

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 2332

98TH GENERAL ASSEMBLY

6047H.03P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 272.030, 272.230, 327.272, 475.125, 476.083, 477.650, 562.014, 565.030, 566.210, 566.211, 566.212, 566.213, 578.007, 578.022, 579.015, and 595.226, RSMo, section 302.309 as enacted by senate bill no. 254, ninety-eighth general assembly, first regular session, section 302.309 as enacted by senate bill no. 23, ninety-seventh general assembly, first regular session, section 476.055 as enacted by house bill no. 1245 merged with house bill no. 1371, ninety-seventh general assembly, second regular session, sections 557.021, 566.209, 570.030, 570.135, 574.010, and 577.060 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 566.209 as enacted by house bill no. 214, ninety-sixth general assembly, first regular session, section 570.010 as enacted by house bill no. 1888, ninety-first general assembly, second regular session, section 570.030 as enacted by senate bill no. 9, ninety-seventh general assembly, first regular session, and section 574.010 as enacted by senate bill no. 180, eighty-seventh general assembly, first regular session, and to enact in lieu thereof thirty-one new sections relating to judicial proceedings, with penalty provisions.

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

Section A. Sections 272.030, 272.230, 327.272, 475.125, 476.083, 477.650, 562.014,
2 565.030, 566.210, 566.211, 566.212, 566.213, 578.007, 578.022, 579.015, and 595.226, RSMo,
3 section 302.309 as enacted by senate bill no. 254, ninety-eighth general assembly, first regular
4 session, section 302.309 as enacted by senate bill no. 23, ninety-seventh general assembly, first
5 regular session, section 476.055 as enacted by house bill no. 1245 merged with house bill no.
6 1371, ninety-seventh general assembly, second regular session, sections 557.021, 566.209,
7 570.030, 570.135, 574.010, and 577.060 as enacted by senate bill no. 491, ninety-seventh general

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

8 assembly, second regular session, section 566.209 as enacted by house bill no. 214, ninety-sixth
9 general assembly, first regular session, section 570.010 as enacted by house bill no. 1888, ninety-
10 first general assembly, second regular session, section 570.030 as enacted by senate bill no. 9,
11 ninety-seventh general assembly, first regular session, and section 574.010 as enacted by senate
12 bill no. 180, eighty-seventh general assembly, first regular session, are repealed and thirty-one
13 new sections enacted in lieu thereof, to be known as sections 272.030, 272.230, 302.309,
14 327.272, 475.125, 476.055, 476.083, 477.650, 478.252, 510.035, 537.530, 545.950, 557.021,
15 562.014, 565.030, 566.209, 566.210, 566.211, 566.212, 566.213, 570.010, 570.030, 570.135,
16 574.010, 577.011, 577.060, 578.007, 578.022, 579.015, 589.800, and 595.226, to read as
17 follows:

272.030. If any horses, cattle or other stock shall break over or through any lawful fence,
2 as defined in section 272.020, and by so doing obtain access to, or do trespass upon, the premises
3 of another, the owner of such animal shall[, for the first trespass, make reparation to the party
4 injured for the true value of the damages sustained, to be recovered with costs before a circuit
5 or associate circuit judge, and for any subsequent trespass the party injured may put up said
6 animal or animals and take good care of the same and immediately notify the owner, who shall
7 pay to taker-up the amount of the damages sustained, and such compensation as shall be
8 reasonable for the taking up and keeping of such animals, before he shall be allowed to remove
9 the same, and if the owner and taker-up cannot agree upon the amount of the damages and
10 compensation, either party may institute an action in circuit court as in other civil cases. If the
11 owner recover, he shall recover his costs and any damages he may have sustained, and the court
12 shall issue an order requiring the taker-up to deliver to him the animals. If the taker-up recover,
13 the judgment shall be a lien upon the animals taken up, and in addition to a general judgment and
14 execution, he shall have a special execution against such animals to pay the judgment rendered,
15 and costs] **be liable for any damages sustained if the owner of the trespassing horses, cattle,
16 or other stock was negligent.**

272.230. If any horses, cattle or other stock trespass upon the premises of another, the
2 owner of the animal shall [for the first trespass make reparation to the party injured for the true
3 value of the damages sustained, to be recovered with costs before an associate circuit judge, or
4 in any court of competent jurisdiction, and for any subsequent trespass the party injured may put
5 up the animal or animals and take good care of them and immediately notify the owner, who
6 shall pay to the taker-up the amount of the damages sustained, and such compensation as shall
7 be reasonable for the taking up and keeping of the animals, before he shall be allowed to remove
8 them, and if the owner and taker-up cannot agree upon the amount of the damages and
9 compensation either party may make complaint to an associate circuit judge of the county, setting
10 forth the fact of the disagreement, and the associate circuit judge shall be possessed of the cause,

11 and shall issue a summons to the adverse party and proceed with the cause as in other civil cases.
12 If the owner recovers, he shall recover his costs and any damages he may have sustained, and the
13 associate circuit judge shall issue an order requiring the taker-up to deliver to him the animals.
14 If the taker-up recover, the judgment shall be a lien upon the animals taken up, and, in addition
15 to a general judgment and execution, he shall have a special execution against the animals to pay
16 the judgment rendered and costs] **be liable for any damages sustained if the owner of the**
17 **trespassing horses, cattle, or other stock was negligent.**

302.309. 1. Whenever any license is suspended pursuant to sections 302.302 to 302.309,
2 the director of revenue shall return the license to the operator immediately upon the termination
3 of the period of suspension and upon compliance with the requirements of chapter 303.

4 2. Any operator whose license is revoked pursuant to these sections, upon the
5 termination of the period of revocation, shall apply for a new license in the manner prescribed
6 by law.

7 3. (1) All circuit courts, the director of revenue, or a commissioner operating under
8 section 478.007 shall have jurisdiction to hear applications and make eligibility determinations
9 granting limited driving privileges, except as provided under subdivision (8) of this subsection.
10 Any application may be made in writing to the director of revenue and the person's reasons for
11 requesting the limited driving privilege shall be made therein.

12 (2) When any court of record having jurisdiction or the director of revenue finds that an
13 operator is required to operate a motor vehicle in connection with any of the following:

- 14 (a) A business, occupation, or employment;
15 (b) Seeking medical treatment for such operator;
16 (c) Attending school or other institution of higher education;
17 (d) Attending alcohol- or drug-treatment programs;
18 (e) Seeking the required services of a certified ignition interlock device provider; or
19 (f) Any other circumstance the court or director finds would create an undue hardship
20 on the operator,

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22 the court or director may grant such limited driving privilege as the circumstances of the case
23 justify if the court or director finds undue hardship would result to the individual, and while so
24 operating a motor vehicle within the restrictions and limitations of the limited driving privilege
25 the driver shall not be guilty of operating a motor vehicle without a valid license.

26 (3) An operator may make application to the proper court in the county in which such
27 operator resides or in the county in which is located the operator's principal place of business or
28 employment. Any application for a limited driving privilege made to a circuit court shall name
29 the director as a party defendant and shall be served upon the director prior to the grant of any

30 limited privilege, and shall be accompanied by a copy of the applicant's driving record as
31 certified by the director. Any applicant for a limited driving privilege shall have on file with the
32 department of revenue proof of financial responsibility as required by chapter 303. Any
33 application by a person who transports persons or property as classified in section 302.015 may
34 be accompanied by proof of financial responsibility as required by chapter 303, but if proof of
35 financial responsibility does not accompany the application, or if the applicant does not have on
36 file with the department of revenue proof of financial responsibility, the court or the director has
37 discretion to grant the limited driving privilege to the person solely for the purpose of operating
38 a vehicle whose owner has complied with chapter 303 for that vehicle, and the limited driving
39 privilege must state such restriction. When operating such vehicle under such restriction the
40 person shall carry proof that the owner has complied with chapter 303 for that vehicle.

41 (4) No limited driving privilege shall be issued to any person otherwise eligible under
42 the provisions of subdivision (6) of this subsection if such person has a license denial under
43 paragraph (a) or (b) of subdivision (8) of this subsection or on a license revocation resulting from
44 a conviction under subdivision (9) of subsection 1 of section 302.302, or a license revocation
45 under subdivision (2) of subsection 2 of section 302.525, or section 302.574 or 577.041, until
46 the applicant has filed proof with the department of revenue that any motor vehicle operated by
47 the person is equipped with a functioning, certified ignition interlock device as a required
48 condition of limited driving privilege. The ignition interlock device required for obtaining a
49 limited driving privilege under paragraph (a) or (b) of subdivision (8) of this subsection shall
50 have a photo identification technology feature, and a court may require a global positioning
51 system feature for such device.

52 (5) The court order or the director's grant of the limited or restricted driving privilege
53 shall indicate the termination date of the privilege, which shall be not later than the end of the
54 period of suspension or revocation. The court order or the director's grant of the limited or
55 restricted driving privilege shall also indicate whether a functioning, certified ignition interlock
56 device is required as a condition of operating a motor vehicle with the limited driving privilege.
57 A copy of any court order shall be sent by the clerk of the court to the director, and a copy shall
58 be given to the driver which shall be carried by the driver whenever such driver operates a motor
59 vehicle. The director of revenue upon granting a limited driving privilege shall give a copy of
60 the limited driving privilege to the applicant. The applicant shall carry a copy of the limited
61 driving privilege while operating a motor vehicle. A conviction which results in the assessment
62 of points pursuant to section 302.302, other than a violation of a municipal stop sign ordinance
63 where no accident is involved, against a driver who is operating a vehicle pursuant to a limited
64 driving privilege terminates the privilege, as of the date the points are assessed to the person's
65 driving record. If the date of arrest is prior to the issuance of the limited driving privilege, the

66 privilege shall not be terminated. Failure of the driver to maintain proof of financial
67 responsibility, as required by chapter 303, or to maintain proof of installation of a functioning,
68 certified ignition interlock device, as applicable, shall terminate the privilege. The director shall
69 notify by ordinary mail the driver whose privilege is so terminated.

70 (6) Except as provided in subdivision (8) of this subsection, no person is eligible to
71 receive a limited driving privilege whose license at the time of application has been suspended
72 or revoked for the following reasons:

73 (a) A conviction of any felony in the commission of which a motor vehicle was used and
74 such conviction occurred within the five-year period prior to the date of application. However,
75 any felony conviction for leaving the scene of an accident under section 577.060 shall not render
76 the applicant ineligible for a limited driving privilege under this section;

77 (b) Ineligibility for a license because of the provisions of subdivision (1), (2), (4), (5),
78 (6), (7), (8), (9), or (10) of subsection 1 of section 302.060; or

79 (c) Due to a suspension pursuant to subdivision (8) or (10) of subsection 1 of section
80 302.302 or subsection 2 of section 302.525.

81 (7) No person who possesses a commercial driver's license shall receive a limited driving
82 privilege issued for the purpose of operating a commercial motor vehicle if such person's driving
83 privilege is suspended, revoked, cancelled, denied, or disqualified. Nothing in this section shall
84 prohibit the issuance of a limited driving privilege for the purpose of operating a noncommercial
85 motor vehicle provided that pursuant to the provisions of this section, the applicant is not
86 otherwise ineligible for a limited driving privilege.

87 (8) (a) Provided that pursuant to the provisions of this section, the applicant is not
88 otherwise ineligible for a limited driving privilege, a circuit court or the director may, in the
89 manner prescribed in this subsection, allow a person who has had such person's license to operate
90 a motor vehicle revoked where that person cannot obtain a new license for a period of ten years,
91 as prescribed in subdivision (9) of subsection 1 of section 302.060, to apply for a limited driving
92 privilege pursuant to this subsection. Such person shall present evidence satisfactory to the court
93 or the director that such person's habits and conduct show that the person no longer poses a threat
94 to the public safety of this state. A circuit court shall grant a limited driving privilege to any
95 individual who otherwise is eligible to receive a limited driving privilege, has filed proof of
96 installation of a certified ignition interlock device, and has had no alcohol-related enforcement
97 contacts since the alcohol-related enforcement contact that resulted in the person's license denial.

98 (b) Provided that pursuant to the provisions of this section, the applicant is not otherwise
99 ineligible for a limited driving privilege or convicted of acting with criminal negligence while
100 driving while intoxicated to cause the death of another person, a circuit court or the director may,
101 in the manner prescribed in this subsection, allow a person who has had such person's license to

102 operate a motor vehicle revoked where that person cannot obtain a new license for a period of
103 five years because of two convictions of driving while intoxicated, as prescribed in subdivision
104 (10) of subsection 1 of section 302.060, to apply for a limited driving privilege pursuant to this
105 subsection. Such person shall present evidence satisfactory to the court or the director that such
106 person's habits and conduct show that the person no longer poses a threat to the public safety of
107 this state. Any person who is denied a license permanently in this state because of an alcohol-
108 related conviction subsequent to a restoration of such person's driving privileges pursuant to
109 subdivision (9) of section 302.060 shall not be eligible for limited driving privilege pursuant to
110 the provisions of this subdivision. A circuit court shall grant a limited driving privilege to any
111 individual who otherwise is eligible to receive a limited driving privilege, has filed proof of
112 installation of a certified ignition interlock device, and has had no alcohol-related enforcement
113 contacts since the alcohol-related enforcement contact that resulted in the person's license denial.

114 (9) A DWI docket or court established under section 478.007, **a veterans treatment**
115 **court established under section 478.008**, may grant a limited driving privilege to a participant
116 in or graduate of the program who would otherwise be ineligible for such privilege under another
117 provision of law.

118 4. Any person who has received notice of denial of a request of limited driving privilege
119 by the director of revenue may make a request for a review of the director's determination in the
120 circuit court of the county in which the person resides or the county in which is located the
121 person's principal place of business or employment within thirty days of the date of mailing of
122 the notice of denial. Such review shall be based upon the records of the department of revenue
123 and other competent evidence and shall be limited to a review of whether the applicant was
124 statutorily entitled to the limited driving privilege.

125 5. The director of revenue shall promulgate rules and regulations necessary to carry out
126 the provisions of this section. Any rule or portion of a rule, as that term is defined in section
127 536.010, that is created under the authority delegated in this section shall become effective only
128 if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
129 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
130 general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove
131 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority
132 and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

302.309. 1. Whenever any license is suspended pursuant to sections 302.302 to 302.309,
2 the director of revenue shall return the license to the operator immediately upon the termination
3 of the period of suspension and upon compliance with the requirements of chapter 303.

4 2. Any operator whose license is revoked pursuant to these sections, upon the
5 termination of the period of revocation, shall apply for a new license in the manner prescribed
6 by law.

7 3. (1) All circuit courts, the director of revenue, or a commissioner operating under
8 section 478.007 shall have jurisdiction to hear applications and make eligibility determinations
9 granting limited driving privileges, except as provided under subdivision (8) of this subsection.
10 Any application may be made in writing to the director of revenue and the person's reasons for
11 requesting the limited driving privilege shall be made therein.

12 (2) When any court of record having jurisdiction or the director of revenue finds that an
13 operator is required to operate a motor vehicle in connection with any of the following:

- 14 (a) A business, occupation, or employment;
- 15 (b) Seeking medical treatment for such operator;
- 16 (c) Attending school or other institution of higher education;
- 17 (d) Attending alcohol or drug treatment programs;
- 18 (e) Seeking the required services of a certified ignition interlock device provider; or
- 19 (f) Any other circumstance the court or director finds would create an undue hardship
20 on the operator,

21
22 the court or director may grant such limited driving privilege as the circumstances of the case
23 justify if the court or director finds undue hardship would result to the individual, and while so
24 operating a motor vehicle within the restrictions and limitations of the limited driving privilege
25 the driver shall not be guilty of operating a motor vehicle without a valid license.

26 (3) An operator may make application to the proper court in the county in which such
27 operator resides or in the county in which is located the operator's principal place of business or
28 employment. Any application for a limited driving privilege made to a circuit court shall name
29 the director as a party defendant and shall be served upon the director prior to the grant of any
30 limited privilege, and shall be accompanied by a copy of the applicant's driving record as
31 certified by the director. Any applicant for a limited driving privilege shall have on file with the
32 department of revenue proof of financial responsibility as required by chapter 303. Any
33 application by a person who transports persons or property as classified in section 302.015 may
34 be accompanied by proof of financial responsibility as required by chapter 303, but if proof of
35 financial responsibility does not accompany the application, or if the applicant does not have on
36 file with the department of revenue proof of financial responsibility, the court or the director has
37 discretion to grant the limited driving privilege to the person solely for the purpose of operating
38 a vehicle whose owner has complied with chapter 303 for that vehicle, and the limited driving

39 privilege must state such restriction. When operating such vehicle under such restriction the
40 person shall carry proof that the owner has complied with chapter 303 for that vehicle.

41 (4) No limited driving privilege shall be issued to any person otherwise eligible under
42 the provisions of paragraph (a) of subdivision (6) of this subsection on a license revocation
43 resulting from a conviction under subdivision (9) of subsection 1 of section 302.302, or a license
44 denial under paragraph (a) or (b) of subdivision (8) of this subsection, or a license revocation
45 under paragraph (g) of subdivision (6) of this subsection, until the applicant has filed proof with
46 the department of revenue that any motor vehicle operated by the person is equipped with a
47 functioning, certified ignition interlock device as a required condition of limited driving
48 privilege. The ignition interlock device required for obtaining a limited driving privilege under
49 paragraph (a) or (b) of subdivision (8) of this subsection shall have photo identification
50 technology and global positioning system features.

51 (5) The court order or the director's grant of the limited or restricted driving privilege
52 shall indicate the termination date of the privilege, which shall be not later than the end of the
53 period of suspension or revocation. The court order or the director's grant of the limited or
54 restricted driving privilege shall also indicate whether a functioning, certified ignition interlock
55 device is required as a condition of operating a motor vehicle with the limited driving privilege.
56 A copy of any court order shall be sent by the clerk of the court to the director, and a copy shall
57 be given to the driver which shall be carried by the driver whenever such driver operates a motor
58 vehicle. The director of revenue upon granting a limited driving privilege shall give a copy of
59 the limited driving privilege to the applicant. The applicant shall carry a copy of the limited
60 driving privilege while operating a motor vehicle. A conviction which results in the assessment
61 of points pursuant to section 302.302, other than a violation of a municipal stop sign ordinance
62 where no accident is involved, against a driver who is operating a vehicle pursuant to a limited
63 driving privilege terminates the privilege, as of the date the points are assessed to the person's
64 driving record. If the date of arrest is prior to the issuance of the limited driving privilege, the
65 privilege shall not be terminated. Failure of the driver to maintain proof of financial
66 responsibility, as required by chapter 303, or to maintain proof of installation of a functioning,
67 certified ignition interlock device, as applicable, shall terminate the privilege. The director shall
68 notify by ordinary mail the driver whose privilege is so terminated.

69 (6) Except as provided in subdivision (8) of this subsection, no person is eligible to
70 receive a limited driving privilege whose license at the time of application has been suspended
71 or revoked for the following reasons:

72 (a) A conviction of violating the provisions of section 577.010 or 577.012, or any similar
73 provision of any federal or state law, or a municipal or county law where the judge in such case
74 was an attorney and the defendant was represented by or waived the right to an attorney in

75 writing, until the person has completed the first thirty days of a suspension or revocation imposed
76 pursuant to this chapter;

77 (b) A conviction of any felony in the commission of which a motor vehicle was used;

78 (c) Ineligibility for a license because of the provisions of subdivision (1), (2), (4), (5),
79 (6), (7), (8), (9), (10) or (11) of subsection 1 of section 302.060;

80 (d) Because of operating a motor vehicle under the influence of narcotic drugs, a
81 controlled substance as defined in chapter 195, or having left the scene of an accident as
82 provided in section 577.060;

83 (e) Due to a revocation for failure to submit to a chemical test pursuant to section
84 577.041 or due to a refusal to submit to a chemical test in any other state, unless such person has
85 completed the first ninety days of such revocation and files proof of installation with the
86 department of revenue that any vehicle operated by such person is equipped with a functioning,
87 certified ignition interlock device, provided the person is not otherwise ineligible for a limited
88 driving privilege;

89 (f) Due to a suspension pursuant to subsection 2 of section 302.525 and who has not
90 completed the first thirty days of such suspension, provided the person is not otherwise ineligible
91 for a limited driving privilege; or

92 (g) Due to a revocation pursuant to subsection 2 of section 302.525 if such person has
93 not completed the first forty-five days of such revocation, provided the person is not otherwise
94 ineligible for a limited driving privilege.

95 (7) No person who possesses a commercial driver's license shall receive a limited driving
96 privilege issued for the purpose of operating a commercial motor vehicle if such person's driving
97 privilege is suspended, revoked, cancelled, denied, or disqualified. Nothing in this section shall
98 prohibit the issuance of a limited driving privilege for the purpose of operating a noncommercial
99 motor vehicle provided that pursuant to the provisions of this section, the applicant is not
100 otherwise ineligible for a limited driving privilege.

101 (8) (a) Provided that pursuant to the provisions of this section, the applicant is not
102 otherwise ineligible for a limited driving privilege, a circuit court or the director may, in the
103 manner prescribed in this subsection, allow a person who has had such person's license to operate
104 a motor vehicle revoked where that person cannot obtain a new license for a period of ten years,
105 as prescribed in subdivision (9) of subsection 1 of section 302.060, to apply for a limited driving
106 privilege pursuant to this subsection. Such person shall present evidence satisfactory to the court
107 or the director that such person's habits and conduct show that the person no longer poses a threat
108 to the public safety of this state. A circuit court shall grant a limited driving privilege to any
109 individual who otherwise is eligible to receive a limited driving privilege, has filed proof of

110 installation of a certified ignition interlock device, and has had no alcohol-related enforcement
111 contacts since the alcohol-related enforcement contact that resulted in the person's license denial.

112 (b) Provided that pursuant to the provisions of this section, the applicant is not otherwise
113 ineligible for a limited driving privilege or convicted of involuntary manslaughter while
114 operating a motor vehicle in an intoxicated condition, a circuit court or the director may, in the
115 manner prescribed in this subsection, allow a person who has had such person's license to operate
116 a motor vehicle revoked where that person cannot obtain a new license for a period of five years
117 because of two convictions of driving while intoxicated, as prescribed in subdivision (10) of
118 subsection 1 of section 302.060, to apply for a limited driving privilege pursuant to this
119 subsection. Such person shall present evidence satisfactory to the court or the director that such
120 person's habits and conduct show that the person no longer poses a threat to the public safety of
121 this state. Any person who is denied a license permanently in this state because of an alcohol-
122 related conviction subsequent to a restoration of such person's driving privileges pursuant to
123 subdivision (9) of section 302.060 shall not be eligible for limited driving privilege pursuant to
124 the provisions of this subdivision. A circuit court shall grant a limited driving privilege to any
125 individual who otherwise is eligible to receive a limited driving privilege, has filed proof of
126 installation of a certified ignition interlock device, and has had no alcohol-related enforcement
127 contacts since the alcohol-related enforcement contact that resulted in the person's license denial.

128 (9) A DWI docket or court established under section 478.007, **or a veterans treatment**
129 **court established under section 478.008**, may grant a limited driving privilege to a participant
130 in or graduate of the program who would otherwise be ineligible for such privilege under another
131 provision of law. The DWI docket or court, **or veterans treatment court**, shall not grant a
132 limited driving privilege to a participant during his or her initial forty-five days of participation.

133 4. Any person who has received notice of denial of a request of limited driving privilege
134 by the director of revenue may make a request for a review of the director's determination in the
135 circuit court of the county in which the person resides or the county in which is located the
136 person's principal place of business or employment within thirty days of the date of mailing of
137 the notice of denial. Such review shall be based upon the records of the department of revenue
138 and other competent evidence and shall be limited to a review of whether the applicant was
139 statutorily entitled to the limited driving privilege.

140 5. The director of revenue shall promulgate rules and regulations necessary to carry out
141 the provisions of this section. Any rule or portion of a rule, as that term is defined in section
142 536.010, that is created under the authority delegated in this section shall become effective only
143 if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
144 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
145 general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove

146 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority
147 and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

327.272. 1. A professional land surveyor shall include any person who practices in
2 Missouri as a professional land surveyor who uses the title of "surveyor" alone or in combination
3 with any other word or words including, but not limited to "registered", "professional" or "land"
4 indicating or implying that the person is or holds himself or herself out to be a professional land
5 surveyor who by word or words, letters, figures, degrees, titles or other descriptions indicates or
6 implies that the person is a professional land surveyor or is willing or able to practice
7 professional land surveying or who renders or offers to render, or holds himself or herself out
8 as willing or able to render, or perform any service or work, the adequate performance of which
9 involves the special knowledge and application of the principles of land surveying, mathematics,
10 the related physical and applied sciences, and the relevant requirements of law, all of which are
11 acquired by education, training, experience and examination, that affect real property rights on,
12 under or above the land and which service or work involves:

13 (1) The determination, location, relocation, establishment, reestablishment, layout, or
14 retracing of land boundaries and positions of the United States Public Land Survey System;

15 (2) The monumentation of land boundaries, land boundary corners and corners of the
16 United States Public Land Survey System;

17 (3) The subdivision of land into smaller tracts and preparation of property descriptions;

18 (4) The survey and location of rights-of-way and easements;

19 (5) Creating, preparing, or modifying electronic or computerized data relative to the
20 performance of the activities in subdivisions (1) to (4) of this subsection;

21 (6) Consultation, investigation, design surveys, evaluation, planning, design and
22 execution of surveys;

23 (7) The preparation of any drawings showing the shape, location, dimensions or area of
24 tracts of land;

25 (8) Monumentation of geodetic control and the determination of their horizontal and
26 vertical positions;

27 (9) Establishment of state plane coordinates;

28 (10) Topographic surveys and the determination of the horizontal and vertical location
29 of any physical features on, under or above the land;

30 (11) The preparation of plats, maps or other drawings showing elevations and the
31 locations of improvements and the measurement and preparation of drawings showing existing
32 improvements after construction;

33 (12) Layout of proposed improvements;

34 (13) The determination of azimuths by astronomic observations.

35 2. None of the specific duties listed in subdivisions (4) to (13) of subsection 1 of this
36 section are exclusive to professional land surveyors unless they affect real property rights. For
37 the purposes of this section, the term "real property rights" means a recordable interest in real
38 estate as it affects the location of land boundary lines. The validity of any document prepared
39 between August 27, 2014, and August 28, 2015, by a provider of utility or communications
40 services purporting to affect real property rights shall remain valid and enforceable
41 notwithstanding that any legal description contained therein was not prepared by a professional
42 land surveyor.

43 3. Professional land surveyors shall be in responsible charge of all drawings, maps,
44 surveys, and other work product that can affect the health, safety, and welfare of the public
45 within their scope of practice.

46 4. Nothing in this section shall be construed to preclude the practice of architecture or
47 professional engineering or professional landscape architecture as provided in sections 327.091,
48 327.181, and 327.600.

49 **5. Nothing in this section shall preclude a licensed attorney in this state or a**
50 **licensed title insurance company, agent, or agency from preparing maps or other drawings,**
51 **conducting investigations into real estate titles and descriptions, and preparing land or**
52 **legal descriptions for clients or customers.**

 475.125. 1. The court may make orders for the management of the estate of the protectee
2 for the care, education, treatment, habilitation, **respite**, support and maintenance of the protectee
3 and for the maintenance of his **or her** family and education of his **or her** children, according to
4 his **or her** means and obligation, if any, out of the proceeds of his **or her** estate, and may direct
5 that payments for such purposes shall be made weekly, monthly, quarterly, semiannually or
6 annually. The payments ordered under this section may be decreased or increased from time to
7 time as ordered by the court.

8 2. Appropriations for any such purposes, expenses of administration and allowed claims
9 shall be paid from the property or income of the estate. The court may authorize the conservator
10 to borrow money and obligate the estate for the payment thereof if the court finds that funds of
11 the estate for the payment of such obligation will be available within a reasonable time and that
12 the loan is necessary. If payments are made to another under the order of the court, the
13 conservator of the estate is not bound to see to the application thereof.

14 3. In acting under this section the court shall take into account any duty imposed by law
15 or contract upon a parent or spouse of the protectee, a government agency, a trustee, or other
16 person or corporation, to make payments for the benefit of or provide support, education, care,
17 treatment, habilitation, **respite**, maintenance or safekeeping of the protectee and his **or her**

18 dependents. The guardian of the person and the conservator of the estate shall endeavor to
19 enforce any such duty.

476.055. 1. There is hereby established in the state treasury the "Statewide Court
2 Automation Fund". All moneys collected pursuant to section 488.027, as well as gifts,
3 contributions, devises, bequests, and grants received relating to automation of judicial record
4 keeping, and moneys received by the judicial system for the dissemination of information and
5 sales of publications developed relating to automation of judicial record keeping, shall be
6 credited to the fund. Moneys credited to this fund may only be used for the purposes set forth
7 in this section and as appropriated by the general assembly. Any unexpended balance remaining
8 in the statewide court automation fund at the end of each biennium shall not be subject to the
9 provisions of section 33.080 requiring the transfer of such unexpended balance to general
10 revenue; except that, any unexpended balance remaining in the fund on September 1, [2018]
11 **2023**, shall be transferred to general revenue.

12 2. The statewide court automation fund shall be administered by a court automation
13 committee consisting of the following: the chief justice of the supreme court, a judge from the
14 court of appeals, four circuit judges, four associate circuit judges, four employees of the circuit
15 court, the commissioner of administration, two members of the house of representatives
16 appointed by the speaker of the house, two members of the senate appointed by the president pro
17 tem of the senate, **the executive director of the Missouri office of prosecution services, the**
18 **director of the state public defender system**, and two members of the Missouri Bar. The judge
19 members and employee members shall be appointed by the chief justice. The commissioner of
20 administration shall serve ex officio. The members of the Missouri Bar shall be appointed by
21 the board of governors of the Missouri Bar. Any member of the committee may designate
22 another person to serve on the committee in place of the committee member.

23 3. The committee shall develop and implement a plan for a statewide court automation
24 system. The committee shall have the authority to hire consultants, review systems in other
25 jurisdictions and purchase goods and services to administer the provisions of this section. The
26 committee may implement one or more pilot projects in the state for the purposes of determining
27 the feasibility of developing and implementing such plan. The members of the committee shall
28 be reimbursed from the court automation fund for their actual expenses in performing their
29 official duties on the committee.

30 4. Any purchase of computer software or computer hardware that exceeds five thousand
31 dollars shall be made pursuant to the requirements of the office of administration for lowest and
32 best bid. Such bids shall be subject to acceptance by the office of administration. The court
33 automation committee shall determine the specifications for such bids.

34 5. The court automation committee shall not require any circuit court to change any
35 operating system in such court, unless the committee provides all necessary personnel, funds and
36 equipment necessary to effectuate the required changes. No judicial circuit or county may be
37 reimbursed for any costs incurred pursuant to this subsection unless such judicial circuit or
38 county has the approval of the court automation committee prior to incurring the specific cost.

39 6. Any court automation system, including any pilot project, shall be implemented,
40 operated and maintained in accordance with strict standards for the security and privacy of
41 confidential judicial records. Any person who knowingly releases information from a
42 confidential judicial record is guilty of a class B misdemeanor. Any person who, knowing that
43 a judicial record is confidential, uses information from such confidential record for financial gain
44 is guilty of a class E felony.

45 7. On the first day of February, May, August and November of each year, the court
46 automation committee shall file a report on the progress of the statewide automation system
47 with:

- 48 (1) The chair of the house budget committee;
- 49 (2) The chair of the senate appropriations committee;
- 50 (3) The chair of the house judiciary committee; and
- 51 (4) The chair of the senate judiciary committee.

52 8. Section 488.027 shall expire on September 1, [2018] **2023**. The court automation
53 committee established pursuant to this section may continue to function until completion of its
54 duties prescribed by this section, but shall complete its duties prior to September 1, [2020] **2025**.

55 9. This section shall expire on September 1, [2020] **2025**.

476.083. 1. In addition to any appointments made pursuant to section 485.010, the
2 presiding judge of each circuit containing one or more facilities operated by the department of
3 corrections with an average total inmate population in all such facilities in the circuit over the
4 previous two years of more than two thousand five hundred inmates **or containing, as of**
5 **January 1, 2016, a diagnostic and reception center operated by the department of**
6 **corrections and a mental health facility operated by the department of mental health which**
7 **houses persons found not guilty of a crime by reason of mental disease or defect under**
8 **chapter 552 and provides sex offender rehabilitation and treatment services (SORTS) may**
9 appoint a circuit court marshal to aid the presiding judge in the administration of the judicial
10 business of the circuit by overseeing the physical security of the courthouse, serving court-
11 generated papers and orders, and assisting the judges of the circuit as the presiding judge
12 determines appropriate. Such circuit court marshal appointed pursuant to the provisions of this
13 section shall serve at the pleasure of the presiding judge. The circuit court marshal authorized
14 by this section is in addition to staff support from the circuit clerks, deputy circuit clerks,

15 division clerks, municipal clerks, and any other staff personnel which may otherwise be provided
16 by law.

17 2. The salary of a circuit court marshal shall be established by the presiding judge of the
18 circuit within funds made available for that purpose, but such salary shall not exceed ninety
19 percent of the salary of the highest paid sheriff serving a county wholly or partially within that
20 circuit. Personnel authorized by this section shall be paid from state funds or federal grant
21 moneys which are available for that purpose and not from county funds.

22 3. Any person appointed as a circuit court marshal pursuant to this section shall have at
23 least five years' prior experience as a law enforcement officer. In addition, any such person shall
24 within one year after appointment, or as soon as practicable, attend a court security school or
25 training program operated by the United States Marshal Service. In addition to all other powers
26 and duties prescribed in this section, a circuit court marshal may:

27 (1) Serve process;

28 (2) Wear a concealable firearm; and

29 (3) Make an arrest based upon local court rules and state law, and as directed by the
30 presiding judge of the circuit.

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

8 2. Funds in the basic civil legal services fund shall be allocated annually and expended
9 to provide legal representation to eligible low-income persons in the state in civil matters.
10 Moneys, funds, or payments paid to the credit of the basic civil legal services fund shall, at least
11 as often as annually, be distributed to the legal services organizations in this state which qualify
12 for Federal Legal Services Corporation funding. The funds so distributed shall be used by legal
13 services organizations in this state solely to provide legal services to eligible low-income persons
14 as such persons are defined by the Federal Legal Services Corporation's Income Eligibility
15 Guidelines. Fund money shall be subject to all restrictions imposed on such legal services
16 organizations by law. Funds shall be allocated to the programs according to the funding formula
17 employed by the Federal Legal Services Corporation for the distribution of funds to this state.
18 Notwithstanding the provisions of section 33.080, any balance remaining in the basic civil legal
19 services fund at the end of any year shall not be transferred to the state's general revenue fund.
20 Moneys in the basic civil legal services fund shall not be used to pay any portion of a refund

21 mandated by Article X, Section 15 of the Missouri Constitution. State legal services programs
22 shall represent individuals to secure lawful state benefits, but shall not sue the state, its agencies,
23 or its officials, with any state funds.

24 3. Contracts for services with state legal services programs shall provide eligible
25 low-income Missouri citizens with equal access to the civil justice system, with a high priority
26 on families and children, domestic violence, the elderly, and qualification for benefits under the
27 Social Security Act. State legal services programs shall abide by all restrictions, requirements,
28 and regulations of the Legal Services Corporation regarding their cases.

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

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

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

43 7. The provisions of this section shall expire on December 31, [2018] **2025**.

**478.252. 1. The circuit court of Jackson County may establish the "Armed
2 Offender Docket Pilot Project". The armed offender docket shall have dedicated judges
3 and other personnel for all matters of hearing, setting of bail or other pretrial matters,
4 trial, sentencing, and supervision of the accused or convicted in all actions in which the
5 lead charge has been brought under subdivision (2) of subsection 1 of section 569.020 prior
6 to December 31, 2016, or, beginning January 1, 2017, subdivision (1) of subsection 1 of
7 section 569.160; subdivision (2) of subsection 1 of section 570.023; section 571.015;
8 subdivisions (1), (2), (3), or (6) of subsection 1 of section 571.020; sections 571.030, 571.045,
9 or 571.050; subdivision (1) of subsection 1 of section 571.060; or sections 571.063, 571.070,
10 571.072, or 571.150. For purposes of this section, a "lead charge" means the highest grade
11 of a charge against a defendant. Charges tried by the docket shall arise from lead charges
12 brought on or after the effective date of the creation of the docket.**

13 **2. The circuit court may impose a thirty-dollar surcharge for each criminal case**
14 **assigned to the armed offender docket. Moneys from such surcharge shall be collected in**
15 **the manner provided in sections 488.010 to 488.020 and shall be used solely to defray the**
16 **costs of prosecution, pretrial supervision, and statistical analysis of such cases. No such**
17 **surcharge shall be collected in any proceeding if the proceeding or the defendant has been**
18 **dismissed by the court or if costs are to be paid by the state, county, or municipality.**

19 **3. The presiding judge of the circuit court, along with the prosecuting attorney and**
20 **all law enforcement agencies in such circuit, shall assist in the coordinating and sharing of**
21 **court and law enforcement data and information that is relevant to the operation and**
22 **evaluation of the armed offender docket. Such information shall include, but not be**
23 **limited to, the following:**

24 **(1) The number of cases in which the court ordered the defendant to be confined**
25 **pretrial;**

26 **(2) The number of cases in which the court ordered release of the defendant**
27 **pretrial;**

28 **(3) The range of bond amounts in cases in which the defendant was released**
29 **pretrial;**

30 **(4) The number of cases in which the court revoked the defendant's release prior**
31 **to trial;**

32 **(5) The number of cases dismissed by the court;**

33 **(6) The number of cases disposed of by plea and the range of sentences imposed in**
34 **such cases;**

35 **(7) The number of cases resulting in jury verdicts, including acquittals;**

36 **(8) The number of cases resulting in a sentence of confinement and the range of**
37 **sentences imposed;**

38 **(9) The number of cases in which the court granted probation and release after a**
39 **judgment of conviction either by plea or verdict;**

40 **(10) The number of cases in which probation revocation was sought and is pending;**

41 **(11) The number of cases in which probation revocation was granted; and**

42 **(12) Any nonprivileged information reasonably requested by such agencies or by**
43 **a research university in Missouri with an accredited program in criminology, criminal**
44 **justice, public health, or social work. Any information that is protected from disclosure**
45 **by a recognized privilege or statute shall be disclosed only by court order or as provided**
46 **by statute.**

47 **4. Within six months after each anniversary of the creation of the armed offender**
48 **docket, the circuit court shall provide and publish a public report on the operations of the**

49 armed offender docket during the year immediately preceding the anniversary, including
50 any commentary on such operations as may be offered by a research university in
51 Missouri, prosecuting attorney or public defender in such circuit, or law enforcement
52 agency in such circuit.

53 5. The provisions of this section shall expire on December 31, 2022.

510.035. 1. Except as provided in subsection 2 of this section, any visual or aural
2 recordings or photographs of a minor who is alleged to be the victim of an offense under
3 chapter 566 created by or in the possession of a child assessment center, health care
4 provider, or multidisciplinary investigation team member shall not be copied or distributed
5 to any person or entity, unless required by supreme court rule 25.03 or if a court orders
6 such copying or distribution upon a showing of good cause after notice and a hearing and
7 after considering the safety and privacy interests of any victim.

8 2. The following persons or entities may access or share any copies of visual or
9 aural recordings or photographs as described in subsection 1 of this section for the
10 following purposes:

11 (1) Multidisciplinary team members as part of an investigation, as well as for the
12 provision of protective or preventive social services for minors and their families. For
13 purposes of this section, multidisciplinary team members shall consist of representatives
14 of law enforcement, the children's division, the prosecuting attorney, the child assessment
15 center, the juvenile office, and the health care provider;

16 (2) Department of social services employees and their legal counsel as part of the
17 provision of child protection as described in section 210.109, as well as for use in
18 administrative proceedings as established by department regulations or through the
19 administrative hearing commission as provided under section 621.075;

20 (3) Department of mental health employees and their legal counsel as part of an
21 investigation conducted under section 630.167, as well as for use in administrative
22 proceedings as established by department regulations or through the administrative
23 hearing commission as provided under section 621.075;

24 (4) The office of child advocate as part of a review under section 37.710;

25 (5) The child abuse and neglect review board as part of a review under sections
26 210.152 and 210.153; and

27 (6) The attorney general as part of a legal proceeding.

28 3. If a court orders the copying or distribution of visual or aural recordings or
29 photographs as described in subsection 1 of this section, the order shall:

30 (1) Be limited solely to the use of the recordings or photographs for the purposes
31 of a pending court proceeding or in preparation for a pending court proceeding;

32 **(2) Prohibit further copying, reproduction, or distribution of the recordings or**
33 **photographs; and**

34 **(3) Require, upon the final disposition of the case, the return of all copies to the**
35 **health care provider, child assessment center or multidisciplinary team member that**
36 **originally had possession of the recordings or photographs, or provide an affidavit to the**
37 **health care provider, child assessment center, or multidisciplinary team member that**
38 **originally had possession of the recordings or photographs certifying that all copies have**
39 **been destroyed.**

40 **4. Any person who knowingly copies or distributes copies of the visual or aural**
41 **recordings or photographs described in subsection 1 of this section in violation of the**
42 **provisions of this section or section 545.950 shall be guilty of a class C misdemeanor.**

43 **5. Nothing in this section shall prohibit multidisciplinary team members from**
44 **exercising discretion to grant access to viewing, but not copying, the visual or aural**
45 **recordings or photographs.**

537.530. 1. For purposes of this section, the term "perishable food product" shall
2 **mean a food product of agriculture or aquaculture that is sold or distributed in a form that**
3 **will perish or decay beyond marketability within a limited period of time.**

4 **2. A person shall be liable as provided under subsection 3 of this section if:**

5 **(1) The person disseminates in any manner information relating to a perishable**
6 **food product to the public;**

7 **(2) The person knows the information is false; and**

8 **(3) The information states or implies that the perishable food product is not safe**
9 **for consumption by the public.**

10 **3. A person who is liable under subsection 2 of this section is liable to the producer**
11 **of the perishable food product for damages and any other appropriate relief arising from**
12 **the person's dissemination of the information.**

13 **4. In determining if information is false, the trier of fact shall consider whether the**
14 **information was based on reasonable and reliable scientific inquiry, facts, or data.**

15 **5. A person shall not be liable under this section for marketing or labeling any**
16 **agricultural product in a manner that indicates that the product:**

17 **(1) Was grown or produced by using or not using a chemical or drug;**

18 **(2) Was organically grown; or**

19 **(3) Was grown without the use of any synthetic additive.**

545.950. 1. Except as provided by subsection 2 of this section, the defendant, the
2 **defendant's attorney, or an investigator, expert, consulting legal counsel, or other agent of**
3 **the defendant's attorney shall not copy or distribute to a third party any visual or aural**

4 recordings or photographs of a minor who is alleged to be the victim of an offense under
5 chapter 566 created by or in the possession of a child assessment center, health care
6 provider, or multidisciplinary team member unless a court orders the copying or
7 distribution upon a showing of good cause after notice and a hearing and after considering
8 the safety and privacy interests of any victim.

9 2. The defendant's attorney or an investigator, expert, consulting legal counsel, or
10 agent for the defendant's attorney may allow a defendant, witness, or prospective witness
11 to view the information provided under this section, but shall not allow such person to have
12 copies of the information provided.

13 3. If a court orders the copying or distribution of visual or aural recordings or
14 photographs as described in subsection 1 of this section, the order shall:

15 (1) Be limited solely to the use of the recordings or photographs for the purposes
16 of a pending court proceeding or in preparation for a pending court proceeding;

17 (2) Prohibit further copying, reproduction, or distribution of the recordings or
18 photographs; and

19 (3) Require, upon the final disposition of the case, the return of all copies to the
20 health care provider, child assessment center, or multidisciplinary team member that
21 originally had possession of the recordings or photographs, or provide an affidavit to the
22 health care provider, child assessment center, or multidisciplinary team member that
23 originally had possession of the recordings or photographs certifying that all copies have
24 been destroyed.

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

3 2. Any offense defined outside this code which is declared to be a felony without
4 specification of the penalty therefor is a class E felony.

5 3. For the purpose of applying the extended term provisions of section 558.016 and the
6 minimum prison term provisions of section 558.019 and for determining the penalty for attempts
7 and conspiracies, offenses defined outside of this code shall be classified as follows:

8 (1) If the offense is a felony:

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

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

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

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

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

562.014. 1. Guilt for an offense may be based upon a conspiracy to commit an offense
2 when a person, with the purpose of promoting or facilitating the commission of an offense,
3 agrees with another person or persons that they or one or more of them will engage in conduct
4 which constitutes such offense.

5 2. It is no defense to a prosecution for conspiring to commit an offense that a person,
6 who knows that a person with whom he or she conspires to commit an offense has conspired
7 with another person or persons to commit the same offense, does not know the identity of such
8 other person or persons.

9 3. If a person conspires to commit a number of offenses, he or she can be found guilty
10 of only one offense **of conspiracy** so long as such multiple offenses are the object of the same
11 agreement.

12 4. No person may be convicted of an offense based upon a conspiracy to commit an
13 offense unless an overt act in pursuance of such conspiracy is alleged and proved to have been
14 done by him or her or by a person with whom he or she conspired.

15 5. (1) No person shall be convicted of an offense based upon a conspiracy to commit
16 an offense if, after conspiring to commit the offense, he or she prevented the accomplishment
17 of the objectives of the conspiracy under circumstances manifesting a renunciation of his or her
18 criminal purpose.

19 (2) The defendant shall have the burden of injecting the issue of renunciation of criminal
20 purpose under subdivision (1) of this subsection.

21 6. For the purpose of time limitations on prosecutions:

22 (1) A conspiracy to commit an offense is a continuing course of conduct which
23 terminates when the offense or offenses which are its object are committed or the agreement that
24 they be committed is abandoned by the defendant and by those with whom he or she conspired;

25 (2) If an individual abandons the agreement, the conspiracy is terminated as to him or
26 her only if he or she advises those with whom he or she has conspired of his or her abandonment

27 or he or she informs the law enforcement authorities of the existence of the conspiracy and of
28 his or her participation in it.

29 7. A person shall not be charged, convicted or sentenced on the basis of the same course
30 of conduct of both the actual commission of an offense and a conspiracy to commit that offense.

31 8. Unless otherwise set forth in the statute creating the offense, when guilt for a felony
32 or misdemeanor is based upon a conspiracy to commit that offense, the felony or misdemeanor
33 shall be classified one step lower than the class provided for the felony or misdemeanor in the
34 statute creating the offense.

565.030. 1. Where murder in the first degree is charged but not submitted or where the
2 state waives the death penalty, the submission to the trier and all subsequent proceedings in the
3 case shall proceed as in all other criminal cases [with a single stage trial in which guilt and
4 punishment are submitted together].

5 2. Where murder in the first degree is submitted to the trier without a waiver of the death
6 penalty, the trial shall proceed in two stages before the same trier. At the first stage the trier shall
7 decide only whether the defendant is guilty or not guilty of any submitted offense. The issue of
8 punishment shall not be submitted to the trier at the first stage. If an offense is charged other
9 than murder in the first degree in a count together with a count of murder in the first degree, the
10 trial judge shall assess punishment on any such offense according to law, after the defendant is
11 found guilty of such offense and after he finds the defendant to be a prior offender pursuant to
12 chapter 558.

13 3. If murder in the first degree is submitted and the death penalty was not waived but the
14 trier finds the defendant guilty of a lesser homicide, a second stage of the trial shall proceed at
15 which the only issue shall be the punishment to be assessed and declared. No further evidence
16 shall be received. If the trier is a jury it shall be instructed on the law. The attorneys may then
17 argue as in other criminal cases the issue of punishment, after which the trier shall assess and
18 declare the punishment as in all other criminal cases.

19 4. If the trier at the first stage of a trial where the death penalty was not waived finds the
20 defendant guilty of murder in the first degree, a second stage of the trial shall proceed at which
21 the only issue shall be the punishment to be assessed and declared. Evidence in aggravation and
22 mitigation of punishment, including but not limited to evidence supporting any of the
23 aggravating or mitigating circumstances listed in subsection 2 or 3 of section 565.032, may be
24 presented subject to the rules of evidence at criminal trials. Such evidence may include, within
25 the discretion of the court, evidence concerning the murder victim and the impact of the crime
26 upon the family of the victim and others. Rebuttal and surrebuttal evidence may be presented.
27 The state shall be the first to proceed. If the trier is a jury it shall be instructed on the law. The
28 attorneys may then argue the issue of punishment to the jury, and the state shall have the right

29 to open and close the argument. The trier shall assess and declare the punishment at life
30 imprisonment without eligibility for probation, parole, or release except by act of the governor:

31 (1) If the trier finds by a preponderance of the evidence that the defendant is
32 intellectually disabled; or

33 (2) If the trier does not find beyond a reasonable doubt at least one of the statutory
34 aggravating circumstances set out in subsection 2 of section 565.032; or

35 (3) If the trier concludes that there is evidence in mitigation of punishment, including
36 but not limited to evidence supporting the statutory mitigating circumstances listed in subsection
37 3 of section 565.032, which is sufficient to outweigh the evidence in aggravation of punishment
38 found by the trier; or

39 (4) If the trier decides under all of the circumstances not to assess and declare the
40 punishment at death. If the trier is a jury it shall be so instructed.

41

42 If the trier assesses and declares the punishment at death it shall, in its findings or verdict, set out
43 in writing the aggravating circumstance or circumstances listed in subsection 2 of section
44 565.032 which it found beyond a reasonable doubt. If the trier is a jury it shall be instructed
45 before the case is submitted that if it is unable to decide or agree upon the punishment the court
46 shall assess and declare the punishment at life imprisonment without eligibility for probation,
47 parole, or release except by act of the governor or death. The court shall follow the same
48 procedure as set out in this section whenever it is required to determine punishment for murder
49 in the first degree.

50 5. Upon written agreement of the parties and with leave of the court, the issue of the
51 defendant's intellectual disability may be taken up by the court and decided prior to trial without
52 prejudicing the defendant's right to have the issue submitted to the trier of fact as provided in
53 subsection 4 of this section.

54 6. As used in this section, the terms "intellectual disability" or "intellectually disabled"
55 refer to a condition involving substantial limitations in general functioning characterized by
56 significantly subaverage intellectual functioning with continual extensive related deficits and
57 limitations in two or more adaptive behaviors such as communication, self-care, home living,
58 social skills, community use, self-direction, health and safety, functional academics, leisure and
59 work, which conditions are manifested and documented before eighteen years of age.

60 7. The provisions of this section shall only govern offenses committed on or after August
61 28, 2001.

566.209. 1. A person commits the crime of trafficking for the purposes of sexual
2 exploitation if a person knowingly recruits, entices, harbors, transports, provides, **advertises the**
3 **availability of** or obtains by any means, including but not limited to through the use of force,

4 abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial
5 harm, another person for the use or employment of such person in a **commercial sex act**, sexual
6 conduct, a sexual performance, or the production of explicit sexual material as defined in section
7 573.010, without his or her consent, or benefits, financially or by receiving anything of value,
8 from participation in such activities.

9 2. The crime of trafficking for the purposes of sexual exploitation is a felony punishable
10 by imprisonment for a term of years not less than five years and not more than twenty years and
11 a fine not to exceed two hundred fifty thousand dollars. If a violation of this section was
12 effected by force, abduction, or coercion, the crime of trafficking for the purposes of sexual
13 exploitation is a felony punishable by imprisonment for a term of years not less than ten years
14 or life and a fine not to exceed two hundred fifty thousand dollars.

566.209. 1. A person commits the offense of trafficking for the purposes of sexual
2 exploitation if he or she knowingly recruits, entices, harbors, transports, provides, **advertises the**
3 **availability of** or obtains by any means, including but not limited to through the use of force,
4 abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial
5 harm, another person for the use or employment of such person in a **commercial sex act**, sexual
6 conduct, a sexual performance, or the production of explicit sexual material as defined in section
7 573.010, without his or her consent, or benefits, financially or by receiving anything of value,
8 from participation in such activities.

9 2. The offense of trafficking for the purposes of sexual exploitation is a felony
10 punishable by imprisonment for a term of years not less than five years and not more than twenty
11 years and a fine not to exceed two hundred fifty thousand dollars. If a violation of this section
12 was effected by force, abduction, or coercion, the offense of trafficking for the purposes of sexual
13 exploitation is a felony punishable by imprisonment for a term of years not less than ten years
14 or life and a fine not to exceed two hundred fifty thousand dollars.

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

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

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

11 **(3) Advertises the availability of a person under the age of twelve to participate in**
12 **a commercial sex act, a sexual performance, or the production of explicit sexual material**
13 **as defined in section 573.010.**

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

16 3. The offense of sexual trafficking of a child in the first degree is a felony for which the
17 authorized term of imprisonment is life imprisonment without eligibility for probation or parole
18 until the offender has served not less than twenty-five years of such sentence. Subsection 4 of
19 section 558.019 shall not apply to the sentence of a person who has been found guilty of sexual
20 trafficking of a child less than twelve years of age, and "life imprisonment" shall mean
21 imprisonment for the duration of a person's natural life for the purposes of this section.

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

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

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

11 **(3) Advertises the availability of a person under the age of eighteen to participate**
12 **in a commercial sex act, a sexual performance, or the production of explicit sexual material**
13 **as defined in section 573.010.**

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

16 3. The offense sexual trafficking of a child in the second degree is a felony punishable
17 by imprisonment for a term of years not less than ten years or life and a fine not to exceed two
18 hundred fifty thousand dollars if the child is under the age of eighteen. If a violation of this
19 section was effected by force, abduction, or coercion, the crime of sexual trafficking of a child
20 shall be a felony for which the authorized term of imprisonment is life imprisonment without
21 eligibility for probation or parole until the defendant has served not less than twenty-five years
22 of such sentence.

 566.212. 1. A person commits the crime of sexual trafficking of a child if the individual
2 knowingly:

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

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

11 **(3) Advertises the availability of a person under the age of eighteen to participate**
12 **in a commercial sex act, a sexual performance, or the production of explicit sexual material**
13 **as defined in section 573.010.**

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

16 3. Sexual trafficking of a child is a felony punishable by imprisonment for a term of
17 years not less than ten years or life and a fine not to exceed two hundred fifty thousand dollars
18 if the child is under the age of eighteen. If a violation of this section was effected by force,
19 abduction, or coercion, the crime of sexual trafficking of a child shall be a felony for which the
20 authorized term of imprisonment is life imprisonment without eligibility for probation or parole
21 until the defendant has served not less than twenty-five years of such sentence.

566.213. 1. A person commits the crime of sexual trafficking of a child under the age
2 of twelve if the individual knowingly:

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

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

11 **(3) Advertises the availability of a person under the age of twelve to participate in**
12 **a commercial sex act, a sexual performance, or the production of explicit sexual material**
13 **as defined in section 573.010.**

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

16 3. Sexual trafficking of a child less than twelve years of age shall be a felony for which
17 the authorized term of imprisonment is life imprisonment without eligibility for probation or

18 parole until the defendant has served not less than twenty-five years of such sentence.
19 Subsection 4 of section 558.019 shall not apply to the sentence of a person who has pleaded
20 guilty to or been found guilty of sexual trafficking of a child less than twelve years of age, and
21 "life imprisonment" shall mean imprisonment for the duration of a person's natural life for the
22 purposes of this section.

570.010. As used in this chapter:

- 2 (1) "Adulterated" means varying from the standard of composition or quality prescribed
3 by statute or lawfully promulgated administrative regulations of this state lawfully filed, or if
4 none, as set by commercial usage;
- 5 (2) "Appropriate" means to take, obtain, use, transfer, conceal or retain possession of;
- 6 (3) "Coercion" means a threat, however communicated:
 - 7 (a) To commit any crime; or
 - 8 (b) To inflict physical injury in the future on the person threatened or another; or
 - 9 (c) To accuse any person of any crime; or
 - 10 (d) To expose any person to hatred, contempt or ridicule; or
 - 11 (e) To harm the credit or business repute of any person; or
 - 12 (f) To take or withhold action as a public servant, or to cause a public servant to take or
13 withhold action; or
 - 14 (g) To inflict any other harm which would not benefit the actor. A threat of accusation,
15 lawsuit or other invocation of official action is not coercion if the property sought to be obtained
16 by virtue of such threat was honestly claimed as restitution or indemnification for harm done in
17 the circumstances to which the accusation, exposure, lawsuit or other official action relates, or
18 as compensation for property or lawful service. The defendant shall have the burden of injecting
19 the issue of justification as to any threat;
- 20 (4) "Credit device" means a writing, number or other device purporting to evidence an
21 undertaking to pay for property or services delivered or rendered to or upon the order of a
22 designated person or bearer;
- 23 (5) "Dealer" means a person in the business of buying and selling goods;
- 24 (6) "Debit device" means a card, code, number or other device, other than a check, draft
25 or similar paper instrument, by the use of which a person may initiate an electronic fund transfer,
26 including but not limited to devices that enable electronic transfers of benefits to public
27 assistance recipients;
- 28 (7) "Deceit" means purposely making a representation which is false and which the actor
29 does not believe to be true and upon which the victim relies, as to a matter of fact, law, value,
30 intention or other state of mind. The term "deceit" does not, however, include falsity as to
31 matters having no pecuniary significance, or puffing by statements unlikely to deceive ordinary

32 persons in the group addressed. Deception as to the actor's intention to perform a promise shall
33 not be inferred from the fact alone that he did not subsequently perform the promise;

34 (8) "Deprive" means:

35 (a) To withhold property from the owner permanently; or

36 (b) To restore property only upon payment of reward or other compensation; or

37 (c) To use or dispose of property in a manner that makes recovery of the property by the
38 owner unlikely;

39 (9) **"Financial institution" means a bank, trust company, savings and loan
40 association, or credit union;**

41 (10) "Misabeled" means varying from the standard of truth or disclosure in labeling
42 prescribed by statute or lawfully promulgated administrative regulations of this state lawfully
43 filed, or if none, as set by commercial usage; or represented as being another person's product,
44 though otherwise accurately labeled as to quality and quantity;

45 [(10)] (11) "New and unused property" means tangible personal property that has never
46 been used since its production or manufacture and is in its original unopened package or
47 container if such property was packaged;

48 [(11)] (12) "Of another" property or services is that "of another" if any natural person,
49 corporation, partnership, association, governmental subdivision or instrumentality, other than
50 the actor, has a possessory or proprietary interest therein, except that property shall not be
51 deemed property of another who has only a security interest therein, even if legal title is in the
52 creditor pursuant to a conditional sales contract or other security arrangement;

53 [(12)] (13) "Property" means anything of value, whether real or personal, tangible or
54 intangible, in possession or in action, and shall include but not be limited to the evidence of a
55 debt actually executed but not delivered or issued as a valid instrument;

56 [(13)] (14) "Receiving" means acquiring possession, control or title or lending on the
57 security of the property;

58 [(14)] (15) "Services" includes transportation, telephone, electricity, gas, water, or other
59 public service, accommodation in hotels, restaurants or elsewhere, admission to exhibitions and
60 use of vehicles;

61 [(15)] (16) "Writing" includes printing, any other method of recording information,
62 money, coins, negotiable instruments, tokens, stamps, seals, credit cards, badges, trademarks and
63 any other symbols of value, right, privilege or identification.

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

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

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

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

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

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

14 (1) The property appropriated or attempted to be appropriated consists of any amount
15 of anhydrous ammonia or liquid nitrogen;

16 (2) The property consists of any animal considered livestock as the term livestock is
17 defined in section 144.010, or any captive wildlife held under permit issued by the conservation
18 commission, and the value of the animal or animals appropriated exceeds three thousand dollars
19 and that person has previously been found guilty of appropriating any animal considered
20 livestock or captive wildlife held under permit issued by the conservation commission.
21 Notwithstanding any provision of law to the contrary, such person shall serve a minimum prison
22 term of not less than eighty percent of his or her sentence before he or she is eligible for
23 probation, parole, conditional release, or other early release by the department of corrections;

24 (3) A person appropriates property consisting of a motor vehicle, watercraft, or aircraft,
25 and that person has previously been found guilty of two stealing-related offenses committed on
26 two separate occasions where such offenses occurred within ten years of the date of occurrence
27 of the present offense; [or]

28 (4) The property appropriated or attempted to be appropriated consists of any animal
29 considered livestock as the term is defined in section 144.010 if the value of the livestock
30 exceeds ten thousand dollars; or

31 **(5) The property appropriated or attempted to be appropriated is owned by or in**
32 **the custody of a financial institution and the property is taken or attempted to be taken**
33 **physically from an individual person to deprive the owner or custodian of the property.**

34 4. The offense of stealing is a class C felony if the value of the property or services
35 appropriated is twenty-five thousand dollars or more.

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

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

39 (2) The offender physically takes the property appropriated from the person of the
40 victim; or

41 (3) The property appropriated consists of:

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

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

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

45 (d) Any firearms;

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

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

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

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

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

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

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

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

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

58 (n) Ammonium nitrate;

59 (o) Any wire, electrical transformer, or metallic wire associated with transmitting
60 telecommunications, video, internet, or voice over internet protocol service, or any other device
61 or pipe that is associated with conducting electricity or transporting natural gas or other
62 combustible fuels; or

63 (p) Any material appropriated with the intent to use such material to manufacture,
64 compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their
65 analogues.

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

67 (1) The property appropriated is an animal; or

68 (2) A person has previously been found guilty of three stealing-related offenses
69 committed on three separate occasions where such offenses occurred within ten years of the date
70 of occurrence of the present offense.

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

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

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

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

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

 570.030. 1. A person commits the crime of stealing if he or she appropriates property
2 or services of another with the purpose to deprive him or her thereof, either without his or her
3 consent or by means of deceit or coercion.

4 2. Evidence of the following is admissible in any criminal prosecution pursuant to this
5 section on the issue of the requisite knowledge or belief of the alleged stealer:

6 (1) That he or she failed or refused to pay for property or services of a hotel, restaurant,
7 inn or boardinghouse;

8 (2) That he or she gave in payment for property or services of a hotel, restaurant, inn or
9 boardinghouse a check or negotiable paper on which payment was refused;

10 (3) That he or she left the hotel, restaurant, inn or boardinghouse with the intent to not
11 pay for property or services;

12 (4) That he or she surreptitiously removed or attempted to remove his or her baggage
13 from a hotel, inn or boardinghouse;

14 (5) That he or she, with intent to cheat or defraud a retailer, possesses, uses, utters,
15 transfers, makes, alters, counterfeits, or reproduces a retail sales receipt, price tag, or universal
16 price code label, or possesses with intent to cheat or defraud, the device that manufactures
17 fraudulent receipts or universal price code labels.

18 3. Notwithstanding any other provision of law, any offense in which the value of
19 property or services is an element is a class C felony if:

20 (1) The value of the property or services appropriated is five hundred dollars or more but
21 less than twenty-five thousand dollars; or

22 (2) The actor physically takes the property appropriated from the person of the victim;
23 or

24 (3) The property appropriated consists of:

- 25 (a) Any motor vehicle, watercraft or aircraft; or
26 (b) Any will or unrecorded deed affecting real property; or
27 (c) Any credit card or letter of credit; or
28 (d) Any firearms; or
29 (e) Any explosive weapon as defined in section 571.010; or
30 (f) A United States national flag designed, intended and used for display on buildings
31 or stationary flagstaffs in the open; or
32 (g) Any original copy of an act, bill or resolution, introduced or acted upon by the
33 legislature of the state of Missouri; or
34 (h) Any pleading, notice, judgment or any other record or entry of any court of this state,
35 any other state or of the United States; or
36 (i) Any book of registration or list of voters required by chapter 115; or
37 (j) Any animal considered livestock as that term is defined in section 144.010; or
38 (k) Live fish raised for commercial sale with a value of seventy-five dollars; or
39 (l) Captive wildlife held under permit issued by the conservation commission; or
40 (m) Any controlled substance as defined by section 195.010; or
41 (n) Anhydrous ammonia;
42 (o) Ammonium nitrate; or
43 (p) Any document of historical significance which has fair market value of five hundred
44 dollars or more.
- 45 4. Notwithstanding any other provision of law, stealing of any animal considered
46 livestock, as that term is defined in section 144.010, is a class B felony if the value of the
47 livestock exceeds ten thousand dollars.
- 48 5. If an actor appropriates any material with a value less than five hundred dollars in
49 violation of this section with the intent to use such material to manufacture, compound, produce,
50 prepare, test or analyze amphetamine or methamphetamine or any of their analogues, then such
51 violation is a class C felony. The theft of any amount of anhydrous ammonia or liquid nitrogen,
52 or any attempt to steal any amount of anhydrous ammonia or liquid nitrogen, is a class B felony.
53 The theft of any amount of anhydrous ammonia by appropriation of a tank truck, tank trailer, rail
54 tank car, bulk storage tank, field (nurse) tank or field applicator is a class A felony.
- 55 6. **If the actor appropriates or attempts to appropriate property that is owned by**
56 **or in the custody of a financial institution and the property is taken or attempted to be**
57 **taken physically from an individual person to deprive the owner or custodian of the**
58 **property, the theft is a class B felony.**

59 7. The theft of any item of property or services pursuant to subsection 3 of this section
60 which exceeds five hundred dollars may be considered a separate felony and may be charged in
61 separate counts.

62 [7.] 8. Any person with a prior conviction of paragraph (j) or (l) of subdivision (3) of
63 subsection 3 of this section and who violates the provisions of paragraph (j) or (l) of subdivision
64 (3) of subsection 3 of this section when the value of the animal or animals stolen exceeds three
65 thousand dollars is guilty of a class B felony. Notwithstanding any provision of law to the
66 contrary, such person shall serve a minimum prison term of not less than eighty percent of his
67 or her sentence before he or she is eligible for probation, parole, conditional release, or other
68 early release by the department of corrections.

69 [8.] 9. Any offense in which the value of property or services is an element is a class B
70 felony if the value of the property or services equals or exceeds twenty-five thousand dollars.

71 [9.] 10. Any violation of this section for which no other penalty is specified in this
72 section is a class A misdemeanor.

 570.135. 1. A person commits the offense of fraudulent procurement of a credit or debit
2 device if he or she:

3 (1) Knowingly makes or causes to be made, directly or indirectly, a false statement
4 regarding another person for the purpose of fraudulently procuring the issuance of a credit or
5 debit device; [or]

6 (2) Knowingly obtains a means of identification of another person without the
7 authorization of that person and uses that means of identification fraudulently to obtain, or
8 attempt to obtain, credit, goods or services in the name of the other person without the consent
9 of that person; **or**

10 **(3) Knowingly possesses a fraudulently obtained debit or credit card or device.**

11 2. The offense of fraudulent procurement of a credit or debit device is a class A
12 misdemeanor.

13 3. Notwithstanding any other provision of this section, no corporation, proprietorship,
14 partnership, limited liability company, limited liability partnership or other business entity shall
15 be **criminally** liable under this section for accepting applications for credit or debit devices or
16 for the use of a credit or debit device in any transaction, absent clear and convincing evidence
17 that such business entity conspired with or was a part of the fraudulent procuring of the issuance
18 of a credit or debit device.

 574.010. 1. A person commits the offense of peace disturbance if he or she:

2 (1) Unreasonably and knowingly disturbs or alarms another person or persons by:

3 (a) Loud noise; or

4 (b) Offensive language addressed in a face-to-face manner to a specific individual and
 5 uttered under circumstances which are likely to produce an immediate violent response from a
 6 reasonable recipient; or

7 (c) Threatening to commit a felonious act against any person under circumstances which
 8 are likely to cause a reasonable person to fear that such threat may be carried out; or

9 (d) Fighting; or

10 (e) Creating a noxious and offensive odor;

11 (2) Is in a public place or on private property of another without consent and purposely
 12 causes inconvenience to another person or persons by unreasonably and physically obstructing:

13 (a) Vehicular or pedestrian traffic; or

14 (b) The free ingress or egress to or from a public or private place.

15 **2. Notwithstanding the provisions of paragraphs (a) to (e) of subdivision (1) of**
 16 **subsection 1 of this section, a person does not commit the offense of peace disturbance by**
 17 **creating a loud noise or creating a noxious or offensive odor if such alleged noise or odor**
 18 **arises from or are attendant to:**

19 (a) **The raising, maintaining, or keeping livestock as defined in section 277.020,**
 20 **including but not limited to any noise or odor made directly by or coming directly from**
 21 **any livestock; or**

22 (b) **The planting, caring, maintaining, or harvesting of crops or hay.**

23 **3.** The offense of peace disturbance is a class B misdemeanor upon the first conviction.
 24 Upon a second or subsequent conviction, peace disturbance is a class A misdemeanor. Upon a
 25 third or subsequent conviction, a person shall be sentenced to pay a fine of no less than one
 26 thousand dollars and no more than five thousand dollars.

574.010. 1. A person commits the crime of peace disturbance if:

2 (1) He unreasonably and knowingly disturbs or alarms another person or persons by:

3 (a) Loud noise; or

4 (b) Offensive language addressed in a face-to-face manner to a specific individual and
 5 uttered under circumstances which are likely to produce an immediate violent response from a
 6 reasonable recipient; or

7 (c) Threatening to commit a felonious act against any person under circumstances which
 8 are likely to cause a reasonable person to fear that such threat may be carried out; or

9 (d) Fighting; or

10 (e) Creating a noxious and offensive odor;

11 (2) He is in a public place or on private property of another without consent and
 12 purposely causes inconvenience to another person or persons by unreasonably and physically
 13 obstructing:

14 (a) Vehicular or pedestrian traffic; or

15 (b) The free ingress or egress to or from a public or private place.

16 2. **Notwithstanding the provisions of paragraphs (a) to (e) of subdivision (1) of**
17 **subsection 1 of this section, a person does not commit the crime of peace disturbance by**
18 **creating a loud noise or creating a noxious or offensive odor if such alleged noise or odor**
19 **arises from or are attendant to:**

20 (a) **The raising, maintaining, or keeping livestock as defined in section 277.020,**
21 **including but not limited to any noise or odor made directly by or coming directly from**
22 **any livestock; or**

23 (b) **The planting, caring, maintaining, or harvesting of crops or hay.**

24 3. Peace disturbance is a class B misdemeanor upon the first conviction. Upon a second
25 or subsequent conviction, peace disturbance is a class A misdemeanor. Upon a third or
26 subsequent conviction, a person shall be sentenced to pay a fine of no less than one thousand
27 dollars and no more than five thousand dollars.

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

2 **2. In addition to other terms and conditions imposed on a person who has pled**
3 **guilty to or been found guilty of driving while intoxicated under section 577.010, such**
4 **person shall complete a victim impact program approved by the court. Attendance in such**
5 **program shall be in person unless there are extraordinary circumstances preventing**
6 **in-person attendance. Such person shall be responsible for any charges imposed by the**
7 **victim impact program.**

577.060. 1. A person commits the offense of leaving the scene of an accident when:

2 (1) Being the operator of a vehicle or a vessel involved in an accident resulting in injury
3 or death or damage to property of another person; and

4 (2) Having knowledge of such accident he or she leaves the place of the injury, damage
5 or accident without stopping and giving the following information to the other party or to a law
6 enforcement officer, or if no law enforcement officer is in the vicinity, then to the nearest law
7 enforcement agency:

8 (a) His or her name;

9 (b) His or her residence, including city and street number;

10 (c) The registration or license number for his or her vehicle or vessel; and

11 (d) His or her operator's license number, if any.

12 2. For the purposes of this section, all law enforcement officers shall have jurisdiction,
13 when invited by an injured person, to enter the premises of any privately owned property for the
14 purpose of investigating an accident and performing all necessary duties regarding such accident.

15 3. The offense of leaving the scene of an accident is:

- 16 (1) A class A misdemeanor; or
17 (2) A class E felony if:
18 (a) Physical injury was caused to another party; or
19 (b) Damage in excess of one thousand dollars was caused to the property of another
20 person; or
21 (c) The defendant has previously been found guilty of any offense **in violation of this**
22 **section; or** committed in another jurisdiction which, if committed in this state, would be a
23 violation of an offense [in] **of this section.**

24 4. A law enforcement officer who investigates or receives information of an accident
25 involving an all-terrain vehicle and also involving the loss of life or serious physical injury shall
26 make a written report of the investigation or information received and such additional facts
27 relating to the accident as may come to his or her knowledge, mail the information to the
28 department of public safety, and keep a record thereof in his or her office.

29 5. The provisions of this section shall not apply to the operation of all-terrain vehicles
30 when property damage is sustained in sanctioned all-terrain vehicle races, derbies and rallies.

578.007. The provisions of sections **574.130**, 578.005 to 578.023, **and section 578.040**
2 shall not apply to:

- 3 (1) Care or treatment performed by a licensed veterinarian within the provisions of
4 chapter 340;
5 (2) Bona fide scientific experiments;
6 (3) Hunting, fishing, or trapping as allowed by chapter 252, including all practices and
7 privileges as allowed under the Missouri Wildlife Code;
8 (4) Facilities and publicly funded zoological parks currently in compliance with the
9 federal "Animal Welfare Act" as amended;
10 (5) Rodeo practices currently accepted by the Professional Rodeo Cowboy's Association;
11 (6) The killing of an animal by the owner thereof, the agent of such owner, or by a
12 veterinarian at the request of the owner thereof;
13 (7) The lawful, humane killing of an animal by an animal control officer, the operator
14 of an animal shelter, a veterinarian, or law enforcement or health official;
15 (8) With respect to farm animals, normal or accepted practices of animal husbandry;
16 (9) The killing of an animal by any person at any time if such animal is outside of the
17 owned or rented property of the owner or custodian of such animal and the animal is injuring any
18 person or farm animal but **this exemption** shall not include [police or guard dogs] **the killing**
19 **or injuring of a law enforcement officer dog** while working;
20 (10) The killing of house or garden pests; or

21 (11) Field trials, training and hunting practices as accepted by the Professional
22 Houndsmen of Missouri.

578.022. Any dog that is owned, or the service of which is employed, by a law
2 enforcement agency that bites **or injures** another animal or human in the course of their official
3 duties is exempt from the provision of sections 273.033 [and], **578.012**, and section 578.024.

579.015. 1. A person commits the offense of possession of a controlled substance if he
2 or she knowingly possesses a controlled substance, except as authorized by this chapter or
3 chapter 195.

4 2. The offense of possession of any controlled substance except thirty-five grams or less
5 of marijuana or any synthetic cannabinoid is a class D felony.

6 3. The offense of possession of more than ten grams but **thirty-five grams or less** [than
7 thirty-six grams] of marijuana or any synthetic cannabinoid is a class A misdemeanor.

8 4. The offense of possession of not more than ten grams of marijuana or any synthetic
9 cannabinoid is a class D misdemeanor. If the defendant has previously been found guilty of any
10 offense of the laws related to controlled substances of this state, or of the United States, or any
11 state, territory, or district, the offense is a class A misdemeanor. Prior findings of guilt shall be
12 pleaded and proven in the same manner as required by section 558.021.

13 5. In any complaint, information, or indictment, and in any action or proceeding brought
14 for the enforcement of any provision of this chapter or chapter 195, it shall not be necessary to
15 include any exception, excuse, proviso, or exemption contained in this chapter or chapter 195,
16 and the burden of proof of any such exception, excuse, proviso or exemption shall be upon the
17 defendant.

**589.800. 1. The department of public safety shall establish a pilot program in the
2 city not within a county that addresses the rising serious violent crime rate in
3 neighborhoods located in the city not within a county. The pilot program shall be known
4 and may be referred to as the "Intervention and Compliance Unit Pilot Program" or the
5 "ICU Pilot Program".**

6 **2. The goals of the pilot program shall include, but not be limited to:**

7 **(1) Reducing and preventing violent crime and improving safety within individual
8 neighborhoods through collaboration of the metropolitan police department and
9 representatives of the community within the city not within county;**

10 **(2) The development of evidence-based procedures to reduce violent crime and
11 focus on early detection of violent criminal behavior;**

12 **(3) The creation of policies and procedures to address crime recidivism;**

13 **(4) The creation of policies and procedures regarding crime data collection and
14 methods for monitoring crime data; and**

15 **(5) The development of strategies for improving mental and social service programs**
16 **to address systemic needs for reducing violent crime in the city not within a county.**

17 **3. The Intervention and Compliance Unit shall have a membership of individuals**
18 **including, but not limited to, representatives from the following entities:**

19 **(1) The St. Louis Metropolitan Police Department;**

20 **(2) City prosecutors;**

21 **(3) Local courts;**

22 **(4) The department of social services;**

23 **(5) Local government leaders;**

24 **(6) Civic organizations;**

25 **(7) Local schools; and**

26 **(8) Local probation and parole offices.**

27 **4. There is hereby created in the state treasury the "Intervention and Compliance**
28 **Unit Pilot Program Fund", which shall consist of all gifts, bequests, transfers, and moneys**
29 **appropriated by the general assembly under this section. The state treasurer shall be**
30 **custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer**
31 **may approve disbursements. The fund shall be a dedicated fund and, upon appropriation,**
32 **moneys in the fund shall be used solely for pilot program established under this section.**
33 **Notwithstanding the provisions of section 33.080, to the contrary, any moneys remaining**
34 **in the fund at the end of the biennium shall not revert to the credit of the general revenue**
35 **fund. The state treasurer shall invest moneys in the fund in the same manner as other**
36 **funds are invested. Any interest and moneys earned on such investments shall be credited**
37 **to the fund.**

38 **5. The department of public safety shall promulgate rules to implement the**
39 **provisions of this section. Any rule or portion of a rule, as that term is defined in section**
40 **536.010, that is created under the authority delegated in this section shall become effective**
41 **only if it complies with and is subject to all of the provisions of chapter 536 and, if**
42 **applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of**
43 **the powers vested with the general assembly pursuant to chapter 536 to review, to delay**
44 **the effective date, or to disapprove and annul a rule are subsequently held**
45 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
46 **after August 28, 2016, shall be invalid and void.**

47 **6. Pursuant to section 23.253, RSMo, of the Missouri Sunset Act:**

48 **(1) The provisions of the new program authorized under this section shall**
49 **automatically sunset six years after the effective date of this section unless reauthorized by**
50 **an act of the general assembly; and**

51 **(2) If such program is reauthorized, the program authorized under this section**
52 **shall automatically sunset twelve years after the effective date of the reauthorization of this**
53 **section; and**

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

595.226. 1. After August 28, 2007, any information contained in any court record,
2 whether written or published on the internet, **including any visual or aural recordings** that
3 could be used to identify or locate any victim of an offense under chapter 566 or a victim of
4 domestic assault or stalking shall be closed and redacted from such record prior to disclosure to
5 the public. Identifying information shall include the name, home or temporary address,
6 telephone number, Social Security number, place of employment, or physical characteristics,
7 **including an unobstructed visual image of the victim's face or body.**

8 2. If the court determines that a person or entity who is requesting identifying
9 information of a victim has a legitimate interest in obtaining such information, the court may
10 allow access to the information, but only if the court determines that disclosure to the person or
11 entity would not compromise the welfare or safety of such victim, and only after providing
12 reasonable notice to the victim and after allowing the victim the right to respond to such request.

13 3. Notwithstanding the provisions of subsection 1 of this section, the judge presiding
14 over a case under chapter 566, or a case of domestic assault or stalking shall have the discretion
15 to publicly disclose identifying information regarding the defendant which could be used to
16 identify or locate the victim of the crime. The victim may provide a statement to the court
17 regarding whether he or she desires such information to remain closed. When making the
18 decision to disclose such information, the judge shall consider the welfare and safety of the
19 victim and any statement to the court received from the victim regarding the disclosure.

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