

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE NO. 3 FOR
SENATE BILL NO. 22
102ND GENERAL ASSEMBLY

0870H.08C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 37.725, 43.539, 43.540, 67.145, 70.631, 170.310, 190.091, 193.265, 211.031, 211.071, 217.345, 217.690, 307.175, 491.075, 492.304, 494.430, 556.021, 558.019, 558.031, 559.125, 566.151, 567.030, 569.010, 569.100, 570.010, 570.030, 575.150, 575.200, 575.205, 579.065, 579.068, 589.401, 589.403, 589.410, 589.414, 595.045, 610.021, 610.140, 650.320, and 650.340, RSMo, and to enact in lieu thereof forty-eight new sections relating to judicial proceedings, with penalty provisions and an emergency clause for certain sections.

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

Section A. Sections 37.725, 43.539, 43.540, 67.145, 70.631, 170.310, 190.091, 2 193.265, 211.031, 211.071, 217.345, 217.690, 307.175, 491.075, 492.304, 494.430, 556.021, 3 558.019, 558.031, 559.125, 566.151, 567.030, 569.010, 569.100, 570.010, 570.030, 575.150, 4 575.200, 575.205, 579.065, 579.068, 589.401, 589.403, 589.410, 589.414, 595.045, 610.021, 5 610.140, 650.320, and 650.340, RSMo, are repealed and forty-eight new sections enacted in 6 lieu thereof, to be known as sections 37.725, 43.539, 43.540, 67.145, 70.631, 170.310, 7 190.091, 193.265, 195.817, 211.031, 211.071, 211.600, 217.345, 217.690, 307.018, 307.175, 8 491.075, 492.304, 494.430, 547.500, 550.125, 556.021, 558.019, 558.031, 559.125, 566.151, 9 567.030, 568.075, 569.010, 569.100, 570.010, 570.030, 575.150, 575.151, 575.205, 579.021, 10 579.022, 579.065, 579.068, 589.401, 589.403, 589.410, 589.414, 595.045, 610.021, 610.140, 11 650.320, and 650.340, to read as follows:

37.725. 1. Any files maintained by the advocate program shall be disclosed only at 2 the discretion of the child advocate; except that the identity of any complainant or recipient 3 shall not be disclosed by the office unless:

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.

4 (1) The complainant or recipient, or the complainant's or recipient's legal
5 representative, consents in writing to such disclosure; ~~[or]~~

6 (2) Such disclosure is required by court order; **or**

7 **(3) The disclosure is at the request of law enforcement as part of an**
8 **investigation.**

9 2. Any statement or communication made by the office relevant to a complaint
10 received by, proceedings before, or activities of the office and any complaint or information
11 made or provided in good faith by any person shall be absolutely privileged and such person
12 shall be immune from suit.

13 3. Any representative of the office conducting or participating in any examination of a
14 complaint who knowingly and willfully discloses to any person other than the office, or those
15 persons authorized by the office to receive it, the name of any witness examined or any
16 information obtained or given during such examination is guilty of a class A misdemeanor.
17 However, the office conducting or participating in any examination of a complaint shall
18 disclose the final result of the examination with the consent of the recipient.

19 4. The office shall not be required to testify in any court with respect to matters held
20 to be confidential in this section except as the court may deem necessary to enforce the
21 provisions of sections 37.700 to 37.730, or where otherwise required by court order.

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

2 (1) "Applicant", a person who:

3 (a) Is actively employed by or seeks employment with a qualified entity;

4 (b) Is actively licensed or seeks licensure with a qualified entity;

5 (c) Actively volunteers or seeks to volunteer with a qualified entity;

6 (d) Is actively contracted with or seeks to contract with a qualified entity; or

7 (e) Owns or operates a qualified entity;

8 (2) "Care", the provision of care, treatment, education, training, instruction,
9 supervision, or recreation to children, the elderly, or disabled persons;

10 (3) "Missouri criminal record review", a review of criminal history records and sex
11 offender registration records under sections 589.400 to 589.425 maintained by the Missouri
12 state highway patrol in the Missouri criminal records repository;

13 (4) "Missouri Rap Back program", any type of automatic notification made by the
14 Missouri state highway patrol to a qualified entity indicating that an applicant who is
15 employed, licensed, or otherwise under the purview of that entity has been arrested for a
16 reported criminal offense in Missouri as required under section 43.506;

17 (5) "National criminal record review", a review of the criminal history records
18 maintained by the Federal Bureau of Investigation;

19 (6) "National Rap Back program", any type of automatic notification made by the
20 Federal Bureau of Investigation through the Missouri state highway patrol to a qualified
21 entity indicating that an applicant who is employed, licensed, or otherwise under the purview
22 of that entity has been arrested for a reported criminal offense outside the state of Missouri
23 and the fingerprints for that arrest were forwarded to the Federal Bureau of Investigation by
24 the arresting agency;

25 (7) "Patient or resident", a person who by reason of age, illness, disease, or physical
26 or mental infirmity receives or requires care or services furnished by an applicant, as defined
27 in this section, or who resides or boards in, or is otherwise kept, cared for, treated, or
28 accommodated in a facility as defined in section 198.006, for a period exceeding twenty-four
29 consecutive hours;

30 (8) "Qualified entity", a person, business, or organization that provides care, care
31 placement, or educational services for children, the elderly, or persons with disabilities as
32 patients or residents, including a business or organization that licenses or certifies others to
33 provide care or care placement services;

34 (9) "Youth services agency", any agency, school, or association that provides
35 programs, care, or treatment for or exercises supervision over minors.

36 2. The central repository shall have the authority to submit applicant fingerprints to
37 the National Rap Back program to be retained for the purpose of being searched against future
38 submissions to the National Rap Back program, including latent fingerprint searches.
39 Qualified entities may conduct Missouri and national criminal record reviews on applicants
40 and participate in Missouri and National Rap Back programs for the purpose of determining
41 suitability or fitness for a permit, license, or employment, and shall abide by the following
42 requirements:

43 (1) The qualified entity shall register with the Missouri state highway patrol prior to
44 submitting a request for screening under this section. As part of the registration, the qualified
45 entity shall indicate if it chooses to enroll applicants in the Missouri and National Rap Back
46 programs;

47 (2) Qualified entities shall notify applicants subject to a criminal record review under
48 this section that the applicant's fingerprints shall be retained by the state central repository and
49 the Federal Bureau of Investigation and shall be searched against other fingerprints on file,
50 including latent fingerprints;

51 (3) Qualified entities shall notify applicants subject to enrollment in the National Rap
52 Back program that the applicant's fingerprints, while retained, may continue to be compared
53 against other fingerprints submitted or retained by the Federal Bureau of Investigation,
54 including latent fingerprints;

55 (4) The criminal record review and Rap Back process described in this section shall
56 be voluntary and conform to the requirements established in the National Child Protection
57 Act of 1993, as amended, and other applicable state or federal law. As a part of the
58 registration, the qualified entity shall agree to comply with state and federal law and shall
59 indicate so by signing an agreement approved by the Missouri state highway patrol. The
60 Missouri state highway patrol may periodically audit qualified entities to ensure compliance
61 with federal law and this section;

62 (5) A qualified entity shall submit to the Missouri state highway patrol a request for
63 screening on applicants covered under this section using a completed fingerprint card;

64 (6) Each request shall be accompanied by a reasonable fee, as provided in section
65 43.530, plus the amount required, if any, by the Federal Bureau of Investigation for the
66 national criminal record review and enrollment in the National Rap Back program in
67 compliance with the National Child Protection Act of 1993, as amended, and other applicable
68 state or federal laws;

69 (7) The Missouri state highway patrol shall provide, directly to the qualified entity,
70 the applicant's state criminal history records that are not exempt from disclosure under
71 chapter 610 or otherwise confidential under law;

72 (8) The national criminal history data shall be available to qualified entities to use
73 only for the purpose of screening applicants as described under this section. The Missouri
74 state highway patrol shall provide the applicant's national criminal history record information
75 directly to the qualified entity;

76 (9) The determination whether the criminal history record shows that the applicant
77 has been convicted of or has a pending charge for any crime that bears upon the fitness of the
78 applicant to have responsibility for the safety and well-being of children, the elderly, or
79 disabled persons shall be made solely by the qualified entity. This section shall not require
80 the Missouri state highway patrol to make such a determination on behalf of any qualified
81 entity;

82 (10) The qualified entity shall notify the applicant, in writing, of his or her right to
83 obtain a copy of any criminal record review, including the criminal history records, if any,
84 contained in the report and of the applicant's right to challenge the accuracy and completeness
85 of any information contained in any such report and obtain a determination as to the validity
86 of such challenge before a final determination regarding the applicant is made by the qualified
87 entity reviewing the criminal history information. A qualified entity that is required by law to
88 apply screening criteria, including any right to contest or request an exemption from
89 disqualification, shall apply such screening criteria to the state and national criminal history
90 record information received from the Missouri state highway patrol for those applicants
91 subject to the required screening; and

92 (11) Failure to obtain the information authorized under this section, with respect to an
93 applicant, shall not be used as evidence in any negligence action against a qualified entity.
94 The state, any political subdivision of the state, or any agency, officer, or employee of the
95 state or a political subdivision shall not be liable for damages for providing the information
96 requested under this section.

97 3. The criminal record review shall include the submission of fingerprints to the
98 Missouri state highway patrol, who shall conduct a Missouri criminal record review,
99 including closed record information under section 610.120. The Missouri state highway
100 patrol shall also forward a copy of the applicant's fingerprints to the Federal Bureau of
101 Investigation for a national criminal record review.

102 4. The applicant subject to a criminal record review shall provide the following
103 information to the qualified entity:

104 (1) Consent to obtain the applicant's fingerprints, conduct the criminal record review,
105 and participate in the Missouri and National Rap Back programs;

106 (2) Consent to obtain the identifying information required to conduct the criminal
107 record review, which may include, but not be limited to:

108 (a) Name;

109 (b) Date of birth;

110 (c) Height;

111 (d) Weight;

112 (e) Eye color;

113 (f) Hair color;

114 (g) Gender;

115 (h) Race;

116 (i) Place of birth;

117 (j) Social Security number; and

118 (k) The applicant's photo.

119 5. Any information received by an authorized state agency or a qualified entity under
120 the provisions of this section shall be used solely for internal purposes in determining the
121 suitability of an applicant. The dissemination of criminal history information from the
122 Federal Bureau of Investigation beyond the authorized state agency or related governmental
123 entity is prohibited. All criminal record check information shall be confidential, and any
124 person who discloses the information beyond the scope allowed is guilty of a class A
125 misdemeanor.

126 6. A qualified entity enrolled in either the Missouri or National Rap Back program
127 shall be notified by the Missouri state highway patrol that a new arrest has been reported on
128 an applicant who is employed, licensed, or otherwise under the purview of the qualified

129 entity. Upon receiving the Rap Back notification, if the qualified entity deems that the
130 applicant is still serving in an active capacity, the entity may request and receive the
131 individual's updated criminal history record. This process shall only occur if:

132 (1) The entity has abided by all procedures and rules promulgated by the Missouri
133 state highway patrol and Federal Bureau of Investigation regarding the Missouri and National
134 Rap Back programs;

135 (2) The individual upon whom the Rap Back notification is being made has
136 previously had a Missouri and national criminal record review completed for the qualified
137 entity under this section [~~within the previous six years~~]; and

138 (3) The individual upon whom the Rap Back notification is being made is a current
139 employee, licensee, or otherwise still actively under the purview of the qualified entity.

140 7. The Missouri state highway patrol shall make available or approve the necessary
141 forms, procedures, and agreements necessary to implement the provisions of this section.

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

2 (1) "Applicant", a person who:

3 (a) Is actively employed by or seeks employment with a qualified entity;

4 (b) Is actively licensed or seeks licensure with a qualified entity;

5 (c) Actively volunteers or seeks to volunteer with a qualified entity; or

6 (d) Is actively contracted with or seeks to contract with a qualified entity;

7 (2) "Missouri criminal record review", a review of criminal history records and sex
8 offender registration records pursuant to sections 589.400 to 589.425 maintained by the
9 Missouri state highway patrol in the Missouri criminal records repository;

10 (3) "Missouri Rap Back program", shall include any type of automatic notification
11 made by the Missouri state highway patrol to a qualified entity indicating that an applicant
12 who is employed, licensed, or otherwise under the purview of that entity has been arrested for
13 a reported criminal offense in Missouri as required under section 43.506;

14 (4) "National criminal record review", a review of the criminal history records
15 maintained by the Federal Bureau of Investigation;

16 (5) "National Rap Back program", shall include any type of automatic notification
17 made by the Federal Bureau of Investigation through the Missouri state highway patrol to a
18 qualified entity indicating that an applicant who is employed, licensed, or otherwise under the
19 purview of that entity has been arrested for a reported criminal offense outside the state of
20 Missouri and the fingerprints for that arrest were forwarded to the Federal Bureau of
21 Investigation by the arresting agency;

22 (6) "Qualified entity", an entity that is:

23 (a) An office or division of state, county, or municipal government, including a
24 political subdivision or a board or commission designated by statute or approved local
25 ordinance, to issue or renew a license, permit, certification, or registration of authority;

26 (b) An office or division of state, county, or municipal government, including a
27 political subdivision or a board or commission designated by statute or approved local
28 ordinance, to make fitness determinations on applications for state, county, or municipal
29 government employment; or

30 (c) Any entity that is authorized to obtain criminal history record information under
31 28 CFR 20.33.

32 2. The central repository shall have the authority to submit applicant fingerprints to
33 the National Rap Back program to be retained for the purpose of being searched against future
34 submissions to the National Rap Back program, including latent fingerprint searches.
35 Qualified entities may conduct Missouri and national criminal record reviews on applicants
36 and participate in Missouri and National Rap Back programs for the purpose of determining
37 suitability or fitness for a permit, license, or employment, and shall abide by the following
38 requirements:

39 (1) The qualified entity shall register with the Missouri state highway patrol prior to
40 submitting a request for screening under this section. As part of such registration, the
41 qualified entity shall indicate if it chooses to enroll their applicants in the Missouri and
42 National Rap Back programs;

43 (2) Qualified entities shall notify applicants subject to a criminal record review under
44 this section that the applicant's fingerprints shall be retained by the state central repository and
45 the Federal Bureau of Investigation and shall be searched against other fingerprints on file,
46 including latent fingerprints;

47 (3) Qualified entities shall notify applicants subject to enrollment in the National Rap
48 Back program that the applicant's fingerprints, while retained, may continue to be compared
49 against other fingerprints submitted or retained by the Federal Bureau of Investigation,
50 including latent fingerprints;

51 (4) The criminal record review and Rap Back process described in this section shall
52 be voluntary and conform to the requirements established in Pub. L. 92-544 and other
53 applicable state or federal law. As a part of the registration, the qualified entity shall agree to
54 comply with state and federal law and shall indicate so by signing an agreement approved by
55 the Missouri state highway patrol. The Missouri state highway patrol may periodically audit
56 qualified entities to ensure compliance with federal law and this section;

57 (5) A qualified entity shall submit to the Missouri state highway patrol a request for
58 screening on applicants covered under this section using a completed fingerprint card;

59 (6) Each request shall be accompanied by a reasonable fee, as provided in section
60 43.530, plus the amount required, if any, by the Federal Bureau of Investigation for the
61 national criminal record review and enrollment in the National Rap Back program in
62 compliance with applicable state or federal laws;

63 (7) The Missouri state highway patrol shall provide, directly to the qualified entity,
64 the applicant's state criminal history records that are not exempt from disclosure under
65 chapter 610 or are otherwise confidential under law;

66 (8) The national criminal history data shall be available to qualified entities to use
67 only for the purpose of screening applicants as described under this section. The Missouri
68 state highway patrol shall provide the applicant's national criminal history record information
69 directly to the qualified entity;

70 (9) This section shall not require the Missouri state highway patrol to make an
71 eligibility determination on behalf of any qualified entity;

72 (10) The qualified entity shall notify the applicant, in writing, of his or her right to
73 obtain a copy of any criminal record review, including the criminal history records, if any,
74 contained in the report, and of the applicant's right to challenge the accuracy and
75 completeness of any information contained in any such report and to obtain a determination
76 as to the validity of such challenge before a final determination regarding the applicant is
77 made by the qualified entity reviewing the criminal history information. A qualified entity
78 that is required by law to apply screening criteria, including any right to contest or request an
79 exemption from disqualification, shall apply such screening criteria to the state and national
80 criminal history record information received from the Missouri state highway patrol for those
81 applicants subject to the required screening; and

82 (11) Failure to obtain the information authorized under this section with respect to an
83 applicant shall not be used as evidence in any negligence action against a qualified entity.
84 The state, any political subdivision of the state, or any agency, officer, or employee of the
85 state or a political subdivision shall not be liable for damages for providing the information
86 requested under this section.

87 3. The criminal record review shall include the submission of fingerprints to the
88 Missouri state highway patrol, who shall conduct a Missouri criminal record review,
89 including closed record information under section 610.120. The Missouri state highway
90 patrol shall also forward a copy of the applicant's fingerprints to the Federal Bureau of
91 Investigation for a national criminal record review.

92 4. The applicant subject to a criminal record review shall provide the following
93 information to the qualified entity:

94 (1) Consent to obtain the applicant's fingerprints, conduct the criminal record review,
95 and participate in the Missouri and National Rap Back programs;

96 (2) Consent to obtain the identifying information required to conduct the criminal
97 record review, which may include, but not be limited to:

98 (a) Name;

99 (b) Date of birth;

100 (c) Height;

101 (d) Weight;

102 (e) Eye color;

103 (f) Hair color;

104 (g) Gender;

105 (h) Race;

106 (i) Place of birth;

107 (j) Social Security number; and

108 (k) The applicant's photo.

109 5. Any information received by an authorized state agency or a qualified entity
110 pursuant to the provisions of this section shall be used solely for internal purposes in
111 determining the suitability of an applicant. The dissemination of criminal history information
112 from the Federal Bureau of Investigation beyond the authorized state agency or related
113 governmental entity is prohibited. All criminal record check information shall be confidential
114 and any person who discloses the information beyond the scope allowed is guilty of a class A
115 misdemeanor.

116 6. A qualified entity enrolled in either the Missouri or National Rap Back programs
117 shall be notified by the Missouri state highway patrol that a new arrest has been reported on
118 an applicant who is employed, licensed, or otherwise under the purview of the qualified
119 entity. Upon receiving the Rap Back notification, if the qualified entity deems that the
120 applicant is still serving in an active capacity, the entity may request and receive the
121 individual's updated criminal history record. This process shall only occur if:

122 (1) The agency has abided by all procedures and rules promulgated by the Missouri
123 state highway patrol and Federal Bureau of Investigation regarding the Missouri and National
124 Rap Back programs;

125 (2) The individual upon whom the Rap Back notification is being made has
126 previously had a Missouri and national criminal record review completed for the qualified
127 entity under this section [~~within the previous six years~~]; and

128 (3) The individual upon whom the Rap Back notification is being made is a current
129 employee, licensee, or otherwise still actively under the purview of the qualified entity.

130 7. The highway patrol shall make available or approve the necessary forms,
131 procedures, and agreements necessary to implement the provisions of this section.

67.145. 1. No political subdivision of this state shall prohibit any first responder from
2 engaging in any political activity while off duty and not in uniform, being a candidate for
3 elected or appointed public office, or holding such office unless such political activity or
4 candidacy is otherwise prohibited by state or federal law.

5 2. As used in this section, "first responder" means any person trained and authorized
6 by law or rule to render emergency medical assistance or treatment. Such persons may
7 include, but shall not be limited to, emergency first responders, **telecommunicator first**
8 **responders**, police officers, sheriffs, deputy sheriffs, firefighters, ambulance attendants and
9 attendant drivers, emergency medical technicians, mobile emergency medical technicians,
10 emergency medical technician-paramedics, registered nurses, or physicians.

70.631. 1. Each political subdivision may, by majority vote of its governing body,
2 elect to cover [~~emergency telecommunicators~~] **telecommunicator first responders**, jailors,
3 and emergency medical service personnel as public safety personnel members of the system.
4 The clerk or secretary of the political subdivision shall certify an election concerning the
5 coverage of [~~emergency telecommunicators~~] **telecommunicator first responders**, jailors,
6 and emergency medical service personnel as public safety personnel members of the system
7 to the board within ten days after such vote. The date in which the political subdivision's
8 election becomes effective shall be the first day of the calendar month specified by such
9 governing body, the first day of the calendar month next following receipt by the board of the
10 certification of the election, or the effective date of the political subdivision's becoming an
11 employer, whichever is the latest date. Such election shall not be changed after the effective
12 date. If the election is made, the coverage provisions shall be applicable to all past and future
13 employment with the employer by present and future employees. If a political subdivision
14 makes no election under this section, no [~~emergency~~] telecommunicator **first responder**,
15 jailor, or emergency medical service personnel of the political subdivision shall be considered
16 public safety personnel for purposes determining a minimum service retirement age as
17 defined in section 70.600.

18 2. If an employer elects to cover [~~emergency telecommunicators~~] **telecommunicator**
19 **first responders**, jailors, and emergency medical service personnel as public safety personnel
20 members of the system, the employer's contributions shall be correspondingly changed
21 effective the same date as the effective date of the political subdivision's election.

22 3. The limitation on increases in an employer's contributions provided by subsection
23 6 of section 70.730 shall not apply to any contribution increase resulting from an employer
24 making an election under the provisions of this section.

170.310. 1. For school year 2017-18 and each school year thereafter, upon
2 graduation from high school, pupils in public schools and charter schools shall have received
3 thirty minutes of cardiopulmonary resuscitation instruction and training in the proper

4 performance of the Heimlich maneuver or other first aid for choking given any time during a
5 pupil's four years of high school.

6 2. Beginning in school year 2017-18, any public school or charter school serving
7 grades nine through twelve shall provide enrolled students instruction in cardiopulmonary
8 resuscitation. Students with disabilities may participate to the extent appropriate as
9 determined by the provisions of the Individuals with Disabilities Education Act or Section
10 504 of the Rehabilitation Act (**29 U.S.C. Section 794**), **as amended**. Instruction shall be
11 included in the district's existing health or physical education curriculum. Instruction shall be
12 based on a program established by the American Heart Association or the American Red
13 Cross, or through a nationally recognized program based on the most current national
14 evidence-based emergency cardiovascular care guidelines, and psychomotor skills
15 development shall be incorporated into the instruction. For purposes of this section,
16 "psychomotor skills" means the use of hands-on practicing and skills testing to support
17 cognitive learning.

18 3. The teacher of the cardiopulmonary resuscitation course or unit shall not be
19 required to be a certified trainer of cardiopulmonary resuscitation if the instruction is not
20 designed to result in certification of students. Instruction that is designed to result in
21 certification being earned shall be required to be taught by an authorized cardiopulmonary
22 instructor. Schools may develop agreements with any local chapter of a voluntary
23 organization of first responders to provide the required hands-on practice and skills testing.
24 **For purposes of this subsection, "first responders" shall include telecommunicator first**
25 **responders as defined in section 650.320.**

26 4. The department of elementary and secondary education may promulgate rules to
27 implement this section. Any rule or portion of a rule, as that term is defined in section
28 536.010, that is created under the authority delegated in this section shall become effective
29 only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable,
30 section 536.028. This section and chapter 536 are nonseverable and if any of the powers
31 vested with the general assembly pursuant to chapter 536 to review, to delay the effective
32 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant
33 of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be
34 invalid and void.

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

2 (1) "Bioterrorism", the intentional use of any microorganism, virus, infectious
3 substance, or biological product that may be engineered as a result of biotechnology or any
4 naturally occurring or bioengineered component of any microorganism, virus, infectious
5 substance, or biological product to cause death, disease, or other biological malfunction in a

6 human, an animal, a plant, or any other living organism to influence the conduct of
7 government or to intimidate or coerce a civilian population;

8 (2) "Department", the Missouri department of health and senior services;

9 (3) "Director", the director of the department of health and senior services;

10 (4) "Disaster locations", any geographical location where a bioterrorism attack,
11 terrorist attack, catastrophic or natural disaster, or emergency occurs;

12 (5) "First responders", state and local law enforcement personnel, **telecommunicator**
13 **first responders**, fire department personnel, and emergency medical personnel who will be
14 deployed to bioterrorism attacks, terrorist attacks, catastrophic or natural disasters, and
15 emergencies.

16 2. The department shall offer a vaccination program for first responders who may be
17 exposed to infectious diseases when deployed to disaster locations as a result of a
18 bioterrorism event or a suspected bioterrorism event. The vaccinations shall include, but are
19 not limited to, smallpox, anthrax, and other vaccinations when recommended by the federal
20 Centers for Disease Control and Prevention's Advisory Committee on Immunization
21 Practices.

22 3. Participation in the vaccination program shall be voluntary by the first responders,
23 except for first responders who, as determined by their employer, cannot safely perform
24 emergency responsibilities when responding to a bioterrorism event or suspected bioterrorism
25 event without being vaccinated. The recommendations of the Centers for Disease Control
26 and Prevention's Advisory Committee on Immunization Practices shall be followed when
27 providing appropriate screening for contraindications to vaccination for first responders. A
28 first responder shall be exempt from vaccinations when a written statement from a licensed
29 physician is presented to their employer indicating that a vaccine is medically contraindicated
30 for such person.

31 4. If a shortage of the vaccines referred to in subsection 2 of this section exists
32 following a bioterrorism event or suspected bioterrorism event, the director, in consultation
33 with the governor and the federal Centers for Disease Control and Prevention, shall give
34 priority for such vaccinations to persons exposed to the disease and to first responders who
35 are deployed to the disaster location.

36 5. The department shall notify first responders concerning the availability of the
37 vaccination program described in subsection 2 of this section and shall provide education to
38 such first responders and their employers concerning the vaccinations offered and the
39 associated diseases.

40 6. The department may contract for the administration of the vaccination program
41 described in subsection 2 of this section with health care providers, including but not limited
42 to local public health agencies, hospitals, federally qualified health centers, and physicians.

43 7. The provisions of this section shall become effective upon receipt of federal
44 funding or federal grants which designate that the funding is required to implement
45 vaccinations for first responders in accordance with the recommendations of the federal
46 Centers for Disease Control and Prevention's Advisory Committee on Immunization
47 Practices. Upon receipt of such funding, the department shall make available the vaccines to
48 first responders as provided in this section.

 193.265. 1. For the issuance of a certification or copy of a death record, the applicant
2 shall pay a fee of fourteen dollars for the first certification or copy and a fee of eleven dollars
3 for each additional copy ordered at that time. For the issuance of a certification or copy of a
4 birth, marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars.
5 No fee shall be required or collected for a certification of birth, death, or marriage if the
6 request for certification is made by the children's division, the division of youth services, a
7 guardian ad litem, or a juvenile officer on behalf of a child or person under twenty-one years
8 of age who has come under the jurisdiction of the juvenile court under section 211.031. All
9 fees collected under this subsection shall be deposited to the state department of revenue.
10 Beginning August 28, 2004, for each vital records fee collected, the director of revenue shall
11 credit four dollars to the general revenue fund, five dollars to the children's trust fund, one
12 dollar shall be credited to the endowed care cemetery audit fund, one dollar for each
13 certification or copy of death records to the Missouri state coroners' training fund established
14 in section 58.208, and three dollars for the first copy of death records and five dollars for
15 birth, marriage, divorce, and fetal death records shall be credited to the Missouri public health
16 services fund established in section 192.900. Money in the endowed care cemetery audit fund
17 shall be available by appropriation to the division of professional registration to pay its
18 expenses in administering sections 214.270 to 214.410. All interest earned on money
19 deposited in the endowed care cemetery audit fund shall be credited to the endowed care
20 cemetery fund. Notwithstanding the provisions of section 33.080 to the contrary, money
21 placed in the endowed care cemetery audit fund shall not be transferred and placed to the
22 credit of general revenue until the amount in the fund at the end of the biennium exceeds three
23 times the amount of the appropriation from the endowed care cemetery audit fund for the
24 preceding fiscal year. The money deposited in the public health services fund under this
25 section shall be deposited in a separate account in the fund, and moneys in such account, upon
26 appropriation, shall be used to automate and improve the state vital records system, and
27 develop and maintain an electronic birth and death registration system. For any search of the
28 files and records, when no record is found, the state shall be entitled to a fee equal to the
29 amount for a certification of a vital record for a five-year search to be paid by the applicant.
30 For the processing of each legitimation, adoption, court order or recording after the
31 registrant's twelfth birthday, the state shall be entitled to a fee equal to the amount for a

32 certification of a vital record. Except whenever a certified copy or copies of a vital record is
33 required to perfect any claim of any person on relief, or any dependent of any person who was
34 on relief for any claim upon the government of the state or United States, the state registrar
35 shall, upon request, furnish a certified copy or so many certified copies as are necessary,
36 without any fee or compensation therefor.

37 2. For the issuance of a certification of a death record by the local registrar, the
38 applicant shall pay a fee of fourteen dollars for the first certification or copy and a fee of
39 eleven dollars for each additional copy ordered at that time. For each fee collected under this
40 subsection, one dollar shall be deposited to the state department of revenue and the remainder
41 shall be deposited to the official city or county health agency. The director of revenue shall
42 credit all fees deposited to the state department of revenue under this subsection to the
43 Missouri state coroners' training fund established in section 58.208.

44 3. For the issuance of a certification or copy of a birth, marriage, divorce, or fetal
45 death record, the applicant shall pay a fee of fifteen dollars; except that, in any county with a
46 charter form of government and with more than six hundred thousand but fewer than seven
47 hundred thousand inhabitants, a donation of one dollar may be collected by the local registrar
48 over and above any fees required by law when a certification or copy of any marriage license
49 or birth certificate is provided, with such donations collected to be forwarded monthly by the
50 local registrar to the county treasurer of such county and the donations so forwarded to be
51 deposited by the county treasurer into the housing resource commission fund to assist
52 homeless families and provide financial assistance to organizations addressing homelessness
53 in such county. The local registrar shall include a check-off box on the application form for
54 such copies. All fees collected under this subsection, other than the donations collected in
55 any county with a charter form of government and with more than six hundred thousand but
56 fewer than seven hundred thousand inhabitants for marriage licenses and birth certificates,
57 shall be deposited to the official city or county health agency.

58 4. A certified copy of a death record by the local registrar can only be issued within
59 twenty-four hours of receipt of the record by the local registrar. Computer-generated
60 certifications of death records may be issued by the local registrar after twenty-four hours of
61 receipt of the records. The fees paid to the official county health agency shall be retained by
62 the local agency for local public health purposes.

63 5. No fee under this section shall be required or collected from a parent or guardian of
64 a homeless child or homeless youth, as defined in subsection 1 of section 167.020, or an
65 unaccompanied youth, as defined in 42 U.S.C. Section 11434a(6), for the issuance of a
66 certification, or copy of such certification, of birth of such child or youth. An unaccompanied
67 youth shall be eligible to receive a certification or copy of his or her own birth record without
68 the consent or signature of his or her parent or guardian; provided, that only one certificate

69 under this provision shall be provided without cost to the unaccompanied or homeless youth.
70 For the issuance of any additional certificates, the statutory fee shall be paid.

71 **6. No fee shall be required or collected for a certification of birth, death, or**
72 **marriage if the request for certification is made by a prosecuting attorney, a circuit**
73 **attorney, or the attorney general.**

195.817. 1. The department of health and senior services shall require all
2 **employees, contractors, owners, and volunteers of marijuana facilities to submit**
3 **fingerprints to the Missouri state highway patrol for the purpose of conducting a state**
4 **and federal fingerprint-based criminal background check.**

5 **2. The department may require that such fingerprint submissions be made as**
6 **part of a marijuana facility application, a marijuana facility renewal application, and an**
7 **individual's application for a license or permit authorizing that individual to be an**
8 **employee, contractor, owner, or volunteer of a marijuana facility.**

9 **3. Fingerprint cards and any required fees shall be sent to the Missouri state**
10 **highway patrol's central repository. The fingerprints shall be used for searching the**
11 **state criminal records repository and shall also be forwarded to the Federal Bureau of**
12 **Investigation for a federal criminal records search under section 43.540. The Missouri**
13 **state highway patrol shall notify the department of any criminal history record**
14 **information or lack of criminal history record information discovered on the individual.**
15 **Notwithstanding the provisions of section 610.120 to the contrary, all records related to**
16 **any criminal history information discovered shall be accessible and available to the**
17 **department.**

18 **4. As used in this section, the following terms shall mean:**

19 **(1) "Contractor", a person performing work or service of any kind for a**
20 **marijuana facility in accordance with a contract with that facility;**

21 **(2) "Marijuana facility", an entity licensed or certified by the department of**
22 **health and senior services to cultivate, manufacture, test, transport, dispense, or**
23 **conduct research on marijuana or marijuana products;**

24 **(3) "Owner", an individual who has a financial interest or voting interest in ten**
25 **percent or greater of a marijuana facility.**

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 as provided in subsection 2 of this section**;
40 except that, the juvenile court shall not have jurisdiction over any child fifteen years of age
41 who is alleged to have violated a state or municipal traffic ordinance or regulation, the
42 violation of which does not constitute a felony, and except that the juvenile court shall have
43 concurrent jurisdiction with the municipal court over any child who is alleged to have
44 violated a municipal curfew ordinance, and except that the juvenile court shall have

45 concurrent jurisdiction with the circuit court on any child who is alleged to have violated a
46 state or municipal ordinance or regulation prohibiting possession or use of any tobacco
47 product;

48 (4) For the adoption of a person;

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

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

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

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

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

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

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

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

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

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

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

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

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

211.071. 1. If a petition alleges that a child between the ages of ~~twelve~~ **fourteen**
2 and eighteen has committed an offense which would be considered a felony if committed by
3 an adult, the court may, upon its own motion or upon motion by the juvenile officer, the child
4 or the child's custodian, order a hearing and may, in its discretion, dismiss the petition and
5 such child may be transferred to the court of general jurisdiction and prosecuted under the
6 general law; except that if a petition alleges that ~~any~~ **a child between the ages of twelve**
7 **and eighteen** has committed an offense which would be considered first degree murder under
8 section 565.020, second degree murder under section 565.021, first degree assault under
9 section 565.050, forcible rape under section 566.030 as it existed prior to August 28, 2013,
10 rape in the first degree under section 566.030, forcible sodomy under section 566.060 as it
11 existed prior to August 28, 2013, sodomy in the first degree under section 566.060, first
12 degree robbery under section 569.020 as it existed prior to January 1, 2017, ~~or~~ robbery in
13 the first degree under section 570.023, distribution of drugs under section 195.211 as it
14 existed prior to January 1, 2017, ~~or~~ the manufacturing of a controlled substance under
15 section 579.055, **or a dangerous felony as defined in section 556.061, or has committed an**
16 **offense, while in possession of a firearm, that would be a felony if committed by an adult**
17 **and has committed a prior unrelated offense that would be a felony if committed by an**
18 **adult**, or has committed two or more prior unrelated offenses which would be felonies if
19 committed by an adult, the court shall order a hearing, and may in its discretion, dismiss the
20 petition and transfer the child to a court of general jurisdiction for prosecution under the
21 general law.

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

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

30 4. Written notification of a transfer hearing shall be given to the juvenile and his or
31 her custodian in the same manner as provided in sections 211.101 and 211.111. Notice of the
32 hearing may be waived by the custodian. Notice shall contain a statement that the purpose of
33 the hearing is to determine whether the child is a proper subject to be dealt with under the
34 provisions of this chapter, and that if the court finds that the child is not a proper subject to be
35 dealt with under the provisions of this chapter, the petition will be dismissed to allow for
36 prosecution of the child under the general law.

37 5. The juvenile officer may consult with the office of prosecuting attorney concerning
38 any offense for which the child could be certified as an adult under this section. The
39 prosecuting or circuit attorney shall have access to police reports, reports of the juvenile or
40 deputy juvenile officer, statements of witnesses and all other records or reports relating to the
41 offense alleged to have been committed by the child. The prosecuting or circuit attorney shall
42 have access to the disposition records of the child when the child has been adjudicated
43 pursuant to subdivision (3) of subsection 1 of section 211.031. The prosecuting attorney shall
44 not divulge any information regarding the child and the offense until the juvenile court at a
45 judicial hearing has determined that the child is not a proper subject to be dealt with under the
46 provisions of this chapter.

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

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

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

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

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

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

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

63 (7) The age of the child;

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

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

68 (10) Racial disparity in certification.

69 7. If the court dismisses the petition to permit the child to be prosecuted under the
70 general law, the court shall enter a dismissal order containing:

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

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

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

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

77 8. A copy of the petition and order of the dismissal shall be sent to the prosecuting
78 attorney.

79 9. When a petition has been dismissed thereby permitting a child to be prosecuted
80 under the general law and the prosecution of the child results in a conviction, the jurisdiction
81 of the juvenile court over that child is forever terminated, except as provided in subsection 10
82 of this section, for an act that would be a violation of a state law or municipal ordinance.

83 10. If a petition has been dismissed thereby permitting a child to be prosecuted under
84 the general law and the child is found not guilty by a court of general jurisdiction, the juvenile
85 court shall have jurisdiction over any later offense committed by that child which would be
86 considered a misdemeanor or felony if committed by an adult, subject to the certification
87 provisions of this section.

88 11. If the court does not dismiss the petition to permit the child to be prosecuted under
89 the general law, it shall set a date for the hearing upon the petition as provided in section
90 211.171.

**211.600. 1. The office of state courts administrator shall collect information
2 related to the filing and disposition of petitions to certify juveniles pursuant to section
3 211.071.**

4 2. The data collected pursuant to this section shall include the following:

5 (1) The number of certification petitions filed annually;

6 (2) The disposition of certification petitions filed annually;

7 (3) The offenses for which certification petitions are filed annually;

**8 (4) The race of the juveniles for whom the certification petitions are filed
9 annually; and**

10 **(5) The number of juveniles who have waived their right to counsel.**

11 **3. The data collected pursuant to this section shall be made publicly available**
12 **annually.**

 217.345. 1. Correctional treatment programs for first offenders **and offenders**
2 **eighteen years of age or younger** in the department shall be established, subject to the
3 control and supervision of the director, and shall include such programs deemed necessary
4 and sufficient for the successful rehabilitation of offenders.

5 2. [~~Correctional treatment programs for offenders who are younger than eighteen~~
6 ~~years of age shall be established, subject to the control and supervision of the director. By~~
7 ~~January 1, 1998, such~~] Programs **established pursuant to this section** shall include physical
8 separation of offenders who are younger than eighteen years of age from offenders who are
9 eighteen years of age or older **and shall include educational programs that award a high**
10 **school diploma or its equivalent.**

11 3. The department shall have the authority to promulgate rules pursuant to subsection
12 2 of section 217.378 to establish correctional treatment programs for offenders under age
13 eighteen. Such rules may include:

14 (1) Establishing separate housing units for such offenders; and

15 (2) Providing housing and program space in existing housing units for such offenders
16 that is not accessible to adult offenders.

17 4. The department shall have the authority to determine the number of juvenile
18 offenders participating in any treatment program depending on available appropriations. The
19 department may contract with any private or public entity for the provision of services and
20 facilities for offenders under age eighteen. The department shall apply for and accept
21 available federal, state and local public funds including project demonstration funds as well as
22 private moneys to fund such services and facilities.

23 5. The department shall develop and implement an evaluation process for all juvenile
24 offender programs.

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

3 2. Before ordering the parole of any offender, the parole board shall conduct a
4 validated risk and needs assessment and evaluate the case under the rules governing parole
5 that are promulgated by the parole board. The parole board shall then have the offender
6 appear before a hearing panel and shall conduct a personal interview with him or her, unless
7 waived by the offender, or if the guidelines indicate the offender may be paroled without need
8 for an interview. The guidelines and rules shall not allow for the waiver of a hearing if a
9 victim requests a hearing. The appearance or presence may occur by means of a
10 videoconference at the discretion of the parole board. A parole may be ordered for the best

11 interest of society when there is a reasonable probability, based on the risk assessment and
12 indicators of release readiness, that the person can be supervised under parole supervision and
13 successfully reintegrated into the community, not as an award of clemency; it shall not be
14 considered a reduction of sentence or a pardon. Every offender while on parole shall remain
15 in the legal custody of the department but shall be subject to the orders of the parole board.

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

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

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

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

46 7. The provisions of subsection 6 of this section shall not apply to an offender found
47 guilty of ~~[murder in the first degree or]~~ capital murder, **murder in the first degree or**

48 **murder in the second degree, when murder in the second degree is committed pursuant**
49 **to subdivision (1) of subsection 1 of section 565.021**, who was under eighteen years of age
50 when the offender committed the offense or offenses who may be found ineligible for parole
51 or whose parole eligibility may be controlled by section 558.047 or 565.033.

52 8. Any offender under a sentence for first degree murder who has been denied release
53 on parole after a parole hearing shall not be eligible for another parole hearing until at least
54 three years from the month of the parole denial; however, this subsection shall not prevent a
55 release pursuant to subsection 4 of section 558.011.

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

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

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

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

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

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

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

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

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

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

83 13. Special parole conditions shall be responsive to the assessed risk and needs of the
84 offender or the need for extraordinary supervision, such as electronic monitoring. The parole

85 board shall adopt rules to minimize the conditions placed on low-risk cases, to frontload
86 conditions upon release, and to require the modification and reduction of conditions based on
87 the person's continuing stability in the community. Parole board rules shall permit parole
88 conditions to be modified by parole officers with review and approval by supervisors.

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

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

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

**307.018. Notwithstanding any other provision of law, no court shall issue a
2 warrant of arrest for a person's failure to respond, pay the fine assessed, or appear in
3 court with respect to a traffic citation issued for an infraction under the provisions of
4 this chapter. In lieu of such warrant of arrest, the court shall issue a notice of failure to
5 respond, pay the fine assessed, or appear, and the court shall schedule a second court
6 date for the person to respond, pay the fine assessed, or appear. A copy of the court's
7 notice with the new court date shall be sent to the driver of the vehicle. If the driver fails
8 to respond, pay the fine assessed, or appear on the second court date, the court shall
9 issue a second notice of failure to respond, pay the fine assessed, or appear. A copy of
10 the court's second notice shall be sent to the driver of the vehicle and to the director of
11 the department of revenue. Upon application by the driver for a driver's license or
12 driver's license renewal, the department shall deny the application until all delinquent
13 fines and fees in connection with the traffic offense have been satisfied. Upon
14 satisfaction of the delinquent fines and fees, the department shall issue a driver's license
15 to the driver provided such person is otherwise eligible for such license or renewal.**

307.175. 1. Motor vehicles and equipment which are operated by any member of an organized fire department, ambulance association, or rescue squad, **including a canine search and rescue team**, whether paid or volunteer, may be operated on streets and highways in this state as an emergency vehicle under the provisions of section 304.022 while responding to a fire call [~~or~~], ambulance call, **or an emergency call requiring search and rescue operations**, or at the scene of a fire call [~~or~~], ambulance call, **or an emergency call requiring search and rescue operations**, and while using or sounding a warning siren and using or displaying thereon fixed, flashing or rotating blue lights, but sirens and blue lights shall be used only in bona fide emergencies.

2. (1) Notwithstanding subsection 1 of this section, the following vehicles may use or display fixed, flashing, or rotating red or red and blue lights:

(a) Emergency vehicles, as defined in section 304.022, when responding to an emergency;

(b) Vehicles operated as described in subsection 1 of this section;

(c) Vehicles and equipment owned or leased by a contractor or subcontractor performing work for the department of transportation, except that the red or red and blue lights shall be displayed on vehicles or equipment described in this paragraph only between dusk and dawn, when such vehicles or equipment are stationary, such vehicles or equipment are located in a work zone as defined in section 304.580, highway workers as defined in section 304.580 are present, and such work zone is designated by a sign or signs. No more than two vehicles or pieces of equipment in a work zone may display fixed, flashing, or rotating lights under this subdivision;

(d) Vehicles and equipment owned, leased, or operated by a coroner, medical examiner, or forensic investigator of the county medical examiner's office or a similar entity, when responding to a crime scene, motor vehicle accident, workplace accident, or any location at which the services of such professionals have been requested by a law enforcement officer.

(2) The following vehicles and equipment may use or display fixed, flashing, or rotating amber or amber and white lights:

(a) Vehicles and equipment owned or leased by the state highways and transportation commission and operated by an authorized employee of the department of transportation;

(b) Vehicles and equipment owned or leased by a contractor or subcontractor performing work for the department of transportation, except that the amber or amber and white lights shall be displayed on vehicles described in this paragraph only when such vehicles or equipment are located in a work zone as defined in section 304.580, highway workers as defined in section 304.580 are present, and such work zone is designated by a sign or signs;

38 (c) Vehicles and equipment operated by a utility worker performing work for the
39 utility, except that the amber or amber and white lights shall be displayed on vehicles
40 described in this paragraph only when such vehicles are stationary, such vehicles or
41 equipment are located in a work zone as defined in section 304.580, a utility worker is
42 present, and such work zone is designated by a sign or signs. As used in this paragraph, the
43 term "utility worker" means any employee while in performance of his or her job duties,
44 including any person employed under contract of a utility that provides gas, heat, electricity,
45 water, steam, telecommunications or cable services, or sewer services, whether privately,
46 municipally, or cooperatively owned.

47 3. Permits for the operation of such vehicles equipped with sirens or blue lights shall
48 be in writing and shall be issued and may be revoked by the chief of an organized fire
49 department, organized ambulance association, rescue squad, or the state highways and
50 transportation commission and no person shall use or display a siren or blue lights on a motor
51 vehicle, fire, ambulance, or rescue equipment without a valid permit authorizing the use. A
52 permit to use a siren or lights as heretofore set out does not relieve the operator of the vehicle
53 so equipped with complying with all other traffic laws and regulations. Violation of this
54 section constitutes a class A misdemeanor.

491.075. 1. A statement made by a child under the age of ~~fourteen~~ **eighteen**, or a
2 vulnerable person, relating to an offense under chapter 565, 566, 568 or 573, performed by
3 another, not otherwise admissible by statute or court rule, is admissible in evidence in
4 criminal proceedings in the courts of this state as substantive evidence to prove the truth of
5 the matter asserted if:

6 (1) The court finds, in a hearing conducted outside the presence of the jury that the
7 time, content and circumstances of the statement provide sufficient indicia of reliability; and

8 (2) (a) The child or vulnerable person testifies at the proceedings; or

9 (b) The child or vulnerable person is unavailable as a witness; or

10 (c) The child or vulnerable person is otherwise physically available as a witness but
11 the court finds that the significant emotional or psychological trauma which would result
12 from testifying in the personal presence of the defendant makes the child or vulnerable person
13 unavailable as a witness at the time of the criminal proceeding.

14 2. Notwithstanding subsection 1 of this section or any provision of law or rule of
15 evidence requiring corroboration of statements, admissions or confessions of the defendant,
16 and notwithstanding any prohibition of hearsay evidence, a statement by a child when under
17 the age of ~~fourteen~~ **eighteen**, or a vulnerable person, who is alleged to be victim of an
18 offense under chapter 565, 566, 568 or 573 is sufficient corroboration of a statement,
19 admission or confession regardless of whether or not the child or vulnerable person is
20 available to testify regarding the offense.

21 3. A statement may not be admitted under this section unless the prosecuting attorney
22 makes known to the accused or the accused's counsel his or her intention to offer the
23 statement and the particulars of the statement sufficiently in advance of the proceedings to
24 provide the accused or the accused's counsel with a fair opportunity to prepare to meet the
25 statement.

26 4. Nothing in this section shall be construed to limit the admissibility of statements,
27 admissions or confessions otherwise admissible by law.

28 5. For the purposes of this section, "vulnerable person" shall mean a person who, as a
29 result of an inadequately developed or impaired intelligence or a psychiatric disorder that
30 materially affects ability to function, lacks the mental capacity to consent, or whose
31 developmental level does not exceed that of an ordinary child of [~~fourteen~~] **seventeen** years
32 of age.

 492.304. 1. In addition to the admissibility of a statement under the provisions of
2 section 492.303, the visual and aural recording of a verbal or nonverbal statement of a child
3 when under the age of [~~fourteen who is alleged to be a victim of~~] **eighteen or a vulnerable**
4 **person, relating to** an offense under the provisions of chapter 565, 566 [~~or~~] , 568, **or 573 if**
5 **performed by another**, is admissible into evidence if:

6 (1) No attorney for either party was present when the statement was made; except
7 that, for any statement taken at a state-funded child assessment center as provided for in
8 subsection 2 of section 210.001, an attorney representing the state of Missouri in a criminal
9 investigation may, as a member of a multidisciplinary investigation team, observe the taking
10 of such statement, but such attorney shall not be present in the room where the interview is
11 being conducted;

12 (2) The recording is both visual and aural and is recorded on film or videotape or by
13 other electronic means;

14 (3) The recording equipment was capable of making an accurate recording, the
15 operator of the equipment was competent, and the recording is accurate and has not been
16 altered;

17 (4) The statement was not made in response to questioning calculated to lead the child
18 **or vulnerable person** to make a particular statement or to act in a particular way;

19 (5) Every voice on the recording is identified;

20 (6) The person conducting the interview of the child **or vulnerable person** in the
21 recording is present at the proceeding and available to testify or be cross-examined by either
22 party; and

23 (7) The defendant or the attorney for the defendant is afforded an opportunity to view
24 the recording before it is offered into evidence.

25 2. If the child **or vulnerable person** does not testify at the proceeding, the visual and
26 aural recording of a verbal or nonverbal statement of the child **or vulnerable person** shall not
27 be admissible under this section unless the recording qualifies for admission under section
28 491.075.

29 3. If the visual and aural recording of a verbal or nonverbal statement of a child **or**
30 **vulnerable person** is admissible under this section and the child **or vulnerable person**
31 testifies at the proceeding, it shall be admissible in addition to the testimony of the child **or**
32 **vulnerable person** at the proceeding whether or not it repeats or duplicates the child's **or**
33 **vulnerable person's** testimony.

34 4. As used in this section, a nonverbal statement shall be defined as any
35 demonstration of the child **or vulnerable person** by his or her actions, facial expressions,
36 demonstrations with a doll or other visual aid whether or not this demonstration is
37 accompanied by words.

38 **5. For the purposes of this section, "vulnerable person" shall mean a person**
39 **who, as a result of an inadequately developed or impaired intelligence or a psychiatric**
40 **disorder that materially affects the ability to function, lacks the mental capacity to**
41 **consent, or whose developmental level does not exceed that of an ordinary child of**
42 **seventeen years of age.**

494.430. 1. Upon timely application to the court, the following persons shall be
2 excused from service as a petit or grand juror:

3 (1) Any person who has served on a state or federal petit or grand jury within the
4 preceding two years;

5 (2) Any nursing mother, upon her request, and with a completed written statement
6 from her physician to the court certifying she is a nursing mother;

7 (3) Any person whose absence from his or her regular place of employment would, in
8 the judgment of the court, tend materially and adversely to affect the public safety, health,
9 welfare or interest;

10 (4) Any person upon whom service as a juror would in the judgment of the court
11 impose an undue or extreme physical or financial hardship;

12 (5) Any person licensed as a health care provider as such term is defined in section
13 538.205, but only if such person provides a written statement to the court certifying that he or
14 she is actually providing health care services to patients, and that the person's service as a
15 juror would be detrimental to the health of the person's patients;

16 (6) Any employee of a religious institution whose religious obligations or constraints
17 prohibit their serving on a jury. The certification of the employment and obligation or
18 constraint may be provided by the employee's religious supervisor;

19 (7) **When requested**, any person who is [~~seventy-five~~] **seventy** years of age or older.

20 2. A judge of the court for which the individual was called to jury service shall make
21 undue or extreme physical or financial hardship determinations. The authority to make these
22 determinations is delegable only to court officials or personnel who are authorized by the
23 laws of this state to function as members of the judiciary.

24 3. A person asking to be excused based on a finding of undue or extreme physical or
25 financial hardship must take all actions necessary to have obtained a ruling on that request by
26 no later than the date on which the individual is scheduled to appear for jury duty.

27 4. Unless it is apparent to the court that the physical hardship would significantly
28 impair the person's ability to serve as a juror, for purposes of sections 494.400 to 494.460
29 undue or extreme physical or financial hardship is limited to circumstances in which an
30 individual would:

31 (1) Be required to abandon a person under his or her personal care or supervision due
32 to the impossibility of obtaining an appropriate substitute caregiver during the period of
33 participation in the jury pool or on the jury; or

34 (2) Incur costs that would have a substantial adverse impact on the payment of the
35 individual's necessary daily living expenses or on those for whom he or she provides the
36 principal means of support; or

37 (3) Suffer physical hardship that would result in illness or disease.

38 5. Undue or extreme physical or financial hardship does not exist solely based on the
39 fact that a prospective juror will be required to be absent from his or her place of employment.

40 6. A person asking a judge to grant an excuse based on undue or extreme physical or
41 financial hardship shall provide the judge with documentation as required by the judge, such
42 as, but not limited to, federal and state income tax returns, medical statements from licensed
43 physicians, proof of dependency or guardianship, and similar documents, which the judge
44 finds to clearly support the request to be excused. Failure to provide satisfactory
45 documentation shall result in a denial of the request to be excused. Such documents shall be
46 filed under seal.

47 7. After two years, a person excused from jury service shall become eligible once
48 again for qualification as a juror unless the person was excused from service permanently. A
49 person is excused from jury service permanently only when the deciding judge determines
50 that the underlying grounds for being excused are of a permanent nature.

**547.500. 1. The Missouri office of prosecution services may establish a
2 conviction review unit to investigate claims of actual innocence of any defendant,
3 including those who plead guilty.**

**4 2. The Missouri office of prosecution services shall have the power to promulgate
5 rules and regulations to receive and investigate claims of actual innocence.**

6 **3. The Missouri office of prosecution services shall create an application process**
7 **that at a minimum shall include that:**

8 **(1) Any application for review of a claim of actual innocence shall not have any**
9 **excessive fees and fees shall be waived in cases of indigence;**

10 **(2) No application shall be accepted if there is any pending motion, writ, appeal,**
11 **or other matter pending regarding the defendant's conviction. Any application filed**
12 **shall be considered a pleading under the Missouri rules of civil procedure, and all**
13 **attorneys shall comply with supreme court rule 55.03 when signing the application. The**
14 **application shall be sworn and signed under penalty of perjury by the applicant. Any**
15 **witness statements attached shall be sworn and signed under penalty of perjury; and**

16 **(3) Any review and investigation shall be based on newly discovered and**
17 **verifiable evidence of actual innocence not presented at a trial. Such newly discovered**
18 **and verifiable evidence shall establish by clear and convincing evidence the actual**
19 **innocence of the defendant.**

20 **4. The conviction review unit shall consist of two attorneys, hired by the**
21 **executive director of the Missouri office of prosecution services, who have extensive**
22 **experience prosecuting and defending criminal matters, an investigator, a paralegal, and**
23 **such administrative staff as is needed to efficiently and effectively process all**
24 **applications and claims. The executive director of the Missouri office of prosecution**
25 **services shall coordinate the activities and budget of the conviction review unit and act**
26 **as an ex officio member of the unit.**

27 **5. Once the review is complete, the conviction review unit shall present its**
28 **findings and recommendations to:**

29 **(1) The office of the prosecuting attorney or circuit attorney who prosecuted the**
30 **defendant's case, the attorney general's office if it prosecuted the case, or the special**
31 **prosecutor who prosecuted the case; or**

32 **(2) If the review was requested by a prosecuting attorney's office, the circuit**
33 **attorney's office, the attorney general, or a special prosecutor, the findings and**
34 **recommendations shall be presented to the office that requested the review.**

35 **6. The circuit attorney, prosecuting attorney of any county, special prosecutor,**
36 **attorney general's office if it prosecuted the case, Missouri office of prosecution services,**
37 **or other prosecutor who prosecuted the case is not required to accept or follow the**
38 **findings and recommendations of the conviction review unit.**

39 **7. (1) The application, investigation, reports, interviews, findings, and**
40 **recommendations, and any documents, written, electronic, or otherwise, received or**
41 **generated by the conviction review unit are closed records.**

42 **(2) The conviction review unit's findings and recommendations submitted to the**
43 **prosecuting attorney, circuit attorney, the attorney general's office if it prosecuted the**
44 **case, or the special prosecutor who prosecuted the case shall become open records after**
45 **the receiving entity of the submission makes a decision not to pursue a motion under**
46 **section 547.031 or, if such a motion is filed, after the finality of all proceedings under**
47 **section 547.031, including appeals authorized therein.**

550.125. 1. There is hereby created in the state treasury the "Change of Venue
2 **for Capital Cases Fund", which shall consist of moneys appropriated to the fund by the**
3 **general assembly. The office of state courts administrator shall administer and disburse**
4 **moneys in the fund in accordance with subsection 2 of this section. The fund shall be a**
5 **dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the**
6 **administration of this section. Notwithstanding the provisions of section 33.080, any**
7 **moneys remaining in the fund at the end of the biennium shall not revert to the credit of**
8 **the general revenue fund. The state treasurer shall invest moneys in the fund in the**
9 **same manner as other funds are invested. Any interest and moneys earned on such**
10 **investments shall be credited to the fund.**

11 **2. In a capital case in which a change of venue is taken from one county to any**
12 **other county, at the conclusion of such case the county from which the case was**
13 **transferred may apply to the office of state courts administrator for the county to which**
14 **the case was transferred to be reimbursed from the change of venue for capital cases**
15 **fund any costs associated with the sequestering of jurors. The costs of reimbursement**
16 **shall not exceed the then-approved state rates for travel reimbursement for lodging and**
17 **meals.**

18 **3. Except as provided under subsection 4 of this section, the office of state courts**
19 **administrator shall develop an application process and other procedures to determine if**
20 **a county is eligible for reimbursement under this section. If a county is eligible for**
21 **reimbursement, the office of state courts administrator shall disburse such moneys to**
22 **the county as provided under subsection 4 of this section. In the event the amount**
23 **disbursed is less than the county's actual costs associated with sequestering jurors, the**
24 **original county shall reimburse the county to which the case was transferred for the**
25 **difference. If the office of state courts administrator determines a county is not eligible**
26 **for reimbursement under this section, the county in which the capital case originated**
27 **shall be responsible for reimbursement.**

28 **4. Applications for reimbursement shall be submitted by May first of the current**
29 **fiscal year, and disbursements shall be made by June thirtieth of the current fiscal year.**
30 **Applications submitted after May first of the current fiscal year shall be reimbursed in**
31 **the following fiscal year. If the total dollar amount of the claims in a given year exceeds**

32 **the amount of moneys in the fund in the same year, the claims shall be reimbursed on a**
33 **pro rata basis.**

34 **5. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
35 **created under the authority delegated in this section shall become effective only if it**
36 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
37 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
38 **vested with the general assembly pursuant to chapter 536 to review, to delay the**
39 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**
40 **then the grant of rulemaking authority and any rule proposed or adopted after August**
41 **28, 2023, shall be invalid and void.**

556.021. 1. An infraction does not constitute a criminal offense and conviction of an
2 infraction shall not give rise to any disability or legal disadvantage based on conviction of a
3 criminal offense.

4 2. Except as otherwise provided by law, the procedure for infractions shall be the
5 same as for a misdemeanor.

6 3. If a person fails to appear in court either solely for an infraction or for an infraction
7 which is committed in the same course of conduct as a criminal offense for which the person
8 is charged, or if a person fails to respond to notice of an infraction from the central violations
9 bureau established in section 476.385, the court may issue a default judgment for court costs
10 and fines for the infraction which shall be enforced in the same manner as other default
11 judgments, including enforcement under sections 488.5028 and 488.5030, unless the court
12 determines that good cause or excusable neglect exists for the person's failure to appear for
13 the infraction. The notice of entry of default judgment and the amount of fines and costs
14 imposed shall be sent to the person by first class mail. The default judgment may be set aside
15 for good cause if the person files a motion to set aside the judgment within six months of the
16 date the notice of entry of default judgment is mailed.

17 4. Notwithstanding subsection 3 of this section or any provisions of law to the
18 contrary, a court may issue a warrant for failure to appear for any violation ~~[which]~~ **that** is
19 **classified or charged** as an infraction; **except that, a court shall not issue a warrant for**
20 **failure to appear for any violation that is classified or charged as an infraction under**
21 **chapter 307.**

22 5. Judgment against the defendant for an infraction shall be in the amount of the fine
23 authorized by law and the court costs for the offense.

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 **575.151**, 575.153, 575.155, 575.157, [~~575.200 when punished as a class A felony,~~] 575.210,
16 575.230 when punished as a class B felony, 575.240 when punished as a class B felony,
17 576.070, 576.080, 577.010, 577.013, 577.078, 577.703, 577.706, 579.065, and 579.068 when
18 punished as a class A or B felony. For the purposes of this section, "prison commitment"
19 means and is the receipt by the department of corrections of an offender after sentencing. For
20 purposes of this section, prior prison commitments to the department of corrections shall not
21 include an offender's first incarceration prior to release on probation under section 217.362 or
22 559.115. Other provisions of the law to the contrary notwithstanding, any offender who has
23 been found guilty of a felony other than a dangerous felony as defined in section 556.061 and
24 is committed to the department of corrections shall be required to serve the following
25 minimum prison terms:

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

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

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

40 3. Other provisions of the law to the contrary notwithstanding, any offender who has
41 been found guilty of a dangerous felony as defined in section 556.061 and is committed to the

42 department of corrections shall be required to serve a minimum prison term of eighty-five
43 percent of the sentence imposed by the court or until the offender attains seventy years of age,
44 and has served at least forty percent of the sentence imposed, whichever occurs first.

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

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

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

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

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

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

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

78 research and investigation of disparities in death penalty sentencing among economic and
79 social classes.

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

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

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

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

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

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

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

102 (2) Offender treatment programs;

103 (3) Mandatory community service;

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

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

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

112 11. A judge may order payment to a restitution fund only if such fund had been
113 created by ordinance or resolution of a county of the state of Missouri prior to sentencing. A

114 judge shall not have any direct supervisory authority or administrative control over any fund
115 to which the judge is ordering a person to make payment.

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

122 13. Nothing in this section shall be construed to allow the sentencing advisory
123 commission to issue recommended sentences in specific cases pending in the courts of this
124 state.

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

4 2. Such person shall receive credit toward the service of a sentence of imprisonment
5 for all time in prison, jail or custody after [~~conviction~~] **the offense occurred** and before the
6 commencement of the sentence, when the time in custody was related to that offense[~~and~~].
7 **This credit shall be based upon the certification of the sheriff as provided in subdivision**
8 **(3) of subsection 2 of section 217.305 and may be supplemented by a certificate of a**
9 **sheriff or other custodial officer from another jurisdiction having held the person on the**
10 **charge of the offense for which the sentence of imprisonment is ordered.** The circuit
11 court may, when pronouncing sentence, award **additional** credit for time spent in prison, jail,
12 or custody after the offense occurred and before [~~conviction~~] **the commencement of the**
13 **sentence** toward the service of the sentence of imprisonment **for those offenses for which**
14 **the person was incarcerated but for whom no detainer or warrant was served**, except:

15 (1) Such credit shall only be applied once when sentences are consecutive;

16 (2) Such credit shall only be applied if the person convicted was in custody in the
17 state of Missouri, unless such custody was compelled exclusively by the state of Missouri's
18 action; and

19 (3) As provided in section 559.100.

20 3. The officer required by law to deliver a person convicted of an offense in this state
21 to the department of corrections shall endorse upon the papers required by section 217.305
22 both the dates the offender was in custody and the period of time to be credited toward the
23 service of the sentence of imprisonment, except as endorsed by such officer.

24 4. If a person convicted of an offense escapes from custody, such escape shall
25 interrupt the sentence. The interruption shall continue until such person is returned to the
26 correctional center where the sentence was being served, or in the case of a person committed

27 to the custody of the department of corrections, to any correctional center operated by the
28 department of corrections. An escape shall also interrupt the jail time credit to be applied to a
29 sentence which had not commenced when the escape occurred.

30 5. If a sentence of imprisonment is vacated and a new sentence imposed upon the
31 offender for that offense, all time served under the vacated sentence shall be credited against
32 the new sentence, unless the time has already been credited to another sentence as provided in
33 subsection 1 of this section.

34 6. If a person released from imprisonment on parole or serving a conditional release
35 term violates any of the conditions of his or her parole or release, he or she may be treated as
36 a parole violator. If the parole board revokes the parole or conditional release, the paroled
37 person shall serve the remainder of the prison term and conditional release term, as an
38 additional prison term, and the conditionally released person shall serve the remainder of the
39 conditional release term as a prison term, unless released on parole.

40 7. Subsection 2 of this section shall be applicable to offenses occurring on or after
41 August 28, 2021.

559.125. 1. The clerk of the court shall keep in a permanent file all applications for
2 probation or parole by the court, and shall keep in such manner as may be prescribed by the
3 court complete and full records of all presentence investigations requested, probations or
4 paroles granted, revoked or terminated and all discharges from probations or paroles. All
5 court orders relating to any presentence investigation requested and probation or parole
6 granted under the provisions of this chapter and sections 558.011 and 558.026 shall be kept in
7 a like manner, and, if the defendant subject to any such order is subject to an investigation or
8 is under the supervision of the division of probation and parole, a copy of the order shall be
9 sent to the division of probation and parole. In any county where a parole board ceases to
10 exist, the clerk of the court shall preserve the records of that parole board.

11 2. ~~Information and data obtained by a probation or parole officer shall be privileged~~
12 ~~information and shall not be receivable in any court.]~~ **Information and data obtained by a**
13 **probation or parole officer is privileged information not receivable in any court unless**
14 **for lawful criminal matters.** Such information shall not be disclosed directly or indirectly to
15 anyone other than the members of a parole board and the judge entitled to receive reports,
16 except the court, the division of probation and parole, or the parole board may in its discretion
17 permit the inspection of the report, or parts of such report, by the defendant, or offender or his
18 or her attorney, or other person having a proper interest therein.

19 3. The provisions of subsection 2 of this section notwithstanding, the presentence
20 investigation report shall be made available to the state and all information and data obtained
21 in connection with preparation of the presentence investigation report may be made available

22 to the state at the discretion of the court upon a showing that the receipt of the information
23 and data is in the best interest of the state.

566.151. 1. A person twenty-one years of age or older commits the offense of
2 enticement of a child if he or she persuades, solicits, coaxes, entices, or lures whether by
3 words, actions or through communication via the internet or any electronic communication,
4 any person who is less than ~~fifteen~~ **seventeen** years of age for the purpose of engaging in
5 sexual conduct.

6 2. It is not a defense to a prosecution for a violation of this section that the other
7 person was a peace officer masquerading as a minor.

8 3. Enticement of a child or an attempt to commit enticement of a child is a felony for
9 which the authorized term of imprisonment shall be not less than five years and not more than
10 thirty years. No person convicted under this section shall be eligible for parole, probation,
11 conditional release, or suspended imposition or execution of sentence for a period of five
12 calendar years.

567.030. 1. A person commits the offense of patronizing prostitution if he or she:

2 (1) Pursuant to a prior understanding, gives something of value to another person as
3 compensation for having engaged in sexual conduct with any person; or

4 (2) Gives or agrees to give something of value to another person with the
5 understanding that such person or another person will engage in sexual conduct with any
6 person; or

7 (3) Solicits or requests another person to engage in sexual conduct with any person in
8 return for something of value.

9 2. It shall not be a defense that the person believed that the individual he or she
10 patronized for prostitution was eighteen years of age or older.

11 3. The offense of patronizing prostitution is a class B misdemeanor, unless the
12 individual who the person patronizes is less than eighteen years of age but older than
13 ~~fourteen~~ **fifteen** years of age, in which case patronizing prostitution is a class E felony.

14 4. The offense of patronizing prostitution is a class ~~D~~ **B** felony if the individual who
15 the person patronizes is ~~fourteen~~ **fifteen** years of age or younger. Nothing in this section
16 shall preclude the prosecution of an individual for the offenses of:

17 (1) Statutory rape in the first degree pursuant to section 566.032;

18 (2) Statutory rape in the second degree pursuant to section 566.034;

19 (3) Statutory sodomy in the first degree pursuant to section 566.062; or

20 (4) Statutory sodomy in the second degree pursuant to section 566.064.

**568.075. 1. A person commits the offense of use of a minor to commit a crime if
2 the person is eighteen years of age or older and intentionally uses a minor to commit a**

3 **crime for which the person may be prosecuted in a court of law or to assist in avoiding**
4 **detection of or apprehension for such crime.**

5 **2. The offense of use of a minor to commit a crime is a class E felony for a first**
6 **offense, a class D felony for a second offense, and a class C felony for a third or**
7 **subsequent offense.**

8 **3. As used in this section, the following terms mean:**

9 **(1) "Minor", a person who is under eighteen years of age;**

10 **(2) "Use", employ, hire, persuade, induce, entice, or coerce.**

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

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

26 ~~(5)~~ (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; except that, if the offense of**
27 **property damage in the first degree committed under subdivision (4) of subsection 1 of**
28 **this section is committed to obtain the personal financial credentials of another person**
29 **or committed as a second or subsequent violation of subdivision (4) of subsection 1 of**
30 **this section, the offense of property damage in the first degree is a class B 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) "Mislabeled", 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) that is a remote computer terminal or other device owned or controlled**
98 **by a financial institution or a private business that allows individuals to obtain financial**
99 **services, including obtaining cash, transferring or transmitting moneys or digital**
100 **currencies, payment of bills, or loading moneys or digital currency to a payment card,**
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; **or**

75 **(4) The property appropriated is a letter, postal card, package, bag, or other**
76 **sealed article that was delivered by a common carrier or delivery service and not yet**
77 **received by the addressee or that had been left to be collected for shipment by a common**
78 **carrier or delivery service.**

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

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

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

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

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

575.150. 1. A person commits the offense of resisting ~~or~~, interfering with,
2 **escaping, or attempting to escape from** arrest, detention, ~~or~~ stop, **or custody** if he or she
3 knows or reasonably should know that a law enforcement officer is making an arrest or
4 attempting to lawfully detain or stop an individual or vehicle, and for the purpose of
5 preventing the officer from effecting the arrest, stop or detention **or maintaining custody**
6 **after such stop, detention, or arrest**, he or she:

7 (1) Resists the arrest, stop or detention of such person by using or threatening the use
8 of violence or physical force or by fleeing from such officer; ~~or~~

9 (2) Interferes with the arrest, stop or detention of another person by using or
10 threatening the use of violence, physical force or physical interference; **or**

11 **(3) While being held in custody after a stop, detention, or arrest has been made,**
 12 **escapes or attempts to escape from such custody.**

13 2. This section applies to:

14 (1) Arrests, stops, or detentions, with or without warrants;

15 (2) Arrests, stops, ~~[or]~~ detentions, **or custody** for any offense, infraction, or ordinance
 16 violation; and

17 (3) Arrests for warrants issued by a court or a probation and parole officer.

18 3. A person is presumed to be fleeing a vehicle stop if he or she continues to operate a
 19 motor vehicle after he or she has seen or should have seen clearly visible emergency lights or
 20 has heard or should have heard an audible signal emanating from the law enforcement vehicle
 21 pursuing him or her. **Nothing in this section shall be construed to require the state to**
 22 **prove in a prosecution against a defendant that the defendant knew why he or she was**
 23 **being stopped, detained, or arrested.**

24 4. It is no defense to a prosecution pursuant to subsection 1 of this section that the law
 25 enforcement officer was acting unlawfully in making the arrest. However, nothing in this
 26 section shall be construed to bar civil suits for unlawful arrest.

27 5. The offense of resisting ~~[or]~~, interfering with ~~[and]~~, **or escaping or attempting to**
 28 **escape from a stop, detention, or arrest or from custody after such stop, detention, or**
 29 **arrest** is a class ~~[E felony for an arrest for a:~~

30 ~~(1) Felony;~~

31 ~~(2) Warrant issued for failure to appear on a felony case; or~~

32 ~~(3) Warrant issued for a probation violation on a felony case.—~~

33

34 ~~The offense of resisting an arrest, detention or stop in violation of subdivision (1) or (2) of~~
 35 ~~subsection 1 of this section is a class] A misdemeanor, unless [the person fleeing creates a~~
 36 ~~substantial risk of serious physical injury or death to any person, in which case it is a class E~~
 37 ~~felony]:~~

38 **(1) The stop, detention, arrest, or custody was for a felony;**

39 **(2) The stop, detention, arrest, or custody was for a warrant issued for failure to**
 40 **appear on a felony case;**

41 **(3) The stop, detention, arrest, or custody was for a warrant issued for a**
 42 **probation violation on a felony case;**

43 **(4) While resisting, interfering with, or escaping or attempting to escape from a**
 44 **stop, detention, or arrest or from custody, the person flees and during such flight creates**
 45 **a substantial risk of serious physical injury or death to any person; or**

46 **(5) The escape or attempt to escape while in custody or under arrest was for a**
 47 **felony,**

48

49 in which case it is a class E felony; except that, if such escape or attempted escape is
50 committed by means of a deadly weapon or dangerous instrument or by holding any
51 person hostage it is a class A felony.

575.151. 1. A person commits the offense of resisting arrest by fleeing in or on a
2 motor vehicle if he or she resists an arrest, a stop, or a detention by fleeing in or on a
3 motor vehicle from a law enforcement officer and, during the course of fleeing, drives at
4 a speed or in a manner that demonstrates a disregard for the safety of any person or
5 property, including that of the pursuing officer or other occupants of the fleeing vehicle.

6 2. A person commits the offense of aggravated resisting arrest by fleeing in or on
7 a motor vehicle if he or she resists an arrest, a stop, or a detention by fleeing in or on a
8 motor vehicle from a law enforcement officer and, during the course of fleeing, drives at
9 a speed or in a manner that demonstrates a disregard for the safety of any person or
10 property, including that of the pursuing officer or other occupants of the fleeing vehicle,
11 and that results in serious bodily injury or death to another person, including any
12 officer.

13 3. Nothing in this section shall be construed to require the state to prove in a
14 prosecution against a defendant that the defendant knew why he or she was being
15 stopped, detained, or arrested.

16 4. The offense of resisting arrest by fleeing in or on a motor vehicle is a class E
17 felony, unless the person has been previously convicted under subsection 1 of this
18 section, in which case it is a class D felony. The offense of aggravated resisting arrest by
19 fleeing in or on a motor vehicle is a class D felony, unless the person has been previously
20 convicted under subsection 2 of this section, in which case it is a class C felony.

575.205. 1. A person commits the offense of tampering with electronic monitoring
2 equipment if he or she intentionally removes, alters, tampers with, damages, [ø] destroys,
3 fails to charge, or otherwise disables electronic monitoring equipment which a court, the
4 division of probation and parole or the parole board has required such person to wear.

5 2. This section does not apply to the owner of the equipment or an agent of the owner
6 who is performing ordinary maintenance or repairs on the equipment.

7 3. The offense of tampering with electronic monitoring equipment is a class D felony.

8 4. The offense of tampering with electronic monitoring equipment if a person
9 fails to charge or otherwise disables electronic monitoring equipment is a class E felony,
10 unless the offense for which the person was placed on electronic monitoring was a
11 misdemeanor, in which case it is a class A misdemeanor.

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.**

579.065. 1. A person commits the offense of trafficking drugs in the first degree if,
2 **except as authorized by this chapter or chapter 195, such person knowingly distributes,**
3 **delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce:**

4 **(1) More than thirty grams of a mixture or substance containing a detectable amount**
5 **of heroin;**

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

12 ~~**(3) [More than eight grams of a mixture or substance described in subdivision (2) of**~~
13 ~~**this subsection which contains cocaine base;**~~

14 ~~**(4)] More than five hundred milligrams of a mixture or substance containing a**~~
15 ~~**detectable amount of lysergic acid diethylamide (LSD);**~~

16 ~~**[(5)] (4) More than thirty grams of a mixture or substance containing a detectable**~~
17 ~~**amount of phencyclidine (PCP);**~~

18 ~~**[(6)] (5) More than four grams of phencyclidine;**~~

19 ~~[(7)]~~ (6) More than thirty kilograms of a mixture or substance containing marijuana;
20 ~~[(8)]~~ (7) More than thirty grams of any material, compound, mixture, or preparation
21 containing any quantity of the following substances having a stimulant effect on the central
22 nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers;
23 methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine
24 and its salts; or methylphenidate;

25 ~~[(9)]~~ (8) More than thirty grams of any material, compound, mixture, or preparation
26 which contains any quantity of 3,4-methylenedioxymethamphetamine;

27 ~~[(10)]~~ (9) One gram or more of flunitrazepam for the first offense;

28 ~~[(11)]~~ (10) Any amount of gamma-hydroxybutyric acid for the first offense; or

29 ~~[(12)]~~ (11) More than ten milligrams of fentanyl or carfentanil, or any derivative
30 thereof, or any combination thereof, or any compound, mixture, or substance containing a
31 detectable amount of fentanyl or carfentanil, or their optical isomers or analogues.

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

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

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

37 (2) Four hundred fifty grams or more of a mixture or substance containing a
38 detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which
39 cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts
40 and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their
41 salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains
42 any quantity of any of the foregoing substances; or

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

45 ~~(4)]~~ (4) One gram or more of a mixture or substance containing a detectable amount of
46 lysergic acid diethylamide (LSD); or

47 ~~[(5)]~~ (4) Ninety grams or more of a mixture or substance containing a detectable
48 amount of phencyclidine (PCP); or

49 ~~[(6)]~~ (5) Twelve grams or more of phencyclidine; or

50 ~~[(7)]~~ (6) One hundred kilograms or more of a mixture or substance containing
51 marijuana; or

52 ~~[(8)]~~ (7) Ninety grams or more of any material, compound, mixture, or preparation
53 containing any quantity of the following substances having a stimulant effect on the central
54 nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers;

55 methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine
56 and its salts; or methylphenidate; or

57 ~~[(9)]~~ **(8)** More than thirty grams of any material, compound, mixture, or preparation
58 containing any quantity of the following substances having a stimulant effect on the central
59 nervous system: amphetamine, its salts, optical isomers, and salts of its optical isomers;
60 methamphetamine, its salts, optical isomers, and salts of its optical isomers; phenmetrazine
61 and its salts; or methylphenidate, and the location of the offense was within two thousand feet
62 of real property comprising a public or private elementary, vocational, or secondary school,
63 college, community college, university, or any school bus, in or on the real property
64 comprising public housing or any other governmental assisted housing, or within a motor
65 vehicle, or in any structure or building which contains rooms furnished for the
66 accommodation or lodging of guests, and kept, used, maintained, advertised, or held out to
67 the public as a place where sleeping accommodations are sought for pay or compensation to
68 transient guests or permanent guests; or

69 ~~[(10)]~~ **(9)** Ninety grams or more of any material, compound, mixture or preparation
70 which contains any quantity of 3,4-methylenedioxymethamphetamine; or

71 ~~[(11)]~~ **(10)** More than thirty grams of any material, compound, mixture, or
72 preparation which contains any quantity of 3,4-methylenedioxymethamphetamine and the
73 location of the offense was within two thousand feet of real property comprising a public or
74 private elementary, vocational, or secondary school, college, community college, university,
75 or any school bus, in or on the real property comprising public housing or any other
76 governmental assisted housing, within a motor vehicle, or in any structure or building which
77 contains rooms furnished for the accommodation or lodging of guests, and kept, used,
78 maintained, advertised, or held out to the public as a place where sleeping accommodations
79 are sought for pay or compensation to transient guests or permanent guests; or

80 ~~[(12)]~~ **(11)** One gram or more of flunitrazepam for a second or subsequent offense; or

81 ~~[(13)]~~ **(12)** Any amount of gamma-hydroxybutyric acid for a second or subsequent
82 offense; or

83 ~~[(14)]~~ **(13)** Twenty milligrams or more of fentanyl or carfentanil, or any derivative
84 thereof, or any combination thereof, or any compound, mixture, or substance containing a
85 detectable amount of fentanyl or carfentanil, or their optical isomers or analogues.

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

4 (1) More than thirty grams of a mixture or substance containing a detectable amount
5 of heroin;

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

12 ~~(3) [More than eight grams of a mixture or substance described in subdivision (2) of~~
13 ~~this subsection which contains cocaine base;~~

14 ~~(4)]~~ More than five hundred milligrams of a mixture or substance containing a
15 detectable amount of lysergic acid diethylamide (LSD);

16 ~~[(5)]~~ (4) More than thirty grams of a mixture or substance containing a detectable
17 amount of phencyclidine (PCP);

18 ~~[(6)]~~ (5) More than four grams of phencyclidine;

19 ~~[(7)]~~ (6) More than thirty kilograms of a mixture or substance containing marijuana;

20 ~~[(8)]~~ (7) More than thirty grams of any material, compound, mixture, or preparation
21 containing any quantity of the following substances having a stimulant effect on the central
22 nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers;
23 methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine
24 and its salts; or methylphenidate;

25 ~~[(9)]~~ (8) More than thirty grams of any material, compound, mixture, or preparation
26 which contains any quantity of 3,4-methylenedioxymethamphetamine; or

27 ~~[(10)]~~ (9) More than ten milligrams of fentanyl or carfentanil, or any derivative
28 thereof, or any combination thereof, or any compound, mixture, or substance containing a
29 detectable amount of fentanyl or carfentanil, or their optical isomers or analogues.

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

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

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

35 (2) Four hundred fifty grams or more of a mixture or substance containing a
36 detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which
37 cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts
38 and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their
39 salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains
40 any quantity of any of the foregoing substances; or

41 ~~(3) [Twenty-four grams or more of a mixture or substance described in subdivision~~
42 ~~(2) of this subsection which contains cocaine base; or~~

43 ~~(4)~~ One gram or more of a mixture or substance containing a detectable amount of
44 lysergic acid diethylamide (LSD); or

45 ~~[(5)]~~ (4) Ninety grams or more of a mixture or substance containing a detectable
46 amount of phencyclidine (PCP); or

47 ~~[(6)]~~ (5) Twelve grams or more of phencyclidine; or

48 ~~[(7)]~~ (6) One hundred kilograms or more of a mixture or substance containing
49 marijuana; or

50 ~~[(8)]~~ (7) More than five hundred marijuana plants; or

51 ~~[(9)]~~ (8) Ninety grams or more but less than four hundred fifty grams of any material,
52 compound, mixture, or preparation containing any quantity of the following substances
53 having a stimulant effect on the central nervous system: amphetamine, its salts, optical
54 isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts
55 of its optical isomers; phenmetrazine and its salts; or methylphenidate; or

56 ~~[(10)]~~ (9) Ninety grams or more but less than four hundred fifty grams of any
57 material, compound, mixture, or preparation which contains any quantity of 3,4-
58 methylenedioxymethamphetamine; or

59 ~~[(11)]~~ (10) Twenty milligrams or more of fentanyl or carfentanil, or any derivative
60 thereof, or any combination thereof, or any compound, mixture, or substance containing a
61 detectable amount of fentanyl or carfentanil, or their optical isomers or analogues.

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

65 (1) Any quantity of the following substances having a stimulant effect on the central
66 nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers;
67 methamphetamine, its salts, isomers and salts of its isomers; phenmetrazine and its salts; or
68 methylphenidate; or

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

70 5. The offense of drug trafficking in the second degree is a class C felony for the first
71 offense and a class B felony for any second or subsequent offense for the trafficking of less
72 than one gram of flunitrazepam.

589.401. 1. A person on the sexual offender registry may file a petition in the
2 division of the circuit court in the county or city not within a county in which the offense
3 requiring registration was committed to have his or her name removed from the sexual
4 offender registry.

5 2. A person who is required to register in this state because of an offense that was
6 adjudicated in another jurisdiction shall file his or her petition for removal according to the
7 laws of the state, **federal**, territory, tribal, or military jurisdiction, the District of Columbia, or

8 foreign country in which his or her offense was adjudicated. Upon the grant of the petition
9 for removal in the jurisdiction where the offense was adjudicated, such judgment may be
10 registered in this state by sending the information required under subsection 5 of this section
11 as well as one authenticated copy of the order granting removal from the sexual offender
12 registry in the jurisdiction where the offense was adjudicated to the court in the county or city
13 not within a county in which the offender is required to register. On receipt of a request for
14 registration removal, the registering court shall cause the order to be filed as a foreign
15 judgment, together with one copy of the documents and information, regardless of their form.
16 The petitioner shall be responsible for costs associated with filing the petition.

17 3. A person required to register:

18 (1) As a tier III offender;

19 (2) **Under subdivision (7) of subsection 1 of section 589.400; or**

20 (3) **As a result of an offense that is sexual in nature committed against a minor or**
21 **against an incapacitated person as defined under section 475.010**

22

23 shall not file a petition under this section unless the requirement to register results from a
24 juvenile adjudication.

25 4. The petition shall be dismissed without prejudice if the following time periods
26 have not elapsed since the date the person was required to register for his or her most recent
27 offense under sections 589.400 to 589.425:

28 (1) For a tier I offense, ten years;

29 (2) For a tier II offense, twenty-five years; or

30 (3) For a tier III offense adjudicated delinquent, twenty-five years.

31 5. The petition shall be dismissed without prejudice if it fails to include any of the
32 following:

33 (1) The petitioner's:

34 (a) Full name, including any alias used by the individual;

35 (b) Sex;

36 (c) Race;

37 (d) Date of birth;

38 (e) Last four digits of the Social Security number;

39 (f) Address; and

40 (g) Place of employment, school, or volunteer status;

41 (2) The offense and tier of the offense that required the petitioner to register;

42 (3) The date the petitioner was adjudicated for the offense;

43 (4) The date the petitioner was required to register;

44 (5) The case number and court, including the county or city not within a county, that
45 entered the original order for the adjudicated sex offense;

46 (6) Petitioner's fingerprints on an applicant fingerprint card;

47 (7) If the petitioner was pardoned or an offense requiring registration was reversed,
48 vacated, or set aside, an authenticated copy of the order; and

49 (8) If the petitioner is currently registered under applicable law and has not been
50 adjudicated for failure to register in any jurisdiction and does not have any charges pending
51 for failure to register.

52 6. The petition shall name as respondents the Missouri state highway patrol and the
53 chief law enforcement official in the county or city not within a county in which the petition
54 is filed.

55 7. All proceedings under this section shall be governed under the Missouri supreme
56 court rules of civil procedure.

57 8. The person seeking removal or exemption from the registry shall provide the
58 prosecuting attorney in the circuit court in which the petition is filed with notice of the
59 petition. The prosecuting attorney may present evidence in opposition to the requested relief
60 or may otherwise demonstrate the reasons why the petition should be denied. Failure of the
61 person seeking removal or exemption from the registry to notify the prosecuting attorney of
62 the petition shall result in an automatic denial of such person's petition.

63 9. The prosecuting attorney in the circuit court in which the petition is filed shall have
64 access to all applicable records concerning the petitioner including, but not limited to,
65 criminal history records, mental health records, juvenile records, and records of the
66 department of corrections or probation and parole.

67 10. The prosecuting attorney shall make reasonable efforts to notify the victim of the
68 crime for which the person was required to register of the petition and the dates and times of
69 any hearings or other proceedings in connection with such petition.

70 11. The court shall not enter an order directing the removal of the petitioner's name
71 from the sexual offender registry unless it finds the petitioner:

72 (1) Has not been adjudicated or does not have charges pending for any additional
73 nonsexual offense for which imprisonment for more than one year may be imposed since the
74 date the offender was required to register for his or her current tier level;

75 (2) Has not been adjudicated or does not have charges pending for any additional sex
76 offense that would require registration under sections 589.400 to 589.425 since the date the
77 offender was required to register for his or her current tier level, even if the offense was
78 punishable by less than one year imprisonment;

79 (3) Has successfully completed any required periods of supervised release, probation,
80 or parole without revocation since the date the offender was required to register for his or her
81 current tier level;

82 (4) Has successfully completed an appropriate sex offender treatment program as
83 approved by a court of competent jurisdiction or the Missouri department of corrections; and

84 (5) Is not a current or potential threat to public safety.

85 12. In order to meet the criteria required by subdivisions (1) and (2) of subsection 11
86 of this section, the fingerprints filed in the case shall be examined by the Missouri state
87 highway patrol. The petitioner shall be responsible for all costs associated with the
88 fingerprint-based criminal history check of both state and federal files under section 43.530.

89 13. If the petition is denied due to an adjudication in violation of subdivision (1) or
90 (2) of subsection 11 of this section, the petitioner shall not file a new petition under this
91 section until:

92 (1) Fifteen years have passed from the date of the adjudication resulting in the denial
93 of relief if the petitioner is classified as a tier I offender;

94 (2) Twenty-five years have passed from the date of adjudication resulting in the
95 denial of relief if the petitioner is classified as a tier II offender; or

96 (3) Twenty-five years have passed from the date of the adjudication resulting in the
97 denial of relief if the petitioner is classified as a tier III offender on the basis of a juvenile
98 adjudication.

99 14. If the petition is denied due to the petitioner having charges pending in violation
100 of subdivision (1) or (2) of subsection 11 of this section, the petitioner shall not file a new
101 petition under this section until:

102 (1) The pending charges resulting in the denial of relief have been finally disposed of
103 in a manner other than adjudication; or

104 (2) If the pending charges result in an adjudication, the necessary time period has
105 elapsed under subsection 13 of this section.

106 15. If the petition is denied for reasons other than those outlined in subsection 11 of
107 this section, no successive petition requesting such relief shall be filed for at least five years
108 from the date the judgment denying relief is entered.

109 16. If the court finds the petitioner is entitled to have his or her name removed from
110 the sexual offender registry, the court shall enter judgment directing the removal of the name.
111 A copy of the judgment shall be provided to the respondents named in the petition.

112 17. Any person subject to the judgment requiring his or her name to be removed from
113 the sexual offender registry is not required to register under sections 589.400 to 589.425
114 unless such person is required to register for an offense that was different from that listed on
115 the judgment of removal.

116 18. The court shall not deny the petition unless the petition failed to comply with the
117 provisions of sections 589.400 to 589.425 or the prosecuting attorney provided evidence
118 demonstrating the petition should be denied.

 589.403. 1. Any person who is required to register under sections 589.400 to 589.425
2 and who is paroled, discharged, or otherwise released from any correctional facility of the
3 department of corrections, any mental health institution, private jail under section 221.095, or
4 other private facility recognized by or contracted with the department of corrections or
5 department of mental health where such person was confined shall:

6 (1) If the person plans to reside in this state, be informed by the official in charge of
7 such correctional facility, private jail, or mental health institution of the person's possible duty
8 to register pursuant to sections 589.400 to 589.425. If such person is required to register
9 pursuant to sections 589.400 to 589.425, the official in charge of the correctional facility,
10 private jail, or the mental health institution shall complete the initial registration notification
11 at least seven days prior to release and forward the offender's registration, within three
12 business days of release, to the Missouri state highway patrol and the chief law enforcement
13 official of the county or city not within a county where the person expects to reside upon
14 discharge, parole, or release; or

15 (2) If the person does not reside or plan to reside in Missouri, be informed by the
16 official in charge of such correctional facility, private jail, or mental health institution of the
17 person's possible duty to register under sections 589.400 to 589.425. If such person is
18 required to register under sections 589.400 to 589.425, the official in charge of the
19 correctional facility, private jail, or the mental health institution shall complete the initial
20 registration notification at least seven days prior to release and forward the offender's
21 registration, within three business days of release, to the Missouri state highway patrol and
22 the chief law enforcement official within the county or city not within a county where the
23 correctional facility, private jail, or mental health institution is located.

24 **2. If the person is currently a registered sex offender in Missouri, upon release of**
25 **the offender from any correctional facility of the department of corrections, any mental**
26 **health institution, a private jail under section 221.095, or other private facility**
27 **recognized by or contracted with the department of corrections or department of mental**
28 **health where such person was confined, the official in charge of such correctional**
29 **facility, mental health institution, or private jail shall inform the chief law enforcement**
30 **official of the county or city not within a county where the offender is registered of the**
31 **offender's release.**

32 **3.** If the offender refuses to complete and sign the registration information as outlined
33 in this section or fails to register with the chief law enforcement official within three business
34 days as directed, the offender commits the offense of failure to register under section 589.425

35 within the jurisdiction where the correctional facility, private jail, or mental health institution
36 is located.

37 **4. When any person is incarcerated in any jail, municipal detention facility,**
38 **correctional facility of the department of corrections, private jail under section 221.095,**
39 **or other private facility contracted with the department of corrections, or any person is**
40 **committed to the department of mental health or a mental health institution, the official**
41 **in charge of such jail, detention facility, correctional facility, private jail, private facility,**
42 **or mental health institution shall complete a check to see if the person is currently a**
43 **registered sex offender in Missouri. If the person is a registered sex offender in**
44 **Missouri, such official in charge shall inform the chief law enforcement official of the**
45 **county or city not within a county where the offender is registered of the incarceration.**
46 **If the person incarcerated is a registered sex offender, the chief law enforcement official**
47 **of the county or city not within a county where the offender is registered shall ensure the**
48 **offender's status is properly updated in the Missouri sex offender registry.**

589.410. The chief law enforcement official of a county or city not within a county
2 shall ~~forward~~ enter the completed offender registration ~~form to the Missouri state highway~~
3 ~~patrol~~ into the Missouri state highway patrol's sex offender registration system within
4 three days. ~~The patrol~~ Such registration shall ~~enter the information~~ be entered into the
5 Missouri uniform law enforcement system (MULES). The Missouri state highway patrol
6 shall ensure the information entered into the Missouri sex offender registry is forwarded
7 to the National Crime Information Center (NCIC) where it is available to members of the
8 criminal justice system, and other entities as provided by law, upon inquiry.

589.414. 1. Any person required by sections 589.400 to 589.425 to register shall,
2 within three business days, appear in person to the chief law enforcement officer of the
3 county or city not within a county if there is a change to any of the following information:

- 4 (1) Name;
- 5 (2) Residence;
- 6 (3) Employment, including status as a volunteer or intern;
- 7 (4) Student status; or
- 8 (5) A termination to any of the items listed in this subsection.

9 2. Any person required to register under sections 589.400 to 589.425 shall, within
10 three business days, notify the chief law enforcement official of the county or city not within
11 a county of any changes to the following information:

- 12 (1) Vehicle information;
- 13 (2) Temporary lodging information;
- 14 (3) Temporary residence information;

15 (4) Email addresses, instant messaging addresses, and any other designations used in
16 internet communications, postings, or telephone communications; or

17 (5) Telephone or other cellular number, including any new forms of electronic
18 communication.

19 3. The chief law enforcement official in the county or city not within a county shall
20 immediately ~~[forward]~~ **enter** the registration changes described under subsections 1 and 2 of
21 this section ~~[to]~~ **into** the Missouri state highway ~~[patrol]~~ **patrol's sex offender registration**
22 **system** within three business days.

23 4. If any person required by sections 589.400 to 589.425 to register changes such
24 person's residence or address to a different county or city not within a county, the person shall
25 appear in person and shall inform both the chief law enforcement official with whom the
26 person last registered and the chief law enforcement official of the county or city not within a
27 county having jurisdiction over the new residence or address in writing within three business
28 days of such new address and phone number, if the phone number is also changed. If any
29 person required by sections 589.400 to 589.425 to register changes his or her state, territory,
30 the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction of
31 residence, the person shall appear in person and shall inform both the chief law enforcement
32 official with whom the person was last registered and the chief law enforcement official of the
33 area in the new state, territory, the District of Columbia, or foreign country, or federal, tribal,
34 or military jurisdiction having jurisdiction over the new residence or address within three
35 business days of such new address. ~~[Whenever a registrant changes residence, the chief law~~
36 ~~enforcement official of the county or city not within a county where the person was~~
37 ~~previously registered shall inform the Missouri state highway patrol of the change within~~
38 ~~three business days.]~~ When the registrant is changing the residence to a new state, territory,
39 the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction, the
40 Missouri state highway patrol shall inform the responsible official in the new state, territory,
41 the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction of
42 residence within three business days.

43 5. Tier I sexual offenders, in addition to the requirements of subsections 1 to 4 of this
44 section, shall report in person to the chief law enforcement official annually in the month of
45 their birth to verify the information contained in their statement made pursuant to section
46 589.407. Tier I sexual offenders include:

47 (1) Any offender who has been adjudicated for the offense of:

48 (a) Sexual abuse in the first degree under section 566.100 if the victim is eighteen
49 years of age or older;

50 (b) ~~[Sexual misconduct involving a child under section 566.083 if it is a first offense~~
51 ~~and the punishment is less than one year;~~

52 ~~(e)~~ Sexual abuse in the second degree under section 566.101 if the punishment is less
53 than a year;

54 ~~(d)~~ (c) Kidnapping in the second degree under section 565.120 with sexual
55 motivation;

56 ~~(e)~~ (d) Kidnapping in the third degree under section 565.130;

57 ~~(f)~~ (e) Sexual conduct with a nursing facility resident or vulnerable person in the
58 first degree under section 566.115 if ~~the punishment is less than one year~~ **the offense is a**
59 **misdemeanor**;

60 ~~(g)~~ (f) Sexual conduct under section 566.116 with a nursing facility resident or
61 vulnerable person;

62 ~~(h)~~ (g) Sexual ~~contact with a prisoner or offender~~ **conduct in the course of public**
63 **duty** under section 566.145 if the victim is eighteen years of age or older;

64 ~~(i)~~ (h) Sex with an animal under section 566.111;

65 ~~(j)~~ (i) Trafficking for the purpose of sexual exploitation under section 566.209 if the
66 victim is eighteen years of age or older;

67 ~~(k)~~ (j) Possession of child pornography under section 573.037;

68 ~~(l)~~ (k) Sexual misconduct in the first degree under section 566.093;

69 ~~(m)~~ (l) Sexual misconduct in the second degree under section 566.095;

70 ~~(n) Child molestation in the second degree under section 566.068 as it existed prior~~
71 ~~to January 1, 2017, if the punishment is less than one year;~~ or

72 ~~(o)~~ (m) Invasion of privacy under section 565.252 if the victim is less than eighteen
73 years of age;

74 (2) Any offender who is or has been adjudicated in any other state, territory, the
75 District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction of an
76 offense of a sexual nature or with a sexual element that is comparable to the tier I sexual
77 offenses listed in this subsection or, if not comparable to those in this subsection, comparable
78 to those described as tier I offenses under the Sex Offender Registration and Notification Act,
79 Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.

80 6. Tier II sexual offenders, in addition to the requirements of subsections 1 to 4 of this
81 section, shall report semiannually in person in the month of their birth and six months
82 thereafter to the chief law enforcement official to verify the information contained in their
83 statement made pursuant to section 589.407. Tier II sexual offenders include:

84 (1) Any offender who has been adjudicated for the offense of[:

85 ~~(a) Statutory sodomy in the second degree under section 566.064 if the victim is~~
86 ~~sixteen to seventeen years of age;~~

87 ~~(b) Child molestation in the third degree under section 566.069 if the victim is~~
88 ~~between thirteen and fourteen years of age;~~

89 ~~(e) Sexual contact with a student under section 566.086 if the victim is thirteen to~~
 90 ~~seventeen years of age;~~

91 ~~(d) Enticement of a child under section 566.151;~~

92 ~~(e) Abuse of a child under section 568.060 if the offense is of a sexual nature and the~~
 93 ~~victim is thirteen to seventeen years of age;~~

94 ~~(f) Sexual exploitation of a minor under section 573.023;~~

95 ~~(g) Promoting child pornography in the first degree under section 573.025;~~

96 ~~(h) Promoting child pornography in the second degree under section 573.035;~~

97 ~~(i) patronizing prostitution under section 567.030];~~

98 ~~(j) Sexual contact with a prisoner or offender under section 566.145 if the victim is~~
 99 ~~thirteen to seventeen years of age;~~

100 ~~(k) Child molestation in the fourth degree under section 566.071 if the victim is~~
 101 ~~thirteen to seventeen years of age;~~

102 ~~(l) Sexual misconduct involving a child under section 566.083 if it is a first offense~~
 103 ~~and the penalty is a term of imprisonment of more than a year; or~~

104 ~~(m) Age misrepresentation with intent to solicit a minor under section 566.153];~~

105 (2) Any person who is adjudicated of an offense comparable to a tier I offense listed
 106 in this section or failure to register offense under section 589.425 or comparable out-of-state
 107 failure to register offense **or a violation of a restriction under section 566.147, 566.148,**
 108 **566.149, 566.150, 566.155, or 589.426** and who is already required to register as a tier I
 109 offender due to having been adjudicated of a tier I offense on a previous occasion; or

110 (3) Any person who is or has been adjudicated in any other state, territory, the District
 111 of Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense
 112 of a sexual nature or with a sexual element that is comparable to the tier II sexual offenses
 113 listed in this subsection or, if not comparable to those in this subsection, comparable to those
 114 described as tier II offenses under the Sex Offender Registration and Notification Act, Title I
 115 of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.

116 7. Tier III sexual offenders, in addition to the requirements of subsections 1 to 4 of
 117 this section, shall report in person to the chief law enforcement official every ninety days to
 118 verify the information contained in their statement made under section 589.407. Tier III
 119 sexual offenders include:

120 (1) Any offender registered as a predatory sexual offender [~~as defined in section~~
 121 ~~566.123]~~ or a persistent sexual offender as defined in section [~~566.124]~~ **566.125**;

122 (2) Any offender who has been adjudicated for the crime of:

123 (a) Rape in the first degree under section 566.030;

124 (b) Statutory rape in the first degree under section 566.032;

125 (c) Rape in the second degree under section 566.031;

- 126 (d) **Statutory rape in the second degree under section 566.034;**
127 (e) Endangering the welfare of a child in the first degree under section 568.045 if the
128 offense is sexual in nature;
129 ~~[(e)]~~ (f) Sodomy in the first degree under section 566.060;
130 ~~[(f)]~~ (g) Statutory sodomy under section 566.062;
131 ~~[(g)]~~ (h) Statutory sodomy under section 566.064 ~~[if the victim is under sixteen years~~
132 ~~of age];~~
133 ~~[(h)]~~ (i) Sodomy in the second degree under section 566.061;
134 ~~[(i)]~~ (j) Sexual misconduct involving a child under section 566.083 ~~[if the offense is a~~
135 ~~second or subsequent offense];~~
136 ~~[(j)]~~ (k) Sexual abuse in the first degree under section 566.100 ~~[if the victim is under~~
137 ~~thirteen years of age];~~
138 ~~[(k)]~~ (l) **Age misrepresentation with intent to solicit a minor under section**
139 **566.153;**
140 (m) **Enticement of a child under section 566.151;**
141 (n) Kidnapping in the first degree under section 565.110 if the victim is under
142 eighteen years of age, excluding kidnapping by a parent or guardian;
143 ~~[(n)]~~ (o) Child kidnapping under section 565.115 **with sexual motivation;**
144 ~~[(m)]~~ (p) Sexual conduct with a nursing facility resident or vulnerable person in the
145 first degree under section 566.115 ~~if [the punishment is greater than a year]~~ **the offense is a**
146 **felony;**
147 ~~[(p)]~~ (q) Incest under section 568.020;
148 ~~[(q)]~~ (r) Endangering the welfare of a child in the first degree under section 568.045
149 with sexual intercourse or deviate sexual intercourse with a victim under eighteen years of
150 age;
151 ~~[(r)]~~ (s) Child molestation in the first degree under section 566.067;
152 ~~[(s)]~~ (t) Child molestation in the second degree under section 566.068 **or child**
153 **molestation in the second degree under section 566.068 as it existed prior to January 1,**
154 **2017, if the punishment is less than one year;**
155 ~~[(t)]~~ (u) Child molestation in the third degree under section 566.069 if the victim is
156 under ~~[thirteen]~~ **fourteen** years of age;
157 ~~[(u)]~~ (v) Promoting prostitution in the first degree under section 567.050 if the victim
158 is under eighteen years of age;
159 ~~[(v)]~~ (w) Promoting prostitution in the second degree under section 567.060 if the
160 victim is under eighteen years of age;
161 ~~[(w)]~~ (x) Promoting prostitution in the third degree under section 567.070 if the victim
162 is under eighteen years of age;

163 ~~[(v)]~~ **(y)** Promoting travel for prostitution under section 567.085 if the victim is under
164 eighteen years of age;

165 ~~[(w)]~~ **(z)** Trafficking for the purpose of sexual exploitation under section 566.209 if
166 the victim is under eighteen years of age;

167 ~~[(x)]~~ **(aa)** Sexual trafficking of a child in the first degree under section 566.210;

168 ~~[(y)]~~ **(bb)** Sexual trafficking of a child in the second degree under section 566.211;

169 ~~[(z)]~~ **(cc)** Genital mutilation of a female child under section 568.065;

170 ~~[(aa)]~~ **(dd)** Statutory rape in the second degree under section 566.034;

171 ~~[(bb)]~~ **(ee)** Child molestation in the fourth degree under section 566.071 if the victim
172 is under ~~[thirteen]~~ **seventeen** years of age;

173 ~~[(ee)]~~ **(ff)** Sexual abuse in the second degree under section 566.101 if ~~[the penalty is a~~
174 ~~term of imprisonment of more than a year]~~ **the offense is a felony**;

175 ~~[(dd)]~~ **(gg)** Patronizing prostitution under section 567.030 if the offender is a
176 persistent offender **or if the victim is under eighteen years of age**;

177 ~~[(ee)]~~ **(hh)** Abuse of a child under section 568.060 if the offense is of a sexual nature
178 and the victim is under ~~[thirteen]~~ **eighteen** years of age;

179 ~~[(ff)]~~ **(ii)** Sexual ~~[contact with a prisoner or offender]~~ **conduct in the course of**
180 **public duty** under section 566.145 if the victim is under ~~[thirteen]~~ **eighteen** years of age;

181 ~~[(gg)]~~ ~~Sexual intercourse with a prisoner or offender under section 566.145;~~

182 ~~[(hh)]~~ **(jj)** Sexual contact with a student under section 566.086 if the victim is under
183 ~~[thirteen]~~ **eighteen** years of age;

184 **(kk) Sexual exploitation of a minor under section 573.023;**

185 **(ll) Promoting child pornography in the first degree under section 573.025;**

186 **(mm) Promoting child pornography in the second degree under section 573.035;**

187 ~~[(ii)]~~ **(nn)** Use of a child in a sexual performance under section 573.200; or

188 ~~[(jj)]~~ **(oo)** Promoting a sexual performance by a child under section 573.205;

189 (3) Any offender who is adjudicated ~~[for a crime]~~ **of an offense** comparable to a tier I
190 or tier II offense listed in this section or failure to register offense under section 589.425, or
191 other comparable out-of-state failure to register offense **or a violation of a restriction under**
192 **section 566.147, 566.148, 566.149, 566.150, 566.155, or 589.426**, who has been or is already
193 required to register as a tier II offender because of having been adjudicated for a tier II
194 offense, two tier I offenses, or combination of a tier I offense and failure to register offense,
195 on a previous occasion;

196 (4) Any offender who is adjudicated in any other state, territory, the District of
197 Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense of
198 a sexual nature or with a sexual element that is comparable to a tier III offense listed in this

199 section or a tier III offense under the Sex Offender Registration and Notification Act, Title I
200 of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248; or

201 (5) Any offender who is adjudicated in Missouri for any offense of a sexual nature
202 requiring registration under sections 589.400 to 589.425 that is not classified as a tier I or tier
203 II offense in this section.

204 8. In addition to the requirements of subsections 1 to 7 of this section, all Missouri
205 registrants who work, including as a volunteer or unpaid intern, or attend any school whether
206 public or private, including any secondary school, trade school, professional school, or
207 institution of higher education, on a full-time or part-time basis or have a temporary residence
208 in this state shall be required to report in person to the chief law enforcement officer in the
209 area of the state where they work, including as a volunteer or unpaid intern, or attend any
210 school or training and register in that state. "Part-time" in this subsection means for more
211 than seven days in any twelve-month period.

212 9. If a person who is required to register as a sexual offender under sections 589.400
213 to 589.425 changes or obtains a new online identifier as defined in section 43.651, the person
214 shall report such information in the same manner as a change of residence before using such
215 online identifier.

595.045. 1. There is established in the state treasury the "Crime Victims'
2 Compensation Fund". A surcharge of seven dollars and fifty cents shall be assessed as costs
3 in each court proceeding filed in any court in the state in all criminal cases including
4 violations of any county ordinance or any violation of criminal or traffic laws of the state,
5 including an infraction and violation of a municipal ordinance; except that no such fee shall
6 be collected in any proceeding in any court when the proceeding or the defendant has been
7 dismissed by the court or when costs are to be paid by the state, county, or municipality. A
8 surcharge of seven dollars and fifty cents shall be assessed as costs in a juvenile court
9 proceeding in which a child is found by the court to come within the applicable provisions of
10 subdivision (3) of subsection 1 of section 211.031.

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

15 3. The director of revenue shall deposit annually the amount of two hundred fifty
16 thousand dollars to the state forensic laboratory account administered by the department of
17 public safety to provide financial assistance to defray expenses of crime laboratories if such
18 analytical laboratories are registered with the federal Drug Enforcement Agency or the
19 Missouri department of health and senior services. Subject to appropriations made therefor,
20 such funds shall be distributed by the department of public safety to the crime laboratories

21 serving the courts of this state making analysis of a controlled substance or analysis of blood,
22 breath or urine in relation to a court proceeding.

23 4. The remaining funds collected under subsection 1 of this section shall be denoted
24 to the payment of an annual appropriation for the administrative and operational costs of the
25 office for victims of crime and, if a statewide automated crime victim notification system is
26 established pursuant to section 650.310, to the monthly payment of expenditures actually
27 incurred in the operation of such system. Additional remaining funds shall be subject to the
28 following provisions:

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

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

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

40 6. The moneys collected by clerks of municipal courts pursuant to subsection 1 of this
41 section shall be collected and disbursed as provided by sections 488.010 to 488.020. Five
42 percent of such moneys shall be payable to the city treasury of the city from which such funds
43 were collected. The remaining ninety-five percent of such moneys shall be payable to the
44 director of revenue. The funds received by the director of revenue pursuant to this subsection
45 shall be distributed as follows:

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

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

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

57 8. In addition to the moneys collected pursuant to subsection 1 of this section, the
58 court shall enter a judgment in favor of the state of Missouri, payable to the crime victims'
59 compensation fund, of sixty-eight dollars upon a plea of guilty or a finding of guilt for a class
60 A or B felony; forty-six dollars upon a plea of guilty or finding of guilt for a class C ~~[or]~~, D,
61 **or** E felony; and ten dollars upon a plea of guilty or a finding of guilt for any misdemeanor
62 under Missouri law except for those in chapter 252 relating to fish and game, chapter 302
63 relating to drivers' and commercial drivers' license, chapter 303 relating to motor vehicle
64 financial responsibility, chapter 304 relating to traffic regulations, chapter 306 relating to
65 watercraft regulation and licensing, and chapter 307 relating to vehicle equipment regulations.
66 Any clerk of the court receiving moneys pursuant to such judgments shall collect and disburse
67 such crime victims' compensation judgments in the manner provided by sections 488.010 to
68 488.020. Such funds shall be payable to the state treasury and deposited to the credit of the
69 crime victims' compensation fund.

70 9. The clerk of the court processing such funds shall maintain records of all
71 dispositions described in subsection 1 of this section and all dispositions where a judgment
72 has been entered against a defendant in favor of the state of Missouri in accordance with this
73 section; all payments made on judgments for alcohol-related traffic offenses; and any
74 judgment or portion of a judgment entered but not collected. These records shall be subject to
75 audit by the state auditor. The clerk of each court transmitting such funds shall report
76 separately the amount of dollars collected on judgments entered for alcohol-related traffic
77 offenses from other crime victims' compensation collections or services to victims
78 collections.

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

83 11. The state courts administrator shall include in the annual report required by
84 section 476.350 the circuit court caseloads and the number of crime victims' compensation
85 judgments entered.

86 12. All awards made to injured victims under sections 595.010 to 595.105 and all
87 appropriations for administration of sections 595.010 to 595.105, except sections 595.050 and
88 595.055, shall be made from the crime victims' compensation fund. Any unexpended balance
89 remaining in the crime victims' compensation fund at the end of each biennium shall not be
90 subject to the provision of section 33.080 requiring the transfer of such unexpended balance
91 to the ordinary revenue fund of the state, but shall remain in the crime victims' compensation
92 fund. In the event that there are insufficient funds in the crime victims' compensation fund to
93 pay all claims in full, all claims shall be paid on a pro rata basis. If there are no funds in the

94 crime victims' compensation fund, then no claim shall be paid until funds have again
95 accumulated in the crime victims' compensation fund. When sufficient funds become
96 available from the fund, awards which have not been paid shall be paid in chronological order
97 with the oldest paid first. In the event an award was to be paid in installments and some
98 remaining installments have not been paid due to a lack of funds, then when funds do become
99 available that award shall be paid in full. All such awards on which installments remain due
100 shall be paid in full in chronological order before any other postdated award shall be paid.
101 Any award pursuant to this subsection is specifically not a claim against the state, if it cannot
102 be paid due to a lack of funds in the crime victims' compensation fund.

103 13. When judgment is entered against a defendant as provided in this section and such
104 sum, or any part thereof, remains unpaid, there shall be withheld from any disbursement,
105 payment, benefit, compensation, salary, or other transfer of money from the state of Missouri
106 to such defendant an amount equal to the unpaid amount of such judgment. Such amount
107 shall be paid forthwith to the crime victims' compensation fund and satisfaction of such
108 judgment shall be entered on the court record. Under no circumstances shall the general
109 revenue fund be used to reimburse court costs or pay for such judgment. The director of the
110 department of corrections shall have the authority to pay into the crime victims' compensation
111 fund from an offender's compensation or account the amount owed by the offender to the
112 crime victims' compensation fund, provided that the offender has failed to pay the amount
113 owed to the fund prior to entering a correctional facility of the department of corrections.

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

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

119 16. The department may receive gifts and contributions for the benefit of crime
120 victims. Such gifts and contributions shall be credited to the crime victims' compensation
121 fund as used solely for compensating victims under the provisions of sections 595.010 to
122 595.075.

610.021. Except to the extent disclosure is otherwise required by law, a public
2 governmental body is authorized to close meetings, records and votes, to the extent they relate
3 to the following:

4 (1) Legal actions, causes of action or litigation involving a public governmental body
5 and any confidential or privileged communications between a public governmental body or
6 its representatives and its attorneys. However, any minutes, vote or settlement agreement
7 relating to legal actions, causes of action or litigation involving a public governmental body
8 or any agent or entity representing its interests or acting on its behalf or with its authority,

9 including any insurance company acting on behalf of a public government body as its insured,
10 shall be made public upon final disposition of the matter voted upon or upon the signing by
11 the parties of the settlement agreement, unless, prior to final disposition, the settlement
12 agreement is ordered closed by a court after a written finding that the adverse impact to a
13 plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of
14 section 610.011, however, the amount of any moneys paid by, or on behalf of, the public
15 governmental body shall be disclosed; provided, however, in matters involving the exercise of
16 the power of eminent domain, the vote shall be announced or become public immediately
17 following the action on the motion to authorize institution of such a legal action. Legal work
18 product shall be considered a closed record;

19 (2) Leasing, purchase or sale of real estate by a public governmental body where
20 public knowledge of the transaction might adversely affect the legal consideration therefor.
21 However, any minutes, vote or public record approving a contract relating to the leasing,
22 purchase or sale of real estate by a public governmental body shall be made public upon
23 execution of the lease, purchase or sale of the real estate;

24 (3) Hiring, firing, disciplining or promoting of particular employees by a public
25 governmental body when personal information about the employee is discussed or recorded.
26 However, any vote on a final decision, when taken by a public governmental body, to hire,
27 fire, promote or discipline an employee of a public governmental body shall be made
28 available with a record of how each member voted to the public within seventy-two hours of
29 the close of the meeting where such action occurs; provided, however, that any employee so
30 affected shall be entitled to prompt notice of such decision during the seventy-two-hour
31 period before such decision is made available to the public. As used in this subdivision, the
32 term "personal information" means information relating to the performance or merit of
33 individual employees;

34 (4) The state militia or national guard or any part thereof;

35 (5) Nonjudicial mental or physical health proceedings involving identifiable persons,
36 including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or
37 treatment;

38 (6) Scholastic probation, expulsion, or graduation of identifiable individuals,
39 including records of individual test or examination scores; however, personally identifiable
40 student records maintained by public educational institutions shall be open for inspection by
41 the parents, guardian or other custodian of students under the age of eighteen years and by the
42 parents, guardian or other custodian and the student if the student is over the age of eighteen
43 years;

44 (7) Testing and examination materials, before the test or examination is given or, if it
45 is to be given again, before so given again;

- 46 (8) Welfare cases of identifiable individuals;
- 47 (9) Preparation, including any discussions or work product, on behalf of a public
48 governmental body or its representatives for negotiations with employee groups;
- 49 (10) Software codes for electronic data processing and documentation thereof;
- 50 (11) Specifications for competitive bidding, until either the specifications are
51 officially approved by the public governmental body or the specifications are published for
52 bid;
- 53 (12) Sealed bids and related documents, until the bids are opened; and sealed
54 proposals and related documents or any documents related to a negotiated contract until a
55 contract is executed, or all proposals are rejected;
- 56 (13) Individually identifiable personnel records, performance ratings or records
57 pertaining to employees or applicants for employment, except that this exemption shall not
58 apply to the names, positions, salaries and lengths of service of officers and employees of
59 public agencies once they are employed as such, and the names of private sources donating or
60 contributing money to the salary of a chancellor or president at all public colleges and
61 universities in the state of Missouri and the amount of money contributed by the source;
- 62 (14) Records which are protected from disclosure by law;
- 63 (15) Meetings and public records relating to scientific and technological innovations
64 in which the owner has a proprietary interest;
- 65 (16) Records relating to municipal hotlines established for the reporting of abuse and
66 wrongdoing;
- 67 (17) Confidential or privileged communications between a public governmental body
68 and its auditor, including all auditor work product; however, all final audit reports issued by
69 the auditor are to be considered open records pursuant to this chapter;
- 70 (18) **(a) Security measures, global positioning system (GPS) data, investigative**
71 **information, or investigative or surveillance techniques of any public agency responsible**
72 **for law enforcement or public safety that, if disclosed, has the potential to endanger the**
73 **health or safety of an individual or the public.**
- 74 **(b) Any information or data provided to a tip line for the purpose of safety or**
75 **security at an educational institution that, if disclosed, has the potential to endanger the**
76 **health or safety of an individual or the public.**
- 77 **(c) Any information contained in any suspicious activity report provided to law**
78 **enforcement that, if disclosed, has the potential to endanger the health or safety of an**
79 **individual or the public.**
- 80 **(d) Operational guidelines, policies and specific response plans developed, adopted,**
81 **or maintained by any public agency responsible for law enforcement, public safety, first**
82 **response, or public health for use in responding to or preventing any critical incident which is**

83 or appears to be terrorist in nature and which has the potential to endanger individual or
84 public safety or health. Financial records related to the procurement of or expenditures
85 relating to operational guidelines, policies or plans purchased with public funds shall be open.
86 When seeking to close information pursuant to this exception, the public governmental body
87 shall affirmatively state in writing that disclosure would impair the public governmental
88 body's ability to protect the security or safety of persons or real property, and shall in the same
89 writing state that the public interest in nondisclosure outweighs the public interest in
90 disclosure of the records;

91 (19) Existing or proposed security systems and structural plans of real property
92 owned or leased by a public governmental body, and information that is voluntarily submitted
93 by a nonpublic entity owning or operating an infrastructure to any public governmental body
94 for use by that body to devise plans for protection of that infrastructure, the public disclosure
95 of which would threaten public safety:

96 (a) Records related to the procurement of or expenditures relating to security systems
97 purchased with public funds shall be open;

98 (b) When seeking to close information pursuant to this exception, the public
99 governmental body shall affirmatively state in writing that disclosure would impair the public
100 governmental body's ability to protect the security or safety of persons or real property, and
101 shall in the same writing state that the public interest in nondisclosure outweighs the public
102 interest in disclosure of the records;

103 (c) Records that are voluntarily submitted by a nonpublic entity shall be reviewed by
104 the receiving agency within ninety days of submission to determine if retention of the
105 document is necessary in furtherance of a state security interest. If retention is not necessary,
106 the documents shall be returned to the nonpublic governmental body or destroyed;

107 (20) The portion of a record that identifies security systems or access codes or
108 authorization codes for security systems of real property;

109 (21) Records that identify the configuration of components or the operation of a
110 computer, computer system, computer network, or telecommunications network, and would
111 allow unauthorized access to or unlawful disruption of a computer, computer system,
112 computer network, or telecommunications network of a public governmental body. This
113 exception shall not be used to limit or deny access to otherwise public records in a file,
114 document, data file or database containing public records. Records related to the procurement
115 of or expenditures relating to such computer, computer system, computer network, or
116 telecommunications network, including the amount of moneys paid by, or on behalf of, a
117 public governmental body for such computer, computer system, computer network, or
118 telecommunications network shall be open;

119 (22) Credit card numbers, personal identification numbers, digital certificates,
120 physical and virtual keys, access codes or authorization codes that are used to protect the
121 security of electronic transactions between a public governmental body and a person or entity
122 doing business with a public governmental body. Nothing in this section shall be deemed to
123 close the record of a person or entity using a credit card held in the name of a public
124 governmental body or any record of a transaction made by a person using a credit card or
125 other method of payment for which reimbursement is made by a public governmental body;

126 (23) Records submitted by an individual, corporation, or other business entity to a
127 public institution of higher education in connection with a proposal to license intellectual
128 property or perform sponsored research and which contains sales projections or other
129 business plan information the disclosure of which may endanger the competitiveness of a
130 business;

131 (24) Records relating to foster home or kinship placements of children in foster care
132 under section 210.498; and

133 (25) Individually identifiable customer usage and billing records for customers of a
134 municipally owned utility, unless the records are requested by the customer or authorized for
135 release by the customer, except that a municipally owned utility shall make available to the
136 public the customer's name, billing address, location of service, and dates of service provided
137 for any commercial service account.

610.140. 1. Notwithstanding any other provision of law and subject to the provisions
2 of this section, any person may apply to any court in which such person was charged or found
3 guilty of any offenses, violations, or infractions for an order to expunge records of such arrest,
4 plea, trial, or conviction. Subject to the limitations of subsection 12 of this section, a person
5 may apply to have one or more offenses, violations, or infractions expunged if such offense,
6 violation, or infraction occurred within the state of Missouri and was prosecuted under the
7 jurisdiction of a Missouri municipal, associate circuit, or circuit court, so long as such person
8 lists all the offenses, violations, and infractions he or she is seeking to have expunged in the
9 petition and so long as all such offenses, violations, and infractions are not excluded under
10 subsection 2 of this section. If the offenses, violations, or infractions were charged as counts
11 in the same indictment or information or were committed as part of the same course of
12 criminal conduct, the person may include all the related offenses, violations, and infractions
13 in the petition, regardless of the limits of subsection 12 of this section, and the petition shall
14 only count as a petition for expungement of the highest level violation or offense contained in
15 the petition for the purpose of determining future eligibility for expungement.

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

18 (1) Any class A felony offense;

- 19 (2) Any dangerous felony as that term is defined in section 556.061;
- 20 (3) Any offense that requires registration as a sex offender;
- 21 (4) Any felony offense where death is an element of the offense;
- 22 (5) Any felony offense of assault; misdemeanor or felony offense of domestic assault;
- 23 or felony offense of kidnapping;
- 24 (6) Any offense listed, or previously listed, in chapter 566 or section 105.454,
- 25 105.478, 115.631, 130.028, 188.030, 188.080, 191.677, 194.425, 217.360, 217.385, 334.245,
- 26 375.991, 389.653, 455.085, 455.538, 557.035, 565.084, 565.085, 565.086, 565.095, 565.120,
- 27 565.130, 565.156, 565.200, 565.214, 566.093, 566.111, 566.115, 568.020, 568.030, 568.032,
- 28 568.045, 568.060, 568.065, 568.080, 568.090, 568.175, 569.030, 569.035, 569.040, 569.050,
- 29 569.055, 569.060, 569.065, 569.067, 569.072, 569.160, 570.025, 570.090, 570.180, 570.223,
- 30 570.224, 570.310, 571.020, 571.060, 571.063, 571.070, 571.072, 571.150, 574.070, 574.105,
- 31 574.115, 574.120, 574.130, 575.040, 575.095, **575.150, 575.151**, 575.153, 575.155, 575.157,
- 32 575.159, 575.195, [~~575.200~~], 575.210, 575.220, 575.230, 575.240, 575.350, 575.353,
- 33 577.078, 577.703, 577.706, 578.008, 578.305, 578.310, or 632.520;
- 34 (7) Any offense eligible for expungement under section 577.054 or 610.130;
- 35 (8) Any intoxication-related traffic or boating offense as defined in section 577.001,
- 36 or any offense of operating an aircraft with an excessive blood alcohol content or while in an
- 37 intoxicated condition;
- 38 (9) Any ordinance violation that is the substantial equivalent of any offense that is not
- 39 eligible for expungement under this section;
- 40 (10) Any violation of any state law or county or municipal ordinance regulating the
- 41 operation of motor vehicles when committed by an individual who has been issued a
- 42 commercial driver's license or is required to possess a commercial driver's license issued by
- 43 this state or any other state; and
- 44 (11) Any offense of section 571.030, except any offense under subdivision (1) of
- 45 subsection 1 of section 571.030 where the person was convicted or found guilty prior to
- 46 January 1, 2017, or any offense under subdivision (4) of subsection 1 of section 571.030.
- 47 3. The petition shall name as defendants all law enforcement agencies, courts,
- 48 prosecuting or circuit attorneys, municipal prosecuting attorneys, central state repositories of
- 49 criminal records, or others who the petitioner has reason to believe may possess the records
- 50 subject to expungement for each of the offenses, violations, and infractions listed in the
- 51 petition. The court's order of expungement shall not affect any person or entity not named as
- 52 a defendant in the action.
- 53 4. The petition shall include the following information:
- 54 (1) The petitioner's:
- 55 (a) Full name;

- 56 (b) Sex;
- 57 (c) Race;
- 58 (d) Driver's license number, if applicable; and
- 59 (e) Current address;
- 60 (2) Each offense, violation, or infraction for which the petitioner is requesting
- 61 expungement;
- 62 (3) The approximate date the petitioner was charged for each offense, violation, or
- 63 infraction; and
- 64 (4) The name of the county where the petitioner was charged for each offense,
- 65 violation, or infraction and if any of the offenses, violations, or infractions occurred in a
- 66 municipality, the name of the municipality for each offense, violation, or infraction; and
- 67 (5) The case number and name of the court for each offense.
- 68 5. The clerk of the court shall give notice of the filing of the petition to the office of
- 69 the prosecuting attorney, circuit attorney, or municipal prosecuting attorney that prosecuted
- 70 the offenses, violations, or infractions listed in the petition. If the prosecuting attorney, circuit
- 71 attorney, or municipal prosecuting attorney objects to the petition for expungement, he or she
- 72 shall do so in writing within thirty days after receipt of service. Unless otherwise agreed upon
- 73 by the parties, the court shall hold a hearing within sixty days after any written objection is
- 74 filed, giving reasonable notice of the hearing to the petitioner. If no objection has been filed
- 75 within thirty days after receipt of service, the court may set a hearing on the matter and shall
- 76 give reasonable notice of the hearing to each entity named in the petition. At any hearing, the
- 77 court may accept evidence and hear testimony on, and may consider, the following criteria for
- 78 each of the offenses, violations, or infractions listed in the petition for expungement:
- 79 (1) At the time the petition is filed, it has been at least three years if the offense is a
- 80 felony, or at least one year if the offense is a misdemeanor, municipal offense, or infraction,
- 81 from the date the petitioner completed any authorized disposition imposed under section
- 82 557.011 for each offense, violation, or infraction listed in the petition;
- 83 (2) At the time the petition is filed, the person has not been found guilty of any other
- 84 misdemeanor or felony, not including violations of the traffic regulations provided under
- 85 chapters 301, 302, 303, 304, and 307, during the time period specified for the underlying
- 86 offense, violation, or infraction in subdivision (1) of this subsection;
- 87 (3) The person has satisfied all obligations relating to any such disposition, including
- 88 the payment of any fines or restitution;
- 89 (4) The person does not have charges pending;
- 90 (5) The petitioner's habits and conduct demonstrate that the petitioner is not a threat
- 91 to the public safety of the state; and

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

94

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

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

107 7. If the court determines that such person meets all the criteria set forth in subsection
108 5 of this section for each of the offenses, violations, or infractions listed in the petition for
109 expungement, the court shall enter an order of expungement. In all cases under this section,
110 the court shall issue an order of expungement or dismissal within six months of the filing of
111 the petition. A copy of the order of expungement shall be provided to the petitioner and each
112 entity possessing records subject to the order, and, upon receipt of the order, each entity shall
113 close any record in its possession relating to any offense, violation, or infraction listed in the
114 petition, in the manner established by section 610.120. The records and files maintained in
115 any administrative or court proceeding in a municipal, associate, or circuit court for any
116 offense, infraction, or violation ordered expunged under this section shall be confidential and
117 only available to the parties or by order of the court for good cause shown. The central
118 repository shall request the Federal Bureau of Investigation to expunge the records from its
119 files.

120 8. The order shall not limit any of the petitioner's rights that were restricted as a
121 collateral consequence of such person's criminal record, and such rights shall be restored
122 upon issuance of the order of expungement. For purposes of 18 U.S.C. Section 921(a)(33)(B)
123 (ii), an order or expungement granted pursuant to this section shall be considered a complete
124 removal of all effects of the expunged conviction. Except as otherwise provided under this
125 section, the effect of such order shall be to restore such person to the status he or she occupied
126 prior to such arrests, pleas, trials, or convictions as if such events had never taken place. No
127 person as to whom such order has been entered shall be held thereafter under any provision of
128 law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure

129 to recite or acknowledge such arrests, pleas, trials, convictions, or expungement in response
130 to an inquiry made of him or her and no such inquiry shall be made for information relating to
131 an expungement, except the petitioner shall disclose the expunged offense, violation, or
132 infraction to any court when asked or upon being charged with any subsequent offense,
133 violation, or infraction. The expunged offense, violation, or infraction may be considered a
134 prior offense in determining a sentence to be imposed for any subsequent offense that the
135 person is found guilty of committing.

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

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

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

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

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

147 (5) Employment with any entity engaged in the business of insurance or any insurer
148 for the purpose of complying with 18 U.S.C. Section 1033, 18 U.S.C. Section 1034, or other
149 similar law which requires an employer engaged in the business of insurance to exclude
150 applicants with certain criminal convictions from employment; or

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

154

155 An employer shall notify an applicant of the requirements under subdivisions (4) to (6) of this
156 subsection. Notwithstanding any provision of law to the contrary, an expunged offense,
157 violation, or infraction shall not be grounds for automatic disqualification of an applicant, but
158 may be a factor for denying employment, or a professional license, certificate, or permit;
159 except that, an offense, violation, or infraction expunged under the provisions of this section
160 may be grounds for automatic disqualification if the application is for employment under
161 subdivisions (4) to (6) of this subsection.

162 10. A person who has been granted an expungement of records pertaining to a
163 misdemeanor or felony offense, an ordinance violation, or an infraction may answer "no" to
164 an employer's inquiry into whether the person has ever been convicted of a crime if, after the
165 granting of the expungement, the person has no public record of a misdemeanor or felony

166 offense, an ordinance violation, or an infraction. The person, however, shall answer such an
167 inquiry affirmatively and disclose his or her criminal convictions, including any offense or
168 violation expunged under this section or similar law, if the employer is required to exclude
169 applicants with certain criminal convictions from employment due to federal or state law,
170 including corresponding rules and regulations.

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

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

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

182 (2) Not more than one felony offense.

183

184 A person may be granted expungement under this section for any number of infractions.
185 Nothing in this section shall prevent the court from maintaining records to ensure that an
186 individual has not exceeded the limitations of this subsection. Nothing in this section shall be
187 construed to limit or impair in any way the subsequent use of any record expunged under this
188 section of any arrests or findings of guilt by a law enforcement agency, criminal justice
189 agency, prosecuting attorney, circuit attorney, or municipal prosecuting attorney, including its
190 use as a prior offense, violation, or infraction.

191 13. The court shall make available a form for pro se petitioners seeking expungement,
192 which shall include the following statement: "I declare under penalty of perjury that the
193 statements made herein are true and correct to the best of my knowledge, information, and
194 belief."

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

650.320. For the purposes of sections 650.320 to 650.340, the following terms mean:

2 (1) "Board", the Missouri 911 service board established in section 650.325;

3 (2) "Public safety answering point", the location at which 911 calls are answered;

4 (3) "Telecommunicator **first responder**", any person employed as an emergency

5 telephone worker, call taker or public safety dispatcher whose duties include receiving,

6 processing or transmitting public safety information received through a 911 public safety
7 answering point.

650.340. 1. The provisions of this section may be cited and shall be known as the
2 "911 Training and Standards Act".

3 2. Initial training requirements for ~~[telecommunicators]~~ **telecommunicator first**
4 **responders** who answer 911 calls that come to public safety answering points shall be as
5 follows:

6 (1) Police telecommunicator **first responder**, 16 hours;

7 (2) Fire telecommunicator **first responder**, 16 hours;

8 (3) Emergency medical services telecommunicator **first responder**, 16 hours;

9 (4) Joint communication center telecommunicator **first responder**, 40 hours.

10 3. All persons employed as a telecommunicator **first responder** in this state shall be
11 required to complete ongoing training so long as such person engages in the occupation as a
12 telecommunicator **first responder**. Such persons shall complete at least twenty-four hours of
13 ongoing training every three years by such persons or organizations as provided in subsection
14 6 of this section.

15 4. Any person employed as a telecommunicator on August 28, 1999, shall not be
16 required to complete the training requirement as provided in subsection 2 of this section. Any
17 person hired as a telecommunicator **or a telecommunicator first responder** after August 28,
18 1999, shall complete the training requirements as provided in subsection 2 of this section
19 within twelve months of the date such person is employed as a telecommunicator **or a**
20 **telecommunicator first responder**.

21 5. The training requirements as provided in subsection 2 of this section shall be
22 waived for any person who furnishes proof to the committee that such person has completed
23 training in another state which is at least as stringent as the training requirements of
24 subsection 2 of this section.

25 6. The board shall determine by administrative rule the persons or organizations
26 authorized to conduct the training as required by subsection 2 of this section.

27 7. This section shall not apply to an emergency medical dispatcher or **dispatch**
28 agency as defined in section 190.100, or a person trained by an entity accredited or certified
29 under section 190.131, or a person who provides prearrival medical instructions who works
30 for an agency which meets the requirements set forth in section 190.134.

~~2 [575.200. 1. A person commits the offense of escape from custody or
3 attempted escape from custody if, while being held in custody after arrest for
4 any offense or violation of probation or parole, he or she escapes or attempts to
5 escape from custody.~~

~~6 2. The offense of escape or attempted escape from custody is a class A
misdemeanor unless:~~

7 ~~(1) The person escaping or attempting to escape is under arrest for a~~
8 ~~felony, in which case it is a class E felony; or~~
9 ~~(2) The offense is committed by means of a deadly weapon or~~
10 ~~dangerous instrument or by holding any person as hostage, in which case it is a~~
11 ~~class A felony.]~~

Section B. Because immediate action is necessary to further equip and enhance our
2 criminal justice system to fight violent crime in Missouri and protect our citizens and
3 residents due to the recent unprecedented wave of violent crime across our nation and state,
4 the repeal and reenactment of sections 211.071 and 217.345 and the enactment of section
5 211.600 of this act is deemed necessary for the immediate preservation of the public health,
6 welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning
7 of the constitution, and the repeal and reenactment of sections 211.071 and 217.345 and the
8 enactment of section 211.600 of this act shall be in full force and effect upon its passage and
9 approval.

✓