

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
**SENATE BILL NO. 112,
212, 143 & 234**
98TH GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, April 2, 2015, with recommendation that the Senate Committee Substitute do pass.

0343S.03C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 192.2260, 192.2405, 217.360, 301.559, 339.100, 400.9-501, 565.030, 565.032, 565.040, 571.020, 571.030, 571.060, 571.063, 571.070, 571.072, 578.005, 578.007, 578.011, and 632.520, RSMo, section 192.2410 as enacted by house revision bill no. 1299 merged with senate bill no. 491, ninety-seventh general assembly, second regular session, section 198.070 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session and section 198.070 as enacted by senate bills nos. 556 & 311, ninety-second general assembly, first regular session, section 221.111 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 565.188 as enacted by senate bills nos. 556 & 311, ninety-second general assembly, first regular session, section 565.225 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 565.225 as enacted by senate bills nos. 818 & 795, ninety-fourth general assembly, second regular session, and to enact in lieu thereof twenty-three new sections relating to the sole purpose of restructuring the Missouri criminal code, with penalty provisions, and an effective date.

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

Section A. Sections 192.2260, 192.2405, 217.360, 301.559, 339.100, 400.9-
2 501, 565.030, 565.032, 565.040, 571.020, 571.030, 571.060, 571.063, 571.070,
3 571.072, 578.005, 578.007, 578.011, and 632.520, RSMo, section 192.2410 as
4 enacted by house revision bill no. 1299 merged with senate bill no. 491, ninety-
5 seventh general assembly, second regular session, section 198.070 as enacted by

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

6 senate bill no. 491, ninety-seventh general assembly, second regular session and
7 section 198.070 as enacted by senate bills nos. 556 & 311, ninety-second general
8 assembly, first regular session, section 221.111 as enacted by senate bill no. 491,
9 ninety-seventh general assembly, second regular session, section 565.188 as
10 enacted by senate bills nos. 556 & 311, ninety-second general assembly, first
11 regular session, section 565.225 as enacted by senate bill no. 491, ninety-seventh
12 general assembly, second regular session, and section 565.225 as enacted by
13 senate bills nos. 818 & 795, ninety-fourth general assembly, second regular
14 session, are repealed and twenty-three new sections enacted in lieu thereof, to be
15 known as sections 192.2260, 192.2405, 192.2410, 198.070, 217.360, 221.111,
16 301.559, 339.100, 400.9-501, 565.030, 565.032, 565.040, 565.188, 565.225, 571.020,
17 571.030, 571.060, 571.063, 571.070, 571.072, 578.005, 578.007, and 632.520, to
18 read as follows:

192.2260. 1. Any person who violates any provision of sections 192.2200
2 to 192.2260, or who, for himself or for any other person, makes materially false
3 statements in order to obtain a certificate or license, or the renewal thereof,
4 issued pursuant to sections 192.2200 to 192.2260, shall be guilty of a class A
5 misdemeanor. Any person violating this subsection wherein abuse or neglect of
6 a participant of the program has occurred is guilty of a class [D] E felony.

7 2. Any person who is convicted pursuant to this section shall, in addition
8 to all other penalties provided by law, have any license issued to him under
9 sections 192.2200 to 192.2260 revoked, and shall not operate, nor hold any license
10 to operate, any adult day care program, or other entity governed by the provisions
11 of sections 192.2200 to 192.2260 for a period of three years after such conviction.

192.2405. 1. The following persons shall be required to immediately
2 report or cause a report to be made to the department under sections 192.2400
3 to 192.2470:

4 (1) Any person having reasonable cause to suspect that an eligible adult
5 presents a likelihood of suffering serious physical harm and is in need of
6 protective services; and

7 (2) Any adult day care worker, chiropractor, Christian Science
8 practitioner, coroner, dentist, embalmer, employee of the departments of social
9 services, mental health, or health and senior services, employee of a local area
10 agency on aging or an organized area agency on aging program, funeral director,
11 home health agency, home health agency employee, hospital and clinic personnel
12 engaged in the care or treatment of others, in-home services owner or provider,

13 in-home services operator or employee, law enforcement officer, long-term care
14 facility administrator or employee, medical examiner, medical resident or intern,
15 mental health professional, minister, nurse, nurse practitioner, optometrist, other
16 health practitioner, peace officer, pharmacist, physical therapist, physician,
17 physician's assistant, podiatrist, probation or parole officer, psychologist, social
18 worker, or other person with the responsibility for the care of [a person sixty
19 years of age or older] **an eligible adult** who has reasonable cause to suspect
20 that [such a person] **the eligible adult** has been subjected to abuse or neglect
21 or observes [such a person] **the eligible adult** being subjected to conditions or
22 circumstances which would reasonably result in abuse or
23 neglect. Notwithstanding any other provision of this section, a duly ordained
24 minister, clergy, religious worker, or Christian Science practitioner while
25 functioning in his or her ministerial capacity shall not be required to report
26 concerning a privileged communication made to him or her in his or her
27 professional capacity.

28 2. Any other person who becomes aware of circumstances that may
29 reasonably be expected to be the result of, or result in, abuse or neglect of [a
30 person sixty years of age or older] **an eligible adult** may report to the
31 department.

32 3. The penalty for failing to report as required under subdivision (2) of
33 subsection 1 of this section is provided under section 565.188.

192.2410. 1. A report made under section 192.2405 shall be made orally
2 or in writing. It shall include, if known:

3 (1) The name, age, and address of the eligible adult [or person subjected
4 to abuse or neglect];

5 (2) The name and address of any person responsible for care of the eligible
6 adult [or person subjected to abuse or neglect];

7 (3) The nature and extent of the condition of the eligible adult [or person
8 subjected to abuse or neglect]; and

9 (4) Other relevant information.

10 2. Reports regarding persons determined not to be eligible adults as
11 defined in section 192.2400 shall be referred to the appropriate state or local
12 authorities.

13 3. The department shall maintain a statewide toll-free phone number for
14 receipt of reports.

198.070. 1. When any adult day care worker; chiropractor; Christian

2 Science practitioner; coroner; dentist; embalmer; employee of the departments of
3 social services, mental health, or health and senior services; employee of a local
4 area agency on aging or an organized area agency on aging program; funeral
5 director; home health agency or home health agency employee; hospital and clinic
6 personnel engaged in examination, care, or treatment of persons; in-home services
7 owner, provider, operator, or employee; law enforcement officer; long-term care
8 facility administrator or employee; medical examiner; medical resident or intern;
9 mental health professional; minister; nurse; nurse practitioner; optometrist; other
10 health practitioner; peace officer; pharmacist; physical therapist; physician;
11 physician's assistant; podiatrist; probation or parole officer; psychologist; social
12 worker; or other person with the care of a person sixty years of age or older or an
13 eligible adult has reasonable cause to believe that a resident of a facility has been
14 abused or neglected, he or she shall immediately report or cause a report to be
15 made to the department.

16 2. **(1)** The report shall contain the name and address of the facility, the
17 name of the resident, information regarding the nature of the abuse or neglect,
18 the name of the complainant, and any other information which might be helpful
19 in an investigation.

20 **(2) In the event of suspected sexual assault of the resident, in**
21 **addition to the report to be made to the department, a report shall be**
22 **made under federal law pursuant to the provisions of Sections 6701-**
23 **6703 of the Elder Justice Act of 2009 (42 U.S.C. 1397 et. seq.) to local law**
24 **enforcement.**

25 3. Any person required in subsection 1 of this section to report or cause
26 a report to be made to the department who knowingly fails to make a report
27 within a reasonable time after the act of abuse or neglect as required in this
28 subsection is guilty of a class A misdemeanor.

29 4. In addition to the penalties imposed by this section, any administrator
30 who knowingly conceals any act of abuse or neglect resulting in death or serious
31 physical injury, as defined in section 556.061, is guilty of a class E felony.

32 5. In addition to those persons required to report pursuant to subsection
33 1 of this section, any other person having reasonable cause to believe that a
34 resident has been abused or neglected may report such information to the
35 department.

36 6. Upon receipt of a report, the department shall initiate an investigation
37 within twenty-four hours and, as soon as possible during the course of the

38 investigation, shall notify the resident's next of kin or responsible party of the
39 report and the investigation and further notify them whether the report was
40 substantiated or unsubstantiated unless such person is the alleged perpetrator
41 of the abuse or neglect. As provided in section 192.2425, substantiated reports
42 of elder abuse shall be promptly reported by the department to the appropriate
43 law enforcement agency and prosecutor.

44 7. If the investigation indicates possible abuse or neglect of a resident, the
45 investigator shall refer the complaint together with the investigator's report to
46 the department director or the director's designee for appropriate action. If,
47 during the investigation or at its completion, the department has reasonable
48 cause to believe that immediate removal is necessary to protect the resident from
49 abuse or neglect, the department or the local prosecuting attorney may, or the
50 attorney general upon request of the department shall, file a petition for
51 temporary care and protection of the resident in a circuit court of competent
52 jurisdiction. The circuit court in which the petition is filed shall have equitable
53 jurisdiction to issue an ex parte order granting the department authority for the
54 temporary care and protection of the resident, for a period not to exceed thirty
55 days.

56 8. Reports shall be confidential, as provided pursuant to section 192.2500.

57 9. Anyone, except any person who has abused or neglected a resident in
58 a facility, who makes a report pursuant to this section or who testifies in any
59 administrative or judicial proceeding arising from the report shall be immune
60 from any civil or criminal liability for making such a report or for testifying
61 except for liability for perjury, unless such person acted negligently, recklessly,
62 in bad faith or with malicious purpose. It is a crime under section 565.189 for
63 any person to knowingly file a false report of elder abuse or neglect.

64 10. Within five working days after a report required to be made pursuant
65 to this section is received, the person making the report shall be notified in
66 writing of its receipt and of the initiation of the investigation.

67 11. No person who directs or exercises any authority in a facility shall
68 evict, harass, dismiss or retaliate against a resident or employee because such
69 resident or employee or any member of such resident's or employee's family has
70 made a report of any violation or suspected violation of laws, ordinances or
71 regulations applying to the facility which the resident, the resident's family or an
72 employee has reasonable cause to believe has been committed or has
73 occurred. Through the existing department information and referral telephone

74 contact line, residents, their families and employees of a facility shall be able to
75 obtain information about their rights, protections and options in cases of eviction,
76 harassment, dismissal or retaliation due to a report being made pursuant to this
77 section.

78 12. Any person who abuses or neglects a resident of a facility is subject
79 to criminal prosecution under section 565.184.

80 13. The department shall maintain the employee disqualification list and
81 place on the employee disqualification list the names of any persons who are or
82 have been employed in any facility and who have been finally determined by the
83 department pursuant to section 192.2490 to have knowingly or recklessly abused
84 or neglected a resident. For purposes of this section only, "knowingly" and
85 "recklessly" shall have the meanings that are ascribed to them in this section. A
86 person acts "knowingly" with respect to the person's conduct when a reasonable
87 person should be aware of the result caused by his or her conduct. A person acts
88 "recklessly" when the person consciously disregards a substantial and
89 unjustifiable risk that the person's conduct will result in serious physical injury
90 and such disregard constitutes a gross deviation from the standard of care that
91 a reasonable person would exercise in the situation.

92 14. The timely self-reporting of incidents to the central registry by a
93 facility shall continue to be investigated in accordance with department policy,
94 and shall not be counted or reported by the department as a hot-line call but
95 rather a self-reported incident. If the self-reported incident results in a
96 regulatory violation, such incident shall be reported as a substantiated report.

198.070. 1. When any adult day care worker; chiropractor; Christian
2 Science practitioner; coroner; dentist; embalmer; employee of the departments of
3 social services, mental health, or health and senior services; employee of a local
4 area agency on aging or an organized area agency on aging program; funeral
5 director; home health agency or home health agency employee; hospital and clinic
6 personnel engaged in examination, care, or treatment of persons; in-home services
7 owner, provider, operator, or employee; law enforcement officer; long-term care
8 facility administrator or employee; medical examiner; medical resident or intern;
9 mental health professional; minister; nurse; nurse practitioner; optometrist; other
10 health practitioner; peace officer; pharmacist; physical therapist; physician;
11 physician's assistant; podiatrist; probation or parole officer; psychologist; social
12 worker; or other person with the care of a person sixty years of age or older or an
13 eligible adult has reasonable cause to believe that a resident of a facility has been

14 abused or neglected, he or she shall immediately report or cause a report to be
15 made to the department.

16 2. **(1)** The report shall contain the name and address of the facility, the
17 name of the resident, information regarding the nature of the abuse or neglect,
18 the name of the complainant, and any other information which might be helpful
19 in an investigation.

20 **(2) In the event of suspected sexual assault of the resident, in**
21 **addition to the report to be made to the department, a report shall be**
22 **made under federal law pursuant to the provisions of Sections 6701-**
23 **6703 of the Elder Justice Act of 2009 (42 U.S.C. 1397 et. seq.) to local law**
24 **enforcement.**

25 3. Any person required in subsection 1 of this section to report or cause
26 a report to be made to the department who knowingly fails to make a report
27 within a reasonable time after the act of abuse or neglect as required in this
28 subsection is guilty of a class A misdemeanor.

29 4. In addition to the penalties imposed by this section, any administrator
30 who knowingly conceals any act of abuse or neglect resulting in death or serious
31 physical injury, as defined in section 565.002, is guilty of a class D felony.

32 5. In addition to those persons required to report pursuant to subsection
33 1 of this section, any other person having reasonable cause to believe that a
34 resident has been abused or neglected may report such information to the
35 department.

36 6. Upon receipt of a report, the department shall initiate an investigation
37 within twenty-four hours and, as soon as possible during the course of the
38 investigation, shall notify the resident's next of kin or responsible party of the
39 report and the investigation and further notify them whether the report was
40 substantiated or unsubstantiated unless such person is the alleged perpetrator
41 of the abuse or neglect. As provided in section 565.186, substantiated reports of
42 elder abuse shall be promptly reported by the department to the appropriate law
43 enforcement agency and prosecutor.

44 7. If the investigation indicates possible abuse or neglect of a resident, the
45 investigator shall refer the complaint together with the investigator's report to
46 the department director or the director's designee for appropriate action. If,
47 during the investigation or at its completion, the department has reasonable
48 cause to believe that immediate removal is necessary to protect the resident from
49 abuse or neglect, the department or the local prosecuting attorney may, or the

50 attorney general upon request of the department shall, file a petition for
51 temporary care and protection of the resident in a circuit court of competent
52 jurisdiction. The circuit court in which the petition is filed shall have equitable
53 jurisdiction to issue an ex parte order granting the department authority for the
54 temporary care and protection of the resident, for a period not to exceed thirty
55 days.

56 8. Reports shall be confidential, as provided pursuant to section 660.320.

57 9. Anyone, except any person who has abused or neglected a resident in
58 a facility, who makes a report pursuant to this section or who testifies in any
59 administrative or judicial proceeding arising from the report shall be immune
60 from any civil or criminal liability for making such a report or for testifying
61 except for liability for perjury, unless such person acted negligently, recklessly,
62 in bad faith or with malicious purpose. It is a crime pursuant to section 565.186
63 and 565.188 for any person to purposely file a false report of elder abuse or
64 neglect.

65 10. Within five working days after a report required to be made pursuant
66 to this section is received, the person making the report shall be notified in
67 writing of its receipt and of the initiation of the investigation.

68 11. No person who directs or exercises any authority in a facility shall
69 evict, harass, dismiss or retaliate against a resident or employee because such
70 resident or employee or any member of such resident's or employee's family has
71 made a report of any violation or suspected violation of laws, ordinances or
72 regulations applying to the facility which the resident, the resident's family or an
73 employee has reasonable cause to believe has been committed or has
74 occurred. Through the existing department information and referral telephone
75 contact line, residents, their families and employees of a facility shall be able to
76 obtain information about their rights, protections and options in cases of eviction,
77 harassment, dismissal or retaliation due to a report being made pursuant to this
78 section.

79 12. Any person who abuses or neglects a resident of a facility is subject
80 to criminal prosecution under section 565.180, 565.182, or 565.184.

81 13. The department shall maintain the employee disqualification list and
82 place on the employee disqualification list the names of any persons who are or
83 have been employed in any facility and who have been finally determined by the
84 department pursuant to section 660.315 to have knowingly or recklessly abused
85 or neglected a resident. For purposes of this section only, "knowingly" and

86 "recklessly" shall have the meanings that are ascribed to them in this section. A
87 person acts "knowingly" with respect to the person's conduct when a reasonable
88 person should be aware of the result caused by his or her conduct. A person acts
89 "recklessly" when the person consciously disregards a substantial and
90 unjustifiable risk that the person's conduct will result in serious physical injury
91 and such disregard constitutes a gross deviation from the standard of care that
92 a reasonable person would exercise in the situation.

93 14. The timely self-reporting of incidents to the central registry by a
94 facility shall continue to be investigated in accordance with department policy,
95 and shall not be counted or reported by the department as a hot-line call but
96 rather a self-reported incident. If the self-reported incident results in a
97 regulatory violation, such incident shall be reported as a substantiated report.

217.360. 1. It shall be an offense for any person to knowingly deliver,
2 attempt to deliver, have in his possession, deposit or conceal in or about the
3 premises of any correctional center, or city or county jail, or private prison or jail:

4 (1) Any controlled substance as that term is defined by law, except upon
5 the written prescription of a licensed physician, dentist, or veterinarian;

6 (2) Any other alkaloid of any controlled substance, any spirituous or malt
7 liquor, or any intoxicating liquor as defined in section 311.020;

8 (3) Any article or item of personal property which an offender is
9 prohibited by law or by rule and regulation of the division from receiving or
10 possessing;

11 (4) Any gun, knife, weapon, or other article or item of personal property
12 that may be used in such manner as to endanger the safety or security of the
13 correctional center, or city or county jail, or private prison or jail or as to
14 endanger the life or limb of any offender or employee of such a center;

15 **(5) Any two-way telecommunications device or its component**
16 **parts.**

17 2. The violation of subdivision (1) of subsection 1 of this section shall be
18 a class C felony; the violation of subdivision (2) **or (5)** of subsection 1 of this
19 section shall be a class D felony; the violation of subdivision (3) of subsection 1
20 of this section shall be a class A misdemeanor; and the violation of subdivision
21 (4) of subsection 1 of this section shall be a class B felony.

22 3. Any person who has been found guilty of or has pled guilty to a
23 violation of subdivision (2) of subsection 1 of this section involving any alkaloid
24 shall be entitled to expungement of the record of the violation. The procedure to

25 expunge the record shall be pursuant to section 610.123. The record of any person
26 shall not be expunged if such person has been found guilty of or has pled guilty
27 to knowingly delivering, attempting to deliver, having in his possession, or
28 depositing or concealing any alkaloid of any controlled substance in or about the
29 premises of any correctional center, or city or county jail, or private prison or jail.

30 **4. Subdivision (5) of subsection 1 of this section shall not apply**
31 **to:**

32 **(1) Any law enforcement officer employed by a state, federal**
33 **agency, or political subdivision lawfully engaged in his or her duties as**
34 **a law enforcement officer; or**

35 **(2) Any other person who is authorized by the correctional**
36 **center, city or county jail, or private prison to possess or use a two-way**
37 **telecommunications device in the correctional center, or city or county**
38 **jail, or private prison or jail.**

221.111. 1. A person commits the offense of possession of unlawful items
2 in a prison or jail if such person knowingly delivers, attempts to deliver,
3 possesses, deposits, or conceals in or about the premises of any correctional center
4 as the term "correctional center" is defined under section 217.010, or any city,
5 county, or private jail:

6 (1) Any controlled substance as that term is defined by law, except upon
7 the written prescription of a licensed physician, dentist, or veterinarian;

8 (2) Any other alkaloid of any kind or any intoxicating liquor as the term
9 intoxicating liquor is defined in section 311.020;

10 (3) Any article or item of personal property which a prisoner is prohibited
11 by law, by rule made pursuant to section 221.060, or by regulation of the
12 department of corrections from receiving or possessing, except as herein provided;

13 (4) Any gun, knife, weapon, or other article or item of personal property
14 that may be used in such manner as to endanger the safety or security of the
15 institution or as to endanger the life or limb of any prisoner or employee thereof;

16 **(5) Any two-way telecommunications device or its component**
17 **parts.**

18 2. The violation of subdivision (1) of subsection 1 of this section shall be
19 a class D felony; the violation of subdivision (2) **or (5) of subsection 1** of this
20 section shall be a class E felony; the violation of subdivision (3) **of subsection**
21 **1** of this section shall be a class A misdemeanor; and the violation of subdivision
22 (4) **of subsection 1** of this section shall be a class B felony.

23 3. The chief operating officer of a county or city jail or other correctional
24 facility or the administrator of a private jail may deny visitation privileges to or
25 refer to the county prosecuting attorney for prosecution any person who
26 knowingly delivers, attempts to deliver, possesses, deposits, or conceals in or
27 about the premises of such jail or facility any personal item which is prohibited
28 by rule or regulation of such jail or facility. Such rules or regulations, including
29 a list of personal items allowed in the jail or facility, shall be prominently posted
30 for viewing both inside and outside such jail or facility in an area accessible to
31 any visitor, and shall be made available to any person requesting such rule or
32 regulation. Violation of this subsection shall be an infraction if not covered by
33 other statutes.

34 4. Any person who has been found guilty of a violation of subdivision (2)
35 of subsection 1 of this section involving any alkaloid shall be entitled to
36 expungement of the record of the violation. The procedure to expunge the record
37 shall be pursuant to section 610.123. The record of any person shall not be
38 expunged if such person has been found guilty of knowingly delivering,
39 attempting to deliver, possessing, depositing, or concealing any alkaloid of any
40 controlled substance in or about the premises of any correctional center, or city
41 or county jail, or private prison or jail.

42 **5. Subdivision (5) of subsection 1 of this section shall not apply**
43 **to:**

44 **(1) Any law enforcement officer employed by a state, federal**
45 **agency, or political subdivision lawfully engaged in his or her duties as**
46 **a law enforcement officer; or**

47 **(2) Any other person who is authorized by the correctional**
48 **center, or city, county, or private jail to possess or use a two-way**
49 **telecommunications device in the correctional center, or city, county,**
50 **or private jail.**

301.559. 1. It shall be unlawful for any person to engage in business as
2 or act as a motor vehicle dealer, boat dealer, manufacturer, boat manufacturer,
3 public motor vehicle auction, wholesale motor vehicle auction or wholesale motor
4 vehicle dealer without first obtaining a license from the department as required
5 in sections 301.550 to 301.573. Any person who maintains or operates any
6 business wherein a license is required pursuant to the provisions of sections
7 301.550 to 301.573, without such license, is guilty of a class A misdemeanor. Any
8 person committing a second violation of sections 301.550 to 301.573 shall be

9 guilty of a class [D] E felony.

10 2. All dealer licenses shall expire on December thirty-first of the
11 designated license period. The department shall notify each person licensed
12 under sections 301.550 to 301.573 of the date of license expiration and the
13 amount of the fee required for renewal. The notice shall be mailed at least ninety
14 days before the date of license expiration to the licensee's last known business
15 address. The director shall have the authority to issue licenses valid for a period
16 of up to two years and to stagger the license periods for administrative efficiency
17 and equalization of workload, at the sole discretion of the director.

18 3. Every manufacturer, boat manufacturer, motor vehicle dealer,
19 wholesale motor vehicle dealer, wholesale motor vehicle auction, boat dealer or
20 public motor vehicle auction shall make application to the department for
21 issuance of a license. The application shall be on forms prescribed by the
22 department and shall be issued under the terms and provisions of sections
23 301.550 to 301.573 and require all applicants, as a condition precedent to the
24 issuance of a license, to provide such information as the department may deem
25 necessary to determine that the applicant is bona fide and of good moral
26 character, except that every application for a license shall contain, in addition to
27 such information as the department may require, a statement to the following
28 facts:

29 (1) The name and business address, not a post office box, of the applicant
30 and the fictitious name, if any, under which he intends to conduct his business;
31 and if the applicant be a partnership, the name and residence address of each
32 partner, an indication of whether the partner is a limited or general partner and
33 the name under which the partnership business is to be conducted. In the event
34 that the applicant is a corporation, the application shall list the names of the
35 principal officers of the corporation and the state in which it is
36 incorporated. Each application shall be verified by the oath or affirmation of the
37 applicant, if an individual, or in the event an applicant is a partnership or
38 corporation, then by a partner or officer;

39 (2) Whether the application is being made for registration as a
40 manufacturer, boat manufacturer, new motor vehicle franchise dealer, used motor
41 vehicle dealer, wholesale motor vehicle dealer, boat dealer, wholesale motor
42 vehicle auction or a public motor vehicle auction;

43 (3) When the application is for a new motor vehicle franchise dealer, the
44 application shall be accompanied by a copy of the franchise agreement in the

45 registered name of the dealership setting out the appointment of the applicant as
46 a franchise holder and it shall be signed by the manufacturer, or his authorized
47 agent, or the distributor, or his authorized agent, and shall include a description
48 of the make of all motor vehicles covered by the franchise. The department shall
49 not require a copy of the franchise agreement to be submitted with each renewal
50 application unless the applicant is now the holder of a franchise from a different
51 manufacturer or distributor from that previously filed, or unless a new term of
52 agreement has been entered into;

53 (4) When the application is for a public motor vehicle auction, that the
54 public motor vehicle auction has met the requirements of section 301.561.

55 4. No insurance company, finance company, credit union, savings and loan
56 association, bank or trust company shall be required to obtain a license from the
57 department in order to sell any motor vehicle, trailer or vessel repossessed or
58 purchased by the company on the basis of total destruction or theft thereof when
59 the sale of the motor vehicle, trailer or vessel is in conformance with applicable
60 title and registration laws of this state.

61 5. No person shall be issued a license to conduct a public motor vehicle
62 auction or wholesale motor vehicle auction if such person has a violation of
63 sections 301.550 to 301.573 or other violations of chapter 301, sections 407.511
64 to 407.556, or section 578.120 which resulted in a felony conviction or finding of
65 guilt or a violation of any federal motor vehicle laws which resulted in a felony
66 conviction or finding of guilt.

339.100. 1. The commission may, upon its own motion, and shall upon
2 receipt of a written complaint filed by any person, investigate any real
3 estate-related activity of a licensee licensed under sections 339.010 to 339.180
4 and sections 339.710 to 339.860 or an individual or entity acting as or
5 representing themselves as a real estate licensee. In conducting such
6 investigation, if the questioned activity or written complaint involves an affiliated
7 licensee, the commission may forward a copy of the information received to the
8 affiliated licensee's designated broker. The commission shall have the power to
9 hold an investigatory hearing to determine whether there is a probability of a
10 violation of sections 339.010 to 339.180 and sections 339.710 to 339.860. The
11 commission shall have the power to issue a subpoena to compel the production of
12 records and papers bearing on the complaint. The commission shall have the
13 power to issue a subpoena and to compel any person in this state to come before
14 the commission to offer testimony or any material specified in the

15 subpoena. Subpoenas and subpoenas duces tecum issued pursuant to this section
16 shall be served in the same manner as subpoenas in a criminal case. The fees
17 and mileage of witnesses shall be the same as that allowed in the circuit court in
18 civil cases.

19 2. The commission may cause a complaint to be filed with the
20 administrative hearing commission as provided by the provisions of chapter 621
21 against any person or entity licensed under this chapter or any licensee who has
22 failed to renew or has surrendered his or her individual or entity license for any
23 one or any combination of the following acts:

24 (1) Failure to maintain and deposit in a special account, separate and
25 apart from his or her personal or other business accounts, all moneys belonging
26 to others entrusted to him or her while acting as a real estate broker or as the
27 temporary custodian of the funds of others, until the transaction involved is
28 consummated or terminated, unless all parties having an interest in the funds
29 have agreed otherwise in writing;

30 (2) Making substantial misrepresentations or false promises or
31 suppression, concealment or omission of material facts in the conduct of his or her
32 business or pursuing a flagrant and continued course of misrepresentation
33 through agents, salespersons, advertising or otherwise in any transaction;

34 (3) Failing within a reasonable time to account for or to remit any moneys,
35 valuable documents or other property, coming into his or her possession, which
36 belongs to others;

37 (4) Representing to any lender, guaranteeing agency, or any other
38 interested party, either verbally or through the preparation of false documents,
39 an amount in excess of the true and actual sale price of the real estate or terms
40 differing from those actually agreed upon;

41 (5) Failure to timely deliver a duplicate original of any and all
42 instruments to any party or parties executing the same where the instruments
43 have been prepared by the licensee or under his or her supervision or are within
44 his or her control, including, but not limited to, the instruments relating to the
45 employment of the licensee or to any matter pertaining to the consummation of
46 a lease, listing agreement or the purchase, sale, exchange or lease of property, or
47 any type of real estate transaction in which he or she may participate as a
48 licensee;

49 (6) Acting for more than one party in a transaction without the knowledge
50 of all parties for whom he or she acts, or accepting a commission or valuable

51 consideration for services from more than one party in a real estate transaction
52 without the knowledge of all parties to the transaction;

53 (7) Paying a commission or valuable consideration to any person for acts
54 or services performed in violation of sections 339.010 to 339.180 and sections
55 339.710 to 339.860;

56 (8) Guaranteeing or having authorized or permitted any licensee to
57 guarantee future profits which may result from the resale of real property;

58 (9) Having been finally adjudicated and been found guilty of the violation
59 of any state or federal statute which governs the sale or rental of real property
60 or the conduct of the real estate business as defined in subsection 1 of section
61 339.010;

62 (10) Obtaining a certificate or registration of authority, permit or license
63 for himself or herself or anyone else by false or fraudulent representation, fraud
64 or deceit;

65 (11) Representing a real estate broker other than the broker with whom
66 associated without the express written consent of the broker with whom
67 associated;

68 (12) Accepting a commission or valuable consideration for the performance
69 of any of the acts referred to in section 339.010 from any person except the broker
70 with whom associated at the time the commission or valuable consideration was
71 earned;

72 (13) Using prizes, money, gifts or other valuable consideration as
73 inducement to secure customers or clients to purchase, lease, sell or list property
74 when the awarding of such prizes, money, gifts or other valuable consideration
75 is conditioned upon the purchase, lease, sale or listing; or soliciting, selling or
76 offering for sale real property by offering free lots, or conducting lotteries or
77 contests, or offering prizes for the purpose of influencing a purchaser or
78 prospective purchaser of real property;

79 (14) Placing a sign on or advertising any property offering it for sale or
80 rent without the written consent of the owner or his or her duly authorized agent;

81 (15) Violation of, or attempting to violate, directly or indirectly, or
82 assisting or enabling any person to violate, any provision of sections 339.010 to
83 339.180 and sections 339.710 to 339.860, or of any lawful rule adopted pursuant
84 to sections 339.010 to 339.180 and sections 339.710 to 339.860;

85 (16) Committing any act which would otherwise be grounds for the
86 commission to refuse to issue a license under section 339.040;

87 (17) Failure to timely inform seller of all written offers unless otherwise
88 instructed in writing by the seller;

89 (18) Been finally adjudicated and found guilty[, or entered a plea of guilty
90 or nolo contendere,] in a criminal prosecution under the laws of this state or any
91 other state or of the United States, for any offense reasonably related to the
92 qualifications, functions or duties of any profession licensed or regulated under
93 this chapter, for any offense an essential element of which is fraud, dishonesty
94 or an act of violence, or for any offense involving moral turpitude, whether or not
95 sentence is imposed;

96 (19) Any other conduct which constitutes untrustworthy, improper or
97 fraudulent business dealings, demonstrates bad faith or incompetence,
98 misconduct, or gross negligence;

99 (20) Disciplinary action against the holder of a license or other right to
100 practice any profession regulated under sections 339.010 to 339.180 and sections
101 339.710 to 339.860 granted by another state, territory, federal agency, or country
102 upon grounds for which revocation, suspension, or probation is authorized in this
103 state;

104 (21) Been found by a court of competent jurisdiction of having used any
105 controlled substance, as defined in chapter 195, to the extent that such use
106 impairs a person's ability to perform the work of any profession licensed or
107 regulated by sections 339.010 to 339.180 and sections 339.710 to 339.860;

108 (22) Been finally adjudged insane or incompetent by a court of competent
109 jurisdiction;

110 (23) Assisting or enabling any person to practice or offer to practice any
111 profession licensed or regulated under sections 339.010 to 339.180 and sections
112 339.710 to 339.860 who is not registered and currently eligible to practice under
113 sections 339.010 to 339.180 and sections 339.710 to 339.860;

114 (24) Use of any advertisement or solicitation which is knowingly false,
115 misleading or deceptive to the general public or persons to whom the
116 advertisement or solicitation is primarily directed;

117 (25) Making any material misstatement, misrepresentation, or omission
118 with regard to any application for licensure or license renewal. As used in this
119 section, "material" means important information about which the commission
120 should be informed and which may influence a licensing decision;

121 (26) Engaging in, committing, or assisting any person in engaging in or
122 committing mortgage fraud, as defined in section 443.930.

123 3. After the filing of such complaint, the proceedings will be conducted in
124 accordance with the provisions of law relating to the administrative hearing
125 commission. A finding of the administrative hearing commissioner that the
126 licensee has performed or attempted to perform one or more of the foregoing acts
127 shall be grounds for the suspension or revocation of his license by the
128 commission, or the placing of the licensee on probation on such terms and
129 conditions as the real estate commission shall deem appropriate, or the
130 imposition of a civil penalty by the commission not to exceed two thousand five
131 hundred dollars for each offense. Each day of a continued violation shall
132 constitute a separate offense.

133 4. The commission may prepare a digest of the decisions of the
134 administrative hearing commission which concern complaints against licensed
135 brokers or salespersons and cause such digests to be mailed to all licensees
136 periodically. Such digests may also contain reports as to new or changed rules
137 adopted by the commission and other information of significance to licensees.

138 5. Notwithstanding other provisions of this section, a broker or
139 salesperson's license shall be revoked, or in the case of an applicant, shall not be
140 issued, if the licensee or applicant has pleaded guilty to, entered a plea of nolo
141 contendere to, or been found guilty of any of the following offenses or offenses of
142 a similar nature established under the laws of this, any other state, the United
143 States, or any other country, notwithstanding whether sentence is imposed:

144 (1) Any dangerous felony as defined under section 556.061 or murder in
145 the first degree;

146 (2) Any of the following sexual offenses: rape in the first degree, forcible
147 rape, rape, statutory rape in the first degree, statutory rape in the second degree,
148 rape in the second degree, sexual assault, sodomy in the first degree, forcible
149 sodomy, statutory sodomy in the first degree, statutory sodomy in the second
150 degree, child molestation in the first degree, child molestation in the second
151 degree, sodomy in the second degree, deviate sexual assault, sexual misconduct
152 involving a child, sexual misconduct in the first degree under section 566.090 as
153 it existed prior to August 28, 2013, sexual abuse under section 566.100 as it
154 existed prior to August 28, 2013, sexual abuse in the first or second degree,
155 enticement of a child, or attempting to entice a child;

156 (3) Any of the following offenses against the family and related offenses:
157 incest, abandonment of a child in the first degree, abandonment of a child in the
158 second degree, endangering the welfare of a child in the first degree, abuse of a

159 child, using a child in a sexual performance, promoting sexual performance by a
160 child, or trafficking in children;

161 (4) Any of the following offenses involving child pornography and related
162 offenses: promoting obscenity in the first degree, promoting obscenity in the
163 second degree when the penalty is enhanced to a class [D] E felony, promoting
164 child pornography in the first degree, promoting child pornography in the second
165 degree, possession of child pornography in the first degree, possession of child
166 pornography in the second degree, furnishing child pornography to a minor,
167 furnishing pornographic materials to minors, or coercing acceptance of obscene
168 material; and

169 (5) Mortgage fraud as defined in section 570.310.

170 6. A person whose license was revoked under subsection 5 of this section
171 may appeal such revocation to the administrative hearing commission. Notice of
172 such appeal must be received by the administrative hearing commission within
173 ninety days of mailing, by certified mail, the notice of revocation. Failure of a
174 person whose license was revoked to notify the administrative hearing
175 commission of his or her intent to appeal waives all rights to appeal the
176 revocation. Upon notice of such person's intent to appeal, a hearing shall be held
177 before the administrative hearing commission.

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

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

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

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

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

13 (b) The office in which to file a financing statement to perfect a security
14 interest in collateral, including fixtures, of a transmitting utility is the office of
15 the secretary of state. The financing statement also constitutes a fixture filing
16 as to the collateral indicated in the financing statement which is or is to become
17 fixtures.

18 (c) A person shall not knowingly or intentionally file, attempt to file, or
19 record any document related to real property with a recorder of deeds under
20 chapter 59 or a financing statement with the secretary of state under subdivision
21 (2) of subsection (a) or subsection (b) of this section, with the intent that such
22 document or statement be used to harass or defraud any other person or
23 knowingly or intentionally file, attempt to file, or record such a document or
24 statement that is materially false or fraudulent.

25 (1) A person who violates this subsection shall be guilty of a class [D] E
26 felony.

27 (2) If a person is convicted of a violation under this subsection, the court
28 may order restitution.

29 (d) In the alternative to the provisions of sections 428.105 through
30 428.135, if a person files a false or fraudulent financing statement with the
31 secretary of state under subdivision (2) of subsection (a) or subsection (b) of this
32 section, a debtor named in that financing statement may file an action against
33 the person that filed the financing statement seeking appropriate equitable relief,
34 actual damages, or punitive damages, including, but not limited to, reasonable
35 attorney fees.

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

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

15 3. If murder in the first degree is submitted and the death penalty was
16 not waived but the trier finds the defendant guilty of a lesser homicide, a second
17 stage of the trial shall proceed [at which the only issue shall be the punishment
18 to be assessed and declared. No further evidence shall be received. If the trier

19 is a jury it shall be instructed on the law] **as in all other criminal cases**. The
20 attorneys may then argue as in other criminal cases the issue of punishment,
21 after which the trier shall assess and declare the punishment as in all other
22 criminal cases.

23 4. If the trier at the first stage of a trial where the death penalty was not
24 waived finds the defendant guilty of murder in the first degree, a second stage of
25 the trial shall proceed at which the only issue shall be the punishment to be
26 assessed and declared. Evidence in aggravation and mitigation of punishment,
27 including but not limited to evidence supporting any of the aggravating or
28 mitigating circumstances listed in subsection 2 or 3 of section 565.032, may be
29 presented subject to the rules of evidence at criminal trials. Such evidence may
30 include, within the discretion of the court, evidence concerning the murder victim
31 and the impact of the [crime] **offense** upon the family of the victim and
32 others. Rebuttal and surrebuttal evidence may be presented. The state shall be
33 the first to proceed. If the trier is a jury it shall be instructed on the law. The
34 attorneys may then argue the issue of punishment to the jury, and the state shall
35 have the right to open and close the argument. The trier shall assess and declare
36 the punishment at life imprisonment without eligibility for probation, parole, or
37 release except by act of the governor:

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

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

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

48 (4) If the trier decides under all of the circumstances not to assess and
49 declare the punishment at death. If the trier is a jury it shall be so instructed.
50 If the trier assesses and declares the punishment at death it shall, in its findings
51 or verdict, set out in writing the aggravating circumstance or circumstances listed
52 in subsection 2 of section 565.032 which it found beyond a reasonable doubt. If
53 the trier is a jury it shall be instructed before the case is submitted that if it is
54 unable to decide or agree upon the punishment the court shall assess and declare

55 the punishment at life imprisonment without eligibility for probation, parole, or
56 release except by act of the governor or death. The court shall follow the same
57 procedure as set out in this section whenever it is required to determine
58 punishment for murder in the first degree.

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

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

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

565.032. 1. In all cases of murder in the first degree for which the death
2 penalty is authorized, the judge in a jury-waived trial shall consider, or [he] shall
3 include in his **or her** instructions to the jury for it to consider:

4 (1) Whether a statutory aggravating circumstance or circumstances
5 enumerated in subsection 2 of this section is established by the evidence beyond
6 a reasonable doubt; and

7 (2) If a statutory aggravating circumstance or circumstances is proven
8 beyond a reasonable doubt, whether the evidence as a whole justifies a sentence
9 of death or a sentence of life imprisonment without eligibility for probation,
10 parole, or release except by act of the governor. In determining the issues
11 enumerated in subdivisions (1) and (2) of this subsection, the trier shall consider
12 all evidence which it finds to be in aggravation or mitigation of punishment,
13 including evidence received during the first stage of the trial and evidence
14 supporting any of the statutory aggravating or mitigating circumstances set out
15 in subsections 2 and 3 of this section. If the trier is a jury, it shall not be
16 instructed upon any specific evidence which may be in aggravation or mitigation
17 of punishment, but shall be instructed that each juror shall consider any evidence
18 which he **or she** considers to be aggravating or mitigating.

19 2. Statutory aggravating circumstances for a murder in the first degree
20 offense shall be limited to the following:

21 (1) The offense was committed by a person with a prior record of
22 conviction for murder in the first degree, or the offense was committed by a
23 person who has one or more serious assaultive criminal convictions;

24 (2) The murder in the first degree offense was committed while the
25 offender was engaged in the commission or attempted commission of another
26 unlawful homicide;

27 (3) The offender by his **or her** act of murder in the first degree knowingly
28 created a great risk of death to more than one person by means of a weapon or
29 device which would normally be hazardous to the lives of more than one person;

30 (4) The offender committed the offense of murder in the first degree for
31 himself **or herself** or another, for the purpose of receiving money or any other
32 thing of monetary value from the victim of the murder or another;

33 (5) The murder in the first degree was committed against a judicial
34 officer, former judicial officer, prosecuting attorney or former prosecuting
35 attorney, circuit attorney or former circuit attorney, assistant prosecuting
36 attorney or former assistant prosecuting attorney, assistant circuit attorney or
37 former assistant circuit attorney, peace officer or former peace officer, elected
38 official or former elected official during or because of the exercise of his official
39 duty;

40 (6) The offender caused or directed another to commit murder in the first
41 degree or committed murder in the first degree as an agent or employee of
42 another person;

43 (7) The murder in the first degree was outrageously or wantonly vile,
44 horrible or inhuman in that it involved torture, or depravity of mind;

45 (8) The murder in the first degree was committed against any peace
46 officer, or fireman while engaged in the performance of his **or her** official duty;

47 (9) The murder in the first degree was committed by a person in, or who
48 has escaped from, the lawful custody of a peace officer or place of lawful
49 confinement;

50 (10) The murder in the first degree was committed for the purpose of
51 avoiding, interfering with, or preventing a lawful arrest or custody in a place of
52 lawful confinement, of himself **or herself** or another;

53 (11) The murder in the first degree was committed while the defendant
54 was engaged in the perpetration or was aiding or encouraging another person to

55 perpetrate or attempt to perpetrate a felony of any degree of rape, sodomy,
56 burglary, robbery, kidnapping, or any felony offense in chapter [195] 579;

57 (12) The murdered individual was a witness or potential witness in any
58 past or pending investigation or past or pending prosecution, and was killed as
59 a result of his **or her** status as a witness or potential witness;

60 (13) The murdered individual was an employee of an institution or facility
61 of the department of corrections of this state or local correction agency and was
62 killed in the course of performing his **or her** official duties, or the murdered
63 individual was an inmate of such institution or facility;

64 (14) The murdered individual was killed as a result of the hijacking of an
65 airplane, train, ship, bus or other public conveyance;

66 (15) The murder was committed for the purpose of concealing or
67 attempting to conceal any felony offense defined in chapter [195] 579;

68 (16) The murder was committed for the purpose of causing or attempting
69 to cause a person to refrain from initiating or aiding in the prosecution of a felony
70 offense defined in chapter [195] 579;

71 (17) The murder was committed during the commission of [a crime] **an**
72 **offense** which is part of a pattern of criminal street gang activity as defined in
73 section 578.421.

74 3. Statutory mitigating circumstances shall include the following:

75 (1) The defendant has no significant history of prior criminal activity;

76 (2) The murder in the first degree was committed while the defendant was
77 under the influence of extreme mental or emotional disturbance;

78 (3) The victim was a participant in the defendant's conduct or consented
79 to the act;

80 (4) The defendant was an accomplice in the murder in the first degree
81 committed by another person and his **or her** participation was relatively minor;

82 (5) The defendant acted under extreme duress or under the substantial
83 domination of another person;

84 (6) The capacity of the defendant to appreciate the criminality of his **or**
85 **her** conduct or to conform his **or her** conduct to the requirements of law was
86 substantially impaired;

87 (7) The age of the defendant at the time of the [crime] **offense**.

565.040. 1. In the event that the death penalty provided in this chapter
2 is held to be unconstitutional, any person convicted of murder in the first degree
3 shall be sentenced by the court to life imprisonment without eligibility for

4 probation, parole, or release except by act of the governor, with the exception that
5 when a specific aggravating circumstance found in a case is held to be
6 unconstitutional or invalid for another reason, the supreme court of Missouri is
7 further authorized to remand the case for resentencing or retrial of the
8 punishment pursuant to subsection 5 of section [565.036] **565.035**.

9 2. In the event that any death sentence imposed pursuant to this chapter
10 is held to be unconstitutional, the trial court which previously sentenced the
11 defendant to death shall cause the defendant to be brought before the court and
12 shall sentence the defendant to life imprisonment without eligibility for
13 probation, parole, or release except by act of the governor, with the exception that
14 when a specific aggravating circumstance found in a case is held to be
15 inapplicable, unconstitutional or invalid for another reason, the supreme court
16 of Missouri is further authorized to remand the case for retrial of the punishment
17 pursuant to subsection 5 of section 565.035.

 565.188. 1. When any adult day care worker; chiropractor; Christian
2 Science practitioner; coroner; dentist; embalmer; employee of the departments of
3 social services, mental health, or health and senior services; employee of a local
4 area agency on aging or an organized area agency on aging program; funeral
5 director; home health agency or home health agency employee; hospital and clinic
6 personnel engaged in examination, care, or treatment of persons; in-home services
7 owner, provider, operator, or employee; law enforcement officer; long-term care
8 facility administrator or employee; medical examiner; medical resident or intern;
9 mental health professional; minister; nurse; nurse practitioner; optometrist; other
10 health practitioner; peace officer; pharmacist; physical therapist; physician;
11 physician's assistant; podiatrist; probation or parole officer; psychologist; social
12 worker; or other person with responsibility for the care of [a person sixty years
13 of age or older] **an eligible adult as "eligible adult" is defined under**
14 **section 192.2400** has reasonable cause to suspect that [such a person] **the**
15 **eligible adult** has been subjected to abuse or neglect or observes [such a person]
16 **the eligible adult** being subjected to conditions or circumstances which would
17 reasonably result in abuse or neglect, he or she shall immediately report or cause
18 a report to be made to the department in accordance with the provisions of
19 sections 192.2400 to 192.2470. Any other person who becomes aware of
20 circumstances which may reasonably be expected to be the result of or result in
21 abuse or neglect may report to the department.

22 2. Any person who knowingly fails to make a report as required in

23 subsection 1 of this section is guilty of a class A misdemeanor.

24 3. Any person who purposely files a false report of elder abuse or neglect
25 is guilty of a class A misdemeanor.

26 4. Every person who has been previously convicted of or pled guilty to
27 making a false report to the department and who is subsequently convicted of
28 making a false report under subsection 3 of this section is guilty of a class D
29 felony.

30 5. Evidence of prior convictions of false reporting shall be heard by the
31 court, out of the hearing of the jury, prior to the submission of the case to the
32 jury, and the court shall determine the existence of the prior convictions.

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

6 2. A person commits the offense of stalking in the first degree if he or she
7 purposely, through his or her course of conduct, disturbs or follows with the
8 intent of disturbing another person and:

9 (1) Makes a threat communicated with the intent to cause the person who
10 is the target of the threat to reasonably fear for his or her safety, the safety of his
11 or her family or household member, or the safety of domestic animals or livestock
12 as defined in section 276.606 kept at such person's residence or on such person's
13 property. The threat shall be against the life of, or a threat to cause physical
14 injury to, or the kidnapping of the person, the person's family or household
15 members, or the person's domestic animals or livestock as defined in section
16 276.606 kept at such person's residence or on such person's property; or

17 (2) At least one of the acts constituting the course of conduct is in
18 violation of an order of protection and the person has received actual notice of
19 such order; or

20 (3) At least one of the actions constituting the course of conduct is in
21 violation of a condition of probation, parole, pretrial release, or release on bond
22 pending appeal; or

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

26 (5) He or she has previously been found guilty of domestic assault,

27 violation of an order of protection, or any other crime where the other person was
28 the victim; or

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

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

36 4. This section shall not apply to activities of federal, state, county, or
37 municipal law enforcement officers conducting investigations of any violation of
38 federal, state, county, or municipal law.

39 5. The offense of stalking in the first degree is a class E felony, unless the
40 defendant has previously been found guilty of a violation of this section or section
41 565.227, or any offense committed in another jurisdiction which, if committed in
42 this state, would be chargeable or indictable as a violation of any offense listed
43 in this section or section 565.227, in which case stalking in the first degree is a
44 class D felony.

565.225. 1. As used in this section, the following terms shall mean:

2 (1) "Course of conduct", a pattern of conduct composed of two or more acts,
3 which may include communication by any means, over a period of time, however
4 short, evidencing a continuity of purpose. Constitutionally protected activity is
5 not included within the meaning of course of conduct. Such constitutionally
6 protected activity includes picketing or other organized protests;

7 (2) "Credible threat", a threat communicated with the intent to cause the
8 person who is the target of the threat to reasonably fear for his or her safety, or
9 the safety of his or her family, or household members or domestic animals or
10 livestock as defined in section 276.606 kept at such person's residence or on such
11 person's property. The threat must be against the life of, or a threat to cause
12 physical injury to, or the kidnapping of, the person, the person's family, or the
13 person's household members or domestic animals or livestock as defined in
14 section 276.606 kept at such person's residence or on such person's property;

15 (3) "Harasses", to engage in a course of conduct directed at a specific
16 person that serves no legitimate purpose, that would cause a reasonable person
17 under the circumstances to be frightened, intimidated, or emotionally distressed.

18 2. A person commits the crime of stalking if he or she purposely, through

19 his or her course of conduct, harasses or follows with the intent of harassing
20 another person.

21 3. A person commits the crime of aggravated stalking if he or she
22 purposely, through his or her course of conduct, harasses or follows with the
23 intent of harassing another person, and:

24 (1) Makes a credible threat; or

25 (2) At least one of the acts constituting the course of conduct is in
26 violation of an order of protection and the person has received actual notice of
27 such order; or

28 (3) At least one of the actions constituting the course of conduct is in
29 violation of a condition of probation, parole, pretrial release, or release on bond
30 pending appeal; or

31 (4) At any time during the course of conduct, the other person is
32 seventeen years of age or younger and the person harassing the other person is
33 twenty-one years of age or older; or

34 (5) He or she has previously pleaded guilty to or been found guilty of
35 domestic assault, violation of an order of protection, or any other crime where the
36 other person was the victim; or

37 **(6) At any time during the course of conduct, the other person is**
38 **a participant of the address confidentiality program under sections**
39 **589.660 to 589.681, and the person harassing the other person**
40 **knowingly accesses or attempts to access the address of the other**
41 **person.**

42 4. The crime of stalking shall be a class A misdemeanor unless the person
43 has previously pleaded guilty to or been found guilty of a violation of this section,
44 or of any offense committed in violation of any county or municipal ordinance in
45 any state, any state law, any federal law, or any military law which, if committed
46 in this state, would be chargeable or indictable as a violation of any offense listed
47 in this section, in which case stalking shall be a class D felony.

48 5. The crime of aggravated stalking shall be a class D felony unless the
49 person has previously pleaded guilty to or been found guilty of a violation of this
50 section, or of any offense committed in violation of any county or municipal
51 ordinance in any state, any state law, any federal law, or any military law which,
52 if committed in this state, would be chargeable or indictable as a violation of any
53 offense listed in this section, aggravated stalking shall be a class C felony.

54 6. Any law enforcement officer may arrest, without a warrant, any person

55 he or she has probable cause to believe has violated the provisions of this section.

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

571.020. 1. A person commits [a crime] **an offense** if such person
2 knowingly possesses, manufactures, transports, repairs, or sells:

3 (1) An explosive weapon;

4 (2) An explosive, incendiary or poison substance or material with the
5 purpose to possess, manufacture or sell an explosive weapon;

6 (3) A gas gun;

7 (4) A bullet or projectile which explodes or detonates upon impact because
8 of an independent explosive charge after having been shot from a firearm; or

9 (5) Knuckles; or

10 (6) Any of the following in violation of federal law:

11 (a) A machine gun;

12 (b) A short-barreled rifle or shotgun;

13 (c) A firearm silencer; or

14 (d) A switchblade knife.

15 2. A person does not commit [a crime] **an offense** pursuant to this
16 section if his **or her** conduct involved any of the items in subdivisions (1) to (5)
17 of subsection 1, the item was possessed in conformity with any applicable federal
18 law, and the conduct:

19 (1) Was incident to the performance of official duty by the Armed Forces,
20 National Guard, a governmental law enforcement agency, or a penal institution;
21 or

22 (2) Was incident to engaging in a lawful commercial or business
23 transaction with an organization enumerated in subdivision (1) of this section; or

24 (3) Was incident to using an explosive weapon in a manner reasonably
25 related to a lawful industrial or commercial enterprise; or

26 (4) Was incident to displaying the weapon in a public museum or
27 exhibition; or

28 (5) Was incident to using the weapon in a manner reasonably related to
29 a lawful dramatic performance.

30 3. [A crime] **An offense** pursuant to subdivision (1), (2), (3) or (6) of
31 subsection 1 of this section is a class [C] **D** felony; a crime pursuant to
32 subdivision (4) or (5) of subsection 1 of this section is a class A misdemeanor.

571.030. 1. A person commits the [crime] **offense** of unlawful use of
2 weapons if he or she knowingly:

3 (1) Carries concealed upon or about his or her person a knife, a firearm,
4 a blackjack or any other weapon readily capable of lethal use; or

5 (2) Sets a spring gun; or

6 (3) Discharges or shoots a firearm into a dwelling house, a railroad train,
7 boat, aircraft, or motor vehicle as defined in section 302.010, or any building or
8 structure used for the assembling of people; or

9 (4) Exhibits, in the presence of one or more persons, any weapon readily
10 capable of lethal use in an angry or threatening manner; or

11 (5) Has a firearm or projectile weapon readily capable of lethal use on his
12 or her person, while he or she is intoxicated, and handles or otherwise uses such
13 firearm or projectile weapon in either a negligent or unlawful manner or
14 discharges such firearm or projectile weapon unless acting in self-defense; or

15 (6) Discharges a firearm within one hundred yards of any occupied
16 schoolhouse, courthouse, or church building; or

17 (7) Discharges or shoots a firearm at a mark, at any object, or at random,
18 on, along or across a public highway or discharges or shoots a firearm into any
19 outbuilding; or

20 (8) Carries a firearm or any other weapon readily capable of lethal use
21 into any church or place where people have assembled for worship, or into any
22 election precinct on any election day, or into any building owned or occupied by
23 any agency of the federal government, state government, or political subdivision
24 thereof; or

25 (9) Discharges or shoots a firearm at or from a motor vehicle, as defined
26 in section 301.010, discharges or shoots a firearm at any person, or at any other
27 motor vehicle, or at any building or habitable structure, unless the person was
28 lawfully acting in self-defense; or

29 (10) Carries a firearm, whether loaded or unloaded, or any other weapon
30 readily capable of lethal use into any school, onto any school bus, or onto the
31 premises of any function or activity sponsored or sanctioned by school officials or
32 the district school board; or

33 (11) Possesses a firearm while also knowingly in possession of a controlled
34 substance that is sufficient for a felony violation of section 195.202.

35 2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not
36 apply to the persons described in this subsection, regardless of whether such uses

37 are reasonably associated with or are necessary to the fulfillment of such person's
38 official duties except as otherwise provided in this subsection. Subdivisions (3),
39 (4), (6), (7), and (9) of subsection 1 of this section shall not apply to or affect any
40 of the following persons, when such uses are reasonably associated with or are
41 necessary to the fulfillment of such person's official duties, except as otherwise
42 provided in this subsection:

43 (1) All state, county and municipal peace officers who have completed the
44 training required by the police officer standards and training commission
45 pursuant to sections 590.030 to 590.050 and who possess the duty and power of
46 arrest for violation of the general criminal laws of the state or for violation of
47 ordinances of counties or municipalities of the state, whether such officers are on
48 or off duty, and whether such officers are within or outside of the law
49 enforcement agency's jurisdiction, or all qualified retired peace officers, as defined
50 in subsection 12 of this section, and who carry the identification defined in
51 subsection 13 of this section, or any person summoned by such officers to assist
52 in making arrests or preserving the peace while actually engaged in assisting
53 such officer;

54 (2) Wardens, superintendents and keepers of prisons, penitentiaries, jails
55 and other institutions for the detention of persons accused or convicted of crime;

56 (3) Members of the Armed Forces or National Guard while performing
57 their official duty;

58 (4) Those persons vested by Article V, Section 1 of the Constitution of
59 Missouri with the judicial power of the state and those persons vested by Article
60 III of the Constitution of the United States with the judicial power of the United
61 States, the members of the federal judiciary;

62 (5) Any person whose bona fide duty is to execute process, civil or
63 criminal;

64 (6) Any federal probation officer or federal flight deck officer as defined
65 under the federal flight deck officer program, 49 U.S.C. Section 44921 regardless
66 of whether such officers are on duty, or within the law enforcement agency's
67 jurisdiction;

68 (7) Any state probation or parole officer, including supervisors and
69 members of the board of probation and parole;

70 (8) Any corporate security advisor meeting the definition and fulfilling the
71 requirements of the regulations established by the department of public safety
72 under section 590.750;

73 (9) Any coroner, deputy coroner, medical examiner, or assistant medical
74 examiner;

75 (10) Any prosecuting attorney or assistant prosecuting attorney, circuit
76 attorney or assistant circuit attorney, or any person appointed by a court to be
77 a special prosecutor who has completed the firearms safety training course
78 required under subsection 2 of section 571.111;

79 (11) Any member of a fire department or fire protection district who is
80 employed on a full-time basis as a fire investigator and who has a valid concealed
81 carry endorsement issued prior to August 28, 2013, or a valid concealed carry
82 permit under section 571.111 when such uses are reasonably associated with or
83 are necessary to the fulfillment of such person's official duties; and

84 (12) Upon the written approval of the governing body of a fire department
85 or fire protection district, any paid fire department or fire protection district chief
86 who is employed on a full-time basis and who has a valid concealed carry
87 endorsement issued prior to August 28, 2013, or a valid concealed carry permit,
88 when such uses are reasonably associated with or are necessary to the fulfillment
89 of such person's official duties.

90 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not
91 apply when the actor is transporting such weapons in a nonfunctioning state or
92 in an unloaded state when ammunition is not readily accessible or when such
93 weapons are not readily accessible. Subdivision (1) of subsection 1 of this section
94 does not apply to any person nineteen years of age or older or eighteen years of
95 age or older and a member of the United States Armed Forces, or honorably
96 discharged from the United States Armed Forces, transporting a concealable
97 firearm in the passenger compartment of a motor vehicle, so long as such
98 concealable firearm is otherwise lawfully possessed, nor when the actor is also in
99 possession of an exposed firearm or projectile weapon for the lawful pursuit of
100 game, or is in his or her dwelling unit or upon premises over which the actor has
101 possession, authority or control, or is traveling in a continuous journey peaceably
102 through this state. Subdivision (10) of subsection 1 of this section does not apply
103 if the firearm is otherwise lawfully possessed by a person while traversing school
104 premises for the purposes of transporting a student to or from school, or
105 possessed by an adult for the purposes of facilitation of a school-sanctioned
106 firearm-related event or club event.

107 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not
108 apply to any person who has a valid concealed carry permit issued pursuant to

109 sections 571.101 to 571.121, a valid concealed carry endorsement issued before
110 August 28, 2013, or a valid permit or endorsement to carry concealed firearms
111 issued by another state or political subdivision of another state.

112 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this
113 section shall not apply to persons who are engaged in a lawful act of defense
114 pursuant to section 563.031.

115 6. Notwithstanding any provision of this section to the contrary, the state
116 shall not prohibit any state employee from having a firearm in the employee's
117 vehicle on the state's property provided that the vehicle is locked and the firearm
118 is not visible. This subsection shall only apply to the state as an employer when
119 the state employee's vehicle is on property owned or leased by the state and the
120 state employee is conducting activities within the scope of his or her
121 employment. For the purposes of this subsection, "state employee" means an
122 employee of the executive, legislative, or judicial branch of the government of the
123 state of Missouri.

124 7. Nothing in this section shall make it unlawful for a student to actually
125 participate in school-sanctioned gun safety courses, student military or ROTC
126 courses, or other school-sponsored or club-sponsored firearm-related events,
127 provided the student does not carry a firearm or other weapon readily capable of
128 lethal use into any school, onto any school bus, or onto the premises of any other
129 function or activity sponsored or sanctioned by school officials or the district
130 school board.

131 8. Unlawful use of weapons is a class **[D] E** felony unless committed
132 pursuant to subdivision (6), (7), or (8) of subsection 1 of this section, in which
133 cases it is a class B misdemeanor, or subdivision (5) or (10) of subsection 1 of this
134 section, in which case it is a class A misdemeanor if the firearm is unloaded and
135 a class **[D] E** felony if the firearm is loaded, or subdivision (9) of subsection 1 of
136 this section, in which case it is a class B felony, except that if the violation of
137 subdivision (9) of subsection 1 of this section results in injury or death to another
138 person, it is a class A felony.

139 9. Violations of subdivision (9) of subsection 1 of this section shall be
140 punished as follows:

141 (1) For the first violation a person shall be sentenced to the maximum
142 authorized term of imprisonment for a class B felony;

143 (2) For any violation by a prior offender as defined in section 558.016, a
144 person shall be sentenced to the maximum authorized term of imprisonment for

145 a class B felony without the possibility of parole, probation or conditional release
146 for a term of ten years;

147 (3) For any violation by a persistent offender as defined in section
148 558.016, a person shall be sentenced to the maximum authorized term of
149 imprisonment for a class B felony without the possibility of parole, probation, or
150 conditional release;

151 (4) For any violation which results in injury or death to another person,
152 a person shall be sentenced to an authorized disposition for a class A felony.

153 10. Any person knowingly aiding or abetting any other person in the
154 violation of subdivision (9) of subsection 1 of this section shall be subject to the
155 same penalty as that prescribed by this section for violations by other persons.

156 11. Notwithstanding any other provision of law, no person who pleads
157 guilty to or is found guilty of a felony violation of subsection 1 of this section shall
158 receive a suspended imposition of sentence if such person has previously received
159 a suspended imposition of sentence for any other firearms- or weapons-related
160 felony offense.

161 12. As used in this section "qualified retired peace officer" means an
162 individual who:

163 (1) Retired in good standing from service with a public agency as a peace
164 officer, other than for reasons of mental instability;

165 (2) Before such retirement, was authorized by law to engage in or
166 supervise the prevention, detection, investigation, or prosecution of, or the
167 incarceration of any person for, any violation of law, and had statutory powers of
168 arrest;

169 (3) Before such retirement, was regularly employed as a peace officer for
170 an aggregate of fifteen years or more, or retired from service with such agency,
171 after completing any applicable probationary period of such service, due to a
172 service-connected disability, as determined by such agency;

173 (4) Has a nonforfeitable right to benefits under the retirement plan of the
174 agency if such a plan is available;

175 (5) During the most recent twelve-month period, has met, at the expense
176 of the individual, the standards for training and qualification for active peace
177 officers to carry firearms;

178 (6) Is not under the influence of alcohol or another intoxicating or
179 hallucinatory drug or substance; and

180 (7) Is not prohibited by federal law from receiving a firearm.

181 13. The identification required by subdivision (1) of subsection 2 of this
182 section is:

183 (1) A photographic identification issued by the agency from which the
184 individual retired from service as a peace officer that indicates that the individual
185 has, not less recently than one year before the date the individual is carrying the
186 concealed firearm, been tested or otherwise found by the agency to meet the
187 standards established by the agency for training and qualification for active peace
188 officers to carry a firearm of the same type as the concealed firearm; or

189 (2) A photographic identification issued by the agency from which the
190 individual retired from service as a peace officer; and

191 (3) A certification issued by the state in which the individual resides that
192 indicates that the individual has, not less recently than one year before the date
193 the individual is carrying the concealed firearm, been tested or otherwise found
194 by the state to meet the standards established by the state for training and
195 qualification for active peace officers to carry a firearm of the same type as the
196 concealed firearm.

 571.060. 1. A person commits the [crime] **offense** of unlawful transfer
2 of weapons if he:

3 (1) Knowingly sells, leases, loans, gives away or delivers a firearm or
4 ammunition for a firearm to any person who, under the provisions of section
5 571.070, is not lawfully entitled to possess such;

6 (2) Knowingly sells, leases, loans, gives away or delivers a blackjack to a
7 person less than eighteen years old without the consent of the child's custodial
8 parent or guardian, or recklessly, as defined in section 562.016, sells, leases,
9 loans, gives away or delivers any firearm to a person less than eighteen years old
10 without the consent of the child's custodial parent or guardian; provided, that this
11 does not prohibit the delivery of such weapons to any peace officer or member of
12 the Armed Forces or National Guard while performing his official duty; or

13 (3) Recklessly, as defined in section 562.016, sells, leases, loans, gives
14 away or delivers a firearm or ammunition for a firearm to a person who is
15 intoxicated.

16 2. Unlawful transfer of weapons under subdivision (1) of subsection 1 of
17 this section is a class [D] **E** felony; unlawful transfer of weapons under
18 subdivisions (2) and (3) of subsection 1 of this section is a class A misdemeanor.

 571.063. 1. As used in this section the following terms shall mean:

2 (1) "Ammunition", any cartridge, shell, or projectile designed for use in a

3 firearm;

4 (2) "Licensed dealer", a person who is licensed under 18 U.S.C. Section
5 923 to engage in the business of dealing in firearms;

6 (3) "Materially false information", any information that portrays an illegal
7 transaction as legal or a legal transaction as illegal;

8 (4) "Private seller", a person who sells or offers for sale any firearm, as
9 defined in section 571.010, or ammunition.

10 2. A person commits the crime of fraudulent purchase of a firearm if such
11 person:

12 (1) Knowingly solicits, persuades, encourages or entices a licensed dealer
13 or private seller of firearms or ammunition to transfer a firearm or ammunition
14 under circumstances which the person knows would violate the laws of this state
15 or the United States; or

16 (2) Provides to a licensed dealer or private seller of firearms or
17 ammunition what the person knows to be materially false information with intent
18 to deceive the dealer or seller about the legality of a transfer of a firearm or
19 ammunition; or

20 (3) Willfully procures another to violate the provisions of subdivision (1)
21 or (2) of this subsection.

22 3. Fraudulent purchase of a firearm is a class **[D] E** felony.

23 4. This section shall not apply to criminal investigations conducted by the
24 United States Bureau of Alcohol, Tobacco, Firearms and Explosives, authorized
25 agents of such investigations, or to a peace officer, as defined in section 542.261,
26 acting at the explicit direction of the United States Bureau of Alcohol, Tobacco,
27 Firearms and Explosives.

571.070. 1. A person commits the **[crime] offense** of unlawful possession
2 of a firearm if such person knowingly has any firearm in his or her possession
3 and:

4 (1) Such person has been convicted of a felony under the laws of this
5 state, or of a crime under the laws of any state or of the United States which, if
6 committed within this state, would be a felony; or

7 (2) Such person is a fugitive from justice, is habitually in an intoxicated
8 or drugged condition, or is currently adjudged mentally incompetent.

9 2. Unlawful possession of a firearm is a class **[C] D** felony.

10 3. The provisions of subdivision (1) of subsection 1 of this section shall not
11 apply to the possession of an antique firearm.

571.072. 1. A person commits the [crime] **offense** of unlawful possession
2 of an explosive weapon if he or she has any explosive weapon in his or her
3 possession and:

4 (1) He or she has pled guilty to or has been convicted of a dangerous
5 felony, as defined in section 556.061, or of an attempt to commit a dangerous
6 felony, or of [a crime] **an offense** under the laws of any state or of the United
7 States which, if committed within this state, would be a dangerous felony, or
8 confined therefor in this state or elsewhere during the five-year period
9 immediately preceding the date of such possession; or

10 (2) He or she is a fugitive from justice, is habitually in an intoxicated or
11 drugged condition, or is currently adjudged mentally incompetent.

12 2. Unlawful possession of an explosive weapon is a class [C] **D** felony.

578.005. As used in sections 578.005 to 578.023, the following terms shall
2 mean:

3 (1) "Adequate care", normal and prudent attention to the needs of an
4 animal, including wholesome food, clean water, shelter and health care as
5 necessary to maintain good health in a specific species of animal;

6 (2) ["Adequate control", to reasonably restrain or govern an animal so that
7 the animal does not injure itself, any person, any other animal, or property;

8 (3) "Animal", every living vertebrate except a human being;

9 [(4)] **(3)** "Animal shelter", a facility which is used to house or contain
10 animals and which is owned, operated, or maintained by a duly incorporated
11 humane society, animal welfare society, society for the prevention of cruelty to
12 animals, or other not-for-profit organization devoted to the welfare, protection,
13 and humane treatment of animals;

14 [(5)] **(4)** "Farm animal", an animal raised on a farm or ranch and used
15 or intended for use in farm or ranch production, or as food or fiber;

16 [(6)] **(5)** "Farm animal professional", any individual employed at a
17 location where farm animals are harbored;

18 [(7)] **(6)** "Harbor", to feed or shelter an animal at the same location for
19 three or more consecutive days;

20 [(8)] **(7)** "Humane killing", the destruction of an animal accomplished by
21 a method approved by the American Veterinary Medical Association's Panel on
22 Euthanasia (JAVMA 173: 59-72, 1978); or more recent editions, but animals killed
23 during the feeding of pet carnivores shall be considered humanely killed;

24 [(9)] **(8)** "Owner", in addition to its ordinary meaning, any person who

25 keeps or harbors an animal or professes to be owning, keeping, or harboring an
26 animal;

27 [(10)] **(9)** "Person", any individual, partnership, firm, joint stock
28 company, corporation, association, trust, estate, or other legal entity;

29 [(11)] **(10)** "Pests", birds, rabbits, or rodents which damage property or
30 have an adverse effect on the public health, but shall not include any endangered
31 species listed by the United States Department of the Interior nor any
32 endangered species listed in the Wildlife Code of Missouri.

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

3 (1) Care or treatment performed by a licensed veterinarian within the
4 provisions of chapter 340;

5 (2) Bona fide scientific experiments;

6 (3) Hunting, fishing, or trapping as allowed by chapter 252, including all
7 practices and privileges as allowed under the Missouri Wildlife Code;

8 (4) Facilities and publicly funded zoological parks currently in compliance
9 with the federal "Animal Welfare Act" as amended;

10 (5) Rodeo practices currently accepted by the Professional Rodeo Cowboy's
11 Association;

12 (6) The killing of an animal by the owner thereof, the agent of such owner,
13 or by a veterinarian at the request of the owner thereof;

14 (7) The lawful, humane killing of an animal by an animal control officer,
15 the operator of an animal shelter, a veterinarian, or law enforcement or health
16 official;

17 (8) With respect to farm animals, normal or accepted practices of animal
18 husbandry;

19 (9) The killing of an animal by any person at any time if such animal is
20 outside of the owned or rented property of the owner or custodian of such animal
21 and the animal is injuring any person or farm animal but shall not include police
22 or guard dogs while working;

23 (10) The killing of house or garden pests; or

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

 [578.011.] **578.040. 1. For purposes of this section, the following**
2 **terms shall mean:**

3 (1) "Adequate control", to reasonably restrain or govern an

4 **animal so that the animal does not injure itself, any person, any other**
5 **animal, or property;**

6 **(2) "Animal", any living vertebrate except a human being or**
7 **livestock as the term "livestock" is defined under section 265.300.**

8 **2. A person [is guilty] commits the offense of animal or livestock**
9 **trespass if a person:**

10 **(1) Having ownership or custody of an animal knowingly fails to provide**
11 **adequate control [for a period equal to or exceeding twelve hours] and the**
12 **animal trespasses onto another person's property; or**

13 **(2) Having ownership or custody of livestock as the term**
14 **"livestock" is defined under section 265.300 knowingly fails to provide**
15 **adequate control of the livestock for a period of twelve hours or more.**

16 **[2.] 3. The offense of animal or livestock trespass is an infraction**
17 **[upon first conviction and for each offense punishable by a fine not to exceed two**
18 **hundred dollars, and], unless the person has previously been found guilty**
19 **of a violation of this section in which case it is a class C misdemeanor**
20 **[punishable by imprisonment or a fine not to exceed five hundred dollars, or both,**
21 **upon the second and all subsequent convictions]. All fines for a first [conviction**
22 **of animal trespass] finding of guilt under this section may be waived by the**
23 **court provided that the person found guilty of animal or livestock trespass**
24 **shows that adequate, permanent remedies for the trespass have been**
25 **made. [Reasonable costs incurred for the care and maintenance of trespassing**
26 **animals may not be waived.] This section shall not apply to the provisions of**
27 **section 578.007 or sections 272.010 to 272.370.**

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

2 **(1) "Employee of the department of mental health", a person who is an**
3 **employee of the department of mental health, an employee or contracted employee**
4 **of a subcontractor of the department of mental health, or an employee or**
5 **contracted employee of a subcontractor of an entity responsible for confining**
6 **offenders as authorized by section 632.495;**

7 **(2) "Offender", a person ordered to the department of mental health after**
8 **a determination by the court that the person meets the definition of a sexually**
9 **violent predator, a person ordered to the department of mental health after a**
10 **finding of probable cause under section 632.489, or a person committed for**
11 **control, care, and treatment by the department of mental health under sections**
12 **632.480 to 632.513;**

13 (3) "Secure facility", a facility operated by the department of mental
14 health or an entity responsible for confining offenders as authorized by section
15 632.495.

16 2. No offender shall knowingly commit violence to an employee of the
17 department of mental health or to another offender housed in a secure
18 facility. Violation of this subsection shall be a class B felony.

19 3. No offender shall knowingly damage any building or other property
20 owned or operated by the department of mental health. Violation of this
21 subsection shall be a class [C] D felony.

Section B. The repeal and reenactment of sections 192.2260, 301.559,
2 339.100, 400.9-501, 565.032, 571.020, 571.030, 571.060, 571.063, 571.070, 571.072,
3 and 632.520 of this act shall become effective on January 1, 2017.

✓

Bill

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