

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 186
102ND GENERAL ASSEMBLY

0436H.02C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 211.031, 301.3175, 558.016, 558.019, 569.010, 569.100, 569.170, 570.010, 570.030, 571.015, 571.030, 571.070, and 575.095, RSMo, and to enact in lieu thereof twenty-three new sections relating to public safety, with penalty provisions and an emergency clause for a certain section.

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

Section A. Sections 211.031, 301.3175, 558.016, 558.019, 569.010, 569.100, 569.170, 570.010, 570.030, 571.015, 571.030, 571.070, and 575.095, RSMo, are repealed and twenty-three new sections enacted in lieu thereof, to be known as sections 56.601, 211.031, 301.3175, 544.453, 558.016, 558.019, 558.043, 569.010, 569.100, 569.170, 569.175, 570.010, 570.030, 571.015, 571.030, 571.031, 571.070, 575.095, 578.710, 579.021, 579.022, 590.1070, and 590.1075, to read as follows:

56.601. 1. If the governor determines that a threat to public safety and health exists in a circuit or prosecuting attorney's jurisdiction after:

(1) Reviewing federal, state, or local crime statistics; or

(2) Finding that the number of occurrences of homicide cases in the twelve months immediately preceding exceeds a rate of thirty-five cases per every one hundred thousand people within the circuit or prosecuting attorney's jurisdiction,

the governor may appoint a special prosecutor who shall serve for a period of up to five years. The special prosecutor shall be employed at the will of the governor, shall not be required to reside in the jurisdiction to which he or she was appointed to serve, and shall be an attorney but shall not be the attorney general or an assistant attorney general.

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

12 **2. (1) The special prosecutor shall have exclusive jurisdiction to initiate and**
13 **prosecute the following felony offenses:**

- 14 **(a) First degree murder under section 565.020;**
- 15 **(b) Second degree murder under section 565.021;**
- 16 **(c) Assault in the first degree under section 565.050;**
- 17 **(d) Assault in the second degree under section 565.052;**
- 18 **(e) Robbery in the first degree under section 570.023;**
- 19 **(f) Robbery in the second degree under section 570.025; and**
- 20 **(g) Vehicle hijacking under section 570.027.**

21 **(2) For felony offenses listed under subdivision (1) of this subsection, the special**
22 **prosecutor shall have all powers, duties, and responsibilities granted to the circuit or**
23 **prosecuting attorney in the jurisdiction under sections 56.087, 56.130, and 56.360. If an**
24 **offense leads to criminal charges for which the special prosecutor has exclusive**
25 **jurisdiction, the special prosecutor shall also have exclusive jurisdiction over all other**
26 **charges stemming from the same criminal event. After the special prosecutor has filed**
27 **criminal charges in a case over which he or she has exclusive jurisdiction, the special**
28 **prosecutor shall continue to have exclusive jurisdiction over the entire criminal case**
29 **regardless of whether the charges are later reduced.**

30 **3. (1) Moneys for the special prosecutor shall be provided by the state from the**
31 **general revenue fund. The special prosecutor shall be paid the same salary as a state**
32 **circuit court judge and, upon his or her appointment, shall become a member of the**
33 **prosecuting attorneys and circuit attorneys' retirement system as set forth under**
34 **sections 56.800 to 56.840.**

35 **(2) The special prosecutor shall have a budget, which shall be provided by the**
36 **state from the general revenue fund, to hire up to fifteen assistant special prosecuting**
37 **attorneys and up to fifteen staff members including, but not limited to, assistants, clerks,**
38 **reporters, grand jury reporters, legal investigators, and stenographers, as the special**
39 **prosecutor deems necessary. The assistant special prosecuting attorneys and staff of the**
40 **special prosecutor shall be subject to the same duties and responsibilities as those in the**
41 **circuit or prosecuting attorney's office. The salaries of all employees hired by the**
42 **special prosecutor shall be set and determined by the special prosecutor but shall be**
43 **within the budget provided by the state.**

44 **(3) If, at the end of the first five-year term of the special prosecutor, the**
45 **governor, after reviewing federal, state, or local crime statistics or finding that the**
46 **number of occurrences of homicide cases in the twelve months immediately preceding**
47 **exceeds a rate of thirty-five cases per every one hundred thousand people within the**
48 **circuit or prosecuting attorney's jurisdiction, determines that a threat to public safety**

49 **and health still exists, the governor may continue to appoint the special prosecutor for**
50 **five-year terms as provided under this section.**

211.031. 1. Except as otherwise provided in this chapter, the juvenile court or the
2 family court in circuits that have a family court as provided in chapter 487 shall have
3 exclusive original jurisdiction in proceedings:

4 (1) Involving any child who may be a resident of or found within the county and who
5 is alleged to be in need of care and treatment because:

6 (a) The parents, or other persons legally responsible for the care and support of the
7 child, neglect or refuse to provide proper support, education which is required by law,
8 medical, surgical or other care necessary for his or her well-being; except that reliance by a
9 parent, guardian or custodian upon remedial treatment other than medical or surgical
10 treatment for a child shall not be construed as neglect when the treatment is recognized or
11 permitted pursuant to the laws of this state;

12 (b) The child is otherwise without proper care, custody or support;

13 (c) The child was living in a room, building or other structure at the time such
14 dwelling was found by a court of competent jurisdiction to be a public nuisance pursuant to
15 section 195.130; or

16 (d) The child is in need of mental health services and the parent, guardian or
17 custodian is unable to afford or access appropriate mental health treatment or care for the
18 child;

19 (2) Involving any child who may be a resident of or found within the county and who
20 is alleged to be in need of care and treatment because:

21 (a) The child while subject to compulsory school attendance is repeatedly and without
22 justification absent from school;

23 (b) The child disobeys the reasonable and lawful directions of his or her parents or
24 other custodian and is beyond their control;

25 (c) The child is habitually absent from his or her home without sufficient cause,
26 permission, or justification;

27 (d) The behavior or associations of the child are otherwise injurious to his or her
28 welfare or to the welfare of others; or

29 (e) The child is charged with an offense not classified as criminal, or with an offense
30 applicable only to children; except that, the juvenile court shall not have jurisdiction over any
31 child fifteen years of age who is alleged to have violated a state or municipal traffic ordinance
32 or regulation, the violation of which does not constitute a felony, or any child who is alleged
33 to have violated a state or municipal ordinance or regulation prohibiting possession or use of
34 any tobacco product;

35 (3) Involving any child who is alleged to have violated a state law or municipal
36 ordinance, or any person who is alleged to have violated a state law or municipal ordinance
37 prior to attaining the age of eighteen years, in which cases jurisdiction may be taken by the
38 court of the circuit in which the child or person resides or may be found or in which the
39 violation is alleged to have occurred; except that, the juvenile court shall not have jurisdiction
40 over any child fifteen years of age who is alleged to have violated a state or municipal traffic
41 ordinance or regulation, the violation of which does not constitute a felony, and except that
42 the juvenile court shall have concurrent jurisdiction with the municipal court over any child
43 who is alleged to have violated a municipal curfew ordinance, and except that the juvenile
44 court shall have concurrent jurisdiction with the circuit court on any child who is alleged to
45 have violated a state or municipal ordinance or regulation prohibiting possession or use of any
46 tobacco product;

47 (4) For the adoption of a person;

48 (5) For the commitment of a child to the guardianship of the department of social
49 services as provided by law;

50 (6) Involving an order of protection pursuant to chapter 455 when the respondent is
51 less than eighteen years of age; and

52 (7) Involving a child who has been a victim of sex trafficking or sexual exploitation.

53 2. Transfer of a matter, proceeding, jurisdiction or supervision for a child who resides
54 in a county of this state shall be made as follows:

55 (1) Prior to the filing of a petition and upon request of any party or at the discretion of
56 the juvenile officer, the matter in the interest of a child may be transferred by the juvenile
57 officer, with the prior consent of the juvenile officer of the receiving court, to the county of
58 the child's residence or the residence of the person eighteen years of age for future action;

59 (2) Upon the motion of any party or on its own motion prior to final disposition on the
60 pending matter, the court in which a proceeding is commenced may transfer the proceeding of
61 a child to the court located in the county of the child's residence, or the county in which the
62 offense pursuant to subdivision (3) of subsection 1 of this section is alleged to have occurred
63 for further action;

64 (3) Upon motion of any party or on its own motion, the court in which jurisdiction has
65 been taken pursuant to subsection 1 of this section may at any time thereafter transfer
66 jurisdiction of a child to the court located in the county of the child's residence for further
67 action with the prior consent of the receiving court;

68 (4) Upon motion of any party or upon its own motion at any time following a
69 judgment of disposition or treatment pursuant to section 211.181, the court having jurisdiction
70 of the cause may place the child under the supervision of another juvenile court within or
71 without the state pursuant to section 210.570 with the consent of the receiving court;

72 (5) Upon motion of any child or his or her parent, the court having jurisdiction shall
73 grant one change of judge pursuant to Missouri supreme court rules;

74 (6) Upon the transfer of any matter, proceeding, jurisdiction or supervision of a child,
75 certified copies of all legal and social documents and records pertaining to the case on file
76 with the clerk of the transferring juvenile court shall accompany the transfer.

77 3. In any proceeding involving any child taken into custody in a county other than the
78 county of the child's residence, the juvenile court of the county of the child's residence shall
79 be notified of such taking into custody within seventy-two hours.

80 4. When an investigation by a juvenile officer pursuant to this section reveals that the
81 only basis for action involves an alleged violation of section 167.031 involving a child who
82 alleges to be home schooled, the juvenile officer shall contact a parent or parents of such child
83 to verify that the child is being home schooled and not in violation of section 167.031 before
84 making a report of such a violation. Any report of a violation of section 167.031 made by a
85 juvenile officer regarding a child who is being home schooled shall be made to the
86 prosecuting attorney of the county where the child legally resides.

87 5. The disability or disease of a parent shall not constitute a basis for a determination
88 that a child is a child in need of care or for the removal of custody of a child from the parent
89 without a specific showing that there is a causal relation between the disability or disease and
90 harm to the child.

91 **6. If the court finds that a child has engaged in conduct that would constitute a**
92 **felony if committed by an adult, the juvenile court may retain jurisdiction over the child**
93 **for the purpose of depriving the child of access to a firearm.**

301.3175. 1. Any vehicle owner may apply for "Back the Blue" license plates for any
2 motor vehicle the person owns, either solely or jointly, other than an apportioned motor
3 vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds
4 gross weight. Upon making a ten dollar contribution to the Missouri Law Enforcement
5 Memorial Foundation, the vehicle owner may apply for the "Back the Blue" plate. If the
6 contribution is made directly to the Missouri Law Enforcement Memorial Foundation, the
7 foundation shall issue the individual making the contribution a receipt, verifying the
8 contribution, that may be used to apply for the "Back the Blue" license plate. If the
9 contribution is made directly to the director of revenue pursuant to section 301.3031, the
10 director shall note the contribution and the owner may then apply for the "Back the Blue"
11 plate. The applicant for such plate shall pay a fifteen dollar fee in addition to the regular
12 registration fees and present any other documentation required by law for each set of "Back
13 the Blue" plates issued pursuant to this section. Notwithstanding the provisions of section
14 301.144, no additional fee shall be charged for the personalization of license plates issued
15 pursuant to this section. **Notwithstanding any provision of law to the contrary, the**

16 **department of revenue shall issue the license plate or plates, as authorized in this**
17 **section, for nonapportioned vehicles of any classification for which it issues a license**
18 **plate or plates.**

19 **2.** The "Back the Blue" plate shall bear the emblem of a thin blue line encompassed in
20 black as prescribed by the director of revenue and shall have the words "BACK THE BLUE".
21 Such license plates shall be made with fully reflective material with a common color scheme
22 and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed
23 by section 301.130.

24 ~~[2-]~~ **3.** The director of revenue may promulgate rules and regulations for the
25 administration of this section. Any rule or portion of a rule, as that term is defined in section
26 536.010, that is created under the authority delegated in this section shall become effective
27 only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable,
28 section 536.028. This section and chapter 536 are nonseverable and if any of the powers
29 vested with the general assembly pursuant to chapter 536 to review, to delay the effective
30 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant
31 of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be
32 invalid and void.

544.453. Notwithstanding any provision of the law or court rule to the contrary,
2 **a judge or judicial officer, when setting bail or conditions of release in all courts in**
3 **Missouri for any offense charged, shall consider, in addition to any factor required by**
4 **law, whether:**

5 **(1) A defendant poses a danger to a victim of a crime, the community, any**
6 **witness to the crime, or to any other person;**

7 **(2) A defendant is a flight risk;**

8 **(3) A defendant has committed a misdemeanor offense involving a crime of**
9 **violence, sexual offense, or felony offense in this state or any other state in the last five**
10 **years; and**

11 **(4) A defendant has failed to appear in court as a required condition of**
12 **probation or parole for a misdemeanor involving a crime of violence or felony or a**
13 **sexual offense within the last three years.**

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

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

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

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

13 2. A "prior offender" is one who has been found guilty of one felony.

14 3. A "persistent offender" is one who has been found guilty of two or more felonies
 15 committed at different times **or one who has been found guilty of a dangerous felony as**
 16 **defined under section 556.061.**

17 4. A "dangerous offender" is one who:

18 (1) Is being sentenced for a felony during the commission of which he knowingly
 19 murdered or endangered or threatened the life of another person or knowingly inflicted or
 20 attempted or threatened to inflict serious physical injury on another person; and

21 (2) Has been found guilty of a class A or B felony or a dangerous felony.

22 5. A "persistent misdemeanor offender" is one who has been found guilty of two or
 23 more offenses, committed at different times that are classified as A or B misdemeanors under
 24 the laws of this state.

25 6. The findings of guilt shall be prior to the date of commission of the present offense.

26 7. The court shall sentence a person, who has been found to be a persistent offender or
 27 a dangerous offender, and is found guilty of a class B, C, D, or E felony to the authorized term
 28 of imprisonment for the offense that is one class higher than the offense for which the person
 29 is found guilty.

558.019. 1. This section shall not be construed to affect the powers of the governor
 2 under Article IV, Section 7, of the Missouri Constitution. This statute shall not affect those
 3 provisions of section 565.020, section 566.125, or section 571.015, which set minimum terms
 4 of sentences, or the provisions of section 559.115, relating to probation.

5 2. The provisions of subsections 2 to 5 of this section shall ~~only~~ be applicable to ~~the~~
 6 ~~offenses contained in sections 565.021, 565.023, 565.024, 565.027, 565.050, 565.052,~~
 7 ~~565.054, 565.072, 565.073, 565.074, 565.090, 565.110, 565.115, 565.120, 565.153, 565.156,~~
 8 ~~565.225, 565.300, 566.030, 566.031, 566.032, 566.034, 566.060, 566.061, 566.062, 566.064,~~
 9 ~~566.067, 566.068, 566.069, 566.071, 566.083, 566.086, 566.100, 566.101, 566.103, 566.111,~~
 10 ~~566.115, 566.145, 566.151, 566.153, 566.203, 566.206, 566.209, 566.210, 566.211, 566.215,~~
 11 ~~568.030, 568.045, 568.060, 568.065, 568.175, 569.040, 569.160, 570.023, 570.025, 570.030~~
 12 ~~when punished as a class A, B, or C felony, 570.145 when punished as a class A or B felony,~~
 13 ~~570.223 when punished as a class B or C felony, 571.020, 571.030, 571.070, 573.023,~~
 14 ~~573.025, 573.035, 573.037, 573.200, 573.205, 574.070, 574.080, 574.115, 575.030, 575.150,~~
 15 ~~575.153, 575.155, 575.157, 575.200 when punished as a class A felony, 575.210, 575.230~~

16 ~~when punished as a class B felony, 575.240 when punished as a class B felony, 576.070,~~
17 ~~576.080, 577.010, 577.013, 577.078, 577.703, 577.706, 579.065, and 579.068 when punished~~
18 ~~as a class A or B felony]~~ **all classes of felonies except those set forth in chapter 579, or in**
19 **chapter 195 prior to January 1, 2017, and those otherwise excluded in subsection 1 of**
20 **this section.** For the purposes of this section, "prison commitment" means and is the receipt
21 by the department of corrections of an offender after sentencing. For purposes of this section,
22 prior prison commitments to the department of corrections shall not include an offender's first
23 incarceration prior to release on probation under section 217.362 or 559.115. Other
24 provisions of the law to the contrary notwithstanding, any offender who has been found guilty
25 of a felony other than a dangerous felony as defined in section 556.061 and is committed to
26 the department of corrections shall be required to serve the following minimum prison terms:

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

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

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

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

46 4. For the purpose of determining the minimum prison term to be served, the
47 following calculations shall apply:

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

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

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

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

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

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

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

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

86 (5) The members of the commission shall not receive compensation for their duties
87 on the commission, but shall be reimbursed for actual and necessary expenses incurred in the

88 performance of these duties and for which they are not reimbursed by reason of their other
89 paid positions.

90 (6) The circuit and associate circuit courts of this state, the office of the state courts
91 administrator, the department of public safety, and the department of corrections shall
92 cooperate with the commission by providing information or access to information needed by
93 the commission. The office of the state courts administrator will provide needed staffing
94 resources.

95 ~~[8:]~~ 7. Courts shall retain discretion to lower or exceed the sentence recommended by
96 the commission as otherwise allowable by law, and to order restorative justice methods, when
97 applicable.

98 ~~[9:]~~ 8. If the imposition or execution of a sentence is suspended, the court may order
99 any or all of the following restorative justice methods, or any other method that the court
100 finds just or appropriate:

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

103 (2) Offender treatment programs;

104 (3) Mandatory community service;

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

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

107 ~~[10:]~~ 9. Pursuant to subdivision (1) of subsection ~~[9]~~ 8 of this section, the court may
108 order the assessment and payment of a designated amount of restitution to a county law
109 enforcement restitution fund established by the county commission pursuant to section
110 50.565. Such contribution shall not exceed three hundred dollars for any charged offense.
111 Any restitution moneys deposited into the county law enforcement restitution fund pursuant
112 to this section shall only be expended pursuant to the provisions of section 50.565.

113 ~~[11:]~~ 10. A judge may order payment to a restitution fund only if such fund had been
114 created by ordinance or resolution of a county of the state of Missouri prior to sentencing. A
115 judge shall not have any direct supervisory authority or administrative control over any fund
116 to which the judge is ordering a person to make payment.

117 ~~[12:]~~ 11. A person who fails to make a payment to a county law enforcement
118 restitution fund may not have his or her probation revoked solely for failing to make such
119 payment unless the judge, after evidentiary hearing, makes a finding supported by a
120 preponderance of the evidence that the person either willfully refused to make the payment or
121 that the person willfully, intentionally, and purposefully failed to make sufficient bona fide
122 efforts to acquire the resources to pay.

123 ~~[13-]~~ **12.** Nothing in this section shall be construed to allow the sentencing advisory
124 commission to issue recommended sentences in specific cases pending in the courts of this
125 state.

**558.043. Notwithstanding any other provision of law, in sentencing a person
2 convicted of an offense for which there is a statutory minimum sentence or a minimum
3 prison term required by section 558.019 but that did not:**

4 **(1) Include the use, attempted use, or threatened use of serious physical force by
5 the defendant against another person or result in the serious physical injury of another
6 person by the defendant;**

7 **(2) Involve any sexual offense by the defendant against a minor; or**

8 **(3) Include the brandishing or discharge of a firearm by the defendant,**

9
10 **the court may depart from the applicable statutory minimum sentence or minimum
11 prison term required by section 558.019 if the court finds substantial and compelling
12 reasons on the record that, giving due regard to the nature of the offense, the history
13 and character of the defendant, and his or her chances of successful rehabilitation,
14 imposition of the statutory minimum sentence or minimum prison term required by
15 section 558.019 would result in substantial injustice to the defendant or is not necessary
16 for the protection of the public.**

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

2 (1) "Cave or cavern", any naturally occurring subterranean cavity enterable by a
3 person including, without limitation, a pit, pothole, natural well, grotto, and tunnel, whether
4 or not the opening has a natural entrance;

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

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

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

19 (5) "Teller machine", an automated teller machine (ATM) or interactive teller
20 machine (ITM) is a remote computer terminal owned or controlled by a financial
21 institution or a private business that allows individuals to obtain financial services
22 including obtaining cash, transferring or transmitting money or digital currencies,
23 payment of bills, or loading money or digital currency to a payment card or other device
24 without physical in-person assistance from another person. "Teller machine" does not
25 include personally owned electronic devices used to access financial services;

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

569.100. 1. A person commits the offense of property damage in the first degree if
2 such person:

3 (1) Knowingly damages property of another to an extent exceeding seven hundred
4 fifty dollars; or

5 (2) Damages property to an extent exceeding seven hundred fifty dollars for the
6 purpose of defrauding an insurer; ~~or~~

7 (3) Knowingly damages a motor vehicle of another and the damage occurs while such
8 person is making entry into the motor vehicle for the purpose of committing the crime of
9 stealing therein or the damage occurs while such person is committing the crime of stealing
10 within the motor vehicle; or

11 (4) Knowingly damages, modifies, or destroys a teller machine or otherwise
12 makes it inoperable.

13 2. The offense of property damage in the first degree committed under subdivision (1)
14 or (2) of subsection 1 of this section is a class E felony, unless the offense of property damage
15 in the first degree was committed under subdivision (1) of subsection 1 of this section and the
16 victim was intentionally targeted as a law enforcement officer, as defined in section 556.061,
17 or the victim is targeted because he or she is a relative within the second degree of
18 consanguinity or affinity to a law enforcement officer, in which case it is a class D felony.
19 The offense of property damage in the first degree committed under subdivision (3) of
20 subsection 1 of this section is a class D felony unless committed as a second or subsequent
21 violation of subdivision (3) of subsection 1 of this section in which case it is a class B felony.
22 **The offense of property damage in the first degree committed under subdivision (4) of**
23 **subsection 1 of this section is a class D felony unless committed for the purpose of**
24 **executing any scheme or artifice to defraud or obtain any property, the value of which**
25 **exceeds seven hundred fifty dollars or the damage to the teller machine exceeds seven**
26 **hundred fifty dollars in which case it is a class C felony; or unless committed to obtain**
27 **the personal financial credentials of another person or committed as a second or**

28 **subsequent violation of subdivision (4) of subsection 1 of this section in which case it is a**
29 **class B felony.**

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

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

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

8 (a) Any part of the body; or

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

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

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

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

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

2 (1) "Adulterated", varying from the standard of composition or quality prescribed by
3 statute or lawfully promulgated administrative regulations of this state lawfully filed, or if
4 none, as set by commercial usage;

5 (2) "Appropriate", to take, obtain, use, transfer, conceal, retain or dispose;

6 (3) "Check", a check or other similar sight order or any other form of presentment
7 involving the transmission of account information for the payment of money;

8 (4) "Coercion", a threat, however communicated:

9 (a) To commit any offense; or

10 (b) To inflict physical injury in the future on the person threatened or another; or

11 (c) To accuse any person of any offense; or

12 (d) To expose any person to hatred, contempt or ridicule; or

13 (e) To harm the credit or business reputation of any person; or

14 (f) To take or withhold action as a public servant, or to cause a public servant to take
15 or withhold action; or

16 (g) To inflict any other harm which would not benefit the actor. A threat of
17 accusation, lawsuit or other invocation of official action is justified and not coercion if the
18 property sought to be obtained by virtue of such threat was honestly claimed as restitution or
19 indemnification for harm done in the circumstances to which the accusation, exposure,
20 lawsuit or other official action relates, or as compensation for property or lawful service. The
21 defendant shall have the burden of injecting the issue of justification as to any threat;

22 (5) "Credit device", a writing, card, code, number or other device purporting to
23 evidence an undertaking to pay for property or services delivered or rendered to or upon the
24 order of a designated person or bearer;

25 (6) "Dealer", a person in the business of buying and selling goods;

26 (7) "Debit device", a writing, card, code, number or other device, other than a check,
27 draft or similar paper instrument, by the use of which a person may initiate an electronic fund
28 transfer, including but not limited to devices that enable electronic transfers of benefits to
29 public assistance recipients;

30 (8) "Deceit or deceive", making a representation which is false and which the actor
31 does not believe to be true and upon which the victim relies, as to a matter of fact, law, value,
32 intention or other state of mind, or concealing a material fact as to the terms of a contract or
33 agreement. The term "deceit" does not, however, include falsity as to matters having no
34 pecuniary significance, or puffing by statements unlikely to deceive ordinary persons in the
35 group addressed. Deception as to the actor's intention to perform a promise shall not be
36 inferred from the fact alone that he did not subsequently perform the promise;

37 (9) "Deprive":

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

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

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

42 (10) "Electronic benefits card" or "EBT card", a debit card used to access food stamps
43 or cash benefits issued by the department of social services;

44 (11) "Financial institution", a bank, trust company, savings and loan association, or
45 credit union;

46 (12) "Food stamps", the nutrition assistance program in Missouri that provides food
47 and aid to low-income individuals who are in need of benefits to purchase food operated by
48 the United States Department of Agriculture (USDA) in conjunction with the department of
49 social services;

50 (13) "Forcibly steals", a person, in the course of stealing, uses or threatens the
51 immediate use of physical force upon another person for the purpose of:

52 (a) Preventing or overcoming resistance to the taking of the property or to the
53 retention thereof immediately after the taking; or

54 (b) Compelling the owner of such property or another person to deliver up the
55 property or to engage in other conduct which aids in the commission of the theft;

56 (14) "Internet service", an interactive computer service or system or an information
57 service, system, or access software provider that provides or enables computer access by
58 multiple users to a computer server, and includes, but is not limited to, an information service,
59 system, or access software provider that provides access to a network system commonly
60 known as the internet, or any comparable system or service and also includes, but is not
61 limited to, a world wide web page, newsgroup, message board, mailing list, or chat area on
62 any interactive computer service or system or other online service;

63 (15) "Means of identification", anything used by a person as a means to uniquely
64 distinguish himself or herself;

65 (16) "Merchant", a person who deals in goods of the kind or otherwise by his or her
66 occupation holds oneself out as having knowledge or skill peculiar to the practices or goods
67 involved in the transaction or to whom such knowledge or skill may be attributed by his or
68 her employment of an agent or broker or other intermediary who by his or her occupation
69 holds oneself out as having such knowledge or skill;

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

74 (18) "Pharmacy", any building, warehouse, physician's office, hospital,
75 pharmaceutical house or other structure used in whole or in part for the sale, storage, or
76 dispensing of any controlled substance as defined in chapter 195;

77 (19) "Property", anything of value, whether real or personal, tangible or intangible, in
78 possession or in action, and shall include but not be limited to the evidence of a debt actually
79 executed but not delivered or issued as a valid instrument;

80 (20) "Public assistance benefits", anything of value, including money, food, EBT
81 cards, food stamps, commodities, clothing, utilities, utilities payments, shelter, drugs and
82 medicine, materials, goods, and any service including institutional care, medical care, dental
83 care, child care, psychiatric and psychological service, rehabilitation instruction, training,
84 transitional assistance, or counseling, received by or paid on behalf of any person under
85 chapters 198, 205, 207, 208, 209, and 660, or benefits, programs, and services provided or
86 administered by the Missouri department of social services or any of its divisions;

87 (21) "Services" includes transportation, telephone, electricity, gas, water, or other
88 public service, cable television service, video service, voice over internet protocol service, or

89 internet service, accommodation in hotels, restaurants or elsewhere, admission to exhibitions
90 and use of vehicles;

91 (22) "Stealing-related offense", federal and state violations of criminal statutes
92 against stealing, robbery, or buying or receiving stolen property and shall also include
93 municipal ordinances against the same if the offender was either represented by counsel or
94 knowingly waived counsel in writing and the judge accepting the plea or making the findings
95 was a licensed attorney at the time of the court proceedings;

96 (23) **"Teller machine", an automated teller machine (ATM) or interactive teller
97 machine (ITM) is a remote computer terminal owned or controlled by a financial
98 institution or a private business that allows individuals to obtain financial services
99 including obtaining cash, transferring or transmitting money or digital currencies,
100 payment of bills, or loading money or digital currency to a payment card or other device
101 without physical in-person assistance from another person. "Teller machine" does not
102 include personally owned electronic devices used to access financial services;**

103 (24) "Video service", the provision of video programming provided through wireline
104 facilities located at least in part in the public right-of-way without regard to delivery
105 technology, including internet protocol technology whether provided as part of a tier, on
106 demand, or a per-channel basis. This definition includes cable service as defined by 47
107 U.S.C. Section 522(6), but does not include any video programming provided by a
108 commercial mobile service provider as "commercial mobile service" is defined in 47 U.S.C.
109 Section 332(d), or any video programming provided solely as part of and via a service that
110 enables users to access content, information, electronic mail, or other services offered over
111 the public internet, and includes microwave television transmission, from a multipoint
112 distribution service not capable of reception by conventional television receivers without the
113 use of special equipment;

114 [~~(24)~~] (25) "Voice over internet protocol service", a service that:

- 115 (a) Enables real-time, two-way voice communication;
- 116 (b) Requires a broadband connection from the user's location;
- 117 (c) Requires internet protocol-compatible customer premises equipment; and
- 118 (d) Permits users generally to receive calls that originate on the public switched
119 telephone network and to terminate calls to the public switched telephone network;

120 [~~(25)~~] (26) "Writing" includes printing, any other method of recording information,
121 money, coins, negotiable instruments, tokens, stamps, seals, credit cards, badges, trademarks
122 and any other symbols of value, right, privilege or identification.

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

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

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

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

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

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

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

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

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

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

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

35 4. The offense of stealing is a class C felony if the value of the property or services
36 appropriated is twenty-five thousand dollars or more **or the property is a teller machine or**
37 **the contents of a teller machine, including cash, regardless of the value or amount.**

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

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

- 41 (2) The offender physically takes the property appropriated from the person of the
42 victim; or
- 43 (3) The property appropriated consists of:
- 44 (a) Any motor vehicle, watercraft or aircraft;
- 45 (b) Any will or unrecorded deed affecting real property;
- 46 (c) Any credit device, debit device or letter of credit;
- 47 (d) Any firearms;
- 48 (e) Any explosive weapon as defined in section 571.010;
- 49 (f) Any United States national flag designed, intended and used for display on
50 buildings or stationary flagstaffs in the open;
- 51 (g) Any original copy of an act, bill or resolution, introduced or acted upon by the
52 legislature of the state of Missouri;
- 53 (h) Any pleading, notice, judgment or any other record or entry of any court of this
54 state, any other state or of the United States;
- 55 (i) Any book of registration or list of voters required by chapter 115;
- 56 (j) Any animal considered livestock as that term is defined in section 144.010;
- 57 (k) Any live fish raised for commercial sale with a value of seventy-five dollars or
58 more;
- 59 (l) Any captive wildlife held under permit issued by the conservation commission;
- 60 (m) Any controlled substance as defined by section 195.010;
- 61 (n) Ammonium nitrate;
- 62 (o) Any wire, electrical transformer, or metallic wire associated with transmitting
63 telecommunications, video, internet, or voice over internet protocol service, or any other
64 device or pipe that is associated with conducting electricity or transporting natural gas or
65 other combustible fuels; or
- 66 (p) Any material appropriated with the intent to use such material to manufacture,
67 compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of
68 their analogues.
- 69 6. The offense of stealing is a class E felony if:
- 70 (1) The property appropriated is an animal;
- 71 (2) The property is a catalytic converter; or
- 72 (3) A person has previously been found guilty of three stealing-related offenses
73 committed on three separate occasions where such offenses occurred within ten years of the
74 date of occurrence of the present offense.
- 75 7. The offense of stealing is a class D misdemeanor if the property is not of a type
76 listed in subsection 2, 3, 5, or 6 of this section, the property appropriated has a value of less

77 than one hundred fifty dollars, and the person has no previous findings of guilt for a stealing-
78 related offense.

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

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

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

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

 571.015. 1. Any person who commits any felony under the laws of this state by, with,
2 or through the use, assistance, or aid of a dangerous instrument or deadly weapon is also
3 guilty of the offense of armed criminal action. **The offense of armed criminal action shall**
4 **be an unclassified felony** and, upon conviction, shall be punished by imprisonment by the
5 department of corrections for a term of not less than three years [~~and not to exceed fifteen~~
6 ~~years~~], unless the person is unlawfully possessing a firearm, in which case the term of
7 imprisonment shall be for a term of not less than five years. The punishment imposed
8 pursuant to this subsection shall be in addition to and consecutive to any punishment provided
9 by law for the crime committed by, with, or through the use, assistance, or aid of a dangerous
10 instrument or deadly weapon. No person convicted under this subsection shall be eligible for
11 [~~parole,~~] probation, conditional release, or suspended imposition or execution of sentence [~~for~~
12 ~~a period of three calendar years~~].

13 2. Any person convicted of a second offense of armed criminal action under
14 subsection 1 of this section shall be punished by imprisonment by the department of
15 corrections for a term of not less than five years [~~and not to exceed thirty years~~], unless the
16 person is unlawfully possessing a firearm, in which case the term of imprisonment shall be for
17 a term not less than fifteen years. The punishment imposed pursuant to this subsection shall
18 be in addition to and consecutive to any punishment provided by law for the crime committed
19 by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon.
20 No person convicted under this subsection shall be eligible for [~~parole,~~] probation,
21 conditional release, or suspended imposition or execution of sentence [~~for a period of five~~
22 ~~calendar years~~].

23 3. Any person convicted of a third or subsequent offense of armed criminal action
24 under subsection 1 of this section shall be punished by imprisonment by the department of
25 corrections for a term of not less than ten years, unless the person is unlawfully possessing a
26 firearm, in which case the term of imprisonment shall be no less than fifteen years. The
27 punishment imposed pursuant to this subsection shall be in addition to and consecutive to any
28 punishment provided by law for the crime committed by, with, or through the use, assistance,
29 or aid of a dangerous instrument or deadly weapon. No person convicted under this
30 subsection shall be eligible for ~~[parole,]~~ probation, conditional release, or suspended
31 imposition or execution of sentence ~~[for a period of ten calendar years].~~

 571.030. 1. A person commits the offense of unlawful use of weapons, except as
2 otherwise provided by sections 571.101 to 571.121, if he or she knowingly:
3 (1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack
4 or any other weapon readily capable of lethal use into any area where firearms are restricted
5 under section 571.107; or
6 (2) Sets a spring gun; or
7 (3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat,
8 aircraft, or motor vehicle as defined in section 302.010, or any building or structure used for
9 the assembling of people; or
10 (4) Exhibits, in the presence of one or more persons, any weapon readily capable of
11 lethal use in an angry or threatening manner; or
12 (5) Has a firearm or projectile weapon readily capable of lethal use on his or her
13 person, while he or she is intoxicated, and handles or otherwise uses such firearm or projectile
14 weapon in either a negligent or unlawful manner or discharges such firearm or projectile
15 weapon unless acting in self-defense; or
16 (6) Discharges a firearm within one hundred yards of any occupied schoolhouse,
17 courthouse, or church building; or
18 (7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or
19 across a public highway or discharges or shoots a firearm into any outbuilding; or
20 (8) Carries a firearm or any other weapon readily capable of lethal use into any
21 church or place where people have assembled for worship, or into any election precinct on
22 any election day, or into any building owned or occupied by any agency of the federal
23 government, state government, or political subdivision thereof; or
24 (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section
25 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any
26 building or habitable structure, unless the person was lawfully acting in self-defense; or

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

30 (11) Possesses a firearm while also knowingly in possession of a controlled substance
31 that is sufficient for a felony violation of section 579.015.

32 2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to the
33 persons described in this subsection, regardless of whether such uses are reasonably
34 associated with or are necessary to the fulfillment of such person's official duties except as
35 otherwise provided in this subsection. Subdivisions (3), (4), (6), (7), and (9) of subsection 1
36 of this section shall not apply to or affect any of the following persons, when such uses are
37 reasonably associated with or are necessary to the fulfillment of such person's official duties,
38 except as otherwise provided in this subsection:

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

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

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

52 (4) Those persons vested by Article V, Section 1 of the Constitution of Missouri with
53 the judicial power of the state and those persons vested by Article III of the Constitution of
54 the United States with the judicial power of the United States, the members of the federal
55 judiciary;

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

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

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

62 (8) Any corporate security advisor meeting the definition and fulfilling the
63 requirements of the regulations established by the department of public safety under section
64 590.750;

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

66 (10) Any municipal or county prosecuting attorney or assistant prosecuting attorney;
67 circuit attorney or assistant circuit attorney; municipal, associate, or circuit judge; or any
68 person appointed by a court to be a special prosecutor who has completed the firearms safety
69 training course required under subsection 2 of section 571.111;

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

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

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

95 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any
96 person who has a valid concealed carry permit issued pursuant to sections 571.101 to
97 571.121, a valid concealed carry endorsement issued before August 28, 2013, or a valid

98 permit or endorsement to carry concealed firearms issued by another state or political
99 subdivision of another state.

100 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section
101 shall not apply to persons who are engaged in a lawful act of defense pursuant to section
102 563.031.

103 6. Notwithstanding any provision of this section to the contrary, the state shall not
104 prohibit any state employee from having a firearm in the employee's vehicle on the state's
105 property provided that the vehicle is locked and the firearm is not visible. This subsection
106 shall only apply to the state as an employer when the state employee's vehicle is on property
107 owned or leased by the state and the state employee is conducting activities within the scope
108 of his or her employment. For the purposes of this subsection, "state employee" means an
109 employee of the executive, legislative, or judicial branch of the government of the state of
110 Missouri.

111 7. **(1) Subdivision (10) of subsection 1 of this section shall not apply to a person**
112 **who is a school officer commissioned by the district school board under section 162.215**
113 **or who is a school protection officer, as described under section 160.665.**

114 **(2)** Nothing in this section shall make it unlawful for a student to actually participate
115 in school-sanctioned gun safety courses, student military or ROTC courses, or other school-
116 sponsored or club-sponsored firearm-related events, provided the student does not carry a
117 firearm or other weapon readily capable of lethal use into any school, onto any school bus, or
118 onto the premises of any other function or activity sponsored or sanctioned by school officials
119 or the district school board.

120 8. A person who commits the crime of unlawful use of weapons under:

121 (1) Subdivision (2), (3), (4), or (11) of subsection 1 of this section shall be guilty of a
122 class E felony;

123 (2) Subdivision (1), (6), (7), or (8) of subsection 1 of this section shall be guilty of a
124 class B misdemeanor, except when a concealed weapon is carried onto any private property
125 whose owner has posted the premises as being off-limits to concealed firearms by means of
126 one or more signs displayed in a conspicuous place of a minimum size of eleven inches by
127 fourteen inches with the writing thereon in letters of not less than one inch, in which case the
128 penalties of subsection 2 of section 571.107 shall apply;

129 (3) Subdivision (5) or (10) of subsection 1 of this section shall be guilty of a class A
130 misdemeanor if the firearm is unloaded and a class E felony if the firearm is loaded;

131 (4) Subdivision (9) of subsection 1 of this section shall be guilty of a class B felony,
132 except that if the violation of subdivision (9) of subsection 1 of this section results in injury or
133 death to another person, it is a class A felony.

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

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

138 (2) For any violation by a prior offender as defined in section 558.016, a person shall
139 be sentenced to the maximum authorized term of imprisonment for a class B felony without
140 the possibility of parole, probation or conditional release for a term of ten years;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

571.031. 1. This section shall be known and may be cited as "Blair's Law".

2 **2. A person commits the offense of unlawful discharge of a firearm if, with**
3 **criminal negligence, he or she discharges a firearm within or into the limits of any**
4 **municipality.**

5 **3. This section shall not apply if the firearm is discharged:**

6 **(1) As allowed by a defense of justification under chapter 563;**

7 **(2) On a properly supervised shooting range;**

8 **(3) To lawfully take wildlife during an open season established by the**
9 **department of conservation. Nothing in this subdivision shall prevent a municipality**
10 **from adopting an ordinance restricting the discharge of a firearm within one-quarter**
11 **mile of an occupied structure;**

12 **(4) For the control of nuisance wildlife as permitted by the department of**
13 **conservation or the United States Fish and Wildlife Service;**

14 **(5) By special permit of the chief of police of the municipality;**

15 **(6) As required by an animal control officer in the performance of his or her**
16 **duties;**

17 **(7) Using blanks;**

18 **(8) More than one mile from any occupied structure;**

19 **(9) In self-defense or defense of another person against an animal attack if a**
20 **reasonable person would believe that deadly physical force against the animal is**
21 **immediately necessary and reasonable under the circumstances to protect oneself or the**
22 **other person; or**

23 **(10) By law enforcement personnel, as defined in section 590.1040, or a member**
 24 **of the United States Armed Forces if acting in an official capacity.**

25 **4. A person who commits the offense of unlawful discharge of a firearm shall be**
 26 **guilty of:**

27 **(1) For a first offense, a class A misdemeanor;**

28 **(2) For a second offense, a class E felony; and**

29 **(3) For a third or subsequent offense, a class D felony.**

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

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

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

8 **(3) Such person was adjudicated delinquent when he or she was under the age of**
 9 **eighteen for committing an offense that would constitute a felony if committed by an**
 10 **adult, provided that the person was represented by counsel at the adjudication hearing.**

11 2. Unlawful possession of a firearm is a class ~~D~~ C felony, unless a person has been
 12 convicted of a dangerous felony as defined in section 556.061 **or the person has a prior**
 13 **conviction for unlawful possession of a firearm**, in which case it is a class ~~C~~ B felony.

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

575.095. 1. A person commits the offense of tampering with a judicial officer if, with
 2 the purpose to harass, intimidate or influence a judicial officer in the performance of such
 3 officer's official duties, such person:

4 (1) Threatens or causes harm to such judicial officer or members of such judicial
 5 officer's family;

6 (2) Uses force, threats, or deception against or toward such judicial officer or
 7 members of such judicial officer's family;

8 (3) Offers, conveys or agrees to convey any benefit direct or indirect upon such
 9 judicial officer or such judicial officer's family;

10 (4) Engages in conduct reasonably calculated to harass or alarm such judicial officer
 11 or such judicial officer's family, including stalking pursuant to section 565.225 or 565.227;

12 **(5) Disseminates through any means, including by posting on the internet, the**
 13 **judicial officer's or the judicial officer's family's personal information. For purposes of**
 14 **this section, "personal information" includes a home address, home or mobile telephone**
 15 **number, personal email address, Social Security number, federal tax identification**

16 **number, checking or savings account number, marital status, and identity of a child**
17 **under eighteen years of age.**

18 2. A judicial officer for purposes of this section shall be a judge **or commissioner of**
19 **a state or federal court**, arbitrator, special master, juvenile officer, deputy juvenile officer,
20 state prosecuting or circuit attorney, state assistant prosecuting or circuit attorney, juvenile
21 court commissioner, state probation or parole officer, or referee.

22 3. A judicial officer's family for purposes of this section shall be:

23 (1) Such officer's spouse; or

24 (2) Such officer or such officer's spouse's ancestor or descendant by blood or
25 adoption; or

26 (3) Such officer's stepchild, while the marriage creating that relationship exists.

27 4. The offense of tampering with a judicial officer is a class D felony.

28 **5. If a violation of this section results in death or bodily injury to a judicial**
29 **officer or a member of the judicial officer's family, the offense is a class B felony.**

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

2 (1) "Elected official", any elected member of state government or any political
3 subdivision thereof;

4 (2) "Personal information", the same meaning as defined in section 407.1500.

5 2. A person commits the offense of unlawful disclosure of personally identifiable
6 information if he or she knowingly releases, publicizes, or otherwise publicly discloses
7 the name, home address, Social Security number, telephone number, or other personal
8 information of an elected official or a family member of the elected official with the
9 purpose to harass, intimidate, or cause death or bodily injury to the elected official or a
10 family member of the elected official.

11 3. The offense of unlawful disclosure of personally identifiable information is a
12 class A misdemeanor. However, if a violation of this section is done with the purpose to
13 influence an elected official in the performance of such official's official duties, the
14 offense is a class D felony.

579.021. 1. A person commits the offense of delivery of a controlled substance
2 **causing serious physical injury, as defined in section 556.061, if a person delivers or**
3 **distributes a controlled substance under section 579.020 and serious physical injury**
4 **results from the use of such controlled substance.**

5 2. It shall not be a defense that the user contributed to the user's own serious
6 physical injury by using the controlled substance or consenting to the administration of
7 the controlled substance by another.

8 3. The offense of delivery of a controlled substance causing serious physical
9 injury is a class C felony.

10 4. For purposes of this section, "controlled substance" means a Schedule I or
11 Schedule II controlled substance, as defined in section 195.017.

579.022. 1. A person commits the offense of delivery of a controlled substance
2 causing death if a person delivers or distributes a controlled substance under section
3 **579.020** and a death results from the use of such controlled substance.

4 2. It shall not be a defense that the user contributed to the user's own death by
5 using the controlled substance or consenting to the administration of the controlled
6 substance by another.

7 3. The offense of delivery of a controlled substance causing death is a class A
8 felony.

9 4. For purposes of this section, "controlled substance" means a Schedule I or
10 Schedule II controlled substance, as defined in section 195.017.

590.1070. 1. There is hereby established within the department of public safety
2 the "Peace Officer Basic Training Tuition Reimbursement Program". Any moneys
3 appropriated by the general assembly for this program shall be used to provide tuition
4 reimbursement for:

5 (1) Qualifying Missouri residents who have paid tuition at a state licensed basic
6 law enforcement training center for the basic law enforcement training required for a
7 peace officer license in this state and who have been employed as full-time peace officers
8 in this state for a specified period; and

9 (2) Qualifying government entities that have paid tuition for an employee to
10 receive the basic law enforcement training required for a peace officer license in this
11 state at a licensed basic law enforcement training center when such employee has been
12 employed as a full-time peace officer for a specified period.

13 2. The Missouri POST Commission shall be the administrative agency for the
14 implementation of the tuition reimbursement program established under this section,
15 and shall:

16 (1) Prescribe the form and the time and method of awarding tuition
17 reimbursement under this section and shall supervise the processing thereof; and

18 (2) Select qualifying recipients to receive reimbursement under this section and
19 determine the manner and method of payment to the recipient.

20 3. To be eligible to receive tuition reimbursement under subdivision (1) of
21 subsection 1 of this section, a person shall:

22 (1) Be initially employed as a peace officer on or after September 1, 2023;

23 (2) Submit to the commission an initial application for tuition reimbursement,
24 and annually thereafter for each year of qualifying employment, in the manner and on a
25 form prescribed by the commission that requires:

26 **(a) Employer verification of the person's employment as a full-time peace officer**
27 **in this state for at least one year and the person's current employment as a peace officer**
28 **in this state as of the date of the application;**

29 **(b) A transcript containing the person's basic police training coursework and his**
30 **or her date of graduation; and**

31 **(c) A statement of the total amount of tuition the applicant paid to the basic**
32 **training center for his or her basic training;**

33 **(3) Be currently employed, and have completed at least one year of employment,**
34 **as a full-time peace officer in this state; and**

35 **(4) Comply with any other requirements adopted by the commission under this**
36 **section.**

37 **4. To be eligible to receive tuition reimbursement under subdivision (2) of**
38 **subsection 1 of this section, a government entity shall:**

39 **(1) Be the employer of a peace officer who was initially employed on or after**
40 **September 1, 2023;**

41 **(2) Submit to the commission an initial application for tuition reimbursement,**
42 **and annually thereafter for each year of the employee's qualifying employment, up to**
43 **four years, in the manner and on a form prescribed by the commission that requires:**

44 **(a) Verification of the employee's full-time employment as a peace officer in this**
45 **state for at least one year and the employee's current employment as a peace officer in**
46 **this state as of the date of the application;**

47 **(b) A transcript containing the employee's basic police training coursework and**
48 **his or her date of graduation; and**

49 **(c) A statement of the total amount of tuition and fees the employer paid to the**
50 **basic training center for the employee's basic training;**

51 **(3) Certify that the employee is currently employed, and has completed at least**
52 **one year of employment, as a full-time peace officer in this state; and**

53 **(4) Comply with any other requirements adopted by the commission under this**
54 **section.**

55 **5. Tuition reimbursement granted under this section, subject to the availability**
56 **of funds, shall be reimbursed as follows:**

57 **(1) At the end of one year of continuous employment as a full-time peace officer,**
58 **an applicant or his or her employer, whichever applies, shall be eligible to receive**
59 **reimbursement for twenty-five percent of the total tuition paid to a licensed basic**
60 **training center;**

61 **(2) At the end of two, three, and four years of continuous qualifying employment**
62 **as a full-time peace officer, and submission of documents verifying continued full-time**

63 employment as a peace officer, an applicant or his or her employer, whichever applies,
64 shall be eligible to receive reimbursement each year for twenty-five percent of the total
65 tuition paid to a licensed basic training center. A government entity may qualify for
66 tuition reimbursement under this subdivision for tuition paid for an employee even if
67 such person is no longer employed by the government entity as long as the person for
68 whom tuition was paid is still continuously employed as a full-time peace officer.

69 6. Notwithstanding any provision of this section to the contrary, the total amount
70 of tuition reimbursement provided under this section to an eligible person, or to a
71 government entity with respect to an employee, shall not exceed six thousand dollars per
72 person or employee.

73 7. The department of public safety shall promulgate all necessary rules and
74 regulations for the administration of the program. Any rule or portion of a rule, as that
75 term is defined in section 536.010, that is created under the authority delegated in this
76 section shall become effective only if it complies with and is subject to all of the
77 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter
78 536 are nonseverable and if any of the powers vested with the general assembly
79 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul
80 a rule are subsequently held unconstitutional, then the grant of rulemaking authority
81 and any rule proposed or adopted after August 28, 2023, shall be invalid and void.

590.1075. There is hereby created in the state treasury the "Peace Officer Basic
2 Training Tuition Reimbursement Fund", which shall consist of moneys appropriated
3 annually by the general assembly from general revenue and any gifts, bequests, or
4 donations. The state treasurer shall be custodian of the fund. In accordance with
5 sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund
6 shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used
7 solely for the administration of section 590.1070. Notwithstanding the provisions of
8 section 33.080 to the contrary, any moneys remaining in the fund at the end of the
9 biennium shall not revert to the credit of the general revenue fund. The state treasurer
10 shall invest moneys in the fund in the same manner as other funds are invested. Any
11 interest and moneys earned on such investments shall be credited to the fund.

Section B. Because immediate action is necessary to reduce crime, the enactment of
2 section 56.601 of section A of this act is deemed necessary for the immediate preservation of
3 the public health, welfare, peace, and safety, and is hereby declared to be an emergency act
4 within the meaning of the constitution, and the enactment of section 56.601 of section A of
5 this act shall be in full force and effect upon its passage and approval.

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