidine (PCP);

16 (6) More than four grams [~~but less than twelve grams~~] of  
17 phencyclidine;

18 (7) More than thirty kilograms [~~but less than one hundred~~  
19 ~~kilograms~~] of a mixture or substance containing marijuana;

20 (8) More than thirty grams [~~but less than ninety grams~~] of  
21 any material, compound, mixture, or preparation containing any  
22 quantity of the following substances having a stimulant effect on  
23 the central nervous system: amphetamine, its salts, optical  
24 isomers and salts of its optical isomers; methamphetamine, its  
25 salts, optical isomers and salts of its optical isomers;  
26 phenmetrazine and its salts; or methylphenidate; or

27 (9) More than thirty grams [~~but less than ninety grams~~] of  
28 any material, compound, mixture, or preparation which contains

1 any quantity of 3,4-methylenedioxymethamphetamine.

2 2. The offense of trafficking drugs in the second degree is  
3 a class C felony.

4 3. The offense of trafficking drugs in the second degree is  
5 a class B felony if the quantity involved is:

6 (1) Ninety grams or more of a mixture or substance  
7 containing a detectable amount of heroin; or

8 (2) Four hundred fifty grams or more of a mixture or  
9 substance containing a detectable amount of coca leaves, except  
10 coca leaves and extracts of coca leaves from which cocaine,  
11 ecgonine, and derivatives of ecgonine or their salts have been  
12 removed; cocaine salts and their optical and geometric isomers,  
13 and salts of isomers; ecgonine, its derivatives, their salts,  
14 isomers, and salts of isomers; or any compound, mixture, or  
15 preparation which contains any quantity of any of the foregoing  
16 substances; or

17 (3) Twenty-four grams or more of a mixture or substance  
18 described in subdivision (2) of this subsection which contains  
19 cocaine base; or

20 (4) One gram or more of a mixture or substance containing a  
21 detectable amount of lysergic acid diethylamide (LSD); or

22 (5) Ninety grams or more of a mixture or substance  
23 containing a detectable amount of phencyclidine (PCP); or

24 (6) Twelve grams or more of phencyclidine; or

25 (7) One hundred kilograms or more of a mixture or substance  
26 containing marijuana; or

27 (8) More than five hundred marijuana plants; or

28 (9) Ninety grams or more but less than four hundred fifty

1 grams of any material, compound, mixture, or preparation  
2 containing any quantity of the following substances having a  
3 stimulant effect on the central nervous system: amphetamine, its  
4 salts, optical isomers and salts of its optical isomers;  
5 methamphetamine, its salts, optical isomers and salts of its  
6 optical isomers; phenmetrazine and its salts; or methylphenidate;  
7 or

8 (10) Ninety grams or more but less than four hundred fifty  
9 grams of any material, compound, mixture, or preparation which  
10 contains any quantity of 3,4-methylenedioxymethamphetamine.

11 4. The offense of trafficking drugs in the second degree is  
12 a class A felony if the quantity involved is four hundred fifty  
13 grams or more of any material, compound, mixture or preparation  
14 which contains:

15 (1) Any quantity of the following substances having a  
16 stimulant effect on the central nervous system: amphetamine, its  
17 salts, optical isomers and salts of its optical isomers;  
18 methamphetamine, its salts, isomers and salts of its isomers;  
19 phenmetrazine and its salts; or methylphenidate; or

20 (2) Any quantity of 3,4-methylenedioxymethamphetamine.

21 595.045. 1. There is established in the state treasury the  
22 "Crime Victims' Compensation Fund". A surcharge of seven dollars  
23 and fifty cents shall be assessed as costs in each court  
24 proceeding filed in any court in the state in all criminal cases  
25 including violations of any county ordinance or any violation of  
26 criminal or traffic laws of the state, including an infraction  
27 and violation of a municipal ordinance; except that no such fee  
28 shall be collected in any proceeding in any court when the

1 proceeding or the defendant has been dismissed by the court or  
2 when costs are to be paid by the state, county, or municipality.  
3 A surcharge of seven dollars and fifty cents shall be assessed as  
4 costs in a juvenile court proceeding in which a child is found by  
5 the court to come within the applicable provisions of subdivision  
6 (3) of subsection 1 of section 211.031.

7 2. Notwithstanding any other provision of law to the  
8 contrary, the moneys collected by clerks of the courts pursuant  
9 to the provisions of subsection 1 of this section shall be  
10 collected and disbursed in accordance with sections 488.010 to  
11 488.020 and shall be payable to the director of the department of  
12 revenue.

13 3. The director of revenue shall deposit annually the  
14 amount of two hundred fifty thousand dollars to the state  
15 forensic laboratory account administered by the department of  
16 public safety to provide financial assistance to defray expenses  
17 of crime laboratories if such analytical laboratories are  
18 registered with the federal Drug Enforcement Agency or the  
19 Missouri department of health and senior services. Subject to  
20 appropriations made therefor, such funds shall be distributed by  
21 the department of public safety to the crime laboratories serving  
22 the courts of this state making analysis of a controlled  
23 substance or analysis of blood, breath or urine in relation to a  
24 court proceeding.

25 4. The remaining funds collected under subsection 1 of this  
26 section shall be denoted to the payment of an annual  
27 appropriation for the administrative and operational costs of the  
28 office for victims of crime and, if a statewide automated crime



1 victim notification system is established pursuant to section  
2 650.310, to the monthly payment of expenditures actually incurred  
3 in the operation of such system. Additional remaining funds  
4 shall be subject to the following provisions:

5 (1) On the first of every month, the director of revenue or  
6 the director's designee shall determine the balance of the funds  
7 in the crime victims' compensation fund available to satisfy the  
8 amount of compensation payable pursuant to sections 595.010 to  
9 595.075, excluding sections 595.050 and 595.055;

10 (2) Beginning on September 1, 2004, and on the first of  
11 each month, the director of revenue or the director's designee  
12 shall deposit fifty percent of the balance of funds available to  
13 the credit of the crime victims' compensation fund and fifty  
14 percent to the services to victims' fund established in section  
15 595.100.

16 5. The director of revenue or such director's designee  
17 shall at least monthly report the moneys paid pursuant to this  
18 section into the crime victims' compensation fund and the  
19 services to victims fund to the department of public safety.

20 6. The moneys collected by clerks of municipal courts  
21 pursuant to subsection 1 of this section shall be collected and  
22 disbursed as provided by sections 488.010 to 488.020. Five  
23 percent of such moneys shall be payable to the city treasury of  
24 the city from which such funds were collected. The remaining  
25 ninety-five percent of such moneys shall be payable to the  
26 director of revenue. The funds received by the director of  
27 revenue pursuant to this subsection shall be distributed as  
28 follows:

1           (1) On the first of every month, the director of revenue or  
2 the director's designee shall determine the balance of the funds  
3 in the crime victims' compensation fund available to satisfy the  
4 amount of compensation payable pursuant to sections 595.010 to  
5 595.075, excluding sections 595.050 and 595.055;

6           (2) Beginning on September 1, 2004, and on the first of  
7 each month the director of revenue or the director's designee  
8 shall deposit fifty percent of the balance of funds available to  
9 the credit of the crime victims' compensation fund and fifty  
10 percent to the services to victims' fund established in section  
11 595.100.

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

16           8. In addition to the moneys collected pursuant to  
17 subsection 1 of this section, the court shall enter a judgment in  
18 favor of the state of Missouri, payable to the crime victims'  
19 compensation fund, of sixty-eight dollars upon a plea of guilty  
20 or a finding of guilt for a class A or B felony; forty-six  
21 dollars upon a plea of guilty or finding of guilt for a class C  
22 ~~[or]~~, D, or E felony; and ten dollars upon a plea of guilty or a  
23 finding of guilt for any misdemeanor under Missouri law except  
24 for those in chapter 252 relating to fish and game, chapter 302  
25 relating to drivers' and commercial drivers' license, chapter 303  
26 relating to motor vehicle financial responsibility, chapter 304  
27 relating to traffic regulations, chapter 306 relating to  
28 watercraft regulation and licensing, and chapter 307 relating to

1 vehicle equipment regulations. Any clerk of the court receiving  
2 moneys pursuant to such judgments shall collect and disburse such  
3 crime victims' compensation judgments in the manner provided by  
4 sections 488.010 to 488.020. Such funds shall be payable to the  
5 state treasury and deposited to the credit of the crime victims'  
6 compensation fund.

7 9. The clerk of the court processing such funds shall  
8 maintain records of all dispositions described in subsection 1 of  
9 this section and all dispositions where a judgment has been  
10 entered against a defendant in favor of the state of Missouri in  
11 accordance with this section; all payments made on judgments for  
12 alcohol-related traffic offenses; and any judgment or portion of  
13 a judgment entered but not collected. These records shall be  
14 subject to audit by the state auditor. The clerk of each court  
15 transmitting such funds shall report separately the amount of  
16 dollars collected on judgments entered for alcohol-related  
17 traffic offenses from other crime victims' compensation  
18 collections or services to victims collections.

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

24 11. The state courts administrator shall include in the  
25 annual report form required by section ~~[476.350]~~ 476.412 the  
26 circuit court caseloads and the number of crime victims'  
27 compensation judgments entered.

28 12. All awards made to injured victims under sections

1 595.010 to 595.105 and all appropriations for administration of  
2 sections 595.010 to 595.105, except sections 595.050 and 595.055,  
3 shall be made from the crime victims' compensation fund. Any  
4 unexpended balance remaining in the crime victims' compensation  
5 fund at the end of each biennium shall not be subject to the  
6 provision of section 33.080 requiring the transfer of such  
7 unexpended balance to the ordinary revenue fund of the state, but  
8 shall remain in the crime victims' compensation fund. In the  
9 event that there are insufficient funds in the crime victims'  
10 compensation fund to pay all claims in full, all claims shall be  
11 paid on a pro rata basis. If there are no funds in the crime  
12 victims' compensation fund, then no claim shall be paid until  
13 funds have again accumulated in the crime victims' compensation  
14 fund. When sufficient funds become available from the fund,  
15 awards which have not been paid shall be paid in chronological  
16 order with the oldest paid first. In the event an award was to  
17 be paid in installments and some remaining installments have not  
18 been paid due to a lack of funds, then when funds do become  
19 available that award shall be paid in full. All such awards on  
20 which installments remain due shall be paid in full in  
21 chronological order before any other postdated award shall be  
22 paid. Any award pursuant to this subsection is specifically not  
23 a claim against the state, if it cannot be paid due to a lack of  
24 funds in the crime victims' compensation fund.

25 13. When judgment is entered against a defendant as  
26 provided in this section and such sum, or any part thereof,  
27 remains unpaid, there shall be withheld from any disbursement,  
28 payment, benefit, compensation, salary, or other transfer of

1 money from the state of Missouri to such defendant an amount  
2 equal to the unpaid amount of such judgment. Such amount shall  
3 be paid forthwith to the crime victims' compensation fund and  
4 satisfaction of such judgment shall be entered on the court  
5 record. Under no circumstances shall the general revenue fund be  
6 used to reimburse court costs or pay for such judgment. The  
7 director of the department of corrections shall have the  
8 authority to pay into the crime victims' compensation fund from  
9 an offender's compensation or account the amount owed by the  
10 offender to the crime victims' compensation fund, provided that  
11 the offender has failed to pay the amount owed to the fund prior  
12 to entering a correctional facility of the department of  
13 corrections.

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

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

21 16. The department may receive gifts and contributions for  
22 the benefit of crime victims. Such gifts and contributions shall  
23 be credited to the crime victims' compensation fund as used  
24 solely for compensating victims under the provisions of sections  
25 595.010 to 595.075.

26 595.219. 1. In addition to the court's authority to order  
27 a defendant to make restitution for the damage or loss caused by  
28 his or her offense as provided in section 559.105, the court may

1 enter a judgment of restitution against the offenders convicted  
2 of official misconduct pursuant to the provisions of this  
3 section.

4 2. The court may order the defendant to make restitution  
5 to:

6 (1) The victim;

7 (2) Any governmental entity; or

8 (3) A third-party payor, including an insurer that has made  
9 payment to the victim to compensate the victim for a property  
10 loss or a pecuniary loss.

11 3. Restitution payments to the victim have priority over  
12 restitution payments to a third-party payor. If the victim has  
13 been compensated for the victim's loss by a third-party payor,  
14 the court may order restitution payments to the third-party payor  
15 in the amount that the third-party payor compensated the victim.

16 4. Payment of restitution to a victim under this section  
17 has priority over payment of restitution to any governmental  
18 entity.

19 5. A restitution hearing to determine the liability of the  
20 defendant shall be held not later than thirty days after final  
21 disposition of the case and may be extended by the court for good  
22 cause. In the restitution hearing, a written statement or bill  
23 for medical, dental, hospital, funeral, or burial expenses shall  
24 be prima facie evidence that the amount indicated on the written  
25 statement or bill represents a fair and reasonable charge for the  
26 services or materials provided. The burden of proving that the  
27 amount indicated on the written statement or bill is not fair and  
28 reasonable shall be on the person challenging the fairness and

1 reasonableness of the amount.

2 6. A judgment of restitution against a defendant may not be  
3 entered unless the defendant has been afforded a reasonable  
4 opportunity to be heard and to present appropriate evidence in  
5 his or her behalf. The defendant shall be advised of his or her  
6 right to obtain counsel for representation at the hearing. A  
7 hearing under this section may be held as part of a final  
8 disposition hearing for the case.

9 7. The judgment may be enforced in the same manner as  
10 enforcing monetary judgments by the prosecuting attorney on  
11 behalf of the victim.

12 8. A judgment of restitution ordered pursuant to this  
13 section against a defendant shall not be a bar to a proceeding  
14 against the defendant pursuant to section 537.045 or section  
15 8.150 for the balance of the damages not paid pursuant to this  
16 section.

17 610.140. 1. Notwithstanding any other provision of law and  
18 subject to the provisions of this section, any person may apply  
19 to any court in which such person was charged or found guilty of  
20 any offenses, violations, or infractions for an order to expunge  
21 records of such arrest, plea, trial, or conviction. Subject to  
22 the limitations of subsection 12 of this section, a person may  
23 apply to have one or more offenses, violations, or infractions  
24 expunged if such offense, violation, or infraction occurred  
25 within the state of Missouri and was prosecuted under the  
26 jurisdiction of a Missouri municipal, associate circuit, or  
27 circuit court, so long as such person lists all the offenses,  
28 violations, and infractions he or she is seeking to have expunged

1 in the petition and so long as all such offenses, violations, and  
2 infractions are not excluded under subsection 2 of this section.  
3 If the offenses, violations, or infractions were charged as  
4 counts in the same indictment or information or were committed as  
5 part of the same course of criminal conduct, the person may  
6 include all the related offenses, violations, and infractions in  
7 the petition, regardless of the limits of subsection 12 of this  
8 section, and the petition shall only count as a petition for  
9 expungement of the highest level violation or offense contained  
10 in the petition for the purpose of determining future eligibility  
11 for expungement.

12 2. The following offenses, violations, and infractions  
13 shall not be eligible for expungement under this section:

14 (1) Any class A felony offense;

15 (2) Any dangerous felony as that term is defined in section  
16 556.061;

17 (3) Any offense that requires registration as a sex  
18 offender;

19 (4) Any felony offense where death is an element of the  
20 offense;

21 (5) Any felony offense of assault; misdemeanor or felony  
22 offense of domestic assault; or felony offense of kidnapping;

23 (6) Any offense listed, or previously listed, in chapter  
24 566 or section 105.454, 105.478, 115.631, 130.028, 188.030,  
25 188.080, 191.677, 194.425, 217.360, 217.385, 334.245, 375.991,  
26 389.653, 455.085, 455.538, 557.035, 565.084, 565.085, 565.086,  
27 565.095, 565.120, 565.130, 565.156, 565.200, 565.214, 566.093,  
28 566.111, 566.115, 568.020, 568.030, 568.032, 568.045, 568.060,



1 568.065, 568.080, 568.090, 568.175, 569.030, 569.035, 569.040,  
2 569.050, 569.055, 569.060, 569.065, 569.067, 569.072, 569.100,  
3 569.160, 570.025, 570.030, 570.090, 570.100, 570.130, 570.180,  
4 570.223, 570.224, 570.310, 571.020, [~~571.030,~~] 571.060, 571.063,  
5 571.070, 571.072, 571.150, 574.070, 574.105, 574.115, 574.120,  
6 574.130, 575.040, 575.095, 575.153, 575.155, 575.157, 575.159,  
7 575.195, 575.200, 575.210, 575.220, 575.230, 575.240, 575.350,  
8 575.353, 577.078, 577.703, 577.706, 578.008, 578.305, 578.310, or  
9 632.520;

10 (7) Any offense eligible for expungement under section  
11 577.054 or 610.130;

12 (8) Any intoxication-related traffic or boating offense as  
13 defined in section 577.001, or any offense of operating an  
14 aircraft with an excessive blood alcohol content or while in an  
15 intoxicated condition;

16 (9) Any ordinance violation that is the substantial  
17 equivalent of any offense that is not eligible for expungement  
18 under this section; ~~[and]~~

19 (10) Any ~~[violations]~~ violation of any state law or county  
20 or municipal ordinance regulating the operation of motor vehicles  
21 when committed by an individual who has been issued a commercial  
22 driver's license or is required to possess a commercial driver's  
23 license issued by this state or any other state; and

24 (11) Any offense of section 571.030, except any offense  
25 under subdivision (1) of subsection 1 of section 571.030 where  
26 the person was convicted or found guilty prior to January 1,  
27 2017.

28 3. The petition shall name as defendants all law

1 enforcement agencies, courts, prosecuting or circuit attorneys,  
2 municipal prosecuting attorneys, central state repositories of  
3 criminal records, or others who the petitioner has reason to  
4 believe may possess the records subject to expungement for each  
5 of the offenses, violations, and infractions listed in the  
6 petition. The court's order of expungement shall not affect any  
7 person or entity not named as a defendant in the action.

8 4. The petition shall include the following information:

9 (1) The petitioner's:

10 (a) Full name;

11 (b) Sex;

12 (c) Race;

13 (d) Driver's license number, if applicable; and

14 (e) Current address;

15 (2) Each offense, violation, or infraction for which the  
16 petitioner is requesting expungement;

17 (3) The approximate date the petitioner was charged for  
18 each offense, violation, or infraction; and

19 (4) The name of the county where the petitioner was charged  
20 for each offense, violation, or infraction and if any of the  
21 offenses, violations, or infractions occurred in a municipality,  
22 the name of the municipality for each offense, violation, or  
23 infraction; and

24 (5) The case number and name of the court for each offense.

25 5. The clerk of the court shall give notice of the filing  
26 of the petition to the office of the prosecuting attorney,  
27 circuit attorney, or municipal prosecuting attorney that  
28 prosecuted the offenses, violations, or infractions listed in the

1 petition. If the prosecuting attorney, circuit attorney, or  
2 municipal prosecuting attorney objects to the petition for  
3 expungement, he or she shall do so in writing within thirty days  
4 after receipt of service. Unless otherwise agreed upon by the  
5 parties, the court shall hold a hearing within sixty days after  
6 any written objection is filed, giving reasonable notice of the  
7 hearing to the petitioner. If no objection has been filed within  
8 thirty days after receipt of service, the court may set a hearing  
9 on the matter and shall give reasonable notice of the hearing to  
10 each entity named in the petition. At any hearing, the court may  
11 accept evidence and hear testimony on, and may consider, the  
12 following criteria for each of the offenses, violations, or  
13 infractions listed in the petition for expungement:

14 (1) It has been at least seven years if the offense is a  
15 felony, or at least three years if the offense is a misdemeanor,  
16 municipal offense, or infraction, from the date the petitioner  
17 completed any authorized disposition imposed under section  
18 557.011 for each offense, violation, or infraction listed in the  
19 petition;

20 (2) The person has not been found guilty of any other  
21 misdemeanor or felony, not including violations of the traffic  
22 regulations provided under chapters 304 and 307, during the time  
23 period specified for the underlying offense, violation, or  
24 infraction in subdivision (1) of this subsection;

25 (3) The person has satisfied all obligations relating to  
26 any such disposition, including the payment of any fines or  
27 restitution;

28 (4) The person does not have charges pending;

1           (5) The petitioner's habits and conduct demonstrate that  
2 the petitioner is not a threat to the public safety of the state;  
3 and

4           (6) The expungement is consistent with the public welfare  
5 and the interests of justice warrant the expungement.

6 A pleading by the petitioner that such petitioner meets the  
7 requirements of subdivisions (5) and (6) of this subsection shall  
8 create a rebuttable presumption that the expungement is warranted  
9 so long as the criteria contained in subdivisions (1) to (4) of  
10 this subsection are otherwise satisfied. The burden shall shift  
11 to the prosecuting attorney, circuit attorney, or municipal  
12 prosecuting attorney to rebut the presumption. A victim of an  
13 offense, violation, or infraction listed in the petition shall  
14 have an opportunity to be heard at any hearing held under this  
15 section, and the court may make a determination based solely on  
16 such victim's testimony.

17           6. A petition to expunge records related to an arrest for  
18 an eligible offense, violation, or infraction may be made in  
19 accordance with the provisions of this section to a court of  
20 competent jurisdiction in the county where the petitioner was  
21 arrested no earlier than three years from the date of arrest;  
22 provided that, during such time, the petitioner has not been  
23 charged and the petitioner has not been found guilty of any  
24 misdemeanor or felony offense.

25           7. If the court determines that such person meets all the  
26 criteria set forth in subsection 5 of this section for each of  
27 the offenses, violations, or infractions listed in the petition  
28 for expungement, the court shall enter an order of expungement.

1 In all cases under this section, the court shall issue an order  
2 of expungement or dismissal within six months of the filing of  
3 the petition. A copy of the order of expungement shall be  
4 provided to the petitioner and each entity possessing records  
5 subject to the order, and, upon receipt of the order, each entity  
6 shall close any record in its possession relating to any offense,  
7 violation, or infraction listed in the petition, in the manner  
8 established by section 610.120. The records and files maintained  
9 in any administrative or court proceeding in a municipal,  
10 associate, or circuit court for any offense, infraction, or  
11 violation ordered expunged under this section shall be  
12 confidential and only available to the parties or by order of the  
13 court for good cause shown. The central repository shall request  
14 the Federal Bureau of Investigation to expunge the records from  
15 its files.

16 8. The order shall not limit any of the petitioner's rights  
17 that were restricted as a collateral consequence of such person's  
18 criminal record, and such rights shall be restored upon issuance  
19 of the order of expungement. Except as otherwise provided under  
20 this section, the effect of such order shall be to restore such  
21 person to the status he or she occupied prior to such arrests,  
22 pleas, trials, or convictions as if such events had never taken  
23 place. No person as to whom such order has been entered shall be  
24 held thereafter under any provision of law to be guilty of  
25 perjury or otherwise giving a false statement by reason of his or  
26 her failure to recite or acknowledge such arrests, pleas, trials,  
27 convictions, or expungement in response to an inquiry made of him  
28 or her and no such inquiry shall be made for information relating

1 to an expungement, except the petitioner shall disclose the  
2 expunged offense, violation, or infraction to any court when  
3 asked or upon being charged with any subsequent offense,  
4 violation, or infraction. The expunged offense, violation, or  
5 infraction may be considered a prior offense in determining a  
6 sentence to be imposed for any subsequent offense that the person  
7 is found guilty of committing.

8 9. Notwithstanding the provisions of subsection 8 of this  
9 section to the contrary, a person granted an expungement shall  
10 disclose any expunged offense, violation, or infraction when the  
11 disclosure of such information is necessary to complete any  
12 application for:

13 (1) A license, certificate, or permit issued by this state  
14 to practice such individual's profession;

15 (2) Any license issued under chapter 313 or permit issued  
16 under chapter 571;

17 (3) Paid or unpaid employment with an entity licensed under  
18 chapter 313, any state-operated lottery, or any emergency  
19 services provider, including any law enforcement agency;

20 (4) Employment with any federally insured bank or savings  
21 institution or credit union or an affiliate of such institution  
22 or credit union for the purposes of compliance with 12 U.S.C.  
23 Section 1829 and 12 U.S.C. Section 1785;

24 (5) Employment with any entity engaged in the business of  
25 insurance or any insurer for the purpose of complying with 18  
26 U.S.C. Section 1033, 18 U.S.C. Section 1034, or other similar law  
27 which requires an employer engaged in the business of insurance  
28 to exclude applicants with certain criminal convictions from

1 employment; or

2 (6) Employment with any employer that is required to  
3 exclude applicants with certain criminal convictions from  
4 employment due to federal or state law, including corresponding  
5 rules and regulations.

6 An employer shall notify an applicant of the requirements under  
7 subdivisions (4) to (6) of this subsection. Notwithstanding any  
8 provision of law to the contrary, an expunged offense, violation,  
9 or infraction shall not be grounds for automatic disqualification  
10 of an applicant, but may be a factor for denying employment, or a  
11 professional license, certificate, or permit; except that, an  
12 offense, violation, or infraction expunged under the provisions  
13 of this section may be grounds for automatic disqualification if  
14 the application is for employment under subdivisions (4) to (6)  
15 of this subsection.

16 10. A person who has been granted an expungement of records  
17 pertaining to a misdemeanor or felony offense, an ordinance  
18 violation, or an infraction may answer "no" to an employer's  
19 inquiry into whether the person has ever been convicted of a  
20 crime if, after the granting of the expungement, the person has  
21 no public record of a misdemeanor or felony offense, an ordinance  
22 violation, or an infraction. The person, however, shall answer  
23 such an inquiry affirmatively and disclose his or her criminal  
24 convictions, including any offense or violation expunged under  
25 this section or similar law, if the employer is required to  
26 exclude applicants with certain criminal convictions from  
27 employment due to federal or state law, including corresponding  
28 rules and regulations.

1           11. If the court determines that the petitioner has not met  
2 the criteria for any of the offenses, violations, or infractions  
3 listed in the petition for expungement or the petitioner has  
4 knowingly provided false information in the petition, the court  
5 shall enter an order dismissing the petition. Any person whose  
6 petition for expungement has been dismissed by the court for  
7 failure to meet the criteria set forth in subsection 5 of this  
8 section may not refile another petition until a year has passed  
9 since the date of filing for the previous petition.

10           12. A person may be granted more than one expungement under  
11 this section provided that during his or her lifetime, the total  
12 number of offenses, violations, or infractions for which orders  
13 of expungement are granted to the person shall not exceed the  
14 following limits:

15           (1) Not more than two misdemeanor offenses or ordinance  
16 violations that have an authorized term of imprisonment; and

17           (2) Not more than one felony offense.

18 A person may be granted expungement under this section for any  
19 number of infractions. Nothing in this section shall prevent the  
20 court from maintaining records to ensure that an individual has  
21 not exceeded the limitations of this subsection. Nothing in this  
22 section shall be construed to limit or impair in any way the  
23 subsequent use of any record expunged under this section of any  
24 arrests or findings of guilt by a law enforcement agency,  
25 criminal justice agency, prosecuting attorney, circuit attorney,  
26 or municipal prosecuting attorney, including its use as a prior  
27 offense, violation, or infraction.

28           13. The court shall make available a form for pro se



1 petitioners seeking expungement, which shall include the  
2 following statement: "I declare under penalty of perjury that  
3 the statements made herein are true and correct to the best of my  
4 knowledge, information, and belief."

5 14. Nothing in this section shall be construed to limit or  
6 restrict the availability of expungement to any person under any  
7 other law.

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13 Representative Kevin Corlew

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Senator Bob Dixon