SECOND REGULAR SESSION [P E R F E C T E D] SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 491

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS JUSTUS AND DIXON.

Offered April 7, 2014.

Senate Substitute adopted, April 7, 2014.

Taken up for Perfection April 7, 2014. Bill declared Perfected and Ordered Printed, as amended.

4153S.05P

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sectio	ons 160.26	61, 167.11	5, 167.17	1, 168.071	, 195.005,	195.010,	195.015,
195.017,	195.025,	195.030,	195.040,	195.050,	195.080,	195.100,	195.110,
195.130,	195.135,	195.140,	195.150,	195.180,	195.190,	195.195,	195.198,
195.202,	195.204,	195.211,	195.212,	195.213,	195.214,	195.217,	195.218,
195.219,	195.222,	195.223,	195.226,	195.233,	195.235,	195.241,	195.242,
195.246,	195.248,	195.252,	195.254,	195.256,	195.275,	195.280,	195.285,
195.291,	195.292,	195.295,	195.296,	195.367,	195.369,	195.371,	195.375,
195.417,	195.418,	195.420,	195.501,	195.503,	195.505,	195.507,	195.509,
195.511,	195.515,	198.070,	210.117,	210.1012,	211.038,	217.010,	217.360,
217.364,	217.703,	217.735,	217.785,	221.025,	221.111,	260.211,	302.020,
302.309,	302.321,	302.540,	302.541,	302.700,	302.780,	303.025,	306.110,
306.111,	306.112,	306.114,	306.116,	306.117,	306.118,	306.119,	306.141,
311.325,	556.011,	556.016,	556.021,	556.022,	556.026,	556.037,	556.051,
556.056,	556.061,	556.063,	557.016,	557.021,	557.026,	557.035,	557.036,
557.041,	557.046,	558.011,	558.016,	558.018,	558.019,	558.041,	558.046,
559.036,	559.100,	559.106,	559.115,	559.600,	559.633,	560.011,	560.016,
560.021,	560.026,	560.031,	560.036,	564.011,	564.016,	565.002,	565.004,
565.021,	565.024,	565.025,	565.050,	565.060,	565.063,	565.065,	565.070,
565.072,	565.073,	565.074,	565.075,	565.080,	565.081,	565.082,	565.083,
565.084,	565.085,	565.086,	565.090,	565.092,	565.095,	565.100,	565.110,

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

565.115,	565.120,	565.130,	565.140,	565.149,	565.150,	565.153,	565.156,
565.160,	565.163,	565.165,	565.169,	565.180,	565.182,	565.184,	565.186,
565.188,	565.190,	565.200,	565.210,	565.212,	565.214,	565.216,	565.218,
565.220,	565.225,	565.250,	565.252,	565.253,	565.255,	565.350,	566.010,
566.013,	566.020,	566.023,	566.030,	566.032,	566.060,	566.062,	566.067,
566.068,	566.083,	566.086,	566.093,	566.100,	566.101,	566.135,	566.140,
566.141,	566.145,	566.147,	566.148,	566.149,	566.150,	566.153,	566.155,
566.212,	566.213,	566.215,	566.218,	566.221,	566.224,	566.226,	566.265,
567.010,	567.020,	567.030,	567.040,	567.070,	567.080,	567.085,	567.087,
567.110,	568.020,	568.030,	568.032,	568.040,	568.045,	568.050,	568.052,
568.060,	568.070,	568.080,	568.090,	568.100,	568.110,	568.120,	569.010,
569.020,	569.025,	569.030,	569.035,	569.060,	569.065,	569.067,	569.070,
569.072,	569.090,	569.094,	569.095,	569.097,	569.099,	569.100,	569.145,
570.010,	570.020,	570.030,	570.033,	570.040,	570.050,	570.055,	570.080,
570.085,	570.087,	570.103,	570.120,	570.123,	570.125,	570.130,	570.135,
570.140,	570.145,	570.155,	570.160,	570.170,	570.180,	570.190,	570.217,
570.219,	570.220,	570.222,	570.223,	570.225,	570.226,	570.230,	570.235,
570.240,	570.241,	570.245,	570.255,	570.300,	570.380,	572.020,	572.120,
573.010,	573.013,	573.020,	573.025,	573.030,	573.035,	573.040,	573.050,
573.052,	573.060,	573.065,	573.100,	573.500,	573.509,	573.528,	573.531,
574.020,	574.030,	574.075,	574.085,	574.115,	575.021,	575.145,	575.153,
575.280,	575.350,	575.353,	576.050,	577.001,	577.005,	577.006,	577.010,
577.012,	577.017,	577.020,	577.021,	577.023,	577.026,	577.029,	577.031,
577.037,	577.039,	577.049,	577.051,	577.052,	577.054,	577.060,	577.065,
577.068,	577.070,	577.071,	577.076,	577.080,	577.090,	577.100,	577.105,
577.110,	577.150,	577.155,	577.160,	577.161,	577.201,	577.203,	577.206,
577.208,	577.211,	577.214,	577.217,	577.221,	577.500,	577.505,	577.510,
577.515,	577.520,	577.525,	577.530,	577.600,	577.602,	577.604,	577.606,
577.608,	577.610,	577.612,	577.614,	577.625,	577.628,	577.675,	577.680,
578.008,	578.009,	578.150,	578.154,	578.200,	578.205,	578.210,	578.215,
578.220,	578.225,	578.250,	578.255,	578.260,	578.265,	578.300,	578.305,
578.310,	578.315,	578.320,	578.325,	578.330,	578.350,	578.353,	578.360,
578.363,	578.365,	578.375,	578.377,	578.379,	578.381,	578.383,	578.385,
578.387,	578.389,	578.390,	578.392,	578.405,	578.407,	578.409,	578.412,
578.414,	578.416,	578.418,	578.420,	578.421,	578.430,	578.433,	578.450,
578.500,	578.501,	578.502,	578.503,	578.510,	578.570,	589.015,	589.400,

632.480, 660.250, 660.255, 660.260, 660.261, 660.263, 660.265, 660.270, 660.275, 660.280, 660.285, 660.290, 660.295, 660.300, 660.305, 660.310, 660.315, 660.317, 660.320, and 660.321, RSMo, section 302.060 as enacted by conference committee substitute for house committee substitute for senate bill no. 23, ninety-seventh general assembly, first regular session, section 302.060 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402 merged with conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, section 302.304 as enacted by conference committee substitute for house committee substitute for senate bill no. 23, ninety-seventh general assembly, first regular session, section 302.304 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, section 577.041 as enacted by conference committee substitute for house committee substitute for senate bill no. 23, ninety-seventh general assembly, first regular session, and section 577.041 as enacted by senate substitute for senate committee substitute for house committee substitute for house bill nos. 1695, 1742 & 1672, ninety-fifth general assembly, second regular session, and to enact in lieu thereof three hundred ninety-four new sections for the sole purpose of restructuring the Missouri criminal code, with penalty provisions and an effective date.

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

Section A. 160.261, 167.115, 167.171, 168.071, 195.005, 195.010, 195.015, 195.017, 195.025, 195.030, 195.040, 195.050, 195.080, 195.100, 195.110, 195.130, $\mathbf{2}$ 195.135, 195.140, 195.150, 195.180, 195.190, 195.195, 195.198, 195.202, 195.204, 3 195.211, 195.212, 195.213, 195.214, 195.217, 195.218, 195.219, 195.222, 195.223, 4 195.226, 195.233, 195.235, 195.241, 195.242, 195.246, 195.248, 195.252, 195.254, 56 195.256, 195.275, 195.280, 195.285, 195.291, 195.292, 195.295, 195.296, 195.367, 195.369, 195.371, 195.375, 195.417, 195.418, 195.420, 195.501, 195.503, 195.505, 7 8 195.507, 195.509, 195.511, 195.515, 198.070, 210.117, 210.1012, 211.038, 217.010, 217.360, 217.364, 217.703, 217.735, 217.785, 221.025, 221.111, 260.211, 302.020, 9 10 302.309, 302.321, 302.540, 302.541, 302.700, 302.780, 303.025, 306.110, 306.111, 11 306.112, 306.114, 306.116, 306.117, 306.118, 306.119, 306.141, 311.325, 556.011, 12556.016, 556.021, 556.022, 556.026, 556.037, 556.051, 556.056, 556.061, 556.063, 557.016, 557.021, 557.026, 557.035, 557.036, 557.041, 557.046, 558.011, 558.016, 13

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558.018, 558.019, 558.041, 558.046, 559.036, 559.100, 559.106, 559.115, 559.600, 559.633, 560.011, 560.016, 560.021, 560.026, 560.031, 560.036, 564.011, 564.016, 565.002, 565.004, 565.021, 565.024, 565.025, 565.050, 565.060, 565.063, 565.065, 565.070, 565.072, 565.073, 565.074, 565.075, 565.080, 565.081, 565.082, 565.083, 565.084, 565.085, 565.086, 565.090, 565.092, 565.095, 565.100, 565.110, 565.115, 565.120, 565.130, 565.140, 565.149, 565.150, 565.153, 565.156, 565.160, 565.163, 565.165, 565.169, 565.180, 565.182, 565.184, 565.186, 565.188, 565.190, 565.200, 565.210, 565.212, 565.214, 565.216, 565.218, 565.220, 565.225, 565.250, 565.252, 565.253, 565.255, 565.350, 566.010, 566.013, 566.020, 566.023, 566.030, 566.032, 566.060, 566.062, 566.067, 566.068, 566.083, 566.086, 566.093, 566.100, 566.101, 566.135, 566.140, 566.141, 566.145, 566.147, 566.148, 566.149, 566.150, 566.153, 566.155, 566.212, 566.213, 566.215, 566.218, 566.221, 566.224, 566.226, 566.265, 567.010, 567.020, 567.030, 567.040, 567.070, 567.080, 567.085, 567.087, 567.110,

566.155, 566.212, 566.213, 566.215, 566.218, 566.221, 566.224, 566.226, 566.265, 25567.010, 567.020, 567.030, 567.040, 567.070, 567.080, 567.085, 567.087, 567.110, 26568.020, 568.030, 568.032, 568.040, 568.045, 568.050, 568.052, 568.060, 568.070, 2728568.080, 568.090, 568.100, 568.110, 568.120, 569.010, 569.020, 569.025, 569.030, 29569.035, 569.060, 569.065, 569.067, 569.070, 569.072, 569.090, 569.094, 569.095, 30 569.097, 569.099, 569.100, 569.145, 570.010, 570.020, 570.030, 570.033, 570.040, 570.050, 570.055, 570.080, 570.085, 570.087, 570.103, 570.120, 570.123, 570.125, 31570.130, 570.135, 570.140, 570.145, 570.155, 570.160, 570.170, 570.180, 570.190, 32570.217, 570.219, 570.220, 570.222, 570.223, 570.225, 570.226, 570.230, 570.235, 33 570.240, 570.241, 570.245, 570.255, 570.300, 570.380, 572.020, 572.120, 573.010, 34573.013, 573.020, 573.025, 573.030, 573.035, 573.040, 573.050, 573.052, 573.060, 35573.065, 573.100, 573.500, 573.509, 573.528, 573.531, 574.020, 574.030, 574.075, 36 37574.085, 574.115, 575.021, 575.145, 575.153, 575.280, 575.350, 575.353, 576.050, 38 577.001, 577.005, 577.006, 577.010, 577.012, 577.017, 577.020, 577.021, 577.023, 39 577.026, 577.029, 577.031, 577.037, 577.039, 577.049, 577.051, 577.052, 577.054, 577.060, 577.065, 577.068, 577.070, 577.071, 577.076, 577.080, 577.090, 577.100, 40 577.105, 577.110, 577.150, 577.155, 577.160, 577.161, 577.201, 577.203, 577.206, 41 42 577.208, 577.211, 577.214, 577.217, 577.221, 577.500, 577.505, 577.510, 577.515, 577.520, 577.525, 577.530, 577.600, 577.602, 577.604, 577.606, 577.608, 577.610, 43577.612, 577.614, 577.625, 577.628, 577.675, 577.680, 578.008, 578.009, 578.150, 44 45578.154, 578.200, 578.205, 578.210, 578.215, 578.220, 578.225, 578.250, 578.255, 578.260, 578.265, 578.300, 578.305, 578.310, 578.315, 578.320, 578.325, 578.330, 46 47578.350, 578.353, 578.360, 578.363, 578.365, 578.375, 578.377, 578.379, 578.381, 578.383, 578.385, 578.387, 578.389, 578.390, 578.392, 578.405, 578.407, 578.409, 48578.412, 578.414, 578.416, 578.418, 578.420, 578.421, 578.430, 578.433, 578.450, 49

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50578.500, 578.501, 578.502, 578.503, 578.510, 578.570, 589.015, 589.400, 632.480, 51660.250, 660.255, 660.260, 660.261, 660.263, 660.265, 660.270, 660.275, 660.280, 52660.285, 660.290, 660.295, 660.300, 660.305, 660.310, 660.315, 660.317, 660.320, and 660.321, RSMo, section 302.060 as enacted by conference committee 53substitute for house committee substitute for senate bill no. 23, ninety-seventh 5455general assembly, first regular session, section 302.060 as enacted by conference committee substitute for senate substitute for senate committee substitute for 5657house committee substitute for house bill no. 1402 merged with conference 58committee substitute for house committee substitute no. 2 for senate committee 59substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, section 302.304 as enacted by conference committee substitute for house 60 61 committee substitute for senate bill no. 23, ninety-seventh general assembly, first 62 regular session, section 302.304 as enacted by conference committee substitute 63 for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, section 64 65 577.041 as enacted by conference committee substitute for house committee 66 substitute for senate bill no. 23, ninety-seventh general assembly, first regular session, and section 577.041 as enacted by senate substitute for senate committee 67 68 substitute for house committee substitute for house bill nos. 1695, 1742 & 1672, ninety-fifth general assembly, second regular session, are repealed and three 69 70hundred ninety-four new sections enacted in lieu thereof, to be known as sections 43.544, 160.261, 167.115, 167.171, 168.071, 195.005, 195.010, 195.015, 195.017, 71195.030, 195.040, 195.050, 195.080, 195.100, 195.140, 195.150, 195.190, 195.195, 7273195.198, 195.375, 195.417, 195.418, 197.1000, 197.1002, 197.1004, 197.1006, 74197.1008, 197.1010, 197.1012, 197.1014, 197.1016, 197.1018, 197.1020, 197.1022,197.1024, 197.1026, 197.1028, 197.1030, 197.1032, 197.1034, 197.1036, 197.1038, 7576197.1040, 197.1042, 198.070, 210.117, 210.1012, 211.038, 217.010, 217.364, 77 217.703, 217.735, 217.785, 221.025, 221.111, 260.211, 302.020, 302.060, 302.304, 78302.309, 302.321, 302.400, 302.405, 302.410, 302.415, 302.420, 302.425, 302.426, 302.440, 302.442, 302.454, 302.456, 302.458, 302.460, 302.462, 302.540, 302.541, 79 302.574, 302.580, 302.584, 302.592, 302.700, 302.780, 303.025, 305.125, 305.126, 80 81 311.315, 311.325, 351.493, 479.172, 513.660, 537.123, 537.127, 542.425, 544.218,544.472, 545.940, 556.011, 556.021, 556.026, 556.037, 556.038, 556.061, 556.101, 8283 557.016, 557.021, 557.026, 557.035, 557.036, 557.051, 558.002, 558.004, 558.006, 558.008, 558.011, 558.016, 558.019, 558.041, 558.046, 559.036, 559.100, 559.106, 84 559.115, 559.600, 559.633, 562.012, 562.014, 565.002, 565.004, 565.010, 565.021, 85

86 565.024, 565.027, 565.029, 565.050, 565.052, 565.054, 565.056, 565.072, 565.073, 565.074, 565.076, 565.079, 565.090, 565.091, 565.110, 565.115, 565.120, 565.130, 87 88 565.140, 565.150, 565.153, 565.156, 565.160, 565.163, 565.184, 565.188, 565.189, 565.218, 565.222, 565.225, 565.227, 565.240, 565.252, 566.010, 566.020, 566.023, 89 90 566.030, 566.032, 566.060, 566.062, 566.067, 566.068, 566.069, 566.071, 566.083, 91 566.086, 566.093, 566.100, 566.101, 566.115, 566.116, 566.125, 566.145, 566.147, 92 566.148, 566.149, 566.150, 566.153, 566.155, 566.210, 566.211, 566.215, 566.218, 93 567.010, 567.020, 567.030, 567.070, 567.080, 567.085, 567.087, 567.110, 568.020, 94 568.030, 568.032, 568.040, 568.045, 568.050, 568.060, 568.070, 569.010, 569.053, 569.060, 569.065, 569.090, 569.095, 569.097, 569.099, 569.100, 569.132, 569.135, 95569.137, 569.145, 570.010, 570.020, 570.023, 570.025, 570.030, 570.039, 570.057, 96 570.085, 570.103, 570.120, 570.125, 570.130, 570.135, 570.140, 570.145, 570.180, 97 570.217, 570.219, 570.220, 570.223, 570.225, 570.300, 570.302, 570.350, 570.375, 98570.380, 570.400, 570.402, 570.404, 570.406, 570.408, 570.410, 572.015, 572.020, 99 573.010, 573.020, 573.025, 573.030, 573.035, 573.040, 573.050, 573.052, 573.060, 100 101 573.065, 573.100, 573.200, 573.205, 573.215, 573.509, 573.531, 574.005, 574.020, 102 574.075, 574.080, 574.085, 574.115, 574.120, 574.125, 574.130, 574.140, 574.151, 103 575.095, 575.145, 575.153, 575.155, 575.157, 575.280, 575.353, 576.050, 577.001, 104 577.010, 577.012, 577.013, 577.014, 577.015, 577.016, 577.017, 577.020, 577.021, 577.023, 577.024, 577.025, 577.029, 577.031, 577.037, 577.041, 577.060, 577.068, 105577.070, 577.076, 577.078, 577.080, 577.100, 577.150, 577.155, 577.161, 577.300, 106 107 577.599, 577.600, 577.605, 577.612, 577.675, 577.700, 577.703, 577.706, 577.709, 108 577.712, 577.715, 577.718, 578.009, 578.350, 578.365, 578.398, 578.399, 578.405, 109 578.421, 578.430, 578.475, 579.015, 579.020, 579.030, 579.040, 579.045, 579.050, 110 579.055, 579.060, 579.065, 579.068, 579.070, 579.072, 579.074, 579.076, 579.078, 111 579.080, 579.082, 579.084, 579.086, 579.090, 579.095, 579.097, 579.099, 579.101, 112579.103, 579.105, 579.107, 579.110, 579.115, 579.150, 579.155, 579.170, 579.175, 113 579.180, 579.185, 589.015, 589.400, 595.223, 595.226, 595.229, 595.232, 610.130, 114 630.161, 630.162, 630.164, 632.480, 650.150, 650.153, 650.156, 650.159, 650.161,

[577.005.] **43.544.** 1. Each law enforcement agency shall adopt a policy 2 requiring arrest information for all intoxication-related traffic offenses be 3 forwarded to the central repository as required by section 43.503 and shall certify 4 adoption of such policy when applying for any grants administered by the 5 department of public safety.

650.165, and 660.360, to read as follows:

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2. Each county prosecuting attorney and municipal prosecutor shall adopt

7 a policy requiring charge information for all intoxication-related traffic offenses
8 be forwarded to the central repository as required by section 43.503 and shall
9 certify adoption of such policy when applying for any grants administered by the
10 department of public safety.

3. Effective January 1, 2011, the highway patrol shall, based on the data
 submitted, maintain regular accountability reports of intoxication-related traffic
 offense arrests, charges, and dispositions.

160.261. 1. The local board of education of each school district shall $\mathbf{2}$ clearly establish a written policy of discipline, including the district's 3 determination on the use of corporal punishment and the procedures in which punishment will be applied. A written copy of the district's discipline policy and 4 5corporal punishment procedures, if applicable, shall be provided to the pupil and parent or legal guardian of every pupil enrolled in the district at the beginning 6 7 of each school year and also made available in the office of the superintendent of 8 such district, during normal business hours, for public inspection. All employees 9 of the district shall annually receive instruction related to the specific contents 10 of the policy of discipline and any interpretations necessary to implement the provisions of the policy in the course of their duties, including but not limited to 11 12approved methods of dealing with acts of school violence, disciplining students with disabilities and instruction in the necessity and requirements for 13 confidentiality. 14

152. The policy shall require school administrators to report acts of school 16violence to all teachers at the attendance center and, in addition, to other school 17district employees with a need to know. For the purposes of this chapter or chapter 167, "need to know" is defined as school personnel who are directly 18 19responsible for the student's education or who otherwise interact with the student 20on a professional basis while acting within the scope of their assigned duties. As used in this section, the phrase "act of school violence" or "violent behavior" 2122means the exertion of physical force by a student with the intent to do serious physical injury as defined in subdivision (6) of section 565.002 to another person 23while on school property, including a school bus in service on behalf of the 2425district, or while involved in school activities. The policy shall at a minimum require school administrators to report, as soon as reasonably practical, to the 2627appropriate law enforcement agency any of the following crimes, or any act which if committed by an adult would be one of the following crimes: 28

29 (1) First degree murder under section 565.020;

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30	(2) Second degree murder under section 565.021;			
31	(3) Kidnapping in the first degree under section 565.110;			
32	(4) First degree assault under section 565.050;			
33	(5) Rape in the first degree under section 566.030;			
34	(6) Sodomy in the first degree under section 566.060;			
35	(7) Burglary in the first degree under section 569.160;			
36	(8) Burglary in the second degree under section 569.170;			
37	(9) Robbery in the first degree under section [569.020] 570.023 ;			
38	(10) [Distribution of drugs] Manufacture of a controlled substance			
39	under section [195.211] 579.055 ;			
40	(11) [Distribution of drugs to a minor] Delivery of a controlled			
41	substance under section [195.212] 579.020;			
42	(12) Arson in the first degree under section 569.040;			
43	(13) Voluntary manslaughter under section 565.023;			
44	(14) Involuntary manslaughter under section 565.024;			
45	(15) Second degree assault under section [565.060] 565.052;			
46	(16) Rape in the second degree under section 566.031;			
47	(17) [Felonious restraint] Kidnapping in the second degree under			
48	section 565.120;			
49	(18) Property damage in the first degree under section 569.100;			
50	(19) The possession of a weapon under chapter 571;			
51	(20) Child molestation in the first, second, or third degree pursuant to			
52	section 566.067, 566.068, or 566.069;			
53	(21) Sodomy in the second degree pursuant to section 566.061;			
54	(22) Sexual misconduct involving a child pursuant to section 566.083;			
55	(23) Sexual abuse in the first degree pursuant to section 566.100;			
56	(24) Harassment in the first degree under section 565.090; or			
57	(25) Stalking in the first degree under section 565.225;			
58	committed on school property, including but not limited to actions on any school			
59	bus in service on behalf of the district or while involved in school activities. The			
60	policy shall require that any portion of a student's individualized education			
61	program that is related to demonstrated or potentially violent behavior shall be			
62	provided to any teacher and other school district employees who are directly			
63	33 responsible for the student's education or who otherwise interact with the student			
64	on an educational basis while acting within the scope of their assigned			
65	duties. The policy shall also contain the consequences of failure to obey			

standards of conduct set by the local board of education, and the importance of
the standards to the maintenance of an atmosphere where orderly learning is
possible and encouraged.

69 3. The policy shall provide that any student who is on suspension for any of the offenses listed in subsection 2 of this section or any act of violence or 7071drug-related activity defined by school district policy as a serious violation of 72school discipline pursuant to subsection 9 of this section shall have as a condition 73of his or her suspension the requirement that such student is not allowed, while 74on such suspension, to be within one thousand feet of any school property in the 75school district where such student attended school or any activity of that district, regardless of whether or not the activity takes place on district property unless: 76

(1) Such student is under the direct supervision of the student's parent,
legal guardian, or custodian and the superintendent or the superintendent's
designee has authorized the student to be on school property;

80 (2) Such student is under the direct supervision of another adult 81 designated by the student's parent, legal guardian, or custodian, in advance, in 82 writing, to the principal of the school which suspended the student and the 83 superintendent or the superintendent's designee has authorized the student to be 84 on school property;

(3) Such student is enrolled in and attending an alternative school that
is located within one thousand feet of a public school in the school district where
such student attended school; or

(4) Such student resides within one thousand feet of any public school in
the school district where such student attended school in which case such student
may be on the property of his or her residence without direct adult supervision.

91 4. Any student who violates the condition of suspension required pursuant 92 to subsection 3 of this section may be subject to expulsion or further suspension pursuant to the provisions of sections 167.161, 167.164, and 167.171. In making 93 this determination consideration shall be given to whether the student poses a 94 threat to the safety of any child or school employee and whether such student's 95 unsupervised presence within one thousand feet of the school is disruptive to the 96 97 educational process or undermines the effectiveness of the school's disciplinary policy. Removal of any pupil who is a student with a disability is subject to state 98 99 and federal procedural rights. This section shall not limit a school district's ability to: 100

101

(1) Prohibit all students who are suspended from being on school property

102 or attending an activity while on suspension;

103 (2) Discipline students for off-campus conduct that negatively affects the104 educational environment to the extent allowed by law.

5. The policy shall provide for a suspension for a period of not less than one year, or expulsion, for a student who is determined to have brought a weapon to school, including but not limited to the school playground or the school parking lot, brought a weapon on a school bus or brought a weapon to a school activity whether on or off of the school property in violation of district policy, except that:

(1) The superintendent or, in a school district with no high school, the
principal of the school which such child attends may modify such suspension on
a case-by-case basis; and

(2) This section shall not prevent the school district from providing
educational services in an alternative setting to a student suspended under the
provisions of this section.

116 6. For the purpose of this section, the term "weapon" shall mean a firearm 117as defined under 18 U.S.C. 921 and the following items, as defined in section 118571.010: a blackjack, a concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun, a knife, knuckles, a machine gun, a projectile weapon, 119120a rifle, a shotgun, a spring gun or a switchblade knife; except that this section shall not be construed to prohibit a school board from adopting a policy to allow 121a Civil War reenactor to carry a Civil War era weapon on school property for 122educational purposes so long as the firearm is unloaded. The local board of 123education shall define weapon in the discipline policy. Such definition shall 124125include the weapons defined in this subsection but may also include other 126weapons.

127 7. All school district personnel responsible for the care and supervision 128 of students are authorized to hold every pupil strictly accountable for any 129 disorderly conduct in school or on any property of the school, on any school bus 130 going to or returning from school, during school-sponsored activities, or during 131 intermission or recess periods.

8. Teachers and other authorized district personnel in public schools responsible for the care, supervision, and discipline of schoolchildren, including volunteers selected with reasonable care by the school district, shall not be civilly liable when acting in conformity with the established policies developed by each board, including but not limited to policies of student discipline or when reporting to his or her supervisor or other person as mandated by state law acts of school violence or threatened acts of school violence, within the course and scope of the duties of the teacher, authorized district personnel or volunteer, when such individual is acting in conformity with the established policies developed by the board. Nothing in this section shall be construed to create a new cause of action against such school district, or to relieve the school district from liability for the negligent acts of such persons.

144 9. Each school board shall define in its discipline policy acts of violence 145and any other acts that constitute a serious violation of that policy. "Acts of 146 violence" as defined by school boards shall include but not be limited to exertion 147of physical force by a student with the intent to do serious bodily harm to another person while on school property, including a school bus in service on behalf of the 148district, or while involved in school activities. School districts shall for each 149150student enrolled in the school district compile and maintain records of any 151serious violation of the district's discipline policy. Such records shall be made 152available to teachers and other school district employees with a need to know 153while acting within the scope of their assigned duties, and shall be provided as 154required in section 167.020 to any school district in which the student 155subsequently attempts to enroll.

15610. Spanking, when administered by certificated personnel and in the presence of a witness who is an employee of the school district, or the use of 157158reasonable force to protect persons or property, when administered by personnel of a school district in a reasonable manner in accordance with the local board of 159160education's written policy of discipline, is not abuse within the meaning of 161 chapter 210. The provisions of sections 210.110 to 210.165 notwithstanding, the 162 children's division shall not have jurisdiction over or investigate any report of 163 alleged child abuse arising out of or related to the use of reasonable force to 164 protect persons or property when administered by personnel of a school district 165or any spanking administered in a reasonable manner by any certificated school 166personnel in the presence of a witness who is an employee of the school district pursuant to a written policy of discipline established by the board of education 167of the school district, as long as no allegation of sexual misconduct arises from the 168spanking or use of force. 169

170 11. If a student reports alleged sexual misconduct on the part of a teacher 171 or other school employee to a person employed in a school facility who is required 172 to report such misconduct to the children's division under section 210.115, such 173 person and the superintendent of the school district shall report the allegation to the children's division as set forth in section 210.115. Reports made to the children's division under this subsection shall be investigated by the division in accordance with the provisions of sections 210.145 to 210.153 and shall not be investigated by the school district under subsections 12 to 20 of this section for purposes of determining whether the allegations should or should not be substantiated. The district may investigate the allegations for the purpose of making any decision regarding the employment of the accused employee.

181 12. Upon receipt of any reports of child abuse by the children's division 182 other than reports provided under subsection 11 of this section, pursuant to 183 sections 210.110 to 210.165 which allegedly involve personnel of a school district, 184 the children's division shall notify the superintendent of schools of the district or, 185 if the person named in the alleged incident is the superintendent of schools, the 186 president of the school board of the school district where the alleged incident 187 occurred.

188 13. If, after an initial investigation, the superintendent of schools or the 189 president of the school board finds that the report involves an alleged incident of 190 child abuse other than the administration of a spanking by certificated school 191 personnel or the use of reasonable force to protect persons or property when 192administered by school personnel pursuant to a written policy of discipline or that the report was made for the sole purpose of harassing a public school employee, 193 194 the superintendent of schools or the president of the school board shall immediately refer the matter back to the children's division and take no further 195action. In all matters referred back to the children's division, the division shall 196 197 treat the report in the same manner as other reports of alleged child abuse 198 received by the division.

199 14. If the report pertains to an alleged incident which arose out of or is 200related to a spanking administered by certificated personnel or the use of reasonable force to protect persons or property when administered by personnel 201202of a school district pursuant to a written policy of discipline or a report made for the sole purpose of harassing a public school employee, a notification of the 203reported child abuse shall be sent by the superintendent of schools or the 204 205president of the school board to the law enforcement in the county in which the 206 alleged incident occurred.

15. The report shall be jointly investigated by the law enforcement officer and the superintendent of schools or, if the subject of the report is the superintendent of schools, by a law enforcement officer and the president of the 210 school board or such president's designee.

16. The investigation shall begin no later than forty-eight hours after notification from the children's division is received, and shall consist of, but need not be limited to, interviewing and recording statements of the child and the child's parents or guardian within two working days after the start of the investigation, of the school district personnel allegedly involved in the report, and of any witnesses to the alleged incident.

217 17. The law enforcement officer and the investigating school district 218 personnel shall issue separate reports of their findings and recommendations 219 after the conclusion of the investigation to the school board of the school district 220 within seven days after receiving notice from the children's division.

18. The reports shall contain a statement of conclusion as to whether the report of alleged child abuse is substantiated or is unsubstantiated.

19. The school board shall consider the separate reports referred to in subsection 17 of this section and shall issue its findings and conclusions and the action to be taken, if any, within seven days after receiving the last of the two reports. The findings and conclusions shall be made in substantially the following form:

(1) The report of the alleged child abuse is unsubstantiated. The law
enforcement officer and the investigating school board personnel agree that there
was not a preponderance of evidence to substantiate that abuse occurred;

(2) The report of the alleged child abuse is substantiated. The law
enforcement officer and the investigating school district personnel agree that the
preponderance of evidence is sufficient to support a finding that the alleged
incident of child abuse did occur;

(3) The issue involved in the alleged incident of child abuse is
unresolved. The law enforcement officer and the investigating school personnel
are unable to agree on their findings and conclusions on the alleged incident.

23820. The findings and conclusions of the school board under subsection 19 239of this section shall be sent to the children's division. If the findings and 240conclusions of the school board are that the report of the alleged child abuse is 241unsubstantiated, the investigation shall be terminated, the case closed, and no record shall be entered in the children's division central registry. If the findings 242243and conclusions of the school board are that the report of the alleged child abuse is substantiated, the children's division shall report the incident to the 244245prosecuting attorney of the appropriate county along with the findings and

246conclusions of the school district and shall include the information in the 247division's central registry. If the findings and conclusions of the school board are 248that the issue involved in the alleged incident of child abuse is unresolved, the 249children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school board. 250251however, the incident and the names of the parties allegedly involved shall not 252be entered into the central registry of the children's division unless and until the 253alleged child abuse is substantiated by a court of competent jurisdiction.

254 21. Any superintendent of schools, president of a school board or such 255 person's designee or law enforcement officer who knowingly falsifies any report 256 of any matter pursuant to this section or who knowingly withholds any 257 information relative to any investigation or report pursuant to this section is 258 guilty of a class A misdemeanor.

259 22. In order to ensure the safety of all students, should a student be 260 expelled for bringing a weapon to school, violent behavior, or for an act of school 261 violence, that student shall not, for the purposes of the accreditation process of 262 the Missouri school improvement plan, be considered a dropout or be included in 263 the calculation of that district's educational persistence ratio.

167.115. 1. Notwithstanding any provision of chapter 211 or chapter 610 2 to the contrary, the juvenile officer, sheriff, chief of police or other appropriate 3 law enforcement authority shall, as soon as reasonably practical, notify the 4 superintendent, or the superintendent's designee, of the school district in which 5 the pupil is enrolled when a petition is filed pursuant to subsection 1 of section 6 211.031 alleging that the pupil has committed one of the following acts:

- (1) First degree murder under section 565.020;
- 8 (2) Second degree murder under section 565.021;

9 (3) Kidnapping under section 565.110 as it existed prior to January

10 1, 2017, or kidnapping in the first degree under section 565.110;

- 11 (4) First degree assault under section 565.050;
- 12 (5) Forcible rape under section 566.030 as it existed prior to August 28,
 13 2013, or rape in the first degree under section 566.030;

14 (6) Forcible sodomy under section 566.060 as it existed prior to August 28,
15 2013, or sodomy in the first degree under section 566.060;

16 (7) Burglary in the first degree under section 569.160;

17 (8) Robbery in the first degree under section 569.020 as it existed prior

18 to January 1, 2017, or robbery in the first degree under section 570.023;

19 (9) Distribution of drugs under section 195.211 as it existed prior to 20January 1, 2017, or manufacture of a controlled substance under section 579.055; 2122(10) Distribution of drugs to a minor under section 195.212 as it existed 23prior to January 1, 2017, or delivery of a controlled substance under 24section 579.020; 25(11) Arson in the first degree under section 569.040; (12) Voluntary manslaughter under section 565.023; 2627(13) Involuntary manslaughter under section 565.024; (14) Second degree assault under section 565.060 as it existed prior to 2829January 1, 2017, or second degree assault under section 565.052; 30 (15) Sexual assault under section 566.040 as it existed prior to August 28, 312013, or rape in the second degree under section 566.031; 32 (16) Felonious restraint under section 565.120 as it existed prior to 33 January 1, 2017, or kidnapping in the second degree for an act 34committed after December 31, 2016; 35 (17) Property damage in the first degree under section 569.100; 36 (18) The possession of a weapon under chapter 571; 37(19) Child molestation in the first degree pursuant to section 566.067 as it existed prior to January 1, 2017; 38 39 (20) Child molestation in the first, second, or third degree pursuant to sections 566.067, 566.068, or 566.069 for an act committed 40 41 after December 31, 2016; 42(21) Deviate sexual assault pursuant to section 566.070 as it existed prior to August 28, 2013, or sodomy in the second degree under section 566.061; 43[(21)] (22) Sexual misconduct involving a child pursuant to section 44 45566.083; or [(22)] (23) Sexual abuse pursuant to section 566.100 as it existed prior 46 to August 28, 2013, or sexual abuse in the first degree under section 566.100. 4748 2. The notification shall be made orally or in writing, in a timely manner, no later than five days following the filing of the petition. If the report is made 49orally, written notice shall follow in a timely manner. The notification shall 5051include a complete description of the conduct the pupil is alleged to have committed and the dates the conduct occurred but shall not include the name of 5253any victim. Upon the disposition of any such case, the juvenile office or prosecuting attorney or their designee shall send a second notification to the 54

superintendent providing the disposition of the case, including a brief summary
of the relevant finding of facts, no later than five days following the disposition
of the case.

58 3. The superintendent or the designee of the superintendent shall report 59 such information to teachers and other school district employees with a need to 60 know while acting within the scope of their assigned duties. Any information 61 received by school district officials pursuant to this section shall be received in 62 confidence and used for the limited purpose of assuring that good order and 63 discipline is maintained in the school. This information shall not be used as the 64 sole basis for not providing educational services to a public school pupil.

4. The superintendent shall notify the appropriate division of the juvenile
or family court upon any pupil's suspension for more than ten days or expulsion
of any pupil that the school district is aware is under the jurisdiction of the court.

5. The superintendent or the superintendent's designee may be called to serve in a consultant capacity at any dispositional proceedings pursuant to section 211.031 which may involve reference to a pupil's academic treatment plan.

6. Upon the transfer of any pupil described in this section to any other school district in this state, the superintendent or the superintendent's designee shall forward the written notification given to the superintendent pursuant to subsection 2 of this section to the superintendent of the new school district in which the pupil has enrolled. Such written notification shall be required again in the event of any subsequent transfer by the pupil.

77 7. As used in this section, the terms "school" and "school district" shall 78 include any charter, private or parochial school or school district, and the term 79 "superintendent" shall include the principal or equivalent chief school officer in 80 the cases of charter, private or parochial schools.

81 8. The superintendent or the designee of the superintendent or other 82 school employee who, in good faith, reports information in accordance with the 83 terms of this section and section 160.261 shall not be civilly liable for providing 84 such information.

167.171. 1. The school board in any district, by general rule and for the causes provided in section 167.161, may authorize the summary suspension of pupils by principals of schools for a period not to exceed ten school days and by the superintendent of schools for a period not to exceed one hundred and eighty school days. In case of a suspension by the superintendent for more than ten school days, the pupil, the pupil's parents or others having such pupil's custodial

7 care may appeal the decision of the superintendent to the board or to a committee 8 of board members appointed by the president of the board which shall have full authority to act in lieu of the board. Any suspension by a principal shall be 9 10 immediately reported to the superintendent who may revoke the suspension at any time. In event of an appeal to the board, the superintendent shall promptly 11 transmit to it a full report in writing of the facts relating to the suspension, the 12action taken by the superintendent and the reasons therefor and the board, upon 1314 request, shall grant a hearing to the appealing party to be conducted as provided 15in section 167.161.

16

2. No pupil shall be suspended unless:

17 (1) The pupil shall be given oral or written notice of the charges against18 such pupil;

(2) If the pupil denies the charges, such pupil shall be given an oral orwritten explanation of the facts which form the basis of the proposed suspension;

(3) The pupil shall be given an opportunity to present such pupil's versionof the incident; and

23(4) In the event of a suspension for more than ten school days, where the pupil gives notice that such pupil wishes to appeal the suspension to the board, 24the suspension shall be stayed until the board renders its decision, unless in the 25judgment of the superintendent of schools, or of the district superintendent, the 2627pupil's presence poses a continuing danger to persons or property or an ongoing 28threat of disrupting the academic process, in which case the pupil may be 29immediately removed from school, and the notice and hearing shall follow as soon 30 as practicable.

31 3. No school board shall readmit or enroll a pupil properly suspended for 32 more than ten consecutive school days for an act of school violence as defined in subsection 2 of section 160.261 regardless of whether or not such act was 33 committed at a public school or at a private school in this state, provided that 34 such act shall have resulted in the suspension or expulsion of such pupil in the 35 case of a private school, or otherwise permit such pupil to attend school without 36 37first holding a conference to review the conduct that resulted in the expulsion or 38 suspension and any remedial actions needed to prevent any future occurrences of such or related conduct. The conference shall include the appropriate school 39 officials including any teacher employed in that school or district directly involved 40 with the conduct that resulted in the suspension or expulsion, the pupil, the 41 parent or guardian of the pupil or any agency having legal jurisdiction, care, 42

43 custody or control of the pupil. The school board shall notify in writing the 44 parents or guardians and all other parties of the time, place, and agenda of any 45 such conference. Failure of any party to attend this conference shall not preclude 46 holding the conference. Notwithstanding any provision of this subsection to the 47 contrary, no pupil shall be readmitted or enrolled to a regular program of 48 instruction if:

49 (1) Such pupil has been convicted of; or

50 (2) An indictment or information has been filed alleging that the pupil has 51 committed one of the acts enumerated in subdivision (4) of this subsection to 52 which there has been no final judgment; or

(3) A petition has been filed pursuant to section 211.091 alleging that the
pupil has committed one of the acts enumerated in subdivision (4) of this
subsection to which there has been no final judgment; or

56 (4) The pupil has been adjudicated to have committed an act which if 57 committed by an adult would be one of the following:

58 (a) First degree murder under section 565.020;

59 (b) Second degree murder under section 565.021;

60 (c) First degree assault under section 565.050;

61 (d) Forcible rape under section 566.030 as it existed prior to August 28,
62 2013, or rape in the first degree under section 566.030;

63 (e) Forcible sodomy under section 566.060 as it existed prior to August 28,
64 2013, or sodomy in the first degree under section 566.060;

(f) Statutory rape under section 566.032;

66 (g) Statutory sodomy under section 566.062;

67 (h) Robbery in the first degree under section 569.020 as it existed prior

68 to January 1, 2017, or robbery in the first degree under section 570.023;

69 (i) Distribution of drugs to a minor under section 195.212;

70 (j) Arson in the first degree under section 569.040;

(k) Kidnapping or kidnapping in the first degree, when classified as
a class A felony under section 565.110.

Nothing in this subsection shall prohibit the readmittance or enrollment of any pupil if a petition has been dismissed, or when a pupil has been acquitted or adjudicated not to have committed any of the above acts. This subsection shall not apply to a student with a disability, as identified under state eligibility criteria, who is convicted or adjudicated guilty as a result of an action related to the student's disability. Nothing in this subsection shall be construed to prohibit a school district which provides an alternative education program from enrolling
a pupil in an alternative education program if the district determines such
enrollment is appropriate.

82 4. If a pupil is attempting to enroll in a school district during a 83 suspension or expulsion from another in-state or out-of-state school district 84 including a private, charter or parochial school or school district, a conference with the superintendent or the superintendent's designee may be held at the 85 86 request of the parent, court-appointed legal guardian, someone acting as a parent 87 as defined by rule in the case of a special education student, or the pupil to 88 consider if the conduct of the pupil would have resulted in a suspension or expulsion in the district in which the pupil is enrolling. Upon a determination 89 90 by the superintendent or the superintendent's designee that such conduct would have resulted in a suspension or expulsion in the district in which the pupil is 91 92enrolling or attempting to enroll, the school district may make such suspension 93 or expulsion from another school or district effective in the district in which the 94 pupil is enrolling or attempting to enroll. Upon a determination by the 95 superintendent or the superintendent's designee that such conduct would not have resulted in a suspension or expulsion in the district in which the student is 96 enrolling or attempting to enroll, the school district shall not make such 97 suspension or expulsion effective in its district in which the student is enrolling 98 99 or attempting to enroll.

168.071. 1. The state board of education may refuse to issue or renew a
certificate, or may, upon hearing, discipline the holder of a certificate of license
to teach for the following causes:

4 (1) A certificate holder or applicant for a certificate has pleaded to or been 5 found guilty of a felony or crime involving moral turpitude under the laws of this 6 state, any other state, of the United States, or any other country, whether or not 7 sentence is imposed;

8 (2) The certification was obtained through use of fraud, deception,9 misrepresentation or bribery;

10 (3) There is evidence of incompetence, immorality, or neglect of duty by11 the certificate holder;

(4) A certificate holder has been subject to disciplinary action relating to
certification issued by another state, territory, federal agency, or country upon
grounds for which discipline is authorized in this section; or

15 (5) If charges are filed by the local board of education, based upon the

annulling of a written contract with the local board of education, for reasons other
than election to the general assembly, without the consent of the majority of the
members of the board that is a party to the contract.

19 2. A public school district may file charges seeking the discipline of a 20holder of a certificate of license to teach based upon any cause or combination of 21causes outlined in subsection 1 of this section, including annulment of a written 22contract. Charges shall be in writing, specify the basis for the charges, and be 23signed by the chief administrative officer of the district, or by the president of the 24board of education as authorized by a majority of the board of education. The 25board of education may also petition the office of the attorney general to file charges on behalf of the school district for any cause other than annulment of 2627contract, with acceptance of the petition at the discretion of the attorney general. 283. The department of elementary and secondary education may file 29charges seeking the discipline of a holder of a certificate of license to teach based 30 upon any cause or combination of causes outlined in subsection 1 of this section, 31other than annulment of contract. Charges shall be in writing, specify the basis 32for the charges, and be signed by legal counsel representing the department of

33 elementary and secondary education.

4. If the underlying conduct or actions which are the basis for charges filed pursuant to this section are also the subject of a pending criminal charge against the person holding such certificate, the certificate holder may request, in writing, a delayed hearing on advice of counsel under the fifth amendment of the Constitution of the United States. Based upon such a request, no hearing shall be held until after a trial has been completed on this criminal charge.

40 5. The certificate holder shall be given not less than thirty days' notice of 41 any hearing held pursuant to this section.

6. Other provisions of this section notwithstanding, the certificate of license to teach shall be revoked or, in the case of an applicant, a certificate shall not be issued, if the certificate holder or applicant has [pleaded guilty to or] been found guilty of any of the following offenses established pursuant to Missouri law or offenses of a similar nature established under the laws of any other state or of the United States, or any other country, whether or not the sentence is imposed:

49 (1) Any dangerous felony as defined in section 556.061, or murder in the
50 first degree under section 565.020;

51 (2) Any of the following sexual offenses: rape in the first degree under

52section 566.030; forcible rape [under section 566.030 as it existed prior to August 5328, 2013]; rape [as it existed prior to August 13, 1980]; statutory rape in the first degree under section 566.032; statutory rape in the second degree under section 5455566.034; rape in the second degree under section 566.031; sexual assault under section 566.040 as it existed prior to August 28, 2013; sodomy in the first degree 5657under section 566.060; forcible sodomy under section 566.060 as it existed prior to August 28, 2013; sodomy as it existed prior to January 1, 1995; statutory 5859sodomy in the first degree under section 566.062; statutory sodomy in the second 60 degree under section 566.064; child molestation in the first degree [under section 61 566.067]; child molestation in the second degree [under section 566.068]; child molestation in the third degree under section 566.069; child molestation 62 in the fourth degree under section 566.071; sodomy in the second degree 63 under section 566.061; deviate sexual assault under section 566.070 as it existed 6465 prior to August 28, 2013; sexual misconduct involving a child under section 566.083; sexual contact with a student [while on public school property] under 66 67 section 566.086; sexual misconduct in the first degree under section 566.093; 68 sexual misconduct in the first degree under section 566.090 as it existed prior to August 28, 2013; sexual misconduct in the second degree under section 566.095; 69 70sexual misconduct in the second degree under section 566.093 as it existed prior to August 28, 2013; sexual misconduct in the third degree under section 566.095 71as it existed prior to August 28, 2013; sexual abuse in the first degree under 72section 566.100; sexual abuse under section 566.100 as it existed prior to August 7328, 2013; sexual abuse in the second degree under section 566.101; enticement of 7475a child under section 566.151; or attempting to entice a child;

(3) Any of the following offenses against the family and related offenses:
incest under section 568.020; abandonment of child in the first degree under
section 568.030; abandonment of child in the second degree under section 568.032;
endangering the welfare of a child in the first degree under section 568.045;
abuse of a child under section 568.060; child used in a sexual performance [under
section 568.080]; promoting sexual performance by a child [under section
568.090]; or trafficking in children under section 568.175; and

(4) Any of the following offenses involving child pornography and related
offenses: promoting obscenity in the first degree under section 573.020;
promoting **pornography for minors or** obscenity in the second degree when the
penalty is enhanced to a class D felony under section 573.030; promoting child
pornography in the first degree under section 573.025; promoting child

pornography in the second degree under section 573.035; possession of child
pornography under section 573.037; furnishing pornographic materials to minors
under section 573.040; or coercing acceptance of obscene material under section
573.065.

92 7. When a certificate holder [pleads guilty or] is found guilty of any 93 offense that would authorize the state board of education to seek discipline 94 against that holder's certificate of license to teach, the local board of education 95 or the department of elementary and secondary education shall immediately 96 provide written notice to the state board of education and the attorney general 97 regarding the [plea of guilty or] finding of [guilty] guilt.

98 8. The certificate holder whose certificate was revoked pursuant to 99 subsection 6 of this section may appeal such revocation to the state board of education. Notice of this appeal must be received by the commissioner of 100 101 education within ninety days of notice of revocation pursuant to this 102 subsection. Failure of the certificate holder to notify the commissioner of the 103intent to appeal waives all rights to appeal the revocation. Upon notice of the 104 certificate holder's intent to appeal, an appeal hearing shall be held by a hearing officer designated by the commissioner of education, with the final decision made 105by the state board of education, based upon the record of that hearing. The 106 certificate holder shall be given not less than thirty days' notice of the hearing, 107 108 and an opportunity to be heard by the hearing officer, together with witnesses.

9. In the case of any certificate holder who has surrendered or failed to renew his or her certificate of license to teach, the state board of education may refuse to issue or renew, or may suspend or revoke, such certificate for any of the reasons contained in this section.

113 10. In those cases where the charges filed pursuant to this section are 114 based upon an allegation of misconduct involving a minor child, the hearing 115 officer may accept into the record the sworn testimony of the minor child relating 116 to the misconduct received in any court or administrative hearing.

117 11. Hearings, appeals or other matters involving certificate holders, 118 licensees or applicants pursuant to this section may be informally resolved by 119 consent agreement or agreed settlement or voluntary surrender of the certificate 120 of license pursuant to the rules promulgated by the state board of education.

121 12. The final decision of the state board of education is subject to judicial 122 review pursuant to sections 536.100 to 536.140.

123 13. A certificate of license to teach to an individual who has been

124 convicted of a felony or crime involving moral turpitude, whether or not sentence
125 is imposed, shall be issued only upon motion of the state board of education
126 adopted by a unanimous affirmative vote of those members present and voting.

195.005. [Sections 195.005 to 195.425] This chapter and chapter 579 2 shall be known as the "Comprehensive Drug Control Act [of 1989]".

195.010. The following words and phrases as used in [sections 195.005 to
2 195.425] this chapter and chapter 579, unless the context otherwise requires,
3 mean:

4 (1) "Addict", a person who habitually uses one or more controlled 5 substances to such an extent as to create a tolerance for such drugs, and who does 6 not have a medical need for such drugs, or who is so far addicted to the use of 7 such drugs as to have lost the power of self-control with reference to his **or her** 8 addiction;

9 (2) "Administer", to apply a controlled substance, whether by injection, 10 inhalation, ingestion, or any other means, directly to the body of a patient or 11 research subject by:

12 (a) A practitioner (or, in his or her presence, by his or her authorized13 agent); or

(b) The patient or research subject at the direction and in the presence ofthe practitioner;

16 (3) "Agent", an authorized person who acts on behalf of or at the direction 17 of a manufacturer, distributor, or dispenser. The term does not include a common 18 or contract carrier, public warehouseman, or employee of the carrier or 19 warehouseman while acting in the usual and lawful course of the carrier's or 20 warehouseman's business;

(4) "Attorney for the state", any prosecuting attorney, circuit attorney, or
attorney general authorized to investigate, commence and prosecute an action
under [sections 195.005 to 195.425] this chapter;

(5) "Controlled substance", a drug, substance, or immediate precursor in
Schedules I through V listed in [sections 195.005 to 195.425] this chapter;

(6) "Controlled substance analogue", a substance the chemical structure
of which is substantially similar to the chemical structure of a controlled
substance in Schedule I or II and:

(a) Which has a stimulant, depressant, or hallucinogenic effect on the
central nervous system substantially similar to the stimulant, depressant, or
hallucinogenic effect on the central nervous system of a controlled substance

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32 included in Schedule I or II; or

33 (b) With respect to a particular individual, which that individual represents or intends to have a stimulant, depressant, or hallucinogenic effect on 34 35the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance 36 37 included in Schedule I or II. The term does not include a controlled substance; any substance for which there is an approved new drug application; any 38 39 substance for which an exemption is in effect for investigational use, for a 40 particular person, under Section 505 of the federal Food, Drug and Cosmetic Act 41 (21 U.S.C. 355) to the extent conduct with respect to the substance is pursuant to the exemption; or any substance to the extent not intended for human 4243consumption before such an exemption takes effect with respect to the substance; (7) "Counterfeit substance", a controlled substance which, or the container 44or labeling of which, without authorization, bears the trademark, trade name, or 45other identifying mark, imprint, number or device, or any likeness thereof, of a 46 47manufacturer, distributor, or dispenser other than the person who in fact

48 manufactured, distributed, or dispensed the substance;

(8) "Deliver" or "delivery", the actual, constructive, or attempted transfer
from one person to another of drug paraphernalia or of a controlled substance, or
an imitation controlled substance, whether or not there is an agency relationship,
and includes a sale;

53 (9) "Dentist", a person authorized by law to practice dentistry in this54 state;

55

(10) "Depressant or stimulant substance":

(a) A drug containing any quantity of barbituric acid or any of the salts
of barbituric acid or any derivative of barbituric acid which has been designated
by the United States Secretary of Health and Human Services as habit forming
under 21 U.S.C. 352(d);

60 (b) A drug containing any quantity of:

61 a. Amphetamine or any of its isomers;

b. Any salt of amphetamine or any salt of an isomer of amphetamine; or
c. Any substance the United States Attorney General, after investigation,
has found to be, and by regulation designated as, habit forming because of its
stimulant effect on the central nervous system;

66 (c) Lysergic acid diethylamide; or

67 (d) Any drug containing any quantity of a substance that the United

68 States Attorney General, after investigation, has found to have, and by regulation
69 designated as having, a potential for abuse because of its depressant or stimulant
70 effect on the central nervous system or its hallucinogenic effect;

(11) "Dispense", to deliver a narcotic or controlled dangerous drug to an ultimate user or research subject by or pursuant to the lawful order of a practitioner including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for such delivery. "Dispenser" means a practitioner who dispenses;

(12) "Distribute", to deliver other than by administering or dispensing a
controlled substance;

78

(13) "Distributor", a person who distributes;

79 (14) "Drug":

80 (a) Substances recognized as drugs in the official United States
81 Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States, or
82 Official National Formulary, or any supplement to any of them;

(b) Substances intended for use in the diagnosis, cure, mitigation,treatment or prevention of disease in humans or animals;

(c) Substances, other than food, intended to affect the structure or anyfunction of the body of humans or animals; and

(d) Substances intended for use as a component of any article specified in
this subdivision. It does not include devices or their components, parts or
accessories;

90 (15) "Drug-dependent person", a person who is using a controlled 91 substance and who is in a state of psychic or physical dependence, or both, arising 92 from the use of such substance on a continuous basis. Drug dependence is 93 characterized by behavioral and other responses which include a strong 94 compulsion to take the substance on a continuous basis in order to experience its 95 psychic effects or to avoid the discomfort caused by its absence;

96 (16) "Drug enforcement agency", the Drug Enforcement Administration in
97 the United States Department of Justice, or its successor agency;

98 (17) "Drug paraphernalia", all equipment, products, substances and 99 materials of any kind which are used, intended for use, or designed for use, in 100 planting, propagating, cultivating, growing, harvesting, manufacturing, 101 compounding, converting, producing, processing, preparing, storing, containing, 102 concealing, injecting, ingesting, inhaling, or otherwise introducing into the human 103 body a controlled substance or an imitation controlled substance in violation of SS SCS SB 491

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104 [sections 195.005 to 195.425] this chapter or chapter 579. It includes, but is
105 not limited to:

(a) Kits used, intended for use, or designed for use in planting,
propagating, cultivating, growing or harvesting of any species of plant which is
a controlled substance or from which a controlled substance can be derived;

(b) Kits used, intended for use, or designed for use in manufacturing,
compounding, converting, producing, processing, or preparing controlled
substances or imitation controlled substances;

(c) Isomerization devices used, intended for use, or designed for use in
increasing the potency of any species of plant which is a controlled substance or
an imitation controlled substance;

(d) Testing equipment used, intended for use, or designed for use in
identifying, or in analyzing the strength, effectiveness or purity of controlled
substances or imitation controlled substances;

(e) Scales and balances used, intended for use, or designed for use inweighing or measuring controlled substances or imitation controlled substances;

(f) Dilutents and adulterants, such as quinine hydrochloride, mannitol,
mannite, dextrose and lactose, used, intended for use, or designed for use in
cutting controlled substances or imitation controlled substances;

(g) Separation gins and sifters used, intended for use, or designed for use
in removing twigs and seeds from, or in otherwise cleaning or refining,
marijuana;

(h) Blenders, bowls, containers, spoons and mixing devices used, intended
for use, or designed for use in compounding controlled substances or imitation
controlled substances;

(i) Capsules, balloons, envelopes and other containers used, intended for
use, or designed for use in packaging small quantities of controlled substances or
imitation controlled substances;

(j) Containers and other objects used, intended for use, or designed for use
in storing or concealing controlled substances or imitation controlled substances;
(k) Hypodermic syringes, needles and other objects used, intended for use,

135 or designed for use in parenterally injecting controlled substances or imitation136 controlled substances into the human body;

(1) Objects used, intended for use, or designed for use in ingesting,
inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into
the human body, such as:

a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or
without screens, permanent screens, hashish heads, or punctured metal bowls;

- 142 b. Water pipes;
- 143 c. Carburetion tubes and devices;

144 d. Smoking and carburetion masks;

e. Roach clips meaning objects used to hold burning material, such as a
marijuana cigarette, that has become too small or too short to be held in the
hand;

- 148 f. Miniature cocaine spoons and cocaine vials;
- 149 g. Chamber pipes;
- 150 h. Carburetor pipes;
- 151 i. Electric pipes;
- 152 j. Air-driven pipes;
- 153 k. Chillums;
- 154 l. Bongs;
- 155 m. Ice pipes or chillers;

156 (m) Substances used, intended for use, or designed for use in the 157 manufacture of a controlled substance;

158 In determining whether an object, product, substance or material is drug
159 paraphernalia, a court or other authority should consider, in addition to all other
160 logically relevant factors, the following:

161 [(a)] **a.** Statements by an owner or by anyone in control of the object 162 concerning its use;

[(b)] b. Prior convictions, if any, of an owner, or of anyone in control of
the object, under any state or federal law relating to any controlled substance or
imitation controlled substance;

166 [(c)] c. The proximity of the object, in time and space, to a direct 167 violation of [sections 195.005 to 195.425] this chapter or chapter 579;

168 [(d)] d. The proximity of the object to controlled substances or imitation169 controlled substances;

170 [(e)] e. The existence of any residue of controlled substances or imitation
171 controlled substances on the object;

[(f)] **f.** Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons who he **or she** knows, or should reasonably know, intend to use the object to facilitate a violation of [sections 195.005 to 195.425] **this chapter or chapter 579**; the innocence of an

owner, or of anyone in control of the object, as to direct violation of [sections
195.005 to 195.425] this chapter or chapter 579 shall not prevent a finding
that the object is intended for use, or designed for use as drug paraphernalia;

179 [(g)] g. Instructions, oral or written, provided with the object concerning180 its use;

181 [(h)] h. Descriptive materials accompanying the object which explain or 182 depict its use;

[(i)] i. National or local advertising concerning its use;

184 [(j)] **j.** The manner in which the object is displayed for sale;

[(k)] k. Whether the owner, or anyone in control of the object, is a
legitimate supplier of like or related items to the community, such as a licensed
distributor or dealer of tobacco products;

188 [(l)] 1. Direct or circumstantial evidence of the ratio of sales of the object189 to the total sales of the business enterprise;

190 [(m)] m. The existence and scope of legitimate uses for the object in the 191 community;

192 [(n)] **n.** Expert testimony concerning its use;

[(o)] **o.** The quantity, form or packaging of the product, substance or material in relation to the quantity, form or packaging associated with any legitimate use for the product, substance or material;

(18) "Federal narcotic laws", the laws of the United States relating tocontrolled substances;

198 (19) "Hospital", a place devoted primarily to the maintenance and 199 operation of facilities for the diagnosis, treatment or care, for not less than 200 twenty-four hours in any week, of three or more nonrelated individuals suffering 201from illness, disease, injury, deformity or other abnormal physical conditions; or 202a place devoted primarily to provide, for not less than twenty-four consecutive hours in any week, medical or nursing care for three or more nonrelated 203 204 individuals. The term "hospital" does not include convalescent, nursing, shelter or boarding homes as defined in chapter 198; 205

206 (20) "Immediate precursor", a substance which:

(a) The state department of health and senior services has found to be and
by rule designates as being the principal compound commonly used or produced
primarily for use in the manufacture of a controlled substance;

(b) Is an immediate chemical intermediary used or likely to be used in themanufacture of a controlled substance; and

(c) The control of which is necessary to prevent, curtail or limit themanufacture of the controlled substance;

(21) "Imitation controlled substance", a substance that is not a controlled substance, which by dosage unit appearance (including color, shape, size and markings), or by representations made, would lead a reasonable person to believe that the substance is a controlled substance. In determining whether the substance is an imitation controlled substance the court or authority concerned should consider, in addition to all other logically relevant factors, the following:

(a) Whether the substance was approved by the federal Food and Drug
Administration for over-the-counter (nonprescription or nonlegend) sales and was
sold in the federal Food and Drug Administration approved package, with the
federal Food and Drug Administration approved labeling information;

(b) Statements made by an owner or by anyone else in control of the substance concerning the nature of the substance, or its use or effect;

226 (c) Whether the substance is packaged in a manner normally used for 227 illicit controlled substances;

(d) Prior convictions, if any, of an owner, or anyone in control of theobject, under state or federal law related to controlled substances or fraud;

(e) The proximity of the substances to controlled substances;

(f) Whether the consideration tendered in exchange for the noncontrolled substance substantially exceeds the reasonable value of the substance considering the actual chemical composition of the substance and, where applicable, the price at which over-the-counter substances of like chemical composition sell. An imitation controlled substance does not include a placebo or registered investigational drug either of which was manufactured, distributed, possessed or delivered in the ordinary course of professional practice or research;

(22) "Laboratory", a laboratory approved by the department of health and
senior services as proper to be entrusted with the custody of controlled substances
but does not include a pharmacist who compounds controlled substances to be
sold or dispensed on prescriptions;

242(23) "Manufacture", the production, preparation, propagation, 243compounding or processing of drug paraphernalia or of a controlled substance, or 244an imitation controlled substance, either directly or by extraction from substances 245of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or 246repackaging of the substance or labeling or relabeling of its container. This term 247

does not include the preparation or compounding of a controlled substance or an
imitation controlled substance or the preparation, compounding, packaging or
labeling of a narcotic or dangerous drug:

251 (a) By a practitioner as an incident to his **or her** administering or 252 dispensing of a controlled substance or an imitation controlled substance in the 253 course of his **or her** professional practice, or

(b) By a practitioner or his **or her** authorized agent under his **or her** supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale;

257(24) "Marijuana", all parts of the plant genus Cannabis in any species or form thereof, including, but not limited to Cannabis Sativa L., Cannabis Indica, 258Cannabis Americana, Cannabis Ruderalis, and Cannabis Gigantea, whether 259260growing or not, the seeds thereof, the resin extracted from any part of the plant; 261and every compound, manufacture, salt, derivative, mixture, or preparation of the 262plant, its seeds or resin. It does not include the mature stalks of the plant, fiber 263produced from the stalks, oil or cake made from the seeds of the plant, any other 264compound, manufacture, salt, derivative, mixture or preparation of the mature 265stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized 266seed of the plant which is incapable of germination;

(25) "Methamphetamine precursor drug", any drug containing ephedrine,
pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or
salts of optical isomers;

(26) "Narcotic drug", any of the following, whether produced directly or
indirectly by extraction from substances of vegetable origin, or independently by
means of chemical synthesis, or by a combination of extraction and chemical
analysis:

(a) Opium, opiate, and any derivative, of opium or opiate, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, and salts is possible within the specific chemical designation. The term does not include the isoquinoline alkaloids of opium;

(b) Coca leaves, but not including extracts of coca leaves from whichcocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;

281 (c) Cocaine or any salt, isomer, or salt of isomer thereof;

282 (d) Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof;

283 (e) Any compound, mixture, or preparation containing any quantity of any

284 substance referred to in paragraphs (a) to (d) of this subdivision;

285(27) "Official written order", an order written on a form provided for that purpose by the United States Commissioner of Narcotics, under any laws of the 286 287United States making provision therefor, if such order forms are authorized and 288required by federal law, and if no such order form is provided, then on an official 289form provided for that purpose by the department of health and senior services; 290(28) "Opiate", any substance having an addiction-forming or 291addiction-sustaining liability similar to morphine or being capable of conversion 292 into a drug having addiction-forming or addiction-sustaining liability. The term includes its racemic and levorotatory forms. It does not include, unless 293294specifically controlled under section 195.017, the dextrorotatory isomer of 2953-methoxy-n-methyl-morphinan and its salts (dextromethorphan);

(29) "Opium poppy", the plant of the species Papaver somniferum L.,
except its seeds;

(30) "Over-the-counter sale", a retail sale licensed pursuant to chapter 144
of a drug other than a controlled substance;

300 (31) "Person", an individual, corporation, government or governmental
301 subdivision or agency, business trust, estate, trust, partnership, joint venture,
302 association, or any other legal or commercial entity;

303 (32) "Pharmacist", a licensed pharmacist as defined by the laws of this 304 state, and where the context so requires, the owner of a store or other place of 305 business where controlled substances are compounded or dispensed by a licensed 306 pharmacist; but nothing in [sections 195.005 to 195.425] this chapter shall be 307 construed as conferring on a person who is not registered nor licensed as a 308 pharmacist any authority, right or privilege that is not granted to him by the 309 pharmacy laws of this state;

(33) "Poppy straw", all parts, except the seeds, of the opium poppy, aftermowing;

312 (34) "Possessed" or "possessing a controlled substance", a person, with the 313 knowledge of the presence and nature of a substance, has actual or constructive possession of the substance. A person has actual possession if he has the 314 315 substance on his **or her** person or within easy reach and convenient control. A person who, although not in actual possession, has the power and the intention 316 317 at a given time to exercise dominion or control over the substance either directly or through another person or persons is in constructive possession of 318 it. Possession may also be sole or joint. If one person alone has possession of a 319

320 substance possession is sole. If two or more persons share possession of a 321 substance, possession is joint;

322 (35) "Practitioner", a physician, dentist, optometrist, podiatrist, 323 veterinarian, scientific investigator, pharmacy, hospital or other person licensed, 324 registered or otherwise permitted by this state to distribute, dispense, conduct 325 research with respect to or administer or to use in teaching or chemical analysis, 326 a controlled substance in the course of professional practice or research in this 327 state, or a pharmacy, hospital or other institution licensed, registered, or 328 otherwise permitted to distribute, dispense, conduct research with respect to or 329 administer a controlled substance in the course of professional practice or research; 330

(36) "Production", includes the manufacture, planting, cultivation,
growing, or harvesting of drug paraphernalia or of a controlled substance or an
imitation controlled substance;

(37) "Registry number", the number assigned to each person registeredunder the federal controlled substances laws;

(38) "Sale", includes barter, exchange, or gift, or offer therefor, and each
such transaction made by any person, whether as principal, proprietor, agent,
servant or employee;

(39) "State" when applied to a part of the United States, includes any
state, district, commonwealth, territory, insular possession thereof, and any area
subject to the legal authority of the United States of America;

342 (40) "Synthetic cannabinoid", includes unless specifically excepted or 343unless listed in another schedule, any natural or synthetic material, compound, 344mixture, or preparation that contains any quantity of a substance that is a cannabinoid receptor agonist, including but not limited to any substance listed 345in paragraph (ll) of subdivision (4) of subsection 2 of section 195.017 and any 346 analogues[,]; homologues; isomers, whether optical, positional, or geometric; 347 esters; ethers; salts; and salts of isomers, esters, and ethers, whenever the 348 existence of the isomers, esters, ethers, or salts is possible within the specific 349 chemical designation, however, it shall not include any approved pharmaceutical 350 351authorized by the United States Food and Drug Administration;

352 (41) "Ultimate user", a person who lawfully possesses a controlled 353 substance or an imitation controlled substance for his **or her** own use or for the 354 use of a member of his **or her** household **or immediate family, regardless of** 355 **whether they live in the same household,** or for administering to an animal 356 owned by him or by a member of his or her household. For purposes of this
357 section, the phrase "immediate family" means a husband, wife, parent,
358 child, sibling, step parent, step child, step brother, step sister,
359 grandparent, or grandchild;

360 (42) "Wholesaler", a person who supplies drug paraphernalia or controlled
361 substances or imitation controlled substances that he himself has not produced
362 or prepared, on official written orders, but not on prescriptions.

195.015. 1. The department of health and senior services shall administer [sections 195.005 to 195.425] this chapter and may add substances to the schedules after public notice and hearing. In making a determination regarding a substance, the department of health and senior services shall consider the following:

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8

(1) The actual or relative potential for abuse;

(2) The scientific evidence of its pharmacological effect, if known;

(3) The state of current scientific knowledge regarding the substance;

9 (4) The history and current pattern of abuse;

10 (5) The scope, duration, and significance of abuse;

11

(6) The risk to the public health;

12 (7) The potential of the substance to produce psychic or physiological13 dependence liability; and

14 (8) Whether the substance is an immediate precursor of a substance
15 already controlled under [sections 195.005 to 195.425] this chapter.

2. After considering the factors enumerated in subsection 1 of this section
the department of health and senior services shall make findings with respect
thereto and issue a rule controlling the substance if it finds the substance has a
potential for abuse.

3. If the department of health and senior services designates a substance
as an immediate precursor, substances which are precursors of the controlled
precursor shall not be subject to control solely because they are precursors of the
controlled precursor.

4. If any substance is designated, rescheduled, or deleted as a controlled substance under federal law and notice thereof is given to the department of health and senior services, the department of health and senior services shall similarly control the substance under [sections 195.005 to 195.425] **this chapter** after the expiration of thirty days from publication in the federal register of a final order designating a substance as a controlled substance or rescheduling or SS SCS SB 491

30 deleting a substance, unless within that thirty-day period, the department of 31health and senior services objects to inclusion, rescheduling, or deletion. In that 32 case, the department of health and senior services shall publish the reasons for 33 objection and afford all interested parties an opportunity to be heard. At the conclusion of the hearing, the department of health and senior services shall 3435publish its decision, which shall be final unless altered by statute. Upon publication of objection to inclusion, rescheduling or deletion under [sections 36 37195.005 to 195.425] this chapter by the department of health and senior 38 services, control under [sections 195.005 to 195.425] this chapter is stayed as 39 to the substance in question until the department of health and senior services publishes its decision. 40

5. The department of health and senior services shall exclude any nonnarcotic substance from a schedule if such substance may, under the federal Food, Drug, and Cosmetic Act and the law of this state, be lawfully sold over the counter without a prescription.

6. The department of health and senior services shall prepare a list of all
drugs falling within the purview of controlled substances. Upon preparation, a
copy of the list shall be filed in the office of the secretary of state.

195.017. 1. The department of health and senior services shall place a2 substance in Schedule I if it finds that the substance:

3 (1) Has high potential for abuse; and

4 (2) Has no accepted medical use in treatment in the United States or 5 lacks accepted safety for use in treatment under medical supervision.

6 2. Schedule I:

7 (1) The controlled substances listed in this subsection are included in8 Schedule I;

9 (2) Any of the following opiates, including their isomers, esters, ethers, 10 salts, and salts of isomers, esters, and ethers, unless specifically excepted, 11 whenever the existence of these isomers, esters, ethers and salts is possible 12 within the specific chemical designation:

13 (a) Acetyl-alpha-methylfentanyl;

14 (b) Acetylmethadol;

15 (c) Allylprodine;

16 (d) Alphacetylmethadol;

17 (e) Alphameprodine;

18 (f) Alphamethadol;

19	(g) Alpha-methylfentanyl;
20	(h) Alpha-methylthiofentanyl;
21	(i) Benzethidine;
22	(j) Betacetylmethadol;
23	(k) Beta-hydroxyfentanyl;
24	(l) Beta-hydroxy-3-methylfentanyl;
25	(m) Betameprodine;
26	(n) Betamethadol;
27	(o) Betaprodine;
28	(p) Clonitazene;
29	(q) Dextromoramide;
30	(r) Diampromide;
31	(s) Diethylthiambutene;
32	(t) Difenoxin;
33	(u) Dimenoxadol;
34	(v) Dimepheptanol;
35	(w) Dimethylthiambutene;
36	(x) Dioxaphetyl butyrate;
37	(y) Dipipanone;
38	(z) Ethylmethylthiambutene;
39	(aa) Etonitazene;
40	(bb) Etoxeridine;
41	(cc) Furethidine;
42	(dd) Hydroxypethidine;
43	(ee) Ketobemidone;
44	(ff) Levomoramide;
45	(gg) Levophenacylmorphan;
46	(hh) 3-Methylfentanyl;
47	(ii) 3-Methylthiofentanyl;
48	(jj) Morpheridine;
49	(kk) MPPP;
50	(ll) Noracymethadol;
51	(mm) Norlevorphanol;
52	(nn) Normethadone;
53	(oo) Norpipanone;
54	(pp) Para-fluorofentanyl;

- 55 (qq) PEPAP;
- 56 (rr) Phenadoxone;
- 57 (ss) Phenampromide;
- 58 (tt) Phenomorphan;
- 59 (uu) Phenoperidine;
- 60 (vv) Piritramide;
- 61 (ww) Proheptazine;
- 62 (xx) Properidine;
- 63 (yy) Propiram;
- 64 (zz) Racemoramide;
- 65 (aaa) Thiofentanyl;
- 66 (bbb) Tilidine;
- 67 (ccc) Trimeperidine;

68 (3) Any of the following opium derivatives, their salts, isomers and salts 69 of isomers unless specifically excepted, whenever the existence of these salts, 70 isomers and salts of isomers is possible within the specific chemical designation:

- 71 (a) Acetorphine;
- 72 (b) Acetyldihydrocodeine;
- 73 (c) Benzylmorphine;
- 74 (d) Codeine methylbromide;
- 75 (e) Codeine-N-Oxide;
- 76 (f) Cyprenorphine;
- 77 (g) Desomorphine;
- 78 (h) Dihydromorphine;
- 79 (i) Drotebanol;
- 80 (j) Etorphine (except hydrochloride salt);
- 81 (k) Heroin;
- 82 (l) Hydromorphinol;
- 83 (m) Methyldesorphine;
- 84 (n) Methyldihydromorphine;
- 85 (o) Morphine methylbromide;
- 86 (p) Morphine methylsulfonate;
- 87 (q) Morphine-N-Oxide;
- 88 (r) Myrophine;
- 89 (s) Nicocodeine;
- 90 (t) Nicomorphine;

91	(u) Normorphine;
92	(v) Pholcodine;
93	(w) Thebacon;
94	(4) Any material, compound, mixture or preparation which contains any
95	quantity of the following hallucinogenic substances, their salts, isomers and salts
96	of isomers, unless specifically excepted, whenever the existence of these salts,
97	isomers, and salts of isomers is possible within the specific chemical designation:
98	(a) 4-bromo-2, 5-dimethoxyamphetamine;
99	(b) 4-bromo-2, 5-dimethoxyphenethylamine;
100	(c) 2,5-dimethoxyamphetamine;
101	(d) 2,5-dimethoxy-4-ethylamphetamine;
102	(e) 2,5-dimethoxy-4-(n)-propylthiophenethylamine;
103	(f) 4-methoxyamphetamine;
104	(g) 5-methoxy-3,4-methylenedioxyamphetamine;
105	(h) 4-methyl-2, 5-dimethoxyamphetamine;
106	(i) 3,4-methylenedioxyamphetamine;
107	(j) 3,4-methylenedioxymethamphetamine;
108	(k) 3,4-methylenedioxy-N-ethylamphetamine;
109	(l) N-hydroxy-3, 4-methylenedioxyamphetamine;
110	(m) 3,4,5-trimethoxyamphetamine;
111	(n) 5-MeO-DMT or 5-methoxy-N, N-dimethyltryptamine, its isomers, salts,
112	and salts of isomers;
113	(o) Alpha-ethyltryptamine;
114	(p) Alpha-methyltryptamine;
115	(q) Bufotenine;
116	(r) Diethyltryptamine;
117	(s) Dimethyltryptamine;
118	(t) 5-methoxy-N,N-diisopropyltryptamine;
119	(u) Ibogaine;
120	(v) Lysergic acid diethylamide;
121	(w) Marijuana or marihuana;
122	(x) Mescaline;
123	(y) Parahexyl;
124	(z) Peyote, to include all parts of the plant presently classified botanically
125	as Lophophora Williamsil Lemaire, whether growing or not; the seeds thereof; any

126 extract from any part of such plant; and every compound, manufacture, salt,

127 derivative, mixture or preparation of the plant, its seed or extracts;

128 (aa) N-ethyl-3-piperidyl benzilate;

129 (bb) N-methyl-3-piperidyl benzilate;

- 130 (cc) Psilocybin;
- 131 (dd) Psilocyn;

(ee) Tetrahydrocannabinols naturally contained in a plant of the genus Cannabis (cannabis plant), as well as synthetic equivalents of the substances contained in the cannabis plant, or in the resinous extractives of such plant, or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity to those substances contained in the plant, such as the following:

138 a. 1 cis or trans tetrahydrocannabinol, and their optical isomers;

- b. 6 cis or trans tetrahydrocannabinol, and their optical isomers;
- 140 c. 3,4 cis or trans tetrahydrocannabinol, and their optical isomers;
- 141 d. Any compounds of these structures, regardless of numerical designation142 of atomic positions covered;
- 143 (ff) Ethylamine analog of phencyclidine;
- 144 (gg) Pyrrolidine analog of phencyclidine;
- 145 (hh) Thiophene analog of phencyclidine;
- 146 (ii) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;
- 147 (jj) Salvia divinorum;
- 148 (kk) Salvinorin A;
- 149 (ll) Synthetic cannabinoids:

a. Any compound structurally derived from 3-(1-naphthoyl)indole or
1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the
indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not
further substituted in the indole ring to any extent, whether or not substituted
in the naphthyl ring to any extent. Including, but not limited to:

- 156 (i) JWH-007, or 1-pentyl-2-methyl-3-(1-naphthoyl)indole;
- 157 (ii) JWH-015, or 1-propyl-2-methyl-3-(1-naphthoyl)indole;
- 158 (iii) JWH-018, or 1-pentyl-3-(1-naphthoyl)indole;
- 159 (iv) JWH-019, or 1-hexyl-3-(1-naphthoyl)indole;
- 160 (v) JWH-073, or 1-butyl-3-(1-naphthoyl)indole;
- 161 (vi) JWH-081, or 1-pentyl-3-(4-methoxy-1-naphthoyl)indole;
- 162 (vii) JWH-098, or 1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole;

(x) JWH-200, or 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl)indole;

163 (viii) JWH-122, or 1-pentyl-3-(4-methyl-1-naphthoyl)indole;

164 (ix) JWH-164, or 1-pentyl-3-(7-methoxy-1-naphthoyl)indole;

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166 (xi) JWH-210, or 1-pentyl-3-(4-ethyl-1-naphthoyl)indole;

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(xii) JWH-398, or 1-pentyl-3-(4-chloro-1-naphthoyl)indole;

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b. Any compound structurally derived from 3-(1-naphthoyl)pyrrole by

substitution at the nitrogen atom of the pyrrole ring by alkyl, haloalkyl, alkenyl,
cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
2-(4-morpholinyl)ethyl group, whether or not further substituted in the pyrrole
ring to any extent, whether or not substituted in the naphthyl ring to any extent;

c. Any compound structurally derived from 1-(1-naphthylmethyl)indene
by substitution at the 3-position of the indene ring by alkyl, haloalkyl, alkenyl,
cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
2-(4-morpholinyl)ethyl group, whether or not further substituted in the indene
ring to any extent, whether or not substituted in the naphthyl ring to any extent;

d. Any compound structurally derived from 3-phenylacetylindole by
substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, alkenyl,
cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole
ring to any extent, whether or not substituted in the phenyl ring to any
extent. Including, but not limited to:

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(i) JWH-201, or 1-pentyl-3-(4-methoxyphenylacetyl)indole;

185 (ii) JWH-203, or 1-pentyl-3-(2-chlorophenylacetyl)indole;

186 (iii) JWH-250, or 1-pentyl-3-(2-methoxyphenylacetyl)indole;

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8 (v) RCS-8, or 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole;

(iv) JWH-251, or 1-pentyl-3-(2-methylphenylacetyl)indole;

e. Any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol
by substitution at the 5-position of the phenolic ring by alkyl, haloalkyl, alkenyl,
cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
2-(4-morpholinyl)ethyl group, whether or not substituted in the cyclohexyl ring
to any extent. Including, but not limited to:

(i) CP 47, 497 & homologues, or 2-[(1R,3S)-3- hydroxycyclohexyl]-5(2-methyloctan-2-yl)phenol), where side chain n=5, and homologues where side
chain n-4,6, or 7;

197 f. Any compound containing a 3-(benzoyl)indole structure with 198 substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, 199 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
200 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole
201 ring to any extent and whether or not substituted in the phenyl ring to any
202 extent. Including, but not limited to:

203 (i) AM-694, or 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole;

204 (ii) RCS-4, or 1-pentyl-3-(4-methoxybenzoyl)indole;

205 g. CP 50,556-1, or [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-206 5-phenylpentan-2-yl]oxy-5,6,6a ,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate;

h. HU-210, or (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3(2-methyloctan-2-yl)-6a,7,10,10 a-tetrahydrobenzo[c]chromen-1-ol;

i. HU-211, or Dexanabinol,(6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;

j. CP 50,556-1, or [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate;

213 k. Dimethylheptylpyran, or DMHP;

(5) Any material, compound, mixture or preparation containing any quantity of the following substances having a depressant effect on the central nervous system, including their salts, isomers and salts of isomers whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

219 (a) Gamma-hydroxybutyric acid;

220 (b) Mecloqualone;

221 (c) Methaqualone;

(6) Any material, compound, mixture or preparation containing any
quantity of the following substances having a stimulant effect on the central
nervous system, including their salts, isomers and salts of isomers:

- 225 (a) Aminorex;
- 226 (b) N-benzylpiperazine;
- 227 (c) Cathinone;
- (d) Fenethylline;
- (e) 3-Fluoromethcathinone;
- 230 (f) 4-Fluoromethcathinone;
- 231 (g) Mephedrone, or 4-methylmethcathinone;
- 232 (h) Methcathinone;
- 233 (i) 4-methoxymethcathinone;
- 234 (j) (+,-)cis-4-methylaminorex ((+,-)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);

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- (k) Methylenedioxypyrovalerone, MDPV, or (1-(1,3-Benzodioxol-5-yl)-2-(1pyrrolidinyl)-1-pentanone;
- 237 (l) Methylone, or 3,4-Methylenedioxymethcathinone;
- 238 (m) 4-Methyl-alpha-pyrrolidinobutiophenone, or MPBP;
- 239 (n) N-ethylamphetamine;
- 240

(o) N,N-dimethylamphetamine;

(7) A temporary listing of substances subject to emergency scheduling
under federal law shall include any material, compound, mixture or preparation
which contains any quantity of the following substances:

(a) N-(1-benzyl-4-piperidyl)-N phenylpropanamide (benzylfentanyl), its
optical isomers, salts and salts of isomers;

(b) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide
(thenylfentanyl), its optical isomers, salts and salts of isomers;

(8) Khat, to include all parts of the plant presently classified botanically
as catha edulis, whether growing or not; the seeds thereof; any extract from any
part of such plant; and every compound, manufacture, salt, derivative, mixture,
or preparation of the plant, its seed or extracts.

3. The department of health and senior services shall place a substancein Schedule II if it finds that:

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(1) The substance has high potential for abuse;

(2) The substance has currently accepted medical use in treatment in theUnited States, or currently accepted medical use with severe restrictions; and

(3) The abuse of the substance may lead to severe psychic or physicaldependence.

4. The controlled substances listed in this subsection are included inSchedule II:

(1) Any of the following substances whether produced directly or indirectly
by extraction from substances of vegetable origin, or independently by means of
chemical synthesis, or by combination of extraction and chemical synthesis:

(a) Opium and opiate and any salt, compound, derivative or preparation
of opium or opiate, excluding apomorphine, thebaine-derived butorphanol,
dextrorphan, nalbuphine, nalmefene, naloxone and naltrexone, and their
respective salts but including the following:

a. Raw opium;

269 b. Opium extracts;

c. Opium fluid;

- 42
- d. Powdered opium;
- e. Granulated opium;
- 273 f. Tincture of opium;
- g. Codeine;
- 275 h. Ethylmorphine;
- i. Etorphine hydrochloride;
- j. Hydrocodone;
- 278 k. Hydromorphone;
- 279 l. Metopon;
- 280 m. Morphine;
- 281 n. Oxycodone;
- o. Oxymorphone;
- 283 p. Thebaine;

(b) Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in this subdivision, but not including the isoquinoline alkaloids of opium;

287 (c) Opium poppy and poppy straw;

(d) Coca leaves and any salt, compound, derivative, or preparation of coca
leaves, and any salt, compound, derivative, or preparation thereof which is
chemically equivalent or identical with any of these substances, but not including
decocainized coca leaves or extractions which do not contain cocaine or ecgonine;

(e) Concentrate of poppy straw (the crude extract of poppy straw in either
liquid, solid or powder form which contains the phenanthrene alkaloids of the
opium poppy);

(2) Any of the following opiates, including their isomers, esters, ethers,
salts, and salts of isomers, whenever the existence of these isomers, esters, ethers
and salts is possible within the specific chemical designation, dextrorphan and
levopropoxyphene excepted:

- 299 (a) Alfentanil;
- 300 (b) Alphaprodine;
- 301 (c) Anileridine;
- 302 (d) Bezitramide;
- 303 (e) Bulk dextropropoxyphene;
- 304 (f) Carfentanil;
- 305 (g) Dihydrocodeine;
- 306 (h) Diphenoxylate;

307	(i) Fentanyl;
308	(j) Isomethadone;
309	(k) Levo-alphacetylmethadol;
310	(l) Levomethorphan;
311	(m) Levorphanol;
312	(n) Metazocine;
313	(o) Methadone;
314	(p) Meperidine;
315	(q) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;
316	(r) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropanecarboxylic acid;
317	(s) Pethidine (meperidine);
318	(t) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
319	(u) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
320	(v) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperdine-4-carboxylic
321	acid;
322	(w) Phenazocine;
323	(x) Piminodine;
324	(y) Racemethorphan;
325	(z) Racemorphan;
326	(aa) Remifentanil;
327	(bb) Sufentanil;
328	(cc) Tapentadol;
329	(3) Any material, compound, mixture, or preparation which contains any
330	quantity of the following substances having a stimulant effect on the central
331	nervous system:
332	(a) Amphetamine, its salts, optical isomers, and salts of its optical
333	isomers;
334	(b) Lisdexamfetamine, its salts, isomers, and salts of its isomers;
335	(c) Methamphetamine, its salts, isomers, and salts of its isomers;
336	(d) Phenmetrazine and its salts;
337	(e) Methylphenidate;
338	(4) Any material, compound, mixture, or preparation which contains any
339	quantity of the following substances having a depressant effect on the central
340	nervous system, including its salts, isomers, and salts of isomers whenever the
341	existence of those salts, isomers, and salts of isomers is possible within the
342	specific chemical designation:

343	(a) Amobarbital;
344	(b) Glutethimide;
345	(c) Pentobarbital;
346	(d) Phencyclidine;
347	(e) Secobarbital;
348	(5) Any material or compound which contains any quantity of nabilone;
349	(6) Any material, compound, mixture, or preparation which contains any
350	quantity of the following substances:
351	(a) Immediate precursor to amphetamine and methamphetamine:
352	Phenylacetone;
353	(b) Immediate precursors to phencyclidine (PCP):
354	a. 1-phenylcyclohexylamine;
355	b. 1-piperidinocyclohexanecarbonitrile (PCC);
356	(7) Any material, compound, mixture, or preparation which contains any
357	quantity of the following alkyl nitrites:
358	(a) Amyl nitrite;
359	(b) Butyl nitrite.
360	5. The department of health and senior services shall place a substance
361	in Schedule III if it finds that:
362	(1) The substance has a potential for abuse less than the substances listed
363	in Schedules I and II;
364	(2) The substance has currently accepted medical use in treatment in the
365	United States; and
366	(3) Abuse of the substance may lead to moderate or low physical
367	dependence or high psychological dependence.
368	6. The controlled substances listed in this subsection are included in
369	Schedule III:
370	(1) Any material, compound, mixture, or preparation which contains any
371	quantity of the following substances having a potential for abuse associated with
372	a stimulant effect on the central nervous system:
373	(a) Benzphetamine;
374	(b) Chlorphentermine;
375	(c) Clortermine;
376	(d) Phendimetrazine;

377 (2) Any material, compound, mixture or preparation which contains any378 quantity or salt of the following substances or salts having a depressant effect on

379	the central nervous system:
380	(a) Any material, compound, mixture or preparation which contains any
381	quantity or salt of the following substances combined with one or more active
382	medicinal ingredients:
383	a. Amobarbital;
384	b. Secobarbital;
385	c. Pentobarbital;
386	(b) Any suppository dosage form containing any quantity or salt of the
387	following:
388	a. Amobarbital; b. Secobarbital;
389	b. Secobarbital;
390	c. Pentobarbital;
391	(c) Any substance which contains any quantity of a derivative of
392	barbituric acid or its salt;
393	(d) Chlorhexadol;
394	(e) Embutramide;
395	(f) Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers
396	contained in a drug product for which an application has been approved under
397	Section 505 of the federal Food, Drug, and Cosmetic Act;
398	(g) Ketamine, its salts, isomers, and salts of isomers;
399	(h) Lysergic acid;
400	(i) Lysergic acid amide;
401	(j) Methyprylon;
402	(k) Sulfondiethylmethane;
403	(l) Sulfonethylmethane;
404	(m) Sulfonmethane;
405	(n) Tiletamine and zolazepam or any salt thereof;
406	(3) Nalorphine;
407	(4) Any material, compound, mixture, or preparation containing limited
408	
	quantities of any of the following narcotic drugs or their salts:
409	quantities of any of the following narcotic drugs or their salts:(a) Not more than 1.8 grams of codeine per one hundred milliliters or not
409 410	
	(a) Not more than 1.8 grams of codeine per one hundred milliliters or not
410	(a) Not more than 1.8 grams of codeine per one hundred milliliters or not more than ninety milligrams per dosage unit, with an equal or greater quantity
410 411	 (a) Not more than 1.8 grams of codeine per one hundred milliliters or not more than ninety milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

415 (c) Not more than three hundred milligrams of hydrocodone per one
416 hundred milliliters or not more than fifteen milligrams per dosage unit, with a
417 fourfold or greater quantity of an isoquinoline alkaloid of opium;

(d) Not more than three hundred milligrams of hydrocodone per one
hundred milliliters or not more than fifteen milligrams per dosage unit, with one
or more active nonnarcotic ingredients in recognized therapeutic amounts;

421 (e) Not more than 1.8 grams of dihydrocodeine per one hundred milliliters
422 or not more than ninety milligrams per dosage unit, with one or more active
423 nonnarcotic ingredients in recognized therapeutic amounts;

424 (f) Not more than three hundred milligrams of ethylmorphine per one
425 hundred milliliters or not more than fifteen milligrams per dosage unit, with one
426 or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(g) Not more than five hundred milligrams of opium per one hundred
milliliters or per one hundred grams or not more than twenty-five milligrams per
dosage unit, with one or more active nonnarcotic ingredients in recognized
therapeutic amounts;

(h) Not more than fifty milligrams of morphine per one hundred milliliters
or per one hundred grams, with one or more active, nonnarcotic ingredients in
recognized therapeutic amounts;

434 (5) Any material, compound, mixture, or preparation containing any of the
435 following narcotic drugs or their salts, as set forth in subdivision (6) of this
436 subsection; buprenorphine;

437 (6) Anabolic steroids. Any drug or hormonal substance, chemically and 438 pharmacologically related to testosterone (other than estrogens, progestins, 439 corticosteroids, and dehydroepiandrosterone) that promotes muscle growth, except 440 an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by 441 the Secretary of Health and Human Services for that administration. If any 442person prescribes, dispenses, or distributes such steroid for human use, such 443person shall be considered to have prescribed, dispensed, or distributed an 444 anabolic steroid within the meaning of this subdivision. Unless specifically 445446 excepted or unless listed in another schedule, any material, compound, mixture or preparation containing any quantity of the following substances, including its 447448 salts, esters and ethers:

449 (a) 3β,17-dihydroxy-5a-androstane;

450 (b) 3a,17β-dihydroxy-5a-androstane;

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451	(c) 5a-androstan-3,17-dione;
452	(d) 1-androstenediol (3B,17B-dihydroxy-5a-androst-1-ene);
453	(e) 1-androstenediol (3a,17ß-dihydroxy-5a-androst-1-ene);
454	(f) 4-androstenediol (36,17ß-dihydroxy-androst-4-ene);
455	(g) 5-androstenediol (36,176-dihydroxy-androst-5-ene);
456	(h) 1-androstenedione ([5a]-androst-1-en-3,17-dione);
457	(i) 4-androstenedione (androst-4-en-3,17-dione);
458	(j) 5-androstenedione (androst-5-en-3,17-dione);
459	(k) Bolasterone (7a, 17a-dimethyl-17β-hydroxyandrost-4-en-3-one);
460	(l) Boldenone (17ß-hydroxyandrost-1,4,-diene-3-one);
461	(m) Boldione;
462	(n) Calusterone (7ß, 17a-dimethyl-17ß-hydroxyandrost-4-en-3-one);
463	(o) Clostebol (4-chloro-17ß-hydroxyandrost-4-en-3-one);
464	(p) Dehydrochloromethyltestosterone (4-chloro-17ß-hydroxy-17a-methyl-
465	androst-1,4-dien-3-one);
466	(q) Desoxymethyltestosterone;
467	(r) Δ 1-dihydrotestosterone (a.k.a. '1-testosterone')(178-hydroxy-50-androst-1-en-3-one);
468	(s) 4-dihydrotestosterone (17ß-hydroxy-androstan-3-one);
469	(t) Drostanolone (17ß-hydroxy-2a-methyl-5a-androstan-3-one);
470	(u) Ethylestrenol (17a-ethyl-17ß-hydroxyestr-4-ene);
471	(v) Fluoxymesterone (9-fluoro-17a-methyl-11ß,17ß-dihydroxyandrost-4-en-3-one);
472	(w) Formebolone (2-formyl-17a-methyl-11a,17ß-dihydroxyandrost-1,4-dien-3-one);
473	(x) Furazabol (17a-methyl-17ß-hydroxyandrostano[2,3-c]-furazan);
474	(y) 13ß-ethyl-17ß-hydroxygon-4-en-3-one;
475	(z) 4-hydroxytestosterone (4,17ß-dihydroxy-androst-4-en-3-one);
476	(aa) 4-hydroxy-19-nortestosterone (4,17ß-dihydroxy-estr-4-en-3-one);
477	(bb) Mestanolone (17a-methyl-17ß-hydroxy-5-androstan-3-one);
478	(cc) Mesterolone (1amethyl-17ß-hydroxy-[5a]-androstan-3-one);
479	(dd) Methandienone (17a-methyl-17ß-hydroxyandrost-1,4-dien-3-one);
480	(ee) Methandriol (17a-methyl-3ß,17ß-dihydroxyandrost-5-ene);
481	(ff) Methenolone (1-methyl-17ß-hydroxy-5a-androst-1-en-3-one);
482	(gg) 17a-methyl-3ß,17ß-dihydroxy-5a-androstane);
483	(hh) 17a-methyl-3a,17ß-dihydroxy-5a-androstane);
484	(ii) 17a-methyl-3ß,17ß-dihydroxyandrost-4-ene;
485	(jj) 17a-methyl-4-hydroxynandrolone (17a-methyl-4-hydroxy-
486	17B-hydroxyestr-4-en-3-one);

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487	(kk) Methyldienolone (17a-methyl-17ß-hydroxyestra-4,9(10)-dien-3-one);
488	(ll) Methyltrienolone (17a-methyl-17ß-hydroxyestra-4,9-11-trien-3-one);
489	(mm) Methyltestosterone (17a-methyl-17ß-hydroxyandrost-4-en-3-one);
490	(nn) Mibolerone (7a,17a-dimethyl-17ß-hydroxyestr-4-en-3-one);
491	(oo) 17α-methyl-Δ1-dihydrotestosterone (17bβ-hydroxy-17α-methyl-5α-
492	androst-1-en-3-one) (a.k.a. '17-α-methyl-1-testosterone');
493	(pp) Nandrolone (17β-hydroxyestr-4-ene-3-one);
494	(qq) 19-nor-4-androstenediol (3ß,17ß-dihydroxyestr-4-ene);
495	(rr) 19-nor-4-androstenediol (3a,17ß-dihydroxyestr-4-ene);
496	(ss) 19-nor-4,9(10)-androstadienedione;
497	(tt) 19-nor-5-androstenediol (3B,17B-dihydroxyestr-5-ene);
498	(uu) 19-nor-5-androstenediol (3a,17ß-dihydroxyestr-5-ene);
499	(vv) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
500	(ww) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
501	(xx) Norbolethone (13B,17a-diethyl-17B-hydroxygon-4-en-3-one);
502	(yy) Norclostebol (4-chloro-17ß-hydroxyestr-4-en-3-one);
503	(zz) Norethandrolone (17a-ethyl-17ß-hydroxyestr-4-en-3-one);
504	(aaa) Normethandrolone (17a-methyl-17ß-hydroxyestr-4-en-3-one);
505	(bbb) Oxandrolone (17a-methyl-17ß-hydroxy-2-oxa-[5a]-androstan-3-one);
506	(ccc) Oxymesterone (17a-methyl-4,17ß-dihydroxyandrost-4-en-3-one);
507	(ddd) Oxymethalone (17a-methyl-2-hydroxymethylene-17ß-hydroxy-[5a]-
508	androstan-3-one);
509	(eee) Stanozolol (17a-methyl-17ß-hydroxy-[5a]-androst-2-eno[3,2-c]-pyrazole);
510	(fff) Stenbolone (17B-hydroxy-2-methyl-[5a]-androst-1-en-3-one);
511	(ggg) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic
512	acid lactone);
513	(hhh) Testosterone (17B-hydroxyandrost-4-en-3-one);
514	(iii) Tetrahydrogestrinone (13ß,17a-diethyl-17ß-hydroxygon-4,9,11-trien-3-one);
515	(jjj) Trenbolone (17ß-hydroxyestr-4,9,11-trien-3-one);
516	(kkk) Any salt, ester, or ether of a drug or substance described or listed
517	in this subdivision, except an anabolic steroid which is expressly intended for
518	administration through implants to cattle or other nonhuman species and which
519	has been approved by the Secretary of Health and Human Services for that
520	administration;
521	(7) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin
522	capsule in a United States Food and Drug Administration approved drug product;

523 (8) The department of health and senior services may except by rule any 524compound, mixture, or preparation containing any stimulant or depressant 525substance listed in subdivisions (1) and (2) of this subsection from the application of all or any part of sections 195.010 to 195.320 if the compound, mixture, or 526 527 preparation contains one or more active medicinal ingredients not having a 528 stimulant or depressant effect on the central nervous system, and if the 529 admixtures are included therein in combinations, quantity, proportion, or 530 concentration that vitiate the potential for abuse of the substances which have 531a stimulant or depressant effect on the central nervous system.

532 7. The department of health and senior services shall place a substance 533 in Schedule IV if it finds that:

534 (1) The substance has a low potential for abuse relative to substances in535 Schedule III;

536 (2) The substance has currently accepted medical use in treatment in the 537 United States; and

538 (3) Abuse of the substance may lead to limited physical dependence or 539 psychological dependence relative to the substances in Schedule III.

540 8. The controlled substances listed in this subsection are included in 541 Schedule IV:

542 (1) Any material, compound, mixture, or preparation containing any of the 543 following narcotic drugs or their salts calculated as the free anhydrous base or 544 alkaloid, in limited quantities as set forth below:

(a) Not more than one milligram of difenoxin and not less than twenty-five
micrograms of atropine sulfate per dosage unit;

547 (b) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-548 propionoxybutane);

549 (c) Any of the following limited quantities of narcotic drugs or their salts, 550 which shall include one or more nonnarcotic active medicinal ingredients in 551 sufficient proportion to confer upon the compound, mixture or preparation 552 valuable medicinal qualities other than those possessed by the narcotic drug 553 alone:

a. Not more than two hundred milligrams of codeine per one hundred milliliters or per one hundred grams;

556 b. Not more than one hundred milligrams of dihydrocodeine per one 557 hundred milliliters or per one hundred grams;

558 c. Not more than one hundred milligrams of ethylmorphine per one

559 hundred milliliters or per one hundred grams;

560 (2) Any material, compound, mixture or preparation containing any 561 quantity of the following substances, including their salts, isomers, and salts of 562 isomers whenever the existence of those salts, isomers, and salts of isomers is 563 possible within the specific chemical designation:

- 564 (a) Alprazolam;
- 565 (b) Barbital;
- 566 (c) Bromazepam;
- 567 (d) Camazepam;
- 568 (e) Chloral betaine;
- 569 (f) Chloral hydrate;
- 570 (g) Chlordiazepoxide;
- 571 (h) Clobazam;
- 572 (i) Clonazepam;
- 573 (j) Clorazepate;
- 574 (k) Clotiazepam;
- 575 (l) Cloxazolam;
- 576 (m) Delorazepam;
- 577 (n) Diazepam;
- 578 (o) Dichloralphenazone;
- 579 (p) Estazolam;
- 580 (q) Ethchlorvynol;
- 581 (r) Ethinamate;
- 582 (s) Ethyl loflazepate;
- 583 (t) Fludiazepam;
- 584 (u) Flunitrazepam;
- 585 (v) Flurazepam;
- 586 (w) Fospropofol;
- 587 (x) Halazepam;
- 588 (y) Haloxazolam;
- 589 (z) Ketazolam;
- 590 (aa) Loprazolam;
- 591 (bb) Lorazepam;
- 592 (cc) Lormetazepam;
- 593 (dd) Mebutamate;
- 594 (ee) Medazepam;



595	(ff) Meprobamate;
596	(gg) Methohexital;
597	(hh) Methylphenobarbital (mephobarbital);
598	(ii) Midazolam;
599	(jj) Nimetazepam;
600	(kk) Nitrazepam;
601	(ll) Nordiazepam;
602	(mm) Oxazepam;
603	(nn) Oxazolam;
604	(oo) Paraldehyde;
605	(pp) Petrichloral;
606	(qq) Phenobarbital;
607	(rr) Pinazepam;
608	(ss) Prazepam;
609	(tt) Quazepam;
610	(uu) Temazepam;
611	(vv) Tetrazepam;
612	(ww) Triazolam;
613	(xx) Zaleplon;
614	(yy) Zolpidem;
615	(zz) Zopiclone;
616	(3) Any material, compound, mixture, or preparation which contains any
617	quantity of the following substance including its salts, isomers and salts of
618	isomers whenever the existence of such salts, isomers and salts of isomers is
619	possible: fenfluramine;
620	(4) Any material, compound, mixture or preparation containing any
621	quantity of the following substances having a stimulant effect on the central
622	nervous system, including their salts, isomers and salts of isomers:
623	(a) Cathine ((+)-norpseudoephedrine);
624	(b) Diethylpropion;
625	(c) Fencamfamin;
626	(d) Fenproporex;
627	(e) Mazindol;
628	(f) Mefenorex;
629	(g) Modafinil;

630 (h) Pemoline, including organometallic complexes and chelates thereof;

632 (j) Pipradrol;

633 (k) Sibutramine;

634 (l) SPA ((-)-1-dimethyamino-1,2-diphenylethane);

(5) Any material, compound, mixture or preparation containing anyquantity of the following substance, including its salts:

637 (a) butorphanol;

638 (b) pentazocine;

639 (6) Ephedrine, its salts, optical isomers and salts of optical isomers, when640 the substance is the only active medicinal ingredient;

641 (7) The department of health and senior services may except by rule any 642 compound, mixture, or preparation containing any depressant substance listed in 643 subdivision (1) of this subsection from the application of all or any part of sections 644 195.010 to 195.320 and sections 579.015 to 579.086 if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a 645 646 depressant effect on the central nervous system, and if the admixtures are 647 included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant effect 648 on the central nervous system. 649

650 9. The department of health and senior services shall place a substance651 in Schedule V if it finds that:

(1) The substance has low potential for abuse relative to the controlledsubstances listed in Schedule IV;

(2) The substance has currently accepted medical use in treatment in theUnited States; and

(3) The substance has limited physical dependence or psychological
dependence liability relative to the controlled substances listed in Schedule IV.
10. The controlled substances listed in this subsection are included in
Schedule V:

660 (1) Any compound, mixture or preparation containing any of the following 661 narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in 662 limited quantities as set forth below, which also contains one or more nonnarcotic 663 active medicinal ingredients in sufficient proportion to confer upon the compound, 664 mixture or preparation valuable medicinal qualities other than those possessed 665 by the narcotic drug alone:

666 (a) Not more than two and five-tenths milligrams of diphenoxylate and not

667 less than twenty-five micrograms of atropine sulfate per dosage unit;

(b) Not more than one hundred milligrams of opium per one hundredmilliliters or per one hundred grams;

670 (c) Not more than five-tenths milligram of difenoxin and not less than671 twenty-five micrograms of atropine sulfate per dosage unit;

672 (2) Any material, compound, mixture or preparation which contains any
673 quantity of the following substance having a stimulant effect on the central
674 nervous system including its salts, isomers and salts of isomers: pyrovalerone;

(3) Any compound, mixture, or preparation containing any detectable
quantity of pseudoephedrine or its salts or optical isomers, or salts of optical
isomers or any compound, mixture, or preparation containing any detectable
quantity of ephedrine or its salts or optical isomers, or salts of optical isomers;

(4) Unless specifically exempted or excluded or unless listed in another
schedule, any material, compound, mixture, or preparation which contains any
quantity of the following substances having a depressant effect on the central
nervous system, including its salts:

683 (a) Lacosamide;

684 (b) Pregabalin.

11. If any compound, mixture, or preparation as specified in subdivision
(3) of subsection 10 of this section is dispensed, sold, or distributed in a pharmacy
without a prescription:

(1) All packages of any compound, mixture, or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers or ephedrine, its salts or optical isomers, or salts of optical isomers, shall be offered for sale only from behind a pharmacy counter where the public is not permitted, and only by a registered pharmacist or registered pharmacy technician; and

694 (2) Any person purchasing, receiving or otherwise acquiring any 695 compound, mixture, or preparation containing any detectable quantity of 696 pseudoephedrine, its salts or optical isomers, or salts of optical isomers or 697 ephedrine, its salts or optical isomers, or salts of optical isomers shall be at least 698 eighteen years of age; and

(3) The pharmacist, intern pharmacist, or registered pharmacy technician
shall require any person, prior to [their] such person's purchasing, receiving or
otherwise acquiring such compound, mixture, or preparation to furnish suitable
photo identification that is issued by a state or the federal government or a

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document that, with respect to identification, is considered acceptable andshowing the date of birth of the person;

(4) The seller shall deliver the product directly into the custody of thepurchaser.

12. Pharmacists, intern pharmacists, and registered pharmacy technicians
shall implement and maintain an electronic log of each transaction. Such log
shall include the following information:

710 (1) The name, address, and signature of the purchaser;

711 (2) The amount of the compound, mixture, or preparation purchased;

712 (3) The date and time of each purchase; and

(4) The name or initials of the pharmacist, intern pharmacist, or
registered pharmacy technician who dispensed the compound, mixture, or
preparation to the purchaser.

716 13. Each pharmacy shall submit information regarding sales of any 717 compound, mixture, or preparation as specified in subdivision (3) of subsection 10 718 of this section in accordance with transmission methods and frequency 719 established by the department by regulation;

14. No person shall dispense, sell, purchase, receive, or otherwise acquirequantities greater than those specified in this chapter.

15. All persons who dispense or offer for sale pseudoephedrine and ephedrine products in a pharmacy shall ensure that all such products are located only behind a pharmacy counter where the public is not permitted.

72516. [Any person who knowingly or recklessly violates] The penalties for726a knowing or reckless violation of the provisions of subsections 11 to 15 of727this section [is guilty of a class A misdemeanor] are found in section 579.060.

17. The scheduling of substances specified in subdivision (3) of subsection 10 of this section and subsections 11, 12, 14, and 15 of this section shall not apply to any compounds, mixtures, or preparations that are in liquid or liquid-filled gel capsule form or to any compound, mixture, or preparation specified in subdivision (3) of subsection 10 of this section which must be dispensed, sold, or distributed in a pharmacy pursuant to a prescription.

18. The manufacturer of a drug product or another interested party may apply with the department of health and senior services for an exemption from this section. The department of health and senior services may grant an exemption by rule from this section if the department finds the drug product is not used in the illegal manufacture of methamphetamine or other controlled or dangerous substances. The department of health and senior services shall rely
on reports from law enforcement and law enforcement evidentiary laboratories in
determining if the proposed product can be used to manufacture illicit controlled
substances.

743 19. The department of health and senior services shall revise and744 republish the schedules annually.

745 20. The department of health and senior services shall promulgate rules 746 under chapter 536 regarding the security and storage of Schedule V controlled 747 substances, as described in subdivision (3) of subsection 10 of this section, for 748 distributors as registered by the department of health and senior services.

749 21. Logs of transactions required to be kept and maintained by this 750 section and section 195.417 shall create a rebuttable presumption that the person 751 whose name appears in the logs is the person whose transactions are recorded in 752 the logs.

195.030. 1. The department of health and senior services upon public notice and hearing pursuant to this section and chapter 536 may promulgate rules and charge reasonable fees relating to the registration and control of the manufacture, distribution and dispensing of controlled substances within this state. No rule or portion of a rule promulgated pursuant to the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

8 2. No person shall manufacture, compound, mix, cultivate, grow, or by any 9 other process produce or prepare, distribute, dispense or prescribe any controlled 10 substance and no person as a wholesaler shall supply the same, without having 11 first obtained a registration issued by the department of health and senior 12 services in accordance with rules and regulations promulgated by it. No 13 registration shall be granted for a term exceeding three years.

3. Persons registered by the department of health and senior services pursuant to [sections 195.005 to 195.425] this chapter to manufacture, distribute, or dispense or conduct research with controlled substances are authorized to possess, manufacture, distribute or dispense such substances, including any such activity in the conduct of research, to the extent authorized by their registration and in conformity with other provisions of [sections 195.005 to 195.425] this chapter and chapter 579.

4. The following persons shall not be required to register and may lawfully possess controlled substances pursuant to [sections 195.005 to 195.425] 23 this chapter:

(1) An agent or employee, excluding physicians, dentists, optometrists,
podiatrists or veterinarians, of any registered manufacturer, distributor, or
dispenser of any controlled substance if such agent is acting in the usual course
of his or her business or employment;

(2) A common or contract carrier or warehouseman, or an employee
thereof, whose possession of any controlled substance is in the usual course of
business or employment;

31 (3) An ultimate user or a person in possession of any controlled substance
32 pursuant to a lawful order of a practitioner or in lawful possession of a Schedule
33 V substance.

5. The department of health and senior services may, by regulation, waive the requirement for registration of certain manufacturers, distributors, or dispensers if it finds it consistent with the public health and safety.

6. A separate registration shall be required at each principal place of
business or professional practice where the applicant manufactures, distributes,
or dispenses controlled substances.

The department of health and senior services is authorized to inspect
the establishment of a registrant or applicant in accordance with the provisions
of [sections 195.005 to 195.425] this chapter.

195.040. 1. No registration shall be issued under section 195.030 unless 2 and until the applicant therefor has furnished proof satisfactory to the 3 department of health and senior services:

4 (1) That the applicant is of good moral character or, if the applicant be an 5 association or corporation, that the managing officers are of good moral character;

6 (2) That the applicant is equipped as to land, buildings, and 7 paraphernalia properly to carry on the business described in his **or her** 8 application.

9 2. No registration shall be granted to any person who has within two 10 years been finally adjudicated and found guilty, or entered a plea of guilty or nolo 11 contendere, in a criminal prosecution under the laws of any state or of the United 12 States, for any misdemeanor offense or within seven years for any felony offense 13 related to controlled substances. No registration shall be granted to any person 14 who is abusing controlled substances.

15 3. The department of health and senior services shall register an 16 applicant to manufacture, distribute or dispense controlled substances unless it determines that the issuance of that registration would be inconsistent with thepublic interest. In determining the public interest, the following factors shall beconsidered:

20 (1) Maintenance of effective controls against diversion of controlled 21 substances into other than legitimate medical, scientific, or industrial channels;

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(2) Compliance with applicable state and local law;

(3) Any convictions of an applicant under any federal or state laws
relating to any controlled substance;

(4) Past experience in the manufacture or distribution of controlled
substances and the existence in the applicant's establishment of effective controls
against diversion;

(5) Furnishing by the applicant of false or fraudulent material information
in any application filed under [sections 195.005 to 195.425] this chapter;

30 (6) Suspension or revocation of the applicant's federal registration to
 31 manufacture, distribute or dispense narcotics or controlled dangerous drugs as
 32 authorized by federal law; and

33 (7) Any other factors relevant to and consistent with the public health and34 safety.

4. Registration does not entitle a registrant to manufacture and distribute
 controlled substances in Schedule I or II other than those specified in the
 registration.

5. Practitioners shall be registered to dispense any controlled substance 38 or to conduct research with controlled substances in Schedules II through V if 39 40 they are authorized to dispense or conduct research under the laws of this 41 state. The department of health and senior services need not require separate registration under [sections 195.005 to 195.425] this chapter for practitioners 42 engaging in research with nonnarcotic substances in Schedules II through V 43where the registrant is already registered under [sections 195.005 to 195.425] 44 this chapter in another capacity. Practitioners registered under federal law to 45conduct research with Schedule I substances may conduct research with Schedule 46 I substances within this state upon furnishing the department of health and 4748 senior services evidence of that federal registration.

6. Compliance by manufacturers and distributors with the provisions of
federal law respecting registration (excluding fees) shall entitle them to be
registered under [sections 195.005 to 195.425] this chapter.

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7. A registration to manufacture, distribute, or dispense a controlled

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substance may be suspended or revoked by the department of health and seniorservices upon a finding that the registrant:

55 (1) Has furnished false or fraudulent material information in any 56 application filed under [sections 195.005 to 195.425] this chapter;

57 (2) Has been convicted of a felony under any state or federal law relating 58 to any controlled substance;

59 (3) Has had his or her federal registration to manufacture, distribute or
60 dispense suspended or revoked;

(4) Has violated any federal controlled substances statute or regulation,
or any provision of [sections 195.005 to 195.425] this chapter or chapter 579
or regulation promulgated [pursuant to sections 195.005 to 195.425] under this
chapter; or

(5) Has had the registrant's professional license to practice suspended orrevoked.

67 8. The department of health and senior services may warn or censure a 68 registrant; limit a registration to particular controlled substances or schedules 69 of controlled substances; limit revocation or suspension of a registration to a 70 particular controlled substance with respect to which grounds for revocation or suspension exist; restrict or limit a registration under such terms and conditions 7172as the department of health and senior services considers appropriate for a period of five years; suspend or revoke a registration for a period not to exceed five 73years; or deny an application for registration. In any order of revocation, the 74department of health and senior services may provide that the registrant may not 7576 apply for a new registration for a period of time ranging from one to five years 77following the date of the order of revocation. All stay orders shall toll this time 78period. Any registration placed under a limitation or restriction by the 79 department of health and senior services shall be termed "under probation".

80 9. If the department of health and senior services suspends or revokes a registration, all controlled substances owned or possessed by the registrant at the 81 82 time of suspension or the effective date of the revocation order may be placed under seal by such agency and held pending final disposition of the case. No 83 84 disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded, unless a court, upon 85 86 application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. Upon a revocation order becoming final, 87 all controlled substances may be forfeited to the state. 88

10. The department of health and senior services may, upon review, terminate any restriction or limitation previously imposed upon a registration by the department of health and senior services if the registrant has remained in compliance with the imposed restrictions or limitations and local, state and federal laws since the time the restrictions or limitations were imposed.

11. The department of health and senior services shall promptly notify the
Drug Enforcement Administration, United States Department of Justice, or its
successor agency, of all orders suspending or revoking registration and all
forfeitures of controlled substances.

98 12. If after first providing the registrant an opportunity for an informal conference, the department of health and senior services proposes to deny, 99 suspend, restrict, limit or revoke a registration or refuse a renewal of 100 101 registration, the department of health and senior services shall serve upon the 102applicant or registrant written notice of the proposed action to be taken on the 103 application or registration. The notice shall contain a statement of the type of 104 discipline proposed, the basis therefor, the date such action shall go into effect 105 and a statement that the registrant shall have thirty days to request in writing 106 a hearing before the administrative hearing commission. If no written request 107 for a hearing is received by the department of health and senior services within thirty days of the applicant's or registrant's receipt of the notice, the proposed 108 109discipline shall take effect thirty-one days from the date the original notice was received by the applicant or registrant. If the registrant or applicant makes a 110 111 written request for a hearing, the department of health and senior services shall 112file a complaint with the administrative hearing commission within sixty days of 113 receipt of the written request for a hearing. The complaint shall comply with the 114 laws and regulations for actions brought before the administrative hearing 115commission. The department of health and senior services may issue letters of censure or warning and may enter into agreements with a registrant or applicant 116 117 which restrict or limit a registration without formal notice or hearing.

118 13. The department of health and senior services may suspend any 119 registration simultaneously with the institution of proceedings under subsection 120 7 of this section if the department of health and senior services finds that there 121 is imminent danger to the public health or safety which warrants this 122 action. The suspension shall continue in effect until the conclusion of the 123 proceedings, including review thereof, unless sooner withdrawn by the 124 department of health and senior services, dissolved by a court of competent 5

125 jurisdiction or stayed by the administrative hearing commission.

195.050. 1. A duly registered manufacturer or wholesaler may sell 2 controlled substances to any of the following persons:

3 (1) To a manufacturer, wholesaler, or pharmacy;

4 (2) To a physician, dentist, podiatrist or veterinarian;

(3) To a person in charge of a hospital, but only for use in that hospital;

6 (4) To a person in charge of a laboratory, but only for use in that 7 laboratory for scientific and medical purposes.

8 2. A duly registered manufacturer or wholesaler may sell controlled9 substances to any of the following persons:

10 (1) On a special written order accompanied by a certificate of exemption, 11 as required by federal laws, to a person in the employ of the United States 12 government or of any state, territorial, district, county, municipal or insular 13 government, purchasing, receiving, possessing, or dispensing controlled 14 substances by reason of his **or her** official duties;

15 (2) To a master of a ship or person in charge of any aircraft upon which 16 no physician is regularly employed, for the actual medical needs of persons on 17 board such ship or aircraft, when not in port; provided, such controlled substances 18 shall be sold to the master of such ship or person in charge of such aircraft only 19 in pursuance of a special order form approved by a commissioned medical officer 20 or acting surgeon of the United States Public Health Service;

(3) To a person in a foreign country if the provisions of federal laws arecomplied with.

233. An official written order for any controlled substance listed in 24Schedules I and II shall be signed in duplicate by the person giving the order or 25by his or her duly authorized agent. The original shall be presented to the 26person who sells or dispenses the controlled substance named therein. In event 27of the acceptance of such order by the person, each party to the transaction shall preserve his **or her** copy of such order for a period of two years in such a way as 2829to be readily accessible for inspection by any public officer or employee engaged in the enforcement of [sections 195.005 to 195.425] this chapter or chapter 30 31**579.** It shall be deemed a compliance with this subsection if the parties to the transaction have complied with federal laws, respecting the requirements 3233 governing the use of order forms.

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4. Possession of or control of controlled substances obtained as authorized
35 by this section shall be lawful if in the regular course of business, occupation,

36 profession, employment, or duty of the possessor.

37 5. A person in charge of a hospital or of a laboratory, or in the employ of this state or of any other state, or of any political subdivision thereof, and a 38 39 master or other proper officer of a ship or aircraft, who obtains controlled substances under the provisions of this section or otherwise, shall not administer, 40 41 nor dispense, nor otherwise use such drugs, within this state, except within the 42scope of his or her employment or official duty, and then only for scientific or 43medicinal purposes and subject to the provisions of [sections 195.005 to 195.425] this chapter and chapter 579. 44

6. Every person registered to manufacture, distribute or dispense controlled substances under [sections 195.005 to 195.425] this chapter shall keep records and inventories of all such drugs in conformance with the record keeping and inventory requirements of federal law, and in accordance with any additional regulations of the department of health and senior services.

50 7. Manufacturers and wholesalers shall keep records of all narcotic and 51 controlled substances compounded, mixed, cultivated, grown, or by any other 52 process produced or prepared, and of all controlled substances received and 53 disposed of by them, in accordance with this section.

54 8. Apothecaries shall keep records of all controlled substances received 55 and disposed of by them, in accordance with the provisions of this section.

56 9. The form of records shall be prescribed by the department of health and57 senior services.

195.080. 1. Except as otherwise provided in [sections 195.005 to 195.425] $\mathbf{2}$ specifically provided, sections 195.005 to 195.425] this chapter and chapter 3 579, this chapter and chapter 579 shall not apply to the following cases: prescribing, administering, dispensing or selling at retail of liniments, ointments, 4 and other preparations that are susceptible of external use only and that contain $\mathbf{5}$ controlled substances in such combinations of drugs as to prevent the drugs from 6 being readily extracted from such liniments, ointments, or preparations, except 7that [sections 195.005 to 195.425] this chapter and chapter 579 shall apply 8 to all liniments, ointments, and other preparations that contain coca leaves in 9 10 any quantity or combination.

11 2. The quantity of Schedule II controlled substances prescribed or 12 dispensed at any one time shall be limited to a thirty-day supply. The quantity 13 of Schedule III, IV or V controlled substances prescribed or dispensed at any one 14 time shall be limited to a ninety-day supply and shall be prescribed and dispensed in compliance with the general provisions of [sections 195.005 to 16 195.425] **this chapter and chapter 579**. The supply limitations provided in 17 this subsection may be increased up to three months if the physician describes 18 on the prescription form or indicates via telephone, fax, or electronic 19 communication to the pharmacy to be entered on or attached to the prescription 20 form the medical reason for requiring the larger supply. The supply limitations 21 provided in this subsection shall not apply if:

(1) The prescription is issued by a practitioner located in another state
according to and in compliance with the applicable laws of that state and the
United States and dispensed to a patient located in another state; or

(2) The prescription is dispensed directly to a member of the UnitedStates armed forces serving outside the United States.

3. The partial filling of a prescription for a Schedule II substance is
permissible as defined by regulation by the department of health and senior
services.

195.100. 1. It shall be unlawful to distribute any controlled substance in
2 a commercial container unless such container bears a label containing an
3 identifying symbol for such substance in accordance with federal laws.

2. It shall be unlawful for any manufacturer of any controlled substance to distribute such substance unless the labeling thereof conforms to the requirements of federal law and contains the identifying symbol required in subsection 1 of this section.

8 3. The label of a controlled substance in Schedule II, III or IV shall, when 9 dispensed to or for a patient, contain a clear, concise warning that it is a criminal 10 offense to transfer such narcotic or dangerous drug to any person other than the 11 patient.

124. Whenever a manufacturer sells or dispenses a controlled substance and whenever a wholesaler sells or dispenses a controlled substance in a package 13prepared by him or her, the manufacturer or wholesaler shall securely affix to 14each package in which that drug is contained a label showing in legible English 15the name and address of the vendor and the quantity, kind, and form of 1617controlled substance contained therein. No person except a pharmacist for the purpose of filling a prescription under [sections 195.005 to 195.425] this 18 **chapter**, shall alter, deface, or remove any label so affixed. 19

5. Whenever a pharmacist or practitioner sells or dispenses any controlled substance on a prescription issued by a physician, physician assistant, dentist, 22podiatrist, veterinarian, or advanced practice registered nurse, the pharmacist or 23practitioner shall affix to the container in which such drug is sold or dispensed 24a label showing his or her own name and address of the pharmacy or practitioner 25for whom he or she is lawfully acting; the name of the patient or, if the patient is an animal, the name of the owner of the animal and the species of the animal; 2627the name of the physician, physician assistant, dentist, podiatrist, advanced practice registered nurse, or veterinarian by whom the prescription was written; 2829the name of the collaborating physician if the prescription is written by an 30 advanced practice registered nurse or the supervising physician if the 31prescription is written by a physician assistant, and such directions as may be stated on the prescription. No person shall alter, deface, or remove any label so 3233 affixed.

195.140. 1. All controlled substances, imitation controlled substances or $\mathbf{2}$ drug paraphernalia for the administration, use or manufacture of controlled 3 substances or imitation controlled substances and which have come into the 4 custody of a peace officer or officer or agent of the department of health and $\mathbf{5}$ senior services as provided by [sections 195.010 to 195.320] this chapter or chapter 579, the lawful possession of which is not established or the title to 6 which cannot be ascertained after a hearing as prescribed in Rule 34 of Rules of 78 Criminal Procedure for the courts of Missouri or some other appropriate hearing, 9 shall be forfeited, and disposed of as follows:

10 (1) Except as in this section otherwise provided, the court or associate 11 circuit judge having jurisdiction shall order such controlled substances, imitation 12controlled substances, or drug paraphernalia forfeited and destroyed. A record 13 of the place where said controlled substances, imitation controlled substances, or drug paraphernalia were seized, of the kinds and quantities of controlled 14 substances, imitation controlled substances, or drug paraphernalia so destroyed, 15and of the time, place and manner of destructions, shall be kept, and a return 16 under oath, reporting the destruction of the controlled substances, imitation 1718 controlled substances, or drug paraphernalia shall be made to the court or 19 associate circuit judge;

20 (2) The department of health and senior services shall keep a complete 21 record of all controlled substances, imitation controlled substances, or drug 22 paraphernalia received and disposed of, together with the dates of such receipt 23 and disposal, showing the exact kinds, quantities, and forms of such controlled 24 substances, imitation controlled substances, or drug paraphernalia; the persons 292. (1) Everything of value furnished, or intended to be furnished, in exchange for a controlled substance, imitation controlled substance or drug 30 31 paraphernalia in violation of [sections 195.010 to 195.320] this section or 32chapter 579, all proceeds traceable to such an exchange, and all moneys, 33 negotiable instruments, or securities used, or intended to be used, to facilitate 34any violation of [sections 195.010 to 195.320] this section or chapter 579, shall be forfeited, except that no property shall be forfeited under this subsection to the 3536 extent of the interest of an owner by reason of any act or omission established by 37 him to have been committed without his **or her** knowledge or consent.

38 (2) Any moneys, coin, or currency found in close proximity to forfeitable 39 controlled substances, imitation controlled substances, or drug paraphernalia, or 40 forfeitable records of the importation, manufacture, or distribution of controlled 41 substances, imitation controlled substances or drug paraphernalia are presumed 42 to be forfeitable under this subsection. The burden of proof shall be upon 43 claimants of the property to rebut this presumption.

44 (3) All forfeiture proceedings shall be conducted pursuant to the 45 provisions of sections 513.600 to [513.660] **513.653**.

195.150. On the conviction of any person of the violation of any provision of [this law] chapter 579, a copy of the judgment and sentence, and of the $\mathbf{2}$ 3 opinion of the court or associate circuit judge, if any opinion be filed, shall be sent 4 by the clerk of the court, or by the associate circuit judge, to the board or officer, if any, by whom the convicted defendant has been licensed or registered to 5 practice his or her profession or to carry on his or her business. On the 6 conviction of any such person, the court may, in its discretion, suspend or revoke 7 the license or registration of the convicted defendant to practice his or her 8 profession or to carry on his business. On the application of any person whose 9 license or registration has been suspended or revoked, and upon proper showing 10 11 and for good cause, said board or officer may reinstate such license or 12registration.

195.190. It is hereby made the duty of the department of health and 2 senior services, its officers, agents, inspectors, and representatives, and all peace 3 officers within the state, and all county attorneys, to enforce all provisions of

4 [sections 195.005 to 195.425] this chapter and chapter 579, except those 5 specifically delegated, and to cooperate with all agencies charged with the 6 enforcement of the laws of the United States, of this state, and of all other states, 7 relating to narcotic and controlled substances.

195.195. The authority to promulgate regulations for the efficient enforcement of [sections 195.005 to 195.425] **this chapter** is hereby vested in the director of the department of health and senior services subject to the provisions of subsection 1 of section 195.030 and chapter 536. The director of the department of health and senior services is hereby authorized to make regulations promulgated under [sections 195.005 to 195.425] **this chapter** conform with those promulgated under the federal Comprehensive Drug Abuse Prevention and Control Act of 1970.

195.198. 1. The director of the department of health and senior services 2 shall carry out educational programs designed to prevent and deter misuse and 3 abuse of controlled dangerous substances. In connection with such programs he 4 or she may:

5 (1) Assist the regulated industry and interested groups and organizations 6 in contributing to the reduction of misuse and abuse of controlled substances;

7 (2) Consult with interested groups and organizations to aid them in8 solving administrative and organizational problems;

9 (3) Assist in the education and training of state and local law enforcement 10 officials in their efforts to control misuse and abuse of controlled substances.

11 2. The director of the department of health and senior services shall 12 encourage research on misuse and abuse of controlled substances. In connection 13 with such research and in furtherance of the enforcement of [sections 195.005 to 14 195.425] this chapter and chapter 579, he or she may:

15 (1) Establish methods to assess accurately the effects of controlled 16 substances including but not limited to gathering, analyzing, and publishing a 17 report using existing data regarding poisoning episodes, arrests relating to 18 controlled substance violations, crime laboratory determinations, department of 19 health and senior services investigations and audits, information available from 20 the federal Drug Enforcement Administration and Food and Drug Administration, 21 and to identify and characterize substances with potential for abuse;

(2) Make studies and undertake programs of research to develop new or
improved approaches, techniques, systems, equipment and devices to strengthen
the enforcement of [sections 195.005 to 195.425] this chapter and chapter 579.

3. The director of the department of health and senior services may enterinto contracts for educational and research activities.

195.375. 1. A judge, upon proper oath or affirmation showing probable $\mathbf{2}$ cause, may issue warrants for controlled premises for the purpose of conducting administrative inspections authorized by [sections 195.005 to 195.425] this 3 4 **chapter**, and seizures of property appropriate to the inspections. For purposes of the issuance of administrative inspection warrants, probable cause exists upon $\mathbf{5}$ 6 showing a valid public interest in the effective enforcement of [sections 195.005 7 to 195.425] this chapter sufficient to justify administrative inspection of the 8 area, premises, building or conveyance in the circumstances specified in the application for the warrant. 9

2. A warrant shall issue only upon an affidavit of a peace officer or an employee of the department of health and senior services having knowledge of the facts alleged, sworn to before the judge and establishing the grounds for issuing the warrant. If the judge is satisfied that grounds for the application exist, he **or she** shall issue a warrant identifying the area, premises, building or conveyance to be inspected, the purpose of the inspection, and if appropriate, the type of property to be inspected, if any. The warrant shall:

17 (1) State the grounds for its issuance and the name of each person whose18 affidavit has been taken in support thereof;

19 (2) Be directed to a peace officer or to an employee of the department of20 health and senior services to execute it;

(3) Command the person to whom it is directed to inspect the area,
premises, building or conveyance identified for the purpose specified and, if
appropriate, direct the seizure of the property specified;

24 (4) Identify the item or types of property to be seized, if any;

(5) Direct that it be served during normal business hours and designatethe judge to whom it shall be returned.

273. A warrant issued pursuant to this section shall be executed and returned within ten days of its date unless, upon a showing of a need for 28additional time, the court orders otherwise. If property is seized pursuant to a 2930 warrant, a copy shall be given to the person from whom or from whose premises the property is taken, together with a receipt for the property taken. The return 3132of the warrant shall be made promptly, accompanied by a written inventory of any property taken. The inventory shall be made in the presence of the person 33 executing the warrant and of the person from whose possession or premises the 34

35 property was taken, if present, or in the presence of at least one credible person 36 other than the person executing the warrant. A copy of the inventory shall be 37 delivered to the person from whom or from whose premises the property was 38 taken and to the applicant for the warrant.

4. The judge who has issued a warrant shall attach thereto a copy of the return and all papers returnable in connection therewith and file them with the clerk of the court which issued the warrant. The department of health and senior services may make administrative inspections of controlled premises in accordance with the following provisions:

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(1) For purposes of this section only, "controlled premises" means:

(a) Places where persons registered or exempted from registration
requirements under [sections 195.005 to 195.425] this chapter are required to
keep records; and

48 (b) Places including factories, warehouses, establishments, and 49 conveyances in which persons registered or exempted from registration 50 requirements under [sections 195.005 to 195.425] **this chapter** are permitted to 51 hold, manufacture, compound, process, sell, deliver, or otherwise dispose of any 52 controlled substance;

53 (2) When authorized by an administrative inspection warrant issued 54 pursuant to this section, an officer or employee designated by the department of 55 health and senior services, upon presenting the warrant and appropriate 56 credentials to the owner, operator, or agent in charge, may enter controlled 57 premises for the purpose of conducting an administrative inspection;

(3) When authorized by an administrative inspection warrant, an officeror employee designated by the department of health and senior services may:

(a) Inspect and copy records required by [sections 195.005 to 195.425]
this chapter and chapter 579 to be kept;

62 (b) Inspect, within reasonable limits and in a reasonable manner, 63 controlled premises and all pertinent equipment, finished and unfinished 64 material, containers and labeling found therein, and, except as provided in 65 subdivision (5) of this subsection, all other things therein, including records, files, 66 papers, processes, controls, and facilities bearing on violation of [sections 195.005 67 to 195.425] **this chapter and chapter 579**; and

68 (c) Inventory any stock of any controlled substance therein and obtain69 samples thereof;

(4) This section does not prevent entries and administrative inspections,

71 including seizures of property, without a warrant:

(a) If the owner, operator, or agent in charge of the controlled premisesconsents;

74 (b) In situations presenting imminent danger to health or safety;

(c) In situations involving inspection of conveyances if there is reasonable
cause to believe that the mobility of the conveyance makes it impracticable to
obtain a warrant;

(d) In any other exceptional or emergency circumstance where time oropportunity to apply for a warrant is lacking; or

80 (e) In all other situations in which a warrant is not constitutionally 81 required;

(5) An inspection authorized by this section shall not extend to financial
data, sales data, other than shipment data, or pricing data unless the owner,
operator, or agent in charge of the controlled premises consents in writing;

(6) The department of health and senior services may obtain computerized
controlled substances dispensing information via printouts, disks, tapes or other
state of the art means of electronic data transfer.

88 5. Prescriptions, orders, and records, required by [sections 195.005 to 89 195.425] this chapter and chapter 579, and stocks of controlled substances shall be open for inspection only to federal, state, county, and municipal officers, 90 whose duty it is to enforce the laws of this state or of the United States relating 91 to narcotic drugs. No officer having knowledge by virtue of his or her office of 92any such prescription, order, or record shall divulge such knowledge, except in 93 94 connection with a prosecution or proceeding in court or before a licensing or 95registration board or officer, to which prosecution or proceeding the person to 96 whom such prescriptions, orders, or records relate is a party.

195.417. 1. The limits specified in this section shall not apply to any
quantity of such product, mixture, or preparation which must be dispensed, sold,
or distributed in a pharmacy pursuant to a valid prescription.

Within any thirty-day period, no person shall sell, dispense, or
otherwise provide to the same individual, and no person shall purchase, receive,
or otherwise acquire more than the following amount: any number of packages
of any drug product containing any detectable amount of ephedrine,
phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers,
or salts of optical isomers, either as:

10 (1) The sole active ingredient; or

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(2) One of the active ingredients of a combination drug; or

(3) A combination of any of the products specified in subdivisions (1) and
(2) of this subsection; in any total amount greater than nine grams, without
regard to the number of transactions.

3. Within any twenty-four-hour period, no pharmacist, intern pharmacist, or registered pharmacy technician shall sell, dispense, or otherwise provide to the same individual, and no person shall purchase, receive, or otherwise acquire more than the following amount: any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, either as:

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(1) The sole active ingredient; or

23

(2) One of the active ingredients of a combination drug; or

(3) A combination of any of the products specified in subdivisions (1) and
(2) of this subsection; in any total amount greater than three and six-tenths
grams without regard to the number of transactions.

4. All packages of any compound, mixture, or preparation containing any detectable quantity of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, except those that are excluded from Schedule V in subsection 17 or 18 of section 195.017, shall be offered for sale only from behind a pharmacy counter where the public is not permitted, and only by a registered pharmacist or registered pharmacy technician under section 195.017.

5. Each pharmacy shall submit information regarding sales of any compound, mixture, or preparation as specified in this section in accordance with transmission methods and frequency established by the department by regulation.

6. This section shall supersede and preempt any local ordinances or regulations, including any ordinances or regulations enacted by any political subdivision of the state. This section shall not apply to the sale of any animal feed products containing ephedrine or any naturally occurring or herbal ephedra or extract of ephedra.

7. All logs, records, documents, and electronic information maintained for
the dispensing of these products shall be open for inspection and copying by
municipal, county, and state or federal law enforcement officers whose duty it is
to enforce the controlled substances laws of this state or the United States.

46 8. [Within thirty days of June 15, 2005,] All persons who dispense or offer

for sale pseudoephedrine and ephedrine products, except those that are excluded
from Schedule V in subsection 17 or 18 of section 195.017, shall ensure that all
such products are located only behind a pharmacy counter where the public is not
permitted.

9. [Any person who knowingly or recklessly violates this section is guilty
of a class A misdemeanor.] The penalty for a knowing or reckless violation
of this section is found in section 579.060.

195.418. 1. The retail sale of methamphetamine precursor drugs shall be 2 limited to:

3 (1) Sales in packages containing not more than a total of three grams of
4 one or more methamphetamine precursor drugs, calculated in terms of ephedrine
5 base, pseudoephedrine base and phenylpropanolamine base; and

6 (2) For nonliquid products, sales in blister packs, each blister containing 7 not more than two dosage units, or where the use of blister packs is technically 8 infeasible, sales in unit dose packets or pouches.

9 2. [Any person holding a retail sales license pursuant to chapter 144 who 10 knowingly violates subsection 1 of this section is guilty of a class A misdemeanor. 11 3. Any person who is considered the general owner or operator of the 12outlet where ephedrine, pseudoephedrine, or phenylpropanolamine products are available for sale who violates subsection 1 of this section shall not be penalized 13 pursuant to this section if such person documents that an employee training 14 program was in place to provide the employee with information on the state and 15federal regulations regarding ephedrine, pseudoephedrine, 16 or phenylpropanolamine.] The penalty for a knowing violation of subsection 1718 1 of this section is found in section 579.060.

[660.250.] **197.1000.** As used in [sections 660.250 to 660.321] sections 2 **197.1000 to 197.1042**, the following terms mean:

3 (1) "Abuse", the infliction of physical, sexual, or emotional injury or harm
4 including financial exploitation by any person, firm or corporation;

5 (2) "Court", the circuit court;

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(3) "Department", the department of health and senior services;

7 (4) "Director", director of the department of health and senior services or8 his or her designees;

9 (5) "Eligible adult", a person sixty years of age or older who is unable to 10 protect his or her own interests or adequately perform or obtain services which 11 are necessary to meet his or her essential human needs or an adult with a disability, as defined in section 660.053, between the ages of eighteen and
fifty-nine who is unable to protect his or her own interests or adequately perform
or obtain services which are necessary to meet his or her essential human needs;

(6) "Home health agency", the same meaning as such term is defined insection 197.400;

17 (7) "Home health agency employee", a person employed by a home health18 agency;

(8) "Home health patient", an eligible adult who is receiving servicesthrough any home health agency;

(9) "In-home services client", an eligible adult who is receiving services in
his or her private residence through any in-home services provider agency;

(10) "In-home services employee", a person employed by an in-homeservices provider agency;

(11) "In-home services provider agency", a business entity under contract
with the department or with a Medicaid participation agreement, which employs
persons to deliver any kind of services provided for eligible adults in their private
homes;

(12) "Least restrictive environment", a physical setting where protective
services for the eligible adult and accommodation is provided in a manner no
more restrictive of an individual's personal liberty and no more intrusive than
necessary to achieve care and treatment objectives;

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(13) "Likelihood of serious physical harm", one or more of the following:
(a) A substantial risk that physical harm to an eligible adult will occur because of his or her failure or inability to provide for his or her essential human needs as evidenced by acts or behavior which has caused such harm or which gives another person probable cause to believe that the eligible adult will sustain

38 such harm;

(b) A substantial risk that physical harm will be inflicted by an eligible
adult upon himself or herself, as evidenced by recent credible threats, acts, or
behavior which has caused such harm or which places another person in
reasonable fear that the eligible adult will sustain such harm;

43 (c) A substantial risk that physical harm will be inflicted by another upon
44 an eligible adult as evidenced by recent acts or behavior which has caused such
45 harm or which gives another person probable cause to believe the eligible adult
46 will sustain such harm;

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(d) A substantial risk that further physical harm will occur to an eligible

48 adult who has suffered physical injury, neglect, sexual or emotional abuse, or
49 other maltreatment or wasting of his or her financial resources by another
50 person;

51 (14) "Neglect", the failure to provide services to an eligible adult by any 52 person, firm or corporation with a legal or contractual duty to do so, when such 53 failure presents either an imminent danger to the health, safety, or welfare of the 54 client or a substantial probability that death or serious physical harm would 55 result;

56 (15) "Protective services", services provided by the state or other 57 governmental or private organizations or individuals which are necessary for the 58 eligible adult to meet his or her essential human needs.

197.1002. 1. The following persons shall be required to 2 immediately report or cause a report to be made to the department 3 under sections 197.1000 to 197.1028:

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

7 (2) Any adult day care worker, chiropractor, Christian Science practitioner, coroner, dentist, embalmer, employee of the departments 8 9 of social services, mental health, or health and senior services, 10 employee of a local area agency on aging or an organized area agency on aging program, funeral director, home health agency, home health 11 12agency employee, hospital and clinic personnel engaged in the care or 13 treatment of others, in-home services owner or provider, in-home services operator or employee, law enforcement officer, long-term care 14 facility administrator or employee, medical examiner, medical resident 15or intern, mental health professional, minister, nurse, nurse 16 practitioner, optometrist, other health practitioner, peace officer, 17pharmacist, physical therapist, physician, physician's assistant, 18 podiatrist, probation or parole officer, psychologist, social worker, or 19 20other person with the responsibility for the care of a person sixty years of age or older who has reasonable cause to suspect that such a person 2122has been subjected to abuse or neglect or observes such a person being 23subjected to conditions or circumstances which would reasonably result 24in abuse or neglect. Notwithstanding any other provision of this section, a duly ordained minister, clergy, religious worker, or Christian 25

26Science practitioner while functioning in his or her ministerial capacity shall not be required to report concerning a privileged 27communication made to him or her in his or her professional capacity. 28292. Any other person who becomes aware of circumstances that may reasonably be expected to be the result of, or result in, abuse or 30

31neglect of a person sixty years of age or older may report to the 32department.

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3. The penalty for failing to report as required under subdivision (2) of subsection 1 of this section is provided under section 565.188. 34

[660.255.] 197.1004. 1. [Any person having reasonable cause to suspect that an eligible adult presents a likelihood of suffering serious physical harm and $\mathbf{2}$ 3 is in need of protective services shall report such information to the department.

4 2. The report] A report made under section 197.1002 shall be made orally or in writing. It shall include, if known: 5

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

8 (2) The name and address of any person responsible for care of the eligible [adult's care] adult or person subjected to abuse or neglect; 9

10 (3) The nature and extent of the condition of the eligible [adult's 11 condition] adult or person subjected to abuse or neglect; and

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(4) Other relevant information.

13 [3.] 2. Reports regarding persons determined not to be eligible adults as defined in section 660.250 shall be referred to the appropriate state or local 14 authorities. 15

16[4.] 3. The department shall maintain a statewide toll free phone number 17for receipt of reports.

[660.260.] **197.1006.** Upon receipt of a report, the department shall make a prompt and thorough investigation to determine whether or not an eligible $\mathbf{2}$ 3 adult is facing a likelihood of serious physical harm and is in need of protective services. The department shall provide for any of the following: 4

 $\mathbf{5}$ (1) Identification of the eligible adult and determination that the eligible adult is eligible for services; 6

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(2) Evaluation and diagnosis of the needs of eligible adults;

8 (3) Provision of social casework, counseling or referral to the appropriate local or state authority; 9

10 (4) Assistance in locating and receiving alternative living arrangements 11 as necessary;

(5) Assistance in locating and receiving necessary protective services; or
(6) The coordination and cooperation with other state agencies and public
and private agencies in exchange of information and the avoidance of duplication
of services.

[660.261.] **197.1008.** Upon receipt of a report that an eligible adult 2 between the ages of eighteen and fifty-nine is facing a likelihood of serious 3 physical harm, the department shall:

4 (1) Investigate or refer the report to appropriate law enforcement or state 5 agencies; and

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(2) Provide services or refer to local community or state agencies.

[565.186.] 197.1010. The department of health and senior services shall $\mathbf{2}$ investigate incidents and reports of elder abuse **or neglect** using the procedures established in sections [660.250 to 660.295] 197.1000 to 197.1028 and, upon 3 substantiation of the report of elder abuse or neglect, shall promptly report the 4 5 incident to the appropriate law enforcement agency and prosecutor and shall 6 determine whether protective services are required pursuant to sections [660.250 to 660.295] 197.1000 to 197.1028. If the department is unable to substantiate 7 whether abuse or neglect occurred due to the failure of the operator or any of 8 the operator's agents or employees to cooperate with the investigation, the 9 10 incident shall be promptly reported to appropriate law enforcement agencies.

[565.190.] **197.1012.** Any person, official or institution complying with the provisions of [section 565.188] **subdivision (2) of subsection 1 of section 197.1002** in the making of a report, or in cooperating with the department in any of its activities [pursuant to sections 565.186 and 565.188] **under section 197.1010**, except any person, official or institution violating section [565.180, 565.182 or] 565.184, shall be immune from any civil or criminal liability for making such a report, or in cooperating with the department, unless such person acted negligently, recklessly, in bad faith, or with malicious purpose.

[660.263.] **197.1014.** 1. Reports made pursuant to sections [660.250 to 2 660.295] **197.1000 to 197.1028** shall be confidential and shall not be deemed a 3 public record and shall not be subject to the provisions of section 109.180 or 4 chapter 610.

5 2. Such reports shall be accessible for examination and copying only to the 6 following persons or offices, or to their designees:

(1) The department or any person or agency designated by the

8 department;

9 (2) The attorney general;

10 (3) The department of mental health for persons referred to that 11 department;

- 12 (4) Any appropriate law enforcement agency; and
- $13\\14$

3. The name of the reporter shall not be disclosed unless:

(5) The eligible adult or his legal guardian.

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(1) Such reporter specifically authorizes disclosure of his name; and

16 (2) The department determines that disclosure of the name of the reporter17 is necessary in order to prevent further harm to an eligible adult.

4. Any person who violates the provisions of this section, or who permits or encourages the unauthorized dissemination of information contained in the central registry and in reports and records made pursuant to sections [660.250 to 660.295] **197.1000 to 197.1028**, shall be guilty of a class A misdemeanor.

5. The department shall maintain a central registry capable of receiving and maintaining reports received in a manner that facilitates rapid access and recall of the information reported, and of subsequent investigations and other relevant information. The department shall electronically record any telephone report of suspected abuse and neglect received by the department and such recorded reports shall be retained by the department for a period of one year after recording.

6. Although reports to the central registry may be made anonymously, the department shall in all cases, after obtaining relevant information regarding the alleged abuse or neglect, attempt to obtain the name and address of any person making a report.

[660.265.] **197.1016.** When an eligible adult gives consent to receive 2 protective services, the department shall assist the adult in locating and 3 arranging for necessary services in the least restrictive environment reasonably 4 available.

[660.270.] **197.1018.** When the department receives a report that there has been abuse or neglect, or that there otherwise is a likelihood of serious physical harm to an eligible adult and that he or she is in need of protective services and the department is unable to conduct an investigation because access to the eligible adult is barred by any person, the director may petition the appropriate court for a warrant or other order to enter upon the described premises and investigate the report or to produce the information. The

application for the warrant or order shall identify the eligible adult and the facts 8 9 and circumstances which require the issuance of the warrant or order. The 10 director may also seek an order to enjoin the person from barring access to an 11 eligible adult or from interfering with the investigation. If the court finds that, 12based on the report and relevant circumstances and facts, probable cause exists 13 showing that the eligible adult faces abuse or neglect, or otherwise faces a likelihood of serious physical harm and is in need of protective services and the 14 15director has been prevented by another person from investigating the report, the 16 court may issue the warrant or enjoin the interference with the investigation or 17both.

[660.275.] 197.1020. If an eligible adult gives consent to receive protective services and any other person interferes with or prevents the delivery $\mathbf{2}$ 3 of such services, the director may petition the appropriate court for an order to enjoin the interference with the delivery of the services. The petition shall allege 4 the consent of the eligible adult and shall allege specific facts sufficient to show 56 that the eligible adult faces a likelihood of serious physical harm and is in need 7 of the protective services and that delivery is barred by the person named in the petition. If the court finds upon a preponderance of evidence that the allegations 8 9 in the petition are true, the court may issue an order enjoining the interference with the delivery of the protective services and may establish such conditions and 10 11 restrictions on the delivery as the court deems necessary and proper under the 12circumstances.

[660.280.] 197.1022. When an eligible adult facing the likelihood of $\mathbf{2}$ serious physical harm and in need of protective services is unable to give consent 3 because of incapacity or legal disability and the guardian of the eligible adult refuses to provide the necessary services or allow the provision of such services, 4 the director shall inform the court having supervisory jurisdiction over the $\mathbf{5}$ guardian of the facts showing that the eligible adult faces the likelihood of serious 6 physical harm and is in need of protective services and that the guardian refuses 7 to provide the necessary services or allow the provision of such services under the 8 provisions of sections [660.250 to 660.295] 197.1000 to 197.1028. Upon receipt 9 10 of such information, the court may take such action as it deems necessary and proper to insure that the eligible adult is able to meet his essential human needs. 11 [660.285.] **197.1024.** 1. If the director determines after an investigation that an eligible adult is unable to give consent to receive protective services and $\mathbf{2}$

3 presents a likelihood of serious physical harm, the director may initiate

4 proceedings pursuant to chapter 202 or chapter 475, if appropriate.

5 2. In order to expedite adult guardianship and conservatorship cases, the 6 department may retain, within existing funding sources of the department, legal 7 counsel on a case-by-case basis.

[660.290.] **197.1026.** 1. When a peace officer has probable cause to 2 believe that an eligible adult will suffer an imminent likelihood of serious 3 physical harm if not immediately placed in a medical facility for care and 4 treatment, that the adult is incapable of giving consent, and that it is not possible 5 to follow the procedures in section [660.285] **197.1024**, the officer may transport, 6 or arrange transportation for, the eligible adult to an appropriate medical facility 7 which may admit the eligible adult and shall notify the next of kin, if known, and 8 the director.

9 2. Where access to the eligible adult is barred and a substantial likelihood 10 exists of serious physical harm resulting to the eligible adult if he is not 11 immediately afforded protective services, the peace officer may apply to the 12 appropriate court for a warrant to enter upon the described premises and remove 13 the eligible adult. The application for the warrant shall identify the eligible adult 14 and the circumstances and facts which require the issuance of the warrant.

153. If immediately upon admission to a medical facility, a person who is legally authorized to give consent for the provision of medical treatment for the 16 eligible adult, has not given or refused to give such consent, and it is the opinion 17of the medical staff of the facility that treatment is necessary to prevent serious 18 physical harm, the director or the head of the medical facility shall file a petition 1920in the appropriate court for an order authorizing specific medical treatment. The 21court shall hold a hearing and issue its decision forthwith. Notwithstanding the 22above, if a licensed physician designated by the facility for such purpose examines 23the eligible adult and determines that the treatment is immediately or imminently necessary and any delay occasioned by the hearing provided in this 2425subsection would jeopardize the life of the person affected, the medical facility may treat the eligible adult prior to such court hearing. 26

4. The court shall conduct a hearing pursuant to chapter 475 forthwith and, if the court finds the eligible adult incapacitated, it shall appoint a guardian ad litem for the person of the eligible adult to determine the nature and extent of the medical treatment necessary for the benefit of the eligible adult and to supervise the rendition of such treatment. The guardian ad litem shall promptly report the completion of treatment to the court, who shall thereupon conduct a 33 restoration hearing or a hearing to appoint a permanent guardian.

5. The medical care under this section may not be rendered in a mental health facility unless authorized pursuant to the civil commitment procedures in chapter 632.

37 6. Nothing contained in this section or in any other section of sections 38[660.250 to 660.295] **197.1000 to 197.1028** shall be construed as requiring 39 physician or medical care or hospitalization of any person who, because of 40 religious faith or conviction, relies on spiritual means or prayer to cure or prevent 41 disease or suffering nor shall any provision of sections [660.250 to 660.295] **197.1000 to 197.1028** be construed so as to designate any person as an eligible 42adult who presents a likelihood of suffering serious physical harm and is in need 43of protective services solely because such person, because of religious faith or 44 conviction, relies on spiritual means or prayer to cure or prevent disease or 4546 suffering.

[660.295.] **197.1028.** If an eligible adult does not consent to the receipt of reasonable and necessary protective services, or if an eligible adult withdraws previously given consent, the protective services shall not be provided or continued; except that, if the director has reasonable cause to believe that the eligible adult lacks the capacity to consent, the director may seek a court order pursuant to the provisions of section [660.285] **197.1024**.

[660.300.] 197.1030. 1. When any adult day care worker; chiropractor; Christian Science practitioner; coroner; dentist; embalmer; employee of the $\mathbf{2}$ departments of social services, mental health, or health and senior services; 3 4 employee of a local area agency on aging or an organized area agency on aging $\mathbf{5}$ program; funeral director; home health agency or home health agency employee; hospital and clinic personnel engaged in examination, care, or treatment of 6 persons; in-home services owner, provider, operator, or employee; law enforcement 7 officer; long-term care facility administrator or employee; medical examiner; 8 9 medical resident or intern; mental health professional; minister; nurse; nurse practitioner; optometrist; other health practitioner; peace officer; pharmacist; 10 physical therapist; physician; physician's assistant; podiatrist; probation or parole 11 12officer; psychologist; or social worker has reasonable cause to believe that an in-home services client has been abused or neglected, as a result of in-home 13services, he or she shall immediately report or cause a report to be made to the 14 department. If the report is made by a physician of the in-home services client, 15the department shall maintain contact with the physician regarding the progress 16

17 of the investigation.

2. When a report of deteriorating physical condition resulting in possible abuse or neglect of an in-home services client is received by the department, the client's case manager and the department nurse shall be notified. The client's case manager shall investigate and immediately report the results of the investigation to the department nurse. The department may authorize the in-home services provider nurse to assist the case manager with the investigation.

3. If requested, local area agencies on aging shall provide volunteer
training to those persons listed in subsection 1 of this section regarding the
detection and report of abuse and neglect pursuant to this section.

4. Any person required in subsection 1 of this section to report or cause a report to be made to the department who fails to do so within a reasonable time after the act of abuse or neglect is guilty of a class A misdemeanor.

5. The report shall contain the names and addresses of the in-home services provider agency, the in-home services employee, the in-home services client, the home health agency, the home health agency employee, information regarding the nature of the abuse or neglect, the name of the complainant, and any other information which might be helpful in an investigation.

6. In addition to those persons required to report under subsection 1 of this section, any other person having reasonable cause to believe that an in-home services client or home health patient has been abused or neglected by an in-home services employee or home health agency employee may report such information to the department.

40 7. If the investigation indicates possible abuse or neglect of an in-home 41 services client or home health patient, the investigator shall refer the complaint 42together with his or her report to the department director or his or her designee for appropriate action. If, during the investigation or at its completion, the 43department has reasonable cause to believe that immediate action is necessary 44 to protect the in-home services client or home health patient from abuse or 45neglect, the department or the local prosecuting attorney may, or the attorney 46 47general upon request of the department shall, file a petition for temporary care 48 and protection of the in-home services client or home health patient in a circuit court of competent jurisdiction. The circuit court in which the petition is filed 49 shall have equitable jurisdiction to issue an exparte order granting the 50department authority for the temporary care and protection of the in-home 51services client or home health patient, for a period not to exceed thirty days. 52

8. Reports shall be confidential, as provided under section [660.320]
197.1040.

9. Anyone, except any person who has abused or neglected an in-home services client or home health patient, who makes a report pursuant to this section or who testifies in any administrative or judicial proceeding arising from the report shall be immune from any civil or criminal liability for making such a report or for testifying except for liability for perjury, unless such person acted negligently, recklessly, in bad faith, or with malicious purpose.

61 10. Within five working days after a report required to be made under this 62 section is received, the person making the report shall be notified in writing of 63 its receipt and of the initiation of the investigation.

64 11. No person who directs or exercises any authority in an in-home services provider agency or home health agency shall harass, dismiss or retaliate 6566 against an in-home services client or home health patient, or an in-home services employee or a home health agency employee because he or any member of his or 67 68 her family has made a report of any violation or suspected violation of laws, 69 standards or regulations applying to the in-home services provider agency or home health agency or any in-home services employee or home health agency 70 employee which he has reasonable cause to believe has been committed or has 7172occurred.

7312. Any person who abuses or neglects an in-home services client or home health patient is subject to criminal prosecution under section [565.180, 565.182, 74or] 565.184. If such person is an in-home services employee and has been found 7576 guilty by a court, and if the supervising in-home services provider willfully and 77knowingly failed to report known abuse by such employee to the department, the 78supervising in-home services provider may be subject to administrative penalties 79 of one thousand dollars per violation to be collected by the department and the money received therefor shall be paid to the director of revenue and deposited in 80 the state treasury to the credit of the general revenue fund. Any in-home services 81 82 provider which has had administrative penalties imposed by the department or 83 which has had its contract terminated may seek an administrative review of the 84 department's action pursuant to chapter 621. Any decision of the administrative hearing commission may be appealed to the circuit court in the county where the 85 86 violation occurred for a trial de novo. For purposes of this subsection, the term "violation" means a determination of guilt by a court. 87

88 13. The department shall establish a quality assurance and supervision

89 process for clients that requires an in-home services provider agency to conduct 90 random visits to verify compliance with program standards and verify the 91 accuracy of records kept by an in-home services employee.

92 14. The department shall maintain the employee disqualification list and place on the employee disgualification list the names of any persons who have 93 94 been finally determined by the department, pursuant to section [660.315] **197.1036**, to have recklessly, knowingly or purposely abused or neglected an 95 96 in-home services client or home health patient while employed by an in-home 97 services provider agency or home health agency. For purposes of this section only, "knowingly" and "recklessly" shall have the meanings that are ascribed to 98 them in this section. A person acts "knowingly" with respect to the person's 99 100 conduct when a reasonable person should be aware of the result caused by his or her conduct. A person acts "recklessly" when the person consciously disregards 101102a substantial and unjustifiable risk that the person's conduct will result in 103 serious physical injury and such disregard constitutes a gross deviation from the 104 standard of care that a reasonable person would exercise in the situation.

105 15. At the time a client has been assessed to determine the level of care 106 as required by rule and is eligible for in-home services, the department shall 107 conduct a "Safe at Home Evaluation" to determine the client's physical, mental, and environmental capacity. The department shall develop the safe at home 108 109 evaluation tool by rule in accordance with chapter 536. The purpose of the safe at home evaluation is to assure that each client has the appropriate level of 110 111 services and professionals involved in the client's care. The plan of service or 112care for each in-home services client shall be authorized by a nurse. The 113 department may authorize the licensed in-home services nurse, in lieu of the 114 department nurse, to conduct the assessment of the client's condition and to 115establish a plan of services or care. The department may use the expertise, services, or programs of other departments and agencies on a case-by-case basis 116117 to establish the plan of service or care. The department may, as indicated by the safe at home evaluation, refer any client to a mental health professional, as 118 defined in 9 CSR 30-4.030, for evaluation and treatment as necessary. 119

120 16. Authorized nurse visits shall occur at least twice annually to assess 121 the client and the client's plan of services. The provider nurse shall report the 122 results of his or her visits to the client's case manager. If the provider nurse 123 believes that the plan of service requires alteration, the department shall be 124 notified and the department shall make a client evaluation. All authorized nurse visits shall be reimbursed to the in-home services provider. All authorized nurse visits shall be reimbursed outside of the nursing home cap for in-home services clients whose services have reached one hundred percent of the average statewide charge for care and treatment in an intermediate care facility, provided that the services have been preauthorized by the department.

130 17. All in-home services clients shall be advised of their rights by the 131 department or the department's designee at the initial evaluation. The rights 132 shall include, but not be limited to, the right to call the department for any 133 reason, including dissatisfaction with the provider or services. The department 134 may contract for services relating to receiving such complaints. The department 135 shall establish a process to receive such nonabuse and neglect calls other than the 136 elder abuse and neglect hotline.

137 18. Subject to appropriations, all nurse visits authorized in sections
138 [660.250 to 660.300] 197.1000 to 197.1030 shall be reimbursed to the in-home
139 services provider agency.

[660.305.] **197.1032.** 1. Any person having reasonable cause to believe that a misappropriation of an in-home services client's property or funds, or the falsification of any documents verifying service delivery to the in-home services client has occurred, may report such information to the department.

5 2. For each report the department shall attempt to obtain the names and 6 addresses of the in-home services provider agency, the in-home services employee, 7 the in-home services client, information regarding the nature of the 8 misappropriation or falsification, the name of the complainant, and any other 9 information which might be helpful in an investigation.

3. Any in-home services provider agency or in-home services employee who
 puts to his or her own use or the use of the in-home services provider agency or
 otherwise diverts from the in-home services client's use any personal property or
 funds of the in-home services client, or falsifies any documents for service
 delivery, is guilty of a class A misdemeanor.

4. Upon receipt of a report, the department shall immediately initiate an
investigation and report information gained from such investigation to
appropriate law enforcement authorities.

5. If the investigation indicates probable misappropriation of property or funds, or falsification of any documents for service delivery of an in-home services client, the investigator shall refer the complaint together with the investigator's report to the department director or the director's designee for appropriate action. 22 6. Reports shall be confidential, as provided under section [660.320]
23 197.1040.

7. Anyone, except any person participating in or benefitting from the misappropriation of funds, who makes a report pursuant to this section or who testifies in any administrative or judicial proceeding arising from the report shall be immune from any civil or criminal liability for making such a report or for testifying except for liability for perjury, unless such person acted negligently, recklessly, in bad faith, or with malicious purpose.

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

9. No person who directs or exercises any authority in an in-home services provider agency shall harass, dismiss or retaliate against an in-home services client or employee because he or she or any member of his or her family has made a report of any violation or suspected violation of laws, ordinances or regulations applying to the in-home services provider agency or any in-home services employee which he or she has reasonable cause to believe has been committed or has occurred.

40 10. The department shall maintain the employee disqualification list and place on the employee disqualification list the names of any persons who are or 41 42have been employed by an in-home service provider agency and who have been finally determined by the department to, pursuant to section [660.315] 197.1036, 43have misappropriated any property or funds, or falsified any documents for 44 45service delivery of an in-home services client and who came to be known to the 46 person, directly, or indirectly while employed by an in-home services provider 47agency.

[660.310.] 197.1034. 1. Notwithstanding any other provision of law, if the department of health and senior services proposes to deny, suspend, place on 2 3 probation, or terminate an in-home services provider agency contract, the department of health and senior services shall serve upon the applicant or 4 contractor written notice of the proposed action to be taken. The notice shall $\mathbf{5}$ 6 contain a statement of the type of action proposed, the basis for it, the date the action will become effective, and a statement that the applicant or contractor 78 shall have thirty days from the date of mailing or delivery of the notice to file a complaint requesting a hearing before the administrative hearing 9 commission. The administrative hearing commission may consolidate an 10

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applicant's or contractor's complaint with any proceeding before the 11 12administrative hearing commission filed by such contractor or applicant pursuant to subsection 3 of section 208.156 involving a common question of law or 13 14 fact. Upon the filing of the complaint, the provisions of sections 621.110, 621.120, 621.125, 621.135, and 621.145 shall apply. With respect to cases in which the 1516 department has denied a contract to an in-home services provider agency, the administrative hearing commission shall conduct a hearing to determine the 1718 underlying basis for such denial. However, if the administrative hearing 19 commission finds that the contract denial is supported by the facts and the law, 20the case need not be returned to the department. The administrative hearing commission's decision shall constitute affirmation of the department's contract 2122denial.

23 2. The department of health and senior services may issue letters of 24 censure or warning without formal notice or hearing.

253. The administrative hearing commission may stay the suspension or 26termination of an in-home services provider agency's contract, or the placement 27of the contractor on probation, pending the commission's findings and determination in the cause, upon such conditions, with or without the agreement 2829of the parties, as the commission deems necessary and appropriate, including the 30 posting of bond or other security except that the commission shall not grant a 31stay, or if a stay has already been entered shall set aside its stay, unless the commission finds that the contractor has established that servicing the 32department's clients pending the commission's final determination would not 33 34present an imminent danger to the health, safety, or welfare of any client or a 35substantial probability that death or serious physical harm would result. The 36 commission may remove the stay at any time that it finds that the contractor has 37violated any of the conditions of the stay. Such stay shall remain in effect, unless earlier removed by the commission, pending the decision of the commission and 38 any subsequent departmental action at which time the stay shall be removed. In 39 any case in which the department has refused to issue a contract, the commission 40 41 shall have no authority to stay or to require the issuance of a contract pending 42final determination by the commission.

43 4. Stays granted to contractors by the administrative hearing commission 44 shall, as a condition of the stay, require at a minimum that the contractor under 45 the stay operate under the same contractual requirements and regulations as are 46 in effect, from time to time, as are applicable to all other contractors in the

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47 program.

5. The administrative hearing commission shall make its final decision based upon the circumstances and conditions as they existed at the time of the action of the department and not based upon circumstances and conditions at the time of the hearing or decision of the commission.

52 6. In any proceeding before the administrative hearing commission 53 pursuant to this section, the burden of proof shall be on the contractor or 54 applicant seeking review.

55 7. Any person, including the department, aggrieved by a final decision of 56 the administrative hearing commission may seek judicial review of such decision 57 as provided in section 621.145.

[660.315.] **197.1036.** 1. After an investigation and a determination has 2 been made to place a person's name on the employee disqualification list, that 3 person shall be notified in writing mailed to his or her last known address that:

4 (1) An allegation has been made against the person, the substance of the 5 allegation and that an investigation has been conducted which tends to 6 substantiate the allegation;

7 (2) The person's name will be included in the employee disqualification8 list of the department;

9 (3) The consequences of being so listed including the length of time to be 10 listed; and

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(4) The person's rights and the procedure to challenge the allegation.

12 2. If no reply has been received within thirty days of mailing the notice, 13 the department may include the name of such person on its list. The length of 14 time the person's name shall appear on the employee disqualification list shall 15 be determined by the director or the director's designee, based upon the criteria 16 contained in subsection 9 of this section.

17 3. If the person so notified wishes to challenge the allegation, such person 18 may file an application for a hearing with the department. The department shall 19 grant the application within thirty days after receipt by the department and set 20 the matter for hearing, or the department shall notify the applicant that, after 21 review, the allegation has been held to be unfounded and the applicant's name 22 will not be listed.

4. If a person's name is included on the employee disqualification list without the department providing notice as required under subsection 1 of this section, such person may file a request with the department for removal of the 26 name or for a hearing. Within thirty days after receipt of the request, the27 department shall either remove the name from the list or grant a hearing and set28 a date therefor.

5. Any hearing shall be conducted in the county of the person's residence by the director of the department or the director's designee. The provisions of chapter 536 for a contested case except those provisions or amendments which are in conflict with this section shall apply to and govern the proceedings contained in this section and the rights and duties of the parties involved. The person appealing such an action shall be entitled to present evidence, pursuant to the provisions of chapter 536, relevant to the allegations.

6. Upon the record made at the hearing, the director of the department or the director's designee shall determine all questions presented and shall determine whether the person shall be listed on the employee disqualification list. The director of the department or the director's designee shall clearly state the reasons for his or her decision and shall include a statement of findings of fact and conclusions of law pertinent to the questions in issue.

42 7. A person aggrieved by the decision following the hearing shall be
43 informed of his or her right to seek judicial review as provided under chapter 536.
44 If the person fails to appeal the director's findings, those findings shall constitute
45 a final determination that the person shall be placed on the employee
46 disqualification list.

8. A decision by the director shall be inadmissible in any civil action brought against a facility or the in-home services provider agency and arising out of the facts and circumstances which brought about the employment disqualification proceeding, unless the civil action is brought against the facility or the in-home services provider agency by the department of health and senior services or one of its divisions.

53 9. The length of time the person's name shall appear on the employee 54 disqualification list shall be determined by the director of the department of 55 health and senior services or the director's designee, based upon the following:

56 (1) Whether the person acted recklessly or knowingly, as defined in 57 chapter 562;

58 (2) The degree of the physical, sexual, or emotional injury or harm; or the 59 degree of the imminent danger to the health, safety or welfare of a resident or 60 in-home services client;

61 (3) The degree of misappropriation of the property or funds, or

62 falsification of any documents for service delivery of an in-home services client;

63 (4) Whether the person has previously been listed on the employee64 disqualification list;

(5) Any mitigating circumstances;

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(6) Any aggravating circumstances; and

(7) Whether alternative sanctions resulting in conditions of continued employment are appropriate in lieu of placing a person's name on the employee disqualification list. Such conditions of employment may include, but are not limited to, additional training and employee counseling. Conditional employment shall terminate upon the expiration of the designated length of time and the person's submitting documentation which fulfills the department of health and senior services' requirements.

The removal of any person's name from the list under this section
shall not prevent the director from keeping records of all acts finally determined
to have occurred under this section.

11. The department shall provide the list maintained pursuant to this
section to other state departments upon request and to any person, corporation,
organization, or association who:

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(1) Is licensed as an operator under chapter 198;

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(2) Provides in-home services under contract with the department;

82 (3) Employs nurses and nursing assistants for temporary or intermittent83 placement in health care facilities;

84 (4) Is approved by the department to issue certificates for nursing85 assistants training;

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(5) Is an entity licensed under **this** chapter [197];

(6) Is a recognized school of nursing, medicine, or other health profession
for the purpose of determining whether students scheduled to participate in
clinical rotations with entities described in subdivision (1), (2), or (5) of this
subsection are included in the employee disqualification list; or

91 (7) Is a consumer reporting agency regulated by the federal Fair Credit 92 Reporting Act that conducts employee background checks on behalf of entities 93 listed in subdivisions (1), (2), (5), or (6) of this subsection. Such a consumer 94 reporting agency shall conduct the employee disqualification list check only upon 95 the initiative or request of an entity described in subdivisions (1), (2), (5), or (6) 96 of this subsection when the entity is fulfilling its duties required under this 97 section. The information shall be disclosed only to the requesting entity. The

98 department shall inform any person listed above who inquires of the department 99 whether or not a particular name is on the list. The department may require that the request be made in writing. No person, corporation, organization, or 100 101 association who is entitled to access the employee disqualification list may 102 disclose the information to any person, corporation, organization, or association 103 who is not entitled to access the list. Any person, corporation, organization, or 104 association who is entitled to access the employee disqualification list who 105discloses the information to any person, corporation, organization, or association who is not entitled to access the list shall be guilty of an infraction. 106

107 12. No person, corporation, organization, or association who received the employee disgualification list under subdivisions (1) to (7) of subsection 11 of this 108 section shall knowingly employ any person who is on the employee 109 110 disqualification list. Any person, corporation, organization, or association who 111 received the employee disqualification list under subdivisions (1) to (7) of 112subsection 11 of this section, or any person responsible for providing health care 113service, who declines to employ or terminates a person whose name is listed in 114this section shall be immune from suit by that person or anyone else acting for or in behalf of that person for the failure to employ or for the termination of the 115person whose name is listed on the employee disqualification list. 116

117 13. Any employer or vendor as defined in sections 197.250, 197.400, 118 198.006, 208.900, or 660.250 required to deny employment to an applicant or to discharge an employee, provisional or otherwise, as a result of information 119 120obtained through any portion of the background screening and employment 121eligibility determination process under section 210.903, or subsequent, periodic 122screenings, shall not be liable in any action brought by the applicant or employee 123relating to discharge where the employer is required by law to terminate the 124employee, provisional or otherwise, and shall not be charged for unemployment insurance benefits based on wages paid to the employee for work prior to the date 125126of discharge, pursuant to section 288.100, if the employer terminated the employee because the employee: 127

(1) Has been found guilty, pled guilty or nolo contendere in this state or
any other state of a crime as listed in subsection 6 of section [660.317] 197.1038;
(2) Was placed on the employee disqualification list under this section
after the date of hire;

(3) Was placed on the employee disqualification registry maintained bythe department of mental health after the date of hire;

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(4) Has a disqualifying finding under this section, section [660.317]
135 197.1038, or is on any of the background check lists in the family care safety
136 registry under sections 210.900 to 210.936; or

(5) Was denied a good cause waiver as provided for in subsection 10 ofsection [660.317] 197.1038.

13914. Any person who has been listed on the employee disgualification list 140 may request that the director remove his or her name from the employee 141 disqualification list. The request shall be written and may not be made more 142than once every twelve months. The request will be granted by the director upon 143a clear showing, by written submission only, that the person will not commit additional acts of abuse, neglect, misappropriation of the property or funds, or the 144145falsification of any documents of service delivery to an in-home services 146 client. The director may make conditional the removal of a person's name from 147 the list on any terms that the director deems appropriate, and failure to comply 148 with such terms may result in the person's name being relisted. The director's 149determination of whether to remove the person's name from the list is not subject 150to appeal.

[660.317.] **197.1038.** 1. For the purposes of this section, the term 2 "provider" means any person, corporation or association who:

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(1) Is licensed as an operator pursuant to chapter 198;

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(2) Provides in-home services under contract with the department;

5 (3) Employs nurses or nursing assistants for temporary or intermittent
6 placement in health care facilities;

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(4) Is an entity licensed pursuant to chapter 197;

8 (5) Is a public or private facility, day program, residential facility or 9 specialized service operated, funded or licensed by the department of mental 10 health; or

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(6) Is a licensed adult day care provider.

12 2. For the purpose of this section "patient or resident" has the same 13 meaning as such term is defined in section 43.540.

3. Prior to allowing any person who has been hired as a full-time, part-time or temporary position to have contact with any patient or resident the provider shall, or in the case of temporary employees hired through or contracted for an employment agency, the employment agency shall prior to sending a temporary employee to a provider:

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(1) Request a criminal background check as provided in section 43.540.

20Completion of an inquiry to the highway patrol for criminal records that are 21available for disclosure to a provider for the purpose of conducting an employee 22criminal records background check shall be deemed to fulfill the provider's duty 23to conduct employee criminal background checks pursuant to this section; except 24that, completing the inquiries pursuant to this subsection shall not be construed 25to exempt a provider from further inquiry pursuant to common law requirements 26governing due diligence. If an applicant has not resided in this state for five 27consecutive years prior to the date of his or her application for employment, the 28provider shall request a nationwide check for the purpose of determining if the 29applicant has a prior criminal history in other states. The fingerprint cards and any required fees shall be sent to the highway patrol's central repository. The 30 first set of fingerprints shall be used for searching the state repository of criminal 3132history information. If no identification is made, the second set of fingerprints 33 shall be forwarded to the Federal Bureau of Investigation, Identification Division, for the searching of the federal criminal history files. The patrol shall notify the 3435 submitting state agency of any criminal history information or lack of criminal 36 history information discovered on the individual. The provisions relating to applicants for employment who have not resided in this state for five consecutive 3738years shall apply only to persons who have no employment history with a licensed Missouri facility during that five-year period. Notwithstanding the provisions of 39 40 section 610.120, all records related to any criminal history information discovered shall be accessible and available to the provider making the record request; and 41 42 (2) Make an inquiry to the department of health and senior services 43whether the person is listed on the employee disgualification list as provided in 44 section [660.315] 197.1036.

4. When the provider requests a criminal background check pursuant to 45section 43.540, the requesting entity may require that the applicant reimburse 46the provider for the cost of such record check. When a provider requests a 47nationwide criminal background check pursuant to subdivision (1) of subsection 483 of this section, the total cost to the provider of any background check required 49 pursuant to this section shall not exceed five dollars which shall be paid to the 50state. State funding and the obligation of a provider to obtain a nationwide 51criminal background check shall be subject to the availability of appropriations. 52535. An applicant for a position to have contact with patients or residents

54 of a provider shall:

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(1) Sign a consent form as required by section 43.540 so the provider may

56 request a criminal records review;

57 (2) Disclose the applicant's criminal history. For the purposes of this 58 subdivision "criminal history" includes any conviction or a plea of guilty to a 59 misdemeanor or felony charge and shall include any suspended imposition of 60 sentence, any suspended execution of sentence or any period of probation or 61 parole; and

62 (3) Disclose if the applicant is listed on the employee disqualification list
63 as provided in section [660.315] 197.1036.

64 6. An applicant who knowingly fails to disclose his or her criminal history as required in subsection 5 of this section is guilty of a class A misdemeanor. A 65 provider is guilty of a class A misdemeanor if the provider knowingly hires or 66 67 retains a person to have contact with patients or residents and the person has been [convicted of, pled guilty to or nolo contendere] found guilty in this state 68 69 or any other state or has been found guilty of a crime, which if committed in 70Missouri would be a class A or B felony violation of chapter 565, 566 or 569, or any violation of subsection 3 of section 198.070 or section 568.020. 71

72 7. Any in-home services provider agency or home health agency shall be 73 guilty of a class A misdemeanor if such agency knowingly employs a person to 74 provide in-home services or home health services to any in-home services client 75 or home health patient and such person either refuses to register with the family 76 care safety registry or is listed on any of the background check lists in the family 77 care safety registry pursuant to sections 210.900 to 210.937.

8. The highway patrol shall examine whether protocols can be developed
to allow a provider to request a statewide fingerprint criminal records review
check through local law enforcement agencies.

9. A provider may use a private investigatory agency rather than the highway patrol to do a criminal history records review check, and alternatively, the applicant pays the private investigatory agency such fees as the provider and such agency shall agree.

10. Except for the hiring restriction based on the department of health and senior services employee disqualification list established pursuant to section **[660.315] 197.1036**, the department of health and senior services shall promulgate rules and regulations to waive the hiring restrictions pursuant to this section for good cause. For purposes of this section, "good cause" means the department has made a determination by examining the employee's prior work history and other relevant factors that such employee does not present a risk to 92 the health or safety of residents.

[660.320.] 197.1040. 1. Reports confidential under section 198.070 and
sections [660.300 to 660.315] 197.1030 to 197.1036 shall not be deemed a public
record and shall not be subject to the provisions of section 109.180 or chapter
610. The name of the complainant or any person mentioned in the reports shall
not be disclosed unless:

6 (1) The complainant, resident or the in-home services client mentioned 7 agrees to disclosure of his or her name;

8 (2) The department determines that disclosure is necessary in order to 9 prevent further abuse, neglect, misappropriation of property or funds, or 10 falsification of any documents verifying service delivery to an in-home services 11 client;

(3) Release of a name is required for conformance with a lawful subpoena;
(4) Release of a name is required in connection with a review by the

14 administrative hearing commission in accordance with section 198.039;

(5) The department determines that release of a name is appropriate
when forwarding a report of findings of an investigation to a licensing authority;
or

18 (6) Release of a name is requested by the division of family services for19 the purpose of licensure under chapter 210.

20 2. The department shall, upon request, provide to the division of 21 employment security within the department of labor and industrial relations 22 copies of the investigative reports that led to an employee being placed on the 23 disqualification list.

[660.321.] **197.1042.** Notwithstanding any other provision of law, the department shall not disclose personally identifiable medical, social, personal, or financial records of any eligible adult being served by the division of senior services except when disclosed in a manner that does not identify the eligible adult, or when ordered to do so by a court of competent jurisdiction. Such records shall be accessible without court order for examination and copying only to the following persons or offices, or to their designees:

8 (1) The department or any person or agency designated by the department
9 for such purposes as the department may determine;

10 (2) The attorney general, to perform his or her constitutional or statutory 11 duties;

12 (3) The department of mental health for residents placed through that

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13 department, to perform its constitutional or statutory duties;

14 (4) Any appropriate law enforcement agency, to perform its constitutional15 or statutory duties;

16 (5) The eligible adult, his or her legal guardian or any other person17 designated by the eligible adult; and

(6) The department of social services for individuals who receive Medicaidbenefits, to perform its constitutional or statutory duties.

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

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

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

4. In addition to the penalties imposed by this section, any administrator who knowingly conceals any act of abuse or neglect resulting in death or serious physical injury, as defined in section [565.002] **556.061**, is guilty of a class D felony.

5. In addition to those persons required to report pursuant to subsection 1 of this section, any other person having reasonable cause to believe that a 30 resident has been abused or neglected may report such information to the31 department.

326. Upon receipt of a report, the department shall initiate an investigation 33 within twenty-four hours and, as soon as possible during the course of the investigation, shall notify the resident's next of kin or responsible party of the 3435report and the investigation and further notify them whether the report was substantiated or unsubstantiated unless such person is the alleged perpetrator 36 37of the abuse or neglect. As provided in section [565.186] 197.1010, substantiated 38 reports of elder abuse shall be promptly reported by the department to the 39 appropriate law enforcement agency and prosecutor.

40 7. If the investigation indicates possible abuse or neglect of a resident, the 41 investigator shall refer the complaint together with the investigator's report to 42the department director or the director's designee for appropriate action. If, 43during the investigation or at its completion, the department has reasonable cause to believe that immediate removal is necessary to protect the resident from 44 45abuse or neglect, the department or the local prosecuting attorney may, or the 46 attorney general upon request of the department shall, file a petition for temporary care and protection of the resident in a circuit court of competent 47jurisdiction. The circuit court in which the petition is filed shall have equitable 48 49 jurisdiction to issue an exparte order granting the department authority for the 50temporary care and protection of the resident, for a period not to exceed thirty 51days.

52 8. Reports shall be confidential, as provided pursuant to section [660.320]
53 197.1040.

549. Anyone, except any person who has abused or neglected a resident in a facility, who makes a report pursuant to this section or who testifies in any 55administrative or judicial proceeding arising from the report shall be immune 56from any civil or criminal liability for making such a report or for testifying 57except for liability for perjury, unless such person acted negligently, recklessly, 58in bad faith or with malicious purpose. It is a crime [pursuant to section 565.186 59and 565.188] under section 565.189 for any person to [purposely] knowingly 60 file a false report of elder abuse or neglect. 61

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

65 11. No person who directs or exercises any authority in a facility shall

evict, harass, dismiss or retaliate against a resident or employee because such 66 67 resident or employee or any member of such resident's or employee's family has made a report of any violation or suspected violation of laws, ordinances or 68 69 regulations applying to the facility which the resident, the resident's family or an employee has reasonable cause to believe has been committed or has 7071occurred. Through the existing department information and referral telephone 72contact line, residents, their families and employees of a facility shall be able to 73obtain information about their rights, protections and options in cases of eviction, 74harassment, dismissal or retaliation due to a report being made pursuant to this 75section.

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

7813. The department shall maintain the employee disgualification list and 79 place on the employee disqualification list the names of any persons who are or 80 have been employed in any facility and who have been finally determined by the 81 department pursuant to section [660.315] 197.1036 to have knowingly or 82 recklessly abused or neglected a resident. For purposes of this section only, "knowingly" and "recklessly" shall have the meanings that are ascribed to them 83 in this section. A person acts "knowingly" with respect to the person's conduct 84 when a reasonable person should be aware of the result caused by his or her 85 conduct. A person acts "recklessly" when the person consciously disregards a 86 87 substantial and unjustifiable risk that the person's conduct will result in serious 88 physical injury and such disregard constitutes a gross deviation from the 89 standard of care that a reasonable person would exercise in the situation.

90 14. The timely self-reporting of incidents to the central registry by a 91 facility shall continue to be investigated in accordance with department policy, 92 and shall not be counted or reported by the department as a hot-line call but 93 rather a self-reported incident. If the self-reported incident results in a 94 regulatory violation, such incident shall be reported as a substantiated report.

210.117. 1. A child taken into the custody of the state shall not be reunited with a parent or placed in a home in which the parent or any person residing in the home has been found guilty of[, or pled guilty to,] any of the following offenses when a child was the victim:

5 (1) A felony violation of section 566.030, 566.031, 566.032, [566.040,]
6 566.060, 566.061, 566.062, 566.064, 566.067, 566.068, [566.070,] 566.069,
7 566.071, 566.083, [566.090,] 566.100, 566.101, 566.111, 566.151, 566.203,

8 566.206, 566.209, 566.212, or 566.215;

9 (2) A violation of section 568.020;

10 (3) [A violation of subdivision (2) of subsection 1 of section 568.060] 11 Abuse of a child under section 568.060 when such abuse is sexual in 12 nature;

13 (4) A violation of section 568.065;

14 (5) A violation of section [568.080] **573.200**;

15 (6) A violation of section [568.090] **573.205**; or

16 (7) A violation of section 568.175;

17 (8) A violation of section 566.040, 566.070, or 566.090 as such
18 sections existed prior to August 28, 2013; or

19 (9) A violation of section 568.080 or 568.090 as such sections
20 existed prior to January 1, 2017.

2. For all other violations of offenses in chapters 566 and 568 not 22 specifically listed in subsection 1 of this section or for a violation of an offense 23 committed in another state when a child is the victim that would be a violation 24 of chapter 566 or 568, if committed in Missouri, the division may exercise its 25 discretion regarding the placement of a child taken into the custody of the state 26 in which a parent or any person residing in the home has been found guilty of[, 27 or pled guilty to,] any such offense.

283. In any case where the children's division determines based on a substantiated report of child abuse that a child has abused another child, the 29abusing child shall be prohibited from returning to or residing in any residence, 30 facility, or school within one thousand feet of the residence of the abused child or 3132 any child care facility or school that the abused child attends, unless and until 33 a court of competent jurisdiction determines that the alleged abuse did not occur 34or the abused child reaches the age of eighteen, whichever earlier occurs. The provisions of this subsection shall not apply when the abusing child and the 35 abused child are siblings or children living in the same home. 36

210.1012. 1. There is hereby created a statewide program called the 2 "Amber Alert System" referred to in this section as the "system" to aid in the 3 identification and location of an abducted child.

4 2. For the purposes of this section, "abducted child" means a child whose 5 whereabouts are unknown and who is:

6 (1) Less than eighteen years of age and reasonably believed to be the 7 victim of the crime of kidnapping **or kidnapping in the first degree** as defined

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8 by section 565.110 as determined by local law enforcement;

9 (2) Reasonably believed to be the victim of the crime of child kidnapping 10 as defined by section 565.115 as determined by local law enforcement; or

(3) Less than eighteen years of age and at least fourteen years of age and
who, if under the age of fourteen, would otherwise be reasonably believed to be
a victim of child kidnapping as defined by section 565.115 as determined by local
law enforcement.

3. The department of public safety shall develop regions to provide the system. The department of public safety shall coordinate local law enforcement agencies and public commercial television and radio broadcasters to provide an effective system. In the event that a local law enforcement agency opts not to set up a system and an abduction occurs within the jurisdiction, it shall notify the department of public safety who will notify local media in the region.

4. The Amber alert system shall include all state agencies capable of providing urgent and timely information to the public together with broadcasters and other private entities that volunteer to participate in the dissemination of urgent public information. At a minimum, the Amber alert system shall include the department of public safety, highway patrol, department of transportation, department of health and senior services, and Missouri lottery.

5. The department of public safety shall have the authority to notify other regions upon verification that the criteria established by the oversight committee has been met.

Barticipation in an Amber alert system is entirely at the option of local
law enforcement agencies and federally licensed radio and television broadcasters.

32 7. Any person who knowingly makes a false report that triggers an alert33 pursuant to this section is guilty of a class A misdemeanor.

211.038. 1. A child under the jurisdiction of the juvenile court shall not 2 be reunited with a parent or placed in a home in which the parent or any person 3 residing in the home has been found guilty of[, or pled guilty to,] any of the 4 following offenses when a child was the victim:

5 (1) A felony violation of section 566.030, 566.031, 566.032, [566.040,]
6 566.060, 566.061, 566.062, 566.064, 566.067, 566.068, [566.070,] 566.069,
7 566.071, 566.083, [566.090,] 566.100, 566.101, 566.111, 566.151, 566.203,
8 566.206, 566.209, 566.212, or 566.215;

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(2) A violation of section 568.020;

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(3) [A violation of subdivision (2) of subsection 1 of section 568.060]

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Abuse of a child under section 568.060 when such abuse is sexual in
nature;

13 (4) A violation of section 568.065;

14 (5) A violation of section [568.080] **573.200**;

15 (6) A violation of section [568.090] **573.205**; or

16 (7) A violation of section 568.175;

17 (8) A violation of section 566.040, 566.070, or 566.090 as such
18 sections existed prior to August 28, 2013; or

(9) A violation of section 568.080 or 568.090 as such sections
20 existed prior to January 1, 2017.

2. For all other violations of offenses in chapters 566 and 568 not 22 specifically listed in subsection 1 of this section or for a violation of an offense 23 committed in another state when a child is the victim that would be a violation 24 of chapter 566 or 568 if committed in Missouri, the juvenile court may exercise 25 its discretion regarding the placement of a child under the jurisdiction of the 26 juvenile court in a home in which a parent or any person residing in the home 27 has been found guilty of, or pled guilty to, any such offense.

3. If the juvenile court determines that a child has abused another child, such abusing child shall be prohibited from returning to or residing in any residence located within one thousand feet of the residence of the abused child, or any child care facility or school that the abused child attends, until the abused child reaches eighteen years of age. The prohibitions of this subsection shall not apply where the alleged abuse occurred between siblings or children living in the same home.

217.010. As used in this chapter and chapter 558, unless the context 2 clearly indicates otherwise, the following terms shall mean:

3 (1) "Administrative segregation unit", a cell for the segregation of
4 offenders from the general population of a facility for relatively extensive periods
5 of time;

(2) "Board", the board of probation and parole;

7 (3) "Chief administrative officer", the institutional head of any 8 correctional facility or his designee;

9 (4) "Correctional center", any premises or institution where incarceration, 10 evaluation, care, treatment, or rehabilitation is provided to persons who are 11 under the department's authority;

12 (5) "Department", the department of corrections of the state of Missouri;

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13 (6) "Director", the director of the department of corrections or his14 designee;

15 (7) "Disciplinary segregation", a cell for the segregation of offenders from 16 the general population of a correctional center because the offender has been 17 found to have committed a violation of a division or facility rule and other 18 available means are inadequate to regulate the offender's behavior;

(8) "Division", a statutorily created agency within the department or anagency created by the departmental organizational plan;

(9) "Division director", the director of a division of the department or his
designee;

(10) "Local volunteer community board", a board of qualified local
community volunteers selected by the court for the purpose of working in
partnership with the court and the department of corrections in a reparative
probation program;

(11) "Nonviolent offender", any offender who is convicted of a crime other
than murder in the first or second degree, involuntary manslaughter, kidnapping, **kidnapping in the first degree,** rape in the first degree, forcible rape, sodomy
in the first degree, forcible sodomy, robbery in the first degree or assault in the
first degree;

32 (12) "Offender", a person under supervision or an inmate in the custody33 of the department;

(13) "Probation", a procedure under which a defendant found guilty of a
crime upon verdict or plea is released by the court without imprisonment, subject
to conditions imposed by the court and subject to the supervision of the board;

37 (14) "Volunteer", any person who, of his own free will, performs any
38 assigned duties for the department or its divisions with no monetary or material
39 compensation.

217.364. 1. The department of corrections shall establish by regulation 2 the "Offenders Under Treatment Program". The program shall include 3 institutional placement of certain offenders, as outlined in subsection 3 of this 4 section, under the supervision and control of the department of corrections. The 5 department shall establish rules determining how, when and where an offender 6 shall be admitted into or removed from the program.

2. As used in this section, the term "offenders under treatment program"
means a one-hundred-eighty-day institutional correctional program for the
monitoring, control and treatment of certain substance abuse offenders and

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10 certain nonviolent offenders followed by placement on parole with continued11 supervision.

3. The following offenders may participate in the program as determinedby the department:

(1) Any nonviolent offender who has not previously been remanded to the
department and who has [pled guilty or] been found guilty of violating the
provisions of chapter 195 or 579 or whose substance abuse was a precipitating
or contributing factor in the commission of his offense; or

(2) Any nonviolent offender who has pled guilty or been found guilty of a
crime which did not involve the use of a weapon, and who has not previously been
remanded to the department.

214. This program shall be used as an intermediate sanction by the 22department. The program may include education, treatment and rehabilitation 23programs. If an offender successfully completes the institutional phase of the 24program, the department shall notify the board of probation and parole within 25thirty days of completion. Upon notification from the department that the 26offender has successfully completed the program, the board of probation and parole may at its discretion release the offender on parole as authorized in 27subsection 1 of section 217.690. 28

5. The availability of space in the institutional program shall be determined by the department of corrections.

6. If the offender fails to complete the program, the offender shall be
taken out of the program and shall serve the remainder of his sentence with the
department.

34 7. Time spent in the program shall count as time served on the sentence.
217.703. 1. The division of probation and parole shall award earned
2 compliance credits to any offender who is:

3 (1) Not subject to lifetime supervision under sections 217.735 and 559.106
4 or otherwise found to be ineligible to earn credits by a court pursuant to
5 subsection 2 of this section;

6 (2) On probation, parole, or conditional release for an offense listed in 7 chapter [195] **579**, or an offense previously listed in chapter 195, or for a 8 class C or D felony, excluding the offenses of [aggravated] stalking in the first 9 degree, rape in the second degree, sexual assault, sodomy in the second degree, 10 deviate sexual assault, assault in the second degree under subdivision (2) of 11 subsection 1 of section [565.060] **565.052**, sexual misconduct involving a child,

endangering the welfare of a child in the first degree under subdivision (2) of 1213subsection 1 of section 568.045, incest, invasion of privacy, [and] abuse of a child, and any offense of aggravated stalking or assault in the second degree 14 under subdivision (2) of subsection 1 of section 565.060 as such offenses 15existed prior to January 1, 2017; 1617(3) Supervised by the board; and 18 (4) In compliance with the conditions of supervision imposed by the sentencing court or board. 19 20 2. If an offender was placed on probation, parole, or conditional release for an offense of: 2122(1) Involuntary manslaughter in the first degree; 23(2) Involuntary manslaughter in the second degree; 24(3) Assault in the second degree except under subdivision (2) of subsection 1 of section [565.060] 565.052 or section 565.060 as it existed prior to 2526January 1, 2017; 27(4) Domestic assault in the second degree; 28(5) Assault [of a law enforcement officer in the second] in the third 29degree when the victim is a special victim or assault of a law 30 enforcement officer in the second degree as it existed prior to January 1, 2017; 3132 (6) Statutory rape in the second degree; 33 (7) Statutory sodomy in the second degree; 34 (8) Endangering the welfare of a child in the first degree under subdivision (1) of subsection 1 of section 568.045; or 35 36 (9) Any case in which the defendant is found guilty of a felony offense 37 under chapter 571, the sentencing court may, upon its own motion or a motion of 38the prosecuting or circuit attorney, make a finding that the offender is ineligible 39 to earn compliance credits because the nature and circumstances of the offense or the history and character of the offender indicate that a longer term of 40 probation, parole, or conditional release is necessary for the protection of the 41 public or the guidance of the offender. The motion may be made any time prior 42to the first month in which the person may earn compliance credits under this 43 section. The offender's ability to earn credits shall be suspended until the court 4445or board makes its finding. If the court or board finds that the offender is eligible for earned compliance credits, the credits shall begin to accrue on the first day 46

47 of the next calendar month following the issuance of the decision.

3. Earned compliance credits shall reduce the term of probation, parole, or conditional release by thirty days for each full calendar month of compliance with the terms of supervision. Credits shall begin to accrue for eligible offenders after the first full calendar month of supervision or on October 1, 2012, if the offender began a term of probation, parole, or conditional release before September 1, 2012.

4. For the purposes of this section, the term "compliance" shall mean the absence of an initial violation report submitted by a probation or parole officer during a calendar month, or a motion to revoke or motion to suspend filed by a prosecuting or circuit attorney, against the offender.

5. Credits shall not accrue during any calendar month in which a 5859violation report has been submitted or a motion to revoke or motion to suspend has been filed, and shall be suspended pending the outcome of a hearing, if a 60 hearing is held. If no hearing is held or the court or board finds that the 6162 violation did not occur, then the offender shall be deemed to be in compliance and 63 shall begin earning credits on the first day of the next calendar month following 64 the month in which the report was submitted or the motion was filed. All earned credits shall be rescinded if the court or board revokes the probation or parole or 65the court places the offender in a department program under subsection 4 of 66 67 section 559.036. Earned credits shall continue to be suspended for a period of 68 time during which the court or board has suspended the term of probation, parole, or release, and shall begin to accrue on the first day of the next calendar month 69 70following the lifting of the suspension.

6. Offenders who are deemed by the division to be absconders shall not earn credits. For purposes of this subsection, "absconder" shall mean an offender under supervision who has left such offender's place of residency without the permission of the offender's supervising officer for the purpose of avoiding supervision. An offender shall no longer be deemed an absconder when such offender is available for active supervision.

77 7. Notwithstanding subsection 2 of section 217.730 to the contrary, once 78 the combination of time served in custody, if applicable, time served on probation, 79 parole, or conditional release, and earned compliance credits satisfy the total 80 term of probation, parole, or conditional release, the board or sentencing court 81 shall order final discharge of the offender, so long as the offender has completed 82 at least two years of his or her probation or parole, which shall include any time 83 served in custody under section 217.718 and sections 559.036 and 559.115. 103

84 8. The award or rescission of any credits earned under this section shall 85 not be subject to appeal or any motion for postconviction relief.

86 9. At least twice a year, the division shall calculate the number of months 87 the offender has remaining on his or her term of probation, parole, or conditional release, taking into consideration any earned compliance credits, and notify the 88 89 offender of the length of the remaining term.

90 10. No less than sixty days before the date of final discharge, the division 91 shall notify the sentencing court, the board, and, for probation cases, the circuit 92or prosecuting attorney of the impending discharge. If the sentencing court, the 93 board, or the circuit or prosecuting attorney upon receiving such notice does not take any action under subsection 5 of this section, the offender shall be 94 95 discharged under subsection 7 of this section.

217.735. 1. Notwithstanding any other provision of law to the contrary, the board shall supervise an offender for the duration of his or her natural life $\mathbf{2}$ 3 when the offender has [pleaded guilty to or] been found guilty of an offense 4 under:

 $\mathbf{5}$ (1) Section 566.030, 566.032, 566.060, [or] 566.062 [based on an act committed on or after August 28, 2006, or the offender has pleaded guilty to or 6 has been found guilty of an offense under section], 566.067, 566.083, 566.100, 7566.151, 566.212, 566.213, 568.020, 568.080, or 568.090 based on an act 8 committed on or after August 28, 2006[,]; or 9

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(2) Section 566.068, 566.069, 566.210, 566.211, 573.200, or 573.205 based on an act committed on or after January 1, 2017 11

12against a victim who was less than fourteen years old and the offender is a prior sex offender as defined in subsection 2 of this section. 13

142. For the purpose of this section, a prior sex offender is a person who has 15previously pleaded guilty to or been found guilty of an offense contained in 16 chapter 566 or violating section 568.020 when the person had sexual intercourse 17or deviate sexual intercourse with the victim, or violating subdivision (2) of subsection 1 of section 568.045. 18

19 3. Subsection 1 of this section applies to offenders who have been granted probation, and to offenders who have been released on parole, conditional release, 20or upon serving their full sentence without early release. Supervision of an 2122offender who was released after serving his or her full sentence will be considered 23as supervision on parole.

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4. A mandatory condition of lifetime supervision of an offender under this

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section is that the offender be electronically monitored. Electronic monitoring
shall be based on a global positioning system or other technology that identifies
and records the offender's location at all times.

5. In appropriate cases as determined by a risk assessment, the board may terminate the supervision of an offender who is being supervised under this section when the offender is sixty-five years of age or older.

6. In accordance with section 217.040, the board may adopt rules relatingto supervision and electronic monitoring of offenders under this section.

217.785. 1. As used in this section, the term "Missouri postconviction 2 drug treatment program" means a program of noninstitutional and institutional 3 correctional programs for the monitoring, control and treatment of certain drug 4 abuse offenders.

5 2. The department of corrections shall establish by regulation the 6 "Missouri Postconviction Drug Treatment Program". The program shall include 7 noninstitutional and institutional placement. The institutional phase of the 8 program may include any offender under the supervision and control of the 9 department of corrections. The department shall establish rules determining 10 how, when and where an offender shall be admitted into or removed from the 11 program.

123. Any first-time offender who has [pled guilty or] been found guilty of 13violating the provisions of chapter 195 or 579, or whose controlled substance 14 abuse was a precipitating or contributing factor in the commission of his offense, and who is placed on probation may be required to participate in the 1516 noninstitutional phase of the program, which may include education, treatment 17and rehabilitation programs. Persons required to attend a program pursuant to this section may be charged a reasonable fee to cover the costs of the 18 program. Failure of an offender to complete successfully the noninstitutional 19 phase of the program shall be sufficient cause for the offender to be remanded to 2021the sentencing court for assignment to the institutional phase of the program or 22any other authorized disposition.

4. A probationer shall be eligible for assignment to the institutional phase of the postconviction drug treatment program if he has failed to complete successfully the noninstitutional phase of the program. If space is available, the sentencing court may assign the offender to the institutional phase of the program as a special condition of probation, without the necessity of formal revocation of probation. 5. The availability of space in the institutional program shall be determined by the department of corrections. If the sentencing court is advised that there is no space available, then the court shall consider other authorized dispositions.

33 6. Any time after ninety days and prior to one hundred twenty days after assignment of the offender to the institutional phase of the program, the 34department shall submit to the court a report outlining the performance of the 35 36 offender in the program. If the department determines that the offender will not 37 participate or has failed to complete the program, the department shall advise the 38 sentencing court, who shall cause the offender to be brought before the court for consideration of revocation of the probation or other authorized disposition. If the 39 40 offender successfully completes the program, the department shall release the individual to the appropriate probation and parole district office and so advise the 41 42 court.

43 7. Time spent in the institutional phase of the program shall count as44 time served on the sentence.

221.025. 1. As an alternative to confinement, an individual may be placed
on electronic monitoring pursuant to subsection 1 of section 544.455 or subsection
6 of section 557.011, with such terms and conditions as a court shall deem just
and appropriate under the circumstances.

5 2. A judge may, in his or her discretion, credit any such period of 6 electronic monitoring against any period of confinement or incarceration ordered, 7 however, electronic monitoring shall not be considered to be in custody or 8 incarceration for purposes of eligibility for the MO HealthNet program, nor shall 9 it be considered confinement in a correctional center or private or county jail for 10 purposes of determining responsibility for the individual's health care.

11 3. This section shall not authorize a court to place an individual on 12 electronic monitoring in lieu of the required imprisonment, community service, 13 or court-ordered treatment program involving community service, if that 14 individual is a prior, persistent, aggravated, [or] chronic, or habitual offender 15 sentenced pursuant to section [577.023] 577.001 or section 577.023 as it 16 existed prior to January 1, 2017.

221.111. 1. [No person shall knowingly deliver, attempt to deliver, have
in such person's possession, deposit or conceal in or about the premises of any
county or private jail or other county correctional facility] A person commits
the offense of possession of unlawful items in a prison or jail if such

5 person knowingly delivers, attempts to deliver, possesses, deposits, or
6 conceals in or about the premises of any correctional center as the term
7 "correctional center" is defined under section 217.010, or any city,

8 county, or private jail:

9 (1) Any controlled substance as that term is defined by law, except upon 10 the written prescription of a licensed physician, dentist, or veterinarian;

(2) Any other alkaloid of any kind or any [spiritous or malt] intoxicating
 liquor as the term intoxicating liquor is defined in section 311.020;

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

17(4) Any gun, knife, weapon, or other article or item of personal property that may be used in such manner as to endanger the safety or security of the 18 19 institution or as to endanger the life or limb of any prisoner or employee thereof. 202. The violation of subdivision (1) of subsection 1 of this section shall be a class C felony; the violation of subdivision (2) of this section shall be a class D 2122felony; the violation of subdivision (3) of this section shall be a class A 23misdemeanor; and the violation of subdivision (4) of this section shall be a class 24B felony.

253. The chief operating officer of a county or city jail or other [county] 26correctional facility or the administrator of a private jail may deny visitation 27privileges to or refer to the county prosecuting attorney for prosecution any 28person who knowingly delivers, attempts to deliver, [has in such person's 29possession] possesses, deposits, or conceals in or about the premises of such jail 30 or facility any personal item which is prohibited by rule or regulation of such jail 31or facility. Such rules or regulations, including a list of personal items allowed in the jail or facility, shall be prominently posted for viewing both inside and 32outside such jail or facility in an area accessible to any visitor, and shall be made 33 available to any person requesting such rule or regulation. Violation of this 34subsection shall be an infraction if not covered by other statutes. 35

4. Any person who has been found guilty of a violation of subdivision (2) of subsection 1 of this section involving any alkaloid shall be entitled to expungement of the record of the violation. The procedure to expunge the record shall be pursuant to section 610.123. The record of any person shall not be expunged if such person SS SCS SB 491

has been found guilty of knowingly delivering, attempting to deliver,
possessing, depositing, or concealing any alkaloid of any controlled
substance in or about the premises of any correctional center, or city
or county jail, or private prison or jail.

260.211. 1. A person commits the offense of criminal disposition of $\mathbf{2}$ demolition waste if he purposely or knowingly disposes of or causes the disposal 3 of more than two thousand pounds or four hundred cubic feet of such waste on property in this state other than in a solid waste processing facility or solid waste 4 disposal area having a permit as required by section 260.205; provided that, this 56 subsection shall not prohibit the use or require a solid waste permit for the use 7of solid wastes in normal farming operations or in the processing or manufacturing of other products in a manner that will not create a public 8 nuisance or adversely affect public health and shall not prohibit the disposal of 9 10 or require a solid waste permit for the disposal by an individual of solid wastes resulting from his or her own residential activities on property owned or lawfully 11 12occupied by him or her when such wastes do not thereby create a public nuisance or adversely affect the public health. Demolition waste shall not include clean 1314 fill or vegetation. Criminal disposition of demolition waste is a class D felony. In 15addition to other penalties prescribed by law, a person convicted of criminal disposition of demolition waste is subject to a fine not to exceed twenty thousand 16 17dollars, except as provided below. The magnitude of the fine shall reflect the 18 seriousness or potential seriousness of the threat to human health and the 19environment posed by the violation, but shall not exceed twenty thousand dollars, 20except that if a court of competent jurisdiction determines that the person 21responsible for illegal disposal of demolition waste under this subsection did so 22for remuneration as a part of an ongoing commercial activity, the court shall set 23a fine which reflects the seriousness or potential threat to human health and the 24environment which at least equals the economic gain obtained by the person, and such fine may exceed the maximum established herein. 25

26 2. Any person who purposely or knowingly disposes of or causes the 27 disposal of more than two thousand pounds or four hundred cubic feet of his or 28 her personal construction or demolition waste on his or her own property shall 29 be guilty of a class **[C] D** misdemeanor. If such person receives any amount of 30 money, goods, or services in connection with permitting any other person to 31 dispose of construction or demolition waste on his or her property, such person 32 shall be guilty of a class D felony. 33 3. The court shall order any person convicted of illegally disposing of 34 demolition waste upon his **or her** own property for remuneration to clean up 35 such waste and, if he **or she** fails to clean up the waste or if he **or she** is unable 36 to clean up the waste, the court may notify the county recorder of the county 37 containing the illegal disposal site. The notice shall be designed to be recorded 38 on the record.

39 4. The court may order restitution by requiring any person convicted 40 under this section to clean up any demolition waste he illegally dumped and the 41 court may require any such person to perform additional community service by 42 cleaning up and properly disposing of demolition waste illegally dumped by other 43 persons.

5. The prosecutor of any county or circuit attorney of any city not within a county may, by information or indictment, institute a prosecution for any violation of the provisions of this section.

6. Any person shall be guilty of conspiracy as defined in section 564.016
if he or she knows or should have known that his or her agent or employee has
committed the acts described in sections 260.210 to 260.212 while engaged in the
course of employment.

302.020. 1. Unless otherwise provided for by law, it shall be unlawful for2 any person, except those expressly exempted by section 302.080, to:

3 (1) Operate any vehicle upon any highway in this state unless the person4 has a valid license;

5 (2) Operate a motorcycle or motortricycle upon any highway of this state 6 unless such person has a valid license that shows the person has successfully 7 passed an examination for the operation of a motorcycle or motortricycle as 8 prescribed by the director. The director may indicate such upon a valid license 9 issued to such person, or shall issue a license restricting the applicant to the 10 operation of a motorcycle or motortricycle if the actual demonstration, required 11 by section 302.173, is conducted on such vehicle;

12 (3) Authorize or knowingly permit a motorcycle or motortricycle owned by 13 such person or under such person's control to be driven upon any highway by any 14 person whose license does not indicate that the person has passed the 15 examination for the operation of a motorcycle or motortricycle or has been issued 16 an instruction permit therefor;

17 (4) Operate a motor vehicle with an instruction permit or license issued18 to another person.

2. Every person operating or riding as a passenger on any motorcycle or motortricycle, as defined in section 301.010, upon any highway of this state shall wear protective headgear at all times the vehicle is in motion. The protective headgear shall meet reasonable standards and specifications established by the director.

243. Notwithstanding the provisions of section 302.340 any person convicted 25of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a 26misdemeanor. A first violation of subdivision (1) or (2) of subsection 1 of this 27section shall be punishable [by a fine not to exceed three hundred dollars] as a class D misdemeanor. A second violation of subdivision (1) or (2) of subsection 281 of this section shall be punishable [by imprisonment in the county jail for a 2930 term not to exceed one year and/or a fine not to exceed one thousand dollars] as a class A misdemeanor. Any person convicted a third or subsequent time of 3132violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class 33 D felony. Notwithstanding the provisions of section 302.340, violation of 34 subdivisions (3) and (4) of subsection 1 of this section is a misdemeanor, the first 35 violation punishable [by a fine not to exceed three hundred dollars] as a class **D** misdemeanor, a second or subsequent violation of this section punishable as 36 a class C misdemeanor, and the penalty for failure to wear protective headgear 37 as required by subsection 2 of this section is an infraction for which a fine not to 38 39 exceed twenty-five dollars may be imposed. Notwithstanding all other provisions of law and court rules to the contrary, no court costs shall be imposed upon any 40 person due to such violation. No points shall be assessed pursuant to section 41 42302.302 for a failure to wear such protective headgear. Prior pleas of guilty and 43prior findings of guilty shall be pleaded and proven in the same manner as required by section 558.021. 44

302.060. 1. The director shall not issue any license and shall immediately2 deny any driving privilege:

3 (1) To any person who is under the age of eighteen years, if such person
4 operates a motor vehicle in the transportation of persons or property as classified
5 in section 302.015;

6 (2) To any person who is under the age of sixteen years, except as 7 hereinafter provided;

8 (3) To any person whose license has been suspended, during such 9 suspension, or to any person whose license has been revoked, until the expiration 10 of one year after such license was revoked; 11 (4) To any person who is an habitual drunkard or is addicted to the use12 of narcotic drugs;

13 (5) To any person who has previously been adjudged to be incapacitated14 and who at the time of application has not been restored to partial capacity;

15 (6) To any person who, when required by this law to take an examination,16 has failed to pass such examination;

17 (7) To any person who has an unsatisfied judgment against such person,
18 as defined in chapter 303, until such judgment has been satisfied or the financial
19 responsibility of such person, as [defined] described in section 303.120, has been
20 established;

(8) To any person whose application shows that the person has been
convicted within one year prior to such application of violating the laws of this
state relating to failure to stop after an accident and to disclose the person's
identity or driving a motor vehicle without the owner's consent;

25(9) To any person who has been convicted more than twice of violating 26state law, or a county or municipal ordinance where the defendant was 27represented by or waived the right to an attorney in writing, relating to driving while intoxicated; except that, after the expiration of ten years from the date of 2829conviction of the last offense of violating such law or ordinance relating to driving 30 while intoxicated, a person who was so convicted may petition the circuit court 31of the county in which such last conviction was rendered and the court shall review the person's habits and conduct since such conviction, including the 32results of a criminal history check as defined in section 302.010. If the court 33 34finds that the petitioner has not been [convicted, pled guilty to or been] found 35guilty of, and has no pending charges for any offense related to alcohol, controlled substances or drugs and has no other alcohol-related enforcement contacts as 36 37defined in section 302.525 during the preceding ten years and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to 38 the public safety of this state, the court shall order the director to issue a license 39 to the petitioner if the petitioner is otherwise qualified pursuant to the provisions 40 of sections 302.010 to 302.540. No person may obtain a license pursuant to the 41 42provisions of this subdivision through court action more than one time;

(10) To any person who has [pled guilty to or been convicted of the crime
of involuntary manslaughter while operating a motor vehicle in an intoxicated
condition] been found guilty of acting with criminal negligence while
driving while intoxicated to cause the death of another person, or to any

47person who has been convicted twice within a five-year period of violating state 48 law, county or municipal ordinance of driving while intoxicated, or any other 49 intoxication-related traffic offense as defined in section [577.023] 577.001, except 50that, after the expiration of five years from the date of conviction of the last offense of violating such law or ordinance, a person who was so convicted may 5152petition the circuit court of the county in which such last conviction was rendered 53and the court shall review the person's habits and conduct since such conviction, 54including the results of a criminal history check as defined in section 302.010. If the court finds that the petitioner has not been [convicted, pled guilty to, or been] 5556found guilty of, and has no pending charges for any offense related to alcohol, controlled substances, or drugs and has no other alcohol-related enforcement 57contacts as defined in section 302.525 during the preceding five years, and that 58the petitioner's habits and conduct show such petitioner to no longer pose a 5960 threat to the public safety of this state, the court shall order the director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the 61 62 provisions of sections 302.010 to 302.540;

63 (11) To any person who is otherwise disqualified pursuant to the 64 provisions of sections 302.010 to 302.780, chapter 303, or section 544.046;

65 (12) To any person who is under the age of eighteen years, if such person's parents or legal guardians file a certified document with the department of 66 67 revenue stating that the director shall not issue such person a driver's license. Each document filed by the person's parents or legal guardians shall be 68 69 made upon a form furnished by the director and shall include identifying 70information of the person for whom the parents or legal guardians are denying 71the driver's license. The document shall also contain identifying information of 72the person's parents or legal guardians. The document shall be certified by the parents or legal guardians to be true and correct. This provision shall not apply 73to any person who is legally emancipated. The parents or legal guardians may 74later file an additional document with the department of revenue which 75reinstates the person's ability to receive a driver's license. 76

2. Any person whose license is reinstated under the provisions of subdivision (9) or (10) of subsection 1 of this section shall be required to file proof with the director of revenue that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required for condition of reinstatement. The ignition interlock device required for reinstatement under this subsection and for obtaining a limited driving privilege 83 under paragraph (a) or (b) of subdivision (8) of subsection 3 of section 302.309 84 shall have a photo identification technology [and global positioning system 85 features] feature, and a court may require a global positioning system 86 feature for such device. The ignition interlock device shall further be required to be maintained on all motor vehicles operated by the person for a period of not 87 88 less than six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has registered 89 90 any confirmed blood alcohol concentration readings above the alcohol setpoint 91 established by the department of transportation or that the person has tampered 92 with or circumvented the ignition interlock device, then the period for which the person must maintain the ignition interlock device following the date of 93 94 reinstatement shall be extended for an additional six months. If the person fails 95to maintain such proof with the director, the license shall be suspended for the 96 remainder of the six-month period or until proof as required by this section is 97 filed with the director. Upon the completion of the six-month period, the license 98 shall be shown as reinstated, if the person is otherwise eligible.

99 3. Any person who petitions the court for reinstatement of his or her license pursuant to subdivision (9) or (10) of subsection 1 of this section shall 100 make application with the Missouri state highway patrol as provided in section 101 102 43.540, and shall submit two sets of fingerprints collected pursuant to standards as determined by the highway patrol. One set of fingerprints shall be used by the 103 highway patrol to search the criminal history repository and the second set shall 104 be forwarded to the Federal Bureau of Investigation for searching the federal 105106 criminal history files. At the time of application, the applicant shall supply to the 107highway patrol the court name and case number for the court where he or she has 108 filed his or her petition for reinstatement. The applicant shall pay the fee for the 109state criminal history check pursuant to section 43.530 and pay the appropriate fee determined by the Federal Bureau of Investigation for the federal criminal 110 history record. The Missouri highway patrol, upon receipt of the results of the 111 112criminal history check, shall forward a copy of the results to the circuit court designated by the applicant and to the department. Notwithstanding the 113provisions of section 610.120, all records related to any criminal history check 114 shall be accessible and available to the director and the court. 115

[302.060. 1. The director shall not issue any license and shall immediately deny any driving privilege:

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 $\mathbf{2}$

(1) To any person who is under the age of eighteen years,

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SS SCS SB 491 1134 if such person operates a motor vehicle in the transportation of $\mathbf{5}$ persons or property as classified in section 302.015; 6 (2) To any person who is under the age of sixteen years, 7 except as hereinafter provided; 8 (3) To any person whose license has been suspended, during 9 such suspension, or to any person whose license has been revoked, 10 until the expiration of one year after such license was revoked; 11 (4) To any person who is an habitual drunkard or is 12 addicted to the use of narcotic drugs; 13 (5) To any person who has previously been adjudged to be incapacitated and who at the time of application has not been 1415restored to partial capacity; 16(6) To any person who, when required by this law to take 17an examination, has failed to pass such examination; 18 (7) To any person who has an unsatisfied judgment against 19such person, as defined in chapter 303, until such judgment has 20been satisfied or the financial responsibility of such person, as 21defined in section 303.120, has been established; 22(8) To any person whose application shows that the person 23has been convicted within one year prior to such application of 24violating the laws of this state relating to failure to stop after an accident and to disclose the person's identity or driving a motor 2526 vehicle without the owner's consent; 27(9) To any person who has been convicted more than twice 28of violating state law, or a county or municipal ordinance where the 29defendant was represented by or waived the right to an attorney in 30 writing, relating to driving while intoxicated; except that, after the 31 expiration of ten years from the date of conviction of the last 32offense of violating such law or ordinance relating to driving while 33 intoxicated, a person who was so convicted may petition the circuit court of the county in which such last conviction was rendered and 3435 the court shall review the person's habits and conduct since such conviction, including the results of a criminal history check as 36

38 not been convicted, pled guilty to or been found guilty of, and has 39 no pending charges for any offense related to alcohol, controlled

defined in section 302.010. If the court finds that the petitioner has

40 substances or drugs and has no other alcohol-related enforcement 41 contacts as defined in section 302.525 during the preceding ten 42 years and that the petitioner's habits and conduct show such 43petitioner to no longer pose a threat to the public safety of this state, the court may order the director to issue a license to the 44 45petitioner if the petitioner is otherwise qualified pursuant to the 46 provisions of sections 302.010 to 302.540. No person may obtain a 47license pursuant to the provisions of this subdivision through court 48 action more than one time;

49 (10) To any person who has pled guilty to or been convicted of the crime of involuntary manslaughter while operating a motor 5051vehicle in an intoxicated condition, or to any person who has been 52convicted twice within a five-year period of violating state law, 53county or municipal ordinance of driving while intoxicated, or any 54other intoxication-related traffic offense as defined in section 55577.023, except that, after the expiration of five years from the date 56 of conviction of the last offense of violating such law or ordinance, 57a person who was so convicted may petition the circuit court of the 58county in which such last conviction was rendered and the court shall review the person's habits and conduct since such conviction, 5960 including the results of a criminal history check as defined in section 302.010. If the court finds that the petitioner has not been 61 62 convicted, pled guilty to, or been found guilty of, and has no 63 pending charges for any offense related to alcohol, controlled 64 substances, or drugs and has no other alcohol-related enforcement contacts as defined in section 302.525 during the preceding five 6566 years, and that the petitioner's habits and conduct show such 67 petitioner to no longer pose a threat to the public safety of this 68 state, the court may order the director to issue a license to the 69 petitioner if the petitioner is otherwise qualified pursuant to the 70provisions of sections 302.010 to 302.540;

(11) To any person who is otherwise disqualified pursuant
to the provisions of sections 302.010 to 302.780, chapter 303, or
section 544.046;

74 (12) To any person who is under the age of eighteen years,
75 if such person's parents or legal guardians file a certified document

76 with the department of revenue stating that the director shall not 77issue such person a driver's license. Each document filed by the 78 person's parents or legal guardians shall be made upon a form 79 furnished by the director and shall include identifying information 80 of the person for whom the parents or legal guardians are denving 81 the driver's license. The document shall also contain identifying 82 information of the person's parents or legal guardians. The 83 document shall be certified by the parents or legal guardians to be 84 true and correct. This provision shall not apply to any person who is legally emancipated. The parents or legal guardians may later 85 file an additional document with the department of revenue which 86 87 reinstates the person's ability to receive a driver's license.

88 2. Any person whose license is reinstated under the 89 provisions of subdivisions (9) and (10) of subsection 1 of this section 90 shall be required to file proof with the director of revenue that any 91 motor vehicle operated by the person is equipped with a 92 functioning, certified ignition interlock device as a required 93 condition of reinstatement. The ignition interlock device required 94 for reinstatement under this subsection and for obtaining a limited driving privilege under paragraph (a) or (b) of subdivision (8) of 95 subsection 3 of section 302.309 shall have photo identification 96 97 technology and global positioning system features. The ignition 98 interlock device shall further be required to be maintained on all 99 motor vehicles operated by the person for a period of not less than 100 six months immediately following the date of reinstatement. If the 101 monthly monitoring reports show that the ignition interlock device 102 has registered any confirmed blood alcohol concentration readings 103 above the alcohol setpoint established by the department of 104 transportation or that the person has tampered with or 105 circumvented the ignition interlock device, then the period for which the person must maintain the ignition interlock device 106 107 following the date of reinstatement shall be extended for an 108 additional six months. If the person fails to maintain such proof 109 with the director, the license shall be suspended for the remainder 110 of the six-month period or until proof as required by this section is filed with the director. Upon the completion of the six-month 111

period, the license shall be shown as reinstated, if the person isotherwise eligible.

3. Any person who petitions the court for reinstatement of 114 115his or her license pursuant to subdivision (9) or (10) of subsection 116 1 of this section shall make application with the Missouri state 117 highway patrol as provided in section 43.540, and shall submit two 118 sets of fingerprints collected pursuant to standards as determined 119 by the highway patrol. One set of fingerprints shall be used by the 120 highway patrol to search the criminal history repository and the second set shall be forwarded to the Federal Bureau of 121122Investigation for searching the federal criminal history files. At 123the time of application, the applicant shall supply to the highway 124patrol the court name and case number for the court where he or 125she has filed his or her petition for reinstatement. The applicant 126 shall pay the fee for the state criminal history check pursuant to 127section 43.530 and pay the appropriate fee determined by the 128Federal Bureau of Investigation for the federal criminal history 129record. The Missouri highway patrol, upon receipt of the results of 130the criminal history check, shall forward a copy of the results to the circuit court designated by the applicant and to the 131department. Notwithstanding the provisions of section 610.120, all 132133 records related to any criminal history check shall be accessible 134and available to the director and the court.]

302.304. 1. The director shall notify by ordinary mail any operator of the point value charged against the operator's record when the record shows four or more points have been accumulated in a twelve-month period.

2. In an action to suspend or revoke a license or driving privilege under
this section points shall be accumulated on the date of conviction. No case file
of any conviction for a driving violation for which points may be assessed
pursuant to section 302.302 may be closed until such time as a copy of the record
of such conviction is forwarded to the department of revenue.

9 3. The director shall suspend the license and driving privileges of any
10 person whose driving record shows the driver has accumulated eight points in
11 eighteen months.

4. The license and driving privilege of any person whose license anddriving privilege have been suspended under the provisions of sections 302.010

to 302.540 except those persons whose license and driving privilege have been suspended under the provisions of subdivision (8) of subsection 1 of section 302.302 or has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 and who has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, and is otherwise eligible, shall be reinstated as follows:

20 (1) In the case of an initial suspension, thirty days after the effective date21 of the suspension;

(2) In the case of a second suspension, sixty days after the effective dateof the suspension;

(3) In the case of the third and subsequent suspensions, ninety days afterthe effective date of the suspension.

26 Unless proof of financial responsibility is filed with the department of revenue,27 a suspension shall continue in effect for two years from its effective date.

285. The period of suspension of the driver's license and driving privilege of 29any person under the provisions of subdivision (8) of subsection 1 of section 30 302.302 or who has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 shall be thirty days, 3132followed by a sixty-day period of restricted driving privilege as defined in section 302.010. Upon completion of such period of restricted driving privilege, upon 33 34compliance with other requirements of law and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, 35 the license and driving privilege shall be reinstated. If a person, otherwise 36 37 subject to the provisions of this subsection, files proof of installation with the 38 department of revenue that any vehicle operated by such person is equipped with a functioning, certified ignition interlock device, there shall be no period of 39 suspension. However, in lieu of a suspension the person shall instead complete 40 a ninety-day period of restricted driving privilege. If the person fails to maintain 41 42such proof of the device with the director of revenue as required, the restricted driving privilege shall be terminated. Upon completion of such ninety-day period 43of restricted driving privilege, upon compliance with other requirements of law, 44 and upon filing of proof of financial responsibility with the department of 45revenue, in accordance with chapter 303, the license and driving privilege shall 46 be reinstated. However, if the monthly monitoring reports during such 47 ninety-day period indicate that the ignition interlock device has registered a 48confirmed blood alcohol concentration level above the alcohol setpoint established 49

50 by the department of transportation or such reports indicate that the ignition 51 interlock device has been tampered with or circumvented, then the license and 52 driving privilege of such person shall not be reinstated until the person completes 53 an additional thirty-day period of restricted driving privilege.

6. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, or, if applicable, if the person fails to maintain proof that any vehicle operated is equipped with a functioning, certified ignition interlock device installed pursuant to subsection 5 of this section, the person's driving privilege and license shall be resuspended.

597. The director shall revoke the license and driving privilege of any person when the person's driving record shows such person has accumulated twelve 60 61 points in twelve months or eighteen points in twenty-four months or twenty-four 62 points in thirty-six months. The revocation period of any person whose license 63 and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 and who has filed proof of financial responsibility with the department 64 65of revenue in accordance with chapter 303 and is otherwise eligible, shall be 66 terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed 67 with the department of revenue, except as provided in subsection 2 of section 68 302.541, the revocation shall remain in effect for a period of two years from its 69 effective date. If the person fails to maintain proof of financial responsibility in 70 accordance with chapter 303, the person's license and driving privilege shall be 71rerevoked. Any person whose license and driving privilege have been revoked 7273under the provisions of sections 302.010 to 302.540 shall, upon receipt of the 74notice of termination of the revocation from the director, pass the complete driver examination and apply for a new license before again operating a motor vehicle 75upon the highways of this state. 76

8. If, prior to conviction for an offense that would require suspension or revocation of a person's license under the provisions of this section, the person's total points accumulated are reduced, pursuant to the provisions of section 302.306, below the number of points required for suspension or revocation pursuant to the provisions of this section, then the person's license shall not be suspended or revoked until the necessary points are again obtained and accumulated.

9. If any person shall neglect or refuse to surrender the person's license, as provided herein, the director shall direct the state highway patrol or any peace 86 or police officer to secure possession thereof and return it to the director.

87 10. Upon the issuance of a reinstatement or termination notice after a 88 suspension or revocation of any person's license and driving privilege under the provisions of sections 302.010 to 302.540, the accumulated point value shall be 89 90 reduced to four points, except that the points of any person serving as a member 91 of the Armed Forces of the United States outside the limits of the United States 92 during a period of suspension or revocation shall be reduced to zero upon the date 93 of the reinstatement or termination of notice. It shall be the responsibility of 94 such member of the Armed Forces to submit copies of official orders to the 95 director of revenue to substantiate such overseas service. Any other provision of sections 302.010 to 302.540 to the contrary notwithstanding, the effective date of 96 97 the four points remaining on the record upon reinstatement or termination shall 98 be the date of the reinstatement or termination notice.

99 11. No credit toward reduction of points shall be given during periods of
100 suspension or revocation or any period of driving under a limited driving privilege
101 granted by a court or the director of revenue.

102 12. Any person or nonresident whose license or privilege to operate a 103 motor vehicle in this state has been suspended or revoked under this or any other 104 law shall, before having the license or privilege to operate a motor vehicle 105 reinstated, pay to the director a reinstatement fee of twenty dollars which shall 106 be in addition to all other fees provided by law.

107 13. Notwithstanding any other provision of law to the contrary, if after 108 two years from the effective date of any suspension or revocation issued under 109 this chapter, except any suspension or revocation issued under section 110 302.410, 302.462, or 302.574, the person or nonresident has not paid the 111 reinstatement fee of twenty dollars, the director shall reinstate such license or 112privilege to operate a motor vehicle in this state. Any person who has had his 113or her license suspended or revoked under section 302.410, 302.462, or 114 302.574, shall be required to pay the reinstatement fee.

115 14. No person who has had a license to operate a motor vehicle suspended 116 or revoked as a result of an assessment of points for a violation under subdivision 117 (8), (9) or (10) of subsection 1 of section 302.302 shall have that license reinstated 118 until such person has participated in and successfully completed a substance 119 abuse traffic offender program defined in section 302.010, or a program 120 determined to be comparable by the department of mental health. Assignment 121 recommendations, based upon the needs assessment as described in subdivision SS SCS SB 491

122(24) of section 302.010, shall be delivered in writing to the person with written 123notice that the person is entitled to have such assignment recommendations 124 reviewed by the court if the person objects to the recommendations. The person 125may file a motion in the associate division of the circuit court of the county in 126 which such assignment was given, on a printed form provided by the state courts 127administrator, to have the court hear and determine such motion pursuant to the 128provisions of chapter 517. The motion shall name the person or entity making 129the needs assessment as the respondent and a copy of the motion shall be served 130 upon the respondent in any manner allowed by law. Upon hearing the motion, 131the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the 132133 person's driving record, the circumstances surrounding the offense, and the 134likelihood of the person committing a like offense in the future, except that the 135court may modify but may not waive the assignment to an education or 136 rehabilitation program of a person determined to be a prior or persistent offender as defined in section [577.023] 577.001 or of a person determined to have 137138operated a motor vehicle with fifteen-hundredths of one percent or more by 139weight in such person's blood. Compliance with the court determination of the 140motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal 141 142appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court. 143

14415. The fees for the program authorized in subsection 14 of this section, 145or a portion thereof to be determined by the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the 146147program shall pay, in addition to any fee charged for the program, a supplemental fee in an amount to be determined by the department of mental health for the 148purposes of funding the substance abuse traffic offender program defined in 149section 302.010 [and section 577.001] or a program determined to be comparable 150by the department of mental health. The administrator of the program shall 151remit to the division of alcohol and drug abuse of the department of mental 152health on or before the fifteenth day of each month the supplemental fee for all 153persons enrolled in the program, less two percent for administrative 154155costs. Interest shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall 156accrue at a rate not to exceed the annual rate established pursuant to the 157

158 provisions of section 32.065, plus three percentage points. The supplemental fees 159 and any interest received by the department of mental health pursuant to this 160 section shall be deposited in the mental health earnings fund which is created in 161 section 630.053.

16216. Any administrator who fails to remit to the division of alcohol and 163drug abuse of the department of mental health the supplemental fees and interest 164 for all persons enrolled in the program pursuant to this section shall be subject 165to a penalty equal to the amount of interest accrued on the supplemental fees due 166 the division pursuant to this section. If the supplemental fees, interest, and 167penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney 168169general of the state of Missouri shall initiate appropriate action of the collection 170of said fees and interest accrued. The court shall assess attorney fees and court 171costs against any delinquent program.

17217. Any person who has had a license to operate a motor vehicle 173suspended or revoked as a result of an assessment of points for a conviction for 174an intoxication-related traffic offense as defined under section [577.023] 577.001, 175and who has a prior alcohol-related enforcement contact as defined under section 176302.525, shall be required to file proof with the director of revenue that any motor 177vehicle operated by the person is equipped with a functioning, certified ignition 178interlock device as a required condition of reinstatement of the license. The ignition interlock device shall further be required to be maintained on all motor 179 180 vehicles operated by the person for a period of not less than six months 181 immediately following the date of reinstatement. If the monthly monitoring 182reports show that the ignition interlock device has registered any confirmed blood 183 alcohol concentration readings above the alcohol setpoint established by the 184 department of transportation or that the person has tampered with or 185circumvented the ignition interlock device, then the period for which the person 186 must maintain the ignition interlock device following the date of reinstatement shall be extended for an additional six months. If the person fails to maintain 187 such proof with the director, the license shall be resuspended or revoked and the 188 189person shall be guilty of a class A misdemeanor.

[302.304. 1. The director shall notify by ordinary mail any operator of the point value charged against the operator's record when the record shows four or more points have been accumulated in a twelve-month period.

52. In an action to suspend or revoke a license or driving 6 privilege under this section points shall be accumulated on the date 7 of conviction. No case file of any conviction for a driving violation 8 for which points may be assessed pursuant to section 302.302 may 9 be closed until such time as a copy of the record of such conviction 10 is forwarded to the department of revenue. 11 3. The director shall suspend the license and driving 12privileges of any person whose driving record shows the driver has 13 accumulated eight points in eighteen months. 144. The license and driving privilege of any person whose license and driving privilege have been suspended under the 15provisions of sections 302.010 to 302.540 except those persons 16 17whose license and driving privilege have been suspended under the 18 provisions of subdivision (8) of subsection 1 of section 302.302 or 19 has accumulated sufficient points together with a conviction under 20subdivision (10) of subsection 1 of section 302.302 and who has 21filed proof of financial responsibility with the department of 22revenue, in accordance with chapter 303, and is otherwise eligible, shall be reinstated as follows: 2324(1) In the case of an initial suspension, thirty days after the 25effective date of the suspension; 26(2) In the case of a second suspension, sixty days after the 27effective date of the suspension; 28(3) In the case of the third and subsequent suspensions, 29ninety days after the effective date of the suspension. 30 Unless proof of financial responsibility is filed with the department 31of revenue, a suspension shall continue in effect for two years from 32its effective date. 33 5. The period of suspension of the driver's license and 34driving privilege of any person under the provisions of subdivision (8) of subsection 1 of section 302.302 or who has accumulated 3536 sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 shall be thirty days, followed by 3738 a sixty-day period of restricted driving privilege as defined in 39 section 302.010. Upon completion of such period of restricted

40 driving privilege, upon compliance with other requirements of law

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41 and upon filing of proof of financial responsibility with the 42department of revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated. If a person, otherwise 43subject to the provisions of this subsection, files proof of 44installation with the department of revenue that any vehicle 4546 operated by such person is equipped with a functioning, certified 47ignition interlock device, then the period of suspension shall be 48fifteen days, followed by a seventy-five day period of restricted 49 driving privilege. If the person fails to maintain such proof of the 50device with the director of revenue as required, the restricted driving privilege shall be terminated. Upon completion of such 5152seventy-five day period of restricted driving privilege, upon 53compliance with other requirements of law, and upon filing of proof 54of financial responsibility with the department of revenue, in accordance with chapter 303, the license and driving privilege shall 5556be reinstated. However, if the monthly monitoring reports during 57such seventy-five day period indicate that the ignition interlock 58device has registered a blood alcohol concentration level above the 59alcohol setpoint established by the department of transportation or 60 such reports indicate that the ignition interlock device has been 61 tampered with or circumvented, then the license and driving 62 privilege of such person shall not be reinstated until the person 63 completes an additional seventy-five day period of restricted 64 driving privilege without any such violations.

65 6. If the person fails to maintain proof of financial 66 responsibility in accordance with chapter 303, or, if applicable, if 67 the person fails to maintain proof that any vehicle operated is 68 equipped with a functioning, certified ignition interlock device 69 installed pursuant to subsection 5 of this section, the person's 70 driving privilege and license shall be resuspended.

71 7. The director shall revoke the license and driving 72 privilege of any person when the person's driving record shows 73 such person has accumulated twelve points in twelve months or 74 eighteen points in twenty-four months or twenty-four points in 75 thirty-six months. The revocation period of any person whose 76 license and driving privilege have been revoked under the 77provisions of sections 302.010 to 302.540 and who has filed proof of 78 financial responsibility with the department of revenue in 79 accordance with chapter 303 and is otherwise eligible, shall be 80 terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial 81 82 responsibility is filed with the department of revenue, except as 83 provided in subsection 2 of section 302.541, the revocation shall 84 remain in effect for a period of two years from its effective date. If 85 the person fails to maintain proof of financial responsibility in accordance with chapter 303, the person's license and driving 86 privilege shall be rerevoked. Any person whose license and driving 87 88 privilege have been revoked under the provisions of sections 89 302.010 to 302.540 shall, upon receipt of the notice of termination 90 of the revocation from the director, pass the complete driver examination and apply for a new license before again operating a 91 92 motor vehicle upon the highways of this state.

93 8. If, prior to conviction for an offense that would require 94 suspension or revocation of a person's license under the provisions 95of this section, the person's total points accumulated are reduced, pursuant to the provisions of section 302.306, below the number of 96 97 points required for suspension or revocation pursuant to the 98 provisions of this section, then the person's license shall not be 99 suspended or revoked until the necessary points are again obtained 100 and accumulated.

9. If any person shall neglect or refuse to surrender the
person's license, as provided herein, the director shall direct the
state highway patrol or any peace or police officer to secure
possession thereof and return it to the director.

10510. Upon the issuance of a reinstatement or termination 106 notice after a suspension or revocation of any person's license and 107 driving privilege under the provisions of sections 302.010 to 108 302.540, the accumulated point value shall be reduced to four 109 points, except that the points of any person serving as a member 110 of the Armed Forces of the United States outside the limits of the 111 United States during a period of suspension or revocation shall be 112 reduced to zero upon the date of the reinstatement or termination

of notice. It shall be the responsibility of such member of the Armed Forces to submit copies of official orders to the director of revenue to substantiate such overseas service. Any other provision of sections 302.010 to 302.540 to the contrary notwithstanding, the effective date of the four points remaining on the record upon reinstatement or termination shall be the date of the reinstatement or termination notice.

120 11. No credit toward reduction of points shall be given
121 during periods of suspension or revocation or any period of driving
122 under a limited driving privilege granted by a court or the director
123 of revenue.

124 12. Any person or nonresident whose license or privilege to 125 operate a motor vehicle in this state has been suspended or revoked 126 under this or any other law shall, before having the license or 127 privilege to operate a motor vehicle reinstated, pay to the director 128 a reinstatement fee of twenty dollars which shall be in addition to 129 all other fees provided by law.

130 13. Notwithstanding any other provision of law to the 131 contrary, if after two years from the effective date of any 132 suspension or revocation issued under this chapter, the person or 133 nonresident has not paid the reinstatement fee of twenty dollars, 134 the director shall reinstate such license or privilege to operate a 135 motor vehicle in this state.

136 14. No person who has had a license to operate a motor 137 vehicle suspended or revoked as a result of an assessment of points 138 for a violation under subdivision (8), (9) or (10) of subsection 1 of 139 section 302.302 shall have that license reinstated until such person 140has participated in and successfully completed a substance abuse 141 traffic offender program defined in section 302.010, or a program 142determined to be comparable by the department of mental health. Assignment recommendations, based upon the needs 143assessment as described in subdivision (22) of section 302.010, 144shall be delivered in writing to the person with written notice that 145146 the person is entitled to have such assignment recommendations 147reviewed by the court if the person objects to the 148 recommendations. The person may file a motion in the associate

149division of the circuit court of the county in which such assignment was given, on a printed form provided by the state courts 150151administrator, to have the court hear and determine such motion 152pursuant to the provisions of chapter 517. The motion shall name the person or entity making the needs assessment as the 153154respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the 155motion, the court may modify or waive any assignment 156recommendation that the court determines to be unwarranted 157 based upon a review of the needs assessment, the person's driving 158159record, the circumstances surrounding the offense, and the 160 likelihood of the person committing a like offense in the future, 161 except that the court may modify but may not waive the 162 assignment to an education or rehabilitation program of a person 163 determined to be a prior or persistent offender as defined in section 577.023 or of a person determined to have operated a motor vehicle 164 165with fifteen-hundredths of one percent or more by weight in such 166 person's blood. Compliance with the court determination of the 167motion shall satisfy the provisions of this section for the purpose 168 of reinstating such person's license to operate a motor vehicle. The 169 respondent's personal appearance at any hearing conducted 170 pursuant to this subsection shall not be necessary unless directed 171by the court.

17215. The fees for the program authorized in subsection 14 of 173this section, or a portion thereof to be determined by the 174department of mental health, shall be paid by the person enrolled 175in the program. Any person who is enrolled in the program shall 176 pay, in addition to any fee charged for the program, a supplemental 177fee in an amount to be determined by the department of mental health for the purposes of funding the substance abuse traffic 178 179offender program defined in section 302.010 and section 577.001 or 180 a program determined to be comparable by the department of 181 mental health. The administrator of the program shall remit to the 182 division of alcohol and drug abuse of the department of mental 183 health on or before the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less two 184

185percent for administrative costs. Interest shall be charged on any 186 unpaid balance of the supplemental fees due the division of alcohol 187 and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rate established pursuant to the 188 provisions of section 32.065, plus three percentage points. The 189 190supplemental fees and any interest received by the department of 191 mental health pursuant to this section shall be deposited in the 192 mental health earnings fund which is created in section 630.053.

193 16. Any administrator who fails to remit to the division of 194 alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the 195196 program pursuant to this section shall be subject to a penalty equal 197 to the amount of interest accrued on the supplemental fees due the 198 division pursuant to this section. If the supplemental fees, 199 interest, and penalties are not remitted to the division of alcohol 200 and drug abuse of the department of mental health within six 201 months of the due date, the attorney general of the state of 202 Missouri shall initiate appropriate action of the collection of said 203 fees and interest accrued. The court shall assess attorney fees and 204 court costs against any delinguent program.

20517. Any person who has had a license to operate a motor 206 vehicle suspended or revoked as a result of an assessment of points 207for a violation under subdivision (9) of subsection 1 of section 208302.302 shall be required to file proof with the director of revenue 209 that any motor vehicle operated by the person is equipped with a 210functioning, certified ignition interlock device as a required 211condition of reinstatement of the license. The ignition interlock 212device shall further be required to be maintained on all motor 213vehicles operated by the person for a period of not less than six 214months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device 215216has registered any confirmed blood alcohol concentration readings 217 above the alcohol setpoint established by the department of 218transportation or that the person has tampered with or 219 circumvented the ignition interlock device, then the period for 220which the person must maintain the ignition interlock device

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following the date of reinstatement shall be extended for an additional six months. If the person fails to maintain such proof

with the director, the license shall be resuspended or revoked and

the person shall be guilty of a class A misdemeanor.]

302.309. 1. Whenever any license is suspended pursuant to sections 2 302.302 to 302.309, the director of revenue shall return the license to the operator 3 immediately upon the termination of the period of suspension and upon 4 compliance with the requirements of chapter 303.

5 2. Any operator whose license is revoked pursuant to these sections, upon 6 the termination of the period of revocation, shall apply for a new license in the 7 manner prescribed by law.

8 3. (1) All circuit courts, the director of revenue, or a commissioner 9 operating under section 478.007 shall have jurisdiction to hear applications and 10 make eligibility determinations granting limited driving privileges, except as 11 provided under subdivision (8) of this subsection. Any application may be made 12 in writing to the director of revenue and the person's reasons for requesting the 13 limited driving privilege shall be made therein.

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

17 (a) A business, occupation, or employment;

18 (b) Seeking medical treatment for such operator;

19 (c) Attending school or other institution of higher education;

20 (d) Attending alcohol or drug treatment programs;

(e) Seeking the required services of a certified ignition interlock deviceprovider; or

(f) Any other circumstance the court or director finds would create anundue hardship on the operator,

25 the court or director may grant such limited driving privilege as the 26 circumstances of the case justify if the court or director finds undue hardship 27 would result to the individual, and while so operating a motor vehicle within the 28 restrictions and limitations of the limited driving privilege the driver shall not 29 be guilty of operating a motor vehicle without a valid license.

30 (3) An operator may make application to the proper court in the county
31 in which such operator resides or in the county in which is located the operator's
32 principal place of business or employment. Any application for a limited driving

302.309. 1.

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33 privilege made to a circuit court shall name the director as a party defendant and 34shall be served upon the director prior to the grant of any limited privilege, and shall be accompanied by a copy of the applicant's driving record as certified by 35 36 the director. Any applicant for a limited driving privilege shall have on file with 37 the department of revenue proof of financial responsibility as required by chapter 38 303. Any application by a person who transports persons or property as classified in section 302.015 may be accompanied by proof of financial responsibility as 39 40 required by chapter 303, but if proof of financial responsibility does not accompany the application, or if the applicant does not have on file with the 41 42department of revenue proof of financial responsibility, the court or the director has discretion to grant the limited driving privilege to the person solely for the 4344 purpose of operating a vehicle whose owner has complied with chapter 303 for that vehicle, and the limited driving privilege must state such restriction. When 4546 operating such vehicle under such restriction the person shall carry proof that the 47owner has complied with chapter 303 for that vehicle.

48 (4) No limited driving privilege shall be issued to any person otherwise 49 eligible under the provisions of paragraph (a) of subdivision (6) of this subsection on a license revocation resulting from a conviction under subdivision (9) of 50subsection 1 of section 302.302, or a license denial under paragraph (a) or (b) of 51subdivision (8) of this subsection, or a license revocation under paragraph (g) of 5253subdivision (6) of this subsection, until the applicant has filed proof with the department of revenue that any motor vehicle operated by the person is equipped 54with a functioning, certified ignition interlock device as a required condition of 5556 limited driving privilege. The ignition interlock device required for obtaining a 57limited driving privilege under paragraph (a) or (b) of subdivision (8) of this subsection shall have a photo identification technology [and global positioning 5859system features] feature, and a court may require a global positioning 60 system feature for such device.

61 (5) The court order or the director's grant of the limited or restricted driving privilege shall indicate the termination date of the privilege, which shall 62 be not later than the end of the period of suspension or revocation. The court 63 64 order or the director's grant of the limited or restricted driving privilege shall also indicate whether a functioning, certified ignition interlock device is required 65 as a condition of operating a motor vehicle with the limited driving privilege. A 66 copy of any court order shall be sent by the clerk of the court to the director, and 67 a copy shall be given to the driver which shall be carried by the driver whenever 68

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such driver operates a motor vehicle. The director of revenue upon granting a 69 70limited driving privilege shall give a copy of the limited driving privilege to the 71applicant. The applicant shall carry a copy of the limited driving privilege while 72operating a motor vehicle. A conviction which results in the assessment of points pursuant to section 302.302, other than a violation of a municipal stop sign 73 74ordinance where no accident is involved, against a driver who is operating a vehicle pursuant to a limited driving privilege terminates the privilege, as of the 7576date the points are assessed to the person's driving record. If the date of arrest 77is prior to the issuance of the limited driving privilege, the privilege shall not be 78terminated. Failure of the driver to maintain proof of financial responsibility, as required by chapter 303, or to maintain proof of installation of a functioning, 79 certified ignition interlock device, as applicable, shall terminate the 80 privilege. The director shall notify by ordinary mail the driver whose privilege 81 82 is so terminated.

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

(a) A conviction of violating the provisions of section 577.010 or 577.012,
or any similar provision of any federal or state law, or a municipal or county law
where the judge in such case was an attorney and the defendant was represented
by or waived the right to an attorney in writing, until the person has completed
the first thirty days of a suspension or revocation imposed pursuant to this
chapter;

92 (b) A conviction of any felony in the commission of which a motor vehicle93 was used;

94 (c) Ineligibility for a license because of the provisions of subdivision (1),
95 (2), (4), (5), (6), (7), (8), (9), (10) or (11) of subsection 1 of section 302.060;

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

(e) Due to a revocation for failure to submit to a chemical test pursuant to section [577.041] **302.574** or due to a refusal to submit to a chemical test in any other state, unless such person has completed the first ninety days of such revocation and files proof of installation with the department of revenue that any vehicle operated by such person is equipped with a functioning, certified ignition interlock device, provided the person is not otherwise ineligible for a limited 105 driving privilege;

106 (f) Due to a suspension pursuant to subsection 2 of section 302.525 and 107 who has not completed the first thirty days of such suspension, provided the 108 person is not otherwise ineligible for a limited driving privilege; or

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

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

119 (8) (a) Provided that pursuant to the provisions of this section, the 120 applicant is not otherwise ineligible for a limited driving privilege, a circuit court 121 or the director may, in the manner prescribed in this subsection, allow a person 122who has had such person's license to operate a motor vehicle revoked where that 123person cannot obtain a new license for a period of ten years, as prescribed in 124subdivision (9) of subsection 1 of section 302.060, to apply for a limited driving 125privilege pursuant to this subsection. Such person shall present evidence 126 satisfactory to the court or the director that such person's habits and conduct 127show that the person no longer poses a threat to the public safety of this state. 128A circuit court shall grant a limited driving privilege to any individual who 129otherwise is eligible to receive a limited driving privilege, has filed proof of 130installation of a certified ignition interlock device, and has had no alcohol-related 131 enforcement contacts since the alcohol-related enforcement contact that resulted 132in the person's license denial.

133 (b) Provided that pursuant to the provisions of this section, the applicant is not otherwise ineligible for a limited driving privilege or convicted of 134[involuntary manslaughter while operating a motor vehicle in an intoxicated 135136 condition] acting with criminal negligence while driving while intoxicated to cause the death of another person, a circuit court or the 137138director may, in the manner prescribed in this subsection, allow a person who has 139had such person's license to operate a motor vehicle revoked where that person 140cannot obtain a new license for a period of five years because of two convictions

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141 of driving while intoxicated, as prescribed in subdivision (10) of subsection 1 of 142section 302.060, to apply for a limited driving privilege pursuant to this 143 subsection. Such person shall present evidence satisfactory to the court or the 144 director that such person's habits and conduct show that the person no longer poses a threat to the public safety of this state. Any person who is denied a 145146 license permanently in this state because of an alcohol-related conviction 147 subsequent to a restoration of such person's driving privileges pursuant to 148subdivision (9) of section 302.060 shall not be eligible for limited driving privilege 149pursuant to the provisions of this subdivision. A circuit court shall grant a limited driving privilege to any individual who otherwise is eligible to receive a 150limited driving privilege, has filed proof of installation of a certified ignition 151interlock device, and has had no alcohol-related enforcement contacts since the 152153alcohol-related enforcement contact that resulted in the person's license denial. 154(9) A DWI docket or court established under section 478.007 may grant a limited driving privilege to a participant in or graduate of the program who 155156would otherwise be ineligible for such privilege under another provision of 157law. The DWI docket or court shall not grant a limited driving privilege to a

158 participant during his or her initial forty-five days of participation.

1594. Any person who has received notice of denial of a request of limited 160 driving privilege by the director of revenue may make a request for a review of the director's determination in the circuit court of the county in which the person 161 resides or the county in which is located the person's principal place of business 162or employment within thirty days of the date of mailing of the notice of 163 164 denial. Such review shall be based upon the records of the department of revenue 165and other competent evidence and shall be limited to a review of whether the 166 applicant was statutorily entitled to the limited driving privilege.

167 5. The director of revenue shall promulgate rules and regulations 168 necessary to carry out the provisions of this section. Any rule or portion of a rule, 169as that term is defined in section 536.010, that is created under the authority 170 delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 171536.028. This section and chapter 536 are nonseverable and if any of the powers 172vested with the general assembly pursuant to chapter 536 to review, to delay the 173174effective date or to disapprove and annul a rule are subsequently held 175unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void. 176

302.321. 1. A person commits the [crime] offense of driving while 2 revoked if such person operates a motor vehicle on a highway when such person's 3 license or driving privilege has been cancelled, suspended, or revoked under the 4 laws of this state or any other state and acts with criminal negligence with 5 respect to knowledge of the fact that such person's driving privilege has been 6 cancelled, suspended, or revoked.

7 2. Any person convicted of driving while revoked is guilty of a 8 misdemeanor. A first violation of this section shall be punishable [by a fine not 9 to exceed three hundred dollars as a class D misdemeanor. A second or third 10 violation of this section shall be punishable by imprisonment in the county jail for a term not to exceed one year and/or a fine not to exceed one thousand dollars] 11 as a class A misdemeanor. Any person with no prior alcohol-related 12enforcement contacts as defined in section 302.525, convicted a fourth or 13subsequent time of driving while revoked or a county or municipal ordinance of 14 driving while suspended or revoked where the defendant was represented by or 1516 waived the right to an attorney in writing, and where the prior three 17driving-while-revoked offenses occurred within ten years of the date of occurrence of the present offense; and any person with a prior alcohol-related enforcement 18 contact as defined in section 302.525, convicted a third or subsequent time of 19driving while revoked or a county or municipal ordinance of driving while 2021suspended or revoked where the defendant was represented by or waived the right to an attorney in writing, and where the prior two driving-while-revoked 2223offenses occurred within ten years of the date of occurrence of the present offense 24and where the person received and served a sentence of ten days or more on such 25previous offenses is guilty of a class D felony. Except upon conviction as a first 26offense, no court shall suspend the imposition of sentence as to such a person nor 27sentence such person to pay a fine in lieu of a term of imprisonment, nor shall 28such person be eligible for parole or probation until such person has served a 29minimum of forty-eight consecutive hours of imprisonment, unless as a condition of such parole or probation, such person performs at least ten days involving at 30 31least forty hours of community service under the supervision of the court in those 32jurisdictions which have a recognized program for community service. Driving while revoked is a class D felony on the second or subsequent conviction pursuant 33 to section 577.010 or a fourth or subsequent conviction for any other 34 offense. Prior pleas of guilty and prior findings of guilty shall be pleaded and 35 proven in the same manner as required by section 558.021. 36

[577.500.] **302.400.** 1. A court of competent jurisdiction shall, upon a 2 [plea of guilty, conviction or] finding of guilt, or, if the court is a juvenile court, 3 upon a finding of fact that the offense was committed by a juvenile, enter an 4 order suspending or revoking the driving privileges of any person determined to 5 have committed one of the following offenses and who, at the time said offense 6 was committed, was under twenty-one years of age:

7 (1) Any alcohol-related traffic offense in violation of state law or a county
8 or[, beginning July 1, 1992,] municipal ordinance, where the defendant was
9 represented by an attorney or waived the right to an attorney in writing;

10 (2) Any offense in violation of state law or[, beginning July 1, 1992,] a 11 county or municipal ordinance, where the defendant was represented by **an** 12 **attorney** or waived the right to an attorney in writing, involving the possession 13 or use of alcohol, committed while operating a motor vehicle;

(3) Any offense involving the possession or use of a controlled substance
as defined in chapter 195 in violation of [the] state law or[, beginning July 1,
1992,] a county or municipal ordinance, where the defendant was represented by **an attorney** or waived the right to an attorney in writing;

18 (4) Any offense involving the alteration, modification, or
19 misrepresentation of a license to operate a motor vehicle in violation of section
20 311.328;

(5) Any **subsequent** offense in violation of state law or [, beginning July 1, 1992,] a county or municipal ordinance, where the defendant was represented by, or waived **in writing** the right to, an attorney [in writing], involving the possession or use of alcohol [for a second time]; except that a determination of guilt or its equivalent shall have been made for the first offense and both offenses shall have been committed by the person when the person was under eighteen years of age.

2. A court of competent jurisdiction shall, upon a [plea of guilty or nolo 29 contendere, conviction or] finding of guilt, or, if the court is a juvenile court, upon 30 a finding of fact that the offense was committed by a juvenile, enter an order 31 suspending or revoking the driving privileges of any person determined to have 32 committed a [crime or] violation of section 311.325 and who, at the time said 33 [crime or] violation was committed, was more than fifteen years of age and under 34 twenty-one years of age.

35 3. The court shall require the **person against whom a court has** 36 **entered an order suspending or revoking driving privileges under** 37 subsections 1 and 2 of this section to surrender [to it of] any license to 38 operate a motor vehicle, temporary instruction permit, intermediate driver's 39 license, or any other driving privilege then held by [any] such person [against 40 whom a court has entered an order suspending or revoking driving privileges 41 under subsections 1 and 2 of this section].

42 4. The court, if other than a juvenile court, shall forward to the director 43 of revenue the order of suspension or revocation of driving privileges and any 44 licenses, temporary instruction permits, intermediate driver's licenses, or any 45 other driving privilege acquired under subsection 3 of this section.

5. (1) Notwithstanding chapter 211 to the contrary, the court, if a juvenile court, shall forward to the director of revenue the order of suspension or revocation of driving privileges and any licenses, temporary instruction permits, intermediate driver's licenses, or any other driving privilege acquired under subsection 3 of this section for any person sixteen years of age or older[, the provision of chapter 211 to the contrary notwithstanding].

52 (2) Notwithstanding chapter 211 to the contrary, the court, if a 53 juvenile court, shall hold the order of suspension or revocation of driving 54 privileges for any person less than sixteen years of age until thirty days before 55 the person's sixteenth birthday, at which time the juvenile court shall forward to 56 the director of revenue the order of suspension or revocation of driving 57 privileges[, the provision of chapter 211 to the contrary notwithstanding].

6. The period of suspension for a first offense under subsection 1 of this 58section shall be ninety days. Any second or subsequent offense under subsection 5960 1 of this section shall result in revocation of the offender's driving privileges for 61 one year. The period of suspension for a first offense under subsection 2 of this section shall be thirty days. The period of suspension for a second offense under 62 subsection 2 of this section shall be ninety days. Any third or subsequent offense 63 under subsection 2 of this section shall result in revocation of the offender's 64 driving privileges for one year. 65

[577.505.] **302.405.** A court of competent jurisdiction shall enter an order revoking the driving privileges of any person determined to have violated any state, county, or municipal law involving the possession or use of a controlled substance, as defined in chapter 195, while operating a motor vehicle and who, at the time said offense was committed, was twenty-one years of age or older [when the person pleads guilty, or is convicted or found guilty of such offense by the court]. The court shall require the **person to** surrender to [it of] **the court** 8 all operator's and chauffeur's licenses then held by such person. The court shall

9 forward to the director of revenue the order of revocation of driving privileges and10 any licenses surrendered.

[577.510.] **302.410.** 1. Upon receipt of a court order suspending or $\mathbf{2}$ revoking the driving privileges of a person [pursuant to sections 577.500 and 3 577.505] under sections 302.400 and 302.405, the director of revenue shall suspend the driving privileges for ninety days or revoke the driving privileges of 4 5 such person for a period of one year, provided however, that in the case of a 6 person who at the time of the offense was less than sixteen years of age, the period of suspension or revocation shall commence on that person's sixteenth 7 birthday. The provisions of this chapter [302] to the contrary notwithstanding, 8 9 the suspension or revocation shall be imposed without further hearing. Any 10 person whose driving privileges have been suspended or revoked [pursuant to 11 sections 577.500 and 577.505] under sections 302.400 and 302.405 may 12petition the circuit court for a hardship driving privilege and said application 13 shall be determined and administered in the same manner as allowed in section 14302.309.

2. The director of revenue shall permit the issuance of a temporary instruction permit in the same manner as allowed in subsection [2] **3** of section 302.130 to persons fifteen years of age and under seventeen years of age denied driving privileges by court order pursuant to section [577.500] **302.400**. This exception only applies to instruction permits that entitle a person to operate a motor vehicle on the highways in the presence of an authorized instructor.

[577.515.] **302.415.** If a person shall neglect or refuse to surrender all operator's and chauffeur's licenses, as provided for in sections [577.500 and 577.505] **302.400 and 302.405**, the director shall direct the state highway patrol or any peace or police officer to secure possession thereof and return such license or licenses to the director.

[577.520.] 302.420. 1. No person who has had his or her license
2 suspended or revoked under the provisions of sections [577.500 and 577.505]
3 302.400 and 302.405 shall have that license reinstated until he or she has paid
4 a twenty-dollar reinstatement fee and has successfully completed a substance
5 abuse traffic offender program as defined in section [577.001] 302.010.

6 2. The fees for the substance abuse traffic offender program, or a portion 7 thereof to be determined by the division of alcohol and drug abuse of the 8 department of mental health, shall be paid by the person enrolled in the SS SCS SB 491

9 program. Any person who is enrolled in the program shall pay, in addition to any 10 fee charged for the program, a supplemental fee to be determined by the 11 department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010 [and section 577.001], or a 12program determined to be comparable by the department of mental health. The 1314 administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health on or before the fifteenth of each month the 1516supplemental fees for all persons enrolled in the program, less two percent for 17administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this 18 section and shall accrue at a rate not to exceed the annual rates established 19pursuant to the provisions of section 32.065 plus three percentage points. The 2021supplemental fees and any interest received by the department of mental health 22pursuant to this section shall be deposited in the mental health earnings fund 23which is created in section 630.053.

243. Any administrator who fails to remit to the division of alcohol and drug 25abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a 2627penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest, and penalties 2829are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state 30 31of Missouri shall initiate appropriate action [of the collection of] to collect said 32fees and **any accrued** interest [accrued]. The court shall assess attorney fees 33 and court costs against any delinquent program.

[577.525.] **302.425.** Any court which has jurisdiction over violations of $\mathbf{2}$ state, county or municipal laws shall enter an order, in addition to other orders 3 authorized by law, requiring the completion of a substance abuse traffic offender program as defined in section [577.001] 302.010, as a part of the judgment 4 5entered in the case, for any person determined to have violated a state, county, 6 or municipal law involving the possession or use of alcohol and who at the time 7 of said offense was under twenty-one years of age when the court, if a juvenile court, finds that the offense was committed by such person or, if a city, county, 8 or state court, when the person pleads guilty, or is found guilty of such offense 9 by the court. 10

[577.530.] **302.426.** The director of revenue shall have authority to make

2 such rules and regulations as he **or she** deems necessary for the administration 3 of sections [577.500 to 577.525. No rule or portion of a rule promulgated under the authority of sections 577.500 to 577.530 shall become effective unless it has 4 been promulgated pursuant to the provisions of section 536.024] 302.400 to $\mathbf{5}$ 302.425. Any rule or portion of a rule, as that term is defined in section 6 7 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of 8 the provisions of chapter 536 and, if applicable, section 536.028. This 9 section and chapter 536 are nonseverable and if any of the powers 10

11 vested with the general assembly pursuant to chapter 536 to review, to 12 delay the effective date, or to disapprove and annul a rule are 13 subsequently held unconstitutional, then the grant of rulemaking 14 authority and any rule proposed or adopted after January 1, 2017, shall 15 be invalid and void.

302.440. In addition to any other provisions of law, a court may require that any person who is found guilty of a first $\mathbf{2}$ 3 intoxication-related traffic offense, as defined in section 577.001, and a court shall require that any person who is found guilty of a second or 4 subsequent intoxication-related traffic offense, as defined in section $\mathbf{5}$ 577.001, shall not operate any motor vehicle unless that vehicle is 6 equipped with a functioning, certified ignition interlock device for a 7 period of not less than six months from the date of reinstatement of the 8 person's driver's license. In addition, any court authorized to grant a 9 limited driving privilege under section 302.309 to any person who is 10 11 found guilty of a second or subsequent intoxication-related traffic 12offense shall require the use of an ignition interlock device on all vehicles operated by the person as a required condition of the limited 13 14driving privilege. These requirements shall be in addition to any other provisions of this chapter or chapter 577 requiring installation and 1516 maintenance of an ignition interlock device. Any person required to use an ignition interlock device shall comply with such requirement 17subject to the penalties provided by section 577.599. 18

[577.602.] **302.442.** 1. If a court imposes a fine and requires the use of 2 an ignition interlock device for the same offense, the amount of the fine may be 3 reduced by the cost of the ignition interlock device.

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2. If the court requires the use of an ignition interlock device, it shall

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5 order the installation of the device on any vehicle which the offender operates6 during the period of probation or limited driving privilege.

7 3. If the court imposes the use of an ignition interlock device on a person 8 having full or limited driving privileges, the court shall require the person to provide proof of compliance with the order to the court or the probation officer 9 10 within thirty days of this court's order or sooner, as required by the court, in addition to any proof required to be filed with the director of revenue under the 11 12provisions of this chapter or chapter [302] 577. If the person fails to provide 13 proof of installation within that period, absent a finding by the court of good 14cause for that failure which is entered in the court record, the court shall revoke or terminate the person's probation or limited driving privilege. 15

4. Nothing in sections [577.600 to 577.614] **302.440 to 302.462** shall be construed to authorize a person to operate a motor vehicle whose driving privileges have been suspended or revoked, unless the person has obtained a limited driving privilege or restricted driving privilege under other provisions of law.

5. The person whose driving privilege is restricted pursuant to section [577.600] **302.440** shall report to the court or the probation officer at least once annually, or more frequently as the court may order, on the operation of each ignition interlock device in the person's vehicle or vehicles. Such person shall be responsible for the cost and maintenance of the ignition interlock device. If such device is broken, destroyed or stolen, such person shall also be liable for the cost of replacement of the device.

6. The court may require a person whose driving privilege is restricted under section [577.600] **302.440** to report to any officer appointed by the court in lieu of a probation officer.

31 7. The court shall require periodic calibration checks that are needed for32 the proper operation of the ignition interlock device.

[577.604.] **302.454.** The court shall require the use of a certified ignition 2 interlock device during the period of probation if the person is permitted to 3 operate a motor vehicle, whether the privilege to operate a motor vehicle is 4 restricted or not, as determined by the court.

[577.606.] **302.456.** The court shall send the order to the department of 2 revenue in all cases where the driving privilege of a person is restricted pursuant 3 to section [577.600] **302.440**. The order shall contain the requirement for, and 4 the period of, the use of a certified ignition interlock device under sections 5 [577.600 to 577.614] **302.440 to 302.462**. The records of the department of

6 revenue shall contain a record reflecting mandatory use of the device.

[577.608.] **302.458.** 1. The department of public safety shall certify or 2 cause to be certified ignition interlock devices required by sections [577.600 to 3 577.614] **302.440 to 302.462** and publish a list of approved devices.

2. The department of public safety shall adopt guidelines for the proper
use of the ignition interlock devices in full compliance with sections [577.600 to
577.614] 302.440 to 302.462.

7 3. The department of public safety shall use information from an 8 independent agency to certify ignition interlock devices on or off the premises of the manufacturer in accordance with the guidelines. The cost of certification 9 10 shall be borne by the manufacturers of interlock ignition devices. In certifying the devices, those which do not impede the safe operation of the vehicle and 11 12which have the fewest opportunities to be bypassed so as to render the provisions of sections [577.600 to 577.614] **302.440 to 302.462** ineffective shall be certified. 13144. No model of ignition interlock device shall be certified unless it meets

15 the accuracy requirements specified by the guidelines of the department of public16 safety.

5. Before certifying any device, the department of public safety shall
consult with the National Highway Traffic Safety Administration regarding the
use of ignition interlock devices.

[577.610.] **302.460.** The manufacturer shall affix to each ignition 2 interlock device a label which shall contain a warning that any person tampering, 3 circumventing or otherwise misusing the device is guilty of a class A 4 misdemeanor.

[577.614.] 302.462. 1. In addition to any other provisions of law, upon
a finding of [guilty of, or a plea of guilty to,] guilt to a violation of [subsection
1 of section 577.600] section 577.599, the department of revenue shall revoke
the person's driving privilege for one year from the date of conviction.

5 2. In addition to any other provision of law, if a person is found guilty of[, 6 or pleads guilty to,] a second violation of [subsection 1 of section 577.600] 7 section 577.599 during the same period of required use of an approved ignition 8 interlock device, the department of revenue shall revoke the person's driving 9 privilege for five years from the date of conviction.

3. The court shall notify the department of revenue of all guilty findings
 [and pleas pursuant to subsection 1 of section 577.600] under section 577.599.

4. The department of revenue shall charge a reinstatement fee as required
by section 302.304 prior to the reinstatement of any driving privilege suspended
or revoked pursuant to this section.

5. No restricted or limited driving privilege shall be issued for any personwhose license is revoked pursuant to this section.

302.540. 1. No person who has had a license to operate a motor vehicle $\mathbf{2}$ suspended or revoked under the provisions of sections 302.500 to 302.540 shall 3 have that license reinstated until such person has participated in and 4 successfully completed a substance abuse traffic offender program defined in $\mathbf{5}$ section 302.010, or a program determined to be comparable by the department of mental health. Assignment recommendations, based upon the needs assessment 6 as described in subdivision [(22)] (24) of section 302.010, shall be delivered in 7 8 writing to the person with written notice that the person is entitled to have such 9 assignment recommendations reviewed by the court if the person objects to the 10 recommendations. The person may file a motion in the associate division of the 11 circuit court of the county in which such assignment was given, on a printed form 12provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517. The motion shall name 13the person or entity making the needs assessment as the respondent and a copy 14of the motion shall be served upon the respondent in any manner allowed by 1516law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a 17review of the needs assessment, the person's driving record, the circumstances 18 19 surrounding the offense, and the likelihood of the person committing a like 20offense in the future, except that the court may modify but may not waive the 21assignment to an education or rehabilitation program of a person determined to 22be a prior or persistent offender as defined in section [577.023] 577.001 or of a person determined to have operated a motor vehicle with fifteen-hundredths of 23one percent or more by weight in such person's blood. Compliance with the court 24determination of the motion shall satisfy the provisions of this section for the 2526purpose of reinstating such person's license to operate a motor vehicle. The 27respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court. 28

29 2. The fees for the program authorized in subsection 1 of this section, or
30 a portion thereof to be determined by the division of alcohol and drug abuse of the
31 department of mental health, shall be paid by the person enrolled in the program.

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32Any person who is enrolled in the program shall pay, in addition to any fee 33 charged for the program, a supplemental fee to be determined by the department 34 of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010 [and section 577.001] or a program 3536 determined to be comparable by the department of mental health. The 37administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health on or before the fifteenth day of each month 38 39 the supplemental fee for all persons enrolled in the program, less two percent for 40 administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this 41 section and shall accrue at a rate not to exceed the annual rate established 42pursuant to the provision of section 32.065 plus three percentage points. The 43supplemental fees and any interest received by the department of mental health 4445pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053. 46

473. Any administrator who fails to remit to the division of alcohol and drug 48abuse of the department of mental health the supplemental fees and interest for 49 all persons enrolled in the program pursuant to this section shall be subject to a 50penalty equal to the amount of interest accrued on the supplemental fees due the 51division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of 52mental health within six months of the due date, the attorney general of the state 53of Missouri shall initiate appropriate action of the collection of said fees and 5455interest accrued. The court shall assess attorney fees and court costs against any 56delinquent program.

4. Court-ordered participation in a substance abuse traffic offender program, pursuant to section [577.049] **302.580**, shall satisfy the requirements of this section if the court action arose out of the same occurrence that resulted in a person's license being administratively suspended or revoked.

5. The division of alcohol and drug abuse of the department of mental health may create a treatment demonstration project within existing appropriations and shall develop and certify a program to provide education or rehabilitation services for individuals determined by the division to be serious or repeat offenders. The program shall qualify as a substance abuse traffic offender program. As used in this subsection, a "serious or repeat offender" is one who was determined to have a blood alcohol content of fifteen-hundredths of one percent or more by weight while operating a motor vehicle or a prior or persistentoffender as defined in section [577.023] 577.001.

302.541. 1. In addition to other fees required by law, any person who has had a license to operate a motor vehicle suspended or revoked following a $\mathbf{2}$ determination, pursuant to section 302.505, or section 302.410, 302.574, 577.010, 3 or 577.012, [577.041 or 577.510,] or any county or municipal ordinance, where 4 the defendant was represented by or waived the right to an attorney, that such 56 person was driving while intoxicated or with a blood alcohol content of eight-7 hundredths of one percent or more by weight or, where such person was at the 8 time of the arrest less than twenty-one years of age and was driving with a blood alcohol content of two-hundredths of one percent or more by weight, shall pay an 9 10 additional fee of twenty-five dollars prior to the reinstatement or reissuance of 11 the license.

2. Any person less than twenty-one years of age whose driving privilege has been suspended or revoked solely for a first determination pursuant to sections 302.500 to 302.540 that such person was driving a motor vehicle with two-hundredths of one percent or more blood alcohol content is exempt from filing proof of financial responsibility with the department of revenue in accordance with chapter 303 as a prerequisite for reinstatement of driving privileges or obtaining a restricted driving privilege as provided by section 302.525.

302.574. 1. If a person who was operating a vehicle refuses upon the request of the officer to submit to any chemical test under section $\mathbf{2}$ 3 577.041, the officer shall, on behalf of the director of revenue, serve the notice of license revocation personally upon the person and shall take 4 possession of any license to operate a vehicle issued by this state which $\mathbf{5}$ is held by that person. The officer shall issue a temporary permit, on 6 7 behalf of the director of revenue, which is valid for fifteen days and 8 shall also give the person notice of his or her right to file a petition for 9 review to contest the license revocation.

2. Such officer shall make a certified report under penalties of perjury for making a false statement to a public official. The report shall be forwarded to the director of revenue and shall include the following:

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(1) That the officer has:

(a) Reasonable grounds to believe that the arrested person was
driving a motor vehicle while in an intoxicated condition; or

(b) Reasonable grounds to believe that the person stopped, being
under the age of twenty-one years, was driving a motor vehicle with a
blood alcohol content of two-hundredths of one percent or more by
weight; or

(c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was committing a violation of the traffic laws of the state, or political subdivision of the state, and such officer has reasonable grounds to believe, after making such stop, that the person had a blood alcohol content of two-hundredths of one percent or greater;

27 (2) That the person refused to submit to a chemical test;

(3) Whether the officer secured the license to operate a motorvehicle of the person;

30 (4) Whether the officer issued a fifteen-day temporary permit;

(5) Copies of the notice of revocation, the fifteen-day temporary
permit, and the notice of the right to file a petition for review. The
notices and permit may be combined in one document; and

34 (6) Any license, which the officer has taken into possession, to
35 operate a motor vehicle.

36 3. Upon receipt of the officer's report, the director shall revoke 37 the license of the person refusing to take the test for a period of one 38 year; or if the person is a nonresident, such person's operating permit 39 or privilege shall be revoked for one year; or if the person is a resident 40 without a license or permit to operate a motor vehicle in this state, an 41 order shall be issued denying the person the issuance of a license or 42 permit for a period of one year.

434. If a person's license has been revoked because of the person's refusal to submit to a chemical test, such person may petition for a 44 hearing before a circuit division or associate division of the court in 45the county in which the arrest or stop occurred. The person may 46 request such court to issue an order staying the revocation until such 47time as the petition for review can be heard. If the court, in its 48 49 discretion, grants such stay, it shall enter the order upon a form prescribed by the director of revenue and shall send a copy of such 50order to the director. Such order shall serve as proof of the privilege 5152 to operate a motor vehicle in this state and the director shall maintain possession of the person's license to operate a motor vehicle until termination of any revocation under this section. Upon the person's request, the clerk of the court shall notify the prosecuting attorney of the county and the prosecutor shall appear at the hearing on behalf of the director of revenue. At the hearing, the court shall determine only:

58 59 (1) Whether the person was arrested or stopped;

(2) Whether the officer had:

(a) Reasonable grounds to believe that the person was driving a
motor vehicle while in an intoxicated or drugged condition; or

62 (b) Reasonable grounds to believe that the person stopped, being 63 under the age of twenty-one years, was driving a motor vehicle with a 64 blood alcohol content of two-hundredths of one percent or more by 65 weight; or

66 (c) Reasonable grounds to believe that the person stopped, being 67 under the age of twenty-one years, was committing a violation of the 68 traffic laws of the state, or political subdivision of the state, and such 69 officer had reasonable grounds to believe, after making such stop, that 70 the person had a blood alcohol content of two-hundredths of one 71 percent or greater; and

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(3) Whether the person refused to submit to the test.

5. If the court determines any issue not to be in the affirmative,
the court shall order the director to reinstate the license or permit to
drive.

6. Requests for review as provided in this section shall go to the
head of the docket of the court wherein filed.

787. No person who has had a license to operate a motor vehicle 79suspended or revoked under the provisions of this section shall have that license reinstated until such person has participated in and 80 successfully completed a substance abuse traffic offender program 81 defined in section 302.010, or a program determined to be comparable 82 by the department of mental health. Assignment recommendations, 83 based upon the needs assessment as described in subdivision (24) of 84 85 section 302.010, shall be delivered in writing to the person with written 86 notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the 87 recommendations. The person may file a motion in the associate 88

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89 division of the circuit court of the county in which such assignment 90 was given, on a printed form provided by the state courts administrator, to have the court hear and determine such motion under 91 92the provisions of chapter 517. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the 93 motion shall be served upon the respondent in any manner allowed by 94 law. Upon hearing the motion, the court may modify or waive any 95assignment recommendation that the court determines to be 96 unwarranted based upon a review of the needs assessment, the person's 97 driving record, the circumstances surrounding the offense, and the 98likelihood of the person committing a similar offense in the future, 99 100 except that the court may modify but may not waive the assignment to 101 an education or rehabilitation program of a person determined to be a 102prior or persistent offender as defined in section 577.001, or of a person 103 determined to have operated a motor vehicle with a blood alcohol 104 content of fifteen-hundredths of one percent or more by 105weight. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such 106 107 person's license to operate a motor vehicle. The respondent's personal 108appearance at any hearing conducted under this subsection shall not 109 be necessary unless directed by the court.

110 8. The fees for the substance abuse traffic offender program, or a portion thereof, to be determined by the division of alcohol and drug 111 112abuse of the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program 113shall pay, in addition to any fee charged for the program, a 114115supplemental fee to be determined by the department of mental health 116 for the purposes of funding the substance abuse traffic offender 117program defined in section 302.010. The administrator of the program 118 shall remit to the division of alcohol and drug abuse of the department of mental health on or before the fifteenth day of each month the 119120 supplemental fee for all persons enrolled in the program, less two 121percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due to the division of alcohol 122and drug abuse under this section, and shall accrue at a rate not to 123exceed the annual rates established under the provisions of section 124

32.065, plus three percentage points. The supplemental fees and any
interest received by the department of mental health under this section
shall be deposited in the mental health earnings fund, which is created
in section 630.053.

129 9. Any administrator who fails to remit to the division of alcohol 130 and drug abuse of the department of mental health the supplemental 131fees and interest for all persons enrolled in the program under this section shall be subject to a penalty equal to the amount of interest 132accrued on the supplemental fees due to the division under this section. 133134 If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health 135136 within six months of the due date, the attorney general of the state of 137 Missouri shall initiate appropriate action for the collection of said fees 138and accrued interest. The court shall assess attorneys' fees and court 139costs against any delinquent program.

140 10. Any person who has had a license to operate a motor vehicle 141 revoked under this section and who has a prior alcohol-related enforcement contact, as defined in section 302.525, shall be required to 142file proof with the director of revenue that any motor vehicle operated 143by the person is equipped with a functioning, certified ignition 144interlock device as a required condition of license reinstatement. Such 145ignition interlock device shall further be required to be maintained on 146 147 all motor vehicles operated by the person for a period of not less than 148six months immediately following the date of reinstatement. If the monthly monitoring reports show that the ignition interlock device has 149 150registered any confirmed blood alcohol concentration readings above 151the alcohol setpoint established by the department of transportation or 152that the person has tampered with or circumvented the ignition 153interlock device, then the period for which the person must maintain the ignition interlock device following the date of reinstatement shall 154be extended for an additional six months. If the person fails to 155maintain such proof with the director as required by this section, the 156157license shall be rerevoked and the person shall be guilty of a class A 158misdemeanor.

159 **11.** The revocation period of any person whose license and 160 driving privilege has been revoked under this section and who has filed 161 proof of financial responsibility with the department of revenue in 162 accordance with chapter 303 and is otherwise eligible, shall be 163 terminated by a notice from the director of revenue after one year from 164 the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, the revocation 165shall remain in effect for a period of two years from its effective date. 166 167 If the person fails to maintain proof of financial responsibility in 168 accordance with chapter 303, the person's license and driving privilege 169shall be rerevoked.

17012. A person commits the offense of failure to maintain proof 171with the Missouri department of revenue if, when required to do so, he 172or she fails to file proof with the director of revenue that any vehicle 173operated by the person is equipped with a functioning, certified 174 ignition interlock device or fails to file proof of financial responsibility with the department of revenue in accordance with chapter 303. The 175176 offense of failure to maintain proof with the Missouri department of 177revenue is a class A misdemeanor.

[577.049.] 302.580. 1. Upon [a plea of guilty or] a finding of [guilty] guilt for an offense of violating the provisions of section 577.010 or 577.012 or violations of county or municipal ordinances involving alcohol- or drug-related traffic offenses, the court shall order the person to participate in and successfully complete a substance abuse traffic offender program defined in section [577.001] 302.010.

7 2. The fees for the substance abuse traffic offender program, or a portion thereof, to be determined by the division of alcohol and drug abuse of the 8 department of mental health, shall be paid by the person enrolling in the 9 program. Any person who is enrolled in the program shall pay, in addition to any 10 11 fee charged for the program, a supplemental fee to be determined by the 12department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010 [and section 577.001]. The 13administrator of the program shall remit to the division of alcohol and drug abuse 14 15of the department of mental health on or before the fifteenth day of each month the supplemental fees for all persons enrolled in the program, less two percent 16 for administrative costs. Interest shall be charged on any unpaid balance of the 17supplemental fees due to the division of alcohol and drug abuse pursuant to this 18 section and shall accrue at a rate not to exceed the annual rates established 19

20 pursuant to the provisions of section 32.065, plus three percentage points. The 21 supplemental fees and any interest received by the department of mental health 22 pursuant to this section shall be deposited in the mental health earnings fund, 23 which is created in section 630.053.

243. Any administrator who fails to remit to the division of alcohol and drug 25abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a 2627penalty equal to the amount of interest accrued on the supplemental fees due to 28the division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the 29department of mental health within six months of the due date, the attorney 30 general of the state of Missouri shall initiate appropriate action of the collection 3132of said fees and **accrued** interest [accrued]. The court shall assess attorney fees 33 and court costs against any delinquent program.

[577.052.] **302.584.** Any rule or portion of a rule promulgated pursuant $\mathbf{2}$ to this act shall become effective only as provided pursuant to chapter 536 3 including, but not limited to, section 536.028, if applicable, after August 28, 1997. All rulemaking authority delegated prior to August 28, 1997, is of no force and 4 effect and repealed. The provisions of this section are nonseverable and if any of $\mathbf{5}$ the powers vested with the general assembly pursuant to section 536.028, if 6 7 applicable, to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant 8 of rulemaking authority and any rule so proposed and contained in the order of 9 10 rulemaking shall be invalid and void.

[577.051.] **302.592.** 1. A record of the disposition in any court proceeding involving [a violation of any of the provisions of sections 577.005 to 577.023, or 2 3 violation of county or municipal ordinances involving alcohol- or drug-related driving offenses] any criminal offense, infraction, or ordinance violation 4 related to the operation of a vehicle while intoxicated or with an $\mathbf{5}$ excessive blood alcohol content shall be forwarded to the department of 6 7 revenue, within seven days by the clerk of the court in which the proceeding was held. The records shall be forwarded by the department of revenue, within fifteen 8 days of receipt, to the Missouri state highway patrol and shall be entered by the 9 10 highway patrol in the Missouri uniform law enforcement system records. Dispositions that shall be reported are guilty pleas [of guilty], findings 11 of [guilty] guilt, suspended imposition of sentence, suspended execution of 12

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13 sentence, probation, conditional sentences, sentences of confinement, and any 14 other such dispositions that may be required under state or federal 15 regulations. The record forwarded by the clerk shall clearly [show] state the 16 name of the court, the court case number, the name, address, and motor vehicle 17 operator's or chauffeur's license number of the person who is the subject of the 18 proceeding, the code or number identifying the particular arrest, and any court 19 action or requirements pertaining thereto.

20 2. All records received by the Missouri state highway patrol or the 21 department of revenue under the provisions of this section shall be entered in the 22 Missouri uniform law enforcement system records and maintained by the 23 Missouri state highway patrol. Records placed in the Missouri uniform law 24 enforcement system under the provisions of this section shall be made available 25 to any law enforcement officer in this state, any prosecuting or circuit attorney 26 in this state, or to any judge of a municipal or state court upon request.

3. [Any] A person commits the offense of refusal to furnish records
of disposition if he or she is required [by this section] to furnish records to
the Missouri state highway patrol or department of revenue [who willfully]
under this section and purposely refuses to furnish such records [is guilty
of]. The offense of refusal to furnish records of disposition is a class [C]
D misdemeanor.

[4. Records required to be filed with the Missouri state highway patrol or
the department of revenue under the provisions of sections 302.225 and 577.001
to 577.051 shall be filed beginning July 1, 1983, and no penalties for nonfiling of
records shall be applied prior to July 1, 1983.

5. Forms and procedures for filing of records with the Missouri state highway patrol or department of revenue as required in this chapter shall be promulgated by the director of the department of public safety or department of revenue, as applicable, and approved by the Missouri supreme court.

6. All record-keeping procedures required under the provisions of sections
577.005 to 577.023 shall be in accordance with this section, chapter 610 to the
contrary notwithstanding.]

302.700. 1. Sections 302.700 to 302.780 may be cited as the "Uniform2 Commercial Driver's License Act".

3 2. When used in sections 302.700 to 302.780, the following words and 4 phrases mean:

5 (1) "Alcohol", any substance containing any form of alcohol, including, but

6 not limited to, ethanol, methanol, propanol and isopropanol;

7 (2) "Alcohol concentration", the number of grams of alcohol per one 8 hundred milliliters of blood or the number of grams of alcohol per two hundred 9 ten liters of breath or the number of grams of alcohol per sixty-seven milliliters 10 of urine;

(3) "CDL driver", a person holding or required to hold a commercialdriver's license (CDL);

(4) "CDLIS driver record", the electronic record of the individual
commercial driver's status and history stored by the state of record as part of the
Commercial Driver's License Information System (CDLIS) established under 49
U.S.C. Section 31309, et seq.;

(5) "CDLIS motor vehicle record (CDLIS MVR)", a report generated from
the CDLIS driver record which meets the requirements for access to CDLIS
information and is provided by states to users authorized in 49 CFR 384, subject
to the provisions of the Driver Privacy Protection Act, 18 U.S.C. Sections 2721 to
2725, et seq.;

22(6) "Commercial driver's instruction permit", a commercial learner's 23permit issued to an individual by a state or other jurisdiction of domicile in 24accordance with the standards contained in 49 CFR 383, which, when carried 25with a valid driver's license issued by the same state or jurisdiction, authorizes 26the individual to operate a class of commercial motor vehicle when accompanied by a holder of a valid commercial driver's license for purposes of behind-the-wheel 2728training. When issued to a commercial driver's license holder, a commercial 29learner's permit serves as authorization for accompanied behind-the-wheel 30 training in a commercial motor vehicle for which the holder's current commercial 31driver's license is not valid;

32 (7) "Commercial driver's license (CDL)", a license issued by this state or
33 other jurisdiction of domicile in accordance with 49 CFR 383 which authorizes the
34 individual to operate a class of commercial motor vehicle;

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(8) "Commercial driver's license downgrade", occurs when:

36 (a) A driver changes the self-certification to interstate, but operates
37 exclusively in transportation or operation excepted from 49 CFR 391, as provided
38 in 49 CFR 390.3(f), 391.2, 391.68, or 398.3;

39 (b) A driver changes the self-certification to intrastate only, if the driver
40 qualifies under the state's physical qualification requirements for intrastate only;
41 (c) A driver changes the self-certification to intrastate, but operating

42 exclusively in transportation or operations excepted from all or part of the state43 driver qualification requirements; or

44 (d) The state removes the commercial driver's license privilege from the45 driver's license;

46 (9) "Commercial driver's license information system (CDLIS)", the
47 information system established pursuant to the Commercial Motor Vehicle Safety
48 Act of 1986 (Title XII of Pub. Law 99-570) to serve as a clearinghouse for locating
49 information related to the licensing and identification of commercial motor vehicle
50 drivers;

51 (10) "Commercial motor vehicle", a motor vehicle or combination of motor 52 vehicles used in commerce to transport passengers or property:

(a) If the vehicle has a gross combination weight rating or gross
combination weight of twenty-six thousand one or more pounds inclusive of a
towed unit which has a gross vehicle weight rating or gross vehicle weight of
more than ten thousand one pounds or more, whichever is greater;

57 (b) If the vehicle has a gross vehicle weight rating or gross vehicle weight 58 of twenty-six thousand one or more pounds, whichever is greater;

(c) If the vehicle is designed to transport sixteen or more passengers,including the driver; or

61 (d) If the vehicle is transporting hazardous materials and is required to
62 be placarded under the Hazardous Materials Transportation Act (46 U.S.C.
63 Section 1801, et seq.);

(11) "Controlled substance", any substance so classified under Section
102(6) of the Controlled Substances Act (21 U.S.C. Section 802(6)), and includes
all substances listed in schedules I through V of 21 CFR 1308, as they may be
revised from time to time;

68 (12) "Conviction", an unvacated adjudication of guilt, including pleas of guilt and nolo contendere, or a determination that a person has violated or failed 69 to comply with the law in a court of original jurisdiction or an authorized 70 administrative proceeding, an unvacated forfeiture of bail or collateral deposited 7172to secure the person's appearance in court, the payment of a fine or court cost, or 73 violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended or prorated, including an offense for failure to appear or 7475pay;

76 (13) "Director", the director of revenue or his authorized representative;
77 (14) "Disqualification", any of the following three actions:

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(a) The suspension, revocation, or cancellation of a commercial driver'slicense or commercial driver's instruction permit;

80 (b) Any withdrawal of a person's privileges to drive a commercial motor 81 vehicle by a state, Canada, or Mexico as the result of a violation of federal, state, 82 county, municipal, or local law relating to motor vehicle traffic control or 83 violations committed through the operation of motor vehicles, other than parking, 84 vehicle weight, or vehicle defect violations;

(c) A determination by the Federal Motor Carrier Safety Administration
that a person is not qualified to operate a commercial motor vehicle under 49
CFR 383.52 or 391;

88 (15) "Drive", to drive, operate or be in physical control of a commercial89 motor vehicle;

90 (16) "Driver", any person who drives, operates, or is in physical control of 91 a motor vehicle, or who is required to hold a commercial driver's license;

92 (17) "Driver applicant", an individual who applies to obtain, transfer,
93 upgrade, or renew a commercial driver's license or commercial driver's instruction
94 permit in this state;

95 (18) "Driving under the influence of alcohol", the commission of any one96 or more of the following acts:

97 (a) Driving a commercial motor vehicle with the alcohol concentration of 98 four one-hundredths of a percent or more as prescribed by the Secretary or such 99 other alcohol concentration as may be later determined by the Secretary by 100 regulation;

101 (b) Driving a commercial or noncommercial motor vehicle while 102 intoxicated in violation of any federal or state law, or in violation of a county or 103 municipal ordinance;

104 (c) Driving a commercial or noncommercial motor vehicle with excessive
105 blood alcohol content in violation of any federal or state law, or in violation of a
106 county or municipal ordinance;

107 (d) Refusing to submit to a chemical test in violation of section [577.041]
108 302.574, section 302.750, any federal or state law, or a county or municipal
109 ordinance; or

(e) Having any state, county or municipal alcohol-related enforcement
contact, as defined in subsection 3 of section 302.525; provided that any
suspension or revocation pursuant to section 302.505, committed in a
noncommercial motor vehicle by an individual twenty-one years of age or older

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shall have been committed by the person with an alcohol concentration of at least eight-hundredths of one percent or more, or in the case of an individual who is less than twenty-one years of age, shall have been committed by the person with an alcohol concentration of at least two-hundredths of one percent or more, and if committed in a commercial motor vehicle, a concentration of four-hundredths of one percent or more;

120 (19) "Driving under the influence of a controlled substance", the 121 commission of any one or more of the following acts in a commercial or 122 noncommercial motor vehicle:

(a) Driving a commercial or noncommercial motor vehicle while under the
influence of any substance so classified under Section 102(6) of the Controlled
Substances Act (21 U.S.C. Section 802(6)), including any substance listed in
schedules I through V of 21 CFR 1308, as they may be revised from time to time;
(b) Driving a commercial or noncommercial motor vehicle while in a
drugged condition in violation of any federal or state law or in violation of a
county or municipal ordinance; or

130 (c) Refusing to submit to a chemical test in violation of section [577.041]
131 302.574, section 302.750, any federal or state law, or a county or municipal
132 ordinance;

(20) "Electronic device", includes but is not limited to a cellular telephone,
personal digital assistant, pager, computer, or any other device used to input,
write, send, receive, or read text;

(21) "Employer", any person, including the United States, a state, or a
political subdivision of a state, who owns or leases a commercial motor vehicle or
assigns a driver to operate such a vehicle;

(22) "Endorsement", an authorization on an individual's commercial
driver's license or commercial learner's permit required to permit the individual
to operate certain types of commercial motor vehicles;

142(23) "Farm vehicle", a commercial motor vehicle controlled and operated by a farmer used exclusively for the transportation of agricultural products, farm 143machinery, farm supplies, or a combination of these, within one hundred fifty 144145miles of the farm, other than one which requires placarding for hazardous materials as defined in this section, or used in the operation of a common or 146 147contract motor carrier, except that a farm vehicle shall not be a commercial motor vehicle when the total combined gross weight rating does not exceed twenty-six 148 thousand one pounds when transporting fertilizers as defined in subdivision (29) 149

150 of this subsection;

151 (24) "Fatality", the death of a person as a result of a motor vehicle 152 accident;

(25) "Felony", any offense under state or federal law that is punishable bydeath or imprisonment for a term exceeding one year;

155 (26) "Foreign", outside the fifty states of the United States and the 156 District of Columbia;

(27) "Gross combination weight rating" or "GCWR", the value specified by
the manufacturer as the loaded weight of a combination (articulated) vehicle. In
the absence of a value specified by the manufacturer, GCWR will be determined
by adding the GVWR of the power unit and the total weight of the towed unit and
any load thereon;

162 (28) "Gross vehicle weight rating" or "GVWR", the value specified by the163 manufacturer as the loaded weight of a single vehicle;

164 (29) "Hazardous materials", any material that has been designated as 165 hazardous under 49 U.S.C. Section 5103 and is required to be placarded under 166 subpart F of CFR 172 or any quantity of a material listed as a select agent or 167 toxin in 42 CFR 73. Fertilizers, including but not limited to ammonium nitrate, 168 phosphate, nitrogen, anhydrous ammonia, lime, potash, motor fuel or special fuel, 169 shall not be considered hazardous materials when transported by a farm vehicle 170 provided all other provisions of this definition are followed;

(30) "Imminent hazard", the existence of a condition that presents a
substantial likelihood that death, serious illness, severe personal injury, or a
substantial endangerment to health, property, or the environment may occur
before the reasonably foreseeable completion date of a formal proceeding begins
to lessen the risk of that death, illness, injury, or endangerment;

176 (31) "Issuance", the initial licensure, license transfers, license renewals,177 and license upgrades;

(32) "Manual transmission" (also known as a stick shift, stick, straight drive or standard transmission), a transmission utilizing a driver-operated clutch that is activated by a pedal or lever and a gear-shift mechanism operated either by hand or foot. All other transmissions, whether semiautomatic or automatic, will be considered automatic for the purposes of the standardized restriction code;

(33) "Medical examiner", a person who is licensed, certified, or registered,
in accordance with applicable state laws and regulations, to perform physical
examinations. The term includes, but is not limited to, doctors of medicine,

186 doctors of osteopathy, physician assistants, advanced practice nurses, and doctors187 of chiropractic;

188 (34) "Medical variance", when a driver has received one of the following189 that allows the driver to be issued a medical certificate:

(a) An exemption letter permitting operation of a commercial motor
vehicle under 49 CFR 381, Subpart C or 49 CFR 391.64;

(b) A skill performance evaluation certificate permitting operation of acommercial motor vehicle under 49 CFR 391.49;

(35) "Mobile telephone", a mobile communication device that is classified
as or uses any commercial mobile radio service, as defined in the regulations of
the Federal Communications Commission, 47 CFR 20.3, but does not include
two-way or citizens band radio services;

198 (36) "Motor vehicle", any self-propelled vehicle not operated exclusively199 upon tracks;

(37) "Noncommercial motor vehicle", a motor vehicle or combination of
motor vehicles not defined by the term commercial motor vehicle in this section;
(38) "Out of service", a temporary prohibition against the operation of a
commercial motor vehicle by a particular driver, or the operation of a particular
commercial motor vehicle, or the operation of a particular motor carrier;

(39) "Out-of-service order", a declaration by an authorized enforcement
officer of a federal, state, Canadian, Mexican or any local jurisdiction, that a
driver, or a commercial motor vehicle, or a motor carrier operation, is out of
service under 49 CFR 386.72, 392.5, 392.9a, 395.13, or 396.9, or comparable laws,
or the North American Standard Out-of-Service Criteria;

(40) "School bus", a commercial motor vehicle used to transport preprimary, primary, or secondary school students from home to school, from school to home, or to and from school-sponsored events. School bus does not include a bus used as a common carrier as defined by the Secretary;

214 (41) "Secretary", the Secretary of Transportation of the United States;

(42) "Serious traffic violation", driving a commercial motor vehicle in such a manner that the driver receives a conviction for the following offenses or driving a noncommercial motor vehicle when the driver receives a conviction for the following offenses and the conviction results in the suspension or revocation of the driver's license or noncommercial motor vehicle driving privilege:

220 (a) Excessive speeding, as defined by the Secretary by regulation;

(b) Careless, reckless or imprudent driving which includes, but shall not

be limited to, any violation of section 304.016, any violation of section 304.010, or any other violation of federal or state law, or any county or municipal ordinance while driving a commercial motor vehicle in a willful or wanton disregard for the safety of persons or property, or improper or erratic traffic lane changes, or following the vehicle ahead too closely, but shall not include careless and imprudent driving by excessive speed;

(c) A violation of any federal or state law or county or municipal ordinance
regulating the operation of motor vehicles arising out of an accident or collision
which resulted in death to any person, other than a parking violation;

(d) Driving a commercial motor vehicle without obtaining a commercial
driver's license in violation of any federal or state or county or municipal
ordinance;

(e) Driving a commercial motor vehicle without a commercial driver's license in the driver's possession in violation of any federal or state or county or municipal ordinance. Any individual who provides proof to the court which has jurisdiction over the issued citation that the individual held a valid commercial driver's license on the date that the citation was issued shall not be guilty of this offense;

(f) Driving a commercial motor vehicle without the proper commercial
driver's license class or endorsement for the specific vehicle group being operated
or for the passengers or type of cargo being transported in violation of any federal
or state law or county or municipal ordinance;

244 (g) Violating a state or local law or ordinance on motor vehicle traffic 245 control prohibiting texting while driving a commercial motor vehicle;

(h) Violating a state or local law or ordinance on motor vehicle traffic
control restricting or prohibiting the use of a hand-held mobile telephone while
driving a commercial motor vehicle; or

(i) Any other violation of a federal or state law or county or municipal
ordinance regulating the operation of motor vehicles, other than a parking
violation, as prescribed by the Secretary by regulation;

(43) "State", a state of the United States, including the District ofColumbia;

(44) "Tank vehicle", any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than one hundred nineteen gallons and an aggregate rated capacity of one thousand gallons or more that is either 258 permanently or temporarily attached to the vehicle or the chassis. A commercial 259 motor vehicle transporting an empty storage container tank, not designed for 260 transportation, with a rated capacity of one thousand gallons or more, that is 261 temporarily attached to a flatbed trailer is not considered a tank vehicle;

(45) "Texting", manually entering alphanumeric text into, or reading text from, an electronic device. This action includes but is not limited to short message service, emailing, instant messaging, commanding or requesting access to a website, pressing more than a single button to initiate or terminate a voice communication using a mobile telephone, or engaging in any other form of electronic text retrieval or entry, for present or future communication. Texting does not include:

269 (a) Inputting, selecting, or reading information on a global positioning270 system or navigation system;

(b) Pressing a single button to initiate or terminate a voice communicationusing a mobile telephone; or

(c) Using a device capable of performing multiple functions (e.g., fleet
management systems, dispatching devices, smart phones, citizens band radios,
music players) for a purpose that is not otherwise prohibited in this part;

(46) "United States", the fifty states and the District of Columbia.302.780. 1. It shall be unlawful for a person to:

2 (1) Drive a commercial motor vehicle in a willful or wanton disregard for
3 the safety of persons or property; or

4 (2) [Drive a commercial motor vehicle while having an alcohol 5 concentration of four one-hundredths of a percent or more as prescribed by the 6 secretary or such other alcohol concentration as may be later determined by the 7 secretary by regulation; or

8 (3)] Drive a commercial motor vehicle while under the influence of any 9 substance so classified under section 102(6) of the Controlled Substances Act (21 10 U.S.C. 802(6)), including any substance listed in schedules I through V of 21 CFR 11 part 1308, as they may be revised from time to time.

12 2. Except as otherwise provided for in sections 302.700 to 302.780,
13 whenever the doing of anything is required or is prohibited or is declared to be
14 unlawful, any person who shall be convicted of a violation thereof shall be guilty
15 of a class B misdemeanor.

303.025. 1. No owner of a motor vehicle registered in this state, or 2 required to be registered in this state, shall operate, register or maintain

3 registration of a motor vehicle, or permit another person to operate such vehicle,

4 unless the owner maintains the financial responsibility which conforms to the requirements of the laws of this state. No nonresident shall operate or permit 56 another person to operate in this state a motor vehicle registered to such nonresident unless the nonresident maintains the financial responsibility which 7 8 conforms to the requirements of the laws of the nonresident's state of residence. Furthermore, no person shall operate a motor vehicle owned by 9 10 another with the knowledge that the owner has not maintained financial responsibility unless such person has financial responsibility which covers the 11 12person's operation of the other's vehicle; however, no owner or nonresident shall be in violation of this subsection if he or she fails to maintain financial 13responsibility on a motor vehicle which is inoperable or being stored and not in 14operation. The director may prescribe rules and regulations for the 1516 implementation of this section.

17 2. A motor vehicle owner shall maintain the owner's financial 18 responsibility in a manner provided for in section 303.160, or with a motor vehicle 19 liability policy which conforms to the requirements of the laws of this state. A 20 nonresident motor vehicle owner shall maintain the owner's financial 21 responsibility which conforms to the requirements of the laws of the nonresident's 22 state of residence.

233. Any person who violates this section is guilty of a misdemeanor. A first violation of this section shall be punishable [by a fine not to exceed three hundred 24dollars] as a class D misdemeanor. A second or subsequent violation of this 2526section shall be punishable by imprisonment in the county jail for a term not to 27exceed fifteen days and/or a fine not to exceed [three] five hundred dollars. Prior 28pleas of guilty and prior findings of guilty shall be pleaded and proven in the 29same manner as required by section 558.021. However, no person shall be found guilty of violating this section if the operator demonstrates to the court that he 30 or she met the financial responsibility requirements of this section at the time the 31peace officer, commercial vehicle enforcement officer or commercial vehicle 32inspector wrote the citation. In addition to any other authorized punishment, the 33 34court shall notify the director of revenue of any person convicted pursuant to this section and shall do one of the following: 35

(1) Enter an order suspending the driving privilege as of the date of the
court order. If the court orders the suspension of the driving privilege, the court
shall require the defendant to surrender to it any driver's license then held by

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such person. The length of the suspension shall be as prescribed in subsection
2 of section 303.042. The court shall forward to the director of revenue the order
of suspension of driving privilege and any license surrendered within ten days;

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

43(3) In lieu of an assessment of points, render an order of supervision as 44provided in section 302.303. An order of supervision shall not be used in lieu of points more than one time in any thirty-six-month period. Every court having 4546 jurisdiction pursuant to the provisions of this section shall forward a record of 47conviction to the Missouri state highway patrol, or at the written direction of the Missouri state highway patrol, to the department of revenue, in a manner 48approved by the director of the department of public safety. The director shall 4950establish procedures for the record keeping and administration of this section; or 51(4) For a nonresident, suspend the nonresident's driving privileges in this 52state in accordance with section 303.030 and notify the official in charge of the issuance of licenses and registration certificates in the state in which such 5354nonresident resides in accordance with section 303.080.

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

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

[577.217.] **305.125.** If a person refuses upon the request of the officer to 2 submit to a chemical test **under section 577.041**, then no test shall be 3 given. Any refusal to submit to a test shall be an infraction which may be 4 punished by a fine of up to one thousand dollars. The officer shall inform the 5 person that his or her failure to submit to the test may result in a fine and 6 administrative penalties by the Federal Aviation Administration.

[577.221.] **305.126.** [All positive test results and test refusals] 2 Whenever a person operating an aircraft or acting as a flight crew 3 member of any aircraft has a positive chemical test under chapter 577 4 or refuses a chemical test under section 577.041, the test result and 5 refusal shall be reported by law enforcement agencies to the Federal Aviation 6 Administration. If a person pleads guilty to or is found guilty of a violation of
7 sections [577.201 and 577.203] 577.015 and 577.016, a report of the conviction
8 shall be forwarded by the court in which the conviction occurred to the Federal
9 Aviation Administration.

311.315. 1. A person commits the offense of manufacturing a 2 false identification if he or she possesses any means of identification 3 for the purpose of manufacturing and providing or selling a false 4 identification card to a person under the age of twenty-one for the 5 purpose of purchasing or obtaining alcohol.

6 2. The offense of manufacturing a false identification is a class7 A misdemeanor.

311.325. 1. Any person under the age of twenty-one years, who purchases or attempts to purchase, or has in his or her possession, any intoxicating liquor $\mathbf{2}$ 3 as defined in section 311.020 or who is visibly in an intoxicated condition as defined in section 577.001, or has a detectable blood alcohol content of more than 4 two-hundredths of one percent or more by weight of alcohol in such person's blood 5is guilty of a misdemeanor. A first violation of this section shall be punishable 6 [by a fine not to exceed three hundred dollars] as a class D misdemeanor. A 7 second or subsequent violation of this section shall be punishable [by 8 9 imprisonment in the county jail for a term not to exceed one year and/or a fine 10 not to exceed one thousand dollars] as a class A misdemeanor. Prior [pleas 11 of guilty and prior] findings of [guilty] guilt shall be pleaded and proven in the 12same manner as required by section 558.021. For purposes of prosecution under this section or any other provision of this chapter involving an alleged illegal sale 13or transfer of intoxicating liquor to a person under twenty-one years of age, a 14manufacturer-sealed container describing that there is intoxicating liquor therein 1516 need not be opened or the contents therein tested to verify that there is 17intoxicating liquor in such container. The alleged violator may allege that there 18 was not intoxicating liquor in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container 19 20describing that there is intoxicating liquor therein contains intoxicating liquor.

21 2. For purposes of determining violations of any provision of this chapter, 22 or of any rule or regulation of the supervisor of alcohol and tobacco control, a 23 manufacturer-sealed container describing that there is intoxicating liquor therein 24 need not be opened or the contents therein tested to verify that there is 25 intoxicating liquor in such container. The alleged violator may allege that there was not intoxicating liquor in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is intoxicating liquor therein contains intoxicating liquor.

293. Any person under the age of twenty-one years who purchases or attempts to purchase, or has in his or her possession, any intoxicating liquor, or 30 31who is visibly in an intoxicated condition as defined in section 577.001, shall be 32deemed to have given consent to a chemical test or tests of the person's breath, 33 blood, saliva, or urine for the purpose of determining the alcohol or drug content 34of the person's blood. The implied consent to submit to the chemical tests listed 35 in this subsection shall be limited to not more than two such tests arising from the same arrest, incident, or charge. Chemical analysis of the person's breath, 36 blood, saliva, or urine shall be performed according to methods approved by the 37 state department of health and senior services by licensed medical personnel or 38 39 by a person possessing a valid permit issued by the state department of health 40 and senior services for this purpose. The state department of health and senior 41 services shall approve satisfactory techniques, devices, equipment, or methods to 42be considered valid and shall establish standards to ascertain the qualifications and competence of individuals to conduct analyses and to issue permits which 43shall be subject to termination or revocation by the state department of health 44and senior services. The person tested may have a physician, or a qualified 4546 technician, chemist, registered nurse, or other qualified person at the choosing and expense of the person to be tested, administer a test in addition to any 47administered at the direction of a law enforcement officer. The failure or inability 4849 to obtain an additional test by a person shall not preclude the admission of 50 evidence relating to the test taken at the direction of a law enforcement officer. Upon the request of the person who is tested, full information concerning 5152the test shall be made available to such person. Full information is limited to the 53following:

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(1) The type of test administered and the procedures followed;

55 (2) The time of the collection of the blood or breath sample or urine 56 analyzed;

57 (3) The numerical results of the test indicating the alcohol content of the 58 blood and breath and urine;

59 (4) The type and status of any permit which was held by the person who60 performed the test;

61 (5) If the test was administered by means of a breath-testing instrument,

62 the date of performance of the most recent required maintenance of such 63 instrument. Full information does not include manuals, schematics, or software 64 of the instrument used to test the person or any other material that is not in the 65 actual possession of the state. Additionally, full information does not include 66 information in the possession of the manufacturer of the test instrument.

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4. The provisions of this section shall not apply to a student who:

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(1) Is eighteen years of age or older;

69 (2) Is enrolled in an accredited college or university and is a student in70 a culinary course;

(3) Is required to taste, but not consume or imbibe, any beer, ale, porter,
wine, or other similar malt or fermented beverage as part of the required
curriculum; and

74(4) Tastes a beverage under subdivision (3) of this subsection only for 75instructional purposes during classes that are part of the curriculum of the 76accredited college or university. The beverage must at all times remain in the 77possession and control of an authorized instructor of the college or university, 78who must be twenty-one years of age or older. Nothing in this subsection may be construed to allow a student under the age of twenty-one to receive any beer, ale, 79porter, wine, or other similar malt or fermented beverage unless the beverage is 80 delivered as part of the student's required curriculum and the beverage is used 81 82 only for instructional purposes during classes conducted as part of the curriculum. 83

[566.265.] 351.493. If a corporation or other business [pleads guilty to
or] is found guilty of violating section 566.203, 566.206, 566.209, 566.210,
566.211, 566.212, 566.213, or 566.215, in addition to the criminal penalties
described in such sections and other remedies provided for by law, the court may:

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(1) Order its dissolution or reorganization;

6 (2) Order the suspension or revocation of any license, permit, or prior 7 approval granted to it by the state;

8 (3) Order the surrender of its charter if it is organized under Missouri law 9 or the revocation of its certificate to conduct business in Missouri if it is not 10 organized under Missouri law.

[577.006.] **479.172.** 1. Each municipal judge shall receive adequate 2 instruction on the laws related to intoxication-related traffic offenses as defined 3 in section [577.023] **577.001** including jurisdictional issues related to such 4 offenses, reporting requirements to the highway patrol central repository as set out in section 43.503 and required assessment for offenders under the substance
abuse traffic offender program (SATOP). Each municipal judge shall adopt a
written policy requiring that municipal court personnel timely report all
dispositions of all charges for intoxication-related traffic offenses to the central
repository.

2. Each municipal court shall provide a copy of its written policy for reporting dispositions of intoxication-related traffic offenses to the office of state courts administrator and the highway patrol. To assist municipal courts, the office of state courts administrator may create a model policy for the reporting of dispositions of all charges for intoxication-related traffic offenses.

3. Each municipal division of every circuit court in the state of Missouri 15shall prepare a report every six months. The report shall include, but shall not 16be limited to, the total number and disposition of every intoxication-related traffic 1718 offense adjudicated, dismissed or pending in its municipal court division. The 19 municipal court division shall submit said report to the circuit court en 20banc. The report shall include the six-month period beginning January first and 21ending June thirtieth and the six-month period beginning July first and ending 22December thirty-first of each year. The report shall be submitted to the circuit 23court en banc no later than sixty days following the end of the reporting period. The circuit court en banc shall make recommendations or take any action 2425it deems appropriate based on its review of said reports.

[572.120.] **513.660.** Any gambling device or gambling record, or any money used as bets or stakes in unlawful gambling activity, possessed or used in violation of this chapter may be seized by any [peace] **law enforcement** officer and is forfeited to the state. Forfeiture procedures shall be conducted as provided by rule of court. Forfeited money and the proceeds from the sale of forfeited property shall be paid into the school fund of the county. Any forfeited gambling device or record not needed in connection with any proceedings under this chapter and which has no legitimate use shall be ordered publicly destroyed.

[570.123.] **537.123.** In addition to all other penalties provided by law, 2 any person who makes, utters, draws, or delivers any check, draft, or order for 3 the payment of money upon any bank, savings and loan association, credit union, 4 or other depositary, financial institution, person, firm, or corporation which is not 5 honored because of lack of funds or credit to pay or because of not having an 6 account with the drawee and who fails to pay the amount for which such check, 7 draft, or order was made in cash to the holder within thirty days after notice and SS SCS SB 491

a written demand for payment, deposited as certified or registered mail in the 8 9 United States mail, or by regular mail, supported by an affidavit of service by 10 mailing, notice deemed conclusive three days following the date the affidavit is 11 executed, and addressed to the maker and to the endorser, if any, of the check, draft, or order at each of their addresses as it appears on the check, draft, or 1213 order or to the last known address, shall, in addition to the face amount owing upon such check, draft, or order, be liable to the holder for three times the face 1415amount owed or one hundred dollars, whichever is greater, plus reasonable attorney fees incurred in bringing an action pursuant to this section. Only the 16 17original holder, whether the holder is a person, bank, savings and loan association, credit union, or other depository, financial institution, firm or 18 19 corporation, may bring an action pursuant to this section. No original holder shall bring an action pursuant to this section if the original holder has been paid 2021the face amount of the check and costs recovered by the prosecuting attorney or 22circuit attorney pursuant to subsection 6 of section 570.120. If the issuer of the 23check has paid the face amount of the check and costs pursuant to subsection 6 of section 570.120, such payment shall be an affirmative defense to any action 24brought pursuant to this section. The original holder shall elect to bring an 2526action pursuant to this section or section 570.120, but may not bring an action pursuant to both sections. In no event shall the damages allowed pursuant to 2728this section exceed five hundred dollars, exclusive of reasonable attorney fees. In situations involving payroll checks, the damages allowed pursuant to this section 2930 shall only be assessed against the employer who issued the payroll check and not 31against the employee to whom the payroll check was issued. The provisions of 32sections 408.140 and 408.233 to the contrary notwithstanding, a lender may bring an action pursuant to this section. The provisions of this section will not apply 33 in cases where there exists a bona fide dispute over the quality of goods sold or 34services rendered. 35

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[570.087.] **537.127.** 1. As used in this section, the following terms mean: (1) "Actual damages", the full retail value of any merchandise which is 3 taken or which has its price altered in a manner described in subsection 2 of this 4 section, plus any proven incidental costs to the owner of the merchandise not to exceed one hundred dollars; $\mathbf{5}$

6 (2) "Mercantile establishment", any place where merchandise is displayed, held or offered for sale either at retail or at wholesale; 7

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(3) "Merchandise", all things movable and capable of manual delivery and

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9 offered for sale either at retail or wholesale;

10 (4) "Unemancipated minor", an individual under the age of eighteen years 11 whose parents or guardian have not surrendered the right to the care, custody 12 and earnings of such individual, and are under a duty to support or maintain 13 such individual.

142. An adult or a minor who takes possession of any merchandise from any mercantile establishment without the consent of the owner, without paying the 1516purchase price and with the intention of converting such merchandise to his own 17use, or the use of another, or who purchases merchandise after altering the price 18 indicia of such merchandise, shall be civilly liable to the owner for actual damages plus a penalty payable to the owner of not less than one hundred dollars 1920nor more than two hundred fifty dollars and all court costs and reasonable 21attorney fees.

223. The parents or guardian having physical custody of an unemancipated 23minor, who takes possession of any merchandise from any mercantile 24establishment without the consent of the owner, without paying the purchase 25price and with the intention of converting such merchandise to his own use, or the use of another, or who purchases merchandise after altering the price indicia 2627of such merchandise, shall be civilly liable to the owner for actual damages, provided that a parent or guardian shall not be liable if they have not had 2829physical custody for a period in excess of one year.

4. Notwithstanding the provisions of subsections 2 and 3 of this section, any person who, without the consent of the owner, takes possession of a shopping cart from any mercantile establishment with the intent to convert such shopping cart to his own use or the use of another shall be civilly liable to the owner for actual damages plus a penalty payable to the owner of one hundred dollars and all court costs and reasonable attorney fees.

5. A conviction under section 570.030 [or 570.040] shall not be a condition precedent to maintaining a civil action pursuant to the provisions of this section.

38 6. No owner or agent or employee of the owner may attempt to gain an
39 advantage in a civil action by threatening to initiate a criminal prosecution
40 pertaining to the same incident.

[566.013.] **542.425.** In the course of a criminal investigation under [this] 2 chapter **566 or 573**, when the venue of the alleged criminal conduct cannot be 3 readily determined without further investigation, the attorney general may 4 request the prosecuting attorney of Cole County to request a circuit or associate

5circuit judge of Cole County to issue a subpoena to any witness who may have 6 information for the purpose of oral examination under oath or to require access 7to data or the production of books, papers, records, or other material of evidentiary nature at the office of the attorney general. If, upon review of the 8 evidence produced pursuant to the subpoenas, it appears that a violation of [this] 9 10 chapter **566** or **573** may have been committed, the attorney general shall provide the evidence produced pursuant to subpoena to an appropriate county prosecuting 11 12attorney or circuit attorney having venue over the criminal offense.

[577.039.] **544.218.** An arrest without a warrant by a law enforcement officer, including a uniformed member of the state highway patrol, for a violation of section 577.010 or 577.012 is lawful whenever the arresting officer has reasonable grounds to believe that the person to be arrested has violated the section, whether or not the violation occurred in the presence of the arresting officer.

[577.680.] 544.472. 1. If verification of the nationality or lawful $\mathbf{2}$ immigration status of any person who is charged and confined to jail for any 3 period of time cannot be made from documents in the possession of the prisoner or after a reasonable effort on the part of the arresting agency to determine the 4 nationality or immigration status of the person so confined, verification shall be 5made by the arresting agency within forty-eight hours through a query to the Law 6 7Enforcement Support Center (LESC) of the United States Department of Homeland Security or other office or agency designated for that purpose by the 8 United States Department of Homeland Security. If it is determined that the 9 10 prisoner is in the United States unlawfully, the arresting agency shall notify the 11 United States Department of Homeland Security. [Until August 28, 2009, this 12section shall only apply to officers employed by the department of public safety to include: the highway patrol, water patrol, capitol police, fire marshal's office, 13 and division of alcohol and tobacco control.] 14

2. Nothing in this section shall be construed to deny any person bond or
prevent a person from being released from confinement if such person is
otherwise eligible for release.

[566.135.] **545.940.** 1. Pursuant to a motion filed by the prosecuting 2 attorney or circuit attorney with notice given to the defense attorney and for good 3 cause shown, in any criminal case in which a defendant has been charged by the 4 prosecuting attorney's office or circuit attorney's office with any offense under 5 [this chapter or pursuant to section 575.150, 567.020, 565.050, 565.060, 565.070,] SS SCS SB 491

6 chapter 566 or section 565.050, assault in the first degree; 565.052, assault in the second degree; 565.054, assault in the third degree; 7 565.056, assault in the fourth degree; section 565.072, domestic assault 8 in the first degree; section 565.073, domestic assault in the second 9 degree; section 565.074, [565.075, 565.081, 565.082, 565.083,] domestic 10 assault in the third degree; section 565.076, domestic assault in the 11 12fourth degree; section 567.020, prostitution; section 568.045, endangering the welfare of a child in the first degree; section 568.050, [or] 13 endangering the welfare of a child in the second degree; section 568.060, 14 abuse of a child; section 575.150, resisting or interfering with an arrest; 1516 or paragraph (a), (b), or (c), of subdivision (2) of subsection 1 of section 191.677, 17recklessly exposing a person to HIV, the court may order that the defendant be conveyed to a state-, city-, or county-operated HIV clinic for testing for HIV, 18 hepatitis B, hepatitis C, syphilis, gonorrhea, and chlamydia. The results of [the 19 20defendant's HIV, hepatitis B, hepatitis C, syphilis, gonorrhea, and chlamydia] 21such tests shall be released to the victim and his or her parent or legal guardian 22if the victim is a minor. The results of [the defendant's HIV, hepatitis B, 23hepatitis C, syphilis, gonorrhea, and chlamydia] such tests shall also be released 24to the prosecuting attorney or circuit attorney and the defendant's attorney. The state's motion to obtain said testing, the court's order of the same, and the test 2526results shall be sealed in the court file.

272. As used in this section, "HIV" means the human immunodeficiency28 virus that causes acquired immunodeficiency syndrome.

556.011. [This code] Chapters 556 to 580 shall be known and may be 2 cited as "The Revised Criminal Code".

556.021. 1. [An offense defined by this code or by any other statute of this 2 state constitutes an infraction if it is so designated or if no other sentence than 3 a fine, or fine and forfeiture or other civil penalty is authorized upon conviction.

4 2.] An infraction does not constitute [a crime] a criminal offense and 5 conviction of an infraction shall not give rise to any disability or legal 6 disadvantage based on conviction of a [crime] criminal offense.

[3.] 2. Except as otherwise provided by law, the procedure for infractions
8 shall be the same as for a misdemeanor.

9 [4.] 3. If a [defendant] **person** fails to appear in court either solely for 10 an infraction or for an infraction which is committed in the same course of 11 conduct as a criminal offense for which the [defendant] **person** is charged, or if

12a [defendant] **person** fails to respond to notice of an infraction from the central 13 violations bureau established in section 476.385, the court may issue a default judgment for court costs and fines for the infraction which shall be enforced in 14 15the same manner as other default judgments, including enforcement under sections 488.5028 and 488.5030, unless the court determines that good cause or 16 17 excusable neglect exists for the [defendant's] person's failure to appear for the infraction. The notice of entry of default judgment and the amount of fines and 18 19costs imposed shall be sent to the [defendant] person by first class mail. The 20default judgment may be set aside for good cause if the [defendant] person files 21a motion to set aside the judgment within six months of the date the notice of entry of default judgment is mailed. 22

[5.] 4. Notwithstanding subsection [4] 3 of this section or any provisions of law to the contrary, a court may issue a warrant for failure to appear for any violation which is classified as an infraction.

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

[7. Subsections 3 to 6 of this section shall become effective January 1,29 2012.]

556.026. No conduct constitutes an offense **or infraction** unless made so 2 by this code or by other applicable statute.

556.037. Notwithstanding the provisions of section 556.036, prosecutions for unlawful sexual offenses involving a person eighteen years of age or under must be commenced within thirty years after the victim reaches the age of eighteen unless the prosecutions are for rape in the first degree, forcible rape, attempted rape in the first degree, attempted forcible rape, sodomy in the first degree, forcible sodomy, kidnapping, **kidnapping in the first degree**, attempted sodomy in the first degree, or attempted forcible sodomy in which case such prosecutions may be commenced at any time.

[565.255.] 556.038. Notwithstanding the provisions of section 556.036,
either misdemeanor or felony prosecutions under sections [565.250] 565.252 to
565.257 shall be commenced within the following periods of limitation:

4 (1) Three years from the date the viewing, photographing or filming 5 occurred; or

6 (2) If the person who was viewed, photographed or filmed did not realize 7 at the time that he was being viewed, photographed or filmed, within three years 8 of the time the person who was viewed or in the photograph or film first learns 9 that he was viewed, photographed or filmed.

556.061. In this code, unless the context requires a different definition, 2 the following [shall apply] **terms shall mean**:

- 3 (1) "Access", to instruct, communicate with, store data in, retrieve
 4 or extract data from, or otherwise make any use of any resources of, a
 5 computer, computer system, or computer network;
- 6 (2) "Affirmative defense" [has the meaning specified in section 556.056]:

7 (a) The defense referred to is not submitted to the trier of fact 8 unless supported by evidence; and

9 (b) If the defense is submitted to the trier of fact the defendant 10 has the burden of persuasion that the defense is more probably true 11 than not;

12 [(2)] (3) "Burden of injecting the issue" [has the meaning specified in 13 section 556.051]:

14 (a) The issue referred to is not submitted to the trier of fact15 unless supported by evidence; and

16 (b) If the issue is submitted to the trier of fact any reasonable 17 doubt on the issue requires a finding for the defendant on that issue;

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

24(5) "Computer", the box that houses the central processing unit (cpu), along with any internal storage devices, such as internal hard 25drives, and internal communication devices, such as internal modems 26capable of sending or receiving electronic mail or fax cards, along with 27any other hardware stored or housed internally. Thus, computer refers 28to hardware, software and data contained in the main unit. Printers, 2930 external modems attached by cable to the main unit, monitors, and 31other external attachments will be referred to collectively as 32peripherals and discussed individually when appropriate. When the 33 computer and all peripherals are referred to as a package, the term "computer system" is used. Information refers to all the information on 34a computer system including both software applications and data; 35

36 (6) "Computer equipment", includes computers, terminals, data
37 storage devices, and all other computer hardware associated with a
38 computer system or network;

(7) "Computer hardware", includes all equipment which can 39 collect, analyze, create, display, convert, store, conceal or transmit 40 electronic, magnetic, optical or similar computer impulses or 41 42data. Hardware includes, but is not limited to, any data processing devices, such as central processing units, memory typewriters and self-43 contained laptop or notebook computers; internal and peripheral 44 storage devices, transistor-like binary devices and other memory 45storage devices, such as floppy disks, removable disks, compact disks, 46 47 digital video disks, magnetic tape, hard drive, optical disks and digital 48memory; local area networks, such as two or more computers connected 49 together to a central computer server via cable or modem; peripheral input or output devices, such as keyboards, printers, scanners, plotters, 50video display monitors and optical readers; and related communication 5152devices, such as modems, cables and connections, recording equipment, RAM or ROM units, acoustic couplers, automatic dialers, speed dialers, 53programmable telephone dialing or signaling devices and electronic 54tone-generating devices; as well as any devices, mechanisms or parts 55that can be used to restrict access to computer hardware, such as 56 physical keys and locks; 57

(8) "Computer network", a complex consisting of two or more
interconnected computers or computer systems;

60 (9) "Computer program", a set of instructions, statements, or 61 related data that directs or is intended to direct a computer to perform 62 certain functions;

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

70 (11) "Computer-related documentation", includes written, 71 recorded, printed or electronically stored material which explains or SS SCS SB 491

illustrates how to configure or use computer hardware, software orother related items;

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

76 [(4)] (13) "Confinement":

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

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

b. The person is released on bail, bond, or recognizance, personal orotherwise; or

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

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

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

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

93 [(5)] (14) "Consent": consent or lack of consent may be expressed or 94 implied. Assent does not constitute consent if:

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

98 (b) It is given by a person who by reason of youth, mental disease or 99 defect, intoxication, a drug-induced state, or any other reason is manifestly 100 unable or known by the actor to be unable to make a reasonable judgment as to 101 the nature or harmfulness of the conduct charged to constitute the offense; or

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

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

105 [(6)] (16) "Criminal negligence" [has the meaning specified in section 106 562.016], failure to be aware of a substantial and unjustifiable risk that 107 circumstances exist or a result will follow, and such failure constitutes 173

108 a gross deviation from the standard of care which a reasonable person
109 would exercise in the situation;

110 [(7)] (17) "Custody", a person is in custody when [the person] he or she
111 has been arrested but has not been delivered to a place of confinement;

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

115[(8)] (19) "Dangerous felony" [means], the felonies of arson in the first 116degree, assault in the first degree, attempted rape in the first degree if physical 117injury results, attempted forcible rape if physical injury results, attempted 118sodomy in the first degree if physical injury results, attempted forcible sodomy 119if physical injury results, rape in the first degree, forcible rape, sodomy in the first degree, forcible sodomy, assault in the second degree if the victim of 120 121such assault is a special victim as defined in subdivision (14) of section 122565.002, kidnapping in the first degree, kidnapping, murder in the second degree, assault of a law enforcement officer in the first degree, domestic assault 123124in the first degree, elder abuse in the first degree, robbery in the first degree, 125statutory rape in the first degree when the victim is a child less than twelve 126 years of age at the time of the commission of the act giving rise to the offense, 127statutory sodomy in the first degree when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense, 128[and,] child molestation in the first or second degree, abuse of a child if 129the child dies as a result of injuries sustained from conduct chargeable under 130 section 568.060, child kidnapping, [and] parental kidnapping committed by 131 detaining or concealing the whereabouts of the child for not less than one 132hundred twenty days under section 565.153, and an "intoxication-related 133134traffic offense" or "intoxication-related boating offense" if the person is 135found to be a "habitual offender" as such terms are defined in section 136**577.001**;

137 [(9)] (20) "Dangerous instrument" [means], any instrument, article or 138 substance, which, under the circumstances in which it is used, is readily capable 139 of causing death or other serious physical injury;

(21) "Data", a representation of information, facts, knowledge,
concepts, or instructions prepared in a formalized or other manner and
intended for use in a computer or computer network. Data may be in
any form including, but not limited to, printouts, microfiche, magnetic

storage media, punched cards and as may be stored in the memory ofa computer;

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

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

(24) "Disability", a mental, physical, or developmental
impairment that substantially limits one or more major life activities
or the ability to provide adequately for one's care or protection,
whether the impairment is congenital or acquired by accident, injury
or disease, where such impairment is verified by medical findings;

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

[(11)] (26) "Felony" [has the meaning specified in section 556.016], an offense so designated or an offense for which persons found guilty thereof may be sentenced to death or imprisonment for a term of more than one year;

162 [(12)] (27) "Forcible compulsion" [means] either:

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

(b) A threat, express or implied, that places a person in reasonable fear
of death, serious physical injury or kidnapping of such person or another person;
[(13)] (28) "Incapacitated" [means that], a temporary or permanent
physical or mental condition[, temporary or permanent,] in which a person is
unconscious, unable to appraise the nature of [such person's] his or her conduct,

169 or unable to communicate unwillingness to an act;

[(14)] (29) "Infraction" [has the meaning specified in section 556.021], a violation defined by this code or by any other statute of this state if it is so designated or if no sentence other than a fine, or fine and forfeiture or other civil penalty, is authorized upon conviction;

[(15)] (30) "Inhabitable structure" [has the meaning specified in section
569.010], a vehicle, vessel or structure:

176 (a) Where any person lives or carries on business or other177 calling; or

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

(c) Which is used for overnight accommodation of persons. Any
such vehicle, vessel, or structure is "inhabitable" regardless of whether
a person is actually present;

(d) If a building or structure is divided into separately occupied
units, any unit not occupied by the actor is an "inhabitable structure of
another";

[(16)] (31) "Knowingly" [has the meaning specified in section 562.016],
when used with respect to:

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

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

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

[(18)] (33) "Misdemeanor" [has the meaning specified in section 556.016], an offense so designated or an offense for which persons found guilty thereof may be sentenced to imprisonment for a term of which the maximum is one year or less;

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

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[(19)] (35) "Offense" [means], any felony[,] or misdemeanor [or infraction];

[(20)] (36) "Physical injury" [means physical pain, illness, or any
impairment of physical condition], slight impairment of any function of the
body or temporary loss of use of any part of the body;

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

215 [(22)] (38) "Possess" or "possessed" [means], having actual or

216 constructive possession of an object with knowledge of its presence. A person has 217actual possession if such person has the object on his or her person or within easy reach and convenient control. A person has constructive possession if such person 218 219 has the power and the intention at a given time to exercise dominion or control 220 over the object either directly or through another person or persons. Possession 221may also be sole or joint. If one person alone has possession of an object, 222possession is sole. If two or more persons share possession of an object, 223possession is joint;

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

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

[(24)] (41) "Purposely" [has the meaning specified in section 562.016], when used with respect to a person's conduct or to a result thereof, means when it is his or her conscious object to engage in that conduct or to cause that result;

[(25)] (42) "Recklessly" [has the meaning specified in section 562.016], consciously disregarding a substantial and unjustifiable risk that circumstances exist or that a result will follow, and such disregard constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation;

241 [(26) "Ritual" or "ceremony" means an act or series of acts performed by 242 two or more persons as part of an established or prescribed pattern of activity;

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

[(28)] (44) "Serious physical injury" [means], physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body; [(29) "Sexual conduct" means acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification;

(30) "Sexual contact" means any touching of the genitals or anus of any
person, or the breast of any female person, or any such touching through the
clothing, for the purpose of arousing or gratifying sexual desire of any person;

(31) "Sexual performance", any performance, or part thereof, whichincludes sexual conduct by a child who is less than seventeen years of age;]

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

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

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

271(48) "Vessel", any boat or craft propelled by a motor or by 272machinery, whether or not such motor or machinery is a principal 273source of propulsion used or capable of being used as a means of 274transportation on water, or any boat or craft more than twelve feet in 275length which is powered by sail alone or by a combination of sail and 276machinery, and used or capable of being used as a means of transportation on water, but not any boat or craft having, as the only 277means of propulsion, a paddle or oars; 278

279 [(32)] (49) "Voluntary act" [has the meaning specified in section 280 562.011]:

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

286 (b) An omission to perform an act of which the actor is 287 physically capable. A person is not guilty of an offense based solely upon an omission to perform an act unless the law defining the offense
expressly so provides, or a duty to perform the omitted act is otherwise
imposed by law;

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

[565.100.] **556.101.** 1. It is an element of the offenses described in 2 sections 565.110 [through 565.130 of this chapter] to **565.130** that the 3 confinement, movement or restraint be committed without the consent of the 4 victim.

5 2. Lack of consent results from:

6 (1) Forcible compulsion; or

- 7 (2) Incapacity to consent.
- 8 3. A person is deemed incapable of consent if he is

9 (1) Less than fourteen years [old] of age; or

10 (2) Incapacitated.

557.016. 1. Felonies are classified for the purpose of sentencing into the

2 following four categories:

- 3 (1) Class A felonies;
- 4 (2) Class B felonies;

5 (3) Class C felonies; and

6 (4) Class D felonies.

7 2. Misdemeanors are classified for the purpose of sentencing into the8 following [three] four categories:

9 (1) Class A misdemeanors;

10 (2) Class B misdemeanors; [and]

- 11 (3) Class C misdemeanors; and
- 12 (4) Class D misdemeanors.

13 3. Infractions are not further classified.

557.021. 1. Any offense defined outside this code which is declared to be

2 a misdemeanor without specification of the penalty therefor is a class A3 misdemeanor.

4 2. Any offense defined outside this code which is declared to be a felony 5 without specification of the penalty therefor is a class D felony.

6 3. For the purpose of applying the extended term provisions of section 7 558.016 and the minimum prison term provisions of section 558.019 and for 179

8 determining the penalty for attempts and conspiracies, offenses defined outside9 of this code shall be classified as follows:

10 (1) If the offense is a felony:

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

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

15 (c) It is a class C felony if the maximum term of imprisonment authorized16 is ten years;

17 (d) It is a class D felony if the maximum term of imprisonment is less18 than ten years;

19

(2) If the offense is a misdemeanor:

20 (a) It is a class A misdemeanor if the authorized imprisonment exceeds21 six months in jail;

(b) It is a class B misdemeanor if the authorized imprisonment exceedsthirty days but is not more than six months;

(c) It is a class C misdemeanor if the authorized imprisonment is thirtydays or less;

(d) It is a class D misdemeanor if it includes a mental state as an
element of the offense and there is no authorized imprisonment;

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(e) It is an infraction if there is no authorized imprisonment.

557.026. 1. When a probation officer is available to any court, such probation officer shall, unless waived by the defendant, [make] conduct a $\mathbf{2}$ presentence investigation in all felony cases and make a sentencing 3 4 assessment report to the court before any authorized disposition is made under $\mathbf{5}$ section 557.011. In all class A misdemeanor cases a probation officer shall, if directed by the court, [make] conduct a presentence investigation and make a 6 sentencing assessment report to the court before any authorized disposition is 7 made under section 557.011. The report shall not be submitted to the court or 8 its contents disclosed to anyone until the defendant has [pleaded guilty or] been 9 found guilty. 10

2. The [presentence investigation] **sentencing assessment** report shall be prepared, presented and utilized as provided by rule of court, except that no court shall prevent the defendant or the attorney for the defendant from having access to the complete [presentence investigation] **sentencing assessment** report and recommendations before any authorized disposition **is made** under 16 section 557.011.

3. The defendant shall not be obligated to make any statement to a
probation officer in connection with any [presentence investigation hereunder]
sentencing assessment report.

4. When the jury enters a finding of [guilty] guilt and assesses punishment, the probation officer shall, as part of the presentence investigation, inquire of the victim of the offense for which such punishment was assessed of the facts of the offense and any personal injury or financial loss incurred by the victim. If the victim is dead or otherwise unable to make a statement, the probation officer shall attempt to obtain such information from a member of the immediate family of the victim.

557.035. 1. For all violations of subdivision (1) of subsection 1 of section 557.035. 1. For all violations of subdivision (1) of subsection 1 of section 569.100 or subdivision (1), (2), (3), (4), (6), (7) or (8) of subsection 1 of section 571.030, which the state believes to be knowingly motivated because of race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims, the state may charge the [crime or crimes] offense or offenses under this section, and the violation is a class C felony.

2. For all violations of section [565.070] **565.054**; subdivisions (1), (3) and (4) of subsection 1 of section 565.090; subdivision (1) of subsection 1 of section 569.090; subdivision (1) of subsection 1 of section 569.120; section 569.140; or section 574.050; which the state believes to be knowingly motivated because of race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims, the state may charge the [crime or crimes] offense or offenses under this section, and the violation is a class D felony.

3. The court shall assess punishment in all of the cases in which the statepleads and proves any of the motivating factors listed in this section.

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[4. For the purposes of this section, the following terms mean:

17 (1) "Disability", a physical or mental impairment which substantially
18 limits one or more of a person's major life activities, being regarded as having
19 such an impairment, or a record of having such an impairment; and

20 (2) "Sexual orientation", male or female heterosexuality, homosexuality 21 or bisexuality by inclination, practice, identity or expression, or having a 22 self-image or identity not traditionally associated with one's gender.]

557.036. 1. Upon a finding of guilt [upon verdict or plea], the court shall 2 decide the extent or duration of sentence or other disposition to be imposed under 3 all the circumstances, having regard to the nature and circumstances of the 4 offense and the history and character of the defendant and render judgment5 accordingly.

6 2. Where an offense is submitted to the jury, the trial shall proceed in two 7 stages. At the first stage, the jury shall decide only whether the defendant is 8 guilty or not guilty of any submitted offense. The issue of punishment shall not 9 be submitted to the jury at the first stage.

10 3. If the jury at the first stage of a trial finds the defendant guilty of the 11 submitted offense, the second stage of the trial shall proceed. The issue at the second stage of the trial shall be the punishment to be assessed and declared. 1213 Evidence supporting or mitigating punishment may be presented. Such evidence may include, within the discretion of the court, evidence concerning the impact 1415of the [crime] offense upon the victim, the victim's family and others, the nature and circumstances of the offense, and the history and character of the 16defendant. Rebuttal and surrebuttal evidence may be presented. The state shall 17be the first to proceed. The court shall instruct the jury as to the range of 18 19punishment authorized by statute for each submitted offense. The attorneys may 20argue the issue of punishment to the jury, and the state shall have the right to open and close the argument. The jury shall assess and declare the punishment 2122as authorized by statute.

4. A second stage of the trial shall not proceed and the court, and not thejury, shall assess punishment if:

(1) The defendant requests in writing, prior to voir dire, that the courtassess the punishment in case of a finding of guilt; or

27(2) The state pleads and proves the defendant is a prior offender, 28persistent offender, dangerous offender, or persistent misdemeanor offender as 29defined in section 558.016, or a persistent sexual offender or predatory sexual offender as defined in section [558.018, or a predatory sexual offender as defined 30 in section 558.018] 566.125. If the jury cannot agree on the punishment to be 31assessed, the court shall proceed as provided in subsection 1 of this section. If, 32after due deliberation by the jury, the court finds the jury cannot agree on 33 punishment, then the court may instruct the jury that if it cannot agree on 3435 punishment that the court will assess punishment.

5. If the jury returns a verdict of guilty in the first stage and declares a term of imprisonment in the second stage, the court shall proceed as provided in subsection 1 of this section except that any term of imprisonment imposed cannot exceed the term declared by the jury unless the term declared by the jury is less 40 than the authorized lowest term for the offense, in which event the court cannot
41 impose a term of imprisonment greater than the lowest term provided for the
42 offense.

6. If the defendant is found to be a prior offender, persistent offender,
dangerous offender or persistent misdemeanor offender as defined in section
558.016:

46 (1) If he has been found guilty of an offense, the court shall proceed as 47 provided in section 558.016; or

48 (2) If he has been found guilty of a class A felony, the court may impose49 any sentence authorized for the class A felony.

50 7. The court shall not seek an advisory verdict from the jury in cases of 51 prior offenders, persistent offenders, dangerous offenders, persistent sexual 52 offenders or predatory sexual offenders; if an advisory verdict is rendered, the 53 court shall not deem it advisory, but shall consider it as mere surplusage.

557.051. 1. A person who has been found guilty of an offense under chapter 566, or any sex offense involving a child under chapters $\mathbf{2}$ 3 568 and 573, and who is granted a suspended imposition or execution 4 of sentence or placed under the supervision of the board of probation 5and parole shall be required to participate in and successfully complete a program of treatment, education and rehabilitation designed for 6 perpetrators of sexual offenses. Persons required to attend a program 7 8 under this section shall be required to follow all directives of the 9 treatment program provider, and may be charged a reasonable fee to 10 cover the costs of such program.

11 2. A person who provides assessment services or who makes a report, finding, or recommendation for any offender to attend any 12counseling or program of treatment, education or rehabilitation as a 13 condition or requirement of probation following a finding of guilt for 14 an offense under chapter 566, or any sex offense involving a child 15under chapters 568 and 573, shall not be related within the third degree 16 of consanguinity or affinity to any person who has a financial interest, 1718 whether direct or indirect, in the counseling or program of treatment, 19 education or rehabilitation or any financial interest, whether direct or 20indirect, in any private entity which provides the counseling or program of treatment, education or rehabilitation. A person who 21violates this subsection shall thereafter: 22

(1) Immediately remit to the state of Missouri any financial
income gained as a direct or indirect result of the action constituting
the violation;

(2) Be prohibited from providing assessment or counseling
services or any program of treatment, education or rehabilitation to,
for, on behalf of, at the direction of, or in contract with the state board
of probation and parole or any office thereof; and

30 (3) Be prohibited from having any financial interest, whether 31 direct or indirect, in any private entity which provides assessment or 32 counseling services or any program of treatment, education or 33 rehabilitation to, for, on behalf of, at the direction of, or in contract 34 with the state board of probation and parole or any office thereof.

35 3. The provisions of subsection 2 of this section shall not apply 36 when the department of corrections has identified only one qualified 37 service provider within reasonably accessible distance from the 38 offender or when the only providers available within a reasonable 39 distance are related within the third degree of consanguinity or affinity 40 to any person who has a financial interest in the service provider.

[560.011.] 558.002. 1. Except as otherwise provided for an offense
2 outside this code, a person who has been convicted of [a class C or D felony]
3 an offense may be sentenced

4 [(1)] to pay a fine which does not exceed [five thousand dollars; or 5 (2)]:

6 (1) For a class C or D felony, ten thousand dollars;

7 (2) For a class A misdemeanor, two thousand dollars;

- 8 (3) For a class B misdemeanor, one thousand dollars;
- 9

(4) For a class C misdemeanor, seven hundred fifty dollars;

(5) For a class D misdemeanor, five hundred dollars;

10 11

(6) For an infraction, four hundred dollars; or

12 (7) If the [offender] **person** has gained money or property through the 13 commission of the [crime] **offense**, to pay an amount, fixed by the court, not 14 exceeding double the amount of the [offender's] **person's** gain from the 15 commission of the [crime. An individual offender may be fined not more than 16 twenty thousand dollars under this provision] **offense**.

17 2. A sentence to pay a fine, when imposed on a corporation for 18 an offense defined in this code or for any offense defined outside this

19 code for which no specific corporate fine is specified, shall be a20 sentence to pay an amount, fixed by the court, which does not exceed:

21 (1) For a felony, twenty thousand dollars;

22 (2) For a misdemeanor, ten thousand dollars;

23 (3) For an infraction, one thousand dollars; or

(4) If the corporation has gained money or property through the
commission of the offense, to pay an amount, fixed by the court, not
exceeding double the amount of the corporation's gain from the
commission of the offense.

3. As used in this section the term "gain" means the amount of money or 2829the value of property derived from the commission of the [crime] offense. The 30 amount of money or value of property returned to the victim of the [crime] 31offense or seized by or surrendered to lawful authority prior to the time sentence 32is imposed shall be deducted from the fine. When the court imposes a fine based on gain the court shall make a finding as to the amount of the offender's gain 33 from the crime. If the record does not contain sufficient evidence to support such 3435a finding, the court may conduct a hearing upon the issue.

36 [3. The provisions of this section shall not apply to corporations.]
[560.026.] 558.004. 1. In determining the amount and the method of
2 payment of a fine, the court shall, insofar as practicable, proportion the fine to
3 the burden that payment will impose in view of the financial resources of an
4 individual. The court shall not sentence an offender to pay a fine in any amount
5 which will prevent him or her from making restitution or reparation to the
6 victim of the offense.

2. When any other disposition is authorized by statute, the court shall not
sentence an individual to pay a fine only unless, having regard to the nature and
circumstances of the offense and the history and character of the offender, it is
of the opinion that the fine alone will suffice for the protection of the public.

11 3. The court shall not sentence an individual to pay a fine in addition to 12 any other sentence authorized by section 557.011 unless:

(1) He **or she** has derived a pecuniary gain from the offense; or

14 (2) The court is of the opinion that a fine is uniquely adapted to 15 deterrence of the type of offense involved or to the correction of the defendant.

4. When an offender is sentenced to pay a fine, the court may provide for
the payment to be made within a specified period of time or in specified
installments. If no such provision is made a part of the sentence, the fine shall

19 be payable forthwith.

5. When an offender is sentenced to pay a fine, the court shall not impose at the same time an alternative sentence to be served in the event that the fine is not paid. The response of the court to nonpayment shall be determined only after the fine has not been paid, as provided in section [560.031] **558.006**.

[560.031.] **558.006.** 1. When an offender sentenced to pay a fine defaults 2 in the payment of the fine or in any installment, the court upon motion of the 3 prosecuting attorney or upon its own motion may require him **or her** to show 4 cause why he **or she** should not be imprisoned for nonpayment. The court may 5 issue a warrant of arrest or a summons for his **or her** appearance.

6 2. Following an order to show cause under subsection 1 of this section, 7 unless the offender shows that his or her default was not attributable to an 8 intentional refusal to obey the sentence of the court, or not attributable to a 9 failure on his **or her** part to make a good faith effort to obtain the necessary funds for payment, the court may order the defendant imprisoned for a term not 10 11 to exceed one hundred eighty days if the fine was imposed for conviction of a 12felony or thirty days if the fine was imposed for conviction of a misdemeanor or infraction. The court may provide in its order that payment or satisfaction of the 13 fine at any time will entitle the offender to his or her release from such 14imprisonment or, after entering the order, may at any time reduce the sentence 1516for good cause shown, including payment or satisfaction of the fine.

3. If it appears that the default in the payment of a fine is excusable under the standards set forth in subsection 2 of this section, the court may enter an order allowing the offender additional time for payment, reducing the amount of the fine or of each installment, or revoking the fine or the unpaid portion in whole or in part.

4. When a fine is imposed on a corporation it is the duty of the person or persons authorized to make disbursement of the assets of the corporation and their superiors to pay the fine from the assets of the corporation. The failure of such persons to do so shall render them subject to imprisonment under subsections 1 and 2 of this section.

5. Upon default in the payment of a fine or any installment thereof, the fine may be collected by any means authorized for the enforcement of money judgments.

[560.036.] **558.008.** A defendant who has been sentenced to pay a fine 2 may at any time petition the sentencing court for a revocation of a fine or any

8

3 unpaid portion thereof. If it appears to the satisfaction of the court that the 4 circumstances which warranted the imposition of the fine no longer exist or that 5 it would otherwise be unjust to require payment of the fine, the court may revoke 6 the fine or the unpaid portion in whole or in part or may modify the method of 7 payment.

558.011. 1. The authorized terms of imprisonment, including both prison 2 and conditional release terms, are:

3 (1) For a class A felony, a term of years not less than ten years and not4 to exceed thirty years, or life imprisonment;

5 (2) For a class B felony, a term of years not less than five years and not 6 to exceed fifteen years;

(3) For a class C felony, a term of years not to exceed seven years;

(4) For a class D felony, a term of years not to exceed four years;

9 (5) For a class A misdemeanor, a term not to exceed one year;

10 (6) For a class B misdemeanor, a term not to exceed six months;

11 (7) For a class C misdemeanor, a term not to exceed fifteen days.

122. In cases of class C and D felonies, the court shall have discretion to imprison for a special term not to exceed one year in the county jail or other 13 authorized penal institution, and the place of confinement shall be fixed by the 14court. If the court imposes a sentence of imprisonment for a term longer than one 15year upon a person convicted of a class C or D felony, it shall commit the person 16 to the custody of the department of corrections [for a term of years not less than 17two years and not exceeding the maximum authorized terms provided in 18 19 subdivisions (3) and (4) of subsection 1 of this section].

3. (1) When a regular sentence of imprisonment for a felony is imposed,
the court shall commit the person to the custody of the department of corrections
for the term imposed under section 557.036, or until released under procedures
established elsewhere by law.

(2) A sentence of imprisonment for a misdemeanor shall be for a definite
term and the court shall commit the person to the county jail or other authorized
penal institution for the term of his or her sentence or until released under
procedure established elsewhere by law.

4. (1) Except as otherwise provided, a sentence of imprisonment for a term of years for felonies other than dangerous felonies as defined in section 556.061, and other than sentences of imprisonment which involve the individual's fourth or subsequent remand to the department of corrections shall consist of a

prison term and a conditional release term. The conditional release term of anyterm imposed under section 557.036 shall be:

34

(a) One-third for terms of nine years or less;

35

(b) Three years for terms between nine and fifteen years;

36 (c) Five years for terms more than fifteen years; and the prison term shall
37 be the remainder of such term. The prison term may be extended by the board
38 of probation and parole pursuant to subsection 5 of this section.

39 (2) "Conditional release" means the conditional discharge of an offender 40 by the board of probation and parole, subject to conditions of release that the 41 board deems reasonable to assist the offender to lead a law-abiding life, and subject to the supervision under the state board of probation and parole. The 4243conditions of release shall include avoidance by the offender of any other [crime] offense, federal or state, and other conditions that the board in its discretion 44deems reasonably necessary to assist the release in avoiding further violation 45of the law. 46

475. The date of conditional release from the prison term may be extended up to a maximum of the entire sentence of imprisonment by the board of 48 probation and parole. The director of any division of the department of 49 corrections except the board of probation and parole may file with the board of 50probation and parole a petition to extend the conditional release date when an 5152offender fails to follow the rules and regulations of the division or commits an act in violation of such rules. Within ten working days of receipt of the petition to 53extend the conditional release date, the board of probation and parole shall 5455convene a hearing on the petition. The offender shall be present and may call 56witnesses in his or her behalf and cross-examine witnesses appearing against the offender. The hearing shall be conducted as provided in section 217.670. If the 57violation occurs in close proximity to the conditional release date, the conditional 58release may be held for a maximum of fifteen working days to permit necessary 59time for the division director to file a petition for an extension with the board and 60 for the board to conduct a hearing, provided some affirmative manifestation of an 61 62 intent to extend the conditional release has occurred prior to the conditional 63 release date. If at the end of a fifteen-working-day period a board decision has not been reached, the offender shall be released conditionally. The decision of the 64 65 board shall be final.

558.016. 1. The court may sentence a person who has [pleaded guilty to 2 or has] been found guilty of an offense to a term of imprisonment as authorized

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3 by section 558.011 or to a term of imprisonment authorized by a statute governing

4 the offense if it finds the defendant is a prior offender or a persistent 5 misdemeanor offender[, or to]. The court may sentence a person to an 6 extended term of imprisonment if [it finds]:

7 (1) The defendant is a persistent offender or a dangerous offender, and 8 the person is sentenced under subsection 7 of this section;

9 (2) The statute under which the person was found guilty contains 10 a sentencing enhancement provision that is based on a prior finding of 11 guilt or a finding of prior criminal conduct and the person is sentenced 12 according to the statute; or

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

16 2. A "prior offender" is one who has [pleaded guilty to or has] been found17 guilty of one felony.

18 3. A "persistent offender" is one who has [pleaded guilty to or has] been19 found guilty of two or more felonies committed at different times.

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

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

(2) Has [pleaded guilty to or has] been found guilty of a class A or Bfelony or a dangerous felony.

5. A "persistent misdemeanor offender" is one who [has pleaded guilty to or] has been found guilty of two or more [class A or B misdemeanors] offenses, committed at different times[, which] that are [defined as offenses under chapters 195, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, and 576] classified as A or B misdemeanors under the laws of this state.

32 6. The [pleas or] findings of [guilty] guilt shall be prior to the date of 33 commission of the present offense.

34 7. [The total authorized maximum terms of imprisonment for a persistent35 offender or a dangerous offender are:

36 (1) For a class A felony, any sentence authorized for a class A felony;

37 (2) For a class B felony, any sentence authorized for a class A felony;

38 (3) For a class C felony, any sentence authorized for a class B felony;

(4) For a class D felony, any sentence authorized for a class C felony] The
court shall sentence a person, who has been found to be a persistent
offender or a dangerous offender and is found guilty of:

42 (1) A class B felony, to a term of imprisonment of not less than
43 ten years and not to exceed thirty years, or life imprisonment;

44 (2) A level 1 class C felony, to a term of imprisonment of not less
45 than five years and not to exceed fifteen years;

46 (3) A level 2 class C felony, to a term of imprisonment of not less
47 than three years and not to exceed ten years; or

48 (4) A class D felony, to a term of imprisonment not to exceed49 seven years.

50 8. For purposes of this section, the following terms mean:

(1) "Level 1 class C felony", a class C felony with an authorized
term of imprisonment of not less than three years and not to exceed ten
years; and

54 (2) "Level 2 class C felony", a class C felony with an authorized 55 term of imprisonment not to exceed seven years.

558.019. 1. This section shall not be construed to affect the powers of the 2 governor under article IV, section 7, of the Missouri Constitution. This statute 3 shall not affect those provisions of section 565.020, section [558.018] **566.125**, or 4 section 571.015, which set minimum terms of sentences, or the provisions of 5 section 559.115, relating to probation.

6 2. The provisions of subsections 2 to 5 of this section shall be applicable to all classes of felonies except those set forth in chapter [195] 579, and those 7otherwise excluded in subsection 1 of this section. For the purposes of this 8 section, "prison commitment" means and is the receipt by the department of 9 corrections of an offender after sentencing. For purposes of this section, prior 10 prison commitments to the department of corrections shall not include 11 [commitment to a regimented discipline program established pursuant to section 12217.378] an offender's first incarceration prior to release on probation 1314 under section 217.362 or 559.115. Other provisions of the law to the contrary notwithstanding, any offender who has [pleaded guilty to or has] been found 15guilty of a felony other than a dangerous felony as defined in section 556.061 and 16 is committed to the department of corrections shall be required to serve the 17following minimum prison terms: 18

(1) If the offender has one previous prison commitment to the department

of corrections for a felony offense, the minimum prison term which the offender must serve shall be forty percent of his or her sentence or until the offender attains seventy years of age, and has served at least thirty percent of the sentence imposed, whichever occurs first;

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

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

34 3. Other provisions of the law to the contrary notwithstanding, any 35 offender who has [pleaded guilty to or has] been found guilty of a dangerous 36 felony as defined in section 556.061 and is committed to the department of 37 corrections shall be required to serve a minimum prison term of eighty-five 38 percent of the sentence imposed by the court or until the offender attains seventy 39 years of age, and has served at least forty percent of the sentence imposed, 40 whichever occurs first.

4. For the purpose of determining the minimum prison term to be served,42 the following calculations shall apply:

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

44 (2) Any sentence either alone or in the aggregate with other consecutive
45 sentences for [crimes] offenses committed at or near the same time which is over
46 seventy-five years shall be calculated to be seventy-five years.

475. For purposes of this section, the term "minimum prison term" shall mean time required to be served by the offender before he or she is eligible for 48parole, conditional release or other early release by the department of corrections. 496. (1) A sentencing advisory commission is hereby created to consist of 50 51eleven members. One member shall be appointed by the speaker of the house. One member shall be appointed by the president pro tem of the 52senate. One member shall be the director of the department of corrections. Six 53members shall be appointed by and serve at the pleasure of the governor from 54among the following: the public defender commission; private citizens; a private 55

member of the Missouri Bar; the board of probation and parole; and a 56 prosecutor. Two members shall be appointed by the supreme court, one from a metropolitan area and one from a rural area. All members shall be appointed to 5859a four-year term. All members of the sentencing commission appointed prior to August 28, 1994, shall continue to serve on the sentencing advisory commission 60

61 at the pleasure of the governor.

62 (2) The commission shall study sentencing practices in the circuit courts 63 throughout the state for the purpose of determining whether and to what extent 64 disparities exist among the various circuit courts with respect to the length of 65 sentences imposed and the use of probation for offenders convicted of the same or similar [crimes] offenses and with similar criminal histories. The commission 66 shall also study and examine whether and to what extent sentencing disparity 67 among economic and social classes exists in relation to the sentence of death and 68 69 if so, the reasons therefor, if sentences are comparable to other states, if the 70length of the sentence is appropriate, and the rate of rehabilitation based on 71sentence. It shall compile statistics, examine cases, draw conclusions, and 72perform other duties relevant to the research and investigation of disparities in 73death penalty sentencing among economic and social classes.

74(3) The commission shall study alternative sentences, prison work programs, work release, home-based incarceration, probation and parole options, 7576and any other programs and report the feasibility of these options in Missouri.

77(4) The governor shall select a chairperson who shall call meetings of the 78commission as required or permitted pursuant to the purpose of the sentencing 79 commission.

80 (5) The members of the commission shall not receive compensation for 81 their duties on the commission, but shall be reimbursed for actual and necessary 82 expenses incurred in the performance of these duties and for which they are not 83 reimbursed by reason of their other paid positions.

84 (6) The circuit and associate circuit courts of this state, the office of the state courts administrator, the department of public safety, and the department 85 of corrections shall cooperate with the commission by providing information or 86 access to information needed by the commission. The office of the state courts 87 administrator will provide needed staffing resources. 88

89 7. Courts shall retain discretion to lower or exceed the sentence recommended by the commission as otherwise allowable by law, and to order 90 restorative justice methods, when applicable. 91

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

95 (1) Restitution to any victim or a statutorily created fund for costs96 incurred as a result of the offender's actions;

97 (2) Offender treatment programs;

98 (3) Mandatory community service;

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

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

9. The provisions of this section shall apply only to offenses occurring onor after August 28, 2003.

103 10. Pursuant to subdivision (1) of subsection 8 of this section, the court 104 may order the assessment and payment of a designated amount of restitution to 105 a county law enforcement restitution fund established by the county commission 106 pursuant to section 50.565. Such contribution shall not exceed three hundred 107 dollars for any charged offense. Any restitution moneys deposited into the county 108 law enforcement restitution fund pursuant to this section shall only be expended 109 pursuant to the provisions of section 50.565.

110 11. A judge may order payment to a restitution fund only if such fund had 111 been created by ordinance or resolution of a county of the state of Missouri prior 112 to sentencing. A judge shall not have any direct supervisory authority or 113 administrative control over any fund to which the judge is ordering a [defendant] 114 **person** to make payment.

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

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

558.041. 1. Any offender committed to the department of corrections,
except those persons committed pursuant to subsection [6] 7 of section 558.016,
or subsection 3 of section [558.018] 566.125, may receive additional credit in

4 terms of days spent in confinement upon recommendation for such credit by the
5 offender's institutional superintendent when the offender meets the requirements
6 for such credit as provided in subsections 3 and 4 of this section. Good time
7 credit may be rescinded by the director or his or her designee pursuant to the
8 divisional policy issued pursuant to subsection 3 of this section.

9 2. Any credit extended to an offender shall only apply to the sentence10 which the offender is currently serving.

3. The director of the department of corrections shall issue a policy for awarding credit. The policy may reward an inmate who has served his **or her** sentence in an orderly and peaceable manner and has taken advantage of the rehabilitation programs available to him **or her**. Any violation of institutional rules or the laws of this state may result in the loss of all or a portion of any credit earned by the inmate pursuant to this section.

4. The department shall cause the policy to be published in the code ofstate regulations.

5. No rule or portion of a rule promulgated under the authority of this
chapter shall become effective unless it has been promulgated pursuant to the
provisions of section 536.024.

558.046. The sentencing court may, upon petition, reduce any term of sentence or probation pronounced by the court or a term of conditional release or parole pronounced by the state board of probation and parole if the court determines that:

5

(1) The convicted person was:

6 (a) Convicted of [a crime] **an offense** that did not involve violence or the 7 threat of violence; and

8 (b) Convicted of [a crime] **an offense** that involved alcohol or illegal 9 drugs; and

10 (2) Since the commission of such [crime] **offense**, the convicted person 11 has successfully completed a detoxification and rehabilitation program; and

12

(3) The convicted person is not:

(a) A prior offender, a persistent offender, a dangerous offender or a
persistent misdemeanor offender as defined by section 558.016; or

15 (b) A persistent sexual offender as defined in section [558.018] 566.125;
16 or

17 (c) A prior offender, a persistent offender or a class X offender as defined18 in section 558.019.

559.036. 1. A term of probation commences on the day it is imposed. 2 Multiple terms of Missouri probation, whether imposed at the same time or at 3 different times, shall run concurrently. Terms of probation shall also run 4 concurrently with any federal or other state jail, prison, probation or parole term 5 for another offense to which the defendant is or becomes subject during the 6 period, unless otherwise specified by the Missouri court.

72. The court may terminate a period of probation and discharge the 8 defendant at any time before completion of the specific term fixed under section 9 559.016 if warranted by the conduct of the defendant and the ends of justice. The 10 court may extend the term of the probation, but no more than one extension of any probation may be ordered except that the court may extend the term of 11 probation by one additional year by order of the court if the defendant admits he 1213or she has violated the conditions of probation or is found by the court to have 14 violated the conditions of his or her probation. Total time on any probation term, including any extension shall not exceed the maximum term established in 1516section 559.016. Procedures for termination, discharge and extension may be 17established by rule of court.

18 3. If the defendant violates a condition of probation at any time prior to 19 the expiration or termination of the probation term, the court may continue him 20 **or her** on the existing conditions, with or without modifying or enlarging the 21 conditions or extending the term.

4. (1) Unless the defendant consents to the revocation of probation, if a continuation, modification, enlargement or extension is not appropriate under this section, the court shall order placement of the offender in one of the department of corrections' one hundred twenty-day programs so long as:

26(a) The underlying offense for the probation is a class C or D felony or an 27offense listed in chapter [195] 579 or an offense previously listed in chapter 195; except that, the court may, upon its own motion or a motion of the 2829prosecuting or circuit attorney, make a finding that an offender is not eligible if 30 the underlying offense is involuntary manslaughter in the first degree, involuntary manslaughter in the second degree, [aggravated] stalking in the 3132first degree, assault in the second degree, sexual assault, rape in the second degree, domestic assault in the second degree, assault [of a law enforcement 33 officer in the second degree] in the third degree when the victim is a 34special victim, statutory rape in the second degree, statutory sodomy in the 35second degree, deviate sexual assault, sodomy in the second degree, sexual 36

37 misconduct involving a child, incest, endangering the welfare of a child in the 38 first degree under subdivision (1) or (2) of subsection 1 of section 568.045, abuse 39 of a child, invasion of privacy [or], any case in which the defendant is found 40 guilty of a felony offense under chapter 571, or an offense of aggravated 41 stalking or assault of a law enforcement officer in the second degree as 42 such offenses existed prior to January 1, 2017;

(b) The probation violation is not the result of the defendant being an absconder or being found guilty of, pleading guilty to, or being arrested on suspicion of any felony, misdemeanor, or infraction. For purposes of this subsection, "absconder" shall mean an offender under supervision who has left such offender's place of residency without the permission of the offender's supervising officer for the purpose of avoiding supervision;

49 (c) The defendant has not violated any conditions of probation involving
50 the possession or use of weapons, or a stay-away condition prohibiting the
51 defendant from contacting a certain individual; and

52 (d) The defendant has not already been placed in one of the programs by 53 the court for the same underlying offense or during the same probation term.

54 (2) Upon receiving the order, the department of corrections shall conduct 55 an assessment of the offender and place such offender in the appropriate one 56 hundred twenty-day program under subsection 3 of section 559.115.

57 (3) Notwithstanding any of the provisions of subsection 3 of section 58 559.115 to the contrary, once the defendant has successfully completed the 59 program under this subsection, the court shall release the defendant to continue 60 to serve the term of probation, which shall not be modified, enlarged, or extended 61 based on the same incident of violation. Time served in the program shall be 62 credited as time served on any sentence imposed for the underlying offense.

63 5. If the defendant consents to the revocation of probation or if the defendant is not eligible under subsection 4 of this section for placement in a 64 program and a continuation, modification, enlargement, or extension of the term 65 under this section is not appropriate, the court may revoke probation and order 66 that any sentence previously imposed be executed. If imposition of sentence was 67 suspended, the court may revoke probation and impose any sentence available 68 under section 557.011. The court may mitigate any sentence of imprisonment by 69 70reducing the prison or jail term by all or part of the time the defendant was on probation. The court may, upon revocation of probation, place an offender on a 71second term of probation. Such probation shall be for a term of probation as 72

provided by section 559.016, notwithstanding any amount of time served by theoffender on the first term of probation.

756. Probation shall not be revoked without giving the probationer notice and an opportunity to be heard on the issues of whether such probationer violated 76 a condition of probation and, if a condition was violated, whether revocation is 7778warranted under all the circumstances. Not less than five business days prior to the date set for a hearing on the violation, except for a good cause shown, the 79 80 judge shall inform the probationer that he or she may have the right to request 81 the appointment of counsel if the probationer is unable to retain counsel. If the 82 probationer requests counsel, the judge shall determine whether counsel is necessary to protect the probationer's due process rights. If the judge determines 83 84 that counsel is not necessary, the judge shall state the grounds for the decision in the record. 85

86 7. The prosecuting or circuit attorney may file a motion to revoke probation or at any time during the term of probation, the court may issue a 87 88 notice to the probationer to appear to answer a charge of a violation, and the 89 court may issue a warrant of arrest for the violation. Such notice shall be personally served upon the probationer. The warrant shall authorize the return 90 of the probationer to the custody of the court or to any suitable detention facility 91 designated by the court. Upon the filing of the prosecutor's or circuit attorney's 9293 motion or on the court's own motion, the court may immediately enter an order suspending the period of probation and may order a warrant for the defendant's 94 arrest. The probation shall remain suspended until the court rules on the 9596 prosecutor's or circuit attorney's motion, or until the court otherwise orders the 97 probation reinstated.

8. The power of the court to revoke probation shall extend for the duration of the term of probation designated by the court and for any further period which is reasonably necessary for the adjudication of matters arising before its expiration, provided that some affirmative manifestation of an intent to conduct a revocation hearing occurs prior to the expiration of the period and that every reasonable effort is made to notify the probationer and to conduct the hearing prior to the expiration of the period.

559.100. 1. The circuit courts of this state shall have power, herein provided, to place on probation or to parole persons convicted of any offense over which they have jurisdiction, except as otherwise provided in [sections 195.275 to 195.296, section 558.018,] section 559.115, section 565.020, sections 566.030, 5 566.060, 566.067, 566.125, 566.151, and [566.213] 566.210, section 571.015,
6 section 579.170, and subsection 3 of section 589.425.

7 2. The circuit court shall have the power to revoke the probation or parole 8 previously granted under section 559.036 and commit the person to the 9 department of corrections. The circuit court shall determine any conditions of 10 probation or parole for the defendant that it deems necessary to ensure the successful completion of the probation or parole term, including the extension of 11 12any term of supervision for any person while on probation or parole. The circuit court may require that the defendant pay restitution for his [crime] or her 1314offense. The probation or parole may be revoked under section 559.036 for failure to pay restitution or for failure to conform his or her behavior to the 15conditions imposed by the circuit court. The circuit court may, in its discretion, 16 17credit any period of probation or parole as time served on a sentence.

18 3. Restitution, whether court-ordered as provided in subsection 2 of this section or agreed to by the parties, or as enforced under section 558.019, shall be 19 20paid through the office of the prosecuting attorney or circuit attorney. Nothing 21in this section shall prohibit the prosecuting attorney or circuit attorney from 22contracting with or utilizing another entity for the collection of restitution and 23costs under this section. When ordered by the court, interest shall be allowed under subsection 1 of section 408.040. In addition to all other costs and fees 2425allowed by law, each prosecuting attorney or circuit attorney who takes any action to collect restitution shall collect from the person paying restitution an 26administrative handling cost. The cost shall be twenty-five dollars for restitution 2728of less than one hundred dollars and fifty dollars for restitution of at least one 29hundred dollars but less than two hundred fifty dollars. For restitution of two 30 hundred fifty dollars or more an additional fee of ten percent of the total restitution shall be assessed, with a maximum fee for administrative handling 31 32 costs not to exceed seventy-five dollars total. Notwithstanding the provisions of 33 sections 50.525 to 50.745, the costs provided for in this subsection shall be 34deposited by the county treasurer into a separate interest-bearing fund to be expended by the prosecuting attorney or circuit attorney. This fund shall be 3536 known as the "Administrative Handling Cost Fund", and it shall be the fund for deposits under this section and under section 570.120. The funds shall be 37 38 expended, upon warrants issued by the prosecuting attorney or circuit attorney directing the treasurer to issue checks thereon, only for purposes related to that 39 authorized by subsection 4 of this section. 40

41 4. The moneys deposited in the fund may be used by the prosecuting 42 attorney or circuit attorney for office supplies, postage, books, training, office 43 equipment, capital outlay, expenses of trial and witness preparation, additional 44 employees for the staff of the prosecuting or circuit attorney, employees' salaries, 45 and for other lawful expenses incurred by the prosecuting or circuit attorney in 46 the operation of that office.

5. This fund may be audited by the state auditor's office or the appropriate auditing agency.

6. If the moneys collected and deposited into this fund are not totally
expended annually, then the unexpended balance shall remain in the fund and
the balance shall be kept in the fund to accumulate from year to year.

52 7. Nothing in this section shall be construed to prohibit a crime victim 53 from pursuing other lawful remedies against a defendant for restitution.

559.106. 1. Notwithstanding any statutory provision to the contrary, 2 when a court grants probation to an offender who has [pleaded guilty to or has] 3 been found guilty of an offense in:

4 (1) Section 566.030, 566.032, 566.060, [or] 566.062, [based on an act 5 committed on or after August 28, 2006, or the offender has pleaded guilty to or 6 has been found guilty of an offense under section] 566.067, 566.083, 566.100, 7 566.151, 566.212, 566.213, 568.020, 568.080, or 568.090, based on an act 8 committed on or after August 28, 2006[,]; or

9 (2) Section 566.068, 566.069, 566.210, 566.211, 573.200, or 573.205 10 based on an act committed on or after January 1, 2017,

against a victim who was less than fourteen years old and the offender is a prior sex offender as defined in subsection 2 of this section, the court shall order that the offender be supervised by the board of probation and parole for the duration of his or her natural life.

2. For the purpose of this section, a prior sex offender is a person who has previously [pleaded guilty to or has] been found guilty of an offense contained in chapter 566, or violating section 568.020, when the person had sexual intercourse or deviate sexual intercourse with the victim, or of violating subdivision (2) of subsection 1 of section 568.045.

3. When probation for the duration of the offender's natural life has been ordered, a mandatory condition of such probation is that the offender be electronically monitored. Electronic monitoring shall be based on a global positioning system or other technology that identifies and records the offender's 24 location at all times.

4. In appropriate cases as determined by a risk assessment, the court may
terminate the probation of an offender who is being supervised under this section
when the offender is sixty-five years of age or older.

559.115. 1. Neither probation nor parole shall be granted by the circuit court between the time the transcript on appeal from the offender's conviction has been filed in appellate court and the disposition of the appeal by such court.

4 2. Unless otherwise prohibited by subsection 8 of this section, a circuit $\mathbf{5}$ court only upon its own motion and not that of the state or the offender shall 6 have the power to grant probation to an offender anytime up to one hundred twenty days after such offender has been delivered to the department of 78 corrections but not thereafter. The court may request information and a recommendation from the department concerning the offender and such offender's 9 10 behavior during the period of incarceration. Except as provided in this section, the court may place the offender on probation in a program created pursuant to 11 12section 217.777, or may place the offender on probation with any other conditions 13authorized by law.

14 3. The court may recommend placement of an offender in a department of corrections one hundred twenty-day program under this subsection or order 15such placement under subsection 4 of section 559.036. Upon the recommendation 16 17or order of the court, the department of corrections shall assess each offender to determine the appropriate one hundred twenty-day program in which to place the 18 19offender, which may include placement in the shock incarceration program or 20institutional treatment program. When the court recommends and receives 21placement of an offender in a department of corrections one hundred twenty-day 22program, the offender shall be released on probation if the department of 23corrections determines that the offender has successfully completed the program except as follows. Upon successful completion of a program under this subsection, 24the board of probation and parole shall advise the sentencing court of an 25offender's probationary release date thirty days prior to release. The court shall 2627follow the recommendation of the department unless the court determines that 28probation is not appropriate. If the court determines that probation is not appropriate, the court may order the execution of the offender's sentence only 2930 after conducting a hearing on the matter within ninety to one hundred twenty days from the date the offender was delivered to the department of corrections. 31 If the department determines the offender has not successfully completed a one 32

33 hundred twenty-day program under this subsection, the offender shall be removed 34 from the program and the court shall be advised of the removal. The department 35 shall report on the offender's participation in the program and may provide 36 recommendations for terms and conditions of an offender's probation. The court 37 shall then have the power to grant probation or order the execution of the 38 offender's sentence.

39 4. If the court is advised that an offender is not eligible for placement in 40 a one hundred twenty-day program under subsection 3 of this section, the court 41 shall consider other authorized dispositions. If the department of corrections one 42hundred twenty-day program under subsection 3 of this section is full, the court may place the offender in a private program approved by the department of 4344 corrections or the court, the expenses of such program to be paid by the offender, or in an available program offered by another organization. If the offender is 4546 convicted of a class C or class D nonviolent felony, the court may order probation while awaiting appointment to treatment. 47

485. Except when the offender has been found to be a predatory sexual 49offender pursuant to section [558.018] 566.125, the court shall request the department of corrections to conduct a sexual offender assessment if the 50defendant [has pleaded guilty to or] has been found guilty of sexual abuse when 51classified as a class B felony. Upon completion of the assessment, the department 5253shall provide to the court a report on the offender and may provide recommendations for terms and conditions of an offender's probation. The 54assessment shall not be considered a one hundred twenty-day program as 5556provided under subsection 3 of this section. The process for granting probation 57to an offender who has completed the assessment shall be as provided under 58subsections 2 and 6 of this section.

596. Unless the offender is being granted probation pursuant to successful completion of a one hundred twenty-day program the circuit court shall notify the 60 state in writing when the court intends to grant probation to the offender 61 62 pursuant to the provisions of this section. The state may, in writing, request a hearing within ten days of receipt of the court's notification that the court intends 63 64 to grant probation. Upon the state's request for a hearing, the court shall grant a hearing as soon as reasonably possible. If the state does not respond to the 65court's notice in writing within ten days, the court may proceed upon its own 66 motion to grant probation. 67

68 7. An offender's [first] incarceration under this section prior to release on

probation shall not be considered a previous prison commitment for the purposeof determining a minimum prison term under the provisions of section 558.019.

718. Notwithstanding any other provision of law, probation may not be 72granted pursuant to this section to offenders who have been convicted of murder in the second degree pursuant to section 565.021; forcible rape pursuant to 7374section 566.030 as it existed prior to August 28, 2013; rape in the first degree 75under section 566.030; forcible sodomy pursuant to section 566.060 as it existed 76prior to August 28, 2013; sodomy in the first degree under section 566.060; 77statutory rape in the first degree pursuant to section 566.032; statutory sodomy 78in the first degree pursuant to section 566.062; child molestation in the first degree pursuant to section 566.067 when classified as a class A felony; abuse of 7980 a child pursuant to section 568.060 when classified as a class A felony; or an offender who has been found to be a predatory sexual offender pursuant to section 81 82 [558.018] **566.125**; or any offense in which there exists a statutory prohibition 83 against either probation or parole.

559.600. In cases where the board of probation and parole is not required $\mathbf{2}$ under section 217.750 to provide probation supervision and rehabilitation services 3 for misdemeanor offenders, the circuit and associate circuit judges in a circuit may contract with one or more private entities or other court-approved entity to 4 provide such services. The court-approved entity, including private or other $\mathbf{5}$ 6 entities, shall act as a misdemeanor probation office in that circuit and shall, pursuant to the terms of the contract, supervise persons placed on probation by 7 the judges for class A, B, [and] C, and D misdemeanor offenses, specifically 8 9 including persons placed on probation for violations of section 577.023. Nothing 10 in sections 559.600 to 559.615 shall be construed to prohibit the board of probation and parole, or the court, from supervising misdemeanor offenders in a 11 12circuit where the judges have entered into a contract with a probation entity.

559.633. 1. Upon [a plea of guilty or] a finding of [guilty for a commission $\mathbf{2}$ of] guilt for a felony offense pursuant to chapter [195] 579, except for those offenses in which there exists a statutory prohibition against either probation or 3 parole, when placing the person on probation, the court shall order the person to 4 $\mathbf{5}$ begin a required educational assessment and community treatment program within the first sixty days of probation as a condition of probation. Persons who 6 7 are placed on probation after a period of incarceration pursuant to section 559.115 may not be required to participate in a required educational assessment 8 and community treatment program. 9

10 2. The fees for the required educational assessment and community 11 treatment program, or a portion of such fees, to be determined by the department 12of corrections, shall be paid by the person receiving the assessment. Any person 13 who is assessed shall pay, in addition to any fee charged for the assessment, a supplemental fee of sixty dollars. The administrator of the program shall remit 14 to the department of corrections the supplemental fees for all persons assessed, 15less two percent for administrative costs. The supplemental fees received by the 1617department of corrections pursuant to this section shall be deposited in the 18 correctional substance abuse earnings fund created pursuant to section 559.635.

[564.011.] 562.012. 1. [A person is guilty of attempt to commit an offense when, with the purpose of committing the offense, he does] Guilt for an offense may be based upon an attempt to commit an offense if, with the purpose of committing the offense, a person performs any act which is a substantial step towards the commission of the offense. A "substantial step" is conduct which is strongly corroborative of the firmness of the actor's purpose to complete the commission of the offense.

8 2. It is no defense to a prosecution [under this section] that the offense 9 attempted was, under the actual attendant circumstances, factually or legally 10 impossible of commission, if such offense could have been committed had the 11 attendant circumstances been as the actor believed them to be.

12 3. Unless otherwise provided, an attempt to commit an offense is a:

13 (1) Class B felony if the offense attempted is a class A felony.

14 (2) Level 1 class C felony if the offense attempted is a class B felony.

15 (3) Level 2 class C felony if the offense attempted is a level 1
16 class C felony.

17 (4) Class D felony if the offense attempted is a level 2 class C felony.

18 [(4)] (5) Class A misdemeanor if the offense attempted is a class D 19 felony.

20 [(5)] (6) Class [C] B misdemeanor if the offense attempted is a class A 21 misdemeanor [of any degree].

22 (7) Class C misdemeanor if the offense attempted is a class B 23 misdemeanor.

(8) Class D misdemeanor if the offense attempted is a class Cmisdemeanor.

26 4. For purposes of this section, the following terms mean:

27 (1) "Level 1 class C felony", a class C felony with an authorized

term of imprisonment of not less than three years and not to exceed tenyears; and

30 (2) "Level 2 class C felony", a class C felony with an authorized
 31 term of imprisonment not to exceed seven years.

[564.016.] **562.014.** 1. [A person is guilty of conspiracy with another 2 person or persons to commit an offense if] Guilt for an offense may be based 3 upon a conspiracy to commit an offense when a person, with the purpose 4 of promoting or facilitating [its commission he] the commission of an offense, 5 agrees with [such other] another person or persons that they or one or more of 6 them will engage in conduct which constitutes such offense.

72. [If a person guilty of conspiracy knows that a person with whom he conspires to commit an offense has conspired with another person or persons to 8 commit the same offense, he is guilty of conspiring with such other person or 9 10 persons to commit such offense, whether or not he knows their identity] It is no 11 defense to a prosecution for conspiring to commit an offense that a 12person, who knows that a person with whom he or she conspires to commit an offense has conspired with another person or persons to 13commit the same offense, does not know the identity of such other 14 15person or persons.

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

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

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

28 (2) The defendant shall have the burden of injecting the issue of 29 renunciation of criminal purpose under subdivision (1) of this subsection.

30

6. For the purpose of time limitations on prosecutions:

(1) [Conspiracy] A conspiracy to commit an offense is a continuing
 course of conduct which terminates when the offense or offenses which are its

33 object are committed or the agreement that they be committed is abandoned by34 the defendant and by those with whom he or she conspired.

35 (2) If an individual abandons the agreement, the conspiracy is terminated 36 as to him **or her** only if he **or she** advises those with whom he **or she** has 37 conspired of his **or her** abandonment or he **or she** informs the law enforcement 38 authorities of the existence of the conspiracy and of his **or her** participation in 39 it.

40 7. A person [may] shall not be charged, convicted or sentenced on the
41 basis of the same course of conduct of both the actual commission of an offense
42 and a conspiracy to commit that offense.

43 8. Unless otherwise provided, a conspiracy to commit an offense is a:

44 (1) Class B felony if the object of the conspiracy is a class A felony.

45 (2) Level 1 class C felony if the object of the conspiracy is a class B46 felony.

47 (3) Level 2 class C felony if the object of the conspiracy is a level
48 1 class C felony.

49 [(3)] (4) Class D felony if the object of the conspiracy is a level 2 class
50 C felony.

51 [(4)] (5) Class A misdemeanor if the object of the conspiracy is a class D
52 felony.

53 [(5)] (6) Class [C] B misdemeanor if the object of the conspiracy is a class
54 A misdemeanor [of any degree or an infraction].

55 (7) Class C misdemeanor if the object of the conspiracy is a class
56 B misdemeanor.

57 (8) Class D misdemeanor if the object of the conspiracy is a class
58 C misdemeanor.

59 9. For purposes of this section, the following terms mean:

(1) "Level 1 class C felony", a class C felony with an authorized
term of imprisonment of not less than three years and not to exceed ten
years; and

63 (2) "Level 2 class C felony", a class C felony with an authorized
64 term of imprisonment not to exceed seven years.

565.002. As used in this chapter, unless a different meaning is otherwise 2 plainly required **the following terms mean**:

3 (1) "Adequate cause" [means], cause that would reasonably produce a 4 degree of passion in a person of ordinary temperament sufficient to substantially 5 impair an ordinary person's capacity for self-control;

6

(2) "Child", a person under seventeen years of age;

7

(3) "Conduct", includes any act or omission;

8 (4) "Course of conduct", a pattern of conduct composed of two or 9 more acts, which may include communication by any means, over a 10 period of time, however short, evidencing a continuity of 11 purpose. Constitutionally protected activity is not included within the 12 meaning of course of conduct. Such constitutionally protected activity 13 includes picketing or other organized protests;

14 [(3)] (5) "Deliberation" means cool reflection for any length of time no 15 matter how brief;

[(4) "Intoxicated condition" means under the influence of alcohol, a
controlled substance, or drug, or any combination thereof;

18 (5) "Operates" means physically driving or operating or being in actual19 physical control of a motor vehicle;

20 (6) "Serious physical injury" means physical injury that creates a 21 substantial risk of death or that causes serious disfigurement or protracted loss 22 or impairment of the function of any part of the body;]

(6) "Domestic victim", a household or family member as the term
"family" or "household member" is defined in section 455.010, including
any child who is a member of the household or family;

26 (7) "Emotional distress", something markedly greater than the
27 level of uneasiness, nervousness, unhappiness, or the like which are
28 commonly experienced in day-to-day living;

(8) "Full or partial nudity", the showing of all or any part of the
human genitals or pubic area or buttock, or any part of the nipple of
the breast of any female person, with less than a fully opaque covering;

32 (9) "Legal custody", the right to the care, custody and control of
33 a child;

(10) "Parent", either a biological parent or a parent by adoption;
(11) "Person having a right of custody", a parent or legal
guardian of the child;

(12) "Photographs" or "films", the making of any photograph,
motion picture film, videotape, or any other recording or transmission
of the image of a person;

40 (13) "Place where a person would have a reasonable expectation

of privacy", any place where a reasonable person would believe that a
person could disrobe in privacy, without being concerned that the
person's undressing was being viewed, photographed or filmed by
another;

45 (14) "Special victim", any of the following:

46 (a) A law enforcement officer assaulted in the performance of
47 official duties or as a direct result of such official duties;

(b) Emergency personnel, meaning any paid or volunteer
firefighter, emergency room or trauma center personnel, or emergency
medical technician, assaulted in the performance of official duties or
as a direct result of such official duties;

(c) A probation and parole officer assaulted in the performance
of official duties or as a direct result of such official duties;

54 (d) An elderly person;

55 (e) A person with a disability;

56 (f) A vulnerable person;

57 (g) Any jailer or corrections officer of the state or one of its 58 political subdivisions assaulted in the performance of official duties or 59 as a direct result of such official duties;

60 (h) A highway worker in a construction or work zone as the 61 terms "highway worker", "construction zone", and "work zone" are 62 defined under section 304.580;

(i) Any utility worker, meaning any employee of a utility that
provides gas, heat, electricity, water, steam, telecommunications
services, or sewer services, whether privately, municipally, or
cooperatively owned, while in the performance of his or her job duties,
including any person employed under a contract;

(j) Any cable worker, meaning any employee of a cable operator,
as such term is defined in section 67.2677, including any person
employed under contract, while in the performance of his or her job
duties; and

(k) Any employee of a mass transit system, including any
employee of public bus or light rail companies, while in the
performance of his or her job duties;

75 [(7)] (15) "Sudden passion" [means], passion directly caused by and 76 arising out of provocation by the victim or another acting with the victim which passion arises at the time of the offense and is not solely the result of formerprovocation;

[(8)] (16) "Trier" [means], the judge or jurors to whom issues of fact,
guilt or innocence, or the assessment and declaration of punishment are
submitted for decision;

(17) "Views", the looking upon of another person, with the
unaided eye or with any device designed or intended to improve visual
acuity, for the purpose of arousing or gratifying the sexual desire of
any person.

565.004. 1. Each homicide offense which is lawfully joined in the same indictment or information together with any homicide offense or offense other $\mathbf{2}$ than a homicide shall be charged together with such offense in separate counts. 3 A count charging any offense of homicide may only be charged and tried together 4 with one or more counts of any other homicide or offense other than a homicide 5as provided in subsection 2 of section 545.140. Except as provided in subsections 6 2, 3, and 4 of this section, no murder in the first degree offense may be tried 7together with any offense other than murder in the first degree. In the event of 8 9 a joinder of homicide offenses, all offenses charged which are supported by the 10 evidence in the case, together with all proper lesser offenses under section [565.025] **565.029**, shall, when requested by one of the parties or the court, be 11 12submitted to the jury or, in a jury-waived trial, considered by the judge.

13 2. A count charging any offense of homicide of a particular individual may be joined in an indictment or information and tried with one or more counts 14charging alternatively any other homicide or offense other than a homicide 15committed against that individual. The state shall not be required to make an 16 17election as to the alternative count on which it will proceed. This subsection in 18 no way limits the right to try in the conjunctive, where they are properly joined 19 under subsection 1 of this section, either separate offenses other than murder in 20the first degree or separate offenses of murder in the first degree committed against different individuals. 21

3. When a defendant has been charged and proven before trial to be a prior offender pursuant to chapter 558 so that the judge shall assess punishment and not a jury for an offense other than murder in the first degree, that offense may be tried and submitted to the trier together with any murder in the first degree charge with which it is lawfully joined. In such case the judge will assess punishment on any offense joined with a murder in the first degree charge

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according to law and, when the trier is a jury, it shall be instructed upon
punishment on the charge of murder in the first degree in accordance with section
565.030.

31 4. When the state waives the death penalty for a murder first degree
32 offense, that offense may be tried and submitted to the trier together with any
33 other charge with which it is lawfully joined.

[565.080.] **565.010.** 1. When conduct is charged to constitute an offense 2 because it causes or threatens physical injury, consent to that conduct or to the 3 infliction of the injury is a defense only if:

4 (1) The physical injury consented to or threatened by the conduct is not 5 serious physical injury; or

(2) The conduct and the harm are reasonably foreseeable hazards of:

(a) The victim's occupation or profession; or

8 (b) Joint participation in a lawful athletic contest or competitive sport; or

9 (3) The consent establishes a justification for the conduct under chapter 10 563 of this code.

11 2. The defendant shall have the burden of injecting the issue of consent. 565.021. 1. A person commits the [crime] offense of murder in the

2 second degree if he **or she**:

3 (1) Knowingly causes the death of another person or, with the purpose of
4 causing serious physical injury to another person, causes the death of another
5 person; or

6 (2) Commits or attempts to commit any felony, and, in the perpetration 7 or the attempted perpetration of such felony or in the flight from the perpetration 8 or attempted perpetration of such felony, another person is killed as a result of 9 the perpetration or attempted perpetration of such felony or immediate flight 10 from the perpetration of such felony or attempted perpetration of such felony.

11 2. **The offense of** murder in the second degree is a class A felony, and 12 the punishment for second degree murder shall be in addition to the punishment 13 for commission of a related felony or attempted felony, other than murder or 14 manslaughter.

15 3. Notwithstanding section 556.046 and section [565.025] **565.029**, in any 16 charge of murder in the second degree, the jury shall be instructed on, or, in a 17 jury-waived trial, the judge shall consider, any and all of the subdivisions in 18 subsection 1 of this section which are supported by the evidence and requested 19 by one of the parties or the court.

565.024. 1. A person commits the [crime] offense of involuntary 2 manslaughter in the first degree if he or she[:

3

(1)] recklessly causes the death of another person[; or

4 (2) While in an intoxicated condition operates a motor vehicle or vessel in 5 this state and, when so operating, acts with criminal negligence to cause the 6 death of any person; or

7 (3) While in an intoxicated condition operates a motor vehicle or vessel in
8 this state, and, when so operating, acts with criminal negligence to:

9 (a) Cause the death of any person not a passenger in the vehicle or vessel 10 operated by the defendant, including the death of an individual that results from 11 the defendant's vehicle leaving a highway, as defined by section 301.010, or the 12 highway's right-of-way; or vessel leaving the water; or

13

(b) Cause the death of two or more persons; or

(c) Cause the death of any person while he or she has a blood alcohol
content of at least eighteen-hundredths of one percent by weight of alcohol in
such person's blood; or

(4) Operates a motor vehicle in violation of subsection 2 of section
304.022, and when so operating, acts with criminal negligence to cause the death
of any person authorized to operate an emergency vehicle, as defined in section
304.022, while such person is in the performance of official duties;

(5) Operates a vessel in violation of subsections 1 and 2 of section 306.132,
and when so operating acts with criminal negligence to cause the death of any
person authorized to operate an emergency watercraft, as defined in section
306.132, while such person is in the performance of official duties].

252. The offense of involuntary manslaughter in the first degree [under subdivision (1) or (2) of subsection 1 of this section] is a class C felony and, 2627notwithstanding section 558.011 to the contrary, the authorized term of 28imprisonment is a term of years of not less than three years and not to 29exceed ten years. [Involuntary manslaughter in the first degree under 30 subdivision (3) of subsection 1 of this section is a class B felony. A second or subsequent violation of subdivision (3) of subsection 1 of this section is a class A 3132 felony. For any violation of subdivision (3) of subsection 1 of this section, the minimum prison term which the defendant must serve shall be eighty-five percent 33 34 of his or her sentence. Any violation of subdivisions (4) and (5) of subsection 1 35of this section is a class B felony.

36

3. A person commits the crime of involuntary manslaughter in the second

37 degree if he acts with criminal negligence to cause the death of any person.

38 4. Involuntary manslaughter in the second degree is a class D felony.]

565.027. 1. A person commits the offense of involuntary 2 manslaughter in the second degree if he or she acts with criminal 3 negligence to cause the death of any person.

2. The offense of involuntary manslaughter in the second degree
5 is a class D felony.

[565.025.] 565.029. 1. With the exceptions provided in subsection 3 of
this section and subsection 3 of section 565.021, section 556.046 shall be used for
the purpose of consideration of lesser offenses by the trier in all homicide cases.
2. The following lists shall comprise, in the order listed, the lesser degree

5 offenses:

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(1) The lesser degree offenses of murder in the first degree are:

7 (a) Murder in the second degree under subdivisions (1) and (2) of 8 subsection 1 of section 565.021;

9 (b) Voluntary manslaughter under subdivision (1) of subsection 1 of 10 section 565.023; [and]

11 (c) Involuntary manslaughter [under subdivision (1) of subsection 1 of 12 section 565.024] in the first degree; and

13

(d) Involuntary manslaughter in the second degree;

14 (2) The lesser degree offenses of murder in the second degree are:

15 (a) Voluntary manslaughter under subdivision (1) of subsection 1 of 16 section 565.023; [and]

17 (b) Involuntary manslaughter [under subdivision (1) of subsection 1 of 18 section 565.024] in the first degree; and

19

(c) Involuntary manslaughter in the second degree.

3. No instruction on a lesser included offense shall be submitted unless
requested by one of the parties or the court.

565.050. 1. A person commits the [crime] offense of assault in the first 2 degree if he or she attempts to kill or knowingly causes or attempts to cause 3 serious physical injury to another person.

2. The offense of assault in the first degree is a class B felony unless in the course thereof the [actor] person inflicts serious physical injury on the victim, or if the victim of such assault is a special victim, as the term **"special victim" is defined under section 565.002,** in which case it is a class A felony.

[565.060.] 565.052. 1. A person commits the [crime] offense of assault $\mathbf{2}$ in the second degree if he **or she**:

3 (1) Attempts to kill or knowingly causes or attempts to cause serious 4 physical injury to another person under the influence of sudden passion arising out of adequate cause; or $\mathbf{5}$

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(2) Attempts to cause or knowingly causes physical injury to another 7 person by means of a deadly weapon or dangerous instrument; or

8

(3) Recklessly causes serious physical injury to another person; or

9 (4) [While in an intoxicated condition or under the influence of controlled 10 substances or drugs, operates a motor vehicle in this state and, when so operating, acts with criminal negligence to cause physical injury to any other 11 person than himself; or 12

13 (5)] Recklessly causes physical injury to another person by means of 14 discharge of a firearm[; or

(6) Operates a motor vehicle in violation of subsection 2 of section 1516 304.022, and when so operating, acts with criminal negligence to cause physical 17injury to any person authorized to operate an emergency vehicle, as defined in section 304.022, while such person is in the performance of official duties]. 18

19 2. The defendant shall have the burden of injecting the issue of influence of sudden passion arising from adequate cause under subdivision (1) of subsection 201 of this section. 21

223. The offense of assault in the second degree is a class C felony, unless the victim of such assault is a special victim, as the term "special 23victim" is defined under section 565.002, in which case it is a class B 24felony. 25

[565.070.] 565.054. 1. A person commits the [crime] offense of assault $\mathbf{2}$ in the third degree if[:

3 (1) The person attempts to cause or recklessly causes physical injury to 4 another person; or

5(2) With criminal negligence the person causes physical injury to another 6 person by means of a deadly weapon; or

7 (3) The person purposely places another person in apprehension of 8 immediate physical injury; or

9 (4) The person recklessly engages in conduct which creates a grave risk 10 of death or serious physical injury to another person; or

(5) The person knowingly causes physical contact with another person 11

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12 knowing the other person will regard the contact as offensive or provocative; or

13 (6) The person knowingly causes physical contact with an incapacitated
14 person, as defined in section 475.010, which a reasonable person, who is not
15 incapacitated, would consider offensive or provocative.

16 2. Except as provided in subsections 3 and 4 of this section, assault in the17 third degree is a class A misdemeanor.

18 3. A person who violates the provisions of subdivision (3) or (5) of 19 subsection 1 of this section is guilty of a class C misdemeanor.

4. A person who has pled guilty to or been found guilty of the crime of assault in the third degree more than two times against any family or household member as defined in section 455.010 is guilty of a class D felony for the third or any subsequent commission of the crime of assault in the third degree when a class A misdemeanor. The offenses described in this subsection may be against the same family or household member or against different family or household members] he or she knowingly causes physical injury to another person.

27 2. The offense of assault in the third degree is a class D felony, 28 unless the victim of such assault is a special victim, as the term "special 29 victim" is defined under section 565.002, in which case it is a class C 30 felony.

565.056. 1. A person commits the offense of assault in the fourth 2 degree if:

3 (1) The person attempts to cause or recklessly causes physical
4 injury, physical pain, or illness to another person;

5 (2) With criminal negligence the person causes physical injury
6 to another person by means of a firearm;

7 (3) The person purposely places another person in apprehension
8 of immediate physical injury;

9 (4) The person recklessly engages in conduct which creates a substantial risk of death or serious physical injury to another person; 10 11 (5) The person knowingly causes or attempts to cause physical 12contact with a person with a disability, which a reasonable person, who 13does not have a disability, would consider offensive or provocative; or 14(6) The person knowingly causes physical contact with another person knowing the other person will regard the contact as offensive 15or provocative. 16

17 2. Except as provided in subsection 3 of this section, assault in

18 the fourth degree is a class A misdemeanor.

19 3. Violation of the provisions of subdivision (3) or (6) of 20 subsection 1 of this section is a class C misdemeanor unless the victim 21 is a special victim, as the term "special victim" is defined under section 22 565.002, in which case a violation of such provisions is a class A 23 misdemeanor.

565.072. 1. A person commits the [crime] offense of domestic assault in the first degree if he or she attempts to kill or knowingly causes or attempts to cause serious physical injury to a [family or household member, including any child who is a member of the family or household, as defined in section 455.010] domestic victim, as the term "domestic victim" is defined under section 565.002.

7 2. The offense of domestic assault in the first degree is a class B felony
8 unless in the course thereof the [actor] person inflicts serious physical injury on
9 the victim [or has previously pleaded guilty to or been found guilty of committing
10 this crime], in which case it is a class A felony.

565.073. 1. A person commits the [crime] offense of domestic assault in the second degree if the act involves a [family or household member, including any child who is a member of the family or household, as defined in section 455.010] domestic victim, as the term "domestic victim" is defined under section 565.002, and he or she:

6 (1) [Attempts to cause or] Knowingly causes physical injury to such family 7 or household member by any means, including but not limited to, [by] use of a 8 deadly weapon or dangerous instrument, or by choking or strangulation; or

9 (2) Recklessly causes serious physical injury to such family or household 10 member; or

(3) Recklessly causes physical injury to such family or household memberby means of any deadly weapon.

13 2. The offense of domestic assault in the second degree is a class C14 felony.

565.074. 1. A person commits the [crime of domestic assault in the third 2 degree if the act involves a family or household member, including any child who 3 is a member of the family or household, as defined in section 455.010 and:

4 (1) The person attempts to cause or recklessly causes physical injury to 5 such family or household member; or

(2) With criminal negligence the person causes physical injury to such

7 family or household member by means of a deadly weapon or dangerous8 instrument; or

9 (3) The person purposely places such family or household member in 10 apprehension of immediate physical injury by any means; or

(4) The person recklessly engages in conduct which creates a grave riskof death or serious physical injury to such family or household member; or

13 (5) The person knowingly causes physical contact with such family or
14 household member knowing the other person will regard the contact as offensive;
15 or

(6) The person knowingly attempts to cause or causes the isolation of such
family or household member by unreasonably and substantially restricting or
limiting such family or household member's access to other persons,
telecommunication devices or transportation for the purpose of isolation.

20 2. Except as provided in subsection 3 of this section, domestic assault in 21 the third degree is a class A misdemeanor.

223. A person who has pleaded guilty to or been found guilty of the crime of domestic assault in the third degree more than two times against any family 23or household member as defined in section 455.010, or of any offense committed 24in violation of any county or municipal ordinance in any state, any state law, any 25federal law, or any military law which, if committed in this state, would be a 26violation of this section, is guilty of a class D felony for the third or any 27subsequent commission of the crime of domestic assault. The offenses described 28in this subsection may be against the same family or household member or 2930 against different family or household members] offense of domestic assault 31in the third degree if he or she attempts to cause physical injury or 32knowingly causes physical pain or illness to a domestic victim, as the 33 term "domestic victim" is defined under section 565.002.

34 2. The offense of domestic assault in the third degree is a class35 D felony.

565.076. 1. A person commits the offense of domestic assault in 2 the fourth degree if the act involves a domestic victim, as the term 3 "domestic victim" is defined under section 565.002, and:

4 (1) The person attempts to cause or recklessly causes physical 5 injury, physical pain, or illness to such domestic victim;

6 (2) With criminal negligence the person causes physical injury 7 to such domestic victim by means of a deadly weapon or dangerous 8 instrument;

9 (3) The person purposely places such domestic victim in 10 apprehension of immediate physical injury by any means;

(4) The person recklessly engages in conduct which creates a
substantial risk of death or serious physical injury to such domestic
victim;

14 (5) The person knowingly causes physical contact with such
15 domestic victim knowing he or she will regard the contact as offensive;
16 or

17 (6) The person knowingly attempts to cause or causes the 18 isolation of such domestic victim by unreasonably and substantially 19 restricting or limiting his or her access to other persons, 20 telecommunication devices or transportation for the purpose of 21 isolation.

22 2. The offense of domestic assault in the fourth degree is a class 23 A misdemeanor, unless the person has previously been found guilty of 24 the offense of assault of a domestic victim two or more times, in which 25 case it is a class D felony. The offenses described in this subsection 26 may be against the same domestic victim or against different domestic 27 victims.

[565.063.] **565.079.** 1. As used in this section, the following terms mean:

 $\mathbf{2}$

(1) "[Domestic] Assault offense"[:

3 (a) The commission of the crime of domestic assault in the first degree or
4 domestic assault in the second degree; or

5 (b) The commission of the crime of assault in the first degree or assault 6 in the second degree if the victim of the assault was a family or household 7 member;

8 (c) The commission of a crime in another state, or any federal, tribal, or 9 military offense which, if committed in this state, would be a violation of any 10 offense listed in paragraph (a) or (b) of this subdivision;

(2) "Family" or "household member", spouses, former spouses, adults
related by blood or marriage, adults who are presently residing together or have
resided together in the past and adults who have a child in common regardless
of whether they have been married or have resided together at any time;

15 (3)], the offenses of murder in the first degree, murder in the 16 second degree, voluntary manslaughter, involuntary manslaughter in SS SCS SB 491

17 the first degree, assault in the first degree, assault in the second 18 degree, assault in the third degree, assault in the fourth degree, 19 domestic assault in the first degree, domestic assault in the second 20 degree, domestic assault in the third degree, domestic assault in the 21 fourth degree, or an attempt to commit any of these offenses, or the 22 commission of an offense in another jurisdiction that if committed in 23 this state would constitute the commission of any of the listed offenses;

(2) "Persistent [domestic violence] **assault** offender", a person who has [pleaded guilty to or has] been found guilty of two or more [domestic] assault offenses, where such two or more offenses occurred within ten years of the occurrence of the [domestic] assault offense for which the person is charged; and

[(4)] (3) "Prior [domestic violence] **assault** offender", a person who has [pleaded guilty to or has] been found guilty of one [domestic] assault offense, where such prior offense occurred within five years of the occurrence of the [domestic] assault offense for which the person is charged.

2. No court shall suspend the imposition of sentence as to a prior or persistent [domestic violence] assault offender pursuant to this section nor sentence such person to pay a fine in lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding, nor shall such person be eligible for parole or probation until such person has served a minimum of six months' imprisonment.

38 3. The court shall find the defendant to be a prior [domestic violence]
39 assault offender or persistent [domestic violence] assault offender, if:

40 (1) The indictment or information, original or amended, or the information 41 in lieu of an indictment pleads all essential facts warranting a finding that the 42 defendant is a prior [domestic violence] **assault** offender or persistent [domestic 43 violence] **assault** offender; and

44 (2) Evidence is introduced that establishes sufficient facts pleaded to
45 warrant a finding beyond a reasonable doubt the defendant is a prior [domestic
46 violence] assault offender or persistent [domestic violence] assault offender; and
47 (3) The court makes findings of fact that warrant a finding beyond a

reasonable doubt by the court that the defendant is a prior [domestic violence] **assault** offender or persistent [domestic violence] **assault** offender.

50 4. In a jury trial, such facts shall be pleaded, established and found prior 51 to submission to the jury outside of its hearing.

52 5. In a trial without a jury or upon a plea of guilty, the court may defer

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53 the proof in findings of such facts to a later time, but prior to sentencing.

54 6. The defendant shall be accorded full rights of confrontation and 55 cross-examination, with the opportunity to present evidence, at such hearings.

7. The defendant may waive proof of the facts alleged.

57 8. Nothing in this section shall prevent the use of presentence 58 investigations or commitments.

59 9. At the sentencing hearing both the state and the defendant shall be 60 permitted to present additional information bearing on the issue of sentence.

61 10. The [pleas or] findings of [guilty] guilt shall be prior to the date of 62 commission of the present offense.

63 11. The court shall not instruct the jury as to the range of punishment or 64 allow the jury, upon a finding of [guilty] guilt, to assess and declare the 65 punishment as part of its verdict in cases of prior [domestic violence] assault 66 offenders or persistent [domestic violence] assault offenders.

12. Evidence of prior convictions shall be heard and determined by the trial court out of the hearing of the jury prior to the submission of the case to the jury, and shall include but not be limited to evidence of convictions received by a search of the records of the Missouri uniform law enforcement system maintained by the Missouri state highway patrol. After hearing the evidence, the court shall enter its findings thereon.

13. [Evidence of similar criminal convictions of domestic violence pursuant to this chapter, chapter 566, or chapter 568 within five years of the offense at issue, shall be admissible for the purposes of showing a past history of domestic violence.

7714. Any person who has pleaded guilty to or been found guilty of a violation of section 565.072 shall be sentenced to the authorized term of 78imprisonment for a class A felony if the court finds the offender is a prior 79 domestic violence offender. The offender shall be sentenced to the authorized 80 term of imprisonment for a class A felony which term shall be served without 81 probation or parole if the court finds the offender is a persistent domestic violence 82 offender or the prior domestic violence offender inflicts serious physical injury on 83 the victim. 84

85 15. Any person who has pleaded guilty to or been found guilty of a86 violation of section 565.073 shall be sentenced:

87 (1) To the authorized term of imprisonment for a class B felony if the 88 court finds the offender is a prior domestic violence offender; or 89 (2) To the authorized term of imprisonment for a class A felony if the 90 court finds the offender is a persistent domestic violence offender] The court shall sentence a person, who has been found to be a prior assault 91 offender and is found guilty of: 92

93 (1) A class B felony, to a term of imprisonment of not less than ten years and not to exceed thirty years, or life imprisonment; 94

95 (2) A level 1 class C felony, to a term of imprisonment of not less than five years and not to exceed fifteen years; or 96

97 (3) A level 2 class C felony, to a term of imprisonment of not less than three years and not to exceed ten years. 98

14. The court shall sentence a person, who has been found to be 99 100 a persistent assault offender and is found guilty of:

101 (1) A class B felony or a level 1 class C felony, to a term of 102 imprisonment of not less than ten years and not to exceed thirty years, 103 or life imprisonment; or

(2) A level 2 class C felony, to a term of imprisonment of not less 104 than five years and not to exceed fifteen years. 105

10615. For purposes of this section, the following terms mean:

(1) "Level 1 class C felony", a class C felony with an authorized 107 term of imprisonment of not less than three years and not to exceed ten 108 109 years; and

(2) "Level 2 class C felony", a class C felony with an authorized 110 term of imprisonment not to exceed seven years. 111

565.090. 1. A person commits the [crime] offense of harassment in the $\mathbf{2}$ **first degree** if he or she[:

3 (1) Knowingly communicates a threat to commit any felony to another person and in so doing frightens, intimidates, or causes emotional distress to such 4 other person; or $\mathbf{5}$

6 (2) When communicating with another person, knowingly uses coarse language offensive to one of average sensibility and thereby puts such person in $\mathbf{7}$ reasonable apprehension of offensive physical contact or harm; or 8

9 (3) Knowingly frightens, intimidates, or causes emotional distress to 10 another person by anonymously making a telephone call or any electronic 11 communication; or

12(4) Knowingly communicates with another person who is, or who purports to be, seventeen years of age or younger and in so doing and without good cause 13

recklessly frightens, intimidates, or causes emotional distress to such other 14 15person; or

16 (5) Knowingly makes repeated unwanted communication to another 17person; or

18 (6) Without good cause engages in any other act with the purpose to 19 frighten, intimidate, or cause emotional distress to another person, cause such person to be frightened, intimidated, or emotionally distressed, and such person's 2021response to the act is one of a person of average sensibilities considering the age 22of such person], without good cause, engages in any act with the purpose 23to cause emotional distress to another person, and such act does cause such person to suffer emotional distress. 24

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2. The offense of harassment [is a class A misdemeanor unless:

26(1) Committed by a person twenty-one years of age or older against a 27person seventeen years of age or younger; or

28(2) The person has previously pleaded guilty to or been found guilty of a 29violation of this section, or of any offense committed in violation of any county or 30 municipal ordinance in any state, any state law, any federal law, or any military law which, if committed in this state, would be chargeable or indictable as a 31 32violation of any offense listed in this subsection. In such cases, harassment shall be a class D felony] in the first degree is a class D felony. 33

3. This section shall not apply to activities of federal, state, county, or 34municipal law enforcement officers conducting investigations of violation of 35 federal, state, county, or municipal law. 36

565.091. 1. A person commits the offense of harassment in the second degree if he or she, without good cause, engages in any act with $\mathbf{2}$ 3 the purpose to cause emotional distress to another person.

4 2. The offense of harassment in the second degree is a class A $\mathbf{5}$ misdemeanor.

565.110. 1. A person commits the [crime] offense of kidnapping in the first degree if he or she unlawfully removes another **person** without his or her 2 3 consent from the place where he or she is found or unlawfully confines another 4 **person** without his or her consent for a substantial period, for the purpose of:

 $\mathbf{5}$ (1) Holding that person for ransom or reward, or for any other act to be 6 performed or not performed for the return or release of that person; or

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(2) Using the person as a shield or as a hostage; or

8

(3) Interfering with the performance of any governmental or political

9 function; or

10 (4) Facilitating the commission of any felony or flight thereafter; or

11 (5) Inflicting physical injury on or terrorizing the victim or another.

12 2. The offense of kidnapping in the first degree is a class A felony

unless committed under subdivision (4) or (5) of subsection 1 of this section inwhich cases it is a class B felony.

565.115. 1. A person commits the [crime] offense of child kidnapping if 2 [such person] he or she is not a relative of the child within the third degree and 3 [such person:

4 (1) Unlawfully removes a child under the age of fourteen without the 5 consent of such child's parent or guardian from the place where such child is 6 found; or

7 (2) Unlawfully confines a child under the age of fourteen without the 8 consent of such child's parent or guardian], knowing he or she has no right 9 to do so, removes a child under the age of fourteen without consent of 10 the child's parents or guardian, or confines such child for a substantial 11 period of time without such consent.

In determining whether the child was removed or confined unlawfully,
 it is an affirmative defense that the person reasonably believed that the person's
 actions were necessary to preserve the child from danger to his or her welfare.

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3. The offense of child kidnapping is a class A felony.

565.120. 1. A person commits the [crime of felonious restraint] offense of kidnapping in the second degree if he or she knowingly restrains another unlawfully and without consent so as to interfere substantially with his or her liberty and exposes him or her to a substantial risk of serious physical injury.

5 2. [Felonious restraint is a class C felony] The offense of kidnapping
6 in the second degree is a class C felony.

565.130. 1. A person commits the [crime of false imprisonment] offense of kidnapping in the third degree if he or she knowingly restrains another unlawfully and without consent so as to interfere substantially with his or her liberty.

5 2. [False imprisonment] The offense of kidnapping in the third 6 degree is a class A misdemeanor unless the person unlawfully restrained is 7 removed from this state, in which case it is a class D felony.

565.140. 1. A person does not commit [false imprisonment] the offense 2 of kidnapping in the third degree under section 565.130 if the person 3 restrained is a child [under the age of] less than seventeen years of age and:

4 (1) A parent, guardian or other person responsible for the general 5 supervision of the child's welfare has consented to the restraint; or

(2) The [actor] **person** is a relative of the child; and

7 (a) The [actor's] person's sole purpose is to assume control of the child;
8 and

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(b) The child is not taken out of the state of Missouri.

2. For the purpose of this section, "relative" means a parent or stepparent,
 ancestor, sibling, uncle or aunt, including an adoptive relative of the same degree
 through marriage or adoption.

13 3. The defendant shall have the burden of injecting the issue of a defense14 under this section.

565.150. 1. A person commits the [crime] offense of interference with custody if, knowing that he or she has no legal right to do so, he or she takes or entices from legal custody any person entrusted by order of a court to the custody of another person or institution.

5 2. The offense of interference with custody is a class A misdemeanor 6 unless the person taken or enticed away from legal custody is removed from this 7 state, detained in another state or concealed, in which case it is a class D felony.

8 3. Upon a finding of guilt for an offense under this section, the 9 court may, in addition to or in lieu of any sentence or fine imposed, 10 assess as restitution against the defendant and in favor of the legal 11 custodian or parent, any reasonable expenses incurred by the legal 12 custodian or parent in searching for or returning the child.

565.153. 1. In the absence of a court order determining rights of custody or visitation to a child, a person having a right of custody of the child commits the [crime] offense of parental kidnapping if he or she removes, takes, detains, conceals, or entices away that child within or without the state, without good cause, and with the intent to deprive the custody right of another person or a public agency also having a custody right to that child.

2. Parental kidnapping is a class D felony, unless committed by detaining
8 or concealing the whereabouts of the child for:

9 (1) Not less than sixty days but not longer than one hundred nineteen 10 days, in which case, the [crime] **offense** is a class C felony;

(2) Not less than one hundred twenty days, in which case, the [crime]offense is a class B felony.

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13 3. A subsequently obtained court order for custody or visitation shall not14 affect the application of this section.

4. Upon a finding of guilt for an offense under this section, the court may, in addition to or in lieu of any sentence or fine imposed, assess as restitution against the defendant and in favor of the legal custodian or parent, any reasonable expenses incurred by the legal custodian or parent in searching for or returning the child.

565.156. 1. A person commits the [crime] offense of child abduction if 2 he or she:

3 (1) Intentionally takes, detains, entices, conceals or removes a child from
4 a parent after being served with process in an action affecting marriage or
5 paternity but prior to the issuance of a temporary or final order determining
6 custody; or

7 (2) At the expiration of visitation rights outside the state, intentionally
8 fails or refuses to return or impedes the return of the child to the legal custodian
9 in Missouri; or

10 (3) Conceals, detains, or removes the child for payment or promise of 11 payment at the instruction of a person who has no legal right to custody; **or**

(4) Retains in this state for thirty days a child removed from another state
without the consent of the legal custodian or in violation of a valid court order of
custody; or

15 (5) Having legal custody of the child pursuant to a valid court order, 16 removes, takes, detains, conceals or entices away that child within or without the 17 state, without good cause, and with the intent to deprive the custody or visitation 18 rights of another person, without obtaining written consent as is provided under 19 section 452.377.

20 2. **The offense of** child abduction is a class D felony.

3. Upon a finding of guilt for an offense under this section, the court may, in addition to or in lieu of any sentence or fine imposed, assess as restitution against the defendant and in favor of the legal custodian or parent, any reasonable expenses incurred by the legal custodian or parent in searching for or returning the child.

565.160. It shall be an absolute defense to the [crimes] offenses of 2 interference with custody, parental kidnapping, and child abduction that:

3 (1) The person had custody of the child pursuant to a valid court order4 granting legal custody or visitation rights which existed at the time of the alleged

5 violation, except that this defense is not available to persons charged with child6 abduction under subdivision (5) of subsection 1 of section 565.156;

7 (2) [The person had physical custody of the child pursuant to a court order 8 granting legal custody or visitation rights and failed to return the child as a result of circumstances beyond his or her control, and the person notified or made 9 10 a reasonable attempt to notify the other parent or legal custodian of the child of such circumstances within twenty-four hours after the visitation period had 11 12expired and returned the child as soon as possible] After expiration of a 13 period of custody or visitation granted by court order, the person failed to return the child as a result of circumstances beyond such person's 14 control, and the person notified or made a reasonable attempt to notify 15the other parent or legal custodian of the child of such circumstance 16 within twenty-four hours after the expiration of the period of custody 17or visitation and returned the child as soon as possible; or 18

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(3) The person was fleeing an incident or pattern of domestic violence.

565.163. Persons accused of committing the [crime] offense of 2 interference with custody, parental kidnapping or child abduction [shall] may be 3 prosecuted by the prosecuting attorney or circuit attorney:

4 (1) In the county in which the child was taken or enticed away from legal 5 custody;

6 (2) In any county in which the child who was taken or enticed away from 7 legal custody was taken or held by the defendant;

8 (3) The county in which lawful custody of the child taken or enticed away 9 was granted; or

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(4) The county in which the defendant is found.

565.184. 1. A person commits the [crime of elder abuse in the third 2 degree] offense of abuse of an elderly person, a person with a disability, 3 or a vulnerable person if he or she:

4 (1) [Knowingly causes or attempts to cause physical contact with any 5 person sixty years of age or older or an eligible adult as defined in section 6 660.250, knowing the other person will regard the contact as harmful or 7 provocative; or

8 (2)] Purposely engages in conduct involving more than one incident that 9 causes [grave] emotional distress to [a person sixty years of age or older or an 10 eligible adult, as defined in section 660.250] **an elderly person, a person with** 11 **a disability, or a vulnerable person**. The course of conduct shall be such as 12 would cause a reasonable [person age sixty years of age or older or an eligible
13 adult, as defined in section 660.250,] elderly person, person with a
14 disability, or vulnerable person to suffer substantial emotional distress; or
15 [(3) Purposely or knowingly places a person sixty years of age or older or
16 an eligible adult, as defined in section 660.250, in apprehension of immediate
17 physical injury; or

(4)] (2) Intentionally fails to provide care, goods or services to [a person
sixty years of age or older or an eligible adult, as defined in section 660.250] an
elderly person, a person with a disability, or a vulnerable person. The
result of the conduct shall be such as would cause a reasonable [person age sixty
or older or an eligible adult, as defined in section 660.250,] elderly person,
person with a disability, or vulnerable person to suffer physical or
emotional distress; or

[(5)] (3) Knowingly acts or knowingly fails to act in a manner which results in a [grave] substantial risk to the life, body or health of [a person sixty years of age or older or an eligible adult, as defined in section 660.250] an elderly person, a person with a disability, or a vulnerable person.

292. [Elder abuse in the third degree] The offense of abuse of an elderly 30 person, a person with a disability, or a vulnerable person is a class A misdemeanor. Nothing in this section shall be construed to mean that an 3132elderly person, a person with a disability, or a vulnerable person is abused solely because such person chooses to rely on spiritual means 33 through prayer, in lieu of medical care, for his or her health care, as 3435 evidence by such person's explicit consent, advance directive for health 36 care, or practice.

565.188. 1. [When any adult day care worker; chiropractor; Christian $\mathbf{2}$ Science practitioner; coroner; dentist; embalmer; employee of the departments of social services, mental health, or health and senior services; employee of a local 3 area agency on aging or an organized area agency on aging program; funeral 4 director; home health agency or home health agency employee; hospital and clinic 5 personnel engaged in examination, care, or treatment of persons; in-home services 6 owner, provider, operator, or employee; law enforcement officer; long-term care 7 8 facility administrator or employee; medical examiner; medical resident or intern; mental health professional; minister; nurse; nurse practitioner; optometrist; other 9 10 health practitioner; peace officer; pharmacist; physical therapist; physician; physician's assistant; podiatrist; probation or parole officer; psychologist; social 11

12worker; or other person with responsibility for the care of a person sixty years of 13 age or older has reasonable cause to suspect that such a person has been subjected to abuse or neglect or observes such a person being subjected to 14 15conditions or circumstances which would reasonably result in abuse or neglect, he or she shall immediately report or cause a report to be made to the department 16 17in accordance with the provisions of sections 660.250 to 660.295. Any other person who becomes aware of circumstances which may reasonably be expected 18 19to be the result of or result in abuse or neglect may report to the department.

20 2. Any person who knowingly fails to make a report as required in 21 subsection 1 of this section is guilty of a class A misdemeanor.

3. Any person who purposely files a false report of elder abuse or neglectis guilty of a class A misdemeanor.

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

5. Evidence of prior convictions of false reporting shall be heard by the court, out of the hearing of the jury, prior to the submission of the case to the jury, and the court shall determine the existence of the prior convictions] A person commits the offense of failure to report elder abuse or neglect if he or she is required to make a report as required under subdivision (2) of subsection 1 of section 197.1002, and knowingly fails to make a report.

2. The offense of failure to report elder abuse or neglect is a
 36 class A misdemeanor.

565.189. 1. A person commits the offense of filing a false elder 2 abuse or neglect report if he or she knowingly files a false report of 3 elder abuse or neglect.

2. The offense of filing a false elder abuse or neglect report is a class A misdemeanor, unless the person has previously been found guilty of making a false report to the department and is subsequently found guilty of making a false report under this section, in which case it is a class D felony.

9 3. Evidence of prior findings of guilt of false reporting shall be 10 heard by the court, out of the hearing of the jury, prior to the 11 submission of the case to the jury, and the court shall determine the

12 existence of the prior findings of guilt.

565.218. 1. [When any physician, physician assistant, dentist, chiropractor, optometrist, podiatrist, intern, resident, nurse, nurse practitioner, 2 medical examiner, social worker, licensed professional counselor, certified 3 substance abuse counselor, psychologist, physical therapist, pharmacist, other 4 health practitioner, minister, Christian Science practitioner, facility $\mathbf{5}$ administrator, nurse's aide or orderly in a residential facility, day program or 6 7specialized service operated, funded or licensed by the department or in a mental 8 health facility or mental health program in which people may be admitted on a voluntary basis or are civilly detained pursuant to chapter 632; or employee of the 9 departments of social services, mental health, or health and senior services; or 10 home health agency or home health agency employee; hospital and clinic 11 12personnel engaged in examination, care, or treatment of persons; in-home services owner, provider, operator, or employee; law enforcement officer; long-term care 13 facility administrator or employee; mental health professional; peace officer; 1415probation or parole officer; or other nonfamilial person with responsibility for the 16 care of a vulnerable person, as defined by section 630.005, has reasonable cause to suspect that such a person has been subjected to abuse or neglect or observes 1718 such a person being subjected to conditions or circumstances that would reasonably result in abuse or neglect, he or she shall immediately report or cause 19 a report to be made to the department in accordance with section 630.163. Any 20other person who becomes aware of circumstances which may reasonably be 21expected to be the result of or result in abuse or neglect may report to the 2223department. Notwithstanding any other provision of this section, a duly ordained minister, clergy, religious worker, or Christian Science practitioner while 2425functioning in his or her ministerial capacity shall not be required to report 26concerning a privileged communication made to him or her in his or her 27professional capacity.] A person commits the offense of failure to report 28vulnerable person abuse or neglect if he or she is required to make a 29report under section 630.162 and knowingly fails to make a report.

2. [Any person who knowingly fails to make a report as required in subsection 1 of this section is guilty of a class A misdemeanor and shall be subject to a fine up to one thousand dollars] The offense of knowingly failing to make a report as required in this section is a class A misdemeanor and the offender shall be subject to a fine of up to one thousand dollars, unless the offender has previously been found guilty of failing to make 36 a report as required in this section, in which case the offense is a class 37 D felony and the offender shall be subject to a fine of up to five 38 thousand dollars. Penalties collected for violations of this section shall be 39 transferred to the state school moneys fund as established in section 166.051 and 40 distributed to the public schools of this state in the manner provided in section 41 163.031. Such penalties shall not be considered charitable for tax purposes.

42[3. Every person who has been previously convicted of or pled guilty to failing to make a report as required in subsection 1 of this section and who is 4344subsequently convicted of failing to make a report under subsection 2 of this section is guilty of a class D felony and shall be subject to a fine up to five 45thousand dollars. Penalties collected for violation of this subsection shall be 46transferred to the state school moneys fund as established in section 166.051 and 4748distributed to the public schools of this state in the manner provided in section 163.031. Such penalties shall not be considered charitable for tax purposes. 49

4. Any person who knowingly files a false report of vulnerable person abuse or neglect is guilty of a class A misdemeanor and shall be subject to a fine up to one thousand dollars. Penalties collected for violations of this subsection shall be transferred to the state school moneys fund as established in section 166.051 and distributed to the public schools of this state in the manner provided in section 163.031. Such penalties shall not be considered charitable for tax purposes.

575. Every person who has been previously convicted of or pled guilty to making a false report to the department and who is subsequently convicted of 58making a false report under subsection 4 of this section is guilty of a class D 59felony and shall be subject to a fine up to five thousand dollars. Penalties 60 61 collected for violations of this subsection shall be transferred to the state school 62 moneys fund as established in section 166.051 and distributed to the public 63 schools of this state in the manner provided in section 163.031. Such penalties 64 shall not considered charitable for tax purposes.

65 6. Evidence of prior convictions of false reporting shall be heard by the 66 court, out of the hearing of the jury, prior to the submission of the case to the 67 jury, and the court shall determine the existence of the prior convictions.

7. Any residential facility, day program or specialized service operated,
funded or licensed by the department that prevents or discourages a patient,
resident or client, employee or other person from reporting that a patient,
resident or client of a facility, program or service has been abused or neglected

72 shall be subject to loss of their license issued pursuant to sections 630.705 to

73 630.760, and civil fines of up to five thousand dollars for each attempt to prevent

74 or discourage reporting.]

565.222. 1. A person commits the offense of filing a false 2 vulnerable person abuse report if he or she knowingly files a false 3 report of vulnerable person abuse or neglect.

2. The offense of filing a false report of vulnerable person abuse 4 or neglect is a class A misdemeanor and the offender shall be subject 5 to a fine of up to one thousand dollars, unless the offender has 6 previously been found guilty of making a false report to the 7 department, in which case the offense is a class D felony and the 8 9 offender shall be subject to a fine of up to five thousand 10 dollars. Penalties collected for violations of this subsection shall be transferred to the state school moneys fund as established in section 11 12166.051 and distributed to the public schools of this state in the manner provided in section 163.031. Such penalties shall not be considered 13 charitable for tax purposes. 14

15 3. Evidence of prior findings of guilt under this section shall be 16 heard by the court, out of the hearing of the jury, prior to the 17 submission of the case to the jury, and the court shall determine the 18 existence of the prior findings of guilt.

565.225. 1. As used in this section **and section 565.227**, the [following 2 terms shall mean:

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

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

16 (3) "Harasses", to engage in a course of conduct directed at a specific 17person that serves no legitimate purpose, that would cause a reasonable person under the circumstances to be frightened, intimidated, or emotionally distressed] 18 19 term "disturbs" shall mean to engage in a course of conduct directed at 20a specific person that serves no legitimate purpose and that would 21cause a reasonable person under the circumstances to be frightened, 22intimidated, or emotionally distressed.

232. A person commits the [crime] offense of stalking in the first degree if he or she purposely, through his or her course of conduct, [harasses] disturbs 24or follows with the intent of [harassing] disturbing another person[. 25

263. A person commits the crime of aggravated stalking if he or she 27purposely, through his or her course of conduct, harasses or follows with the 28intent of harassing another person,] and:

29(1) Makes a [credible] threat communicated with the intent to cause the person who is the target of the threat to reasonably fear for his or 30 her safety, the safety of his or her family or household member, or the 31 32safety of domestic animals or livestock as defined in section 276.606 33 kept at such person's residence or on such person's property. The 34 threat shall be against the life of, or a threat to cause physical injury 35to, or the kidnapping of the person, the person's family or household 36 members, or the person's domestic animals or livestock as defined in section 276.606 kept at such person's residence or on such person's 37 38property; or

39 (2) At least one of the acts constituting the course of conduct is in 40 violation of an order of protection and the person has received actual notice of such order; or 41

42(3) At least one of the actions constituting the course of conduct is in violation of a condition of probation, parole, pretrial release, or release on bond 4344 pending appeal; or

45(4) At any time during the course of conduct, the other person is 46 seventeen years of age or younger and the person [harassing] disturbing the other person is twenty-one years of age or older; or 47

48 (5) He or she has previously [pleaded guilty to or] been found guilty of domestic assault, violation of an order of protection, or any other crime where the 49other person was the victim. 50

[4. The crime of stalking shall be a class A misdemeanor unless the

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52 person has previously pleaded guilty to or been found guilty of a violation of this 53 section, or of any offense committed in violation of any county or municipal 54 ordinance in any state, any state law, any federal law, or any military law which, 55 if committed in this state, would be chargeable or indictable as a violation of any 56 offense listed in this section, in which case stalking shall be a class D felony.

57 5. The crime of aggravated stalking shall be a class D felony unless the 58 person has previously pleaded guilty to or been found guilty of a violation of this 59 section, or of any offense committed in violation of any county or municipal 60 ordinance in any state, any state law, any federal law, or any military law which, 61 if committed in this state, would be chargeable or indictable as a violation of any 62 offense listed in this section, aggravated stalking shall be a class C felony.

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

[7.] 4. This section shall not apply to activities of federal, state, county,
or municipal law enforcement officers conducting investigations of any violation
of federal, state, county, or municipal law.

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

565.227. 1. A person commits the offense of stalking in the second degree if he or she purposely, through his or her course of conduct, disturbs, or follows with the intent to disturb another person. 2. This section shall not apply to activities of federal, state, county, or municipal law enforcement officers conducting investigations of any violation of federal, state, county, or municipal law.

8 3. Any law enforcement officer may arrest, without a warrant, 9 any person he or she has probable cause to believe has violated the 10 provisions of this section.

4. The offense of stalking in the second degree is a class A misdemeanor, unless the defendant has previously been found guilty of a violation of this section or section 565.225, or of any offense committed in another jurisdiction which, if committed in this state,
would be chargeable or indictable as a violation of any offense listed
in this section or section 565.225, in which case stalking in the second
degree is a class D felony.

[578.450.] **565.240.** [No person shall] **1. A person commits the offense of unlawful posting of certain information over the internet if he or she** knowingly [post] **posts** the name, home address, Social Security number, or telephone number of any person on the internet intending to cause great bodily harm or death, or threatening to cause great bodily harm or death to such person. [Any person who violates this section is guilty of a class C misdemeanor.]

8 2. The offense of unlawful posting of certain information over the 9 internet is a class C misdemeanor.

565.252. 1. A person commits the [crime] offense of invasion of privacy
2 [in the first degree if such person] if he or she knowingly:

3 (1) [Knowingly] Photographs [or], films, videotapes, produces, or 4 otherwise creates an image of another person, without the person's 5 [knowledge and] consent, while the person [being photographed or filmed] is in 6 a state of full or partial nudity and is in a place where one would have a 7 reasonable expectation of privacy[, and the]; or

8 (2) Photographs, films, videotapes, produces, or otherwise 9 creates an image of another person under or through the clothing worn 10 by that other person for the purpose of viewing the body of or the 11 undergarments worn by that other person without that person's 12 consent.

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2. Invasion of privacy is a class A misdemeanor unless:

(1) A person [subsequently] who creates an image in violation of
this section distributes the [photograph or film] image to another or transmits
the image [contained in the photograph or film] in a manner that allows access
to that image via [a] computer; [or]

18 (2) [Knowingly] A person disseminates or permits the dissemination by 19 any means, to another person, of a videotape, photograph, or film obtained in 20 violation of [subdivision (1) of this subsection or in violation of section 565.253.

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2. Invasion of privacy in the first degree is a class D felony] this section;

(3) More than one person is viewed, photographed, filmed or
videotaped during the same course of conduct; or

24 (4) The offense was committed by a person who has previously25 been found guilty of invasion of privacy;

26 in which case invasion of privacy is a class D felony.

3. Prior findings of guilt shall be pleaded and proven in the same
manner required by the provisions of section 558.021.

4. As used in this section, "same course of conduct" means more than one person has been viewed, photographed, filmed, or videotaped under the same or similar circumstances pursuant to one scheme or course of conduct, whether at the same or different times.

566.010. As used in this chapter and chapter 568, the following terms 2 mean:

3 (1) "Aggravated sexual offense", any sexual offense, in the course
4 of which, the actor:

5 (a) Inflicts serious physical injury on the victim; or

6 (b) Displays a deadly weapon or dangerous instrument in a 7 threatening manner; or

8 (c) Subjects the victim to sexual intercourse or deviate sexual 9 intercourse with more than one person; or

10 (d) Had previously been found guilty of an offense under this chapter or under section 573.200, child used in sexual performance; 11 section 573.205, promoting sexual performance by a child; section 12573.023, sexual exploitation of a minor; section 573.025, promoting child 1314 pornography in the first degree; section 573.035, promoting child 15 pornography in the second degree; section 573.037, possession of child 16 pornography; or section 573.040, furnishing pornographic materials to 17 minors; or has previously been found guilty of an offense in another jurisdiction which would constitute an offense under this chapter or 18 said sections; 19

20 (e) Commits the offense as part of an act or series of acts 21 performed by two or more persons as part of an established or 22 prescribed pattern of activity; or

(f) Engages in the act that constitutes the offense with a person
the actor knows to be, without regard to legitimacy, the actor's:

25 a. Ancestor or descendant by blood or adoption;

26 b. Stepchild while the marriage creating that relationship exists;

27 c. Brother or sister of the whole or half blood; or

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d. Uncle, aunt, nephew, or niece of the whole blood;

(2) "Commercial sex act", any sex act on account of which
anything of value is given to or received by any person;

(3) "Deviate sexual intercourse", any act involving the genitals of one person and the hand, mouth, tongue, or anus of another person or a sexual act involving the penetration, however slight, of the [male or female sex organ] **penis, female genitalia,** or the anus by a finger, instrument or object done for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim;

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(4) "Forced labor", a condition of servitude induced by means of:

(a) Any scheme, plan, or pattern of behavior intended to cause
a person to believe that, if the person does not enter into or continue
the servitude, such person or another person will suffer substantial
bodily harm or physical restraint; or

42

(b) The abuse or threatened abuse of the legal process;

43 [(2)] (5) "Sexual conduct", sexual intercourse, deviate sexual intercourse 44 or sexual contact;

[(3)] (6) "Sexual contact", any touching of another person with the genitals or any touching of the genitals or anus of another person, or the breast of a female person, or such touching through the clothing, for the purpose of arousing or gratifying **the** sexual desire of any person **or for the purpose of terrorizing the victim**;

50 [(4)] (7) "Sexual intercourse", any penetration, however slight, of the 51 [female sex organ by the male sex organ, whether or not an emission results] 52 female genitalia by the penis.

566.020. 1. Whenever in this chapter the criminality of conduct depends 2 upon a child being [thirteen] less than fourteen years of age [or younger], it is 3 no defense that the defendant believed the child to be older.

2. Whenever in this chapter the criminality of conduct depends upon a
child being [under] less than seventeen years of age, it is an affirmative defense
that the defendant reasonably believed that the child was seventeen years of age
or older.

8 3. Consent is not [an affirmative] **a** defense to any offense under **this** 9 chapter [566] if the alleged victim is less than [twelve] **fourteen** years of age.

566.023. It shall be an affirmative defense to prosecutions [pursuant to 2 sections] under sections 566.032, 566.034, 566.062, 566.064, [566.068, and

3 566.090] and 566.071, that the defendant was married to the victim at the time
4 of the offense.

566.030. 1. A person commits the offense of rape in the first degree if he or she has sexual intercourse with another person who is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual rintercourse.

8 2. The offense of rape in the first degree or an attempt to commit rape in 9 the first degree is a felony for which the authorized term of imprisonment is life 10 imprisonment or a term of years not less than five years, unless:

11 (1) [In the course thereof the actor inflicts serious physical injury or 12 displays a deadly weapon or dangerous instrument in a threatening manner or 13 subjects the victim to sexual intercourse or deviate sexual intercourse with more 14 than one person] **The offense is an aggravated sexual offense**, in which case 15 the authorized term of imprisonment is life imprisonment or a term of years not 16 less than fifteen years;

17 (2) The person is a persistent or predatory sexual offender as
18 defined in section 566.125 and subjected to an extended term of
19 imprisonment under said section;

(3) The victim is a child less than twelve years of age, in which case the required term of imprisonment is life imprisonment without eligibility for probation or parole until the offender has served not less than thirty years of such sentence or unless the offender has reached the age of seventy-five years and has served at least fifteen years of such sentence, unless such rape in the first degree is described under subdivision [(3)] (4) of this subsection; or

[(3)] (4) The victim is a child less than twelve years of age and such rape in the first degree or attempt to commit rape in the first degree was outrageously or wantonly vile, horrible or inhumane, in that it involved torture or depravity of mind, in which case the required term of imprisonment is life imprisonment without eligibility for probation, parole or conditional release.

31 3. Subsection 4 of section 558.019 shall not apply to the sentence of a 32 person who has been found guilty of rape in the first degree or attempt to commit 33 rape in the first degree when the victim is less than twelve years of age, and "life 34 imprisonment" shall mean imprisonment for the duration of a person's natural 35 life for the purposes of this section.

4. No person found guilty of rape in the first degree or an attempt to
commit rape in the first degree shall be granted a suspended imposition of
sentence or suspended execution of sentence.

566.032. 1. A person commits the [crime] offense of statutory rape in the 2 first degree if he or she has sexual intercourse with another person who is less 3 than fourteen years old.

2. The offense of statutory rape in the first degree or an attempt to commit statutory rape in the first degree is a felony for which the authorized term of imprisonment is life imprisonment or a term of years not less than five years, unless [in the course thereof the actor inflicts serious physical injury on any person, displays a deadly weapon or dangerous instrument in a threatening manner, subjects the victim to sexual intercourse or deviate sexual intercourse with more than one person]:

(1) The offense is an aggravated sexual offense, or the victim is less
than twelve years of age in which case the authorized term of imprisonment is life
imprisonment or a term of years not less than ten years; or

14 (2) The person is a persistent or predatory sexual offender as 15 defined in section 566.125 and subjected to an extended term of 16 imprisonment under said section.

566.060. 1. A person commits the offense of sodomy in the first degree if 2 he or she has deviate sexual intercourse with another person who is 3 incapacitated, incapable of consent, or lacks the capacity to consent, or by the use 4 of forcible compulsion. Forcible compulsion includes the use of a substance 5 administered without a victim's knowledge or consent which renders the victim 6 physically or mentally impaired so as to be incapable of making an informed 7 consent to sexual intercourse.

8 2. The offense of sodomy in the first degree or an attempt to commit 9 sodomy in the first degree is a felony for which the authorized term of 10 imprisonment is life imprisonment or a term of years not less than five years, 11 unless:

12 (1) [In the course thereof the actor inflicts serious physical injury or 13 displays a deadly weapon or dangerous instrument in a threatening manner or 14 subjects the victim to sexual intercourse or deviate sexual intercourse with more 15 than one person] **The offense is an aggravated sexual offense**, in which case 16 the authorized term of imprisonment is life imprisonment or a term of years not 17 less than ten years; [or]

18 (2) The person is a persistent or predatory sexual offender as 19 defined in section 566.125 and subjected to an extended term of 20 imprisonment under said section;

(3) The victim is a child less than twelve years [old] of age, in which case the required term of imprisonment is life imprisonment without eligibility for probation or parole until the offender has served not less than thirty years of such sentence or unless the offender has reached the age of seventy-five years and has served at least fifteen years of such sentence, unless such sodomy in the first degree is described under subdivision [(3)] (4) of this subsection; or

[(3)] (4) The victim is a child less than twelve years of age and such sodomy in the first degree or attempt to commit sodomy in the first degree was outrageously or wantonly vile, horrible or inhumane, in that it involved torture or depravity of mind, in which case the required term of imprisonment is life imprisonment without eligibility for probation, parole or conditional release.

32 3. Subsection 4 of section 558.019 shall not apply to the sentence of a 33 person who has been found guilty of sodomy in the first degree or an attempt to 34 commit sodomy in the first degree when the victim is less than twelve years of 35 age, and "life imprisonment" shall mean imprisonment for the duration of a 36 person's natural life for the purposes of this section.

4. No person found guilty of sodomy in the first degree or an attempt to
commit sodomy in the first degree shall be granted a suspended imposition of
sentence or suspended execution of sentence.

566.062. 1. A person commits the [crime] offense of statutory sodomy in 2 the first degree if he or she has deviate sexual intercourse with another person 3 who is less than fourteen years [old] of age.

2. The offense of statutory sodomy in the first degree or an attempt to commit statutory sodomy in the first degree is a felony for which the authorized term of imprisonment is life imprisonment or a term of years not less than five years, unless [in the course thereof the actor inflicts serious physical injury on any person, displays a deadly weapon or dangerous instrument in a threatening manner, subjects the victim to sexual intercourse or deviate sexual intercourse with more than one person,]:

(1) The offense is an aggravated sexual offense or the victim is less
than twelve years of age, in which case the authorized term of imprisonment is
life imprisonment or a term of years not less than ten years; or

14 (2) The person is a persistent or predatory sexual offender as 15 defined in section 566.125 and subjected to an extended term of 16 imprisonment under said section.

566.067. 1. A person commits the [crime] offense of child molestation in the first degree if he or she subjects another person who is less than fourteen years of age to sexual contact and the offense is an aggravated sexual offense.

5 2. **The offense of** child molestation in the first degree [is a class B felony 6 unless:

7 (1) The actor has previously been convicted of an offense under this 8 chapter or in the course thereof the actor inflicts serious physical injury, displays 9 a deadly weapon or deadly instrument in a threatening manner, or the offense is 10 committed as part of a ritual or ceremony, in which case the crime is a class A 11 felony; or

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(2) The victim is a child less than twelve years of age and:

13 (a) The actor has previously been convicted of an offense under this14 chapter; or

(b) In the course thereof the actor inflicts serious physical injury, displays
a deadly weapon or deadly instrument in a threatening manner, or if the offense
is committed as part of a ritual or ceremony, in which case, the crime] is a class
A felony and [such], if the victim is a child less than twelve years of age,
the person shall serve his or her term of imprisonment without eligibility for
probation [or], parole, or conditional release.

566.068. 1. A person commits the [crime] offense of child molestation in 2 the second degree if he or she:

3 (1) Subjects [another person] a child who is less than [seventeen]
4 twelve years of age to sexual contact; or

5 (2) Being more than four years older than a child who is less 6 than seventeen years of age, subjects the child to sexual contact and 7 the offense is an aggravated sexual offense.

8 2. The offense of child molestation in the second degree is a class [A 9 misdemeanor unless the actor has previously been convicted of an offense under 10 this chapter or in the course thereof the actor inflicts serious physical injury on 11 any person, displays a deadly weapon or dangerous instrument in a threatening 12 manner, or the offense is committed as part of a ritual or ceremony, in which case 13 the crime is a class D] B felony. 566.069. 1. A person commits the offense of child molestation in 2 the third degree if he or she subjects a child who is less than fourteen 3 years of age to sexual contact.

2. The offense of child molestation in the third degree is a class 5 C felony, unless committed by the use of forcible compulsion, in which 6 case it is a class B felony. Notwithstanding section 558.011 to the 7 contrary, the authorized term of imprisonment for a class C felony of 8 child molestation in the third degree is a term of years of not less than 9 three years and not to exceed ten years.

566.071. 1. A person commits the offense of child molestation in the fourth degree if, being more than four years older than a child who is less than seventeen years of age, subjects the child to sexual contact. 2. The offense of child molestation in the fourth degree is a class 5 D felony.

566.083. 1. A person commits the [crime] offense of sexual misconduct 2 involving a child if such person:

3 (1) Knowingly exposes his or her genitals to a child less than fifteen years
4 of age under circumstances in which he or she knows that his or her conduct is
5 likely to cause affront or alarm to the child;

6 (2) Knowingly exposes his or her genitals to a child less than fifteen years 7 of age for the purpose of arousing or gratifying the sexual desire of any person, 8 including the child;

9 (3) Knowingly coerces or induces a child less than fifteen years of age to 10 expose the child's genitals for the purpose of arousing or gratifying the sexual 11 desire of any person, including the child; or

(4) Knowingly coerces or induces a child who is known by such person to
be less than fifteen years of age to expose the breasts of a female child through
the internet or other electronic means for the purpose of arousing or gratifying
the sexual desire of any person, including the child.

16 2. The provisions of this section shall apply regardless of whether the 17 person violates this section in person or via the internet or other electronic 18 means.

3. It is not [an affirmative] a defense to prosecution for a violation of this
section that the other person was a peace officer masquerading as a minor.

4. **The offense of** sexual misconduct involving a child [or attempted sexual misconduct involving a child] is a class D felony unless the [actor] **person**

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23has previously [pleaded guilty to or] been found guilty of an offense [pursuant to] 24under this chapter or the [actor] person has previously [pleaded guilty to or has been convicted] been found guilty of an offense [against the laws of another 2526state or] in another jurisdiction which would constitute an offense under this chapter, in which case it is a class C felony. 27566.086. 1. A person commits the [crime] offense of sexual contact with $\mathbf{2}$ a student if he or she has sexual contact with a student of the [public] school and 3 is: 4 (1) A teacher, as that term is defined in subdivisions (4), (5), and (7) of 5section 168.104; 6 (2) A student teacher; or 7 (3) An employee of the school; **or** 8 (4) A volunteer of the school or of an organization working with the school 9 on a project or program who is not a student at the [public] school; or 10 (5) An elected or appointed official of the [public] school district; or (6) A person employed by an entity that contracts with the [public] school 11 12or school district to provide services. 13 2. For the purposes of this section, "school" shall mean any public or private school in this state serving kindergarten through grade 14twelve or any school bus used by the school district. 1516 3. The offense of sexual contact with a student is a class D felony. 17 4. It is not a defense to prosecution for a violation of this section 18 that the student consented to the sexual contact. 566.093. 1. A person commits the offense of sexual misconduct in the first $\mathbf{2}$ degree if such person: 3 (1) Exposes his or her genitals under circumstances in which he or she 4 knows that his or her conduct is likely to cause affront or alarm; 5(2) Has sexual contact in the presence of a third person or persons under circumstances in which he or she knows that such conduct is likely to cause 6 7 affront or alarm; or 8 (3) Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third person. 9 10 2. The offense of sexual misconduct in the first degree is a class B 11 misdemeanor unless the person has previously been found guilty of an offense under this chapter, or has previously been found guilty of an offense in

another jurisdiction which would constitute an offense under this 13

14 **chapter**, in which case it is a class A misdemeanor.

566.100. 1. A person commits the offense of sexual abuse in the first degree if he or she subjects another person to sexual contact when that person is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion.

52. The offense of sexual abuse in the first degree is a class C felony unless [in the course thereof the actor inflicts serious physical injury or displays a 6 7 deadly weapon or dangerous instrument in a threatening manner or subjects the victim to sexual contact with more than one person or] the victim is less than 8 9 fourteen years of age, or it is an aggravated sexual offense, in which case it is a class B felony. Notwithstanding section 558.011 to the contrary, the 10 authorized term of imprisonment for a class C felony of sexual abuse in 11 the first degree is a term of years of not less than three years and not 1213to exceed ten years.

566.101. 1. A person commits the offense of sexual abuse in the second 2 degree if he or she purposely subjects another person to sexual contact without 3 that person's consent.

2. The offense of sexual abuse in the second degree is a class A misdemeanor, unless [the actor has previously been convicted of an offense under this chapter or unless in the course thereof the actor displays a deadly weapon in a threatening manner or the offense is committed as a part of a ritual or ceremony] it is an aggravated sexual offense, in which case it is a class D felony.

566.115. 1. A person commits the offense of sexual conduct with 2 a nursing facility resident or vulnerable person in the first degree if he 3 or she:

4 (1) Being an owner or employee of a skilled nursing facility, as 5 defined in section 198.006, or an Alzheimer's special care unit or 6 program, as defined in section 198.505, has sexual intercourse or 7 deviate sexual intercourse with a resident; or

8 (2) Being a vender, provider, agent, or employee of a certified 9 program operated, funded, licensed, or certified by the department of 10 mental health, has sexual intercourse or deviate sexual intercourse 11 with a vulnerable person.

The offense of sexual conduct with a nursing facility resident
 or vulnerable person in the first degree is a class A misdemeanor. Any

14 second or subsequent violation of this section is a class D felony.

3. The provisions of this section shall not apply to any person
who is married to the resident or vulnerable person.

4. Consent of the victim is not a defense to a prosecution underthis section.

[565.200.] 566.116. 1. [Any owner or employee of a skilled nursing
2 facility, as defined in section 198.006, or an Alzheimer's special unit or program,
3 as defined in section 198.505, who:

4 (1) Has sexual contact, as defined in section 566.010, with a resident is 5 guilty of a class B misdemeanor. Any person who commits a second or 6 subsequent violation of this subdivision is guilty of a class A misdemeanor; or

7 (2) Has sexual intercourse or deviate sexual intercourse, as defined in 8 section 566.010, with a resident is guilty of a class A misdemeanor. Any person 9 who commits a second or subsequent violation of this subdivision is guilty of a 10 class D felony] A person commits the offense of sexual conduct with a 11 nursing facility resident or vulnerable person in the second degree if 12 he or she:

(1) Being an owner or employee of a skilled nursing facility as
defined in section 198.006, or an Alzheimer's special care unit program
as defined in section 198.505, has sexual contact with a resident; or

(2) Being a vender, provider, agent, or employee of a certified
 program operated, funded, licensed, or certified by the department of
 mental health, has sexual contact with a vulnerable person.

2. The offense of sexual conduct with a nursing facility resident
 or vulnerable person in the second degree is a class B
 misdemeanor. Any second or subsequent violation of this section is a
 class A misdemeanor.

3. The provisions of this section shall not apply to [an owner or employee of a skilled nursing facility or Alzheimer's special unit or program who engages in sexual conduct, as defined in section 566.010, with a resident to whom the owner or employee is married] any person who is married to the resident or vulnerable person.

[3.] 4. Consent of the victim is not a defense to a prosecution pursuantto this section.

[558.018.] **566.125.** 1. The court shall sentence a person to an extended 2 term of imprisonment if it finds the defendant is a persistent sexual offender and

3 has been found guilty of attempting to commit or committing the following4 offenses:

5 (1) Statutory rape in the first degree or statutory sodomy in the first 6 degree;

7 (2) Rape in the first degree or sodomy in the first degree [attempted or 8 committed on or after August 28, 2013];

9 (3) Forcible rape [committed or attempted any time during the period of 10 August 13, 1980 to August 27, 2013];

(4) Forcible sodomy [committed or attempted any time during the periodof January 1, 1995 to August 27, 2013];

13 (5) Rape [committed or attempted before August 13, 1980];

14 (6) Sodomy [committed or attempted before January 1, 1995].

2. A "persistent sexual offender" is one who has previously been found guilty of attempting to commit or committing any of the offenses listed in subsection 1 of this section or one who has previously been found guilty of an offense in any other jurisdiction which would constitute any of the offenses listed in subsection 1 of this section.

3. The term of imprisonment for one found to be a persistent sexual offender shall be imprisonment for life without eligibility for probation or parole. Subsection 4 of section 558.019 shall not apply to any person imprisoned under this subsection, and "imprisonment for life" shall mean imprisonment for the duration of the person's natural life.

254. The court shall sentence a person to an extended term of imprisonment 26as provided for in this section if it finds the defendant is a predatory sexual offender and has been found guilty of committing or attempting to commit any of 2728the offenses listed in subsection 1 of this section or committing child molestation 29in the first or second degree [when classified as a class B felony] or sexual abuse when classified as a class B felony [to an extended term of imprisonment 30 as provided for in this section if it finds the defendant is a predatory sexual 3132offender].

5. For purposes of this section, a "predatory sexual offender" is a personwho:

35 (1) Has previously been found guilty of committing or attempting to 36 commit any of the offenses listed in subsection 1 of this section, or committing 37 child molestation in the first **or second** degree [when classified as a class B 38 felony or], **or** sexual abuse when classified as a class B felony; or 39 (2) Has previously committed an act which would constitute an offense
40 listed in subsection 4 of this section, whether or not the act resulted in a
41 conviction; or

42 (3) Has committed an act or acts against more than one victim which
43 would constitute an offense or offenses listed in subsection 4 of this section,
44 whether or not the defendant was charged with an additional offense or offenses
45 as a result of such act or acts.

6. A person found to be a predatory sexual offender shall be imprisoned for life with eligibility for parole, however subsection 4 of section 558.019 shall not apply to persons found to be predatory sexual offenders for the purposes of determining the minimum prison term or the length of sentence as defined or used in such subsection. Notwithstanding any other provision of law, in no event shall a person found to be a predatory sexual offender receive a final discharge from parole.

53 7. Notwithstanding any other provision of law, the court shall set the 54 minimum time required to be served before a predatory sexual offender is eligible 55 for parole, conditional release or other early release by the department of 56 corrections. The minimum time to be served by a person found to be a predatory 57 sexual offender who:

58 (1) Has previously been found guilty of committing or attempting to 59 commit any of the offenses listed in subsection 1 of this section and is found 60 guilty of committing or attempting to commit any of the offenses listed in 61 subsection 1 of this section shall be any number of years but not less than thirty 62 years;

(2) Has previously [pleaded guilty to or has] been found guilty of child
molestation in the first or second degree [when classified as a class B felony or],
or sexual abuse when classified as a class B felony and is found guilty of
attempting to commit or committing any of the offenses listed in subsection 1 of
this section shall be any number of years but not less than fifteen years;

68 (3) Has previously been found guilty of committing or attempting to 69 commit any of the offenses listed in subsection 1 of this section, or committing 70 child molestation in the first **or second** degree [when classified as a class B 71 felony or], **or** sexual abuse when classified as a class B felony shall be any 72 number of years but not less than fifteen years;

(4) Has previously [pleaded guilty to or has] been found guilty of child
molestation in the first degree [when classified as a class B felony] or second

degree, or sexual abuse when classified as a class B felony, and [pleads guilty to or] is found guilty of child molestation in the first or second degree [when classified as a class B felony or], or sexual abuse when classified as a class B felony shall be any number of years but not less than fifteen years;

(5) Is found to be a predatory sexual offender pursuant to subdivision (2)
or (3) of subsection 5 of this section shall be any number of years within the
range to which the person could have been sentenced pursuant to the applicable
law if the person was not found to be a predatory sexual offender.

83 8. Notwithstanding any provision of law to the contrary, the department 84 of corrections, or any division thereof, may not furlough an individual found to be 85 and sentenced as a persistent sexual offender or a predatory sexual offender.

566.145. 1. A person commits the [crime] offense of sexual [contact] 2 conduct with a prisoner or offender if he or she:

3 (1) [Such person] Is an employee of, or assigned to work in, any jail, 4 prison or correctional facility and [such person has] **engages in** sexual 5 [intercourse or deviate sexual intercourse] **conduct** with a prisoner or an 6 offender who is confined in a jail, prison, or correctional facility; or

7 (2) [Such person] Is a probation and parole officer and [has sexual 8 intercourse or deviate sexual intercourse] **engages in sexual conduct** with an 9 offender who is under the direct supervision of the officer.

10 2. For the purposes of this section the following terms shall mean:

(1) "Offender", includes any person in the custody of a prison or
correctional facility and any person who is under the supervision of the state
board of probation and parole;

14 (2) "Prisoner", includes any person who is in the custody of a jail, whether 15 pretrial or after disposition of a charge.

3. The offense of sexual [contact] conduct with a prisoner or offender
is a class D felony.

18 4. Consent of a prisoner or offender is not [an affirmative] **a** defense.

566.147. 1. Any person who, since July 1, 1979, has been or hereafter has 2 [pleaded guilty or nolo contendere to, or been convicted of, or] been found guilty 3 of:

4 (1) Violating any of the provisions of this chapter or the provisions of 5 [subsection 2 of] section 568.020, incest; section 568.045, endangering the welfare 6 of a child in the first degree; [subsection 2 of section 568.080] section 573.200, 7 use of a child in a sexual performance; section [568.090] 573.205, promoting a 8 sexual performance by a child; section 573.023, sexual exploitation of a minor;
9 section 573.025, promoting child pornography in the first degree; section 573.035,
10 promoting child pornography in the second degree; section 573.037, possession of
11 child pornography, or section 573.040, furnishing pornographic material to
12 minors; or

13 (2) Any offense in any other [state or foreign country, or under federal, tribal, or military] jurisdiction which, if committed in this state, would be a 1415violation listed in this section; shall not reside within one thousand feet of any 16 public school as defined in section 160.011, any private school giving instruction 17in a grade or grades not higher than the twelfth grade, or any child care facility that is licensed under chapter 210, or any child care facility as defined in section 18 19 210.201 that is exempt from state licensure but subject to state regulation under section 210.252 and holds itself out to be a child care facility, where the school 2021or facility is in existence at the time the individual begins to reside at the 22location.

232. If such person has already established a residence and a public school, 24a private school, or child care facility is subsequently built or placed within one thousand feet of such person's residence, then such person shall, within one week 2526of the opening of such public school, private school, or child care facility, notify the county sheriff where such public school, private school, or child care facility 2728is located that he or she is now residing within one thousand feet of such public school, private school, or child care facility and shall provide verifiable proof to 2930 the sheriff that he or she resided there prior to the opening of such public school, 31private school, or child care facility.

32 3. For purposes of this section, "resides" means sleeps in a residence, 33 which may include more than one location and may be mobile or transitory.

4. Violation of the provisions of subsection 1 of this section is a class D felony except that the second or any subsequent violation is a class B felony. Violation of the provisions of subsection 2 of this section is a class A misdemeanor except that the second or subsequent violation is a class D felony.

566.148. 1. Any person who has [pleaded guilty or nolo contendere to, or 2 been convicted of, or] been found guilty of:

3 (1) Violating any of the provisions of this chapter or the provisions of
4 [subsection 2 of] section 568.020, incest; section 568.045, endangering the welfare
5 of a child in the first degree; [subsection 2 of section 568.080] section 573.200,
6 use of a child in a sexual performance; section [568.090] 573.205, promoting a

7 sexual performance by a child; section 573.023, sexual exploitation of a minor;
8 section 573.025, promoting child pornography in the first degree; section 573.035,
9 promoting child pornography in the second degree; section 573.037, possession of
10 child pornography, or section 573.040, furnishing pornographic material to
11 minors; or

12(2) Any offense in any other [state or foreign country, or under federal, tribal, or military] jurisdiction which, if committed in this state, would be a 13 14 violation listed in this section; shall not knowingly be physically present in or 15loiter within five hundred feet of or to approach, contact, or communicate with 16any child under eighteen years of age in any child care facility building, on the real property comprising any child care facility when persons under the age of 1718 eighteen are present in the building, on the grounds, or in the conveyance, unless 19the offender is a parent, legal guardian, or custodian of a student present in the 20building or on the grounds.

2. For purposes of this section, "child care facility" shall [have the same 22 meaning as such term is defined in section 210.201] include any child care 23 facility licensed under chapter 210, or any child care facility that is 24 exempt from state licensure but subject to state regulation under 25 section 210.252 and holds itself out to be a child care facility.

26 3. [Any person who violates] Violation of the provisions of this section
27 is [guilty of] a class A misdemeanor.

566.149. 1. Any person who has [pleaded guilty or nolo contendere to, or 2 been convicted of, or] been found guilty of:

(1) Violating any of the provisions of this chapter or the provisions [of
subsection 2] of section 568.020, incest; section 568.045, endangering the welfare
of a child in the first degree; [subsection 2 of section 568.080] section 573.200,
use of a child in a sexual performance; section [568.090] 573.205, promoting a
sexual performance by a child; section 573.023, sexual exploitation of a minor;
section 573.025, promoting child pornography; or section 573.040, furnishing
pornographic material to minors; or

10 (2) Any offense in any other [state or foreign country, or under tribal, 11 federal, or military] jurisdiction which, if committed in this state, would be a 12 violation listed in this section; shall not be present in or loiter within five 13 hundred feet of any school building, on real property comprising any school, or 14 in any conveyance owned, leased, or contracted by a school to transport students 15 to or from school or a school-related activity when persons under the age of eighteen are present in the building, on the grounds, or in the conveyance, unless
the offender is a parent, legal guardian, or custodian of a student present in the
building and has met the conditions set forth in subsection 2 of this section.

19 2. No parent, legal guardian, or custodian who has [pleaded guilty or nolo 20contendere to, or been convicted of, or] been found guilty of violating any of the 21offenses listed in subsection 1 of this section shall be present in any school 22building, on real property comprising any school, or in any conveyance owned, 23leased, or contracted by a school to transport students to or from school or a 24school-related activity when persons under the age of eighteen are present in the 25building, on the grounds or in the conveyance unless the parent, legal guardian, or custodian has permission to be present from the superintendent or school 2627board or in the case of a private school from the principal. In the case of a public 28school, if permission is granted, the superintendent or school board president 29must inform the principal of the school where the sex offender will be 30 present. Permission may be granted by the superintendent, school board, or in 31the case of a private school from the principal for more than one event at a time, 32such as a series of events, however, the parent, legal guardian, or custodian must 33 obtain permission for any other event he or she wishes to attend for which he or she has not yet had permission granted. 34

35 3. Regardless of the person's knowledge of his or her proximity to school
36 property or a school-related activity, violation of the provisions of this section
37 [shall be] is a class A misdemeanor.

566.150. 1. Any person who has [pleaded guilty to, or been convicted of, 2 or] been found guilty of:

(1) Violating any of the provisions of this chapter or the provisions of
[subsection 2 of] section 568.020, incest; section 568.045, endangering the welfare
of a child in the first degree; [subsection 2 of section 568.080] section 573.200,
use of a child in a sexual performance; section [568.090] 573.205, promoting a
sexual performance by a child; section 573.023, sexual exploitation of a minor;
section 573.025, promoting child pornography; or section 573.040, furnishing
pornographic material to minors; or

10 (2) Any offense in any other [state or foreign country, or under federal, 11 tribal, or military] jurisdiction which, if committed in this state, would be a 12 violation listed in this section; shall not knowingly be present in or loiter within 13 five hundred feet of any real property comprising any public park with 14 playground equipment or a public swimming pool. 15 2. The first violation of the provisions of this section [shall be] is a class16 D felony.

17 3. A second or subsequent violation of this section [shall be] is a class C18 felony.

566.153. 1. A person commits the [crime] offense of age misrepresentation with intent to solicit a minor when he or she knowingly misrepresents his or her age with the intent to use the internet or any electronic communication to engage in criminal sexual conduct involving a minor.

6 2. The offense of age misrepresentation with intent to solicit a minor is 7 a class D felony.

566.155. 1. Any person who has [pleaded guilty to, or been convicted of, 2 or] been found guilty of:

(1) Violating any of the provisions of this chapter or the provisions [of
subsection 2] of section 568.020, incest; section 568.045, endangering the welfare
of a child in the first degree; [subsection 2 of section 568.080] section 573.200,
use of a child in a sexual performance; section [568.090] 573.205, promoting a
sexual performance by a child; section 573.023, sexual exploitation of a minor;
section 573.025, promoting child pornography; or section 573.040, furnishing
pornographic material to minors; or

10 (2) Any offense in any other [state or foreign country, or under federal, 11 tribal, or military] jurisdiction which, if committed in this state, would be a 12 violation listed in this section; shall not serve as an athletic coach, manager, or 13 athletic trainer for any sports team in which a child less than seventeen years of 14 age is a member.

15 2. The first violation of the provisions of this section [shall be] is a class16 D felony.

17 3. A second or subsequent violation of this section [shall be] is a class C18 felony.

[566.213.] 566.210. 1. A person commits the [crime] offense of sexual
trafficking of a child [under the age of twelve if the individual] in the first
degree if he or she knowingly:

4 (1) Recruits, entices, harbors, transports, provides, or obtains by any 5 means, including but not limited to through the use of force, abduction, coercion, 6 fraud, deception, blackmail, or causing or threatening to cause financial harm, a 7 person under the age of twelve to participate in a commercial sex act, a sexual 8 performance, or the production of explicit sexual material as defined in section
9 573.010, or benefits, financially or by receiving anything of value, from
10 participation in such activities; or

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

14 2. It shall not be a defense that the defendant believed that the person15 was twelve years of age or older.

16 3. The offense of sexual trafficking of a child [less than twelve years of 17age shall be **in the first degree is** a felony for which the authorized term of imprisonment is life imprisonment without eligibility for probation or parole until 18 19 the [defendant] offender has served not less than twenty-five years of such sentence. Subsection 4 of section 558.019 shall not apply to the sentence of a 20person who has [pleaded guilty to or] been found guilty of sexual trafficking of 2122a child less than twelve years of age, and "life imprisonment" shall mean 23imprisonment for the duration of a person's natural life for the purposes of this 24section.

[566.212.] **566.211.** 1. A person commits the [crime] **offense** of sexual 2 trafficking of a child **in the second degree** if [the individual] **he or she** 3 knowingly:

4 (1) Recruits, entices, harbors, transports, provides, or obtains by any 5 means, including but not limited to through the use of force, abduction, coercion, 6 fraud, deception, blackmail, or causing or threatening to cause financial harm, a 7 person under the age of eighteen to participate in a commercial sex act, a sexual 8 performance, or the production of explicit sexual material as defined in section 9 573.010, or benefits, financially or by receiving anything of value, from 10 participation in such activities; or

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

14 2. It shall not be a defense that the defendant believed that the person15 was eighteen years of age or older.

3. The offense sexual trafficking of a child in the second degree is a felony punishable by imprisonment for a term of years not less than ten years or life and a fine not to exceed two hundred fifty thousand dollars if the child is under the age of eighteen. If a violation of this section was effected by force, 20 abduction, or coercion, the crime of sexual trafficking of a child shall be a felony 21 for which the authorized term of imprisonment is life imprisonment without 22 eligibility for probation or parole until the defendant has served not less than 23 twenty-five years of such sentence.

566.215. 1. A person commits the [crime] offense of contributing to 2 human trafficking through the misuse of documentation when [the individual] he 3 or she knowingly:

4 (1) Destroys, conceals, removes, confiscates, or possesses a valid or 5 purportedly valid passport, government identification document, or other 6 immigration document of another person while committing [crimes] offenses or 7 with the intent to commit [crimes] offenses, pursuant to sections [566.200] 8 566.203 to 566.218; or

9 (2) Prevents, restricts, or attempts to prevent or restrict, without lawful 10 authority, a person's ability to move or travel by restricting the proper use of 11 identification, in order to maintain the labor or services of a person who is the 12 victim of [a crime] **an offense** committed pursuant to sections [566.200] **566.203** 13 to 566.218.

2. A person who [pleads guilty to or] is found guilty of the [crime] **offense** of contributing to human trafficking through the misuse of documentation shall not be required to register as a sexual offender pursuant to the provisions of section 589.400, unless [such person] **he or she** is otherwise required to register pursuant to the provisions of such section.

19 3. The [crime] offense of contributing to human trafficking through the 20 misuse of documentation is a class D felony.

566.218. Notwithstanding sections 557.011, 558.019, and 559.021, a [court sentencing a defendant convicted of **person found guilty of** violating [the] any $\mathbf{2}$ provisions of section 566.203, 566.206, 566.209, 566.210, 566.211, 566.212, [or] 3 566.213 [shall order the defendant], or 566.215 shall be ordered by the 4 sentencing court to pay restitution to the victim of the offense regardless of 5whether the defendant is sentenced to a term of imprisonment or probation. The 6 minimum restitution ordered by the court shall be in the amount determined by $\mathbf{7}$ 8 the court necessary to compensate the victim for the value of the victim's labor and/or for the mental and physical rehabilitation of the victim and any child of 9 10 the victim.

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

 $\mathbf{2}$

(1) ["Promoting prostitution", a person promotes prostitution if, acting

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3 other than as a prostitute or a patron of a prostitute, he knowingly

(a) Causes or aids a person to commit or engage in prostitution; or

(b) Procures or solicits patrons for prostitution; or

6 (c) Provides persons or premises for prostitution purposes; or

7 (d) Operates or assists in the operation of a house of prostitution or a 8 prostitution enterprise; or

9 (e) Accepts or receives or agrees to accept or receive something of value 10 pursuant to an agreement or understanding with any person whereby he 11 participates or is to participate in proceeds of prostitution activity; or

12 (f) Engages in any conduct designed to institute, aid or facilitate an act 13 or enterprise of prostitution;

(2) "Prostitution", a person commits prostitution if he engages or offers or
agrees to engage in sexual conduct with another person in return for something
of value to be received by the person or by a third person;

17

(3) "Patronizing prostitution", a person patronizes prostitution if

(a) Pursuant to a prior understanding, he gives something of value to
another person as compensation for that person or a third person having engaged
in sexual conduct with him or with another; or

(b) He gives or agrees to give something of value to another person on an
understanding that in return therefor that person or a third person will engage
in sexual conduct with him or with another; or

(c) He solicits or requests another person to engage in sexual conduct with
him or with another, or to secure a third person to engage in sexual conduct with
him or with another, in return for something of value;

(4)] "Deviate sexual intercourse", any sexual act involving the genitals of one person and the mouth, hand, tongue, or anus of another person; or any act involving the penetration, however slight, of the penis, the female genitalia, or the anus by a finger, instrument, or object done for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim;

33 (2) "Prostitution-related offense", any violation of state law for
 34 prostitution, patronizing prostitution, or promoting prostitution;

(3) "Persistent prostitution offender", a person is a persistent
 prostitution offender if he or she has been found guilty of two or more
 prostitution-related offenses;

38

(4) "Sexual conduct" [occurs when there is], sexual intercourse,

39 deviate sexual intercourse, or sexual contact;

40 [(a)] (5) "Sexual intercourse" [which means], any penetration, however
41 slight, of the female [sex organ] genitalia by the [male sex organ, whether or not
42 an emission results or] penis;

43 [(b) "Deviate sexual intercourse" which means any sexual act involving
44 the genitals of one person and the mouth, hand, tongue or anus of another person;
45 or

(c)] (6) "Sexual contact" [which means], any touching[, manual or otherwise, of the anus or] of another person with the genitals [of one person by another, done] or any touching of the genitals or anus of another person or the breast of a female person, or such touching through the clothing, for the purpose of arousing or gratifying sexual desire of [either party] any person or for the purpose of terrorizing the victim;

52 [(5)] (7) "Something of value" [means], any money or property, or any 53 token, object or article exchangeable for money or property[;].

567.020. 1. A person commits the [crime] offense of prostitution if [the 2 person performs an act of prostitution] he or she engages in or offers or 3 agrees to engage in sexual conduct with another person in return for 4 something of value to be received by any person.

5 2. The offense of prostitution is a class B misdemeanor unless the 6 person knew prior to performing the act of prostitution that he or she was 7 infected with HIV in which case prostitution is a class B felony. The use of 8 condoms is not a defense to this [crime] offense.

9 3. As used in this section, "HIV" means the human immunodeficiency 10 virus that causes acquired immunodeficiency syndrome.

11 4. The judge may order a drug and alcohol abuse treatment program for 12any person found guilty of prostitution, either after trial or upon a plea of guilty, 13 before sentencing. For the class B misdemeanor offense, upon the successful 14 completion of such program by the defendant, the court may at its discretion allow the defendant to withdraw the plea of guilty or reverse the verdict and 15enter a judgment of not guilty. For the class B felony offense, the court shall not 1617allow the defendant to withdraw the plea of guilty or reverse the verdict and enter a judgment of not guilty. The judge, however, has discretion to take into 18 19 consideration successful completion of a drug or alcohol treatment program in 20determining the defendant's sentence.

567.030. 1. A person commits the [crime] offense of patronizing

2 prostitution if he [patronizes prostitution] or she:

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

6 (2) Gives or agrees to give something of value to another person 7 with the understanding that such person or another person will engage 8 in sexual conduct with any person; or

9 (3) Solicits or requests another person to engage in sexual 10 conduct with any person in return for something of value.

2. It shall not be [an affirmative] a defense that the [defendant] person
 believed that the [person] individual he or she patronized for prostitution was
 eighteen years of age or older.

3. The offense of patronizing prostitution is a class B misdemeanor, unless the individual who the person [is patronizing] patronizes is [under the age of] less than eighteen years of age but older than [the age of] fourteen years of age, in which case patronizing prostitution is a class A misdemeanor.

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

22

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

23

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

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

25

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

567.070. 1. A person commits the [crime] offense of promoting 2 prostitution in the third degree if he or she knowingly [promotes prostitution]:

3

(1) Causes or aids a person to commit or engage in prostitution;

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(3) Provides persons or premises for prostitution purposes;

(2) Procures or solicits patrons for prostitution;

6 (4) Operates or assists in the operation of a house of prostitution 7 or a prostitution business or enterprise;

8 (5) Accepts or receives or agrees to accept or receive something 9 of value pursuant to an agreement or understanding with any person 10 whereby he or she participates or is to participate in proceeds of 11 prostitution activity; or

12

(6) Engages in any conduct designed to institute, aid or facilitate

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13 an act or enterprise of prostitution.

14 2. The offense of promoting prostitution in the third degree is a class15 D felony.

567.080. 1. Any room, building or other structure regularly used for 2 [sexual contact for pay as defined in section 567.010 or] any [unlawful] 3 prostitution activity prohibited by this chapter is a public nuisance.

2. The attorney general, circuit attorney or prosecuting attorney may, in addition to all criminal sanctions, prosecute a suit in equity to enjoin the nuisance. If the court finds that the owner of the room, building or structure knew or had reason to believe that the premises were being used regularly for [sexual contact for pay or unlawful] prostitution activity, the court may order that the premises shall not be occupied or used for such period as the court may determine, not to exceed one year.

3. All persons, including owners, lessees, officers, agents, inmates or employees, aiding or facilitating such a nuisance may be made defendants in any suit to enjoin the nuisance, and they may be enjoined from engaging in any [sexual contact for pay or unlawful] prostitution activity anywhere within the jurisdiction of the court.

4. Appeals shall be allowed from the judgment of the court as in othercivil actions.

567.085. 1. A person commits the [crime] offense of promoting travel for 2 prostitution if [the person] he or she knowingly sells or offers to sell travel 3 services that include or facilitate travel for the purpose of engaging in 4 prostitution as defined by section [567.010] 567.020.

5 2. The [crime] offense of promoting travel for prostitution is a class C 6 felony.

567.087. 1. No travel agency or charter tour operator shall:

2 (1) Promote travel for prostitution [under] as described in section 3 567.085;

4 (2) Sell, advertise, or otherwise offer to sell travel services or facilitate 5 travel:

6 (a) For the purpose of engaging in a commercial sex act as defined in 7 section [566.200] **566.010**;

8 (b) That consists of tourism packages or activities using and offering any 9 sexual contact as defined in section 566.010 as enticement for tourism; or

10 (c) That provides or purports to provide access to or that facilitates the

11 availability of sex escorts or sexual services. 122. There shall be a rebuttable presumption that any travel agency or 13 charter tour operator using advertisements that include the term "sex tours" or "sex travel" or include depictions of human genitalia is in violation of this section. 14567.110. Any person who [pleads guilty to or is] has been found guilty $\mathbf{2}$ of a violation of section 567.020 or 567.030 and who is alleged and proved to be a persistent prostitution offender is guilty of a class D felony. 3 568.020. 1. A person commits the [crime] offense of incest if he or she $\mathbf{2}$ marries or purports to marry or engages in sexual intercourse or deviate sexual 3 intercourse with a person he or she knows to be, without regard to legitimacy, his or her: 4 $\mathbf{5}$ (1) [His] Ancestor or descendant by blood or adoption; or 6 (2) [His] Stepchild, while the marriage creating that relationship exists; 7 or 8 (3) [His] Brother or sister of the whole or half-blood; or 9 (4) [His] Uncle, aunt, nephew or niece of the whole blood. 10 2. The offense of incest is a class D felony. 11 3. The court shall not grant probation to a person who has 12previously been found guilty of an offense under this section. 568.030. 1. A person commits the [crime] offense of abandonment of a child in the first degree if, as a parent, guardian or other person legally charged $\mathbf{2}$ with the care or custody of a child less than four years [old] of age, he or she 3 leaves the child in any place with purpose wholly to abandon [it] the child, 4 under circumstances which are likely to result in serious physical injury or death. 56 2. The offense of abandonment of a child in the first degree is a class

7 B felony, unless the child dies, in which case it is a class A felony.

568.032. 1. A person commits the [crime] offense of abandonment of a child in the second degree if, as a parent, guardian or other person legally charged with the care or custody of a child less than eight years [old] of age, he or she leaves the child in any place with purpose wholly to abandon [it] the child, under circumstances which are likely to result in serious physical injury or death.

2. The offense of abandonment of a child in the second degree is a class
[D] C felony, unless the child suffers serious physical injury, in which
9 case it is a class B felony. It is a class A felony if the child dies.

568.040. 1. A person commits the [crime] offense of nonsupport if [such

2 person] he or she knowingly fails to provide adequate support for his or her 3 spouse; a parent commits the [crime] offense of nonsupport if such parent 4 knowingly fails to provide adequate support which such parent is legally 5 obligated to provide for his or her child or stepchild who is not otherwise 6 emancipated by operation of law.

7

2. For purposes of this section:

8 (1) "Child" means any biological or adoptive child, or any child whose 9 paternity has been established under chapter 454, or chapter 210, or any child 10 whose relationship to the defendant has been determined, by a court of law in a 11 proceeding for dissolution or legal separation, to be that of child to parent;

(2) "Good cause" means any substantial reason why the defendant is
unable to provide adequate support. Good cause does not exist if the defendant
purposely maintains his inability to support;

15 (3) "Support" means food, clothing, lodging, and medical or surgical16 attention;

17 (4) It shall not constitute a failure to provide medical and surgical
18 attention, if nonmedical remedial treatment recognized and permitted under the
19 laws of this state is provided.

3. Inability to provide support for good cause shall be an affirmative
defense under this section. A [person] defendant who raises such affirmative
defense has the burden of proving the defense by a preponderance of the evidence.

4. The defendant shall have the burden of injecting the issues raised by
subdivision (4) of subsection 2 and subsection 3 of this section.

5. **The offense of** criminal nonsupport is a class A misdemeanor, unless the total arrearage is in excess of an aggregate of twelve monthly payments due under any order of support issued by any court of competent jurisdiction or any authorized administrative agency, in which case it is a class D felony.

296. If at any time [a defendant] an offender convicted of criminal 30 nonsupport is placed on probation or parole, there may be ordered as a condition of probation or parole that the [defendant] offender commence payment of 31current support as well as satisfy the arrearages. Arrearages may be satisfied 3233 first by making such lump sum payment as the [defendant] offender is capable of paying, if any, as may be shown after examination of [defendant's] the 34offender's financial resources or assets, both real, personal, and mixed, and 35second by making periodic payments. Periodic payments toward satisfaction of 36 arrears when added to current payments due may be in such aggregate sums as 37

is not greater than fifty percent of the [defendant's] offender's adjusted gross 38 39 income after deduction of payroll taxes, medical insurance that also covers a dependent spouse or children, and any other court- or administrative-ordered 40 41 support, only. If the [defendant] offender fails to pay the current support and arrearages as ordered, the court may revoke probation or parole and then impose 4243an appropriate sentence within the range for the class of offense that the [defendant] offender was convicted of as provided by law, unless the [defendant] 44 45offender proves good cause for the failure to pay as required under subsection 46 3 of this section.

7. During any period that a nonviolent [defendant] offender is incarcerated for criminal nonsupport, if the [defendant] offender is ready, willing, and able to be gainfully employed during said period of incarceration, the [defendant] offender, if he or she meets the criteria established by the department of corrections, may be placed on work release to allow the [defendant] offender to satisfy [defendant's] his or her obligation to pay support. Arrearages shall be satisfied as outlined in the collection agreement.

8. Beginning August 28, 2009, every nonviolent first- and second-time offender then incarcerated for criminal nonsupport, who has not been previously placed on probation or parole for conviction of criminal nonsupport, may be considered for parole, under the conditions set forth in subsection 6 of this section, or work release, under the conditions set forth in subsection 7 of this section.

9. Beginning January 1, 1991, every prosecuting attorney in any county 60 61 which has entered into a cooperative agreement with the child support 62 enforcement service of the family support division of the department of social services shall report to the division on a quarterly basis the number of charges 63 filed and the number of convictions obtained under this section by the prosecuting 64 attorney's office on all IV-D cases. The division shall consolidate the reported 65 information into a statewide report by county and make the report available to 66 67 the general public.

68 10. Persons accused of committing the offense of nonsupport of the child69 shall be prosecuted:

(1) In any county in which the child resided during the period of time forwhich the defendant is charged; or

(2) In any county in which the defendant resided during the period of timefor which the defendant is charged.

568.045. 1. A person commits the [crime] offense of endangering the 2 welfare of a child in the first degree if **he or she**:

3 (1) [The person] Knowingly acts in a manner that creates a substantial
4 risk to the life, body, or health of a child less than seventeen years [old] of age;
5 or

6 (2) [The person] Knowingly engages in sexual conduct with a person 7 under the age of seventeen years over whom the person is a parent, guardian, or 8 otherwise charged with the care and custody;

9 (3) [The person] Knowingly encourages, aids or causes a child less than 10 seventeen years of age to engage in any conduct which violates the provisions of 11 chapter [195] **579**;

12 (4) [Such person enlists the aid, either through payment or coercion, of a 13 person less than seventeen years of age to unlawfully manufacture, compound, 14 produce, prepare, sell, transport, test or analyze amphetamine or 15 methamphetamine or any of their analogues, or to obtain any material used to 16 manufacture, compound, produce, prepare, test or analyze amphetamine or 17 methamphetamine or any of their analogues; or

(5) Such person,] In the presence of a [person] child less than seventeen
years of age or in a residence where a [person] child less than seventeen years
of age resides, unlawfully manufactures, or attempts to manufacture compounds,
possesses, produces, prepares, sells, transports, tests or analyzes amphetamine
or methamphetamine or any of their analogues.

23 2. The offense of endangering the welfare of a child in the first degree
24 is a class C felony unless the offense:

(1) Results in serious physical injury to the child, in which case
the offense is a class B felony; or

27 (2) Results in the death of a child, in which case the offense is a28 class A felony;

Notwithstanding section 558.011 to the contrary, the authorized term 2930 of imprisonment for a class C felony of endangering the welfare of a 31child in the first degree is a term of years not less than three years and not to exceed ten years if such offense is committed as part of [a ritual or 3233 ceremony, or except on] an act or series of acts performed by two or more persons as part of an established or prescribed pattern of activity, or 34where physical injury to the child results, or the offense is a second or 3536 subsequent offense, in which case the crime is a class B felony **under this** 37 section.

38 [3.

[3. This section shall be known as "Hope's Law".]

568.050. 1. A person commits the [crime] offense of endangering the 2 welfare of a child in the second degree if **he or she**:

3 (1) [He or she] With criminal negligence acts in a manner that creates a
4 substantial risk to the life, body or health of a child less than seventeen years
5 [old] of age; or

6 (2) [He or she] Knowingly encourages, aids or causes a child less than 7 seventeen years [old] **of age** to engage in any conduct which causes or tends to 8 cause the child to come within the provisions of paragraph (d) of subdivision (2) 9 of subsection 1 or subdivision (3) of subsection 1 of section 211.031; or

10 (3) Being a parent, guardian or other person legally charged with the care 11 or custody of a child less than seventeen years [old, he or she] of age, recklessly 12 fails or refuses to exercise reasonable diligence in the care or control of such child 13 to prevent him or her from coming within the provisions of paragraph (c) of 14 subdivision (1) of subsection 1 or paragraph (d) of subdivision (2) of subsection 1 15 or subdivision (3) of subsection 1 of section 211.031; or

(4) [He or she] Knowingly encourages, aids or causes a child less than
seventeen years of age to enter into any room, building or other structure which
is a public nuisance as defined in section [195.130; or

(5) He or she operates a vehicle in violation of subdivision (2) or (3) of
subsection 1 of section 565.024, subdivision (4) of subsection 1 of section 565.060,
section 577.010, or section 577.012 while a child less than seventeen years old is
present in the vehicle] 579.105.

23 2. Nothing in this section shall be construed to mean the welfare of a 24 child is endangered for the sole reason that he or she is being provided 25 nonmedical remedial treatment recognized and permitted under the laws of this 26 state.

3. The offense of endangering the welfare of a child in the second degree is a class A misdemeanor unless the offense is committed as part of [a ritual or ceremony] an act or series of acts performed by two or more persons as part of an established or prescribed pattern of activity, in which case the [crime] offense is a class D felony.

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

2 (1) "Abuse", the infliction of physical, sexual, or mental injury against a 3 child by any person eighteen years of age or older. For purposes of this section,

4 abuse shall not include injury inflicted on a child by accidental means by a person

6 care, custody, or control of the child, including spanking, in a reasonable manner;

with care, custody, or control of the child, or discipline of a child by a person with

7 (2) "Abusive head trauma", a serious physical injury to the head or brain
8 caused by any means, including but not limited to shaking, jerking, pushing,
9 pulling, slamming, hitting, or kicking;

10 (3) "Mental injury", an injury to the intellectual or psychological capacity 11 or the emotional condition of a child as evidenced by an observable and 12 substantial impairment of the ability of the child to function within his or her 13 normal range of performance or behavior;

(4) "Neglect", the failure to provide, by those responsible for the care,
custody, and control of a child under the age of eighteen years, the care
reasonable and necessary to maintain the physical and mental health of the child,
when such failure presents a substantial probability that death or physical injury
or sexual injury would result;

(5) "Physical injury", physical pain, illness, or any impairment of physical
condition, including but not limited to bruising, lacerations, hematomas, welts,
or permanent or temporary disfigurement and impairment of any bodily function
or organ;

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

(7) "Serious physical injury", a physical injury that creates a substantial
30 risk of death or that causes serious disfigurement or protracted loss or
31 impairment of the function of any part of the body.

322. A person commits the offense of abuse or neglect of a child if such33 person knowingly causes a child who is less than eighteen years of age:

(1) To suffer physical or mental injury as a result of abuse or neglect; or
(2) To be placed in a situation in which the child may suffer physical or
mental injury as the result of abuse or neglect.

37 3. A person commits the offense of abuse or neglect of a child if such
38 person recklessly causes a child who is less than eighteen years of age to suffer
39 from abusive head trauma.

40 4. A person does not commit the offense of abuse or neglect of a child by 41 virtue of the sole fact that the person delivers or allows the delivery of **a** child to 42 a provider of emergency services.

43

5. The offense of abuse or neglect of a child is:

(1) A class C felony, without eligibility for probation [or], parole, or 44 45conditional release until the defendant has served no less than one year of such sentence, unless the person has previously been found guilty of a violation 46 47of this section or of a violation of the law of any other jurisdiction that prohibits 48 the same or similar conduct or the injury inflicted on the child is a serious 49 emotional injury or a serious physical injury, in which case abuse or neglect of a child is a class B felony, without eligibility for probation or parole until the 5051defendant has served not less than five years of such sentence; or

52 (2) A class A felony if the child dies as a result of injuries sustained from 53 conduct chargeable under the provisions of this section.

54 6. Notwithstanding subsection 5 of this section to the contrary, the offense 55 of abuse or neglect of a child is a class A felony, without eligibility for probation 56 [or], parole, or conditional release until the defendant has served not less 57 than fifteen years of such sentence, if:

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(1) The injury is a serious emotional injury or a serious physical injury;

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(2) The child is less than fourteen years of age; and

(3) The injury is the result of sexual abuse or sexual abuse in the first
degree as defined under section 566.100 or sexual exploitation of a minor as
defined under section 573.023.

63 7. The circuit or prosecuting attorney may refer a person who is suspected 64 of abuse or neglect of a child to an appropriate public or private agency for 65 treatment or counseling so long as the agency has consented to taking such 66 referrals. Nothing in this subsection shall limit the discretion of the circuit or 67 prosecuting attorney to prosecute a person who has been referred for treatment 68 or counseling pursuant to this subsection.

8. Nothing in this section shall be construed to alter the requirement that
every element of any crime referred to herein must be proven beyond a reasonable
doubt.

9. Discipline, including spanking administered in a reasonable manner,shall not be construed to be abuse under this section.

568.070. 1. A person commits the [crime] offense of unlawful 2 transactions with a child if he or she:

3 (1) Being a pawnbroker, junk dealer, dealer in secondhand goods, or any
4 employee of such person, [he] with criminal negligence buys or receives any
5 personal property other than agricultural products from an unemancipated minor,
6 unless the child's custodial parent or guardian has consented in writing to the
7 transaction; or

8 (2) [He] Knowingly permits a minor child to enter or remain in a place 9 where illegal activity in controlled substances, as defined in chapter [195] **579**, 10 is maintained or conducted; or

(3) [He] With criminal negligence sells blasting caps, bulk gunpowder, or
explosives to a child under the age of seventeen, or fireworks as defined in section
320.110, to a child under the age of fourteen, unless the child's custodial parent
or guardian has consented in writing to the transaction. Criminal negligence as
to the age of the child is not an element of this crime.

16 2. The offense of unlawful transactions with a child is a class B 17 misdemeanor.

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

2 (1) ["Forcibly steals", a person "forcibly steals", and thereby commits 3 robbery, when, in the course of stealing, as defined in section 570.030, he uses or 4 threatens the immediate use of physical force upon another person for the 5 purpose of:

6 (a) Preventing or overcoming resistance to the taking of the property or 7 to the retention thereof immediately after the taking; or

8 (b) Compelling the owner of such property or another person to deliver up 9 the property or to engage in other conduct which aids in the commission of the 10 theft;

(2) "Inhabitable structure" includes a ship, trailer, sleeping car, airplane,
or other vehicle or structure:

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

14 (b) Where people assemble for purposes of business, government,15 education, religion, entertainment or public transportation; or

(c) Which is used for overnight accommodation of persons. Any such
vehicle or structure is "inhabitable" regardless of whether a person is actually
present;

(3) "Of another", property is that "of another" if any natural person,
corporation, partnership, association, governmental subdivision or
instrumentality, other than the actor, has a possessory or proprietary interest

22 therein;

(4) If a building or structure is divided into separately occupied units, any
unit not occupied by the actor is an "inhabitable structure of another";

(5) "Vital public facility" includes a facility maintained for use as a bridge,
whether over land or water, dam, reservoir, tunnel, communication installation
or power station;

(6) "Utility", an enterprise which provides gas, electric, steam, water,
sewerage disposal or communication services and any common carrier. It may be
either publicly or privately owned or operated;

(7) "To tamper", to interfere with something improperly, to meddle with it, displace it, make unwarranted alterations in its existing condition, or to deprive, temporarily, the owner or possessor of that thing] "Cave or cavern", any naturally occurring subterranean cavity enterable by a person including, without limitation, a pit, pothole, natural well, grotto, and tunnel, whether or not the opening has a natural entrance;

37 [(8)] (2) "Enter unlawfully or remain unlawfully", a person ["enters 38unlawfully or remains unlawfully"] enters or remains in or upon premises 39 when he **or she** is not licensed or privileged to do so. A person who, regardless 40 of his or her purpose, enters or remains in or upon premises which are at the time open to the public does so with license and privilege unless he or she defies 41 a lawful order not to enter or remain, personally communicated to him **or her** by 42the owner of such premises or by other authorized person. A license or privilege 43to enter or remain in a building which is only partly open to the public is not a 44 license or privilege to enter or remain in that part of the building which is not 4546 open to the public;

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

51 (4) "Utility", an enterprise which provides gas, electric, steam, 52 water, sewerage disposal, or communication, video, internet, or voice 53 over internet protocol services, and any common carrier. It may be 54 either publicly or privately owned or operated.

569.053. 1. A person commits the offense of arson in the third 2 degree if he or she knowingly starts a fire or causes an explosion and 3 thereby recklessly damages or destroys a building or an inhabitable SS SCS SB 491

4 structure of another.

5 2. The offense of arson in the third degree is a class A 6 misdemeanor.

569.060. 1. A person commits the [crime] offense of reckless burning or 2 exploding [when] if he [knowingly] or she recklessly starts a fire or causes an 3 explosion and thereby [recklessly] damages or destroys [a building or an 4 inhabitable structure] the property of another.

5 2. The offense of reckless burning or exploding is a class [A] B 6 misdemeanor.

569.065. 1. A person commits the [crime] offense of negligent burning 2 or exploding [when] if he or she with criminal negligence causes damage to 3 property or to the woodlands, cropland, grassland, prairie, or marsh of 4 another by [fire or explosion]:

5 (1) Starting a fire or causing an explosion; or

6 (2) Allowing a fire burning on lands in his or her possession or
7 control onto the property of another.

8 2. The offense of negligent burning or exploding is a class [B] C
9 misdemeanor.

569.090. 1. A person commits the [crime] offense of tampering in the 2 second degree if he or she:

3 (1) Tampers with property of another for the purpose of causing 4 substantial inconvenience to that person or to another; or

5 (2) Unlawfully rides in or upon another's automobile, airplane, motorcycle,
6 motorboat or other motor-propelled vehicle; or

 $\mathbf{7}$

(3) Tampers or makes connection with property of a utility; or

8 (4) Tampers with, or causes to be tampered with, any meter or other 9 property of an electric, gas, steam or water utility, the effect of which tampering 10 is either:

11 (a) To prevent the proper measuring of electric, gas, steam or water12 service; or

13 (b) To permit the diversion of any electric, gas, steam or water service.

14 2. In any prosecution under subdivision (4) of subsection 1, proof that a 15 meter or any other property of a utility has been tampered with, and the person 16 or persons accused received the use or direct benefit of the electric, gas, steam or 17 water service, with one or more of the effects described in subdivision (4) of 18 subsection 1, shall be sufficient to support an inference which the trial court may

submit to the trier of fact, from which the trier of fact may conclude that there
has been a violation of such subdivision by the person or persons who use or
receive the direct benefit of the electric, gas, steam or water service.

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3. Tampering in the second degree is a class A misdemeanor unless:

(1) Committed as a second or subsequent violation of subdivision (4) of
subsection 1, in which case it is a class D felony; or

(2) The defendant has a prior conviction or has [had a prior finding of
guilt] previously been found guilty pursuant to paragraph (a) of subdivision
(3) of subsection 3 of section 570.030, [section 570.080,] or subdivision (2) of
subsection 1 of this section, in which case it is a class C felony.

569.095. 1. A person commits the [crime] offense of tampering with 2 computer data if he or she knowingly and without authorization or without 3 reasonable grounds to believe that he has such authorization:

4 (1) Modifies or destroys data or programs residing or existing internal to 5 a computer, computer system, or computer network; or

6 (2) Modifies or destroys data or programs or supporting documentation 7 residing or existing external to a computer, computer system, or computer 8 network; or

9 (3) Discloses or takes data, programs, or supporting documentation, 10 residing or existing internal or external to a computer, computer system, or 11 computer network; or

(4) Discloses or takes a password, identifying code, personal identification
number, or other confidential information about a computer system or network
that is intended to or does control access to the computer system or network;

(5) Accesses a computer, a computer system, or a computer network, andintentionally examines information about another person;

17 (6) Receives, retains, uses, or discloses any data he knows or believes was18 obtained in violation of this subsection.

19 2. The offense of tampering with computer data is a class A 20 misdemeanor, unless the offense is committed for the purpose of devising or 21 executing any scheme or artifice to defraud or to obtain any property, the value 22 of which is [five] seven hundred fifty dollars or more, in which case [tampering 23 with computer data] it is a class D felony.

569.097. 1. A person commits the [crime] offense of tampering with computer equipment if he or she knowingly and without authorization or without reasonable grounds to believe that he or she has such authorization: 4 (1) Modifies, destroys, damages, or takes equipment or data storage 5 devices used or intended to be used in a computer, computer system, or computer 6 network; or

7 (2) Modifies, destroys, damages, or takes any computer, computer system,
8 or computer network.

9 2. The offense of tampering with computer equipment is a class A 10 misdemeanor, unless:

(1) The offense is committed for the purpose of executing any scheme or
artifice to defraud or obtain any property, the value of which is [five] seven
hundred fifty dollars or more, in which case it is a class D felony; or

14 (2) The damage to such computer equipment or to the computer, computer 15 system, or computer network is [five] seven hundred fifty dollars or more [but 16 less than one thousand dollars], in which case it is a class D felony; or

17 (3) The damage to such computer equipment or to the computer, computer
18 system, or computer network is [one] twenty-five thousand dollars or [greater]
19 more, in which case it is a class C felony.

569.099. 1. A person commits the [crime] offense of tampering with 2 computer users if he or she knowingly and without authorization or without 3 reasonable grounds to believe that he or she has such authorization:

4 (1) Accesses or causes to be accessed any computer, computer system, or 5 computer network; or

6 (2) Denies or causes the denial of computer system services to an 7 authorized user of such computer system services, which, in whole or in part, is 8 owned by, under contract to, or operated for, or on behalf of, or in conjunction 9 with another.

2. The offense of tampering with computer users is a class A misdemeanor unless the offense is committed for the purpose of devising or executing any scheme or artifice to defraud or to obtain any property, the value of which is five] seven hundred fifty dollars or more, in which case tampering with computer users is a class D felony.

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

3 (1) Knowingly damages property of another to an extent exceeding seven4 hundred fifty dollars; or

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

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

2. The offense of property damage in the first degree committed under subdivision (1) or (2) of subsection 1 of this section is a class D felony. The offense of property damage in the first degree committed under subdivision (3) of subsection 1 of this section is a class C felony unless committed as a second or subsequent violation of subdivision (3) of subsection 1 of this section in which case it is a class B felony.

[578.416.] 569.132. [No person shall] 1. This section shall be known 2 and may be cited as the "Crop Protection Act".

2. A person commits the offense of prohibited acts involving
4 crops if he or she:

5

(1) Intentionally [cause] causes the loss of any crop;

6 (2) [Damage, vandalize, or steal] **Damages, vandalizes, or steals** any 7 property in or on **land on which** a crop **is located**;

8 (3) [Obtain] **Obtains** access to a crop by false pretenses for the purpose 9 of performing acts not authorized by the landowner;

(4) [Enter] Enters or otherwise [interfere] interferes with a crop with
the intent to destroy, alter, duplicate or obtain unauthorized possession of such
crop;

(5) Knowingly [obtain] obtains, by theft or deception, control over a crop
for the purpose of depriving the rightful owner of such crop, or for the purpose of
destroying such crop; or

16 (6) [Enter or remain] Enters or remains on land on which a crop is 17 located with the intent to commit an act prohibited by this section.

18 3. The offense of prohibited acts involving crops is a class A
19 misdemeanor for each such violation unless:

(1) The loss or damage to the crop is seven hundred fifty dollars
or more, in which case it is a class D felony;

22 (2) The loss or damage to the crop is one thousand dollars or 23 more, in which case it is a class C felony;

(3) The loss or damage to the crop is twenty-five thousanddollars or more, in which case it is a class B felony;

26 (4) The loss or damage to the crop is seventy-five thousand

27 dollars or more, in which case it is a class A felony.

- 4. Any person who has been damaged by a violation of this section shall have a civil cause of action under section 537.353.
- 5. Nothing in this section shall preclude any owner or operator injured in his or her business or on his or her property by a violation of this section from seeking appropriate relief under any other provision of law or remedy including the issuance of an injunction against any person who violates this section. The owner or operator of the business may petition the court to permanently enjoin such persons from violating this section, and the court shall provide such relief.

6. The director of the department of agriculture shall have the authority to investigate any alleged violation of this section, along with any other law enforcement agency, and may take any action within the director's authority necessary for the enforcement of this section. The attorney general, the highway patrol, and other law enforcement officials shall provide assistance required for the investigation.

43 7. The director may promulgate rules and regulations necessary for the enforcement of this section. Any rule or portion of a rule, as 44 that term is defined in section 536.010 that is created under the 45authority delegated in this section shall become effective only if it 46 complies with and is subject to all of the provisions of chapter 536, and, 47 if applicable, section 536.028. This section and chapter 536 are 48 49 nonseverable and if any of the powers vested with the general assembly 50pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, 5152then the grant of rulemaking authority and any rule proposed or 53adopted after January 1, 2017, shall be invalid and void.

[578.210.] 569.135. 1. [A person, without the prior written permission
of the owner or if a corporation is the owner, of an officer of the corporation,
lessee, or if the cavern is located on public land, the superintendent thereof shall
not] Unless a person has the prior written permission of an owner,
officer, lessee, or superintendent of a cave or cavern, such person
commits the offense of unlawfully entering or defacing a cave or cavern
if he or she:

8 (1) Willfully or knowingly [break, break off, crack, carve upon, write or 9 otherwise mark] breaks, breaks off, cracks, carves upon, writes or 10 otherwise marks upon, or in any manner [destroy, mutilate, injure, deface, 11 remove, displace, mar or harm] destroys, mutilates, injures, defaces, 12 removes, displaces, mars, or harms the surfaces of any cave or any natural 13 material therein including, without limitation, stalactites, stalagmites, helictites, 14 anthodites, gypsum flowers, or needles, cave pearls, flowstone, draperies, 15 rimstone, spathites, columns or similar crystalline mineral formation, including 16 the host rock thereof[.

17 2. A person shall not, without the permission required in subsection 1 of
18 this section, break, force, tamper with, remove or otherwise disturb]; or

19 (2) Breaks, forces, tampers with, removes, or otherwise disturbs 20 a lock, gate, door or other structure designed to prevent entrance to a cave or 21 cavern. A person violates this subsection whether or not entrance to the cave or 22 cavern is achieved.

23 2. No additional appropriations may be made for the 24 enforcement of this section.

25 3. The provisions of this section do not apply to vertical or 26 horizontal underground mining operations.

4. The offense of unlawfully entering or defacing a cave orcavern is a class A misdemeanor.

[578.215.] **569.137.** 1. As used in this section, the following terms 2 mean:

3 (1) "Cave system", the caves in a given area related to each other
4 hydrologically, whether continuous or discontinuous from a single
5 opening;

6 (2) "Sinkhole", a hollow place or depression in the ground in 7 which drainage may collect with an opening therefrom into an 8 underground channel or cave including any subsurface opening that 9 might be bridged by a formation of silt, gravel, humus, or any other 10 material through which percolation into the channel or cave may occur.

11 2. A person [shall not] commits the offense of polluting cave or 12 subsurface waters if he or she purposely [introduce] introduces into any 13 cave, cave system, sinkhole or subsurface waters of the state any substance or 14 structure that will or could violate any provision of the Missouri clean water law 15 as set forth in chapter [204] 644, or any water quality standard or effluent 16 limitation promulgated pursuant thereto.

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[2.] 3. The provisions of [subsection 1 of] this section do not apply:

18 (1) Where natural subsurface drainage systems including, without 19 limitation, caves, cave systems, sinkholes, fissures and related openings are used 20 for purposes of storm water drainage, artificial recharge of aquifers, and 21 irrigation return flow, and where modifications of natural drainage systems are 22 made for purposes of improving natural drainage relationships; or

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(2) To vertical or horizontal underground mining operations.

[3.] 4. No additional appropriations may be made for the enforcement of
[sections 578.200 to 578.225] this section.

265. The offense of polluting cave or subsurface waters is a class27A misdemeanor.

569.145. In addition to the posting of real property as set forth in section 569.140, the owner or lessee of any real property may post the property by placing identifying purple marks on trees or posts around the area to be posted. Each purple mark shall be:

5 (1) A vertical line of at least eight inches in length and the bottom of the 6 mark shall be no less than three feet nor more than five feet high. Such marks 7 shall be placed no more than one hundred feet apart and shall be readily visible 8 to any person approaching the property; or

9 (2) A post capped or otherwise marked on at least its top two inches. The bottom of the cap or mark shall be not less than three feet but not more than five 10 feet six inches high. Posts so marked shall be placed not more than thirty-six 11 feet apart and shall be readily visible to any person approaching the 12property. Prior to applying a cap or mark which is visible from both sides of a 13 14 fence shared by different property owners or lessees, all such owners or lessees 15shall concur in the decision to post their own property. [Property so posted is to 16be considered posted for all purposes, and any unauthorized entry upon the property is trespass in the first degree, and a class B misdemeanor] Posting in 17such a manner shall be found to be reasonably likely to come to the 18 19 attention of intruders for the purposes of section 569.140.

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

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

5 (2) "Appropriate" [means], to take, obtain, use, transfer, conceal [or],
6 retain [possession of] or dispose;

(3) "Check", a check or other similar sight order or any other

8 form of presentment involving the transmission of account information

9 for the payment of money;

(4) "Coercion" [means], a threat, however communicated:

11 (a) To commit any [crime] offense; or

12 (b) To inflict physical injury in the future on the person threatened or 13 another; or

(c) To accuse any person of any [crime] offense; or

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

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(e) To harm the credit or business [repute] **reputation** of any person; or

17 (f) To take or withhold action as a public servant, or to cause a public18 servant to take or withhold action; or

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

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

[(5)] (6) "Dealer" [means], a person in the business of buying and selling
goods;

31[(6)] (7) "Debit device" [means], a writing, card, code, number or other device, other than a check, draft or similar paper instrument, by the use of which 32 33 a person may initiate an electronic fund transfer, including but not limited to 34devices that enable electronic transfers of benefits to public assistance recipients; 35 [(7)] (8) "Deceit or deceive" [means purposely], making a 36 representation which is false and which the actor does not believe to be true and upon which the victim relies, as to a matter of fact, law, value, intention or other 37 state of mind, or concealing a material fact as to the terms of a contract 38

39 or agreement. The term "deceit" does not, however, include falsity as to matters 40 having no pecuniary significance, or puffing by statements unlikely to deceive 41 ordinary persons in the group addressed. Deception as to the actor's intention to 42 perform a promise shall not be inferred from the fact alone that he did not 43 subsequently perform the promise; 44 [(8)] (9) "Deprive" [means]:

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

46 (b) To restore property only upon payment of reward or other 47 compensation; or

48 (c) To use or dispose of property in a manner that makes recovery of the49 property by the owner unlikely;

50 (10) "Electronic benefits card" or "EBT card", a debit card used 51 to access food stamps or cash benefits issued by the department of 52 social services;

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

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

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

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

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

68 (14) "Internet service", an interactive computer service or system 69 or an information service, system, or access software provider that provides or enables computer access by multiple users to a computer 7071server, and includes, but is not limited to, an information service, 72system, or access software provider that provides access to a network 73system commonly known as the internet, or any comparable system or 74service and also includes, but is not limited to, a world wide web page, newsgroup, message board, mailing list, or chat area on any interactive 7576computer service or system or other online service;

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

79 (16) "Merchant", a person who deals in goods of the kind or

80 otherwise by his or her occupation holds oneself out as having 81 knowledge or skill peculiar to the practices or goods involved in the 82 transaction or to whom such knowledge or skill may be attributed by 83 his or her employment of an agent or broker or other intermediary who 84 by his or her occupation holds oneself out as having such knowledge or 85 skill;

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

91 [(10) "New and unused property" means tangible personal property that 92 has never been used since its production or manufacture and is in its original 93 unopened package or container if such property was packaged;

94 (11) "Of another" property or services is that "of another" if any natural 95 person, corporation, partnership, association, governmental subdivision or 96 instrumentality, other than the actor, has a possessory or proprietary interest 97 therein, except that property shall not be deemed property of another who has 98 only a security interest therein, even if legal title is in the creditor pursuant to 99 a conditional sales contract or other security arrangement;

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

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

108 [(13) "Receiving" means acquiring possession, control or title or lending 109 on the security of the property;

(14)] (20) "Public assistance benefits", anything of value,
including money, food, EBT cards, food stamps, commodities, clothing,
utilities, utilities payments, shelter, drugs and medicine, materials,
goods, and any service including institutional care, medical care, dental
care, child care, psychiatric and psychological service, rehabilitation
instruction, training, transitional assistance, or counseling, received by

or paid on behalf of any person under chapters 198, 205, 207, 208, 209,
and 660, or benefits, programs, and services provided or administered
by the Missouri department of social services or any of its divisions;

(21) "Services" includes transportation, telephone, electricity, gas, water,
or other public service, cable television service, accommodation in hotels,
restaurants or elsewhere, admission to exhibitions and use of vehicles;

122 (22) "Stealing-related offense", federal and state violations of 123 criminal statutes against stealing, robbery, or buying or receiving 124 stolen property and shall also include municipal ordinances against the 125 same if the offender was either represented by counsel or knowingly 126 waived counsel in writing and the judge accepting the plea or making 127 the findings was a licensed attorney at the time of the court 128 proceedings;

129 (23) "Video service", the provision of video programming provided through wireline facilities located at least in part in the 130 131 public right-of-way without regard to delivery technology, including internet protocol technology whether provided as part of a tier, on 132demand, or a per-channel basis. This definition includes cable service 133as defined by 47 U.S.C. Section 522(6), but does not include any video 134135programming provided by a commercial mobile service provider as "commercial mobile service" is defined in 47 U.S.C. Section 332(d), or 136137any video programming provided solely as part of and via a service that enables users to access content, information, electronic mail, or 138139 other services offered over the public internet, and includes microwave 140television transmission, from a multipoint distribution service not 141 capable of reception by conventional television receivers without the 142use of special equipment;

143 (24) "Voice over internet protocol service", a service that:

144 (a) Enables real-time, two-way voice communication;

145 (b) Requires a broadband connection from the user's location;

146 (c) Requires internet protocol-compatible customer premises147 equipment; and

(d) Permits users generally to receive calls that originate on the
public switched telephone network and to terminate calls to the public
switched telephone network;

151 [(15)] (25) "Writing" includes printing, any other method of recording

information, money, coins, negotiable instruments, tokens, stamps, seals, credit
cards, badges, trademarks and any other symbols of value, right, privilege or
identification.

570.020. For the purposes of this chapter, the value of property shall be 2 ascertained as follows:

3 (1) Except as otherwise specified in this section, "value" means the market 4 value of the property at the time and place of the crime, or if such cannot be 5 satisfactorily ascertained, the cost of replacement of the property within a 6 reasonable time after the crime. If the victim is a merchant, [as defined in 7 section 400.2-104,] and the property is a type that the merchant sells in the 8 ordinary course of business, then the property shall be valued at the price that 9 such merchant would normally sell such property;

10 (2) Whether or not they have been issued or delivered, certain written 11 instruments, not including those having a readily ascertainable market value 12 such as some public and corporate bonds and securities, shall be evaluated as 13 follows:

(a) The value of an instrument constituting evidence of debt, such as a
check, draft or promissory note, shall be deemed the amount due or collectible
thereon or thereby, such figure ordinarily being the face amount of the
indebtedness less any portion thereof which has been satisfied;

(b) The value of any other instrument which creates, releases, discharges
or otherwise affects any valuable legal right, privilege or obligation shall be
deemed the greatest amount of economic loss which the owner of the instrument
might reasonably suffer by virtue of the loss of the instrument;

(3) When the value of property cannot be satisfactorily ascertained
pursuant to the standards set forth in subdivisions (1) and (2) of this section, its
value shall be deemed to be an amount less than [five] seven hundred fifty
dollars.

[569.020.] 570.023. 1. A person commits the [crime] offense of robbery
2 in the first degree [when] if he or she forcibly steals property and in the course
3 thereof he or she, or another participant in the [crime,] offense:

(1) Causes serious physical injury to any person; or

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(2) Is armed with a deadly weapon; or

6 (3) Uses or threatens the immediate use of a dangerous instrument 7 against any person; or

(4) Displays or threatens the use of what appears to be a deadly weapon

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9 or dangerous instrument; or

10 (5) Steals any controlled substance from a pharmacy.

11 2. The offense of robbery in the first degree is a class A felony.
[569.030.] 570.025. 1. A person commits the [crime] offense of robbery

2 in the second degree [when] if he or she forcibly steals property and in the 3 course thereof causes physical injury to another person.

2. **The offense of** robbery in the second degree is a class B felony.

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

2 (1) Appropriates property or services of another with the purpose to 3 deprive him or her thereof, either without his or her consent or by means of deceit 4 or coercion;

5 (2) Attempts to appropriate anhydrous ammonia or liquid 6 nitrogen of another with the purpose to deprive him or her thereof, 7 either without his or her consent or by means of deceit or coercion; or

8 (3) For the purpose of depriving the owner of a lawful interest 9 therein, receives, retains or disposes of property of another knowing 10 that it has been stolen, or believing that it has been stolen.

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

14 (1) That he or she failed or refused to pay for property or services of a15 hotel, restaurant, inn or boardinghouse;

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

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

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

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

28 3. Notwithstanding any other provision of law, any offense in which the 29 value of property or services is an element is a class C felony if:

30	(1) The value of the property or services appropriated is five hundred
31	dollars or more but less than twenty-five thousand dollars; or
32	(2) The actor physically takes the property appropriated from the person
33	of the victim; or
34	(3) The property appropriated consists of:
35	(a) Any motor vehicle, watercraft or aircraft; or
36	(b) Any will or unrecorded deed affecting real property; or
37	(c) Any credit card or letter of credit; or
38	(d) Any firearms; or
39	(e) Any explosive weapon as defined in section 571.010; or
40	(f) A United States national flag designed, intended and used for display
41	on buildings or stationary flagstaffs in the open; or
42	(g) Any original copy of an act, bill or resolution, introduced or acted upon
43	by the legislature of the state of Missouri; or
44	(h) Any pleading, notice, judgment or any other record or entry of any
45	court of this state, any other state or of the United States; or
46	(i) Any book of registration or list of voters required by chapter 115; or
47	(j) Any animal considered livestock as that term is defined in section
48	144.010; or
49	(k) Live fish raised for commercial sale with a value of seventy-five
50	dollars; or
51	(l) Captive wildlife held under permit issued by the conservation
52	commission; or
53	(m) Any controlled substance as defined by section 195.010; or
54	(n) Anhydrous ammonia;
55	(o) Ammonium nitrate; or
56	(p) Any document of historical significance which has fair market value
57	of five hundred dollars or more.
58	4. Notwithstanding any other provision of law, stealing of any animal
59	considered livestock, as that term is defined in section 144.010, is a class B felony
60	if the value of the livestock exceeds ten thousand dollars.
61	5. If an actor appropriates any material with a value less than five
62	hundred dollars in violation of this section with the intent to use such material
63	to manufacture, compound, produce, prepare, test or analyze amphetamine or
64	methamphetamine or any of their analogues, then such violation is a class C

65 felony. The theft of any amount of anhydrous ammonia or liquid nitrogen, or any

attempt to steal any amount of anhydrous ammonia or liquid nitrogen, is a class
B felony. The theft of any amount of anhydrous ammonia by appropriation of a
tank truck, tank trailer, rail tank car, bulk storage tank, field (nurse) tank or
field applicator is a class A felony.

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

737. Any person with a prior conviction of paragraph (j) or (l) of subdivision 74(3) of subsection 3 of this section and who violates the provisions of paragraph (j) or (1) of subdivision (3) of subsection 3 of this section when the value of the 75animal or animals stolen exceeds three thousand dollars is guilty of a class B 76 77felony. Notwithstanding any provision of law to the contrary, such person shall serve a minimum prison term of not less than eighty percent of his or her 7879 sentence before he or she is eligible for probation, parole, conditional release, or 80 other early release by the department of corrections.

81 8. Any offense in which the value of property or services is an element is 82 a class B felony if the value of the property or services equals or exceeds 83 twenty-five thousand dollars.

9. Any violation of this section for which no other penalty is specified in this section is a class A misdemeanor.] The offense of stealing is a class A felony if the property appropriated consists of any of the following containing any amount of anhydrous ammonia: a tank truck, tank trailer, rail tank car, bulk storage tank, field nurse, field tank or field applicator.

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

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

93 (2) The property consists of any animal considered livestock as 94 the term livestock is defined in section 144.010, or any captive wildlife held under permit issued by the conservation commission, and the 9596 value of the animal or animals appropriated exceeds three thousand dollars and that person has previously been found guilty of 97 appropriating any animal considered livestock or captive wildlife held 98 under permit issued by the conservation commission. Notwithstanding 99 any provision of law to the contrary, such person shall serve a 100 minimum prison term of not less than eighty percent of his or her 101

sentence before he or she is eligible for probation, parole, conditional
release, or other early release by the department of corrections;

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

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

4. If the value of the property or services appropriated is twentyfive thousand dollars or more, the offense of stealing is a class C felony and, notwithstanding section 558.011 to the contrary, the authorized term of imprisonment is a term of not less than three years and not to exceed ten years.

5. The offense of stealing is a class C felony with an authorized
term of imprisonment as provided under section 558.011 if:

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

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

124 (3) The property appropriated consists of:

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

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

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

128 (d) Any firearms;

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

- (f) Any United States national flag designed, intended and used
 for display on buildings or stationary flagstaffs in the open;
- (g) Any original copy of an act, bill or resolution, introduced or
 acted upon by the legislature of the state of Missouri;

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

136 (i) Any book of registration or list of voters required by chapter
137 115;

(j) Any animal considered livestock as that term is defined insection 144.010;

140 (k) Any live fish raised for commercial sale with a value of141 seventy-five dollars or more;

142 (l) Any captive wildlife held under permit issued by the143 conservation commission;

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

145 (n) Ammonium nitrate;

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

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

154 6. The offense of stealing is a class D felony if:

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

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

160 7. The offense of stealing is a class D misdemeanor if the 161 property is not of a type listed in subsection 2, 3, 5, or 6 of this section, 162 the property appropriated has a value of less than one hundred fifty 163 dollars, and the person has no previous findings of guilt for a stealing-164 related offense.

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

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

170 **10.** The appropriation of any property or services of a type listed 171 in subsection 2, 3, 5, or 6 of this section or of a value of seven hundred 172 fifty dollars or more may be considered a separate felony and may be 173 charged in separate counts. 174 **11.** The value of property or services appropriated pursuant to 175 one scheme or course of conduct, whether from the same or several 176 owners and whether at the same or different times, constitute a single 177 criminal episode and may be aggregated in determining the grade of 178 the offense, except as set forth in subsection 10 of this section.

570.039. A person who appropriates cable television service shall 2 not be deemed to have stolen that service within the meaning of section 3 570.030, if a cable television company either:

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(1) Provides unsolicited cable television service; or

5 (2) Fails to change or disconnect cable television service within 6 ten days after receiving written notice to do so by the customer. The 7 customer may deem such service to be a gift without any obligation to 8 the cable television company from ten days after such written notice is 9 received until the service is changed or disconnected.

[578.150.] **570.057.** 1. A person commits the [crime] **offense** of stealing 2 leased or rented property if, with the intent to deprive the owner thereof, such 3 person:

4 (1) Purposefully fails to return leased or rented personal property to the 5 place and within the time specified in an agreement in writing providing for the 6 leasing or renting of such personal property;

7 (2) Conceals or aids or abets the concealment of the property from the8 owner;

9 (3) Sells, encumbers, conveys, pawns, loans, abandons or gives away the 10 leased or rented property or any part thereof, without the written consent of the 11 lessor, or without informing the person to whom the property is transferred to 12 that the property is subject to a lease;

(4) Returns the property to the lessor at the end of the lease term, plus
any agreed upon extensions, but does not pay the lease charges agreed upon in
the written instrument, with the intent to wrongfully deprive the lessor of the
agreed upon charges.

2. The provisions of this section shall apply to all forms of leasing and rental agreements, including, but not limited to, contracts which provide the consumer options to buy the leased or rented personal property, lease-purchase agreements and rent-to-own contracts. For the purpose of determining if a violation of this section has occurred, leasing contracts which provide options to buy the merchandise are owned by the owner of the property until such time as the owner endorses the sale and transfer of ownership of the leased property tothe lessee.

3. Evidence that a lessee used a false, fictitious, or not current name, 2526address, or place of employment in obtaining the property or that a lessee fails 27or refuses to return the property or pay the lease charges to the lessor within 28seven days after written demand for the return has been sent by certified mail, 29return receipt requested, to the address the person set forth in the lease 30 agreement, or in the absence of the address, to the person's last known place of 31residence, shall be evidence of intent to violate the provisions of this section, 32except that if a motor vehicle has not been returned within seventy-two hours after the expiration of the lease or rental agreement, such failure to return the 33 34motor vehicle shall be prima facie evidence of the intent of the crime of stealing leased or rented property. Where the leased or rented property is a motor 3536 vehicle, if the motor vehicle has not been returned within seventy-two hours after the expiration of the lease or rental agreement, the lessor may notify the local law 37 38 enforcement agency of the failure of the lessee to return such motor vehicle, and 39 the local law enforcement agency shall cause such motor vehicle to be put into any appropriate state and local computer system listing stolen motor 40 vehicles. Any law enforcement officer which stops such a motor vehicle may seize 41 42the motor vehicle and notify the lessor that he may recover such motor vehicle after it is photographed and its vehicle identification number is recorded for 43evidentiary purposes. Where the leased or rented property is not a motor vehicle, 44 if such property has not been returned within the seven-day period prescribed in 4546 this subsection, the owner of the property shall report the failure to return the 47property to the local law enforcement agency, and such law enforcement agency may within five days notify the person who leased or rented the property that 48 such person is in violation of this section, and that failure to immediately return 49the property may subject such person to arrest for the violation. 50

4. This section shall not apply if such personal property is a vehicle and such return is made more difficult or expensive by a defect in such vehicle which renders such vehicle inoperable, if the lessee shall notify the lessor of the location of such vehicle and such defect before the expiration of the lease or rental agreement, or within ten days after proper notice.

56 5. Any person who has leased or rented personal property of another who 57 destroys such property so as to avoid returning it to the owner [shall be guilty] 58 **commits the offense** of property damage pursuant to section 569.100 or 59 569.120, in addition to being in violation of this section.

60 6. Venue shall lie in the county where the personal property was 61 originally rented or leased.

7. The offense of stealing leased or rented property is a class A
misdemeanor unless the property involved has a value of [one thousand] seven
hundred fifty dollars or more, in which case stealing leased or rented property
is a class C felony.

570.085. 1. A person commits the [crime] offense of alteration or 2 removal of item numbers if he or she, with the purpose of depriving the owner 3 of a lawful interest therein:

4 (1) Destroys, removes, covers, conceals, alters, defaces, or causes to be 5 destroyed, removed, covered, concealed, altered, or defaced, the manufacturer's 6 original serial number or other distinguishing owner-applied number or mark, on 7 any item which bears a serial number attached by the manufacturer or 8 distinguishing number or mark applied by the owner of the item, for any reason 9 whatsoever;

10 (2) Sells, offers for sale, pawns or uses as security for a loan, any item on 11 which the manufacturer's original serial number or other distinguishing 12 owner-applied number or mark has been destroyed, removed, covered, concealed, 13 altered, or defaced; or

(3) Buys, receives as security for a loan or in pawn, or in any manner
receives or has in his possession any item on which the manufacturer's original
serial number or other distinguishing owner-applied number or mark has been
destroyed, removed, covered, concealed, altered, or defaced.

2. The offense of alteration or removal of item numbers is a class D felony if the value of the item or items in the aggregate is [five] seven hundred fifty dollars or more[. If the value of the item or items in the aggregate is less than five hundred dollars, then]; otherwise it is a class B misdemeanor.

570.103. 1. As used in this section and section 570.105, the following 2 words mean:

3 (1) "Counterfeit mark", any unauthorized reproduction or copy of
4 intellectual property or intellectual property affixed to any item knowingly sold,
5 offered for sale, manufactured, or distributed, or identifying services offered or
6 rendered, without the authority of the owner of the intellectual property;

7 (2) "Intellectual property", any trademark, service mark, trade name,
8 label, term, device, design, or word adopted or used by a person to identify such

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9 person's goods or services;

10 (3) "Retail value", the counterfeiter's regular selling price for the item or 11 service bearing or identified by the counterfeit mark. In the case of items bearing 12 a counterfeit mark which are components of a finished product, the retail value 13 shall be the counterfeiter's regular selling price of the finished product on or in 14 which the component would be utilized.

2. [Any] A person [who] commits the offense of counterfeiting if he 1516or she willfully manufactures, uses, displays, advertises, distributes, offers for 17sale, sells, or possesses [with intent to sell or distribute] for the purpose of selling or distributing any item, or services, bearing or identified by a 18 counterfeit mark[, shall be guilty of the crime of counterfeiting]. A person having 1920possession, custody or control of more than twenty-five items bearing a 21counterfeit mark shall be presumed to possess said items [with intent to sell or 22distribute] for the purpose of selling or distributing.

23 3. The offense of counterfeiting [shall be] is a class A misdemeanor,
24 except as provided in subsections 4 and 5 of this section.

4. The offense of counterfeiting [shall be] is a class D felony if:

(1) The defendant has previously been convicted under this section; or

(2) The violation involves more than one hundred but fewer than one
thousand items bearing a counterfeit mark or the total retail value of all items
bearing, or services identified by, a counterfeit mark is seven hundred fifty
dollars or more [than one thousand dollars, but less than ten thousand dollars].

31 5. **The offense of** counterfeiting [shall be] is a class C felony if:

32 (1) The defendant has been previously convicted of two or more offenses33 under this section;

34 (2) The violation involves the manufacture or production of items bearing
 35 counterfeit marks; or

36 (3) The violation involves one thousand or more items bearing a
37 counterfeit mark or the total retail value of all items bearing, or services
38 identified by, a counterfeit mark is twenty-five thousand dollars or more
39 [than ten thousand dollars].

6. For purposes of this section, the quantity or retail value of items or
services shall include the aggregate quantity or retail value of all items bearing,
or services identified by, every counterfeit mark the defendant manufactures,
uses, displays, advertises, distributes, offers for sale, sells or possesses.

44 7. [Any person convicted of counterfeiting shall be fined an amount up to

three times the retail value of the items bearing, or services identified by, acounterfeit mark, unless extenuating circumstances are shown by the defendant.

47 8.] The remedies provided for herein shall be cumulative to the other civil48 remedies provided by law.

49 [9.] 8. Any state or federal certificate of registration of any intellectual
50 property shall be prima facie evidence of the facts stated therein.

570.120. 1. A person commits the [crime] offense of passing a bad check 2 when **he or she**:

3 (1) With **the** purpose to defraud, [the person] makes, issues or passes a 4 check or other similar sight order or any other form of presentment involving the 5 transmission of account information for the payment of money, knowing that it 6 will not be paid by the drawee, or that there is no such drawee; or

7(2) [The person] Makes, issues, or passes a check or other similar sight 8 order or any other form of presentment involving the transmission of account information for the payment of money, knowing that there are insufficient funds 9 10 in or on deposit with that account for the payment of such check, sight order, or other form of presentment involving the transmission of account information in 11 full and all other checks, sight orders, or other forms of presentment involving the 12transmission of account information upon such funds then outstanding, or that 13there is no such account or no drawee and fails to pay the check or sight order or 14 other form of presentment involving the transmission of account information 1516 within ten days after receiving actual notice in writing that it has not been paid because of insufficient funds or credit with the drawee or because there is no such 1718 drawee.

19 2. As used in subdivision (2) of subsection 1 of this section, "actual notice in writing" means notice of the nonpayment which is actually received by the 2021defendant. Such notice may include the service of summons or warrant upon the 22defendant for the initiation of the prosecution of the check or checks which are 23the subject matter of the prosecution if the summons or warrant contains 24information of the ten-day period during which the instrument may be paid and that payment of the instrument within such ten-day period will result in 2526dismissal of the charges. The requirement of notice shall also be satisfied for written communications which are tendered to the defendant and which the 2728defendant refuses to accept.

3. The face amounts of any bad checks passed pursuant to one course ofconduct within any ten-day period may be aggregated in determining the grade

31 of the offense.

32 4. **The offense of** passing bad checks is a class A misdemeanor, unless:

33 (1) The face amount of the check or sight order or the aggregated amounts
34 is [five] seven hundred fifty dollars or more; or

35 (2) The issuer had no account with the drawee or if there was no such36 drawee at the time the check or order was issued,

37 in which [cases] case passing a bad [checks] check is a class [C] D felony.

38 5. In addition to all other costs and fees allowed by law, each prosecuting 39 attorney or circuit attorney who takes any action pursuant to the provisions of 40this section shall collect from the issuer in such action an administrative handling cost. The cost shall be twenty-five dollars for checks of less than one 41 42hundred dollars, and fifty dollars for checks of one hundred dollars but less than two hundred fifty dollars. For checks of two hundred fifty dollars or more an 43additional fee of ten percent of the face amount shall be assessed, with a 44 maximum fee for administrative handling costs not to exceed seventy-five dollars 4546total. Notwithstanding the provisions of sections 50.525 to 50.745, the costs 47provided for in this subsection shall be deposited by the county treasurer into the "Administrative Handling Cost Fund", established under section 48559.100. Notwithstanding any law to the contrary, in addition to the 49administrative handling cost, the prosecuting attorney or circuit attorney shall 5051collect an additional cost of five dollars per check for deposit to the Missouri office of prosecution services fund established in subsection 2 of section 56.765. All 52moneys collected pursuant to this section which are payable to the Missouri office 5354of prosecution services fund shall be transmitted at least monthly by the county 55treasurer to the director of revenue who shall deposit the amount collected pursuant to the credit of the Missouri office of prosecution services fund under 56the procedure established pursuant to subsection 2 of section 56.765. 57

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6. Notwithstanding any other provision of law to the contrary:

59 (1) In addition to the administrative handling costs provided for in 60 subsection 5 of this section, the prosecuting attorney or circuit attorney may 61 collect from the issuer, in addition to the face amount of the check, a reasonable 62 service charge, which along with the face amount of the check, shall be turned 63 over to the party to whom the bad check was issued;

64 (2) If a check that is dishonored or returned unpaid by a financial 65 institution is not referred to the prosecuting attorney or circuit attorney for any 66 action pursuant to the provisions of this section, the party to whom the check was

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67 issued, or his or her agent or assignee, or a holder, may collect from the issuer,
68 in addition to the face amount of the check, a reasonable service charge, not to
69 exceed twenty-five dollars, plus an amount equal to the actual charge by the
70 depository institution for the return of each unpaid or dishonored instrument.

71 7. When any financial institution returns a dishonored check to the person 72 who deposited such check, it shall be in substantially the same physical condition 73 as when deposited, or in such condition as to provide the person who deposited 74 the check the information required to identify the person who wrote the check.

570.125. 1. A person commits the [crime] offense of ["]fraudulently 2 stopping payment of an instrument["] if he or she, [knowingly,] with the purpose 3 to defraud, stops payment on a check [or], draft [given], or debit device used 4 in payment for the receipt of goods or services.

5 2. The offense of fraudulently stopping payment of an instrument is a 6 class A misdemeanor, unless the face amount of the check or draft is [five] seven 7 hundred fifty dollars or more or, if the stopping of payment of more than one 8 check or draft is involved in the same course of conduct, the aggregate amount is 9 [five] seven hundred fifty dollars or more, in which case the offense is a class 10 D felony.

11 3. It shall be prima facie evidence of a violation of this section if a person 12stops payment on a check [or], draft, or debit device and fails to make good the 13check [or], draft, or **debit device transaction**, or fails to return or make and 14comply with reasonable arrangements to return the property for which the check 15[or], draft, or debit device was [given] used in the same or substantially the 16 same condition as when received within ten days after notice in writing from the 17payee that the check [or], draft, or debit device transaction has not been paid because of a stop payment order by the issuer to the drawee. 18

4. "Notice in writing" means notice deposited as certified or registered mail in the United States mail and addressed to the issuer at his address as it appears on the dishonored check [or], draft, or debit device transaction or to his last known address. The notice shall contain a statement that failure to make good the check [or], draft, or debit device transaction within ten days of receipt of the notice may subject the issuer to criminal prosecution.

570.130. 1. A person commits the [crime] offense of fraudulent use of a credit device or debit device if [the person] he or she uses a credit device or debit device for the purpose of obtaining services or property, knowing that:

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(1) The device is stolen, fictitious or forged; or

5 (2) The device has been revoked or canceled; or

(3) For any other reason his **or her** use of the device is unauthorized; or

7 (4) Uses a credit device or debit device for the purpose of paying property
8 taxes and knowingly cancels [said] such charges or payment without just cause.

9 It shall be prima facie evidence of a violation of this section if a person cancels
10 [said] such charges or payment after obtaining a property tax receipt to obtain
11 license tags from the Missouri department of revenue.

12 2. The offense of fraudulent use of a credit device or debit device is a 13 class A misdemeanor unless the value of the property tax or the value of the 14 property or services obtained or sought to be obtained within any thirty-day 15 period is [five] seven hundred fifty dollars or more, in which case fraudulent use 16 of a credit device or debit device is a class D felony.

570.135. 1. [No person shall] A person commits the offense of 2 fraudulent procurement of a credit or debit device if he or she:

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

6 2. No person shall willfully obtains personal identifying information]
7 device; or

8 (2) Knowingly obtains a means of identification of another person 9 without the authorization of that person and [use] uses that [information] 10 means of identification fraudulently to obtain, or attempt to obtain, credit, 11 goods or services in the name of the other person without the consent of that 12 person.

13 [3. Any person who violates the provisions of subsection 1 or 2 of this14 section is guilty of]

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

17 [4. As used in this section, "personal identifying information" means the 18 name, address, telephone number, driver's license number, Social Security 19 number, place of employment, employee identification number, mother's maiden 20 name, demand deposit account number, savings account number or credit card 21 number of a person.

5.] 3. Notwithstanding [subsections 1 to 4 of] any other provision of this section, no corporation, proprietorship, partnership, limited liability company, limited liability partnership or other business entity shall be liable under this section for accepting applications for credit [cards] or debit [cards]
devices or for the use of a credit [cards] or debit [cards] device in any [credit
or debit] transaction, absent clear and convincing evidence that such business
entity conspired with or was a part of the fraudulent procuring of the issuance
of a credit [card] or debit [card] device.

570.140. 1. A person commits the [crime] offense of deceptive business 2 practice if in the course of engaging in a business, occupation or profession, he or 3 she recklessly:

4 (1) Uses or possesses for use a false weight or measure, or any other 5 device for falsely determining or recording any quality or quantity; [or]

6 (2) Sells, offers [or exposes], displays for sale, or delivers less than the 7 represented quantity of any commodity or service; [or]

8 (3) Takes or attempts to take more than the represented quantity of any 9 commodity or service when as buyer he **or she** furnishes the weight or measure; 10 [or]

11 (4) Sells, offers, or exposes for sale adulterated or mislabeled commodities;12 [or]

(5) Makes a false or misleading written statement for the purpose ofobtaining property or credit;

15 (6) Promotes the sale of property or services by a false or16 misleading statement in any advertisement; or

17 (7) Advertises in any manner the sale of property or services
18 with the purpose not to sell or provide the property or services:

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(a) At the price which he or she offered them;

20 (b) In a quantity sufficient to meet the reasonably expected 21 public demand, unless the quantity is specifically stated in the 22 advertisement; or

23 (c) At all.

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The offense of deceptive business practice is a class A misdemeanor.
 570.145. 1. A person commits the [crime] offense of financial exploitation

2 of an elderly **person** or [disabled] **a** person **with a disability** if such person 3 knowingly [by deception, intimidation, undue influence, or force] obtains control 4 over the [elderly or disabled person's] property **of the elderly person or** 5 **person with a disability** with the intent to permanently deprive the [elderly 6 or disabled] person of the use, benefit or possession of his or her property thereby 7 benefitting [such person] **the offender** or detrimentally affecting the elderly 8 **person** or [disabled] person[. Financial exploitation of an elderly or disabled 9 person is a class A misdemeanor if the value of the property is less than fifty 10 dollars, a class D felony if the value of the property is fifty dollars but less than 11 five hundred dollars, a class C felony if the value of the property is five hundred 12 dollars but less than one thousand dollars, a class B felony if the value of the 13 property is one thousand dollars but less than fifty thousand dollars, and a class 14 A felony if the value of the property is fifty thousand dollars or more.

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

16 (1) "Deception", a misrepresentation or concealment of material fact 17 relating to the terms of a contract or agreement entered into with the elderly or 18 disabled person or to the existing or preexisting condition of any of the property 19 involved in such contract or agreement, or the use or employment of any 20 misrepresentation, false pretense or false promise in order to induce, encourage 21 or solicit the elderly or disabled person to enter into a contract or 22 agreement. Deception includes:

(a) Creating or confirming another person's impression which is false andwhich the offender does not believe to be true; or

(b) Failure to correct a false impression which the offender previously hascreated or confirmed; or

(c) Preventing another person from acquiring information pertinent to thedisposition of the property involved; or

(d) Selling or otherwise transferring or encumbering property, failing to
disclose a lien, adverse claim or other legal impediment to the enjoyment of the
property, whether such impediment is or is not valid, or is or is not a matter of
official record; or

(e) Promising performance which the offender does not intend to perform
or knows will not be performed. Failure to perform standing alone is not
sufficient evidence to prove that the offender did not intend to perform;

36 (2) "Disabled person", a person with a mental, physical, or developmental
37 disability that substantially impairs the person's ability to provide adequately for
38 the person's care or protection;

39 (3) "Elderly person", a person sixty years of age or older;

40 (4) "Intimidation", a threat of physical or emotional harm to an elderly or 41 disabled person, or the communication to an elderly or disabled person that he 42 or she will be deprived of food and nutrition, shelter, prescribed medication, or 43 medical care and treatment; (5) "Undue influence", use of influence by someone who exercises authority over an elderly person or disabled person in order to take unfair advantage of that persons's vulnerable state of mind, neediness, pain, or agony. Undue influence includes, but is not limited to, the improper or fraudulent use of a power of attorney, guardianship, conservatorship, or other fiduciary authority] with a disability by:

50 (1) Deceit;

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(2) Coercion;

52 (3) Creating or confirming another person's impression which is
53 false and which the offender does not believe to be true;

54 (4) Failing to correct a false impression which the offender
 55 previously has created or confirmed;

56 (5) Preventing another person from acquiring information 57 pertinent to the disposition of the property involved;

(6) Selling or otherwise transferring or encumbering property,
failing to disclose a lien, adverse claim or other legal impediment to the
enjoyment of the property, whether such impediment is or is not valid,
or is or is not a matter of official record;

62 (7) Promising performance which the offender does not intend 63 to perform or knows will not be performed. Failure to perform 64 standing alone is not sufficient evidence to prove that the offender did 65 not intend to perform; or

66 (8) Undue influence, which means the use of influence by 67 someone who exercises authority over an elderly person or person with 68 a disability in order to take unfair advantage of that person's 69 vulnerable state of mind, neediness, pain, or agony. Undue influence 70 includes, but is not limited to, the improper or fraudulent use of a 71 power of attorney, guardianship, conservatorship, or other fiduciary 72 authority.

73 2. The offense of financial exploitation of an elderly person or
74 person with a disability is a class A misdemeanor unless:

(1) The value of the property is fifty dollars or more, in which
case it is a class D felony;

(2) The value of the property is seven hundred fifty dollars ormore, in which case it is a class C felony;

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(3) The value of the property is five thousand dollars or more, in

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80 which case it is a class C felony and, notwithstanding section 558.011

to the contrary, the authorized term of imprisonment is not less than
three years and not to exceed ten years;

83 (4) The value of the property is twenty-five thousand dollars or
84 more, in which case it is a class B felony;

(5) The value of the property is seventy-five thousand dollars or
more, in which case it is a class A felony.

3. Nothing in this section shall be construed to limit the remedies available to the victim pursuant to any state law relating to domestic violence.

4. Nothing in this section shall be construed to impose criminal liability
on a person who has made a good faith effort to assist the elderly person or
[disabled] person with a disability in the management of his or her property,
but through no fault of his or her own has been unable to provide such assistance.

5. Nothing in this section shall limit the ability to engage in bona fide estate planning, to transfer property and to otherwise seek to reduce estate and inheritance taxes; provided that such actions do not adversely impact the standard of living to which the elderly **person** or [disabled] person with a **disability** has become accustomed at the time of such actions.

98 6. It shall not be a defense to financial exploitation of an elderly **person** 99 or [disabled] person **with a disability** that the accused reasonably believed that 100 the victim was not an elderly **person** or [disabled] person **with a disability**.

101 7. (1) It shall be unlawful in violation of this section for any person 102receiving or in the possession of funds of a Medicaid-eligible elderly person or 103 [disabled] person with a disability residing in a facility licensed under chapter 198 to fail to remit to the facility in which the Medicaid-eligible person resides 104 all money owing the facility resident from any source, including, but not limited 105106 to, Social Security, railroad retirement, or payments from any other source 107 disclosed as resident income contained in the records of the department of social 108 services, family support division or its successor. The department of social 109 services, family support division or its successor is authorized to release 110information from its records containing the resident's income or assets to any prosecuting or circuit attorney in the state of Missouri for purposes of 111 112investigating or prosecuting any suspected violation of this section.

(2) The prosecuting or circuit attorney of any county containing a facility
licensed under chapter 198, who successfully prosecutes a violation of the
provisions of this subsection, may request the circuit court of the county in which

116 the offender admits to or is found guilty of a violation, as a condition of sentence 117and/or probation, to order restitution of all amounts unlawfully withheld from a facility in his or her county. Any order of restitution entered by the court or by 118 119 agreement shall provide that ten percent of any restitution installment or 120 payment paid by or on behalf of the defendant or defendants shall be paid to the 121prosecuting or circuit attorney of the county successfully prosecuting the violation 122to compensate for the cost of prosecution with the remaining amount to be paid 123to the facility.

570.180. 1. A person commits the [crime] offense of defrauding secured creditors if he or she destroys, removes, conceals, encumbers, transfers or otherwise deals with property subject to a security interest with purpose to defraud the holder of the security interest.

5 2. The offense of defrauding secured creditors is a class A misdemeanor 6 unless the amount remaining to be paid on the secured debt, including interest, 7 is [five] seven hundred fifty dollars or more, in which case defrauding secured 8 creditors is a class D felony.

570.217. 1. A person commits the [crime] offense of misapplication of funds of a financial institution if, being an officer, director, agent, or employee of, $\mathbf{2}$ 3 or connected in any capacity with, any [bank, trust company, savings and loan association, or credit union] financial institution, he or she embezzles, 4 $\mathbf{5}$ [abstracts, purloins] appropriates, or [willfully] purposely misapplies any of the money, funds, or credits of such **financial** institution or any moneys, funds, 6 assets, or securities entrusted to the custody or care of such financial 7 8 institution, or to the custody or care of any such agent, officer, director, employee, 9 or receiver.

2. The offense of misapplication of funds of a financial institution is a
 class [C] D felony, [but if] unless the amount embezzled, [abstracted, purloined]
 appropriated, or misapplied [does not exceed one thousand dollars,] is seven
 hundred fifty dollars or more, in which case it is a class [D] C felony.

570.219. 1. A person commits the [crime] offense of making false entries in the records of a financial institution if he or she makes any false entry in any book, report, or statement of a [bank, trust company, savings and loan association, or credit union] financial institution with intent to injure or defraud such [bank, trust company, savings and loan association, or credit union] financial institution, or any other [company, body politic or corporate, or any individual person] entity, or with intent to deceive any officer or director of [such 8 bank, trust company, savings and loan association, or credit union,] a financial

9 institution or any agent or examiner appointed to examine the affairs of such
10 [bank, trust company, savings and loan association, or credit union] financial
11 institution.

12 2. **The offense of** making false entries in the records of a financial 13 institution is a class C felony.

570.220. 1. A person commits the [crime] offense of check kiting if he[, pursuant to a scheme or artifice] or she, with intent to defraud, obtains money from a financial institution by drawing a check against an account in which there [are] is not sufficient collected funds to pay the check and, [as part of the scheme or artifice,] he or she purports to cover that check by depositing in such account another check drawn against insufficient collected funds.

72. For purposes of this section, the term ["financial institution" shall mean a bank, trust company, savings and loan association, or credit union; 8 "check" shall include any check, draft, negotiable order of withdrawal, or similar 9 10 instrument used to transfer or withdraw funds held in a deposit account at a 11 financial institution; and the term] "collected funds" [shall mean] means that portion of a deposit account representing checks and other credits as to which the 12depositary has directly and affirmatively verified that final payment has been 13made or, in the alternative, with respect to checks as to which at least ten 14 15business days have elapsed, without return of the checks, since presentation for 16payment.

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3. The offense of check kiting is a class [C] D felony.

570.223. 1. A person commits the [crime] offense of identity theft if he 2 or she knowingly and with the intent to deceive or defraud obtains, possesses, 3 transfers, uses, or attempts to obtain, transfer or use, one or more means of 4 identification not lawfully issued for his or her use.

5 2. [The term "means of identification" as used in this section includes, but 6 is not limited to, the following:

- 7 (1) Social Security numbers;
- 8 (2) Drivers license numbers;
- 9 (3) Checking account numbers;
- 10 (4) Savings account numbers;
- 11 (5) Credit card numbers;
- 12 (6) Debit card numbers;
- 13 (7) Personal identification (PIN) code;

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14 (8) Electronic identification numbers;

15 (9) Digital signatures;

16 (10) Any other numbers or information that can be used to access a 17 person's financial resources;

- 18 (11) Biometric data;
- 19 (12) Fingerprints;
- 20 (13) Passwords;
- 21 (14) Parent's legal surname prior to marriage;
- 22 (15) Passports; or
- 23 (16) Birth certificates.
- 24 3. A person found guilty of identity theft shall be punished as follows:

(1) Identity theft or attempted identity theft which does not result in the
theft or appropriation of credit, money, goods, services, or other property] The
offense of identity theft is a class B misdemeanor[;

(2) Identity theft which results in the theft or appropriation of credit,
money, goods, services, or other property] unless the identity theft results in
the theft or appropriation of credit, money, goods, services, or other
property:

32 (1) Not exceeding [five] seven hundred fifty dollars in value, in which
33 case it is a class A misdemeanor;

34 [(3) Identity theft which results in the theft or appropriation of credit,
35 money, goods, services, or other property]

36 (2) Exceeding [five] seven hundred fifty dollars and not exceeding [five]
37 twenty-five thousand dollars in value, in which case it is a class C felony;

38 [(4) Identity theft which results in the theft or appropriation of credit,39 money, goods, services, or other property]

40 (3) Exceeding [five] twenty-five thousand dollars and not exceeding 41 [fifty] seventy-five thousand dollars in value, in which case it is a class [B] 42 C felony, and, notwithstanding section 558.011 to the contrary, the 43 authorized term of imprisonment is a term of years of not less than 44 three years and not to exceed ten years;

45 [(5) Identity theft which results in the theft or appropriation of credit,
46 money, goods, services, or other property]

47 (4) Exceeding [fifty] seventy-five thousand dollars in value, in which
48 case it is a class [A] B felony.

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[4.] 3. In addition to the provisions of subsection [3] 2 of this section, the

50 court may order that the defendant make restitution to any victim of the 51 offense. Restitution may include payment for any costs, including attorney fees, 52 incurred by the victim:

53 (1) In clearing the credit history or credit rating of the victim; and

54 (2) In connection with any civil or administrative proceeding to satisfy any 55 debt, lien, or other obligation of the victim arising from the actions of the 56 defendant.

57[5.] 4. In addition to the criminal penalties in subsections [3] 2 and [4] 58**3** of this section, any person who commits an act made unlawful by subsection 1 59of this section shall be liable to the person to whom the identifying information belonged for civil damages of up to five thousand dollars for each incident, or 60 61 three times the amount of actual damages, whichever amount is greater. A 62 person damaged as set forth in subsection 1 of this section may also institute a 63 civil action to enjoin and restrain future acts that would constitute a violation of subsection 1 of this section. The court, in an action brought under this 64 65subsection, may award reasonable attorneys' fees to the plaintiff.

66 [6.] 5. If the identifying information of a deceased person is used in a 67 manner made unlawful by subsection 1 of this section, the deceased person's 68 estate shall have the right to recover damages pursuant to subsection [5] 4 of this 69 section.

70 [7.] 6. Civil actions under this section must be brought within five years 71 from the date on which the identity of the wrongdoer was discovered or 72 reasonably should have been discovered.

[8.] 7. Civil action pursuant to this section does not depend on whether a criminal prosecution has been or will be instituted for the acts that are the subject of the civil action. The rights and remedies provided by this section are in addition to any other rights and remedies provided by law.

[9.] 8. This section and section 570.224 shall not apply to the followingactivities:

(1) A person obtains the identity of another person to misrepresent his or
her age for the sole purpose of obtaining alcoholic beverages, tobacco, going to a
gaming establishment, or another privilege denied to minors[. Nothing in this
subdivision shall affect the provisions of subsection 10 of this section];

83 (2) A person obtains means of identification or information in the course84 of a bona fide consumer or commercial transaction;

85 (3) A person exercises, in good faith, a security interest or right of offset

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86 by a creditor or financial institution;

87 (4) A person complies, in good faith, with any warrant, court order, levy,
88 garnishment, attachment, or other judicial or administrative order, decree, or
89 directive, when any party is required to do so;

90 (5) A person is otherwise authorized by law to engage in the conduct that 91 is the subject of the prosecution.

92 [10. Any person who obtains, transfers, or uses any means of 93 identification for the purpose of manufacturing and providing or selling a false 94 identification card to a person under the age of twenty-one for the purpose of 95 purchasing or obtaining alcohol shall be guilty of a class A misdemeanor.

96 11.] 9. Notwithstanding the provisions of subdivision (1) or (2) of 97 subsection [3] 2 of this section, every person who has previously [pled guilty to 98 or] been found guilty of identity theft or attempted identity theft, and who 99 subsequently [pleads guilty to or] is found guilty of identity theft or attempted 100 identity theft of credit, money, goods, services, or other property not exceeding 101 [five hundred] seven hundred fifty dollars in value is guilty of a class D felony 102 and shall be punished accordingly.

103 [12. The value of property or services is its highest value by any 104 reasonable standard at the time the identity theft is committed. Any reasonable 105 standard includes, but is not limited to, market value within the community, 106 actual value, or replacement value.

107 13.] 10. If credit, property, or services are obtained by two or more acts 108 from the same person or location, or from different persons by two or more acts 109 which occur in approximately the same location or time period so that the identity 110 thefts are attributable to a single scheme, plan, or conspiracy, the acts may be 111 considered as a single identity theft and the value may be the total value of all 112 credit, property, and services involved.

570.225. [No] 1. A person [shall] commits the offense of misappropriation of intellectual property if he or she, without the consent of the owner[, transfer or cause to be transferred]:

4 (1) Copies any sounds recorded on [a phonograph record, disc, wire, tape, 5 film, videocassette or other article or] any medium now known or later developed 6 on which sounds are recorded, with the [intent] purpose to sell or cause to be 7 sold for profit or used to promote the sale of any article on which sounds are [so] 8 transferred, except that this section shall only apply to sound recordings initially 9 fixed prior to February 15, 1972; 10 (2) Records sounds or images of any performance whether live before an audience or transmitted by wire or through the air by radio 11 or television, with the intent to sell the performance or cause it to be 1213 sold for profit;

14 (3) Offers for sale, sells, or processes for such purposes any article that has been produced in violation of subdivision (1) or (2) of 15subsection 1 of this section, knowing, or having reasonable grounds to 16 know, that the sounds or images thereon have been so copied or 17 recorded without the consent of the owner; or 18

(4) Advertises, rents, sells, offers for rental or sale, or possesses 19 for such purposes any medium now known or later developed on which 2021sounds or images are recorded if the article's label, cover, box or jacket 22does not contain in clearly readable print the name and address of the 23manufacturer.

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2. This section shall not apply to:

25(1) Any radio or television broadcaster who transfers any such 26sounds as part of, or in connection with, a radio or television broadcast transmission or for archival preservation; 27

28(2) Any person transferring any such sounds at home for his or 29her personal use without any compensation being derived by such person or any other person from such transfer; or 30

31(3) Any cable television company that transfers any such sounds 32as part of its regular cable television service.

33 3. The offense of misappropriation of intellectual property is a class A misdemeanor unless: 34

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(1) One hundred or more articles were involved; or

36 (2) A person is found guilty of violating this section, and that person has previously been found guilty of a violation of this section; 37 38in which case it is a class C felony.

39 4. As used in this section, the following terms mean:

(1) "Audiovisual works", works that consist of a series of related 40 images which are intrinsically intended to be shown by the use of 41 42machines, electronic equipment or other devices, now known or later developed, together with accompanying sounds, if any; 43

44(2) "Manufacturer", the person who transfers or causes to be transferred any sounds or images to the particular article, medium, 45

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46 recording or other physical embodiment of such sounds or images then47 in issue;

(3) "Motion pictures", audiovisual works consisting of a series of
related images which, when shown in succession, impart an impression
of motion, together with accompanying sounds, if any;

51 (4) "Owner", the person who owns the sounds of any performance 52 not yet fixed in a medium of expression, or the original fixation of 53 sounds embodied in the master device or medium now known or later 54 developed for the use of reproducing sounds, or other articles or media 55 upon which sound is or may be recorded, and from which the copied 56 recorded sounds are directly or indirectly derived;

57 (5) "Person", any natural person, corporation or other business
58 entity.

570.300. 1. A person commits the [crime] offense of facilitating the 2 theft of cable television service if he[:

3 (1) Knowingly obtains or attempts to obtain cable television service
4 without paying all lawful compensation to the operator of such service, by means
5 of artifice, trick, deception or device; or

6 (2) Knowingly assists another person in obtaining or attempting to obtain 7 cable television service without paying all lawful compensation to the operator of 8 such service; or

9 (3) Knowingly connects to, tampers with or otherwise interferes with any 10 cables, wires or other devices used for the distribution of cable television if the 11 effect of such action is to obtain cable television without paying all lawful 12 compensation therefor; or

(4) Knowingly sells, uses, manufactures, rents or offers for sale, rental or
use any device, plan or kit designed and intended to obtain cable television
service in violation of this section; or

16(5) Knowingly attempts to connect to, tamper with, or otherwise interfere 17with any cable television signal, cables, wires, devices, or equipment, which is used for the distribution of cable television and which results in the unauthorized 18 use of a cable television system or the disruption of the delivery of the cable 19 television service. Nothing in this section shall be construed to prohibit, restrict, 20or otherwise limit the purchase, sale, or use of any products, including without 21limitation hardware, software, or other items, intended to provide services and 2223features to a customer who has lawfully obtained a connection from a cable company] or she knowingly sells, uses, manufactures, rents, or offers for
sale, rental, or use any device, plan, or kit designed and intended to
obtain cable television without paying all lawful compensation to the
operator of such service.

28 2. The offense of facilitating theft of cable television service is a class 29 C felony[if the value of the service appropriated is five hundred dollars or more 30 or if the theft is a violation of subdivision (5) of subsection 1 of this section, 31 otherwise theft of cable television services is a class A misdemeanor.

32 3. Any cable television operator may bring an action to enjoin and restrain 33 any violation of the provisions of this section or bring an action for conversion. In 34 addition to any actual damages, an operator may be entitled to punitive damages 35 and reasonable attorney fees in any case in which the court finds that the 36 violation was committed willfully and for purposes of commercial advantage. In 37 the event of a defendant's verdict the defendant may be entitled to reasonable 38 attorney fees.

4. The existence on the property and in the actual possession of the accused of any connection wire, or conductor, which is connected in such a manner as to permit the use of cable television service without the same being reported for payment to and specifically authorized by the operator of the cable television service shall be sufficient to support an inference which the trial court may submit to the trier of fact, from which the trier of fact may conclude that the accused has committed the crime of theft of cable television service.

5. If a cable television company either:

46 47

5. If a cable television company either.

(1) Provides unsolicited cable television service; or

48 (2) Fails to change or disconnect cable television service within ten days 49 after receiving written notice to do so by the customer, the customer may deem 50 such service to be a gift without any obligation to the cable television company 51 from ten days after such written notice is received until the service is changed or 52 disconnected].

[6.] 3. Nothing in this section shall be construed to render unlawful or prohibit an individual or other legal entity from owning or operating a video cassette recorder or devices commonly known as a satellite receiving dish for the purpose of receiving and utilizing satellite-relayed television signals for his or her own use.

58 [7. As used in this section, the term "cable television service" includes 59 microwave television transmission from a multipoint distribution service not 60 capable of reception by conventional television receivers without the use of special61 equipment.]

[578.500.] **570.302.** 1. [Any] A person commits the offense of operating an audiovisual recording device in a motion picture theater if he or she, while a motion picture is being exhibited, [who] knowingly operates an audiovisual recording function of a device in a motion picture theater without the consent of the owner or lessee of the motion picture theater [shall be guilty of criminal use of real property].

2. As used in this section, the term "audiovisual recording function"
means the capability of a device to record or transmit a motion picture or any
part thereof by means of any technology now known or later developed.

3. As used in this section, the term "motion picture theater" means a movie theater, screening room, or other venue that is being utilized primarily for the exhibition of a motion picture at the time of the offense, but excluding the lobby, entrance, or other areas of the building where a motion picture cannot be viewed.

154. The provisions of this section shall not prevent any lawfully authorized investigative, law enforcement protective, or intelligence-gathering employee or 16 agent, of the state or federal government, from operating any audiovisual 17recording device in any facility where a motion picture is being exhibited, as part 18 of lawfully authorized investigative, protective, law enforcement, or 19intelligence-gathering activities. The owner or lessee of a facility where a motion 20picture is being exhibited, or the authorized agent or employee of such owner or 2122lessee, who alerts law enforcement authorities of an alleged violation of this 23section shall not be liable in any civil action arising out of measures taken by 24such owner, lessee, agent, or employee in the course of subsequently detaining a person that the owner, lessee, agent, or employee in good faith believed to have 25violated this section while awaiting the arrival of law enforcement authorities, 26unless the plaintiff can show by clear and convincing evidence that such 27measures were unreasonable or the period of detention was unreasonably long. 28

5. [Any person who has pled guilty to or been found guilty of violating the provisions of this section shall be guilty of] **The offense of operating an audiovisual recording device in a motion picture theater is** a class A misdemeanor, unless the person has previously [pled guilty or] been found guilty of violating the provisions of this section, in which case it is a class D felony.

[578.510.] 570.350. 1. This section shall be known and may be cited as

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2 the "Stolen Valor Act of 2007".

3 2. Any person who, with the intent to misrepresent himself or herself as a veteran or medal recipient, knowingly wears, purchases, attempts to purchase, 4 5solicits for purchase, mails, ships, imports, exports, produces blank certificates of receipt for, manufactures, sells, attempts to sell, advertises for sale, trades, 6 barters, or exchanges for anything of value any decoration or medal authorized 7under chapter 41, or by the Congress for the armed forces of the United States, 8 9 or any of the service medals or badges awarded to the members of such forces, or the ribbon, button, or rosette of any such badge, decoration, or medal, or any 10 colorable imitation thereof, except when authorized under regulations 11 promulgated under law, is guilty of a class A misdemeanor. Any second or 1213subsequent violation of this subsection is a class D felony.

3. Any person who misrepresents himself or herself, verbally or in writing, to have been awarded any decoration or medal authorized under chapter 41, or by Congress for the armed forces of the United States, any of the service medals or badges awarded to the members of such forces, the ribbon, button, or rosette of any such badge, decoration, or medal, or any colorable imitation of such item is guilty of a class A misdemeanor. Any second or subsequent violation of this subsection is a class D felony.

4. Any person who fraudulently uses the title of "veteran", as defined by the United States Department of Veterans Affairs or its successor agency, in order to obtain personal benefit, monetary or otherwise, and such person does not have verifiable proof of his or her status as a veteran is guilty of a class A misdemeanor. Any second or subsequent violation of this subsection is a class D felony.

275. If a decoration or medal involved in an offense described in subsections 282 to 4 of this section is a distinguished-service cross awarded under Section 3742 of Title 10 of the United States Code, a Navy Cross awarded under Section 6242 2930 of Title 10 of the United States Code, an Air Force Cross awarded under Section 318742 of Section 10 of the United States Code, a Silver Star awarded under Section 3742, 6244, or 8746 of Title 10 of the United States Code, a Purple Heart awarded 3233 under Section 1129 of Title 10 of the United States Code, or any replacement or duplicate medal for such medal as authorized by law, in lieu of the penalty 34provided in subsection 2, 3, or 4 of this section, the offender is guilty of a class D 35felony. 36

6. If a decoration or medal involved in an offense described in subsections

2 to 4 of this section is the Medal of Honor awarded under Section 1560 of Title38 of the United States Code, the offender is guilty of a class C felony.

[578.570.] 570.375. [Any] 1. A person [who] commits the offense of
fraud or deception in obtaining an instruction permit, driver's license,
or nondriver's license if he or she:

4 (1) [Knowing] **Knowingly** or in reckless disregard of the truth, assists 5 any person in committing fraud or deception during the examination process for 6 an instruction permit, driver's license, or nondriver's license;

7 (2) [Knowing] Knowingly or in reckless disregard of the truth, assists 8 any person in [making application] applying for an instruction permit, driver's 9 license, or nondriver's license that contains or is substantiated with false or 10 fraudulent information or documentation;

(3) [Knowing] Knowingly or in reckless disregard of the truth, assists
any person in concealing a material fact or otherwise committing a fraud in an
application for an instruction permit, driver's license, or nondriver's license; or

14 (4) Engages in any conspiracy to commit any of the preceding acts or aids15 or abets the commission of any of the preceding acts[;].

2. The offense of fraud or deception in obtaining an instruction
 permit, driver's license, or nondriver's license is [guilty of] a class A
 misdemeanor.

570.380. [Any] 1. A person [who] commits the offense of mass manufacture or possession of fake IDs if he or she manufactures or possesses five or more fictitious or forged means of identification, as defined in section [570.223] 570.010, with the intent to distribute to others for the purpose of committing [a crime shall be guilty of a class C felony] an offense.

6 2. The offense of mass manufacture or possession of fake IDs is
7 a class C felony.

[578.377.] **570.400.** 1. A person commits the [crime] offense of 2 unlawfully receiving public assistance benefits or EBT cards if he or she 3 knowingly receives or uses the proceeds of public assistance benefits or EBT cards 4 to which he or she is not lawfully entitled or for which he or she has not applied 5 and been approved by the department to receive.

2. The offense of unlawfully receiving public assistance benefits or EBT
cards is a class [D felony unless the face value of the public assistance benefits
or EBT cards is less than five hundred dollars, in which case unlawful receiving
of public assistance benefits or EBT cards is a class] A misdemeanor, unless the

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10 face value of the public assistance benefits or EBT cards is seven hundred fifty dollars or more or the person is found guilty of a second 11 offense of unlawfully receiving public assistance benefits or EBT cards 12in an amount less than seven hundred fifty dollars, in which case it is 13 a class D felony. [A person who is found guilty of a second offense of 14 unlawfully receiving public assistance benefits or EBT cards in an amount less 15than five hundred dollars shall be guilty of a class D felony.] Any person who is 16 found guilty of a second or subsequent offense of felony unlawfully receiving 17public assistance benefits or EBT cards, or any person who is found guilty 18 19 of an offense under this section and has previously been found guilty 20of two violations under sections 570.400 to 570.410, shall be guilty of a class C felony. Any person who is found guilty of felony unlawfully receiving of 21public assistance benefits or EBT cards shall serve not less than one hundred 22twenty days in the department of corrections unless such person pays full 2324restitution to the state of Missouri within thirty days of the date of execution of 25sentence.

3. In addition to any criminal penalty, any person found guilty of unlawfully receiving public assistance benefits or EBT cards shall pay full restitution to the state of Missouri for the total amount of moneys converted. No person placed on probation for the offense shall be released from probation until full restitution has been paid.

[578.379.] **570.402.** 1. A person commits the [crime] offense of 2 conversion of public assistance benefits or EBT cards if he or she knowingly 3 engages in any transaction to convert public assistance benefits or EBT cards to 4 other property contrary to statutes, rules and regulations, either state or federal, 5 governing the use of public assistance benefits.

6 2. The offense of unlawful conversion of public assistance benefits or 7 EBT cards is a class [D felony unless the face value of said public assistance benefits or EBT cards is less than five hundred dollars, in which case unlawful 8 conversion of public assistance benefits or EBT cards is a class] A misdemeanor, 9 unless the face value of the public assistance benefits or EBT cards is 10 seven hundred fifty dollars or more or the person is found guilty of a 11 12second offense of unlawful conversion of public assistance benefits or EBT cards in an amount less than seven hundred fifty dollars, in which 13 case it is a class D felony. [A person who is found guilty of a second offense 14 of unlawful conversion of public assistance benefits or EBT cards in an amount 15

less than five hundred dollars shall be guilty of a class D felony.] Any person who 16 17is found guilty of a second or subsequent offense of felony unlawful conversion of public assistance benefits or EBT cards, or any person who is found guilty 18 19 of an offense under this section and has previously been found guilty of two or more violations under sections 570.400 to 570.410, shall be 2021guilty of a class C felony. Any person who is found guilty of felony unlawful 22conversion of public assistance benefits or EBT cards shall serve not less than one 23hundred twenty days in the department of corrections unless such person pays 24full restitution to the state of Missouri within thirty days of the date of execution 25of sentence.

3. In addition to any criminal penalty, any person found guilty of unlawful conversion of public assistance benefits or EBT cards shall pay full restitution to the state of Missouri for the total amount of moneys converted. No person placed on probation for the offense shall be released from probation until full restitution has been paid.

[578.381.] **570.404.** 1. A person commits the [crime] offense of unlawful transfer of public assistance benefits or EBT cards if he or she knowingly transfers public assistance benefits or EBT cards to another not lawfully entitled or approved by the department of social services to receive the public sasistance benefits or EBT cards.

6 2. The offense of unlawful transfer of public assistance benefits or EBT cards is a class [D felony unless the face value of said public assistance benefits 7 or EBT cards is less than five hundred dollars, in which case unlawful transfer 8 of public assistance benefits or EBT cards is a class] A misdemeanor, unless the 9 10 face value of the food stamp coupons or ATP cards is seven hundred 11 fifty dollars or more or the person is found guilty of a second offense 12of unlawful transfer of public assistance benefits or EBT cards in an amount less than seven hundred fifty dollars, in which case it is a class 13D felony. [A person who is found guilty of a second offense of unlawful transfer 14of public assistance benefits or EBT cards in an amount less than five hundred 15dollars shall be guilty of a class D felony.] Any person who is found guilty of a 16second or subsequent offense of felony unlawful transfer of public assistance 17 benefits, or any person who is found guilty of an offense under this 18 section and has been found guilty of two or more violations under 1920sections 570.400 to 570.410, shall be guilty of a class C felony. Any person who is found guilty of felony unlawful transfer of public assistance benefits or EBT 21

cards shall serve not less than one hundred twenty days in the department of
corrections unless such person pays full restitution to the state of Missouri within
thirty days of the date of execution of sentence.

3. In addition to any criminal penalty, any person found guilty of unlawful
transfer of public assistance benefits or EBT cards shall pay full restitution to the
state of Missouri for the total amount of moneys converted. No person placed on
probation for the offense shall be released from probation until full restitution
has been paid.

[578.383.] **570.406.** The face value of public assistance benefits or EBT 2 cards stolen, possessed, transferred or converted from one scheme or course of 3 conduct, whether from one or several rightful possessors, or at the same or 4 different times shall constitute a single criminal episode and their face values 5 may be aggregated in determining the grade of offense.

[578.385.] **570.408.** 1. A person commits the [crime] offense of perjury for the purpose of [this section] obtaining public assistance if he or she $\mathbf{2}$ 3 knowingly makes a false or misleading statement or misrepresents a fact material for the purpose of obtaining public assistance if the false or misleading statement 4 is reduced to writing and verified by the signature of the person making the $\mathbf{5}$ statement and by the signature of any employee of the Missouri department of 6 7 social services. The same person may not be charged with unlawfully receiving 8 public assistance benefits and perjury pursuant to this section when both offenses arise from the same application for benefits. 9

2. A statement or fact is material, regardless of its admissibility under
 rules of evidence, if it could substantially affect or did substantially affect the
 granting of public assistance.

13 3. Knowledge of the materiality of the statement or fact is not an element
14 of this [crime] offense, and it is no defense that:

15 (1) The [defendant] person mistakenly believed the fact to be immaterial;16 or

17 (2) The [defendant] **person** was not competent, for reasons other than 18 mental disability, to make the statement.

4. [Perjury committed as part of a transaction involving the making of an application to obtain public assistance is a class D felony unless the value of the public assistance unlawfully obtained or unlawfully attempted to be obtained is less than five hundred dollars in which case it is a class A misdemeanor] The offense of perjury for the purpose of obtaining public assistance is a SS SCS SB 491

class A misdemeanor, unless the value of the public assistance unlawfully obtained or unlawfully attempted to be obtained is seven hundred fifty dollars or more, in which case it is a class D felony, or the person has previously been found guilty of two violations under sections 570.400 to 570.410, in which case it is a class C felony.

[578.387.] **570.410.** 1. For the purpose of any investigation or proceeding $\mathbf{2}$ relating to public assistance unlawfully received or an application for public assistance unlawfully tendered, the director of the department of social 3 services or any officer designated by him [and/or] or her or the attorney 4 $\mathbf{5}$ general for the state of Missouri or any officer designated by him or her may 6 administer oaths and affirmations, subpoena witnesses, compel their attendance, 7 take testimony, require answers to written interrogatories and require production 8 of any books, papers, correspondence, memoranda, agreements or other documents or records which the director of the department [and/or] or the 9 10 attorney general deem relevant and material to the inquiry.

11 2. In the case of contumacy by, or refusal to obey a subpoend issued to, 12any person, the circuit court of any county of the state or the city of St. Louis, 13upon application by the department director [and/or] or the attorney general may 14issue to the person an order requiring him or her to appear before the department director[,] or the officer designated by him or her, [and/or] or the 15attorney general[,] or the officer designated by him or her, there to produce 1617documentary evidence if so ordered or to give testimony or answer interrogatories 18 touching the matter under investigation or in question in accordance with the 19 forms and procedures otherwise authorized by the Rules of Civil 20Procedure. Failure to obey the order of the court may be punished by the court 21as a contempt of court.

3. Information or documents obtained under this section by the director of the department [and/or] or the attorney general shall not be disclosed except in the course of civil or criminal litigation or to another prosecutorial or investigative agency, or to the divisions of the department.

4. [Anyone improperly disclosing information obtained] The offense of
improper disclosure under this section is [guilty of] a class A misdemeanor.

5. The provisions of this section do not repeal existing provisions of law and shall be construed as supplementary thereto.

572.015. Nothing in this chapter prohibits constitutionally 2 authorized activities under article III, sections 39(a) to 39(f) of the 3 Missouri Constitution.

572.020. 1. A person commits the [crime] offense of gambling if he or 2 she knowingly engages in gambling.

- 3 2. **The offense of** gambling is a class C misdemeanor unless:
- 4 (1) It is committed by a professional player, in which case it is a class [D
- 5 felony] A misdemeanor; or

6 (2) The person knowingly engages in gambling with a [minor] child less

7 than seventeen years of age, in which case it is a class B misdemeanor.

573.010. As used in this chapter the following terms shall mean:

2 (1) "Adult cabaret", a nightclub, bar, juice bar, restaurant, bottle 3 club, or other commercial establishment, regardless of whether 4 alcoholic beverages are served, which regularly features persons who 5 appear semi-nude;

6 (2) "Characterized by", describing the essential character or 7 dominant theme of an item;

8 (3) "Child", any person under the age of fourteen;

9 [(2)] (4) "Child pornography":

10 (a) Any obscene material or performance depicting sexual conduct, sexual 11 contact **as defined in section 566.010**, or a sexual performance[, as these terms 12 are defined in section 556.061,] and which has as one of its participants or 13 portrays as an observer of such conduct, contact, or performance a minor [under 14 the age of eighteen]; or

(b) Any visual depiction, including any photograph, film, video, picture,
or computer or computer-generated image or picture, whether made or produced
by electronic, mechanical, or other means, of sexually explicit conduct where:

a. The production of such visual depiction involves the use of a minorengaging in sexually explicit conduct;

20b. Such visual depiction is a digital image, computer image, or 21computer-generated image that is, or is indistinguishable from, that of a minor 22engaging in sexually explicit conduct, in that the depiction is such that an 23ordinary person viewing the depiction would conclude that the 24depiction is of an actual minor engaged in sexually explicit conduct; or 25c. Such visual depiction has been created, adapted, or modified to show that an identifiable minor is engaging in sexually explicit conduct. "Identifiable 26minor" means a person who was a minor at the time the visual 2728depiction was created, adapted, or modified; or whose image as a minor

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was used in creating, adapting, or modifying the visual depiction; and
who is recognizable as an actual person by the person's face, likeness,
or other distinguishing characteristic, such as a unique birthmark or
other recognizable feature. The term "identifiable minor" shall not be
construed to require proof of the actual identity of the identifiable
minor;

[(3) "Displays publicly", exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a street, highway or public sidewalk, or from the property of others or from any portion of the person's store, or the exhibitor's store or property when items and material other than this material are offered for sale or rent to the public;

42 (4)] (5) "Employ", "employee", or "employment", any person who 43 performs any service on the premises of a sexually oriented business, 44 on a full-time, part-time, or contract basis, whether or not the person 45 is denominated an employee, independent contractor, agent, or 46 otherwise. Employee does not include a person exclusively on the 47 premises for repair or maintenance of the premises or for the delivery 48 of goods to the premises;

(6) "Explicit sexual material", any pictorial or three-dimensional material depicting human masturbation, deviate sexual intercourse, sexual intercourse, direct physical stimulation or unclothed genitals, sadomasochistic abuse, or emphasizing the depiction of postpubertal human genitals; provided, however, that works of art or of anthropological significance shall not be deemed to be within the foregoing definition;

55 [(5)] (7) "Furnish", to issue, sell, give, provide, lend, mail, deliver, 56 transfer, circulate, disseminate, present, exhibit or otherwise provide;

57 [(6) "Graphic", when used with respect to a depiction of sexually explicit 58 conduct, that a viewer can observe any part of the genitals or pubic area of any 59 depicted person or animal during any part of the time that the sexually explicit 60 conduct is being depicted;

61 (7) "Identifiable minor":

62 (a) A person:

a. (i) Who was a minor at the time the visual depiction was created,adapted, or modified; or

(ii) Whose image as a minor was used in creating, adapting, or modifyingthe visual depiction; and

b. Who is recognizable as an actual person by the person's face, likeness,
or other distinguishing characteristic, such as a unique birthmark or other
recognizable feature; and

(b) The term shall not be construed to require proof of the actual identityof the identifiable minor;

(8) "Indistinguishable", when used with respect to a depiction, virtually indistinguishable, in that the depiction is such that an ordinary person viewing the depiction would conclude that the depiction is of an actual minor engaged in sexually explicit conduct. Indistinguishable does not apply to depictions that are drawings, cartoons, sculptures, or paintings depicting minors or adults;

(9)] (8) "Material", anything printed or written, or any picture, drawing,
photograph, motion picture film, videotape or videotape production, or pictorial
representation, or any recording or transcription, or any mechanical, chemical,
or electrical reproduction, or stored computer data, or anything which is or may
be used as a means of communication. Material includes undeveloped
photographs, molds, printing plates, stored computer data and other latent
representational objects;

[(10)] (9) "Minor", any person [under the age of] less than eighteen
years of age;

[(11)] (10) "Nudity" or "state of nudity", the showing of [postpubertal]
the human genitals [or], pubic area, vulva, anus, anal cleft, or the female
breast with less than a fully opaque covering of any part of the nipple or
areola;

90 [(12)] (11) "Obscene", any comment, request, suggestion, material,
91 or performance [is obscene] if, taken as a whole:

92 (a) Applying contemporary community standards, its predominant appeal93 is to prurient interest in sex; and

94 (b) The average person, applying contemporary community standards,
95 would find the material depicts or describes sexual conduct in a patently offensive
96 way; and

97 (c) A reasonable person would find the material lacks serious literary,98 artistic, political or scientific value;

99 (12) "Operator", any person on the premises of a sexually 100 oriented business who causes the business to function, puts or keeps the business in operation, or is authorized to manage the business or
exercise overall operational control of the business premises. A person
may be found to be operating or causing to be operated a sexually
oriented business whether or not such person is an owner, part owner,
or licensee of the business;

106 (13) "Performance", any play, motion picture film, videotape, dance or 107 exhibition performed before an audience of one or more;

108 (14) "Pornographic for minors", any material or performance [is 109 pornographic for minors] if the following apply:

(a) The average person, applying contemporary community standards,
would find that the material or performance, taken as a whole, has a tendency to
cater or appeal to a prurient interest of minors; and

(b) The material or performance depicts or describes nudity, sexual conduct, [sexual excitement] the condition of human genitals when in a state of sexual stimulation or arousal, or sadomasochistic abuse in a way which is patently offensive to the average person applying contemporary adult community standards with respect to what is suitable for minors; and

(c) The material or performance, taken as a whole, lacks serious literary,artistic, political, or scientific value for minors;

(15) "Premises", the real property upon which a sexually oriented
business is located, and all appurtenances thereto and buildings
thereon, including but not limited to the sexually oriented business, the
grounds, private walkways, and parking lots or parking garages or
both;

(16) "Promote", to manufacture, issue, sell, provide, mail, deliver,
transfer, transmute, publish, distribute, circulate, disseminate, present, exhibit,
or advertise, or to offer or agree to do the same, by any means including a
computer;

129 (17) "Regularly", the consistent and repeated doing of the act so130 described;

[(16)] (18) "Sadomasochistic abuse", flagellation or torture by or upon a
person as an act of sexual stimulation or gratification;

(19) "Semi-nude" or "state of semi-nudity", the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at such point, or the showing of the male or female buttocks. Such definition includes the lower SS SCS SB 491

portion of the human female breast, but shall not include any portion
of the cleavage of the female breasts exhibited by a bikini, dress,
blouse, shirt, leotard, or similar wearing apparel provided the areola
is not exposed in whole or in part;

[(17)] (20) "Sexual conduct", actual or simulated, normal or perverted acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification;

147 [(18)] (21) "Sexually explicit conduct", actual or simulated:

(a) Sexual intercourse, including genital-genital, oral-genital, anal-genital,
or oral-anal, whether between persons of the same or opposite sex;

150 (b) Bestiality;

151 (c) Masturbation;

152 (d) Sadistic or masochistic abuse; or

153 (e) Lascivious exhibition of the genitals or pubic area of any person;

154 [(19) "Sexual excitement", the condition of human male or female genitals 155 when in a state of sexual stimulation or arousal;

156 (20)] (22) "Sexually oriented business" includes:

(a) An adult bookstore or adult video store. "Adult bookstore" or 157"adult video store" means a commercial establishment which, as one of 158its principal business activities, offers for sale or rental for any form 159160 of consideration any one or more of the following: books, magazines, periodicals, or other printed matter, or photographs, films, motion 161 pictures, video cassettes, compact discs, digital video discs, slides, or 162other visual representations which are characterized by their emphasis 163164upon the display of specified sexual activities or specified anatomical areas. A "principal business activity" exists where the commercial 165166 establishment:

a. Has a substantial portion of its displayed merchandise which
consists of such items; or

b. Has a substantial portion of the wholesale value of its
displayed merchandise which consists of such items; or

c. Has a substantial portion of the retail value of its displayed
merchandise which consists of such items; or

d. Derives a substantial portion of its revenues from the sale or
rental, for any form of consideration, of such items; or

e. Maintains a substantial section of its interior business space
for the sale or rental of such items; or

177 f. Maintains an adult arcade. "Adult arcade" means any place to which the public is permitted or invited wherein coin-operated or slug-178179operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing 180 devices are regularly maintained to show images to five or fewer 181 persons per machine at any one time, and where the images so 182 183 displayed are characterized by their emphasis upon matter exhibiting 184 specified sexual activities or specified anatomical areas;

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(b) An adult cabaret;

(c) An adult motion picture theater. "Adult motion picture theater" means a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions, which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas are regularly shown to more than five persons for any form of consideration;

(d) A semi-nude model studio. "Semi-nude model studio" means
a place where persons regularly appear in a state of semi-nudity for
money or any form of consideration in order to be observed, sketched,
drawn, painted, sculptured, photographed, or similarly depicted by
other persons. Such definition shall not apply to any place where
persons appearing in a state of semi-nudity do so in a modeling class
operated:

a. By a college, junior college, or university supported entirely
or partly by taxation;

b. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

205 c. In a structure:

(i) Which has no sign visible from the exterior of the structure
and no other advertising that indicates a semi-nude person is available
for viewing; and

(ii) Where, in order to participate in a class, a student must
enroll at least three days in advance of the class;

(e) A sexual encounter center. "Sexual encounter center" means
a business or commercial enterprise that, as one of its principal
purposes, purports to offer for any form of consideration physical
contact in the form of wrestling or tumbling between two or more
persons when one or more of the persons is semi-nude;

(23) "Sexual performance", any performance, or part thereof,
which includes sexual conduct by a child who is less than seventeen
years of age;

219 (24) "Specified anatomical areas" include:

(a) Less than completely and opaquely covered: human genitals,
pubic region, buttock, and female breast below a point immediately
above the top of the areola; and

(b) Human male genitals in a discernibly turgid state, even ifcompletely and opaquely covered;

225 (25) "Specified sexual activity", includes any of the following:

226 (a) Intercourse, oral copulation, masturbation, or sodomy; or

(b) Excretory functions as a part of or in connection with any ofthe activities described in paragraph (a) of this subdivision;

(26) "Substantial", at least thirty percent of the item or items somodified;

(27) "Visual depiction", includes undeveloped film and videotape, and
data stored on computer disk or by electronic means which is capable of
conversion into a visual image[;

(21) "Wholesale promote", to manufacture, issue, sell, provide, mail,
deliver, transfer, transmute, publish, distribute, circulate, disseminate, or to offer
or agree to do the same for purposes of resale or redistribution].

573.020. 1. A person commits the [crime] offense of promoting obscenity 2 in the first degree if, knowing of its content and character, such person:

3 (1) [He or she] Wholesale promotes or possesses with the purpose to 4 wholesale promote any obscene material; or

5 (2) [He or she] Wholesale promotes for minors or possesses with the 6 purpose to wholesale promote for minors any material pornographic for minors; 7 or

8 (3) [He or she] Promotes, wholesale promotes or possesses with the

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9 purpose to wholesale promote for minors material that is pornographic for minors
10 via computer, internet or computer network if the person made the matter
11 available to a specific individual known by the defendant to be a minor.

12 2. The offense of promoting obscenity in the first degree is a class D13 felony.

3. As used in this section, "wholesale promote" means to
manufacture, issue, sell, provide, mail, deliver, transfer, transmute,
publish, distribute, circulate, disseminate, or to offer or agree to do the
same for purposes of resale or redistribution.

573.025. 1. A person commits the [crime] offense of promoting child 2 pornography in the first degree if, knowing of its content and character, 3 such person possesses with the intent to promote or promotes child pornography 4 of a child less than fourteen years of age or obscene material portraying what 5 appears to be a child less than fourteen years of age.

6 2. The offense of promoting child pornography in the first degree is a 7 class B felony unless the person knowingly promotes such material to a minor, 8 in which case it is a class A felony. No person who [pleads guilty to or] is found 9 guilty of[, or is convicted of,] promoting child pornography in the first degree 10 shall be eligible for probation, parole, or conditional release for a period of three 11 calendar years.

3. Nothing in this section shall be construed to require a provider of
electronic communication services or remote computing services to monitor any
user, subscriber or customer of the provider, or the content of any communication
of any user, subscriber or customer of the provider.

573.030. 1. A person commits the [crime] offense of promoting 2 pornography for minors or obscenity in the second degree if, knowing of its 3 content and character, he or she:

4 (1) Promotes or possesses with the purpose to promote any obscene 5 material for pecuniary gain; or

6 (2) Produces, presents, directs or participates in any obscene performance 7 for pecuniary gain; or

8 (3) Promotes or possesses with the purpose to promote any material 9 pornographic for minors for pecuniary gain; or

10 (4) Produces, presents, directs or participates in any performance11 pornographic for minors for pecuniary gain; or

12

(5) Promotes, possesses with the purpose to promote, produces, presents,

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13 directs or participates in any performance that is pornographic for minors via 14 computer, electronic transfer, internet or computer network if the person made 15 the matter available to a specific individual known by the defendant to be a 16 minor.

2. The offense of promoting pornography for minors or obscenity in the second degree is a class A misdemeanor unless the person has [pleaded guilty to or has] been found guilty of an offense pursuant to this section committed at a different time, in which case it is a class D felony.

573.035. 1. A person commits the [crime] offense of promoting child 2 pornography in the second degree if, knowing of its content and character, 3 such person possesses with the intent to promote or promotes child pornography 4 of a minor under the age of eighteen or obscene material portraying what appears 5 to be a minor under the age of eighteen.

6 2. The offense of promoting child pornography in the second degree is 7 a class C felony unless the person knowingly promotes such material to a minor, 8 in which case it is a class B felony. No person who is found guilty of[, pleads 9 guilty to, or is convicted of] promoting child pornography in the second degree 10 shall be eligible for probation.

573.040. 1. A person commits the [crime] offense of furnishing 2 pornographic material to minors if, knowing of its content and character, 3 he or she:

4 (1) Furnishes any material pornographic for minors, knowing that the 5 person to whom it is furnished is a minor or acting in reckless disregard of the 6 likelihood that such person is a minor; or

7 (2) Produces, presents, directs or participates in any performance 8 pornographic for minors that is furnished to a minor knowing that any person 9 viewing such performance is a minor or acting in reckless disregard of the 10 likelihood that a minor is viewing the performance; or

(3) Furnishes, produces, presents, directs, participates in any performance
or otherwise makes available material that is pornographic for minors via
computer, electronic transfer, internet or computer network if the person made
the matter available to a specific individual known by the defendant to be a
minor.

16 2. It is not [an affirmative] **a** defense to a prosecution for a violation of 17 this section that the person being furnished the pornographic material is a peace 18 officer masquerading as a minor. 19 3. The offense of furnishing pornographic material to minors or 20 attempting to furnish pornographic material to minors is a class A misdemeanor 21 unless the person has [pleaded guilty to or has] been found guilty of an offense 22 committed at a different time pursuant to this chapter, chapter 566 or chapter 23 568, in which case it is a class D felony.

573.050. 1. In any prosecution under this chapter evidence shall be 2 admissible to show:

3 (1) What the predominant appeal of the material or performance would4 be for ordinary adults or minors;

5 (2) The literary, artistic, political or scientific value of the material or 6 performance;

7 (3) The degree of public acceptance in this state and in the local 8 community;

9 (4) The appeal to prurient interest in advertising or other promotion of 10 the material or performance;

(5) The purpose of the author, creator, promoter, furnisher or publisherof the material or performance.

2. Testimony of the author, creator, promoter, furnisher, publisher, or
expert testimony, relating to factors entering into the determination of the issues
of obscenity or child pornography, shall be admissible.

16 3. In any prosecution [for possession of child pornography or promoting child pornography in the first or second degree, the determination that the person 17who participated in the child pornography was younger than eighteen years of age 18 19 may be made as set forth in section 568.100, or reasonable inferences drawn by 20a judge or jury after viewing the alleged pornographic material shall constitute 21sufficient evidence of the child's age to support a conviction] under this 22chapter, when it becomes necessary to determine whether a person was 23less than seventeen or eighteen years of age, the court or jury may 24make this determination by any of the following methods:

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(1) Personal inspection of the child;

(2) Inspection of the photograph or motion picture that showsthe child engaging in the sexual performance;

(3) Oral testimony by a witness to the sexual performance as tothe age of the child based on the child's appearance at the time;

30 (4) Expert medical testimony based on the appearance of the 31 child engaging in the sexual performance; or

32 (5) Any other method authorized by law or by the rules of 33 evidence.

4. In any prosecution for promoting child pornography in the first or second degree, no showing is required that the performance or material involved appeals to prurient interest, that it lacks serious literary, artistic, political or scientific value, or that it is patently offensive to prevailing standards in the community as a whole.

573.052. Upon receipt of any information that child pornography as $\mathbf{2}$ defined in section 573.010 is contained on a website, the attorney general shall investigate such information. If the attorney general has probable cause to 3 believe the website contains child pornography, the attorney general shall notify 4 a website operator of any child pornography site residing on that website 5 operator's server, in writing. If the website operator promptly, but in no event 6 longer than five days after receiving notice, removes the alleged pornography 7 from its server, and so long as the website operator is not the purveyor of such 8 9 child pornography, it shall be immune from civil liability. If the website operator 10 does not promptly remove the alleged pornography, the attorney general may seek an injunction pursuant to section 573.070 to remove the child pornography site 11 12from the website operator's server. This section shall not be construed to create any defense to any criminal charges brought pursuant to this chapter [or chapter 13568]. 14

573.060. 1. A person commits the [crime] offense of public display of 2 explicit sexual material if he [knowingly] or she recklessly:

3 (1) [Displays publicly] Exposes, places, exhibits, or in any fashion, displays explicit sexual material in any location, whether public or 4 $\mathbf{5}$ private, and in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision as viewed 6 from a street, highway, public sidewalk, or the property of others, or 7 from any portion of the person's store, the exhibitor's store or property 8 9 when items and material other than this material are offered for sale or rent to the public; or 10

11 (2) Fails to take prompt action to remove such a display from property in12 his or her possession after learning of its existence.

2. The offense of public display of explicit sexual material is a class A
 misdemeanor unless the person has [pleaded guilty to or has] been found guilty
 of an offense under this section committed at a different time, in which case it is

16 a class D felony.

3. For purposes of this section, each day there is a violation of this sectionshall constitute a separate offense.

573.065. 1. A person commits the [crime] offense of coercing acceptance 2 of obscene material if such person knowingly:

3 (1) [He] Requires acceptance of obscene material as a condition to any
4 sale, allocation, consignment or delivery of any other material; or

5 (2) [He] Denies any franchise or imposes any penalty, financial or 6 otherwise, by reason of the failure or refusal of any person to accept any material 7 obscene or pornographic for minors.

8 2. The offense of coercing acceptance of obscene material is a class D9 felony.

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

2 (1)] term "indecent"[,] means language or material that depicts or 3 describes, in terms patently offensive as measured by contemporary community 4 standards, sexual or excretory activities or organs[;

5 (2) "Obscene", any comment, request, suggestion or proposal is obscene if:
6 (a) Applying contemporary community standards, its predominant appeal
7 is to prurient interest in sex; and

8 (b) Taken as a whole with respect to the average person, applying 9 contemporary community standards, it depicts or describes sexual conduct in a 10 patently offensive way; and

(c) Taken as a whole, it lacks serious literary, artistic, political or
scientific value. Obscenity shall be judged with reference to its impact upon
ordinary adults].

14 2. [It shall be unlawful for any] A person commits the offense of obscene or indecent commercial messaging if he or she, by means of a 15telephone communication for commercial purposes, [to make] makes directly or 16 by means of an electronic recording device, any comment, request, suggestion, or 17proposal which is obscene or indecent; or knowingly permits any telephone 18 or telephone facility connected to a local exchange telephone under 19such person's control to be used for obscene or indecent commercial 20messaging. Any person who makes any such comment, request, suggestion, or 2122proposal shall be in violation of the provisions of this section regardless of 23whether such person placed or initiated the telephone call.

3. [It shall be unlawful for any person to permit knowingly any telephone

or telephone facility connected to a local exchange telephone under such person'scontrol to be used for any purpose prohibited by subsection 2 of this section.

4. Any person who violates any provision of this section is guilty of] The offense of obscene or indecent commercial messaging is a class A misdemeanor unless such person has [pleaded guilty to or has] been found guilty of the same offense committed at a different time, in which case the violation is a class D felony. For purposes of this subsection, each violation constitutes a separate offense.

[5.] 4. The prohibitions and penalties contained herein are not applicable
to a telecommunications company as defined in section 386.020 over whose
facilities prohibited communications may be transmitted.

[568.080.] **573.200.** 1. A person commits the [crime] offense of use of a child in a sexual performance if, knowing the character and content thereof, the person employs, authorizes, or induces a child less than [seventeen] eighteen years of age to engage in a [sexual] performance which includes sexual conduct or, being a parent, legal guardian, or custodian of such child, consents to the participation by such child in such sexual performance.

2. The offense of use of a child in a sexual performance is a class C 8 felony, and, notwithstanding section 558.011 to the contrary, the 9 authorized term of imprisonment is a term of years of not less than 10 three years and not to exceed ten years, unless in the course thereof the 11 person inflicts serious emotional injury on the child, in which case the [crime] 12 offense is a class B felony.

3. The court shall not grant a suspended imposition of sentence
or a suspended execution of sentence to a person who has previously
been found guilty of an offense under this section.

[568.090.] **573.205.** 1. A person commits the [crime] offense of promoting a sexual performance by a child if, knowing the character and content thereof, the person promotes a [sexual] performance which includes sexual conduct by a child less than [seventeen] eighteen years of age or produces[,] or directs[, or promotes] any performance which includes sexual conduct by a child less than [seventeen] eighteen years of age.

7 2. The offense of promoting a sexual performance by a child is a class
8 C felony and, notwithstanding section 558.011 to the contrary, the
9 authorized term of imprisonment is a term of years of not less than
10 three years and not to exceed ten years.

3. The court shall not grant a suspended imposition of sentence
or a suspended execution of sentence to a person who has previously
been found guilty of an offense under this section.

[568.110.] 573.215. 1. [Any] A person commits the offense of $\mathbf{2}$ failure to report child pornography if he or she being a film and photographic print processor, computer provider, installer or repair person, or any 3 internet service provider who has knowledge of or observes, within the scope of 4 the person's professional capacity or employment, any film, photograph, 56 videotape, negative, slide, or computer-generated image or picture depicting a 7 child under [the age of] eighteen years of age engaged in an act of sexual 8 conduct [shall] fails to report such instance to [the] any law enforcement agency 9 [having jurisdiction over the case] immediately or as soon as practically possible. 10 2. The offense of failure to [make such report shall be] report child

11 **pornography is** a class B misdemeanor.

3. Nothing in this section shall be construed to require a provider of
electronic communication services or remote computing services to monitor any
user, subscriber or customer of the provider, or the content of any communication
of any user, subscriber or customer of the provider.

573.509. 1. No person less than nineteen years of age shall dance in an adult cabaret [as defined in section 573.500], nor shall any proprietor of such establishment permit any person less than nineteen years of age to dance in an adult cabaret.

5 2. [Any person who violates the provisions of subsection 1] Violation of 6 this section is [guilty of] a class A misdemeanor.

573.531. 1. No person shall establish a sexually oriented business within $\mathbf{2}$ one thousand feet of any preexisting primary or secondary school, house of 3 worship, state-licensed day care facility, public library, public park, residence, or other sexually oriented business. This subsection shall not apply to any sexually 4 oriented business lawfully established prior to August 28, 2010. For purposes of 5this subsection, measurements shall be made in a straight line, without regard 6 to intervening structures or objects, from the closest portion of the parcel 78 containing the sexually oriented business to the closest portion of the parcel containing the preexisting primary or secondary school, house of worship, 9 10 state-licensed day care facility, public library, public park, residence, or other 11 sexually oriented business.

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2. No person shall establish a sexually oriented business if a person with

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an influential interest in the sexually oriented business has been [convicted of or
pled guilty or nolo contendere to a specified criminal act] found guilty of any

15 of the following specified offenses for which less than eight years has 16 elapsed since the date of conviction or the date of release from

17 confinement for the conviction, whichever is later:

18 (1) Rape and sexual assault offenses;

19 (2) Sexual offenses involving minors;

20 (3) Offenses involving prostitution;

21 (4) Obscenity offenses;

22 (5) Offenses involving money laundering;

23 (6) Offenses involving tax evasion;

24 (7) Any attempt, solicitation, or conspiracy to commit one of the
25 offenses listed in subdivisions (1) to (6) of this subsection; or

(8) Any offense committed in another jurisdiction which if
committed in this state would have constituted an offense listed in
subdivisions (1) to (7) of this subsection.

3. No person shall knowingly or intentionally, in a sexually orientedbusiness, appear in a state of nudity.

4. No employee shall knowingly or intentionally, in a sexually oriented
business, appear in a semi-nude condition unless the employee, while semi-nude,
shall be and remain on a fixed stage at least six feet from all patrons and at least
eighteen inches from the floor in a room of at least six hundred square feet.

5. No employee, who appears in a semi-nude condition in a sexually oriented business, shall knowingly or intentionally touch a patron or the clothing of a patron in a sexually oriented business.

6. A sexually oriented business, which exhibits on the premises, through any mechanical or electronic image-producing device, a film, video cassette, digital video disc, or other video reproduction, characterized by an emphasis on the display of specified sexual activities or specified anatomical areas shall comply with the following requirements:

(1) The interior of the premises shall be configured in such a manner that
there is an unobstructed view from an operator's station of every area of the
premises, including the interior of each viewing room but excluding restrooms, to
which any patron is permitted access for any purpose;

47 (2) An operator's station shall not exceed thirty-two square feet of floor48 area;

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(3) If the premises has two or more operator's stations designated, the
interior of the premises shall be configured in such a manner that there is an
unobstructed view of each area of the premises to which any patron is permitted
access for any purpose from at least one of the operator's stations;

53 (4) The view required under this subsection shall be by direct line of sight54 from the operator's station;

55 (5) It is the duty of the operator to ensure that at least one employee is 56 on duty and situated in an operator's station at all times that any patron is on 57 the portion of the premises monitored by such operator station; and

(6) It shall be the duty of the operator and of any employees present on
the premises to ensure that the view area specified in this subsection remains
unobstructed by any doors, curtains, walls, merchandise, display racks, or other
materials or enclosures at all times that any patron is present on the premises.

7. Sexually oriented businesses that do not have stages or interior configurations which meet at least the minimum requirements of sections 573.525 to 573.537 shall be given one hundred eighty days after August 28, 2010, to comply with the stage and building requirements of sections 573.525 to 573.537. During such one hundred eighty-day period, any employee who appears within view of any patron in a semi-nude condition shall remain, while semi-nude, at least six feet from all patrons.

8. No operator shall allow or permit a sexually oriented business to be or
remain open between the hours of 12:00 midnight and 6:00 a.m. on any day.

9. No person shall knowingly or intentionally sell, use, or consumealcoholic beverages on the premises of a sexually oriented business.

10. No person shall knowingly allow a person under the age of eighteenyears on the premises of a sexually oriented business.

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

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(1) "Establish" or "establishment", includes any of the following:

(a) The opening or commencement of any sexually orientedbusiness as a new business;

(b) The conversion of an existing business, whether or not a
sexually oriented business, to any sexually oriented business; or

81 (c) The addition of any sexually oriented business to any other
82 existing sexually oriented business;

83 (2) "Influential interest", includes any of the following:

84 (a) The actual power to operate a sexually oriented business or

control the operation, management, or policies of a sexually oriented
business or legal entity which operates a sexually oriented business;

(b) Ownership of a financial interest of thirty percent or moreof a business or of any class of voting securities of a business; or

(c) Holding an office, such as president, vice president, secretary,
treasurer, managing member, or managing director, in a legal entity
which operates a sexually oriented business;

92 (3) "Viewing room", the room, booth, or area where a patron of 93 a sexually oriented business would ordinarily be positioned while 94 watching a film, video cassette, digital video disc, or other video 95 reproduction.

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

2 (1) "Property of another", any property in which the person does
3 not have a possessory interest;

4 (2) "Private property", any place which at the time of the offense
5 is not open to the public. It includes property which is owned publicly
6 or privately;

7 (3) "Public place", any place which at the time of the offense is
8 open to the public. It includes property which is owned publicly or
9 privately.

574.020. 1. A person commits the [crime] offense of private peace 2 disturbance if he or she is on private property and unreasonably and purposely 3 causes alarm to another person or persons on the same premises by:

4 (1) Threatening to commit [a crime] an offense against any person; or
5 (2) Fighting.

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2. The offense of private peace disturbance is a class C misdemeanor.

3. For purposes of this section, if a building or structure is
divided into separately occupied units, such units are separate
premises.

574.075. [It shall be unlawful for any] 1. A person [in this state to enter] commits the offense of drunkenness or drinking in a prohibited place if he or she enters any schoolhouse or church house in which there is an assemblage of people, met for a lawful purpose, or any courthouse, in [a drunken or] an intoxicated and disorderly condition, or [to drink or offer] drinks or offers to drink any intoxicating liquors in the presence of such assembly of people, or in any courthouse [within this state and any person or persons so doing 8

shall be guilty of a misdemeanor; unless, however, the circuit court has by local

9 rule authorized law library associations to conduct social events after business10 hours in any courthouse].

2. The offense of drunkenness or drinking in a prohibited place
 is a class B misdemeanor.

[569.070.] 574.080. 1. A person commits the [crime] offense of causing
catastrophe if he or she knowingly causes a catastrophe by explosion, fire, flood,
collapse of a building, release of poison, radioactive material, bacteria, virus or
other dangerous and difficult to confine force or substance.

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

6 (1) "Catastrophe" [means], death or serious physical injury to ten or more 7 people or substantial damage to five or more buildings or inhabitable structures 8 or substantial damage to a vital public facility which seriously impairs its 9 usefulness or operation;

10 (2) "Vital public facility", includes a facility maintained for use 11 as a bridge, whether over land or water, dam, reservoir, tunnel, 12 communication installation or power station.

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3. The offense of causing catastrophe is a class A felony.

574.085. 1. A person commits the [crime] offense of institutional vandalism [by knowingly vandalizing, defacing or otherwise damaging] if he or she knowingly vandalizes, defaces, or otherwise damages:

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4 (1) Any church, synagogue or other building, structure or place used for 5 religious worship or other religious purpose;

6 (2) Any cemetery, mortuary, military monument or other facility used for 7 the purpose of burial or memorializing the dead;

8 (3) Any school, educational facility, community center, hospital or medical
9 clinic owned and operated by a religious or sectarian group;

(4) The grounds adjacent to, and owned or rented by, any institution,
facility, building, structure or place described in subdivision (1), (2), or (3) of this
subsection;

(5) Any personal property contained in any institution, facility, building,
structure or place described in subdivision (1), (2), or (3) of this subsection; or

(6) Any motor vehicle which is owned, operated, leased or under contractby a school district or a private school for the transportation of school children.

17 2. **The offense of** institutional vandalism [is punishable as follows:

18 (1) institutional vandalism] is a class A misdemeanor, [except as provided

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19 in subdivisions (2) and (3) of this subsection;

(2) Institutional vandalism is a class D felony if the offender commits any
act described in subsection 1 of this section which causes damage to, or loss of,
the property of another in an amount in excess of one thousand dollars;

(3) Institutional vandalism is a class C felony if the offender commits any
act described in subsection 1 of this section which causes damage to, or loss of,
the property of another in an amount in excess of five thousand dollars] unless
the value of the property damage is seven hundred fifty dollars or
more, in which case the offense is a class D felony; or the value of the
property damage is more than five thousand dollars, in which case the
offense is a class C felony.

30 3. In determining the amount of damage to property [or loss of property],
31 for purposes of this section, damage includes the cost of repair or, where
32 necessary, replacement of the property that was damaged [or lost].

574.115. 1. A person commits the [crime] offense of making a terrorist threat in the first degree if such person [communicates a threat to cause an incident or condition involving danger to life, communicates a knowingly false report of an incident or condition involving danger to life, or knowingly causes a false belief or fear that an incident has occurred or that a condition exists involving danger to life:

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(1) With the purpose of frightening ten or more people;

8 (2) With the purpose of causing the evacuation, quarantine or closure of 9 any portion of a building, inhabitable structure, place of assembly or facility of 10 transportation; or

(3) With reckless disregard of the risk of causing the evacuation,
quarantine or closure of any portion of a building, inhabitable structure, place of
assembly or facility of transportation; or

(4) With criminal negligence with regard to the risk of causing the
evacuation, quarantine or closure of any portion of a building, inhabitable
structure, place of assembly or facility of transportation.

17 2. Making a terrorist threat is a class C felony unless committed under
18 subdivision (3) of subsection 1 of this section in which case it is a class D felony
19 or unless committed under subdivision (4) of subsection 1 of this section in which
20 case it is a class A misdemeanor.

3. For the purpose of this section, "threat" includes an express or impliedthreat.

4. A person who acts in good faith with the purpose to prevent harm does not commit a crime pursuant to this section.], with the purpose of frightening ten or more people or causing the evacuation, quarantine or closure of any portion of a building, inhabitable structure, place of assembly or facility of transportation, knowingly:

(1) Communicates an express or implied threat to cause an
incident or condition involving danger to life; or

30 (2) Communicates a false report of an incident or condition 31 involving danger to life; or

32 (3) Causes a false belief or fear that an incident has occurred or
 33 that a condition exists involving danger to life.

34
2. The offense of making a terrorist threat in the first degree is
35 a class C felony.

36 3. No offense is committed under this section by a person acting
37 in good faith with the purpose to prevent harm.

574.120. 1. A person commits the offense of making a terrorist threat in the second degree if he or she recklessly disregards the risk of causing the evacuation, quarantine or closure of any portion of a building, inhabitable structure, place of assembly or facility of transportation and knowingly:

6 (1) Communicates an express or implied threat to cause an 7 incident or condition involving danger to life; or

8 (2) Communicates a false report of an incident or condition 9 involving danger to life; or

10 (3) Causes a false belief or fear that an incident has occurred or
11 that a condition exists involving danger to life.

2. The offense of making a terrorist threat in the second degree
 is a class D felony.

3. No offense is committed under this section by a person acting
in good faith with the purpose to prevent harm.

574.125. 1. A person commits the offense of making a terrorist threat in the third degree if he or she, with criminal negligence with regard to the risk of causing the evacuation, quarantine or closure of any portion of a building, inhabitable structure, place of assembly or facility of transportation, knowingly:

6

(1) Communicates an express or implied threat to cause an

7 incident or condition involving danger to life; or

8 (2) Communicates a knowingly false report of an incident or 9 condition involving danger to life; or

10 (3) Causes a false belief or fear that an incident has occurred or
11 that a condition exists involving danger to life.

2. The offense of making a terrorist threat in the third degree is
 a class A misdemeanor.

3. No offense is committed under this section by a person acting
in good faith with the purpose to prevent harm.

[578.008.] **574.130.** 1. A person commits the [crime] **offense** of 2 agroterrorism if such person purposely spreads any type of contagious, 3 communicable or infectious disease among crops, poultry, livestock as defined in 4 section 267.565, or other animals.

5 2. Agroterrorism is a class D felony unless the damage to crops, poultry,
6 livestock or animals is ten million dollars or more in which case it is a class B
7 felony.

8 3. It shall be a defense to the crime of agroterrorism if such spreading is 9 consistent with medically recognized therapeutic procedures or done in the course 10 of legitimate, professional scientific research.

[565.095.] **574.140.** 1. [It shall be unlawful for any person or persons with the intent to intimidate any person or group of persons to burn, or cause to be burned, a cross. Any person who shall violate any provision of this section shall be guilty of a class A misdemeanor for a first offense and a class D felony for a second or subsequent offense] A person commits the offense of cross burning if he or she burns, or causes to be burned, a cross with the purpose to frighten, intimidate, or cause emotional distress to any person or group of persons.

9 2. [For purposes of this section, a person acts with the intent to 10 intimidate when he or she intentionally places or attempts to place another 11 person in fear of physical injury or fear of damage to property] The offense of 12 cross burning is a class A misdemeanor, unless the person has 13 previously been found guilty of an offense under this section, in which 14 case it is a class D felony.

[578.502.] **574.151.** 1. This section shall be known as "Spc. Edward Lee 2 Myers' Law".

3

2. [It shall be unlawful for any] A person [to engage] commits the

offense of unlawful funeral protest if he or she engages in picketing or 4 $\mathbf{5}$ other protest activities within three hundred feet of or about any location at which a funeral is held, within one hour prior to the commencement of any 6 7 funeral, and until one hour following the cessation of any funeral. Each day on which a violation occurs shall constitute a separate offense. [Violation of this 8 9 section is a class B misdemeanor, unless committed by a person who has previously pled guilty to or been found guilty of a violation of this section, in 10 11 which case the violation is a class A misdemeanor.]

3. For purposes of this section, "funeral" means the ceremonies[,
processions,] and memorial services held in connection with the burial or
cremation of the dead.

4. The offense of unlawful funeral protest is a class B misdemeanor, unless committed by a person who has previously been found guilty of a violation of this section, in which case it is a class A misdemeanor.

[565.084.] **575.095.** 1. A person commits the [crime] offense of 2 tampering with a judicial officer if, with the purpose to harass, intimidate or 3 influence a judicial officer in the performance of such officer's official duties, such 4 person:

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

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

9 (3) Offers, conveys or agrees to convey any benefit direct or indirect upon 10 such judicial officer or such judicial officer's family;

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

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

18

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

19 (1) Such officer's spouse; or

20 (2) Such officer or such officer's spouse's ancestor or descendant by blood 21 or adoption; or (3) Such officer's stepchild, while the marriage creating that relationshipexists.

24

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

575.145. 1. It shall be the duty of the operator or driver of any vehicle or any other conveyance regardless of means of propulsion, or the rider of any animal traveling on the highways of this state to stop on signal of any [sheriff or deputy sheriff] law enforcement officer and to obey any other reasonable signal or direction of such [sheriff or deputy sheriff] law enforcement officer given in directing the movement of traffic on the highways[. Any person who] or enforcing any offense or infraction.

8 2. The offense of willfully [fails or refuses] failing or refusing to obey 9 such signals or directions or [who] willfully [resists or opposes a sheriff or deputy 10 sheriff] resisting or opposing a law enforcement officer in the proper 11 discharge of his or her duties [shall be guilty of] is a class A misdemeanor [and 12 on conviction thereof shall be punished as provided by law for such offenses].

575.153. 1. A person commits the [crime] offense of disarming a peace 2 officer, as defined in section [590.100] **590.010**, or a correctional officer if [such 3 person] he or she intentionally:

4 (1) Removes a firearm or other deadly weapon from the person of a peace 5 officer or correctional officer while such officer is acting within the scope of his 6 or her official duties; or

7 (2) Deprives a peace officer or correctional officer of such officer's use of
8 a firearm or deadly weapon while the officer is acting within the scope of his or
9 her official duties.

10 2. The provisions of this section shall not apply when:

(1) The [defendant] person does not know or could not reasonably have
known that the person he or she disarmed was a peace officer or correctional
officer; or

14 (2) The peace officer or correctional officer was engaged in an incident
15 involving felonious conduct by the peace officer or correctional officer at the time
16 the [defendant] person disarmed such officer.

17 3. The offense of disarming a peace officer or correctional officer is a18 class C felony.

[565.085.] 575.155. 1. An offender or prisoner commits the [crime]
2 offense of endangering a corrections employee, a visitor to a correctional
3 [facility] center, county or city jail, or another offender or prisoner if he or

4 she attempts to cause or knowingly causes such person to come into contact with5 blood, seminal fluid, urine, feces, or saliva.

6

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

7 (1) "Corrections employee", a person who is an employee, or contracted 8 employee of a subcontractor, of a department or agency responsible for operating 9 a jail, prison, correctional facility, or sexual offender treatment center or a person 10 who is assigned to work in a jail, prison, correctional facility, or sexual offender 11 treatment center;

12 13 (2) "Offender", a person in the custody of the department of corrections;(3) "Prisoner", a person confined in a county or city jail.

3. The offense of endangering a corrections employee, a visitor to a 1415correctional [facility] center, county or city jail, or another offender or 16prisoner is a class D felony unless the substance is unidentified in which case it 17is a class A misdemeanor. If an offender or prisoner is knowingly infected with the human immunodeficiency virus (HIV), hepatitis B or hepatitis C and exposes 18 19another person to HIV or hepatitis B or hepatitis C by committing the [crime] offense of endangering a corrections employee, a visitor to a correctional facility. 20or another offender or prisoner, it is a class C felony. 21

[565.086.] **575.157.** 1. An offender commits the [crime] offense of endangering a department of mental health employee, a visitor or other person at a secure facility, or another offender if he or she attempts to cause or knowingly causes such individual to come into contact with blood, seminal fluid, urine, feces, or saliva.

6

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

7 (1) "Department of mental health employee", a person who is an employee 8 of the department of mental health, an employee or contracted employee of a 9 subcontractor of the department of mental health, or an employee or contracted 10 employee of a subcontractor of an entity responsible for confining offenders as 11 authorized by section 632.495;

12 (2) "Offender", persons ordered to the department of mental health after 13 a determination by the court that such persons may meet the definition of a 14 sexually violent predator, persons ordered to the department of mental health 15 after a finding of probable cause under section 632.489, and persons committed 16 for control, care, and treatment by the department of mental health under 17 sections 632.480 to 632.513;

18

(3) "Secure facility", a facility operated by the department of mental

19 health or an entity responsible for confining offenders as authorized by section20 632.495.

213. The offense of endangering a department of mental health employee, 22a visitor or other person at a secure facility, or another offender is a class D 23felony [unless the substance is unidentified, in which case it is a class A 24misdemeanor]. If an offender is knowingly infected with the human immunodeficiency virus (HIV), hepatitis B, or hepatitis C and exposes another 2526individual to HIV or hepatitis B or hepatitis C by committing the [crime] offense 27of endangering a department of mental health employee, a visitor or other person 28at a mental health facility, or another offender, [it] the offense is a class C felony.

575.280. 1. A person commits the [crime] offense of acceding to 2 corruption if he or she:

3 (1) [He] Is a judge, juror, special master, referee or arbitrator and 4 knowingly solicits, accepts, or agrees to accept any benefit, direct or indirect, on 5 the representation or understanding that it will influence his **or her** official 6 action in a judicial proceeding pending in any court or before such official or 7 juror;

8 (2) [He] Is a witness or prospective witness in any official proceeding and 9 knowingly solicits, accepts, or agrees to accept any benefit, direct or indirect, on 10 the representation or understanding that he **or she** will disobey a subpoena or 11 other legal process, [or] absent himself or **herself**, avoid subpoena or other legal 12 process, [or] withhold evidence, information or documents, or testify falsely.

13 2. **The offense of** acceding to corruption under subdivision [(1)] (2) of 14 subsection 1 of this section [is a class C felony.

153. Acceding to corruption under subdivision (2) of subsection 1 of this section in a felony prosecution, or on the representation or understanding of 16testifying falsely is a class D felony. Otherwise, acceding to corruption] is a class 17A misdemeanor. The offense, when committed under subdivision (1) of 18 subsection 1 of this section, is a class C felony and, notwithstanding 19 20 section 558.011 to the contrary, the authorized term of imprisonment is a term of years of not less than three years and not to exceed ten 2122years; unless the offense is committed in a felony prosecution, or on the representation or understanding of testifying falsely, in which case it 23is a class D felony. 24

575.353. 1. A person commits the [crime] offense of assault on a police 2 animal [when such person] if he or she knowingly attempts to kill or disable or knowingly causes or attempts to cause serious physical injury to a police animal
when that animal is involved in law enforcement investigation, apprehension,
tracking, or search, or the animal is in the custody of or under the control of a
law enforcement officer, department of corrections officer, municipal police
department, fire department or a rescue unit or agency.

8 2. The offense of assault on a police animal is a class C misdemeanor, 9 unless the assault results in the death of such animal or disables such 10 animal to the extent it is unable to be utilized as a police animal, in 11 which case it is a class D felony.

576.050. 1. A public servant commits the [crime] offense of misuse of official information if, in contemplation of official action by himself or herself or by a governmental unit with which he or she is associated, or in reliance on information to which he or she has access in his or her official capacity and which has not been made public, he or she knowingly:

6 (1) Acquires a pecuniary interest in any property, transaction, or 7 enterprise which may be affected by such information or official action; or

8 (2) Speculates or wagers on the basis of such information or official action;9 or

10 (3) Aids, advises or encourages another to do any of the foregoing with11 purpose of conferring a pecuniary benefit on any person.

2. A person commits the [crime] offense of misuse of official information if he or she [knowingly or] recklessly obtains or discloses information from the Missouri uniform law enforcement system (MULES) or the National Crime Information Center System (NCIC), or any other criminal justice information sharing system that contains individually identifiable information for private or personal use, or for a purpose other than in connection with their official duties and performance of their job.

19 3. The offense of misuse of official information is a class A20 misdemeanor.

577.001. 1. As used in this chapter, [the term "court" means any circuit, 2 associate circuit, or municipal court, including traffic court, but not any juvenile 3 court or drug court.

4 2. As used in this chapter, the term "drive", "driving", "operates" or 5 "operating" means physically driving or operating a motor vehicle.

6 3. As used in this chapter, a person is in an "intoxicated condition" when 7 he is under the influence of alcohol, a controlled substance, or drug, or any 8 combination thereof.

9 4. As used in this chapter, the term "law enforcement officer" or "arresting 10 officer" includes the definition of law enforcement officer in subdivision (17) of 11 section 556.061 and military policemen conducting traffic enforcement operations 12 on a federal military installation under military jurisdiction in the state of 13 Missouri.

145. As used in this chapter, "substance abuse traffic offender program" 15means a program certified by the division of alcohol and drug abuse of the department of mental health to provide education or rehabilitation services 16 17pursuant to a professional assessment screening to identify the individual needs of the person who has been referred to the program as the result of an alcohol-18 19 or drug-related traffic offense. Successful completion of such a program includes participation in any education or rehabilitation program required to meet the 2021needs identified in the assessment screening. The assignment recommendations 22based upon such assessment shall be subject to judicial review as provided in 23subsection 7 of section 577.041] the following terms mean:

(1) "Aggravated offender", a person who has been found guilty of:
(a) Three or more intoxication-related traffic offenses committed
on separate occasions; or

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

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

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

36 (b) Has been found guilty of one or more intoxication-related 37 boating offenses committed on separate occasions where at least one of 38 the intoxication-related traffic offenses is an offense committed in 39 violation of any state law, county or municipal ordinance, any federal 40 offense, or any military offense in which the defendant was operating 41 a vessel while intoxicated and another person was injured or killed;

42 (3) "All-terrain vehicle", any motorized vehicle manufactured and 43 used exclusively for off-highway use which is fifty inches or less in width, with an unladen dry weight of one thousand pounds or less,
traveling on three, four or more low pressure tires, with a seat
designed to be straddled by the operator, or with a seat designed to
carry more than one person, and handlebars for steering control;

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

50

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

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

53 (b) Three or more intoxication-related traffic offenses committed 54 on separate occasions where at least one of the intoxication-related 55 traffic offenses is an offense committed in violation of any state law, 56 county or municipal ordinance, any federal offense, or any military 57 offense in which the defendant was operating a vehicle while 58 intoxicated and another person was injured or killed; or

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

65 (6) "Chronic boating offender", a person who has been found 66 guilty of:

67

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

68 (b) Three or more intoxication-related boating offenses 69 committed on separate occasions where at least one of the intoxication-70 related boating offense is an offense committed in violation of any state 71 law, county or municipal ordinance, any federal offense, or any military 72 offense in which the defendant was operating a vessel while intoxicated 73 and another person was injured or killed; or

(c) Two or more intoxication-related boating offenses committed on separate occasions where both intoxication-related boating offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed; 80 (7) "Controlled substance", a drug, substance, or immediate 81 precursor in schedules I to V listed in section 195.017;

82 (8) "Drive", "driving", "operates" or "operating", means physically
83 driving or operating a vehicle or vessel;

84 (9) "Flight crew member", the pilot in command, copilots, flight
85 engineers, and flight navigators;

86 (10) "Habitual offender", a person who has been found guilty of:
87 (a) Five or more intoxication-related traffic offenses committed
88 on separate occasions; or

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

95 (c) Three or more intoxication-related traffic offenses committed 96 on separate occasions where at least two of the intoxication-related 97 traffic offenses were offenses committed in violation of any state law, 98 county or municipal ordinance, any federal offense, or any military 99 offense in which the defendant was operating a vehicle while 100 intoxicated and another person was injured or killed;

101 (11) "Habitual boating offender", a person who has been found102 guilty of:

103 (a) Five or more intoxication-related boating offenses; or

104 (b) Four or more intoxication-related boating offenses committed 105 on separate occasions where at least one of the intoxication-related 106 boating offense is an offense committed in violation of any state law, 107 county or municipal ordinance, any federal offense, or any military 108 offense in which the defendant was operating a vessel while intoxicated 109 and another person was injured or killed; or

110 (c) Three or more intoxication-related boating offenses 111 committed on separate occasions where at least two of the intoxication-112 related boating offenses were offenses committed in violation of any 113 state law, county or municipal ordinance, any federal offense, or any 114 military offense in which the defendant was operating a vessel while 115 intoxicated and another person was injured or killed; 337

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

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

125 (14) "Intoxication-related traffic offense", driving while 126 intoxicated, driving with excessive blood alcohol content or an offense 127 in which the defendant was operating a vehicle while intoxicated and 128 another person was injured or killed in violation of any state law, 129 county or municipal ordinance, any federal offense, or any military 130 offense;

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

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

(17) "Persistent offender", a person who has been found guilty of
two or more intoxication-related traffic offenses committed on separate
occasions;

(18) "Persistent boating offender", a person who has been found
guilty of two or more intoxication-related boating offenses committed
on separate occasions;

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

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

577.010. 1. A person commits the [crime] offense of ["]driving while

338

2 intoxicated ["] if he or she operates a [motor] vehicle while in an intoxicated [or 3 drugged] condition.

4 2. The offense of driving while intoxicated is [for the first offense, a 5class B misdemeanor. No person convicted of or pleading guilty to the offense of driving while intoxicated shall be granted a suspended imposition of sentence for 6 7 such offense, unless such person shall be placed on probation for a minimum of two years]: 8

9 (1) A class B misdemeanor;

(2) A class A misdemeanor if: 10

(a) The defendant is a prior offender; or 11

12(b) A person less than seventeen years of age is present in the vehicle; 13

14(3) A class D felony if:

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

16 (b) While driving while intoxicated, the defendant acts with criminal negligence to cause physical injury to another person; 17

18 (4) A class C felony if:

19 (a) The defendant is an aggravated offender;

20 (b) While driving while intoxicated, the defendant acts with 21criminal negligence to cause physical injury to a law enforcement 22officer or emergency personnel; or

23(c) While driving while intoxicated, the defendant acts with 24criminal negligence to cause serious physical injury to another person;

25(5) A class C felony and, notwithstanding section 558.011 to the contrary, the authorized term of imprisonment is a term of years of not 26less than three years and not to exceed ten years if: 27

28

(a) The defendant is a chronic offender;

29(b) While driving while intoxicated, the defendant acts with criminal negligence to cause serious physical injury to a law 30 31enforcement officer or emergency personnel; or

32 (c) While driving while intoxicated, the defendant acts with criminal negligence to cause the death of another person; 33

(6) A class B felony if: 34

35 (a) The defendant is a habitual offender;

36 (b) While driving while intoxicated, the defendant acts with 37 criminal negligence to cause the death of a law enforcement officer or 38 emergency personnel; or

(c) While driving while intoxicated, the defendant acts with
criminal negligence to cause the death of two or more persons unless
it is a second or subsequent violation of this subsection, in which case
it is a class A felony.

3. Notwithstanding the provisions of subsection 2 of this section, [in a 43 circuit where a DWI court or docket created under section 478.007 or other 44 court-ordered treatment program is available, no person who operated a motor 45vehicle with fifteen-hundredths of one percent or more by weight of alcohol in 46such person's blood shall be granted a suspended imposition of sentence unless 47 the individual participates and successfully completes a program under such DWI 48 court or docket or other court-ordered treatment program] a person found 49 guilty of the offense of driving while intoxicated as a first offense shall 50not be granted a suspended imposition of sentence: 51

52 (1) Unless such person shall be placed on probation for a 53 minimum of two years; or

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

4. If a person is not granted a suspended imposition of sentence for thereasons described in subsection 3 of this section [for such first offense]:

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

65 (2) If the individual operated the motor vehicle with greater than 66 twenty-hundredths of one percent by weight of alcohol in such person's blood, the 67 required term of imprisonment shall be not less than five days.

5. A person found guilty of the offense of driving while69 intoxicated:

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

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

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

80 (b) The offender participates in and successfully completes a 81 program established under section 478.007 or other court-ordered 82 treatment program, if available, and as part of either program, the 83 offender performs at least thirty days of community service under the 84 supervision of the court;

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

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

92 (b) The offender participates in and successfully completes a 93 program established under section 478.007 or other court-ordered 94 treatment program, if available, and as part of either program, the 95 offender performs at least sixty days of community service under the 96 supervision of the court;

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

100 (5) As a chronic offender shall not be eligible for parole or
101 probation until he or she has served a minimum of two years
102 imprisonment.

577.012. 1. A person commits the [crime] offense of ["]driving with 2 excessive blood alcohol content["] if such person operates:

3 (1) A [motor] vehicle [in this state with] while having eight-hundredths
4 of one percent or more by weight of alcohol in [such person's] his or her blood;
5 or

6 (2) A commercial motor vehicle while having four one-7 hundredths of a percent or more by weight of alcohol in his or her 8 blood.

17

9 2. As used in this section, percent by weight of alcohol in the blood shall 10 be based upon grams of alcohol per one hundred milliliters of blood or two 11 hundred ten liters of breath and may be shown by chemical analysis of the 12 person's blood, breath, saliva or urine. For the purposes of determining the 13 alcoholic content of a person's blood under this section, the test shall be 14 conducted in accordance with the provisions of sections 577.020 to 577.041.

15 3. [For the first offense,] The offense of driving with excessive blood
16 alcohol content is [a class B misdemeanor]:

(1) A class B misdemeanor;

18 (2) A class A misdemeanor if the defendant is alleged and proved
19 to be a prior offender;

20 (3) A class D felony if the defendant is alleged and proved to be
21 a persistent offender;

(4) A class C felony if the defendant is alleged and proved to bean aggravated offender;

(5) A class C felony and, notwithstanding section 558.011 to the
contrary, the authorized term of imprisonment is a term of years of not
less than three years and not to exceed ten years if the defendant is
alleged and proved to be a chronic offender;

(6) A class B felony if the defendant is alleged and proved to bea habitual offender.

30 4. [In a circuit where a DWI court or docket created under section 478.007 or other court-ordered treatment program is available, no person who operated 3132a motor vehicle with fifteen-hundredths of one percent or more by weight of alcohol in such person's blood shall be granted a suspended imposition of sentence 33 unless the individual participates and successfully completes a program under 34 such DWI court or docket or other court-ordered treatment program] A person 3536 found guilty of the offense of driving with an excessive blood alcohol content as a first offense shall not be granted a suspended imposition 37 38 of sentence:

(1) Unless such person shall be placed on probation for aminimum of two years; or

41 (2) In a circuit where a DWI court or docket created under
42 section 478.007 or other court-ordered treatment program is available,
43 and where the offense was committed with fifteen-hundredths of one

percent or more by weight of alcohol in such person's blood, unless the
individual participates in and successfully completes a program under
such DWI court or docket or other court-ordered treatment program.

5. If a person is not granted a suspended imposition of sentence for the reasons described in subsection 4 of this section[, for such first offense]:

49 (1) If the individual operated the [motor] vehicle with fifteen-hundredths
50 to twenty-hundredths of one percent by weight of alcohol in such person's blood,
51 the required term of imprisonment shall be not less than forty-eight hours;

52 (2) If the individual operated the [motor] vehicle with greater than 53 twenty-hundredths of one percent by weight of alcohol in such person's blood, the 54 required term of imprisonment shall be not less than five days.

6. A person found guilty of driving with excessive blood alcohol
content:

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

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

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

67 (b) The offender participates in and successfully completes a 68 program established under section 478.007 or other court-ordered 69 treatment program, if available, and as part of either program, the 70 offender performs at least thirty days of community service under the 71 supervision of the court;

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

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

79 (b) The offender participates in and successfully completes a

80 program established under section 478.007 or other court-ordered 81 treatment program, if available, and as part of either program, the 82 offender performs at least sixty days of community service under the 83 supervision of the court;

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

(5) As a chronic offender shall not be eligible for parole or
probation until he or she has served a minimum of two years
imprisonment.

577.013. 1. A person commits the offense of boating while 2 intoxicated if he or she operates a vessel while in an intoxicated 3 condition.

4 **2.** The offense of boating while intoxicated is:

5 (1) A class B misdemeanor;

7

6 (2) A class A misdemeanor if:

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

8 (b) A person less than seventeen years of age is present in the 9 vessel;

10 (3) A class D felony if:

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

12 (b) While boating while intoxicated, the defendant acts with 13 criminal negligence to cause physical injury to another person;

14 (4) A class C felony if:

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

16 (b) While boating while intoxicated, the defendant acts with 17 criminal negligence to cause physical injury to a law enforcement 18 officer or emergency personnel; or

19 (c) While boating while intoxicated, the defendant acts with 20 criminal negligence to cause serious physical injury to another person;

(5) A class C felony and, notwithstanding section 558.011 to the
contrary, the authorized term of imprisonment is a term of years of not
less than three years and not to exceed ten years if:

24

(a) The defendant is a chronic boating offender;

25 (b) While boating while intoxicated, the defendant acts with 26 criminal negligence to cause serious physical injury to a law 27 enforcement officer or emergency personnel; or

28 (c) While boating while intoxicated, the defendant acts with 29 criminal negligence to cause the death of another person;

30 (6) A class B felony if:

31 (a) The defendant is a habitual boating offender;

32 (b) While boating while intoxicated, the defendant acts with
 33 criminal negligence to cause the death of a law enforcement officer or
 34 emergency personnel; or

(c) While boating while intoxicated, the defendant acts with
criminal negligence to cause the death of two or more persons unless
it is a second or subsequent violation of this subsection, in which case
it is a class A felony.

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

42 (1) Unless such person shall be placed on probation for a 43 minimum of two years; or

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

50 4. If a person is not granted a suspended imposition of sentence 51 for the reasons described in subsection 3 of this section:

52 (1) If the individual operated the vessel with fifteen-hundredths 53 to twenty-hundredths of one percent by weight of alcohol in such 54 person's blood, the required term of imprisonment shall be not less 55 than forty-eight hours;

56 (2) If the individual operated the vessel with greater than 57 twenty-hundredths of one percent by weight of alcohol in such person's 58 blood, the required term of imprisonment shall be not less than five 59 days.

60 5. A person found guilty of the offense of boating while 61 intoxicated:

62

(1) As a prior boating offender, persistent boating offender,

63 aggravated boating offender, chronic boating offender or habitual 64 boating offender shall not be granted a suspended imposition of 65 sentence or be sentenced to pay a fine in lieu of a term of 66 imprisonment, section 557.011 to the contrary notwithstanding;

67 (2) As a prior boating offender shall not be granted parole or 68 probation until he or she has served a minimum of ten days 69 imprisonment;

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

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

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

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

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

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

90 (5) As a chronic boating offender shall not be eligible for parole
91 or probation until he or she has served a minimum of two years
92 imprisonment.

577.014. 1. A person commits the offense of boating with 2 excessive blood alcohol content if he or she operates a vessel while 3 having eight-hundredths of one percent or more by weight of alcohol 4 in his or her blood.

5 2. As used in this section, percent by weight of alcohol in the 6 blood shall be based upon grams of alcohol per one hundred milliliters SS SCS SB 491

7 of blood or two hundred ten liters of breath and may be shown by 8 chemical analysis of the person's blood, breath, saliva or urine. For the 9 purposes of determining the alcoholic content of a person's blood under 10 this section, the test shall be conducted in accordance with the 11 provisions of sections 577.020 to 577.041.

12 **3.** The offense of boating with excessive blood alcohol content is:

13 (1) A class B misdemeanor;

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

16 (3) A class D felony if the defendant is alleged and proved to be
17 a persistent boating offender;

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

(5) A class C felony and, notwithstanding section 558.011 to the
contrary, the authorized term of imprisonment is a term of years of not
less than three years and not to exceed ten years if the defendant is
alleged and proved to be a chronic boating offender;

(6) A class B felony if the defendant is alleged and proved to bea habitual boating offender.

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

(1) Unless such person shall be placed on probation for aminimum of two years; or

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

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

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

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

47 6. A person found guilty of the offense of boating with excessive48 blood alcohol content:

49 (1) As a prior boating offender, persistent boating offender, 50 aggravated boating offender, chronic boating offender or habitual 51 boating offender shall not be granted a suspended imposition of 52 sentence or be sentenced to pay a fine in lieu of a term of 53 imprisonment, section 557.011 to the contrary notwithstanding;

54 (2) As a prior boating offender shall not be granted parole or 55 probation until he or she has served a minimum of ten days 56 imprisonment:

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

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

64 (3) As a persistent boating offender shall not be granted parole
65 or probation until he or she has served a minimum of thirty days
66 imprisonment:

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

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

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

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

79 imprisonment.

[577.203.] **577.015.** 1. [It is unlawful for any] A person [to operate, or 2 act as a flight crew member of, any aircraft in this state:

3 (1) While under the influence of alcohol or a controlled substance, or any4 combination thereof;

5 (2) With four one-hundredths of one percent or more by weight of alcohol6 in his blood; or

7 (3) Within eight hours after the consumption of any alcoholic beverage.
8 2. Any person found guilty of violating this section and section 577.201
9 shall have committed a class C misdemeanor.

3. Any person found guilty a second or subsequent time of violating this
 section and section 577.201 shall have committed a class A misdemeanor]
 commits the offense of operating an aircraft while intoxicated if he or
 she, while in an intoxicated condition, knowingly operates any aircraft
 or knowingly acts as a copilot, flight engineer or flight navigator for an
 aircraft while in operation.

16 **2.** The offense of operating an aircraft while intoxicated is:

17 (1) A class C misdemeanor;

18 (2) A class A misdemeanor if the person has previously been 19 found guilty of the offense of operating an aircraft while intoxicated or 20 with an excessive blood alcohol content, or any offense committed in 21 another jurisdiction which, if committed in this state, would be the 22 offense of operating an aircraft with excessive blood alcohol content or 23 while intoxicated.

577.016. 1. A person commits the offense of operating an aircraft with excessive blood alcohol content if he or she knowingly operates any aircraft or knowingly acts as a copilot, flight engineer or flight navigator for an aircraft while in operation:

5 (1) With four one-hundredths of one percent or more by weight
6 of alcohol in his or her blood; or

7 (2) Within eight hours after the consumption of any alcoholic 8 beverage.

9 2. As used in this section, percent by weight of alcohol in the 10 blood shall be based upon grams of alcohol per one hundred milliliters 11 of blood or two hundred ten liters of breath and may be shown by 12 chemical analysis of the person's blood, breath, saliva or urine. For the purposes of determining the alcoholic content of a person's blood under
this section, the test shall be conducted in accordance with the
provisions of sections 577.020 to 577.041.

16 3. The offense of operating an aircraft with excessive blood 17 alcohol content is:

18

(1) A class C misdemeanor;

19 (2) A class A misdemeanor if the defendant has been found guilty 20 of operating an aircraft with excessive blood alcohol content or 21 operating an aircraft while intoxicated or any offense committed in any 22 jurisdiction which, if committed in this state, would be the offense of 23 operating an aircraft with excessive blood alcohol content or operating 24 an aircraft while intoxicated.

577.017. 1. [No] A person [shall consume any] commits the offense of consumption of an alcoholic beverage while [operating] driving if he or she operates a moving motor vehicle upon [the highways, as defined in section 4 301.010] any public thoroughfare for vehicles, including state roads, 5 county roads and public streets, avenues, boulevards, parkways or 6 alleys in any municipality while consuming any alcoholic beverage.

7 2. [Any person found guilty of violating the provisions of this section is8 guilty of an infraction.

9 3. Any infraction under this section shall not reflect on any records with 10 the department of revenue] The offense of consumption of an alcoholic 11 beverage while driving is an infraction and shall not be reflected on 12 any records maintained by the department of revenue.

577.020. 1. Any person who operates a [motor] vehicle upon the public highways of this state, a vessel, or any aircraft, or acts as a flight crew member of an aircraft shall be deemed to have given consent [to], subject to the provisions of sections 577.019 to 577.041, to a chemical test or tests of the person's breath, blood, saliva, or urine for the purpose of determining the alcohol or drug content of the person's blood pursuant to the following circumstances:

7 (1) If the person is arrested for any offense arising out of acts which the 8 arresting officer had reasonable grounds to believe were committed while the 9 person was [driving a motor] **operating a** vehicle **or a vessel** while in an 10 intoxicated [or drugged] condition; [or]

11 (2) Detained for any offense of operating an aircraft while 12 intoxicated under section 577.015 or operating an aircraft with

13 excessive blood alcohol content under section 577.016;

14 (3) If the person is under the age of twenty-one, has been stopped by a 15 law enforcement officer, and the law enforcement officer has reasonable grounds 16 to believe that such person was [driving a motor] operating a vehicle or a 17 vessel with a blood alcohol content of two-hundredths of one percent or more by 18 weight; [or]

[(3)] (4) If the person is under the age of twenty-one, has been stopped by a law enforcement officer, and the law enforcement officer has reasonable grounds to believe that such person has committed a violation of the traffic laws of the state, or any political subdivision of the state, and such officer has reasonable grounds to believe, after making such stop, that such person has a blood alcohol content of two-hundredths of one percent or greater;

[(4)] (5) If the person is under the age of twenty-one, has been stopped at a sobriety checkpoint or roadblock and the law enforcement officer has reasonable grounds to believe that such person has a blood alcohol content of two-hundredths of one percent or greater;

[(5)] (6) If the person, while operating a [motor] vehicle, has been involved in a [motor vehicle] collision or accident which resulted in a fatality or a readily apparent serious physical injury as defined in section 565.002, or has been arrested as evidenced by the issuance of a uniform traffic ticket for the violation of any state law or county or municipal ordinance with the exception of equipment violations contained in [chapter] chapters 306 and 307, or similar provisions contained in county or municipal ordinances; or

[(6) If the person, while operating a motor vehicle, has been involved in
a motor vehicle collision which resulted in a fatality or serious physical injury as
defined in section 565.002.]

39 (7) The test shall be administered at the direction of the law enforcement
40 officer whenever the person has been [arrested or] stopped, detained, or
41 arrested for any reason.

42 2. The implied consent to submit to the chemical tests listed in subsection
43 1 of this section shall be limited to not more than two such tests arising from the
44 same stop, detention, arrest, incident or charge.

3. To be considered valid, chemical analysis of the person's breath,
blood, saliva, or urine [to be considered valid pursuant to the provisions of
sections 577.019 to 577.041] shall be performed, according to methods approved
by the state department of health and senior services, by licensed medical

49 personnel or by a person possessing a valid permit issued by the state department50 of health and senior services for this purpose.

4. The state department of health and senior services shall approve satisfactory techniques, devices, equipment, or methods to be [considered valid] used in the chemical test pursuant to the provisions of sections 577.019 to 577.041 [and]. The department shall also establish standards to ascertain the qualifications and competence of individuals to conduct such analyses and [to] issue permits which shall be subject to termination or revocation by the state department of health and senior services.

58 5. The person tested may have a physician, or a qualified technician, 59 chemist, registered nurse, or other qualified person at the choosing and expense 60 of the person to be tested, administer a test in addition to any administered at 61 the direction of a law enforcement officer. The failure or inability to obtain an 62 additional test by a person shall not preclude the admission of evidence relating 63 to the test taken at the direction of a law enforcement officer.

64 6. Upon the request of the person who is tested, full information 65 concerning the test shall be made available to such person. Full information is 66 limited to the following:

67

(1) The type of test administered and the procedures followed;

68 (2) The time of the collection of the blood [or], breath [sample], or urine
69 sample analyzed;

(3) The numerical results of the test indicating the alcohol content of theblood and breath and urine;

(4) The type and status of any permit which was held by the person whoperformed the test;

(5) If the test was administered by means of a breath-testing instrument, the date [of performance] of the most recent [required] maintenance of such instrument. Full information does not include manuals, schematics, or software of the instrument used to test the person or any other material that is not in the actual possession of the state. Additionally, full information does not include information in the possession of the manufacturer of the test instrument.

7. Any person given a chemical test of the person's breath pursuant to subsection 1 of this section or a field sobriety test may be videotaped during any such test at the direction of the law enforcement officer. Any such video recording made during the chemical test pursuant to this subsection or a field sobriety test shall be admissible as evidence at [either] any trial of such person for [either] a violation of any state law or county or municipal ordinance, [or]
and at any license revocation or suspension proceeding held pursuant to the
provisions of chapter 302.

577.021. 1. Any state, county or municipal law enforcement officer [who has the power of arrest for violations of section 577.010 or 577.012 and] who is certified pursuant to chapter 590 may, prior to arrest, administer a chemical test to any person suspected of operating a [motor] vehicle [in violation of section 577.010 or 577.012], vessel, or aircraft or acting as a flight crew member of an aircraft while in an intoxicated condition or with an excessive blood alcohol content.

8 2. Any state, county, or municipal law enforcement officer [who has the 9 power of arrest for violations of section 577.010 or 577.012 and] who is certified 10 under chapter 590 shall make all reasonable efforts to administer a chemical test 11 to any person suspected of [driving a motor] operating a vehicle or vessel 12 involved in a collision or accident which resulted in a fatality or serious 13 physical injury as defined in section [565.002] 556.061.

143. A test administered pursuant to this section shall be admissible as evidence of probable cause to arrest and as exculpatory evidence, but shall not be 15admissible as evidence of blood alcohol content. The provisions of sections 16 17577.019 and 577.020 shall not apply to a test administered prior to arrest pursuant to this section. [The provisions changing chapter 577 are severable 18 from this legislation. The general assembly would have enacted the remainder 19 of this legislation without the changes made to chapter 577, and the remainder 2021of the legislation is not essentially and inseparably connected with or dependent 22upon the changes to chapter 577.]

577.023. 1. [For purposes of this section, unless the context clearly 2 indicates otherwise:

3 (1) An "aggravated offender" is a person who:

4 (a) Has pleaded guilty to or has been found guilty of three or more 5 intoxication-related traffic offenses; or

6 (b) Has pleaded guilty to or has been found guilty of one or more 7 intoxication-related traffic offense and, in addition, any of the following: 8 involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section 9 565.024; murder in the second degree under section 565.021, where the 10 underlying felony is an intoxication-related traffic offense; or assault in the 11 second degree under subdivision (4) of subsection 1 of section 565.060; or assault 12 of a law enforcement officer in the second degree under subdivision (4) of 13 subsection 1 of section 565.082;

14 (2) A "chronic offender" is:

(a) A person who has pleaded guilty to or has been found guilty of four ormore intoxication-related traffic offenses; or

17(b) A person who has pleaded guilty to or has been found guilty of, on two or more separate occasions, any combination of the following: involuntary 18 19manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024; 20murder in the second degree under section 565.021, where the underlying felony 21is an intoxication-related traffic offense; assault in the second degree under subdivision (4) of subsection 1 of section 565.060; or assault of a law enforcement 2223officer in the second degree under subdivision (4) of subsection 1 of section 24565.082; or

25(c) A person who has pleaded guilty to or has been found guilty of two or 26more intoxication-related traffic offenses and, in addition, any of the following: 27involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section 28565.024; murder in the second degree under section 565.021, where the underlying felony is an intoxication-related traffic offense; assault in the second 29degree under subdivision (4) of subsection 1 of section 565.060; or assault of a law 30 31 enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082; 32

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

38 (4) An "intoxication-related traffic offense" is driving while intoxicated, driving with excessive blood alcohol content, involuntary manslaughter pursuant 39 to subdivision (2) or (3) of subsection 1 of section 565.024, murder in the second 40 degree under section 565.021, where the underlying felony is an 41 intoxication-related traffic offense, assault in the second degree pursuant to 4243subdivision (4) of subsection 1 of section 565.060, assault of a law enforcement officer in the second degree pursuant to subdivision (4) of subsection 1 of section 44 565.082, or driving under the influence of alcohol or drugs in violation of state 45law or a county or municipal ordinance; 46

(5) A "

47

(5) A "persistent offender" is one of the following:

48 (a) A person who has pleaded guilty to or has been found guilty of two or49 more intoxication-related traffic offenses;

50 (b) A person who has pleaded guilty to or has been found guilty of 51 involuntary manslaughter pursuant to subdivision (2) or (3) of subsection 1 of 52 section 565.024, assault in the second degree pursuant to subdivision (4) of 53 subsection 1 of section 565.060, assault of a law enforcement officer in the second 54 degree pursuant to subdivision (4) of subsection 1 of section 565.082; and

55 (6) A "prior offender" is a person who has pleaded guilty to or has been 56 found guilty of one intoxication-related traffic offense, where such prior offense 57 occurred within five years of the occurrence of the intoxication-related traffic 58 offense for which the person is charged.

59 2. Any person who pleads guilty to or is found guilty of a violation of
60 section 577.010 or 577.012 who is alleged and proved to be a prior offender shall
61 be guilty of a class A misdemeanor.

3. Any person who pleads guilty to or is found guilty of a violation of
section 577.010 or 577.012 who is alleged and proved to be a persistent offender
shall be guilty of a class D felony.

4. Any person who pleads guilty to or is found guilty of a violation of
section 577.010 or section 577.012 who is alleged and proved to be an aggravated
offender shall be guilty of a class C felony.

5. Any person who pleads guilty to or is found guilty of a violation of
section 577.010 or section 577.012 who is alleged and proved to be a chronic
offender shall be guilty of a class B felony.

6. No state, county, or municipal court shall suspend the imposition of sentence as to a prior offender, persistent offender, aggravated offender, or chronic offender under this section nor sentence such person to pay a fine in lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding.

(1) No prior offender shall be eligible for parole or probation until he orshe has served a minimum of ten days imprisonment:

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

81 (b) The offender participates in and successfully completes a program 82 established pursuant to section 478.007 or other court-ordered treatment 83 program, if available, and as part of either program, the offender performs at 84 least thirty days of community service under the supervision of the court.

85 (2) No persistent offender shall be eligible for parole or probation until he86 or she has served a minimum of thirty days imprisonment:

(a) Unless as a condition of such parole or probation such person performs
at least sixty days involving at least four hundred eighty hours of community
service under the supervision of the court; or

90 (b) The offender participates in and successfully completes a program 91 established pursuant to section 478.007 or other court-ordered treatment 92 program, if available, and as part of either program, the offender performs at 93 least sixty days of community service under the supervision of the court.

94 (3) No aggravated offender shall be eligible for parole or probation until95 he or she has served a minimum of sixty days imprisonment.

96 (4) No chronic offender shall be eligible for parole or probation until he 97 or she has served a minimum of two years imprisonment. In addition to any other terms or conditions of probation, the court shall consider, as a condition of 98 99 probation for any person who pleads guilty to or is found guilty of an 100 intoxication-related traffic offense, requiring the offender to abstain from consuming or using alcohol or any products containing alcohol as demonstrated 101 102by continuous alcohol monitoring or by verifiable breath alcohol testing performed 103 a minimum of four times per day as scheduled by the court for such duration as 104 determined by the court, but not less than ninety days. The court may, in addition to imposing any other fine, costs, or assessments provided by law, 105require the offender to bear any costs associated with continuous alcohol 106 107 monitoring or verifiable breath alcohol testing.

The state, county, or municipal] A court shall find the defendant to be
a prior offender, prior boating offender, persistent offender, persistent
boating offender, aggravated offender, [or] aggravated boating offender,
chronic offender, chronic boating offender, habitual offender, or habitual
boating offender if:

(1) The indictment or information, original or amended, or the information
in lieu of an indictment pleads all essential facts warranting a finding that the
defendant is a prior offender, prior boating offender, persistent offender,
persistent boating offender, aggravated offender, aggravated boating
offender, chronic offender, chronic boating offender, habitual offender,
or habitual boating offender; and
(2) Evidence is introduced that establishes sufficient facts pleaded to

120 warrant a finding beyond a reasonable doubt the defendant is a prior offender,

prior boating offender, persistent offender, persistent boating offender,
aggravated offender, [or] aggravated boating offender, chronic offender,
chronic boating offender, habitual offender, or habitual boating
offender; and

(3) The court makes findings of fact that warrant a finding beyond a
reasonable doubt by the court that the defendant is a prior offender, prior
boating offender, persistent offender, persistent boating offender,
aggravated offender, [or] aggravated boating offender, chronic offender,
chronic boating offender, habitual offender, or habitual boating
offender.

[8.] 2. In a jury trial, the [facts] defendant's status as a prior offender, prior boating offender, persistent offender, persistent boating offender, aggravated offender, aggravated boating offender, chronic offender, chronic boating offender, habitual offender, or habitual boating offender shall be [pleaded, established and] found prior to submission to the jury outside of its hearing.

[9.] 3. In a trial without a jury or upon a plea of guilty, [the court may defer the proof in findings of such facts to a later time, but] a determination of the defendant's status as a prior offender, prior boating offender, persistent offender, persistent boating offender, aggravated offender, aggravated boating offender, chronic offender, chronic boating offender, habitual offender, or habitual boating offender may be made by the court at any time prior to sentencing.

1444. Evidence offered as proof of the defendant's status as a prior offender, prior boating offender, persistent offender, persistent boating 145offender, aggravated offender, aggravated boating offender, chronic 146147offender, chronic boating offender, habitual offender or habitual boating offender shall include but not be limited to evidence of findings 148of guilt received by a search of the records of the Missouri uniform law 149150enforcement system, including criminal history records from the 151central repository, records from the driving while intoxicated tracking system (DWITS) maintained by the Missouri state highway patrol, or 152the certified driving record maintained by the Missouri department of 153revenue. Any findings of guilt used to establish the defendant's status 154as a prior offender, prior boating offender, persistent offender, 155

persistent boating offender, aggravated offender, aggravated boating
offender, chronic offender, chronic boating offender, habitual offender
or habitual boating offender shall be prior to the date of commission of
the present offense.

160 [10.] **5.** The defendant shall be accorded full rights of confrontation and 161 cross-examination, with the opportunity to present evidence, at such hearings.

[11.] 6. The defendant may waive proof of the facts [alleged] used to
prove his or her status as a prior offender, prior boating offender,
persistent offender, persistent boating offender, aggravated offender,
aggravated boating offender, chronic offender, chronic boating
offender, habitual offender, or habitual boating offender.

167 [12. Nothing in this section shall prevent the use of presentence168 investigations or commitments.

169 13. At the sentencing hearing both the state, county, or municipality and
170 the defendant shall be permitted to present additional information bearing on the
171 issue of sentence.

172 14. The pleas or findings of guilt shall be prior to the date of commission173 of the present offense.

17415.] 7. If a court finds the defendant to be a prior offender, prior 175boating offender, persistent offender, persistent boating offender, 176aggravated offender, aggravated boating offender, chronic offender, 177chronic boating offender, habitual offender, or habitual boating 178offender, the court shall not instruct the jury as to the range of punishment or 179 allow the jury, upon a finding of guilt, to assess and declare the punishment as 180part of its verdict [in cases of prior offenders, persistent offenders, aggravated 181 offenders, or chronic offenders].

182[16. Evidence of a prior conviction, plea of guilty, or finding of guilt in an 183 intoxication-related traffic offense shall be heard and determined by the trial 184court out of the hearing of the jury prior to the submission of the case to the jury, 185and shall include but not be limited to evidence received by a search of the 186 records of the Missouri uniform law enforcement system, including criminal history records from the central repository or records from the driving while 187 188intoxicated tracking system (DWITS) maintained by the Missouri state highway 189 patrol, or the certified driving record maintained by the Missouri department of 190 revenue. After hearing the evidence, the court shall enter its findings thereon. A 191 plea of guilty or a finding of guilt followed by incarceration, a fine, a suspended

imposition of sentence, suspended execution of sentence, probation or parole or any combination thereof in any intoxication-related traffic offense in a state, county or municipal court or any combination thereof, shall be treated as a prior plea of guilty or finding of guilt for purposes of this section.]

8. At sentencing, all parties shall be permitted to present additional information bearing on the issue of the sentence. Nothing in this section shall prevent the use of presentence investigations, sentencing advisory reports, or commitments.

[306.110.] 577.024. 1. [No person shall operate any motorboat or 2 watercraft, or manipulate] A person commits the offense of unlawful use 3 of water skis and surfboards, if such person:

4 (1) Manipulates any water skis[,] or surfboard [or other waterborne 5 device] in a reckless or negligent manner so as to endanger the life or property 6 of any person[.

7 2. No person shall operate any motorboat or watercraft, or manipulate];
8 or

9 (2) Manipulates any water skis[,] or surfboard [or other waterborne
10 device] while intoxicated or under the influence of any narcotic drug, barbiturate,
11 or marijuana.

[306.111.] **577.025.** [1.] A person commits the [crime] offense of negligent operation of a vessel if when operating a vessel he or she acts with criminal negligence, as defined in subsection 5 of section 562.016, to cause physical injury to any other person or damage to the property of any other person. A person convicted of negligent operation of a vessel is guilty of a class B misdemeanor upon conviction for the first violation, guilty of a class A misdemeanor upon conviction for the second violation, and guilty of a class D felony for conviction for the third and subsequent violations.

9 [2. A person commits the crime of operating a vessel while intoxicated if 10 he or she operates a vessel on the Mississippi River, Missouri River or the lakes 11 of this state while in an intoxicated condition. Operating a vessel while 12 intoxicated is a class B misdemeanor.

3. A person commits the crime of involuntary manslaughter with a vessel
if, while in an intoxicated condition, he or she operates any vessel and, when so
operating, acts with criminal negligence to cause the death of any
person. Involuntary manslaughter with a vessel is a class C felony.

17 4. A person commits the crime of assault with a vessel in the second

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degree if, while in an intoxicated condition, he or she operates any vessel and,
when so operating, acts with criminal negligence to cause physical injury to any
other person. Assault with a vessel in the second degree is a class D felony.

5. For purposes of this section, a person is in an intoxicated condition when he or she is under the influence of alcohol, a controlled substance or drug, or any combination thereof.]

577.029. A licensed physician, registered nurse, phlebotomist, or trained $\mathbf{2}$ medical technician, acting at the request and direction of the law enforcement 3 officer, shall withdraw blood for the purpose of determining the alcohol content 4 of the blood, unless such medical personnel, in his or her good faith medical judgment, believes such procedure would endanger the life or health of the person $\mathbf{5}$ 6 in custody. Blood may be withdrawn only by such medical personnel, but such restriction shall not apply to the taking of a breath test, a saliva specimen, or a 78 urine specimen. In withdrawing blood for the purpose of determining the alcohol content thereof, only a previously unused and sterile needle and sterile vessel 9 10 shall be utilized and the withdrawal shall otherwise be in strict accord with 11 accepted medical practices. Upon the request of the person who is tested, full 12information concerning the test taken at the direction of the law enforcement 13officer shall be made available to him or her.

577.031. No person who administers any test pursuant to the provisions of sections 577.020 to 577.041 upon the request of a law enforcement officer, no hospital in or with which such person is employed or is otherwise associated or in which such test is administered, and no other person, firm, or corporation by whom or with which such person is employed or is in any way associated, shall be civilly liable in damages to the person tested unless for gross negligence [or by], willful or wanton act, or omission.

577.037. 1. Upon the trial of any person for [violation of any of the provisions of section 565.024, or section 565.060, or section 577.010 or 577.012, 2 3 or upon the trial of any criminal action] any criminal offense or violations of county or municipal ordinances, or in any license suspension or revocation 4 5proceeding pursuant to the provisions of chapter 302, arising out of acts alleged 6 to have been committed by any person while [driving] operating a motor vehicle, vessel, or aircraft, or acting as a flight crew member of any aircraft, 7 while in an intoxicated condition or with an excessive blood alcohol 8 content, the amount of alcohol in the person's blood at the time of the act 9 [alleged], as shown by any chemical analysis of the person's blood, breath, saliva, 10

or urine, is admissible in evidence and the provisions of subdivision (5) of section 491.060 shall not prevent the admissibility or introduction of such evidence if otherwise admissible. [If there was eight-hundredths of one percent or more by weight of alcohol in the person's blood, this shall be prima facie evidence that the person was intoxicated at the time the specimen was taken.]

16 2. If a chemical analysis of the defendant's breath, blood, saliva, or urine demonstrates there was eight-hundredths of one percent or 1718 more by weight of alcohol in the person's blood, this shall be prima 19 facie evidence that the person was intoxicated at the time the specimen was taken. If a chemical analysis of the defendant's breath, blood, 2021saliva, or urine demonstrates that there was less than eight-hundredths of one percent of alcohol in the defendant's blood, any charge alleging 2223a criminal offense related to the operation of a vehicle, vessel, or 24aircraft while in an intoxicated condition or with an excessive blood 25alcohol content shall be dismissed with prejudice unless one or more 26of the following considerations cause the court to find a dismissal unwarranted: 27

(1) There is evidence that the chemical analysis is unreliable as
evidence of the defendant's intoxication at the time of the alleged
violation due to the lapse of time between the alleged violation and the
obtaining of the specimen;

(2) There is evidence that the defendant was under the influence
of a controlled substance, or drug, or a combination of either or both
with or without alcohol; or

35 (3) There is substantial evidence of intoxication from physical
36 observations of witnesses or admissions of the defendant.

37 3. Percent by weight of alcohol in the blood shall be based upon grams of
38 alcohol per one hundred milliliters of blood or grams of alcohol per two hundred
39 ten liters of breath.

40 [3.] 4. The foregoing provisions of this section shall not be construed as 41 limiting the introduction of any other competent evidence bearing upon the 42 question of whether the person was intoxicated.

[4.] 5. A chemical analysis of a person's breath, blood, saliva or urine, in
order to give rise to the presumption or to have the effect provided for in
subsection [1] 2 of this section, shall have been performed as provided in sections
577.020 to 577.041 and in accordance with methods and standards approved by

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47 the state department of health and senior services.

48 5. Any charge alleging a violation of section 577.010 or 577.012 or any 49 county or municipal ordinance prohibiting driving while intoxicated or driving 50under the influence of alcohol shall be dismissed with prejudice if a chemical analysis of the defendant's breath, blood, saliva, or urine performed in accordance 5152with sections 577.020 to 577.041 and rules promulgated thereunder by the state department of health and senior services demonstrate that there was less than 5354eight-hundredths of one percent of alcohol in the defendant's blood unless one or 55more of the following considerations cause the court to find a dismissal 56 unwarranted:

57 (1) There is evidence that the chemical analysis is unreliable as evidence 58 of the defendant's intoxication at the time of the alleged violation due to the lapse 59 of time between the alleged violation and the obtaining of the specimen;

60 (2) There is evidence that the defendant was under the influence of a 61 controlled substance, or drug, or a combination of either or both with or without 62 alcohol; or

63 (3) There is substantial evidence of intoxication from physical64 observations of witnesses or admissions of the defendant.]

577.041. 1. If a person [under arrest, or who has been stopped pursuant to] detained, stopped, or arrested under subdivision [(2) or] (3) or (4) of subsection 1 of section 577.020, refuses upon the request of the officer to submit to any test allowed pursuant to section 577.020, then evidence of the refusal shall be admissible in [a] any proceeding [pursuant to section 565.024, 565.060, or 565.082, or section 577.010 or 577.012] related to the acts resulting in such detention, stop, or arrest.

8 2. The request of the officer to submit to any chemical test shall 9 include the reasons of the officer for requesting the person to submit to a test and 10 also shall inform the person that evidence of refusal to take the test may be used 11 against such person [and that the person's]. If such person was operating a 12 vehicle prior to such detention, stop, or arrest, he or she shall further 13 be informed that his or her license shall be immediately revoked upon refusal 14 to take the test.

15 3. If a person when requested to submit to any test allowed pursuant to 16 section 577.020 requests to speak to an attorney, the person shall be granted 17 twenty minutes in which to attempt to contact an attorney. If, upon the 18 completion of the twenty-minute period the person continues to refuse to submit 19 to any test, it shall be deemed a refusal. [In this event, the officer shall, on 20 behalf of the director of revenue, serve the notice of license revocation personally 21 upon the person and shall take possession of any license to operate a motor 22 vehicle issued by this state which is held by that person. The officer shall issue 23 a temporary permit, on behalf of the director of revenue, which is valid for fifteen 24 days and shall also give the person a notice of such person's right to file a 25 petition for review to contest the license revocation.

26 2. The officer shall make a certified report under penalties of perjury for 27 making a false statement to a public official. The report shall be forwarded to the 28 director of revenue and shall include the following:

29 (1) That the officer has:

30 (a) Reasonable grounds to believe that the arrested person was driving a
31 motor vehicle while in an intoxicated or drugged condition; or

32 (b) Reasonable grounds to believe that the person stopped, being under
33 the age of twenty-one years, was driving a motor vehicle with a blood alcohol
34 content of two-hundredths of one percent or more by weight; or

35 (c) Reasonable grounds to believe that the person stopped, being under the 36 age of twenty-one years, was committing a violation of the traffic laws of the 37 state, or political subdivision of the state, and such officer has reasonable grounds 38 to believe, after making such stop, that the person had a blood alcohol content of 39 two-hundredths of one percent or greater;

40 (2) That the person refused to submit to a chemical test;

41 (3) Whether the officer secured the license to operate a motor vehicle of42 the person;

43 (4) Whether the officer issued a fifteen-day temporary permit;

44 (5) Copies of the notice of revocation, the fifteen-day temporary permit
45 and the notice of the right to file a petition for review, which notices and permit
46 may be combined in one document; and

47 (6) Any license to operate a motor vehicle which the officer has taken into48 possession.

3. Upon receipt of the officer's report, the director shall revoke the license of the person refusing to take the test for a period of one year; or if the person is a nonresident, such person's operating permit or privilege shall be revoked for one year; or if the person is a resident without a license or permit to operate a motor vehicle in this state, an order shall be issued denying the person the issuance of a license or permit for a period of one year. 554. If a person's license has been revoked because of the person's refusal 56to submit to a chemical test, such person may petition for a hearing before a circuit division or associate division of the court in the county in which the arrest 57 58or stop occurred. The person may request such court to issue an order staying the revocation until such time as the petition for review can be heard. If the 5960 court, in its discretion, grants such stay, it shall enter the order upon a form prescribed by the director of revenue and shall send a copy of such order to the 61 62director. Such order shall serve as proof of the privilege to operate a motor 63 vehicle in this state and the director shall maintain possession of the person's 64 license to operate a motor vehicle until termination of any revocation pursuant to this section. Upon the person's request the clerk of the court shall notify the 65 66 prosecuting attorney of the county and the prosecutor shall appear at the hearing 67 on behalf of the director of revenue. At the hearing the court shall determine 68 only:

69

(1) Whether or not the person was arrested or stopped;

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(2) Whether or not the officer had:

(a) Reasonable grounds to believe that the person was driving a motorvehicle while in an intoxicated or drugged condition; or

(b) Reasonable grounds to believe that the person stopped, being under
the age of twenty-one years, was driving a motor vehicle with a blood alcohol
content of two-hundredths of one percent or more by weight; or

(c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was committing a violation of the traffic laws of the state, or political subdivision of the state, and such officer had reasonable grounds to believe, after making such stop, that the person had a blood alcohol content of two-hundredths of one percent or greater; and

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(3) Whether or not the person refused to submit to the test.

5. If the court determines any issue not to be in the affirmative, the court shall order the director to reinstate the license or permit to drive.

6. Requests for review as provided in this section shall go to the head of the docket of the court wherein filed.

7. No person who has had a license to operate a motor vehicle suspended or revoked pursuant to the provisions of this section shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 577.001, or a program determined to be comparable by the department of mental health or the

91 court. Assignment recommendations, based upon the needs assessment as 92 described in subdivision (24) of section 302.010, shall be delivered in writing to 93 the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the 94 recommendations. The person may file a motion in the associate division of the 95 96 circuit court of the county in which such assignment was given, on a printed form provided by the state courts administrator, to have the court hear and determine 97 98 such motion pursuant to the provisions of chapter 517. The motion shall name 99 the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by 100 law. Upon hearing the motion, the court may modify or waive any assignment 101 recommendation that the court determines to be unwarranted based upon a 102103 review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a like 104 105 offense in the future, except that the court may modify but may not waive the 106 assignment to an education or rehabilitation program of a person determined to 107 be a prior or persistent offender as defined in section 577.023, or of a person 108 determined to have operated a motor vehicle with fifteen-hundredths of one 109percent or more by weight in such person's blood. Compliance with the court determination of the motion shall satisfy the provisions of this section for the 110 111 purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this 112subsection shall not be necessary unless directed by the court. 113

1148. The fees for the substance abuse traffic offender program, or a portion 115thereof to be determined by the division of alcohol and drug abuse of the 116 department of mental health, shall be paid by the person enrolled in the 117program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee to be determined by the 118 119 department of mental health for the purposes of funding the substance abuse 120 traffic offender program defined in section 302.010 and section 577.001. The administrator of the program shall remit to the division of alcohol and drug abuse 121122of the department of mental health on or before the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less two percent for 123124administrative costs. Interest shall be charged on any unpaid balance of the 125supplemental fees due the division of alcohol and drug abuse pursuant to this 126section and shall accrue at a rate not to exceed the annual rates established 127 pursuant to the provisions of section 32.065, plus three percentage points. The 128 supplemental fees and any interest received by the department of mental health 129 pursuant to this section shall be deposited in the mental health earnings fund 130 which is created in section 630.053.

131 9. Any administrator who fails to remit to the division of alcohol and drug 132abuse of the department of mental health the supplemental fees and interest for 133 all persons enrolled in the program pursuant to this section shall be subject to a 134penalty equal to the amount of interest accrued on the supplemental fees due the 135division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of 136 mental health within six months of the due date, the attorney general of the state 137of Missouri shall initiate appropriate action of the collection of said fees and 138139interest accrued. The court shall assess attorney fees and court costs against any 140delinquent program.

141 10. Any person who has had a license to operate a motor vehicle revoked 142under this section and who has a prior alcohol-related enforcement contact, as 143defined in section 302.525, shall be required to file proof with the director of 144 revenue that any motor vehicle operated by the person is equipped with a 145functioning, certified ignition interlock device as a required condition of license reinstatement. Such ignition interlock device shall further be required to be 146 147maintained on all motor vehicles operated by the person for a period of not less than six months immediately following the date of reinstatement. If the monthly 148 149monitoring reports show that the ignition interlock device has registered any 150confirmed blood alcohol concentration readings above the alcohol setpoint 151established by the department of transportation or that the person has tampered 152with or circumvented the ignition interlock device, then the period for which the 153person must maintain the ignition interlock device following the date of 154reinstatement shall be extended for an additional six months. If the person fails 155to maintain such proof with the director as required by this section, the license shall be rerevoked and the person shall be guilty of a class A misdemeanor. 156

157 11. The revocation period of any person whose license and driving 158 privilege has been revoked under this section and who has filed proof of financial 159 responsibility with the department of revenue in accordance with chapter 303 and 160 is otherwise eligible, shall be terminated by a notice from the director of revenue 161 after one year from the effective date of the revocation. Unless proof of financial 162 responsibility is filed with the department of revenue, the revocation shall remain

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in effect for a period of two years from its effective date. If the person fails to
maintain proof of financial responsibility in accordance with chapter 303, the
person's license and driving privilege shall be rerevoked and the person shall be
guilty of a class A misdemeanor.]

[577.041. 1. If a person under arrest, or who has been $\mathbf{2}$ stopped pursuant to subdivision (2) or (3) of subsection 1 of section 3 577.020, refuses upon the request of the officer to submit to any 4 test allowed pursuant to section 577.020, then evidence of the 5refusal shall be admissible in a proceeding pursuant to section 565.024, 565.060, or 565.082, or section 577.010 or 577.012. The 6 request of the officer shall include the reasons of the officer for 78 requesting the person to submit to a test and also shall inform the 9 person that evidence of refusal to take the test may be used against 10 such person and that the person's license shall be immediately revoked upon refusal to take the test. If a person when requested 11 12to submit to any test allowed pursuant to section 577.020 requests 13 to speak to an attorney, the person shall be granted twenty 14minutes in which to attempt to contact an attorney. If upon the 15completion of the twenty-minute period the person continues to refuse to submit to any test, it shall be deemed a refusal. In this 16 17event, the officer shall, on behalf of the director of revenue, serve the notice of license revocation personally upon the person and 18 19shall take possession of any license to operate a motor vehicle 20issued by this state which is held by that person. The officer shall 21issue a temporary permit, on behalf of the director of revenue, 22which is valid for fifteen days and shall also give the person a 23notice of such person's right to file a petition for review to contest 24the license revocation.

25 2. The officer shall make a certified report under penalties 26 of perjury for making a false statement to a public official. The 27 report shall be forwarded to the director of revenue and shall 28 include the following:

(1) That the officer has:

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30 (a) Reasonable grounds to believe that the arrested person
31 was driving a motor vehicle while in an intoxicated or drugged
32 condition; or

33 (b) Reasonable grounds to believe that the person stopped, 34being under the age of twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one 35 36 percent or more by weight; or

37 (c) Reasonable grounds to believe that the person stopped, 38 being under the age of twenty-one years, was committing a 39 violation of the traffic laws of the state, or political subdivision of 40 the state, and such officer has reasonable grounds to believe, after 41 making such stop, that the person had a blood alcohol content of 42two-hundredths of one percent or greater;

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(2) That the person refused to submit to a chemical test;

44 (3) Whether the officer secured the license to operate a 45motor vehicle of the person;

46 (4) Whether the officer issued a fifteen-day temporary 47permit;

48 (5) Copies of the notice of revocation, the fifteen-day 49 temporary permit and the notice of the right to file a petition for 50review, which notices and permit may be combined in one 51document; and

52(6) Any license to operate a motor vehicle which the officer 53has taken into possession.

3. Upon receipt of the officer's report, the director shall 5455revoke the license of the person refusing to take the test for a 56period of one year; or if the person is a nonresident, such person's 57operating permit or privilege shall be revoked for one year; or if the 58person is a resident without a license or permit to operate a motor 59vehicle in this state, an order shall be issued denying the person 60 the issuance of a license or permit for a period of one year.

61 4. If a person's license has been revoked because of the 62 person's refusal to submit to a chemical test, such person may 63 petition for a hearing before a circuit division or associate division 64 of the court in the county in which the arrest or stop occurred. The person may request such court to issue an order staying the 65 66 revocation until such time as the petition for review can be heard. 67 If the court, in its discretion, grants such stay, it shall enter the 68 order upon a form prescribed by the director of revenue and shall

69 send a copy of such order to the director. Such order shall serve as 70 proof of the privilege to operate a motor vehicle in this state and 71the director shall maintain possession of the person's license to 72operate a motor vehicle until termination of any revocation 73pursuant to this section. Upon the person's request the clerk of the 74court shall notify the prosecuting attorney of the county and the 75prosecutor shall appear at the hearing on behalf of the director of 76revenue. At the hearing the court shall determine only: 77(1) Whether or not the person was arrested or stopped; 78(2) Whether or not the officer had: (a) Reasonable grounds to believe that the person was 7980 driving a motor vehicle while in an intoxicated or drugged 81 condition; or 82 (b) Reasonable grounds to believe that the person stopped, 83 being under the age of twenty-one years, was driving a motor 84 vehicle with a blood alcohol content of two-hundredths of one 85 percent or more by weight; or 86 (c) Reasonable grounds to believe that the person stopped, 87 being under the age of twenty-one years, was committing a violation of the traffic laws of the state, or political subdivision of 88 89 the state, and such officer had reasonable grounds to believe, after 90 making such stop, that the person had a blood alcohol content of 91 two-hundredths of one percent or greater; and 92 (3) Whether or not the person refused to submit to the test. 93 5. If the court determines any issue not to be in the 94 affirmative, the court shall order the director to reinstate the 95 license or permit to drive. 96 6. Requests for review as provided in this section shall go 97 to the head of the docket of the court wherein filed. 7. No person who has had a license to operate a motor 98 99 vehicle suspended or revoked pursuant to the provisions of this 100 section shall have that license reinstated until such person has 101participated in and successfully completed a substance abuse traffic 102 offender program defined in section 577.001, or a program 103 determined to be comparable by the department of mental health

104 or the court. Assignment recommendations, based upon the needs

105assessment as described in subdivision (23) of section 302.010, 106 shall be delivered in writing to the person with written notice that 107 the person is entitled to have such assignment recommendations 108 reviewed by the court if the person objects to the 109 recommendations. The person may file a motion in the associate 110 division of the circuit court of the county in which such assignment 111 was given, on a printed form provided by the state courts 112 administrator, to have the court hear and determine such motion 113 pursuant to the provisions of chapter 517. The motion shall name the person or entity making the needs assessment as the 114 respondent and a copy of the motion shall be served upon the 115respondent in any manner allowed by law. Upon hearing the 116 motion, the court may modify or waive any assignment 117 recommendation that the court determines to be unwarranted 118 based upon a review of the needs assessment, the person's driving 119 record, the circumstances surrounding the offense, and the 120 121 likelihood of the person committing a like offense in the future, 122 except that the court may modify but may not waive the 123assignment to an education or rehabilitation program of a person 124determined to be a prior or persistent offender as defined in section 577.023, or of a person determined to have operated a motor vehicle 125126 with fifteen-hundredths of one percent or more by weight in such 127person's blood. Compliance with the court determination of the 128motion shall satisfy the provisions of this section for the purpose 129of reinstating such person's license to operate a motor vehicle. The 130 respondent's personal appearance at any hearing conducted 131 pursuant to this subsection shall not be necessary unless directed 132 by the court.

133 8. The fees for the substance abuse traffic offender program, 134or a portion thereof to be determined by the division of alcohol and drug abuse of the department of mental health, shall be paid by the 135person enrolled in the program. Any person who is enrolled in the 136 137 program shall pay, in addition to any fee charged for the program, 138 a supplemental fee to be determined by the department of mental 139 health for the purposes of funding the substance abuse traffic offender program defined in section 302.010 and section 140

141 577.001. The administrator of the program shall remit to the 142division of alcohol and drug abuse of the department of mental health on or before the fifteenth day of each month the 143supplemental fee for all persons enrolled in the program, less two 144percent for administrative costs. Interest shall be charged on any 145146 unpaid balance of the supplemental fees due the division of alcohol 147 and drug abuse pursuant to this section and shall accrue at a rate 148not to exceed the annual rates established pursuant to the 149 provisions of section 32.065, plus three percentage points. The supplemental fees and any interest received by the department of 150mental health pursuant to this section shall be deposited in the 151mental health earnings fund which is created in section 630.053. 152

1539. Any administrator who fails to remit to the division of 154alcohol and drug abuse of the department of mental health the 155supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal 156157to the amount of interest accrued on the supplemental fees due the 158division pursuant to this section. If the supplemental fees, 159interest, and penalties are not remitted to the division of alcohol 160 and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of 161 162 Missouri shall initiate appropriate action of the collection of said 163 fees and interest accrued. The court shall assess attorney fees and 164 court costs against any delinquent program.

16510. Any person who has had a license to operate a motor 166 vehicle revoked more than once for violation of the provisions of 167this section shall be required to file proof with the director of 168 revenue that any motor vehicle operated by the person is equipped 169with a functioning, certified ignition interlock device as a required 170 condition of license reinstatement. Such ignition interlock device 171shall further be required to be maintained on all motor vehicles 172operated by the person for a period of not less than six months 173immediately following the date of reinstatement. If the person fails 174to maintain such proof with the director as required by this section, 175the license shall be rerevoked and the person shall be guilty of a class A misdemeanor. 176

17711. The revocation period of any person whose license and 178driving privilege has been revoked under this section and who has 179filed proof of financial responsibility with the department of revenue in accordance with chapter 303 and is otherwise eligible, 180 181 shall be terminated by a notice from the director of revenue after 182 one year from the effective date of the revocation. Unless proof of 183 financial responsibility is filed with the department of revenue, the 184 revocation shall remain in effect for a period of two years from its 185 effective date. If the person fails to maintain proof of financial 186 responsibility in accordance with chapter 303, the person's license and driving privilege shall be rerevoked and the person shall be 187 188 guilty of a class A misdemeanor.]

577.060. 1. A person commits the [crime] offense of leaving the scene of 2 [a motor vehicle] an accident when:

3 (1) Being the operator [or driver] of a vehicle [on the highway or on any 4 publicly or privately owned parking lot or parking facility generally open for use 5 by the public and knowing that an injury has been caused to a person or damage 6 has been caused to property, due to his culpability or to accident,] or a vessel 7 involved in an accident resulting in injury or death or damage to 8 property of another person; and

9 (2) Having knowledge of such accident he or she leaves the place 10 of the injury, damage or accident without stopping and giving [his name, 11 residence, including city and street number, motor vehicle number and driver's 12 license number, if any,] the following information to the [injured] other 13 party or to a [police] law enforcement officer, or if no [police] law 14 enforcement officer is in the vicinity, then to the nearest [police station or 15 judicial officer] law enforcement agency:

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(a) His or her name;

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

18 (c) The registration or license number for his or her vehicle or19 vessel; and

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

21 2. For the purposes of this section, all [peace] **law enforcement** officers 22 shall have jurisdiction, when invited by an injured person, to enter the premises 23 of any privately owned [parking lot or parking facility] **property** for the purpose 24 of investigating an accident and performing all necessary duties regarding such

25 accident.

3. The offense of leaving the scene of [a motor vehicle] an accident is
[a class A misdemeanor, except that it shall be a class D felony if the accident
resulted in:

29 (1) Physical injury to another party; or

30 (2) Property damage in excess of one thousand dollars; or

31 (3) If the defendant has previously pled guilty to or been found guilty of32 a violation of this section]:

33 (1) A class A misdemeanor; or

34 (2) A class D felony if:

35 (a) Physical injury was caused to another party; or

36 (b) Damage in excess of one thousand dollars was caused to the
 37 property of another person; or

(c) The defendant has previously been found guilty of any offense
committed in another jurisdiction which, if committed in this state,
would be a violation of an offense in this section.

41 4. A law enforcement officer who investigates or receives 42 information of an accident involving an all-terrain vehicle and also 43 involving the loss of life or serious physical injury shall make a written 44 report of the investigation or information received and such additional 45 facts relating to the accident as may come to his or her knowledge, mail 46 the information to the department of public safety, and keep a record 47 thereof in his or her office.

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

577.068. 1. A person commits the [crime] offense of [leaving the scene 2 of] failure to report a shooting when [,]:

3 (1) Being in possession of a firearm or projectile weapon as defined in 4 section 571.010, [such person] he or she discharges such firearm or projectile 5 weapon and causes injury or death to another person [and such person,]; and

6 (2) Knowing that he or she has caused such injury or death, [leaves the 7 place of the shooting without giving his name, address, and driver's license 8 number, if applicable,] fails to report such shooting to a law enforcement 9 officer. If no such officer is in the vicinity where the shooting occurs, the person 10 must provide such information to the nearest [police station or] law enforcement

11 [officer. A person is not in violation of this section if he leaves the scene of a 12 shooting in order to obtain medical assistance or contact law enforcement 13 authorities to notify them of the shooting, so long as such person returns to the 14 scene of the shooting or otherwise provides the information required by this 15 section to a law enforcement officer within a reasonable time after the shooting] 16 **agency**.

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2. Failure to report a shooting is:

(1) A class A misdemeanor; or

(2) A class D felony if the person has previously been found
guilty of a violation of this section or any offense committed in another
jurisdiction which, if committed in this state, would be a violation of an
offense described in this section.

3. A person is not in violation of this section if he or she fails to report a shooting in order to obtain medical assistance or contact law enforcement authorities to notify them of the shooting, so long as such person returns to the scene of the shooting or otherwise reports the shooting as provided herein within a reasonable time after the shooting.

[2.] 4. All [peace] law enforcement officers and reserve [peace] law enforcement officers [certified under the provisions of chapter 590] shall have authority to investigate shootings and arrest a person who violates subsection 1 of this section, except that conservation agents may enforce such provisions as to hunting related shootings. For the purpose of this section, a "hunting-related shooting" shall be defined as any shooting in which a person is injured as a result of hunting activity that involves the discharge of a hunting weapon.

[3. Leaving the scene of a shooting is a class A misdemeanor, except that
it is a class D felony if the person has previously pled guilty to or been found
guilty of a violation of this section.]

577.070. 1. A person commits the [crime] offense of littering if he [throws or] or she places, deposits, or causes to be [thrown or] placed or deposited, any glass, glass bottles, wire, nails, tacks, hedge, cans, garbage, trash, refuse, or rubbish of any kind, nature or description on the right-of-way of any public road or state highway or on or in any of the waters in this state or on the banks of any stream, or on any land or water owned, operated or leased by the state, any board, department, agency or commission thereof or on any land or water owned, operated or leased by the federal government or on any private

9 real property owned by another without [his] the owner's consent.

10 2. The offense of littering is a class [A] C misdemeanor unless:

(1) Such littering creates a substantial risk of physical injury orproperty damage to another; or

(2) The person has been found guilty of a violation of this section
or an offense committed in another jurisdiction which, if committed in
this state, would be a violation under this section, in which case it is a
class A misdemeanor.

577.076. 1. [If any] A person [or persons shall put any dead animal, 2 carcass or part thereof, the offal or any other filth] commits the offense of 3 unlawful disposition of a dead animal if he or she knowingly places or 4 causes to be placed the carcass or offal of any dead animal:

5 (1) Into any well, spring, brook, branch, creek, pond, or lake[, every 6 person so offending shall, on conviction thereof, be fined not less than twenty-five 7 nor more than five hundred dollars.

8 2. If any person shall remove, or cause to be removed and placed in or 9 near any]; or

10 (2) On any public road or highway, river, stream, or watercourse or upon premises not his or her own[, or in any river, stream or watercourse any 11 12dead animal, carcass or part thereof, or other nuisance, to the annoyance of the citizens of this state, or any of them, every person so offending shall, upon 13conviction thereof, be fined for every offense not less than twenty-five dollars nor 14 more than five hundred dollars, and if such nuisance be not removed within three 15days thereafter, it shall be deemed a second offense against the provisions of this 16 section] for the purpose of annoying another or others. 17

2. The offense of unlawful disposition of a dead animal is a class
 C misdemeanor.

[569.072.] **577.078.** 1. A person commits the [crime] **offense** of criminal 2 water contamination if such person knowingly introduces any dangerous 3 radiological, chemical or biological agent or substance into any public or private 4 waters of the state or any water supply with the purpose of causing death or 5 serious physical injury to another person.

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2. The offense of criminal water contamination is a class B felony.

577.080. 1. A person commits the [crime] offense of abandoning a 2 [motor] vehicle, vessel, or trailer if he or she knowingly abandons any motor 3 vehicle, vessel, or trailer on: $\mathbf{5}$

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4 (1) The right-of-way of any public road or state highway [or];

(2) On or in any of the waters in this state [or];

(3) On the banks of any stream[, or];

7 (4) On any land or water owned, operated or leased by the state, any
8 board, department, agency or commission thereof, or any political subdivision
9 thereof [or];

10 (5) On any land or water owned, operated or leased by the federal 11 government; or

(6) On any private real property owned by another without his or herconsent.

2. For purposes of this section, the last owner of record of a [motor] 1415vehicle, vessel, or trailer found abandoned and not shown to be transferred pursuant to sections 301.196 and 301.197 shall be deemed prima facie [to have 1617 been the owner] evidence of ownership of such [motor] vehicle, vessel, or trailer at the time it was abandoned and [to have been] the person who 18 19 abandoned the [motor] vehicle, vessel, or trailer or caused or procured its 20abandonment. The registered owner of the abandoned [motor] vehicle, vessel, or trailer shall not be subject to the penalties provided by this section if the [motor] 2122vehicle, vessel, or trailer was in the care, custody, or control of another person at the time of the violation. In such instance, the owner shall submit such evidence 2324in an affidavit permitted by the court setting forth the name, address, and other pertinent information of the person who leased, rented, or otherwise had care, 2526custody, or control of the [motor] vehicle, vessel, or trailer at the time of the 27alleged violation. The affidavit submitted pursuant to this subsection shall be 28admissible in a court proceeding adjudicating the alleged violation and shall raise 29a rebuttable presumption that the person identified in the affidavit was in actual control of the [motor] vehicle, vessel, or trailer. In such case, the court has the 30 authority to terminate the prosecution of the summons issued to the owner and 31 32issue a summons to the person identified in the affidavit as the operator. If the [motor] vehicle, vessel, or trailer is alleged to have been stolen, the owner of the 33 [motor] vehicle, vessel, or trailer shall submit proof that a police report was filed 3435 in a timely manner indicating that the vehicle or vessel was stolen at the time of the alleged violation. 36

37 3. The offense of abandoning a [motor] vehicle, vessel, or trailer is a
38 class A misdemeanor.



4. Any person convicted pursuant to this section shall be civilly liable for

all reasonable towing, storage, and administrative costs associated with the 40 41 abandonment of the [motor] vehicle, vessel, or trailer. Any reasonable towing, 42storage, and administrative costs in excess of the value of the abandoned [motor] 43 vehicle, vessel, or trailer that exist at the time the [motor vehicle or vessel] **property** is transferred pursuant to section 304.156 shall remain the liability of 44 the person convicted pursuant to this section so long as the towing company, as 45defined in chapter 304, provided the title owner and lienholders, as ascertained 46 47by the department of revenue records, a notice within the time frame and in the form as described in subsection 1 of section 304.156. 48

577.100. 1. A person commits the [crime] offense of abandonment of an airtight [icebox] or semiairtight container if he or she knowingly abandons, $\mathbf{2}$ 3 discards, or [knowingly] permits to remain on premises under his or her control, in a place accessible to children, any abandoned or discarded icebox, refrigerator, 4 or other airtight or semiairtight container which has a capacity of one and 5one-half cubic feet or more and an opening of fifty square inches or more and 6 7 which has a door or lid equipped with hinge, latch or other fastening device capable of securing such door or lid, without rendering such equipment harmless 8 to human life by removing such hinges, latches or other hardware which may 9 cause a person to be confined therein. 10

Subsection 1 of this section does not apply to an icebox, refrigerator or
 other airtight or semiairtight container located in that part of a building occupied
 by a dealer, [warehouseman or repairman] warehouse operator, or repair
 person.

15 3. The defendant shall have the burden of injecting the issue under16 subsection 2 of this section.

The offense of abandonment of an airtight [icebox] or semiairtight
 container is a class B misdemeanor.

577.150. [Whoever willfully or maliciously] **1.** A person commits the 2 offense of tampering with a water supply if he or she purposely:

3 (1) Poisons, defiles or in any way corrupts the water of a well, spring,
4 brook or reservoir used for domestic or municipal purposes[, or whoever willfully
5 or maliciously]; or

6 (2) Diverts, dams up and holds back from its natural course and flow any 7 spring, brook or other water supply for domestic or municipal purposes, after said 8 water supply shall have once been taken for use by any person or persons, 9 corporation, town or city for their use[, shall be adjudged guilty of a 10 misdemeanor, and punished by a fine not less than fifty nor more than five 11 hundred dollars, or by imprisonment in the county jail not exceeding one year, or 12 by both such fine and imprisonment, and shall be liable to the party injured for 13 three times the actual damage sustained, to be recovered by suit at law].

14 2. The offense of tampering with a water supply is a class A15 misdemeanor.

577.155. 1. [No] A person, firm, corporation or political subdivision [shall construct or use any waste disposal well located in this state] commits the offense of construction or use of a waste disposal well if such person, firm, corporation, or political subdivision knowingly constructs or uses a waste disposal well.

6 2. As used in this section,"waste disposal well" [shall mean] means any 7 subsurface void porous formation or cavity, natural or artificial, used for the 8 disposal of liquid or semi-aqueous waste except as excluded in subsection 3 of this 9 section.

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3. "Waste disposal well" shall not include:

11 (1) Sanitary landfills or surface mining pits used for the disposal of 12 nonputrescible solid wastes as defined in section 64.460;

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(2) Cesspools used solely for disposal of waste from private residences; or

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4. It shall not be a violation of this section to:

(3) Septic tanks used solely for disposal of waste.

16 (1) Inject or return fluids into subsurface formations in connection with 17 oil or gas operations regulated by the state oil and gas council pursuant to 18 chapter 259;

19 (2) Inject or return water into subsurface formations pursuant to chapter
20 644 and section 192.020 in connection with the following instances:

(a) Any groundwater heat pump injection/withdrawal well that is limited
to a single family residence;

(b) Any groundwater heat pump injection/withdrawal well that is limited
to eight or less single family residences as long as the combined
injection/withdrawal rate is less than six hundred thousand British Thermal
Units per hour;

(c) All other uses of groundwater heat pump injection/withdrawal wells
shall be subject to a permitting procedure as established and regulated by the
clean water commission; or

0 (3) Backfill cavities as an integral part of the mining operation with

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31 aggregate or other material obtained from that operation to either reduce 32 accumulation of waste on the surface or to provide additional ground support in 33 the mined-out areas or to inundate such cavities with water devoid of toxic liquid 34 wastes, but the person, firm, or corporation who so backfills may not do so 35 without the consent of the owner of the property to be backfilled.

5. [Any person, firm, or corporation who violates any provision of this section is guilty of a misdemeanor and, upon conviction, shall be punished as provided by law] **The offense of construction or use of a waste disposal well is a class A misdemeanor**. Each day of violation constitutes a separate offense.

577.161. 1. [No] A person [shall prohibit] commits the offense of prohibiting the use of a life jacket if he or she knowingly disallows the use of a life jacket in a swimming pool by any individual who, as evidenced by a statement signed by a licensed physician, suffers from a physical disability or condition which necessitates the use of such life jacket.

6 2. [Any person violating subsection 1 of this section shall be guilty of] As
7 used in this section the following terms mean:

(1) "Swimming pool", any artificial basin of water which is 8 9 modified, improved, constructed or installed for the purpose of public swimming, and includes: pools for community use, pools at apartments, 10 condominiums, and other groups of associations having five or more 11 living units, clubs, churches, camps, schools, institutions, Y.M.C.A. and 12Y.W.C.A. parks, recreational areas, motels, hotels, and other commercial 13 establishments. It does not include pools at private residences intended 14 15only for the use of the owner or guests;

(2) "Person", any individual, group of individuals, association,
trust, partnership, corporation, person doing business under an
assumed name, county, municipality, the state of Missouri or any
political subdivision or department thereof, or any other entity;

(3) "Life jacket", a life jacket, life vest, or any other flotation
device designed to be worn about the body to assist in maintaining
buoyancy in water.

3. The offense of prohibiting the use of a life jacket is a class C
misdemeanor.

[568.052.] **577.300.** 1. As used in this section, the following terms mean:

 $\mathbf{2}$

(1) "Collision", the act of a motor vehicle coming into contact with an

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3 object or a person;

(2) ["Injury",] "Injures", to cause physical harm to the body of a person;

5 (3) "Motor vehicle", any automobile, truck, truck-tractor, or any motor bus
6 or motor-propelled vehicle not exclusively operated or driven on fixed rails or
7 tracks;

8 (4) "Unattended", not accompanied by an individual fourteen years of age9 or older.

2. A person commits the [crime] offense of leaving a child unattended in a motor vehicle in the first degree if such person knowingly leaves a child [ten years of age or] less than eleven years of age unattended in a motor vehicle and such child fatally injures another person by causing a motor vehicle collision or by causing the motor vehicle to fatally injure a pedestrian. [Such person shall be guilty of]

3. Leaving a child unattended in a motor vehicle in the first
degree is a class C felony and, notwithstanding section 558.011 to the
contrary, the authorized term of imprisonment is a term of years of not
less than three years and not to exceed ten years.

[3.] 4. A person commits the [crime] offense of leaving a child unattended in a motor vehicle in the second degree if such person knowingly leaves a child [ten years of age or] less than eleven years of age unattended in a motor vehicle and such child injures another person by causing a motor vehicle collision or by causing the motor vehicle to injure a pedestrian. [Such person shall be guilty of]

5. The offense of leaving a child unattended in a motor vehicle
in the second degree is a class A misdemeanor.

577.599. 1. A person commits the offense of failure to comply 2 with ignition interlock device requirements if he or she knowingly 3 operates a motor vehicle that is not equipped with a functioning 4 certified ignition interlock device in violation of a court, or department 5 of revenue, order to use such a device.

6 2. The offense of failure to comply with ignition interlock device 7 requirements is a class A misdemeanor.

577.600. 1. [In addition to any other provisions of law, a court may 2 require that any person who is found guilty of or pleads guilty to a first 3 intoxication-related traffic offense, as defined in section 577.023, and a court shall 4 require that any person who is found guilty of or pleads guilty to a second or

subsequent intoxication-related traffic offense, as defined in section 577.023, shall 5 6 not operate any motor vehicle unless that vehicle is equipped with a functioning, certified ignition interlock device for a period of not less than six months from the 7 8 date of reinstatement of the person's driver's license. In addition, any court authorized to grant a limited driving privilege under section 302.309 to any 9 10 person who is found guilty of or pleads guilty to a second or subsequent intoxication-related traffic offense shall require the use of an ignition interlock 11 12device on all vehicles operated by the person as a required condition of the limited driving privilege. These requirements shall be in addition to any other 1314 provisions of this chapter or chapter 302 requiring installation and maintenance of an ignition interlock device. Any person required to use an ignition interlock 1516 device, either under the provisions of this chapter or chapter 302, shall comply 17with such requirement subject to the penalties provided by this section.

18 2. No] A person [shall knowingly rent, lease or lend a motor] commits the offense of renting, leasing, or lending a vehicle to a person [known to 19 20have had that person's driving privilege restricted as provided in subsection 1 of 21this section,] required to comply with ignition interlock requirements if he or she knowingly rents, leases, or lends a vehicle to a person 2223required to use an ignition interlock device on all vehicles operated by the person unless the vehicle [is equipped with a functioning, certified ignition 24interlock device. Any person whose driving privilege is restricted as provided in 25subsection 1 of this section shall notify any other person who rents, leases or 26loans a motor vehicle to that person of the driving restriction imposed pursuant 2728to this section.

3. Any person convicted of a violation of this section shall be guilty of]
being rented, leased, or loaned is equipped with a functioning, certified
ignition interlock device.

32 2. The offense of renting, leasing, or lending a vehicle to a person
33 required to comply with ignition interlock requirements is a class A
34 misdemeanor.

577.605. 1. A person commits the offense of failure to notify 2 another of ignition interlock requirements if he or she is required to 3 use an ignition interlock device on all vehicles he or she operates and 4 he or she knowingly fails to notify any other person who rents, leases 5 or loans a vehicle to that person of such requirement.

6 2. The offense of failing to notify another of ignition interlock

7 requirements is a class A misdemeanor.

577.612. 1. [It is unlawful for any] A person [whose driving privilege is restricted pursuant to the provisions of this chapter or chapter 302 to request or solicit any other person to blow into an ignition interlock device or to start a motor vehicle equipped with the device for the purpose of providing the person so restricted with an operable motor vehicle.

6 2. It is unlawful to blow] commits the offense of tampering with or
7 circumventing the operation of an ignition interlock device if:

8 (1) His or her driving privilege is restricted by a prohibition on 9 the operation of any vehicle unless that vehicle is equipped with a 10 functioning, certified ignition interlock device, and he or she 11 knowingly requests or solicits any other person to blow into an ignition 12 interlock device or to start a vehicle equipped with the device for the 13 purpose of providing the person so restricted with an operable vehicle;

(2) He or she blows into an ignition interlock device or [to start a
motor] starts a vehicle equipped with the device for the purpose of providing an
operable [motor] vehicle to a person whose driving privilege is restricted
pursuant to the provisions of this chapter or chapter 302[.

It is unlawful to tamper] by a prohibition on the operation of any
 vehicle unless that vehicle is equipped with a functioning, certified
 ignition interlock device; or

21 (3) He or she tampers with, or [circumvent] circumvents the 22 operation of, an ignition interlock device.

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[4. Any person who violates any provision of this section is guilty of]

24 2. The offense of tampering with or circumventing the operation
 25 of an ignition interlock device is a class A misdemeanor.

577.675. 1. [It shall be unlawful for any person to knowingly transport, move, or attempt to transport in the state of Missouri] A person commits the $\mathbf{2}$ 3 offense of transportation of an illegal alien if he or she knowingly transports, moves, or attempts to transport or move any illegal alien who 4 is not lawfully present in the United States, according to the terms of 8 U.S.C. $\mathbf{5}$ Section 1101, et seq., for the purposes of trafficking in violation of sections 6 566.200 to 566.215, drug trafficking in violation of sections [195.222 and 195.223] 7 579.065 and 579.068, prostitution in violation of chapter 567, or employment. 8 2. [Any person violating the provisions of subsection 1 of this section shall 9

10 be guilty of a felony for which the authorized term of imprisonment is a term of

11 years not less than one year, or by a fine in an amount not less than one
12 thousand dollars, or by both such fine and imprisonment] The offense of
13 transportation of an illegal alien is a class C felony.

3. Nothing in this section shall be construed to deny any victim of an
offense under sections 566.200 to 566.215 of rights afforded by the federal
Trafficking Victims Protection Act of 2000, Public Law 106-386, as amended.

[578.300.] 577.700. As used in sections [578.300 to 578.330] 577.700 to
2 577.718 and section 307.176 unless the context clearly requires otherwise, the
3 following terms shall mean:

4 (1) "Bus", any passenger bus or coach or other motor vehicle having a 5 seating capacity of not less than fifteen passengers operated by a bus 6 transportation company for the purpose of carrying passengers or cargo for hire, 7 but not to include a bus or coach utilized exclusively to transport children to and 8 from schools;

9 (2) "Bus transportation company" or "company", any person, groups of 10 persons or corporation providing for-hire transport to passengers or cargo by bus 11 upon the highways of this state, whether in interstate or intrastate travel, but 12 not to include a company utilizing buses transporting children to and from 13 school. This term shall also include bus transportation facilities owned or 14 operated by local public bodies, municipalities, public corporations, boards and 15 commissions except school districts established under the laws of this state;

(3) "Charter", a group of persons who, pursuant to a common purpose and
under a single contract, and at a fixed charge for the vehicle in accordance with
a bus transportation company's tariff, have acquired the exclusive use of a bus to
travel together as a group to a specified destination;

(4) "Passenger", any person served by the transportation company and, in
addition to the ordinary meaning of passenger, this term shall also include
persons accompanying or meeting another who is transported by a company, any
person shipping or receiving cargo;

(5) "Terminal", a bus station or depot or any facility operated or leased by or operated on behalf of a bus transportation company, including a reasonable area immediately adjacent to any designated stop along the route traveled by any coach operated by a bus transportation company, and parking lots or parking areas adjacent to a terminal.

[578.305.] 577.703. 1. A person commits the offense of ["]bus 2 hijacking[" is defined as the seizure or exercise of] if he or she seizes or $\frac{3}{4}$

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exercises control, by force or violence or threat of force or violence, of any bus [within the jurisdiction of this state]. **The offense of** bus hijacking [shall be] **is** a class B felony.

6 2. The offense of "assault with the intent to commit bus hijacking" is 7 defined as an intimidation, threat, assault or battery toward any driver, 8 attendant or guard of a bus so as to interfere with the performance of duties by 9 such person. Assault to commit bus hijacking [shall be] is a class C felony.

3. Any person, who, in the commission of such intimidation, threat,
 assault or battery with the intent to commit bus hijacking, employs a dangerous
 or deadly weapon or other means capable of inflicting serious bodily injury shall,
 upon conviction, be guilty of a class A felony.

144. Any passenger who boards a bus with a dangerous or deadly weapon or other means capable of inflicting serious bodily injury concealed upon his or 1516 her person or effects is guilty of the felony of "possession and concealment of a dangerous or deadly weapon" upon a bus. Possession and concealment of a 1718 dangerous and deadly weapon by a passenger upon a bus [shall be] is a class C 19 felony. The provisions of this subsection shall not apply to duly elected or appointed law enforcement officers or commercial security personnel who are in 20possession of weapons used within the course and scope of their employment; nor 2122shall the provisions of this subsection apply to persons who are in possession of 23weapons or other means of inflicting serious bodily injury with the consent of the owner of such bus, [or] his or her agent, or the lessee or bailee of such bus. 24

[578.310.] 577.706. 1. [It is unlawful for any person at any time to bomb $\mathbf{2}$ or to plant or place A person commits the offense of planting a bomb or 3 explosive in or near a bus or terminal if he or she bombs, plants, or places any bomb or other explosive matter or thing in, upon, or near any 4 terminal or bus, wherein a person or persons are located or being transported, or 5where there is being stored, [or] shipped or prepared for shipment, any goods, 6 wares, merchandise or anything of value. [Any person who violates the 78 provisions of this subsection shall be guilty of] The offense of planting a bomb or explosive in or near a bus or terminal is a class A felony. 9

2. [It is unlawful for any person to threaten to commit the offense defined
 in subsection 1 of this section.] Any person [convicted of threatening] who
 threatens to commit the offense [defined in subsection 1] of planting a bomb
 or explosive in or near a bus or terminal shall be guilty of a class C felony.
 3. [It is unlawful to discharge] Any person who discharges any

15 firearm or [hurl] hurls any missile at, [or] into [and/or], or upon any bus, 16 terminal, or other transportation facility[. Any person who violates the 17 provisions of this subsection] shall be guilty of a class B felony.

[578.315.] **577.709.** 1. It is unlawful, while on a bus, in the terminal, or 2 on property contiguous thereto for any person:

3 (1) To threaten a breach of the peace or use any obscene, profane, or4 vulgar language;

5 (2) To be under the influence of alcohol [or], unlawfully under the 6 influence of a controlled substance [or], to ingest or have in his possession any 7 controlled substance unless properly prescribed by a physician or medical facility, 8 or to drink intoxicating liquor of any kind in or upon any passenger bus except 9 a chartered bus;

10 (3) To fail to obey a reasonable request or order of a bus driver or any11 duly authorized company representative.

12 2. If any person shall violate any provision of [subsection 1] this section, 13 the driver of the bus, or person in charge thereof, may stop it at the place where 14 the offense is committed, or at the next regular or convenient stopping place of 15 the bus and require the person to leave the bus.

IAny person violating any provision of subsection 1 is deemed guilty of]
 Violation of this section is a class C misdemeanor.

[578.320.] 577.712. 1. In order to provide for the safety, comfort, and well-being of passengers and others having a bona fide business interest in any $\mathbf{2}$ terminal, a bus transportation company may refuse admission to terminals to any 3 4 person not having bona fide business within the terminal. Any such refusal shall $\mathbf{5}$ not be inconsistent or contrary to state or federal laws, regulations pursuant thereto, or to any ordinance of the political subdivision in which such terminal 6 is located. A duly authorized company representative may ask any person in a 7 terminal or on the premises of a terminal to identify himself or herself and state 8 his or her business. Failure to comply with such request or failure to state an 9 acceptable business purpose shall be grounds for the company representative to 10 request that such person leave the terminal. Refusal to comply with such request 11 12shall constitute disorderly conduct. Disorderly conduct shall be a class C misdemeanor. 13

It is unlawful for any person to carry a deadly or dangerous weapon or
 any explosives or hazardous material into a terminal or aboard a bus. Possession
 of a deadly or dangerous weapon, explosive or hazardous material shall be a class

17 C felony. Upon the discovery of any such item or material, the company may18 obtain possession and retain custody of such item or material until it is19 transferred to the custody of law enforcement officers.

[578.325.] **577.715.** A duly authorized security guard may detain within the terminal any person committing an act declared unlawful by any provision of sections [578.300 to 578.330] **577.700 to 577.718** and section 307.176 until law enforcement authorities arrive. Such detention shall not constitute unlawful imprisonment and neither the company nor such company representative personally shall be civilly or criminally liable upon grounds of unlawful imprisonment or assault providing that only reasonable force is exercised against any person so detained.

[578.330.] 577.718. [1. It is unlawful to remove] A person commits the offense of removal of baggage or cargo without the owner's permission if he or she removes any baggage, cargo or other item transported upon a bus or stored in a terminal without the consent of the owner of such property or the company, or its duly authorized representative. [Any person violating the provisions of this subsection shall be guilty of a class D felony.

7 2. The actual value of an item removed in violation of subsection 1 shall
8 not be material to the crime herein defined.] The actual value of an item
9 removed is not material to the offense. The offense of removal of
10 baggage or cargo without the owner's permission is a class D felony.

578.009. 1. A person [is guilty] commits the offense of animal neglect 2 if he or she:

3 (1) Has custody or ownership [or both] of an animal and fails to provide
4 adequate care; or

5 (2) Knowingly abandons an animal in any place without making
6 provisions for its adequate care.

7 2. [A person is guilty of abandonment if he has knowingly abandoned an8 animal in any place without making provisions for its adequate care.

9 3.] The offense of animal neglect [and abandonment] is a class C 10 misdemeanor [upon first conviction and for each offense, punishable by 11 imprisonment or a fine not to exceed five hundred dollars, or both, and a class B 12 misdemeanor punishable by imprisonment or a fine not to exceed one thousand 13 dollars, or both upon the second and all subsequent convictions] unless the 14 person has previously been found guilty of an offense under this 15 section, or an offense in another jurisdiction which would constitute an

16 offense under this section, in which case it is a class B misdemeanor.

3. All fines and penalties for a first [conviction of animal neglect or abandonment] finding of guilt under this section may be waived by the court [provided that] if the person found guilty of animal neglect [or abandonment] shows that adequate, permanent remedies for the neglect [or abandonment] have been made. Reasonable costs incurred for the care and maintenance of neglected [or abandoned] animals may not be waived. This section shall not apply to the provisions of section 578.007 or sections 272.010 to 272.370.

4. In addition to any other penalty imposed by this section, the court may order a person found guilty of animal neglect [or abandonment] to pay all reasonable costs and expenses necessary for:

(1) The care and maintenance of neglected [or abandoned] animals withinthe person's custody or ownership;

(2) The disposal of any dead or diseased animals within the person's30 custody or ownership;

31 (3) The reduction of resulting organic debris affecting the immediate area32 of the neglect [or abandonment]; and

33 (4) The avoidance or minimization of any public health risks created by34 the neglect [or abandonment] of the animals.

578.350. 1. [Any] A person licensed under chapter 334 or 335 who treats a person for a wound inflicted by gunshot [shall] commits the infraction of medical deception if he or she knowingly fails to immediately report to a local law enforcement official the name and address of the person, if known, and if unknown, a description of the person, together with an explanation of the nature of the wound and the circumstances under which the treatment was rendered.

8 2. [Any person licensed under chapter 334 or 335 who knowingly fails to 9 report the injuries described in this section is guilty of the offense of medical 10 deception.

3. Medical deception is an infraction.] A person licensed under chapter 334 or 335 who, in good faith, makes a report under this section shall have immunity from civil liability that otherwise might result from such report and shall have the same immunity with respect to any good faith participation in any judicial proceeding in which the reported gunshot wound is an issue. Notwithstanding the provisions of subdivision (5) of section 491.060, the existence of a physician-patient

578.365. 1. A person commits the [crime] offense of hazing if he or she $\mathbf{2}$ knowingly participates in or causes [hazing, as it is defined in section 578.360. 3 2. Hazing is a class A misdemeanor, unless the act creates a substantial risk to the life of the student or prospective member, in which case it is a class 4 C felony] a willful act, occurring on or off the campus of a public or $\mathbf{5}$ 6 private college or university, directed against a student or a 7 prospective member of an organization operating under the sanction of a public or private college or university, that recklessly endangers 8 the mental or physical health or safety of a student or prospective 9 member for the purpose of initiation or admission into or continued 10 11 membership in any such organization to the extent that such person is knowingly placed at probable risk of the loss of life or probable bodily 1213or psychological harm. Acts of hazing include:

(1) Any activity which recklessly endangers the physical health
or safety of the student or prospective member, including but not
limited to physical brutality, whipping, beating, branding, exposure to
the elements, forced consumption of any food, liquor, drug or other
substance, or forced smoking or chewing of tobacco products;

(2) Any activity which recklessly endangers the mental health of
the student or prospective member, including but not limited to sleep
deprivation, physical confinement, or other extreme stress-inducing
activity; or

(3) Any activity that requires the student or prospective member
to perform a duty or task which involves a violation of the criminal
laws of this state or any political subdivision in this state.

26 2. Public or private colleges or universities in this state shall 27 adopt a written policy prohibiting hazing by any organization 28 operating under the sanction of the institution.

3. Nothing in [sections 578.360 to 578.365] this section shall be
interpreted as creating a new private cause of action against any educational
institution.

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4. Consent is not a defense to hazing. Section [565.080] 565.010 does not

33 apply to hazing cases or to homicide cases arising out of hazing activity.

5. The offense of hazing is a class A misdemeanor, unless the act creates a substantial risk to the life of the student or prospective member, in which case it is a class C felony.

578.398. 1. A person commits the offense of sports bribery in the first degree if he or she gives, promises or offers any benefit to any participant or prospective participant in any sport or game with the purpose to influence him or her to lose or try to lose or cause to be lost or to limit the margin of victory in any sport or game in which the participant is taking part, or expects to take part, or has any duty or connection therewith.

8 2. The offense of sports bribery in the first degree is a class D 9 felony.

578.399. 1. A person commits the offense of sports bribery in the 2 second degree if he or she, being a participant or prospective 3 participant in any sport or game, accepts, attempts to obtain, or solicits 4 any benefit in exchange for losing or trying to lose or causing to be lost 5 or limiting the margin of victory in any sport or game in which the 6 participant is taking part, or expects to take part, or has any duty or 7 connection therewith.

8 2. The offense of sports bribery in the second degree is a class A
9 misdemeanor.

578.405. 1. [Sections 578.405 to 578.412] **This section** shall be known 2 and may be cited as "The Animal Research and Production Facilities Protection 3 Act".

4 2. As used in [sections 578.405 to 578.412] this section, the following 5 terms mean:

6 (1) "Animal", every living creature, domestic or wild, but not including7 Homo sapiens;

8 (2) "Animal facility", any facility engaging in legal scientific research or 9 agricultural production or involving the use of animals, including any 10 organization with a primary purpose of representing livestock production or 11 processing, any organization with a primary purpose of promoting or marketing 12 livestock or livestock products, any person licensed to practice veterinary 13 medicine, any organization involved in the production of pet food or pet food 14 research, and any organization with a primary purpose of representing any such 15 person, organization, or institution. The term shall include the owner, operator,

and employees of any animal facility and the offices and vehicles of any such
persons while engaged in duties related to the animal facility, and any premises
where animals are located[;

19 (3) "Director", the director of the department of agriculture].

20 [578.407. No person shall] **3. A person commits the offense of** 21 prohibited acts against animal research and production facilities if he 22 or she:

(1) [Release, steal] Releases, steals, or otherwise intentionally [cause]
causes the death, injury, or loss of any animal at or from an animal facility and
not authorized by that facility;

(2) [Damage, vandalize, or steal] Damages, vandalizes, or steals any
property in or on an animal facility;

(3) [Obtain] Obtains access to an animal facility by false pretenses for
the purpose of performing acts not authorized by the facility;

30 (4) [Enter] Enters or otherwise [interfere] interferes with an animal
31 facility with the intent to destroy, alter, duplicate or obtain unauthorized
32 possession of records, data, material, equipment, or animals;

(5) Knowingly [obtain] obtains, by theft or deception, control over
records, data, material, equipment, or animals of any animal facility for the
purpose of depriving the rightful owner or animal facility of the records, material,
data, equipment, or animals, or for the purpose of concealing, abandoning, or
destroying such records, material, data, equipment, or animals; or

38 (6) [Enter or remain] Enters or remains on an animal facility with the 39 intent to commit an act prohibited by this section.

40 4. The offense of prohibited acts against animal research and 41 production facilities is a class A misdemeanor unless:

42 (1) The loss or damage to the animal facility is seven hundred
43 fifty dollars or more, in which case it is a class D felony;

44 (2) The loss or damage to the animal facility is one thousand
45 dollars or more, in which case it is a class C felony;

46 (3) The loss or damage to the animal facility is twenty-five
47 thousand dollars or more, in which case it is a class B felony; or

48 (4) The loss or damage to the animal facility is seventy-five 49 thousand dollars or more, in which case it is a class A felony.

50 5. Any person who intentionally agrees with another person to

violate this section and commits an act in furtherance of such violation
shall be guilty of the same class of violation as provided in subsection
4 of this section.

6. In the determination of the value of the loss, theft, or damage to an animal facility, the court shall conduct a hearing to determine the reasonable cost of replacement of materials, data, equipment, animals, and records that were damaged, destroyed, lost, or cannot be returned, as well as the reasonable cost of lost production funds and repeating experimentation that may have been disrupted or invalidated as a result of the violation of this section.

61 7. Any persons found guilty of a violation of this section shall be 62 ordered by the court to make restitution, jointly and severally, to the 63 owner, operator, or both, of the animal facility, in the full amount of 64 the reasonable cost as determined under subsection 6 of this section.

8. Any person who has been damaged by a violation of this section may recover all actual and consequential damages, punitive damages, and court costs, including reasonable attorneys' fees, from the person causing such damage.

9. Nothing in this section shall preclude any animal facility injured in its business or property by a violation of this section from seeking appropriate relief under any other provision of law or remedy including the issuance of an injunction against any person who violates this section. The owner or operator of the animal facility may petition the court to permanently enjoin such persons from violating this section and the court shall provide such relief.

76 10. The director of the department of agriculture may 77promulgate rules and regulations necessary for the enforcement of this 78section. The director shall have the authority to investigate any 79alleged violation of this section, along with any other law enforcement agency, and may take any action within the director's authority 80 necessary for the enforcement of this section. The attorney general, the 81 highway patrol, and other law enforcement officials shall provide 82 assistance required in the conduct of an investigation. Any rule or 83 portion of a rule, as that term is defined in section 536.010, that is 84 created under the authority delegated in this section shall become 85effective only if it complies with and is subject to all of the provisions 86

of chapter 536 and if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after January 1, 2017, shall be invalid and void.

578.421. As used in sections 578.421 to 578.437, the following terms 2 mean:

3 (1) "Criminal street gang", any ongoing organization, association, or group 4 of three or more persons, whether formal or informal, having as one of its primary 5 activities the commission of one or more of the criminal acts enumerated in 6 subdivision (2) of this section, which has a common name or common identifying 7 sign or symbol, whose members individually or collectively engage in or have 8 engaged in a pattern of criminal gang activity;

9 (2) "Pattern of criminal street gang activity", the commission, attempted 10 commission, or solicitation of two or more of the following offenses, provided at 11 least one of those offenses occurred after August 28, 1993, and the last of those 12 offenses occurred within three years after a prior offense, and the offenses are 13 committed on separate occasions, or by two or more persons:

(a) Assault with a deadly weapon or by means of force likely to cause
serious physical injury, as provided in sections 565.050 and [565.060] 565.052;

(b) Robbery, arson and those offenses under chapter 569 which are relatedto robbery and arson;

18 (c) Murder or manslaughter, as provided in sections 565.020 to 565.024;

(d) Any violation of the provisions of chapter [195] 579 which involves the
distribution, delivery or manufacture of a substance prohibited by chapter [195]
579;

22 (e) Unlawful use of a weapon which is a felony pursuant to section 23 571.030; **or**

24

(f) Tampering with witnesses and victims, as provided in section 575.270.

578.430. 1. Any room, building, structure or inhabitable structure as defined in section [569.010] **556.061** which is used by a criminal street gang in a pattern of criminal street gang activity shall be deemed a public nuisance. No person shall keep or maintain such a public nuisance.

5 2. The attorney general, circuit attorney or prosecuting attorney may, in 6 addition to any criminal prosecutions, prosecute a suit in equity to enjoin the 7 public nuisance. If the court finds that the owner of the room, building, structure 8 or inhabitable structure knew that the premises were being used for criminal 9 street gangs in a pattern of criminal street gang activity, the court may order that 10 the premises shall not be occupied or used for such period as the court may 11 determine, not to exceed one year.

3. All persons, including owners, lessees, officers, agents, offenders or
employees, aiding or facilitating such a nuisance may be made defendants in any
suit to enjoin the nuisance.

4. It is unlawful for a person to keep or maintain such a public nuisance. In addition to any other criminal prosecutions, the prosecuting attorney or circuit attorney may by information or indictment charge the owner or the occupant, or both the owner and the occupant, of the room, building, structure, or inhabitable structure with the crime of keeping or maintaining a public nuisance. Keeping or maintaining a public nuisance is a class C felony.

[566.221.] **578.475.** 1. An international marriage broker shall provide notice to each recruit that the criminal history record information and marital history information of clients and basic rights information are available from the organization. The notice of the availability of such information must be in a conspicuous location, in the recruit's native language, in lettering that is at least one-quarter of an inch in height, and presented in a manner that separates the different types of information available.

8 2. An international marriage broker shall disseminate to a recruit the 9 criminal history record information and marital history information of a client 10 and basic rights information no later than thirty days after the date the 11 international marriage broker receives the criminal history record information 12 and the marital history information on the client. Such information must be 13 provided in the recruit's native language and the organization shall pay the costs 14 incurred to translate the information.

15 3. A client of an international marriage broker shall:

16 (1) Obtain a copy of his or her own criminal history record information;

17 (2) Provide the criminal history record information to the international18 marriage broker; and

19 (3) Provide to the international marriage broker his or her own marital20 history information.

21 4. An international marriage broker shall require the client to affirm that

the marital history information is complete and accurate and includes information
regarding marriages, annulments, and dissolutions that occurred in another state
or foreign country.

5. An international marriage broker shall not provide any further services to the client or the recruit until the organization has obtained the required criminal history record information and marital history information and provided the information to the recruit.

6. An international marriage broker shall be deemed to be doing business in Missouri if it contracts for matchmaking services with a Missouri resident or is considered to be doing business pursuant to other laws of the state.

32 7. A person who [pleads guilty to or] is found guilty of violating the 33 provisions of this section shall not be required to register as a sexual offender 34 pursuant to the provisions of section 589.400, unless such person is otherwise 35 required to register pursuant to the provisions of such section.

36 8. It shall be a class D felony to willfully provide incomplete or false37 information pursuant to this section.

9. Failure to provide the information and notice required pursuant to thissection shall be a class D felony.

10. No provision of this section shall preempt any other right or remedy
available under law to any party utilizing the services of an international
marriage broker or other international marriage organization.

[195.202.] 579.015. 1. [Except as authorized by sections 195.005 to 2 195.425, it is unlawful for any person to possess or have under his control a 3 controlled substance] A person commits the offense of possession of a 4 controlled substance if he or she knowingly possesses a controlled 5 substance, except as authorized by this chapter or chapter 195.

6

7 8 2. [Any person who violates this section with respect to] **The offense of possession of** any controlled substance except thirty-five grams or less of marijuana or any synthetic cannabinoid is [guilty of a class C] a class D felony.

9 3. [Any person who violates this section with respect to] The offense of 10 possession of not more than thirty-five grams of marijuana or any synthetic 11 cannabinoid is [guilty of a class A] a class D misdemeanor, and 12 notwithstanding section 558.002 to the contrary, the offense is 13 punishable by a fine of not less than two hundred fifty dollars and not 14 to exceed one thousand dollars. If the defendant has previously been 15 found guilty of any offense of the laws related to controlled substances

16 of this state, or of the United States, or any state, territory, or district, the offense is a class A misdemeanor. Prior findings of guilt shall be 17 pleaded and proven in the same manner as required by section 558.021. 18 19 4. In any complaint, information, or indictment, and in any action or proceeding brought for the enforcement of any provision of 20this chapter, it shall not be necessary to include any exception, excuse, 2122proviso, or exemption contained in this chapter, and the burden of 23proof of any such exception, excuse, proviso or exemption shall be upon the defendant. 24

[195.212.] 579.020. 1. A person commits the offense of [unlawful
2 distribution of a controlled substance to a minor if he violates section 195.211 by
3 distributing or delivering any controlled substance to a person under seventeen
4 years of age who is at least two years that person's junior.

5 2. Unlawful distribution of a controlled substance to a minor is a class B 6 felony.

3. It is not a defense to a violation of this section that the defendant did
8 not know the age of the person to whom he was distributing or delivering.]
9 delivery of a controlled substance if, except as authorized in this
10 chapter or chapter 195, he or she:

11 (1) Knowingly distributes or delivers a controlled substance;

12 (2) Attempts to distribute or deliver a controlled substance;

13 (3) Knowingly possesses a controlled substance with the intent
14 to distribute or deliver any amount of a controlled substance; or

15 (4) Knowingly permits a minor child to purchase or transport
16 illegally obtained controlled substances.

2. Except when the controlled substance is thirty-five grams or less of marijuana or synthetic cannabinoid or as otherwise provided under subsection 5 of this section, the offense of delivery of a controlled substance is a class C felony and, notwithstanding section 558.011 to the contrary, the authorized term of imprisonment is a term of years of not less than three years and not to exceed ten years.

3. Except as otherwise provided under subsection 4 of this
section, the offense of delivery of thirty-five grams or less of marijuana
or synthetic cannabinoid is a class D felony.

4. The offense of delivery of thirty-five grams or less of marijuana or synthetic cannabinoid to a person less than seventeen years of age who is at least two years younger than the defendant is a class C felony, and, notwithstanding section 558.011 to the contrary, the authorized term of imprisonment is a term of years of not less than three and not to exceed ten years.

32 5. The offense of delivery of a controlled substance is a class B
33 felony if:

(1) The delivery or distribution is any amount of a controlled
substance except thirty-five grams or less of marijuana or synthetic
cannabinoid, to a person less than seventeen years of age who is at
least two years younger than the defendant; or

(2) The person knowingly permits a minor child to purchase or
 transport illegally obtained controlled substances.

[195.218.] 579.030. 1. A person commits the offense of distribution of a controlled substance [near public housing or other governmental assisted housing if he violates section 195.211 by unlawfully distributing or delivering any controlled substance to a person in or on, or within one thousand feet of the real property comprising public housing or other governmental assisted housing.

6 2. Distribution of a controlled substance near public housing or other 7 governmental assisted housing is a class A felony which term shall be served 8 without probation or parole if the court finds the defendant is a persistent drug 9 offender] in a protected location if he or she knowingly distributes, sells, 10 or delivers any controlled substance, except thirty-five grams or less of 11 marijuana or synthetic cannabinoid, to a person with knowledge that 12 that distribution, delivery or sale is:

(1) In, on, or within two thousand feet of, the real property
comprising a public or private elementary, vocational, or secondary
school, or on any school bus; or

16 (2) In, on, or within one thousand feet of, the real property 17 comprising a public park, state park, county park, municipal park, or 18 private park designed for public recreational purposes, as park is 19 defined in section 253.010; or

20 (3) In or on the real property comprising public housing or other
21 governmental assisted housing.

22 2. The offense of unlawful distribution of a controlled substance 23 in a protected location is a class A felony.

579.040. 1. A person commits the offense of unlawful

2distribution, delivery, or sale of drug paraphernalia if he or she unlawfully distributes, delivers, or sells, or possesses with intent to 3 distribute, deliver, or sell drug paraphernalia knowing, or under 4 circumstances in which one reasonably should know, that it will be 5used to plant, propogate, cultivate, grow, harvest, manufacture, 6 compound, convert, produce, process, prepare, test, analyze, pack, 7 repack, store, contain, conceal, inject, ingest, inhale, or otherwise 8 introduce into the human body a controlled substance or an imitation 9 controlled substance in violation of this chapter. 10

2. The offense of unlawful delivery of drug paraphernalia is a
 class A misdemeanor, unless done for commercial purposes in which
 case it is a class D felony.

[195.204.] 579.045. 1. A person commits the offense of fraudulently attempting to obtain a controlled substance if he or she knowingly obtains or 2 3 attempts to obtain a controlled substance, or **knowingly** procures or attempts to procure [the] an administration of the controlled substance by fraud[, deceit, 4 $\mathbf{5}$ misrepresentation, or subterfuge; or by the forgery or alteration of a prescription or of any written order; or by the concealment of a material fact; or by the use of 6 7a false name or the giving of a false address]. The [crime] offense of fraudulently attempting to obtain a controlled substance shall include, but shall 8 9 not be limited to nor be limited by, the following:

10 (1) Knowingly making a false statement in any prescription, order, report,
11 or record, required by [sections 195.005 to 195.425] this chapter or chapter
12 195;

(2) For the purpose of obtaining a controlled substance, falsely assuming
the title of, or representing oneself to be, a manufacturer, wholesaler, pharmacist,
physician, dentist, podiatrist, veterinarian, nurse, or other authorized person;

16 (3) Making or uttering any false or forged prescription or false or forged17 written order;

18 (4) Affixing any false or forged label to a package or receptacle containing19 controlled substances;

20 (5) Possess a false or forged prescription with intent to obtain a controlled21 substance.

22 2. **The offense of** fraudulently attempting to obtain a controlled 23 substance is a class D felony.

3. Information communicated to a physician in an effort unlawfully to

procure a controlled substance or unlawfully to procure the administration of any such drug [shall not be] is not deemed a privileged communication; provided, however, that no physician or surgeon shall be competent to testify concerning any information which he or she may have acquired from any patient while attending him or her in a professional character and which information was necessary to enable him or her to prescribe for such patient as a physician, or to perform any act for him or her as a surgeon.

[4. The provisions of this section shall apply to all transactions relating
to narcotic drugs under the provisions of section 195.080, in the same way as they
apply to transactions under all other sections.]

579.050. 1. A person commits the offense of manufacture of an 2 imitation controlled substance if he or she knowingly manufactures 3 with intent to deliver any imitation controlled substances.

4 2. The offense of manufacture of an imitation controlled 5 substance is a class D felony.

[195.211.] 579.055. 1. [Except as authorized by sections 195.005 to 195.425 and except as provided in section 195.222, it is unlawful for any person to distribute, deliver, manufacture, produce or attempt to distribute, deliver, manufacture or produce a controlled substance or to possess with intent to distribute, deliver, manufacture, or produce a controlled substance] A person commits the offense of manufacture of a controlled substance if, except as authorized in this chapter or chapter 195, he or she:

8 (1) Knowingly manufactures, produces, or grows a controlled
9 substance;

10 (2) Attempts to manufacture, produce, or grow a controlled 11 substance; or

12 (3) Knowingly possesses a controlled substance with the intent 13 to manufacture, produce, or grow any amount of controlled substance.

142. [Any person who violates or attempts to violate this section with 15respect to manufacturing or production of a controlled substance of any amount except for five grams or less of marijuana in a residence where a child resides or 16 The offense of manufacturing or attempting to manufacture any amount 17of controlled substance is a class B felony when committed within two 18 thousand feet of the real property comprising a [public or private elementary or] 19public or private elementary, vocational, or secondary school, [public vocational 20school or a public or private] community college, college, or university[, or any 21

school bus is guilty of]. It is a class A felony if a person has suffered serious
physical injury or has died as a result of a fire or explosion started in
an attempt by the defendant to produce methamphetamine.

3. [Any person who violates or attempts to violate this section with respect to any] The offense of manufacturing or attempting to manufacture any amount of a controlled substance, except [five] thirty-five grams or less of marijuana or synthetic cannabinoid is [guilty of] a class [B] C felony and, notwithstanding section 558.011 to the contrary, the authorized term of imprisonment is a term of years of not less than three years and not to exceed ten years.

4. [Any person who violates this section with respect to distributing or
delivering not more than five grams of marijuana is guilty of a class C felony]
The offense of manufacturing thirty-five grams or less of marijuana or
synthetic cannabinoid is a class D felony.

579.060. 1. A person commits the offense of unlawful sale or 2 distribution of over-the-counter methamphetamine precursor drugs if 3 he or she:

4 (1) Knowingly sells, distributes, dispenses, or otherwise provides 5 any number of packages of any drug product containing detectable 6 amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or 7 any of their salts, optical isomers, or salts of optical isomers, in a total 8 amount greater than nine grams to the same individual within a thirty-9 day period, unless the amount is dispensed, sold, or distributed 10 pursuant to a valid prescription; or

11 (2) Knowingly dispenses or offers drug products that are not 12excluded from Schedule V in subsection 17 or 18 of section 195.017 and that contain detectable amounts of ephedrine, phenylpropanolamine, 13or pseudoephedrine, or any of their salts, optical isomers, or salts of 14 optical isomers, without ensuring that such products are located 15behind a pharmacy counter where the public is not permitted and that 16 such products are dispensed by a registered pharmacist or pharmacy 17technician under subsection 11 of section 195.017; or 18

(3) Holds a retail sales license issued under chapter 144 and
knowingly sells or dispenses packages that do not conform to the
packaging requirements of section 195.418.

22 2. A pharmacist, intern pharmacist, or registered pharmacy

technician commits the offense of unlawful sale or distribution of overthe-counter methamphetamine precursor drugs if he or she knowingly:

(1) Sells, distributes, dispenses, or otherwise provides any
number of packages of any drug product containing detectable amounts
of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of
their salts or optical isomers, or salts of optical isomers, in a total
amount greater than three and six-tenth grams to the same individual
within a twenty-four hour period, unless the amount is dispensed, sold,
or distributed pursuant to a valid prescription;

(2) Fails to submit information under subsection 13 of section 195.017 and subsection 5 of section 195.417 about the sales of any compound, mixture, or preparation of products containing detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, in accordance with transmission methods and frequency established by the department of health and senior services;

(3) Fails to implement and maintain an electronic log, as
required by subsection 12 of section 195.017, of each transaction
involving any detectable quantity of pseudoephedrine, its salts,
isomers, or salts of optical isomers or ephedrine, its salts, optical
isomers, or salts of optical isomers; or

(4) Sells, distributes, dispenses or otherwise provides to an
individual under eighteen years of age without a valid prescription any
number of packages of any drug product containing any detectable
quantity of pseudoephedrine, its salts, isomers, or salts of optical
isomers, or ephedrine, its salts or optical isomers, or salts of optical
isomers.

503. Any person who violates the packaging requirements of section 195.418 and is considered the general owner or operator of the 51outlet where ephedrine, pseudoephedrine, or phenylpropanolamine 52products are available for sale shall not be penalized if he or she 53documents that an employee training program was in place to provide 54the employee who made the unlawful retail sale with information on 55the state and federal regulations regarding ephedrine, 56pseudoephedrine, or phenylpropanolamine. 57

58

4. The offense of unlawful sale or distribution of over-the-counter

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59 methamphetamine precursor drugs is a class A misdemeanor.

[195.222.] 579.065. 1. A person commits the [crime] offense of trafficking drugs in the first degree if, except as authorized by [sections 195.005 to 195.425, he] this chapter or chapter 195, such person knowingly distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce [more than thirty grams of a mixture or substance containing a detectable amount of heroin. Violations of this subsection shall be punished as follows:

8 (1) If the quantity involved is more than thirty grams but less than ninety 9 grams the person shall be sentenced to the authorized term of imprisonment for 10 a class A felony;

(2) If the quantity involved is ninety grams or more the person shall be
sentenced to the authorized term of imprisonment for a class A felony which term
shall be served without probation or parole.

14 2. A person commits the crime of trafficking drugs in the first degree if, except as authorized by sections 195.005 to 195.425, he distributes, delivers, 1516manufactures, produces or attempts to distribute, deliver, manufacture or produce more than one hundred fifty grams of a mixture or substance containing a 17detectable amount of coca leaves, except coca leaves and extracts of coca leaves 18 from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been 19 removed; cocaine salts and their optical and geometric isomers, and salts of 20isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any 21compound, mixture, or preparation which contains any quantity of any of the 22foregoing substances. Violations of this subsection shall be punished as follows: 2324(1) If the quantity involved is more than one hundred fifty grams but less 25than four hundred fifty grams the person shall be sentenced to the authorized 26term of imprisonment for a class A felony;

(2) If the quantity involved is four hundred fifty grams or more the person
shall be sentenced to the authorized term of imprisonment for a class A felony
which term shall be served without probation or parole.

30 3. A person commits the crime of trafficking drugs in the first degree if, 31 except as authorized by sections 195.005 to 195.425, he distributes, delivers, 32 manufactures, produces or attempts to distribute, deliver, manufacture or produce 33 more than eight grams of a mixture or substance described in subsection 2 of this 34 section which contains cocaine base. Violations of this subsection shall be 35 punished as follows: (1) If the quantity involved is more than eight grams but less than
twenty-four grams the person shall be sentenced to the authorized term of
imprisonment for a class A felony;

39 (2) If the quantity involved is twenty-four grams or more the person shall
40 be sentenced to the authorized term of imprisonment for a class A felony which
41 term shall be served without probation or parole.

42 4. A person commits the crime of trafficking drugs in the first degree if, 43 except as authorized by sections 195.005 to 195.425, he distributes, delivers, 44 manufactures, produces or attempts to distribute, deliver, manufacture or produce 45 more than five hundred milligrams of a mixture or substance containing a 46 detectable amount of lysergic acid diethylamide (LSD). Violations of this 47 subsection shall be punished as follows:

48 (1) If the quantity involved is more than five hundred milligrams but less
49 than one gram the person shall be sentenced to the authorized term of
50 imprisonment for a class A felony;

51 (2) If the quantity involved is one gram or more the person shall be 52 sentenced to the authorized term of imprisonment for a class A felony which term 53 shall be served without probation or parole.

54 5. A person commits the crime of trafficking drugs in the first degree if, 55 except as authorized by sections 195.005 to 195.425, he distributes, delivers, 56 manufactures, produces or attempts to distribute, deliver, manufacture or produce 57 more than thirty grams of a mixture or substance containing a detectable amount 58 of phencyclidine (PCP). Violations of this subsection shall be punished as follows: 59 (1) If the quantity involved is more than thirty grams but less than ninety

60 grams the person shall be sentenced to the authorized term of imprisonment for61 a class A felony;

62 (2) If the quantity involved is ninety grams or more the person shall be
63 sentenced to the authorized term of imprisonment for a class A felony which term
64 shall be served without probation or parole.

65 6. A person commits the crime of trafficking drugs in the first degree if, 66 except as authorized by sections 195.005 to 195.425, he distributes, delivers, 67 manufactures, produces or attempts to distribute, deliver, manufacture or produce 68 more than four grams of phencyclidine. Violations of this subsection shall be 69 punished as follows:

(1) If the quantity involved is more than four grams but less than twelvegrams the person shall be sentenced to the authorized term of imprisonment for

72 a class A felony;

(2) If the quantity involved is twelve grams or more the person shall be
sentenced to the authorized term of imprisonment for a class A felony which term
shall be served without probation or parole.

76 7. A person commits the crime of trafficking drugs in the first degree if, 77 except as authorized by sections 195.005 to 195.425, he distributes, delivers, 78 manufactures, produces or attempts to distribute, deliver, manufacture or produce 79 more than thirty kilograms of a mixture or substance containing 80 marijuana. Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than thirty kilograms but less than
one hundred kilograms the person shall be sentenced to the authorized term of
imprisonment for a class A felony;

84 (2) If the quantity involved is one hundred kilograms or more the person
85 shall be sentenced to the authorized term of imprisonment for a class A felony
86 which term shall be served without probation or parole.

87 8. A person commits the crime of trafficking drugs in the first degree if, except as authorized by sections 195.005 to 195.425, he distributes, delivers, 88 manufactures, produces or attempts to distribute, deliver, manufacture or produce 89 90 more than thirty grams of any material, compound, mixture or preparation which 91 contains any quantity of the following substances having a stimulant effect on the 92central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its 93 optical isomers; phenmetrazine and its salts; or methylphenidate. Violations of 94 95this subsection or attempts to violate this subsection shall be punished as follows: 96 (1) If the quantity involved is more than thirty grams but less than ninety 97 grams the person shall be sentenced to the authorized term of imprisonment for a class A felony; 98

99 (2) If the quantity involved is ninety grams or more, or if the quantity involved was thirty grams or more and the location of the offense was within two 100 thousand feet of a school or public housing as defined in section 195.214 or 101 section 195.218 or within a motor vehicle, or any structure or building which 102103 contains rooms furnished for the accommodation or lodging of guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping 104 105accommodations are sought for pay or compensation to transient guests or permanent guests, the person shall be sentenced to the authorized term of 106 imprisonment for a class A felony which term shall be served without probation 107

108 or parole.

9. A person commits the crime of trafficking drugs in the first degree if, except as authorized by sections 195.005 to 195.425, he or she distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce more than thirty grams of any material, compound, mixture or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine. Violations of this subsection or attempts to violate this subsection shall be punished as follows:

(1) If the quantity involved is more than thirty grams but less than ninety
grams the person shall be sentenced to the authorized term of imprisonment for
a class A felony;

(2) If the quantity involved is ninety grams or more, or if the quantity 118 119involved was thirty grams or more and the location of the offense was within two 120thousand feet of a school or public housing as defined in section 195.214 or 121section 195.218 or within a motor vehicle, or any structure or building which 122contains rooms furnished for the accommodation or lodging of guests, and kept, 123used, maintained, advertised, or held out to the public as a place where sleeping 124accommodations are sought for pay or compensation to transient guests or permanent guests, the person shall be sentenced to the authorized term of 125126imprisonment for a class A felony which term shall be served without probation 127 or parole.]:

128 (1) More than thirty grams but less than ninety grams of a 129 mixture or substance containing a detectable amount of heroin;

130(2) More than one hundred fifty grams but less than four 131hundred fifty grams of a mixture or substance containing a detectable 132amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts 133134have been removed; cocaine salts and their optical and geometric 135isomers, and salts of isomers; ecgonine, its derivatives, their salts, 136 isomers, and salts of isomers; or any compound, mixture, or preparation 137 which contains any quantity of any of the foregoing substances;

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

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

144 (5) More than thirty grams but less than ninety grams of a
145 mixture or substance containing a detectable amount of phencyclidine
146 (PCP);

147 (6) More than four grams but less than twelve grams of148 phencyclidine;

149 (7) More than thirty kilograms but less than one hundred150 kilograms of a mixture or substance containing marijuana;

(8) More than thirty grams but less than ninety grams of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate; for

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

161 2. The offense of trafficking drugs in the first degree is a class162 B felony.

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

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

167 (2) Four hundred fifty grams or more of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and 168169extracts of coca leaves from which cocaine, ecgonine, and derivatives 170of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its 171172derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the 173foregoing substances; or 174

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

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

405

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

(6) Twelve grams or more of phencyclidine; or

183 (7) One hundred kilograms or more of a mixture or substance
184 containing marijuana; or

(8) Ninety grams or more of any material, compound, mixture, or
preparation containing any quantity of the following substances having
a stimulant effect on the central nervous system: amphetamine, its
salts, optical isomers and salts of its optical isomers;
methamphetamine, its salts, optical isomers and salts of its optical
isomers; phenmetrazine and its salts; or methylphenidate; or

191 (9) More than thirty grams of any material, compound, mixture, 192 or preparation containing any quantity of the following substances 193 having a stimulant effect on the central nervous system: amphetamine, 194 its salts, optical isomers, and salts of its optical isomers; 195methamphetamine, its salts, optical isomers, and salts of its optical 196 isomers; phenmetrazine and its salts; or methylphenidate, and the location of the offense was within two thousand feet of real property 197 comprising a public or private elementary, vocational, or secondary 198 199 school, college, community college, university, or any school bus, in or on the real property comprising public housing or any other 200governmental assisted housing, or within a motor vehicle, or in any 201202structure or building which contains rooms furnished for the 203accommodation or lodging of guests, and kept, used, maintained, 204 advertised, or held out to the public as a place where sleeping 205accommodations are sought for pay or compensation to transient guests 206or permanent guests; or

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

(11) More than thirty grams of any material, compound, mixture, or preparation which contains any quantity of 3,4methylenedioxymethamphetamine and the location of the offense was within two thousand feet of real property comprising a public or private elementary, vocational, or secondary school, college, community college, university, or any school bus, in or on the real property SS SCS SB 491

216 comprising public housing or any other governmental assisted housing,
217 within a motor vehicle, or in any structure or building which contains
218 rooms furnished for the accommodation or lodging of guests, and kept,
219 used, maintained, advertised, or held out to the public as a place where
220 sleeping accommodations are sought for pay or compensation to
221 transient guests or permanent guests.

[195.223.] 579.068. 1. A person commits the [crime] offense of
trafficking drugs in the second degree if, except as authorized by [sections
195.005 to 195.425, he] this chapter or chapter 195, such person
knowingly possesses or has under his or her control, purchases or attempts to
purchase, or brings into this state [more than thirty grams of a mixture or
substance containing a detectable amount of heroin. Violations of this subsection
shall be punished as follows:

8 (1) If the quantity involved is more than thirty grams but less than ninety9 grams the person shall be guilty of a class B felony;

10 (2) If the quantity involved is ninety grams or more the person shall be 11 guilty of a class A felony.

122. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under 13his control, purchases or attempts to purchase, or brings into this state more than 14 one hundred fifty grams of a mixture or substance containing a detectable amount 15of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, 16 ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine 17salts and their optical and geometric isomers, and salts of isomers; ecgonine, its 18 derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, 19 or preparation which contains any quantity of any of the foregoing 2021substances. Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than one hundred fifty grams but lessthan four hundred fifty grams the person shall be guilty of a class B felony;

(2) If the quantity involved is four hundred fifty grams or more the personshall be guilty of a class A felony.

3. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than eight grams of a mixture or substance described in subsection 2 of this section which contains cocaine base. Violations of this subsection shall be punished as

31 follows:

(1) If the quantity involved is more than eight grams but less thantwenty-four grams the person shall be guilty of a class B felony;

34 (2) If the quantity involved is twenty-four grams or more the person shall35 be guilty of a class A felony.

4. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than five hundred milligrams of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD). Violations of this subsection shall be punished as follows:

42 (1) If the quantity involved is more than five hundred milligrams but less43 than one gram the person shall be guilty of a class B felony;

44 (2) If the quantity involved is one gram or more the person shall be guilty45 of a class A felony.

5. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than thirty grams of a mixture or substance containing a detectable amount of phencyclidine (PCP). Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than thirty grams but less than ninetygrams the person shall be guilty of a class B felony;

(2) If the quantity involved is ninety grams or more the person shall beguilty of a class A felony.

6. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than four grams of phencyclidine. Violations of this subsection shall be punished as follows:

60 (1) If the quantity involved is more than four grams but less than twelve61 grams the person shall be guilty of a class B felony;

62 (2) If the quantity involved is twelve grams or more the person shall be63 guilty of a class A felony.

64 7. A person commits the crime of trafficking drugs in the second degree
65 if, except as authorized by sections 195.005 to 195.425, he possesses or has under
66 his control, purchases or attempts to purchase, or brings into this state more than

67 thirty kilograms or more of a mixture or substance containing68 marijuana. Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than thirty kilograms but less thanone hundred kilograms the person shall be guilty of a class B felony;

(2) If the quantity involved is one hundred kilograms or more the personshall be guilty of a class A felony.

8. A person commits the class A felony of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than five hundred marijuana plants.

779. A person commits the crime of trafficking drugs in the second degree 78if, except as authorized by sections 195.005 to 195.425, he possesses or has under 79 his control, purchases or attempts to purchase, or brings into this state more than 80 thirty grams of any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central 81 82 nervous system: amphetamine, its salts, optical isomers and salts of its optical 83 isomers; methamphetamine, its salts, isomers and salts of its isomers; phenmetrazine and its salts; or methylphenidate. Violations of this subsection 84 or attempts to violate this subsection shall be punished as follows: 85

86 (1) If the quantity involved is more than thirty grams but less than ninety87 grams the person shall be guilty of a class B felony;

88 (2) If the quantity involved is ninety grams or more but less than four89 hundred fifty grams, the person shall be guilty of a class A felony;

90 (3) If the quantity involved is four hundred fifty grams or more, the 91 person shall be guilty of a class A felony and the term of imprisonment shall be 92 served without probation or parole.

10. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he or she possesses or has under his or her control, purchases or attempts to purchase, or brings into this state more than thirty grams of any material, compound, mixture or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine. Violations of this subsection or attempts to violate this subsection shall be punished as follows:

(1) If the quantity involved is more than thirty grams but less than ninetygrams the person shall be guilty of a class B felony;

102 (2) If the quantity involved is ninety grams or more but less than four

103 hundred fifty grams, the person shall be guilty of a class A felony;

104 (3) If the quantity involved is four hundred fifty grams or more, the 105 person shall be guilty of a class A felony and the term of imprisonment shall be 106 served without probation or parole.]:

107 (1) More than thirty grams but less than ninety grams of a
108 mixture or substance containing a detectable amount of heroin;

109 (2) More than one hundred fifty grams but less than four 110 hundred fifty grams of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves 111 from which cocaine, ecgonine, and derivatives of ecgonine or their salts 112113have been removed; cocaine salts and their optical and geometric 114 isomers, and salts of isomers; ecgonine, its derivatives, their salts, 115isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances; 116

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

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

(5) More than thirty grams but less than ninety grams of a
mixture or substance containing a detectable amount of phencyclidine
(PCP);

126 (6) More than four grams but less than twelve grams of 127 phencyclidine;

128 (7) More than thirty kilograms but less than one hundred 129 kilograms of a mixture or substance containing marijuana;

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

(9) More than thirty grams but less than ninety grams of anymaterial, compound, mixture, or preparation which contains any

139 quantity of 3,4-methylenedioxymethamphetamine.

2. The offense of trafficking drugs in the second degree is a class
C felony and, notwithstanding section 558.011 to the contrary, the
authorized term of imprisonment is a term of years of not less than
three years and not to exceed ten years.

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

146 (1) Ninety grams or more of a mixture or substance containing147 a detectable amount of heroin; or

(2) Four hundred fifty grams or more of a mixture or substance 148 containing a detectable amount of coca leaves, except coca leaves and 149extracts of coca leaves from which cocaine, ecgonine, and derivatives 150151of ecgonine or their salts have been removed; cocaine salts and their 152optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, 153mixture, or preparation which contains any quantity of any of the 154foregoing substances; or 155

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

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

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

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

164 (7) One hundred kilograms or more of a mixture or substance165 containing marijuana; or

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

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

174 (10) Ninety grams or more but less than four hundred fifty grams

of any material, compound, mixture, or preparation which contains any
quantity of 3,4-methylenedioxymethamphetamine.

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

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

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

[565.065.] **579.070.** 1. A person commits the [crime] offense of [unlawful endangerment of another] creating a danger if, while [engaged in or as a part of the enterprise for the production of] producing, or attempting to produce, a controlled substance, he or she purposely protects or attempts to protect the production of the controlled substance by creating, setting up, building, erecting, or using any device or weapon which causes or is intended to cause physical injury to another person.

8 2. [Unlawful endangerment of another] The offense of creating a 9 danger is a class C felony and, notwithstanding section 558.011 to the 10 contrary, the authorized term of imprisonment is a term of years of not 11 less than three years and not to exceed ten years.

[195.226.] 579.072. 1. [No] A person [shall provide] commits the offense of furnishing materials for the production of a controlled substance if he or she provides any reagents, solvents or precursor materials used in the production of a controlled substance as defined in section 195.010 to any other person knowing that the person to whom such materials are provided intends to use such materials for the illegal production of a controlled substance.

2. [Any person who violates the provisions of subsection 1 of this section
8 is guilty of a class D felony] The offense of furnishing materials for the
9 production of a controlled substance is a class D felony.

[195.233.] 579.074. 1. [It is unlawful for any person to use, or to
possess] A person commits the offense of unlawful possession of drug
paraphernalia if he or she knowingly uses, or possesses with intent to
use, drug paraphernalia to plant, propagate, cultivate, grow, harvest,
manufacture, compound, convert, produce, process, prepare, test, analyze, pack,

6 repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into7 the human body, a controlled substance or an imitation controlled substance in

8 violation of [sections 195.005 to 195.425] this chapter.

9 2. [A person who violates this section is guilty of a class A misdemeanor, unless the person uses, or possesses with intent to use, the paraphernalia in 10 combination with each other to manufacture, compound, produce, prepare, test 11 or analyze amphetamine or methamphetamine or any of their analogues] The 1213 offense of unlawful possession of drug paraphernalia is a class D 14misdemeanor, unless the person has previously been found guilty of any offense of the laws of this state related to controlled substances or of 15the laws of another jurisdiction related to controlled substances, in 16which case the violation of this section is a class [D felony.] A 17misdemeanor. Prior findings of guilt shall be pleaded and proven in 18 the same manner as required by section 558.021. 19

3. The offense of unlawful possession of drug paraphernalia is a
 class D felony if the person uses, or possesses with intent to use, the
 paraphernalia in combination with each other to manufacture,
 compound, produce, prepare, test, or analyze amphetamine or
 methamphetamine or any of their analogues.

[195.235.] **579.076.** 1. [It is unlawful for any person to deliver, possess 2with intent to deliver, or manufacture, with intent to deliver,] A person commits the offense of unlawful manufacture of drug paraphernalia if 3 4 he or she unlawfully manufactures with intent to deliver drug paraphernalia, knowing, or under circumstances where one reasonably should $\mathbf{5}$ 6 know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, 7repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into 8 the human body a controlled substance or an imitation controlled substance in 9 10 violation of [sections 195.005 to 195.425] this chapter.

11 2. [Possession of more than twenty-four grams of any methamphetamine 12 precursor drug or combination of methamphetamine precursor drugs shall be 13 prima facie evidence of intent to violate this section. This subsection shall not 14 apply to any practitioner or to any product possessed in the course of a legitimate 15 business.

163. A person who violates this section is guilty of a class D felony.] The17offense of unlawful manufacture of drug paraphernalia is a class A

misdemeanor, unless done for commercial purposes, in which case it isa class D felony.

[195.241.] 579.078. 1. [It is unlawful for any person to possess an
2 imitation controlled substance in violation of this chapter.] A person commits
3 the offense of possession of an imitation controlled substance if he or
4 she knowingly possesses an imitation controlled substance.

5 2. [A person who violates this section is guilty of] The offense of 6 possession of an imitation controlled substance is a class A misdemeanor.

[195.242.] 579.080. 1. [It is unlawful for any person to deliver, possess
with intent to deliver, manufacture with intent to deliver, or cause] A person
commits the offense of delivery of an imitation controlled substance if
he or she knowingly delivers, possesses with intent to deliver, or causes
to be delivered any imitation controlled substance.

6 2. [A person who violates this section is guilty of a class D felony.] The
7 offense of delivery of an imitation controlled substance is a class D
8 felony.

[195.248.] 579.082. 1. [It is unlawful for any person to market, sell, $\mathbf{2}$ distribute, advertise or label] A person commits the offense of unlawful marketing of ephedrine or pseudoephedrine if he or she knowingly 3 4 markets, sells, distributes, advertises, or labels any drug product $\mathbf{5}$ containing ephedrine, its salts, optical isomers and salts of optical isomers, or pseudoephedrine, its salts, optical isomers and salts of optical isomers, for 6 7 indication of stimulation, mental alertness, weight loss, appetite control, energy or other indications not approved [pursuant to] under the pertinent federal 8 9 over-the-counter drug Final Monograph or Tentative Final Monograph or 10 approved new drug application.

2. [A person who violates this section is guilty of a class D] The offense
 of unlawful marketing of ephedrine or pseudoephedrine is a class D
 felony.

[195.252.] 579.084. 1. [It is unlawful for any] A person commits the 2 offense of distribution of a controlled substance in violation of 3 registration requirements if he or she:

4 (1) [Who] Is subject to the provisions of sections 195.005 to 195.198 [to 5 distribute or dispense], and knowingly distributes or dispenses a controlled 6 substance in violation of section 195.030;

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(2) [Who] Is a registrant, [to manufacture a controlled substance not

8 authorized by that person's registration, or to distribute or dispense] and

9 knowingly distributes or dispenses a controlled substance not authorized by
10 that person's registration to another registrant or other authorized person; or

11 (3) [To refuse or fail] **Knowingly refuses or fails** to make, keep or 12 furnish any record, notification, order form, statement, invoice or information 13 required under section 195.050.

2. [Any person who violates subdivision (1) of subsection 1 of this section or subdivision (2) of subsection 1 of this section is guilty of a class D felony.] The offense of distribution of a controlled substance in violation of registration requirements is a class D felony when the offense is a violation of subdivision (1) or (2) of subsection 1 of this section.

19 3. [Any person who violates subdivision (3) of subsection 1 of this section 20 is guilty of a class A misdemeanor.] The offense of distribution of a 21 controlled substance in violation of registration requirements is a class 22 A misdemeanor when the offense is a violation of subdivision (3) of 23 subsection 1 of this section.

[195.254.] **579.086.** 1. [It is unlawful for any] A manufacturer or distributor [or agent], or an employee of a manufacturer or distributor, [having reasonable cause to believe that] commits the offense of unlawful delivery of a controlled substance when he or she knowingly delivers a controlled substance while acting recklessly as to whether the controlled substance will be used in violation of [sections 195.005 to 195.425 to deliver the controlled substance] this chapter.

8 2. [Any person who violates this section is guilty of a class D] The 9 offense of unlawful delivery of a controlled substance by a 10 manufacturer or distributor is a class D felony.

[565.350.] 579.090. 1. Any pharmacist licensed [pursuant to] under
chapter 338 commits the [crime] offense of tampering with a prescription or a
prescription drug order as defined in section 338.095 if such person knowingly:
(1) Causes the intentional adulteration of the concentration or chemical
structure of a prescribed drug or drug therapy without the knowledge and consent
of the prescribing practitioner;

7 (2) Misrepresents a misbranded, altered, or diluted prescription drug or
8 drug therapy with the purpose of misleading the recipient or the administering
9 person of the prescription drug or drug therapy; or

10 (3) Sells a misbranded, altered, or diluted prescription drug therapy with

11 the intention of misleading the purchaser.

12 2. The offense of tampering with a prescription drug order is a class A13 felony.

[578.154.] 579.095. 1. A person commits the [crime] offense of $\mathbf{2}$ possession of anhydrous ammonia in a nonapproved container if he or she possesses any quantity of anhydrous ammonia in a cylinder or other portable 3 container that was not designed, fabricated, tested, constructed, marked and 4 5placarded in accordance with the United States Department of Transportation 6 Hazardous Materials regulations contained in CFR 49 Parts 100 to 185, revised 7 as of October 1, 2002, [which are herein incorporated by reference,] and approved for the storage and transportation of anhydrous ammonia, or any container that 8 9 is not a tank truck, tank trailer, rail tank car, bulk storage tank, field (nurse) 10 tank or field applicator.

11 2. Cylinder and other portable container valves and other fittings, or 12hoses attached thereto, used in anhydrous ammonia service shall be constructed 13of material resistant to anhydrous ammonia and shall not be constructed of brass, 14copper, silver, zinc, or other material subject to attack by ammonia. Each cylinder utilized for the storage and transportation of anhydrous ammonia shall 1516 be labeled, in a conspicuous location, with the words "ANHYDROUS AMMONIA" or "CAUTION: ANHYDROUS AMMONIA" and the UN number 1005 (UN 1005). 1718 3. [A violation of this section is a class D] The offense of possession

19 of anhydrous ammonia in a nonapproved container is a class D felony.

[578.250.] 579.097. No person shall intentionally smell or inhale the $\mathbf{2}$ fumes of any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl 3 nitrite, ethyl nitrite, pentyl nitrite, and propyl nitrite and their iso-analogues or induce any other person to do so, for the purpose of causing a condition of, or 4 inducing symptoms of, intoxication, elation, euphoria, dizziness, excitement, $\mathbf{5}$ irrational behavior, exhilaration, paralysis, stupefaction, or dulling of senses or 6 nervous system, or for the purpose of, in any manner, changing, distorting, or 7disturbing the audio, visual, or mental processes; except that this section shall 8 9 not apply to the inhalation of any anesthesia for medical or dental purposes.

[578.255.] **579.099.** 1. As used in this section, "alcohol beverage vaporizer" means any device which, by means of heat, a vibrating element, or any other method, is capable of producing a breathable mixture containing one or more alcoholic beverages to be dispensed for inhalation into the lungs via the nose or mouth or both.

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10 following substances:

11 (1) Solvents, particularly toluol;

12 (2) Ethyl alcohol;

13 (3) Amyl nitrite and its iso-analogues;

14 (4) Butyl nitrite and its iso-analogues;

15 (5) Cyclohexyl nitrite and its iso-analogues;

16 (6) Ethyl nitrite and its iso-analogues;

17 (7) Pentyl nitrite and its iso-analogues; and

18 (8) Propyl nitrite and its iso-analogues.

This section shall not apply to substances that have been approved by
 the United States Food and Drug Administration as therapeutic drug products
 or are contained in approved over-the-counter drug products or administered
 lawfully pursuant to the order of an authorized medical practitioner.

4. No person shall intentionally possess any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and propyl nitrite and their iso-analogues for the purpose of using it in the manner prohibited by section [578.250] **579.097** and this section.

5. No person shall possess or use an alcoholic beverage vaporizer.

6. Nothing in this section shall be construed to prohibit the legal consumption of intoxicating liquor, as defined by section 311.020, or nonintoxicating beer[, as defined by section 312.010].

[578.260.] 579.101. 1. No person shall intentionally possess or buy any
solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl
nitrite, pentyl nitrite, and propyl nitrite and their iso-analogues for the purpose
of inducing or aiding any other person to violate the provisions of sections
[578.250 and 578.255] 579.097 and 579.099.

6 2. Any person who violates any provision of sections [578.250 to 578.260]
7 579.097 to 579.101 is guilty of a class B misdemeanor for the first violation and
8 a class D felony for any subsequent violations.

[578.265.] **579.103.** 1. [No person shall] A person commits the 2 offense of selling or transferring solvents to cause certain symptoms if 3 he or she knowingly and intentionally [sell] sells or otherwise [transfer] 4 **transfers** possession of any solvent, particularly toluol, amyl nitrite, butyl 5 nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and propyl nitrite and their 6 iso-analogues to any person for the purpose of causing a condition of, or inducing 7 symptoms of, intoxication, elation, euphoria, dizziness, excitement, irrational 8 behavior, exhilaration, paralysis, stupefaction, or dulling of senses or nervous 9 system, or for the purpose of, in any manner, changing, distorting, or disturbing 10 the audio, visual, or mental processes.

No person who owns or operates any business which receives over fifty
 percent of its gross annual income from the sale of alcoholic beverages or beer,
 or which operates as a venue for live entertainment performance or
 receives fifty percent of its gross annual income from the sale of
 recorded video entertainment, shall sell or offer for sale toluol, amyl nitrite,
 butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and propyl nitrite and
 their iso-analogues, or any toxic glue.

3. [No person who owns or operates any business which operates as a venue for live entertainment performance or receives over fifty percent of its gross annual income from the sale of recorded video entertainment shall sell or offer for sale toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, propyl nitrite or their iso-analogues.

4. Any person who violates the provisions] Violation of [subsection 1 or
24 2 of] this section is [guilty of] a class C felony.

[195.130.] 579.105. 1. [Any room, building, structure or inhabitable
structure as defined in section 569.010 which is used for the illegal use, keeping
or selling of controlled substances is a "public nuisance". No person shall keep
or maintain such a public nuisance.

5 2. The attorney general, circuit attorney or prosecuting attorney may, in 6 addition to any criminal prosecutions, prosecute a suit in equity to enjoin the 7 public nuisance. If the court finds that the owner of the room, building, structure 8 or inhabitable structure knew that the premises were being used for the illegal 9 use, keeping or selling of controlled substances, the court may order that the 10 premises shall not be occupied or used for such period as the court may 11 determine, not to exceed one year.

3. All persons, including owners, lessees, officers, agents, inmates or
employees, aiding or facilitating such a nuisance may be made defendants in any
suit to enjoin the nuisance.

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4. It is unlawful for a person to keep or maintain such a public nuisance.]

16 A person commits the offense of keeping or maintaining a public17 nuisance if he or she knowingly keeps or maintains:

(1) Any room, building, structure or inhabitable structure, as
defined in section 556.061, which is used for the illegal manufacture,
distribution, storage, or sale of any amount of a controlled substance,
except thirty-five grams or less of marijuana or thirty-five grams or less
of any synthetic cannabinoid; or

23(2) Any room, building, structure or inhabitable structure, as defined in section 556.061, where on three or more separate occasions 24within the period of a year, two or more persons, who were not 25residents of the room, building, structure, or inhabitable structure, 2627gathered for the principal purpose of unlawfully ingesting, injecting, 28inhaling or using any amount of a controlled substance, except thirty-29five grams or less of marijuana or thirty-five grams or less of any synthetic cannabinoid. 30

2. In addition to any other criminal prosecutions, the prosecuting attorney or circuit attorney may by information or indictment charge the owner or the occupant, or both the owner and the occupant of the room, building, structure, or inhabitable structure with the [crime] offense of keeping or maintaining a public nuisance. [Keeping or maintaining a public nuisance is a class C felony.]

36 3. The offense of keeping or maintaining a public nuisance is a
 37 class D felony.

[5.] 4. Upon the conviction of the owner pursuant to subsection [4] 2 of
this section, the room, building, structure, or inhabitable structure is subject to
the provisions of sections 513.600 to 513.645.

[195.180.] 579.107. 1. A person may lawfully possess or have under his or her control a controlled substance if [such person] he or she obtained the controlled substance directly from, or pursuant to, a valid prescription or [order of a practitioner while acting] practitioner's order issued in the course of a practitioner's professional practice or except as otherwise authorized by [sections 195.005 to 195.425] this chapter or chapter 195.

2. In any complaint, information, or indictment, and in any action or proceeding brought for the enforcement of any provision of [sections 195.005 to 195.425] this chapter or chapter 195, it shall not be necessary to negative any exception, excuse, proviso, or exemption, contained in [sections 195.005 to 195.425] this chapter or chapter 195, and the burden of proof of any such 12exception, excuse, proviso or exemption, shall be upon the defendant.

[195.420.] 579.110. 1. [It is unlawful for any person to possess] A person commits the offense of possession of methamphetamine $\mathbf{2}$ 3 precursors if he or she knowingly possesses one or more chemicals listed in subsection 2 of section 195.400, [or] reagents, [or] solvents, or any other 4 $\mathbf{5}$ chemicals proven to be precursor ingredients of methamphetamine or amphetamine, as established by expert testimony [pursuant to subsection 3 of 6 7 this section], with the intent to manufacture, compound, convert, produce, 8 process, prepare, test, or otherwise alter that chemical to create a controlled substance or a controlled substance analogue in violation of [sections 195.005 to 9 195.425] this chapter. 10

11 2. [A person who violates this section is guilty of a class C felony.] 12Possession of more than twenty-four grams of ephedrine or pseudoephedrine shall be prima facie evidence of intent to violate this 13section. This subsection shall not apply to any practitioner or to any 14product possessed in the course of a legitimate business. 15

16 3. [The state may present expert testimony to provide a prima facie case 17that any chemical, whether or not listed in subsection 2 of section 195.400, is an 18 immediate precursor ingredient for producing methamphetamine or amphetamine.] The offense of possession of methamphetamine precursors 19 20is a class D felony.

[195.515.] 579.115. 1. Any manufacturer or wholesaler who sells, transfers, or otherwise furnishes ephedrine, pseudoephedrine or $\mathbf{2}$ phenylpropanolamine, or any of their salts, optical isomers and salts of optical 3 isomers, alone or in a mixture, and is required by federal law to report any 4 5suspicious transaction to the United States attorney general, shall submit a copy 6 of the report to the chief law enforcement official with jurisdiction before 7 completion of the sale or as soon as practicable thereafter.

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2. As used in this section, "suspicious transaction" means any sale or transfer required to be reported pursuant to 21 U.S.C. 830(b)(1). 9

10 3. [Any violation of this section shall be a class D felony.] The offense of failure to report suspicious transactions is a class D felony. 11

[577.625.] **579.150.** 1. [No person less than twenty-one years of age shall $\mathbf{2}$ distribute] A person commits the offense of distribution of prescription 3 medication on school property if he or she is less than twenty-one years 4 **of age and knowingly distributes** upon the real property comprising a public

5 or private elementary or secondary school or school bus a prescription medication6 to any individual who does not have a valid prescription for such medication. For

7 purposes of this section, prescription medication shall not include medication8 containing a controlled substance, as defined in section 195.010.

9 2. The provisions of this section shall not apply to any person authorized 10 to distribute a prescription medication by any school personnel who are 11 responsible for storing, maintaining, or dispensing any prescription medication 12 under chapter 338. This section shall not limit the use of any prescription 13 medication by emergency personnel[, as defined in section 565.081,] during an 14 emergency situation.

3. [Any person less than twenty-one years of age who violates this section
is guilty of] The offense of distribution of prescription medication on
school property is a class B misdemeanor for a first offense and a class A
misdemeanor for any second or subsequent offense.

[577.628.] 579.155. 1. [No person less than twenty-one years of age shall possess] A person commits the offense of possession of prescription medication on school property if he or she is less than twenty-one years of age and knowingly possesses upon the real property comprising a public or private elementary or secondary school or school bus prescription medication without a valid prescription for such medication. For purposes of this section, prescription medication shall not include medication containing a controlled substance, as defined in section 195.010.

9 2. The provisions of this section shall not apply to any person authorized 10 to possess a prescription medication by any school personnel who are responsible 11 for storing, maintaining, or dispensing any prescription medication under chapter 12 338. This section shall not limit the use of any prescription medication by 13 emergency personnel[, as defined in section 565.081,] during an emergency 14 situation.

IAny person less than twenty-one years of age who violates the
 provisions of this section is guilty of] The offense of possession of
 prescription medication on school property is a class C misdemeanor for
 a first offense and a class B misdemeanor for any second or subsequent offense.
 [195.275.] 579.170.
 The following words or phrases as used in

2 [sections 195.005 to 195.425] this chapter have the following meanings, unless
3 the context otherwise requires:

4 (1) "Prior drug offender", one who [has previously pleaded guilty to or]

5 has been found guilty of any felony offense of the laws of this state, or of the
6 United States, or any other state, territory or district relating to controlled
7 substances;

8 (2) "Persistent drug offender", one who [has previously pleaded guilty to 9 or] has been found guilty of two or more felony offenses of the laws of this state 10 or of the United States, or any other state, territory or district relating to 11 controlled substances.

12 2. Prior [pleas of guilty and prior] findings of [guilty] guilt shall be 13 pleaded and proven in the same manner as required by section 558.021.

3. The court shall not instruct the jury as to the range of punishment or
allow the jury, upon a finding of guilty, to assess and declare the punishment as
part of its verdict in cases of prior drug offenders or persistent drug offenders.

4. [The provisions of sections 195.285 to 195.296 shall not be construed to affect and may be used in addition to the sentencing provisions of sections 558.016 and 558.019.] The court shall sentence a person, who has been found to be a prior drug offender and is found guilty of:

(1) A level 1 class C felony, to a term of imprisonment of not less
than five years and not to exceed fifteen years;

(2) A level 2 class C felony, to a term of imprisonment of not less
than three years and not to exceed ten years; or

25 (3) A class D felony, to a term of imprisonment not to exceed26 seven years.

5. The court shall sentence a person, who has been found to be a persistent drug offender and is found guilty of:

(1) A class B felony, or a level 1 class C felony, to a term of
imprisonment of not less than ten years and not to exceed thirty years,
or life imprisonment;

32 (2) A level 2 class C felony, to a term of imprisonment of not less
33 than five years and not to exceed fifteen years; or

34 (3) A class D felony, to a term of imprisonment of not less than
35 three years and not to exceed ten years.

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

(1) "Level 1 class C felony", a class C felony with an authorized
term of imprisonment of not less than three years and not to exceed ten
years; and

40 (2) "Level 2 class C felony", a class C felony with an authorized

41 term of imprisonment not to exceed seven years.

[195.280.] **579.175.** Any peace officer of the state of Missouri, or of any political subdivision thereof, may, within the boundaries of the political entity from which he **or she** derives his **or her** authority, arrest without a warrant any person he **or she** sees violating or whom he **or she** has probable cause to believe has violated any provision of this chapter.

[195.367.] **579.180. 1.** It is not necessary for the state to negate any exemption or exception in [sections 195.005 to 195.425] **this chapter or chapter 195** in any complaint, information, indictment, or other pleading or in any trial, hearing, or other proceeding under [sections 195.005 to 195.425] **this chapter or chapter 195**. The burden of producing evidence of any exemption or exception is upon the person claiming it.

2. In the absence of proof that a person is the duly authorized holder of an appropriate registration or order form issued under chapter 195, the person is presumed not to be the holder of the registration or form. The burden of producing evidence with respect to the registration or order form is upon such person claiming to be the authorized holder of the registration or form.

[195.371.] 579.185. No criminal liability is imposed by [sections 195.005
to 195.425] this chapter upon any authorized state, county, or municipal officer,
lawfully engaged in the enforcement of [sections 195.005 to 195.425] this
chapter in good faith.

589.015. As used in sections 589.010 to 589.040:

2 (1) The term "center" shall mean the state center for the prevention and 3 control of sexual assault established pursuant to section 589.030;

(2) The term "sexual assault" shall include:

 $\mathbf{5}$ (a) The acts of rape in the first or second degree, forcible rape, rape, 6 statutory rape in the first degree, statutory rape in the second degree, sexual $\mathbf{7}$ assault, sodomy in the first or second degree, forcible sodomy, sodomy, statutory sodomy in the first degree, statutory sodomy in the second degree, child 8 9 molestation in the first, second, third, or fourth degree, [child molestation in the second degree,] deviate sexual assault, sexual misconduct [and], sexual 10 misconduct in the first, second, or third degree, sexual abuse, and sexual 11 12abuse in the first or second degree, or attempts to commit any of the 13aforesaid, as these acts are defined in chapter 566;

14 (b) The act of incest, as this act is defined in section 568.020;

(c) The act of abuse of a child[, as defined in subdivision (1) of subsection
1 of] under section 568.060, which involves sexual contact[, and as defined in
subdivision (2) of subsection 1 of section 568.060];

18 (d) The act of use of a child in a sexual performance [as defined in section19 568.080]; and

20 (e) The act of enticement of a child, as defined in section 566.151, or any 21 attempt to commit such act.

589.400. 1. Sections 589.400 to 589.425 shall apply to:

2 (1) Any person who, since July 1, 1979, has been or is hereafter convicted 3 of, been found guilty of, or pled guilty or nolo contendere to committing, 4 attempting to commit, or conspiring to commit a felony offense of chapter 566, 5 including sexual trafficking of a child and sexual trafficking of a child under the 6 age of twelve, or any offense of chapter 566 where the victim is a minor, unless 7 such person is exempted from registering under subsection 8 of this section; or

8 (2) Any person who, since July 1, 1979, has been or is hereafter convicted 9 of, been found guilty of, or pled guilty or nolo contendere to committing, 10 attempting to commit, or conspiring to commit one or more of the following offenses: kidnapping or kidnapping in the first degree when the victim was 11 a child and the defendant was not a parent or guardian of the child; abuse of a 12child under section 568.060 when such abuse is sexual in nature; felonious 1314restraint or kidnapping in the second degree when the victim was a child and the defendant is not a parent or guardian of the child; sexual contact or 15sexual intercourse with a resident of a nursing home[, under section 565.200] or 1617sexual conduct with a nursing facility resident or vulnerable person in 18 the first or second degree; endangering the welfare of a child under section 19 568.045 when the endangerment is sexual in nature; genital mutilation of a 20female child, under section 568.065; promoting prostitution in the first degree; promoting prostitution in the second degree; promoting prostitution in the third 2122degree; sexual exploitation of a minor; promoting child pornography in the first 23degree; promoting child pornography in the second degree; possession of child pornography; furnishing pornographic material to minors; public display of 24explicit sexual material; coercing acceptance of obscene material; promoting 25obscenity in the first degree; promoting pornography for minors or obscenity in 2627the second degree; incest; use of a child in a sexual performance; or promoting sexual performance by a child; or 28

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(3) Any person who, since July 1, 1979, has been committed to the

30 department of mental health as a criminal sexual psychopath; or

31 (4) Any person who, since July 1, 1979, has been found not guilty as a
32 result of mental disease or defect of any offense listed in subdivision (1) or (2) of
33 this subsection; or

34 (5) Any juvenile certified as an adult and transferred to a court of general 35 jurisdiction who has been convicted of, found guilty of, or has pleaded guilty or 36 nolo contendere to committing, attempting to commit, or conspiring to commit a 37 felony under chapter 566 which is equal to or more severe than aggravated sexual 38 abuse under 18 U.S.C. Section 2241, which shall include any attempt or 39 conspiracy to commit such offense;

40 (6) Any juvenile fourteen years of age or older at the time of the offense 41 who has been adjudicated for an offense which is equal to or more severe than 42 aggravated sexual abuse under 18 U.S.C. Section 2241, which shall include any 43 attempt or conspiracy to commit such offense;

44 (7) Any person who is a resident of this state who has, since July 1, 1979, 45or is hereafter convicted of, been found guilty of, or pled guilty to or nolo 46contendere in any other state, or foreign country, or under federal, tribal, or military jurisdiction to committing, attempting to commit, or conspiring to commit 47an offense which, if committed in this state, would be a violation of chapter 566, 4849 or a felony violation of any offense listed in subdivision (2) of this subsection or 50has been or is required to register in another state or has been or is required to register under tribal, federal, or military law; or 51

52 (8) Any person who has been or is required to register in another state or 53 has been or is required to register under tribal, federal, or military law and who 54 works or attends an educational institution, whether public or private in nature, 55 including any secondary school, trade school, professional school, or institution 56 of higher education on a full-time or on a part-time basis or has a temporary 57 residence in Missouri. "Part-time" in this subdivision means for more than seven 58 days in any twelve-month period.

2. Any person to whom sections 589.400 to 589.425 apply shall, within three days of conviction, release from incarceration, or placement upon probation, register with the chief law enforcement official of the county or city not within a county in which such person resides unless such person has already registered in that county for the same offense. Any person to whom sections 589.400 to 589.425 apply if not currently registered in their county of residence shall register with the chief law enforcement official of such county or city not within

a county within three days. The chief law enforcement official shall forward a 66 67 copy of the registration form required by section 589.407 to a city, town, village, or campus law enforcement agency located within the county of the chief law 68 69 enforcement official, if so requested. Such request may ask the chief law enforcement official to forward copies of all registration forms filed with such 7071official. The chief law enforcement official may forward a copy of such 72registration form to any city, town, village, or campus law enforcement agency, 73if so requested.

3. The registration requirements of sections 589.400 through 589.425 are
lifetime registration requirements unless:

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(1) All offenses requiring registration are reversed, vacated or set aside;

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(2) The registrant is pardoned of the offenses requiring registration;

(3) The registrant is no longer required to register and his or her name
shall be removed from the registry under the provisions of subsection 6 of this
section; or

(4) The registrant may petition the court for removal or exemption from
the registry under subsection 7 or 8 of this section and the court orders the
removal or exemption of such person from the registry.

4. For processing an initial sex offender registration the chief law enforcement officer of the county or city not within a county may charge the offender registering a fee of up to ten dollars.

5. For processing any change in registration required pursuant to section 88 589.414 the chief law enforcement official of the county or city not within a county 89 may charge the person changing their registration a fee of five dollars for each 90 change made after the initial registration.

91 6. Any person currently on the sexual offender registry for being convicted 92 of, found guilty of, or pleading guilty or nolo contendere to committing, attempting to commit, or conspiring to commit, felonious restraint when the 93 victim was a child and he or she was the parent or guardian of the child, 94 nonsexual child abuse that was committed under section 568.060, or kidnapping 95 when the victim was a child and he or she was the parent or guardian of the child 96 97 shall be removed from the registry. However, such person shall remain on the sexual offender registry for any other offense for which he or she is required to 98 99 register under sections 589.400 to 589.425.

100 7. Any person currently on the sexual offender registry for having been 101 convicted of, found guilty of, or having pleaded guilty or nolo contendere to 102committing, attempting to commit, or conspiring to commit promoting prostitution 103 in the second degree, promoting prostitution in the third degree, public display 104 of explicit sexual material, statutory rape in the second degree, and no physical 105force or threat of physical force was used in the commission of the crime may file 106 a petition in the civil division of the circuit court in the county in which the 107 offender was convicted or found guilty of or pled guilty or nolo contendere to 108 committing, attempting to commit, or conspiring to commit the offense or offenses 109 for the removal of his or her name from the sexual offender registry after ten 110 years have passed from the date he or she was required to register.

8. Effective August 28, 2009, any person on the sexual offender registry 111 112for having been convicted of, found guilty of, or having pled guilty or nolo contendere to an offense included under subsection 1 of this section may file a 113114 petition after two years have passed from the date the offender was convicted or 115found guilty of or pled guilty or nolo contendere to the offense or offenses in the 116 civil division of the circuit court in the county in which the offender was convicted 117or found guilty of or pled guilty or nolo contendere to the offense or offenses for 118 removal of his or her name from the registry if such person was nineteen years of age or younger and the victim was thirteen years of age or older at the time of 119 120the offense and no physical force or threat of physical force was used in the commission of the offense, unless such person meets the qualifications of this 121122subsection, and such person was eighteen years of age or younger at the time of the offense, and is convicted or found guilty of or pleads guilty or nolo contendere 123to a violation of section 566.068, 566.090, 566.093, or 566.095 when such offense 124is a misdemeanor, in which case, such person may immediately file a petition to 125126 remove or exempt his or her name from the registry upon his or her conviction or 127finding or pleading of guilty or nolo contendere to such offense.

1289. (1) The court may grant such relief under subsection 7 or 8 of this 129section if such person demonstrates to the court that he or she has complied with 130the provisions of this section and is not a current or potential threat to public safety. The prosecuting attorney in the circuit court in which the petition is filed 131 must be given notice, by the person seeking removal or exemption from the 132registry, of the petition to present evidence in opposition to the requested relief 133or may otherwise demonstrate the reasons why the petition should be 134135denied. Failure of the person seeking removal or exemption from the registry to 136notify the prosecuting attorney of the petition shall result in an automatic denial of such person's petition. If the prosecuting attorney is notified of the petition he 137

or she shall make reasonable efforts to notify the victim of the crime for which
the person was required to register of the petition and the dates and times of any
hearings or other proceedings in connection with that petition.

(2) If the petition is denied, such person shall wait at least twelve months before petitioning the court again. If the court finds that the petitioner is entitled to relief, which removes or exempts such person's name from the registry, a certified copy of the written findings or order shall be forwarded by the court to the chief law enforcement official having jurisdiction over the offender and to the Missouri state highway patrol in order to have such person's name removed or exempted from the registry.

148 10. Any nonresident worker or nonresident student shall register for the 149 duration of such person's employment or attendance at any school of higher 150 education and is not entitled to relief under the provisions of subsection 9 of this 151 section. Any registered offender from another state who has a temporary 152 residence in this state and resides more than seven days in a twelve-month period 153 shall register for the duration of such person's temporary residency and is not 154 entitled to the provisions of subsection 9 of this section.

155 11. Any person whose name is removed or exempted from the sexual 156 offender registry under subsection 7 or 8 of this section shall no longer be 157 required to fulfill the registration requirements of sections 589.400 to 589.425, 158 unless such person is required to register for committing another offense after 159 being removed from the registry.

[566.224.] **595.223.** No prosecuting or circuit attorney, peace officer, $\mathbf{2}$ governmental official, or employee of a law enforcement agency shall request or 3 require a victim of [rape in the second degree under section 566.031, sexual assault under section 566.040 as it existed prior to August 28, 2013, rape in the 4 first degree under section 566.030, or forcible rape under section 566.030 as it $\mathbf{5}$ existed prior to August 28, 2013] an offense under chapter 566, or a victim 6 of an offense of domestic assault or stalking to submit to any polygraph test 7or psychological stress evaluator exam as a condition for proceeding with a 8 9 criminal investigation of such [crime] offense.

[566.226.] **595.226.** 1. After August 28, 2007, any information contained 2 in any court record, whether written or published on the internet, that could be 3 used to identify or locate any victim of [sexual assault,] **an offense under** 4 **chapter 566 or a victim of** domestic assault[,] **or** stalking[, rape in the first 5 or second degree, or forcible rape] shall be closed and redacted from such record 6 prior to disclosure to the public. Identifying information shall include the name,

7 home or temporary address, telephone number, Social Security number, place of
8 employment, or physical characteristics.

9 2. If the court determines that a person or entity who is requesting 10 identifying information of a victim has a legitimate interest in obtaining such 11 information, the court may allow access to the information, but only if the court 12 determines that disclosure to the person or entity would not compromise the 13 welfare or safety of such victim, and only after providing reasonable notice 14 to the victim and after allowing the victim the right to respond to such 15 request.

16 3. Notwithstanding the provisions of subsection 1 of this section, the judge presiding over a [sexual assault,] case under chapter 566, or a case of 1718 domestic assault[,] or stalking[, forcible rape, or rape in the first or second degree case] shall have the discretion to publicly disclose identifying information 19 regarding the defendant which could be used to identify or locate the victim of the 2021crime. The victim may provide a statement to the court regarding whether he or 22she desires such information to remain closed. When making the decision to 23disclose such information, the judge shall consider the welfare and safety of the 24victim and any statement to the court received from the victim regarding the 25disclosure.

[557.041.] **595.229.** 1. Prior to the acceptance of a plea bargain by the court with respect to any person who has pled guilty to an offense after initially $\mathbf{2}$ being charged with a felony, the court shall allow the victim of such offense to 3 4 submit a written statement or appear before the court personally or by counsel for the purpose of making a statement. The statement shall relate solely to the $\mathbf{5}$ facts of the case and any personal injuries or financial loss incurred by the victim. 6 A member of the immediate family of the victim may appear personally or by 7counsel to make a statement if the victim has died or is otherwise unable to 8 9 appear as a result of the offense committed by the defendant.

2. At the time of sentencing of any person who has pled guilty or been found guilty of a felony offense, the victim of such offense may appear before the court personally or by counsel for the purpose of making a statement or may submit a written statement. The statement shall relate solely to the facts of the case and any personal injuries or financial loss incurred by the victim. A member of the immediate family of the victim may appear personally or by counsel to make a statement if the victim has died or is otherwise unable to appear as a

17 result of the offense committed by the defendant.

3. The prosecuting attorney shall inform the victim or shall inform a member of the immediate family of the victim if the victim is dead or otherwise is unable to make a statement as a result of the offense committed by the defendant of the right to make a statement pursuant to subsections 1 and 2 of this section. If the victim or member of the immediate family supplies a stamped, self-addressed envelope, the prosecutor shall send notice of the time and location that the court will hear the guilty plea or render sentence.

[570.222.] **595.232.** 1. Notwithstanding that jurisdiction may lie elsewhere for investigation and prosecution of [a crime] **an offense** of identity theft, victims of identity theft have the right to contact the local law enforcement agency where the victim is domiciled and request that an incident report about the identity theft be prepared and filed. The victim may also request from the local law enforcement agency to receive a copy of the incident report. The law enforcement agency may share the incident report with law enforcement agencies located in other jurisdictions.

9 2. As used in this section, "incident report" means a loss or other similar 10 report prepared and filed by a local law enforcement agency.

3. Nothing in this section shall interfere with the discretion of a local law
enforcement agency to allocate resources for investigations of crimes or to provide
an incident report as permitted in this section. An incident report prepared and
filed under this section shall not be an open case for purposes of compiling open
case statistics.

[577.054.] 610.130. 1. After a period of not less than ten years, an $\mathbf{2}$ individual who has pleaded guilty or has been convicted for a first 3 [alcohol-related driving] intoxication-related traffic offense or intoxication-related boating offense which is a misdemeanor or a county or 4 city ordinance violation and which is not a conviction for driving a commercial 5motor vehicle while under the influence of alcohol and who since such date has 6 not been convicted of any [other alcohol-related driving] intoxication-related 7 8 traffic offense or intoxication-related boating offense may apply to the 9 court in which he or she pled guilty or was sentenced for an order to expunge from all official records all recordations of his or her arrest, plea, trial or 10 11 conviction.

12 **2.** If the court determines, after hearing, that such person has not been 13 convicted of any subsequent [alcohol-related driving] **intoxication-related** 14 traffic offense or intoxication-related boating offense, has no other 15 subsequent alcohol-related enforcement contacts as defined in section 302.525, 16 and has no other [alcohol-related driving charges] intoxication-related traffic 17 offense or intoxication-related boating offenses or alcohol-related 18 enforcement actions pending at the time of the hearing on the application, the 19 court shall enter an order of expungement.

203. Upon granting of the order of expungement, the records and files 21maintained in any administrative or court proceeding in an associate or circuit division of the circuit court under this section shall be confidential and only 2223available to the parties or by order of the court for good cause shown. The effect of such order shall be to restore such person to the status he or she occupied prior 2425to such arrest, plea or conviction and as if such event had never taken place. No 26person as to whom such order has been entered shall be held thereafter under 27any provision of any law to be guilty of perjury or otherwise giving a false 28statement by reason of his or her failure to recite or acknowledge such arrest, 29plea, trial, conviction or expungement in response to any inquiry made of him or 30 her for any purpose whatsoever and no such inquiry shall be made for information relating to an expungement under this section. A person shall only 3132be entitled to one expungement pursuant to this section. Nothing contained in 33 this section shall prevent the director from maintaining such records as to ensure 34that an individual receives only one expungement pursuant to this section for the purpose of informing the proper authorities of the contents of any record 3536 maintained pursuant to this section.

[2.] 4. The provisions of this section shall not apply to any individual
who has been issued a commercial driver's license or is required to possess a
commercial driver's license issued by this state or any other state.

[565.216.] **630.161.** The department of mental health shall investigate incidents and reports of vulnerable person abuse using the procedures established in sections 630.163 to 630.167 and, upon substantiation of the report of vulnerable person abuse, shall promptly report the incident to the appropriate law enforcement agency and prosecutor. If the department is unable to substantiate whether abuse occurred due to the failure of the operator or any of the operator's agents or employees to cooperate with the investigation, the incident shall be promptly reported to appropriate law enforcement agencies.

630.162. 1. When any physician, physician assistant, dentist, 2 chiropractor, optometrist, podiatrist, intern, resident, nurse, nurse

3 practitioner, medical examiner, social worker, licensed professional counselor, certified substance abuse counselor, psychologist, physical 4 therapist, pharmacist, other health practitioner, minister, Christian $\mathbf{5}$ Science practitioner, facility administrator, nurse's aide or orderly in 6 7 a residential facility, day program or specialized service operated, funded or licensed by the department or in a mental health facility or 8 mental health program in which people may be admitted on a voluntary 9 basis or are civilly detained under chapter 632; or employee of the 10 departments of social services, mental health, or health and senior 11 services; or home health agency or home health agency employee; 12hospital and clinic personnel engaged in examination, care, or 1314 treatment of persons; in-home services owner, provider, operator, or 15employee; law enforcement officer; long-term care facility 16 administrator or employee; mental health professional; peace officer; probation or parole officer; or other nonfamilial person with 17responsibility for the care of a vulnerable person, as defined by section 18 630.005, has reasonable cause to suspect that such a person has been 19 subjected to abuse or neglect or observes such a person being subjected 20to conditions or circumstances that would reasonably result in abuse 21or neglect, he or she shall immediately report or cause a report to be 22made to the department in accordance with section 630.163. Any other 23person who becomes aware of circumstances which may reasonably be 24expected to be the result of or result in abuse or neglect may report to 2526the department. Notwithstanding any other provision of this section, a duly ordained minister, clergy, religious worker, or Christian Science 2728practitioner while functioning in his or her ministerial capacity shall 29not be required to report concerning a privileged communication made 30 to him or her in his or her professional capacity.

2. Any residential facility, day program or specialized service operated, funded or licensed by the department that prevents or discourages a patient, resident or client, employee or other person from reporting that a patient, resident or client of a facility, program or service has been abused or neglected shall be subject to loss of their license issued under sections 630.705 to 630.760, and civil fines of up to five thousand dollars for each attempt to prevent or discourage reporting. SS SCS SB 491

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3. Nothing in this section shall be construed to mean that a vulnerable person is abused or neglected solely because such person chooses to rely on spiritual means through prayer, in lieu of medical care, for his or her health care, as evidenced by such person's explicit

43 consent, advance directive for health care, or practice.

[565.220.] 630.164. Any person, official or institution complying with the $\mathbf{2}$ provisions of section [565.218] 630.162, in the making of a report, or in 3 cooperating with the department in any of its activities pursuant to sections [565.216 and 565.218] **630.161 to 630.167**, except [any] the person, official, or 4 institution [violating section 565.210, 565.212, or 565.214] accused of abusing 5 6 or neglecting the vulnerable person shall be immune from any civil or criminal liability for making such a report, or in cooperating with the department, 7unless such person acted negligently, recklessly, in bad faith, or with malicious 8 9 purpose.

632.480. As used in sections 632.480 to 632.513, the following terms 2 mean:

3 (1) "Agency with jurisdiction", the department of corrections or the 4 department of mental health;

5 (2) "Mental abnormality", a congenital or acquired condition affecting the 6 emotional or volitional capacity which predisposes the person to commit sexually 7 violent offenses in a degree constituting such person a menace to the health and 8 safety of others;

9 (3) "Predatory", acts directed towards individuals, including family 10 members, for the primary purpose of victimization;

11 (4) "Sexually violent offense", the felonies of rape in the first degree, 12forcible rape, rape, statutory rape in the first degree, sodomy in the first degree, 13forcible sodomy, sodomy, statutory sodomy in the first degree, or an attempt to commit any of the preceding crimes, or child molestation in the first [or], second, 14 third, or fourth degree, sexual abuse, sexual abuse in the first degree, rape in 15the second degree, sexual assault, sexual assault in the first degree, sodomy in 16 the second degree, deviate sexual assault, deviate sexual assault in the first 17degree, or the act of abuse of a child involving either sexual contact, a prohibited 18 19 sexual act, sexual abuse, or sexual exploitation of a minor, or any felony offense 20that contains elements substantially similar to the offenses listed above;

(5) "Sexually violent predator", any person who suffers from a mentalabnormality which makes the person more likely than not to engage in predatory

23 acts of sexual violence if not confined in a secure facility and who:

(a) Has pled guilty or been found guilty, or been found not guilty by
reason of mental disease or defect pursuant to section 552.030 of a sexually
violent offense; or

(b) Has been committed as a criminal sexual psychopath pursuant tosection 632.475 and statutes in effect before August 13, 1980.

[195.501.] 650.150. Sections [195.501 to 195.511] 650.150 to 650.165
2 shall be known and may be cited as the "Intergovernmental Drug Laws
3 Enforcement Act".

[195.503.] **650.153.** As used in sections [195.501 to 195.511] **650.150 to** 2 **650.165**, the following terms mean:

3

(1) "Department", the department of public safety;

4

(2) "Director", the director of the department of public safety;

5 (3) "Drug laws", all laws regulating the production, sale, prescribing,
6 manufacturing, administering, transporting, having in possession, dispensing,
7 distributing, or use of controlled substances, as defined in section 195.010;

8 (4) "Multijurisdictional enforcement group", or "MEG", a combination of 9 political subdivisions established under sections 573.500 and 573.503, section 10 178.653, and section 311.329 to investigate and enforce computer, internet-based, 11 narcotics, and drug violations.

[195.505.] **650.156.** 1. Any two or more political subdivisions or the state 2 highway patrol and any one or more political subdivisions may by order or 3 ordinance agree to cooperate with one another in the formation of a 4 multijurisdictional enforcement group for the purpose of intensive professional 5 investigation of computer, internet-based, narcotics and drug law violations.

6 2. The power of arrest of any peace officer who is duly authorized as a member of a MEG unit shall only be exercised during the time such peace officer 7 is an active member of a MEG unit and only within the scope of the investigation 8 on which the MEG unit is working. Notwithstanding other provisions of law to 9 the contrary, such MEG officer shall have the power of arrest, as limited in this 10 subsection, anywhere in the state and shall provide prior notification to the chief 11 12of police of the municipality in which the arrest is to take place or the sheriff of the county if the arrest is to be made in his venue. If exigent circumstances exist, 13such arrest may be made; however, notification shall be made to the chief of 14 police or sheriff, as appropriate, as soon as practical. The chief of police or sheriff 15may elect to work with the MEG unit at his **or her** option when such MEG is 16

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17 operating within the jurisdiction of such chief of police or sheriff.

[195.507.] **650.159.** 1. A county bordering another state may enter into agreement with the political subdivisions in such other state's contiguous county pursuant to section 70.220 to form a multijurisdictional enforcement group for the enforcement of drug and controlled substance laws and work in cooperation pursuant to sections [195.501 to 195.511] **650.150 to 650.165**.

6 2. Such other state's law enforcement officers may be deputized as officers 7 of the counties of this state participating in an agreement pursuant to subsection 8 1 of this section, and shall be deemed to have met all requirements of peace 9 officer training and certification pursuant to chapter 590 for the purposes of conducting investigations and making arrests in this state pursuant to the 10 provisions of section [195.505] 650.156, provided such officers have satisfied the 11 12applicable peace officer training and certification standards in force in such other 13 state.

3. Such other state's law enforcement officers shall have the same powers
and immunities when working under an agreement pursuant to subsection 1 of
this section as if working under an agreement with another political subdivision
in Missouri pursuant to section 70.815.

4. A multijurisdictional enforcement group formed pursuant to this section
 is eligible to receive state grants to help defray the costs of its operation pursuant
 to the terms of section [195.509] 650.161.

5. The provisions of subsections 2, 3, and 4 of this section shall not be in force unless such other state has provided or shall provide legal authority for its political subdivisions to enter into such agreements and to extend reciprocal powers and privileges to the law enforcement officers of this state working pursuant to such agreements.

[195.509.] 650.161. 1. A multijurisdictional enforcement group which
meets the minimum criteria established in this section is eligible to receive state
grants to help defray the costs of operation.

4

2. To be eligible for state grants, a MEG shall:

5 (1) Be established and operating pursuant to intergovernmental contracts 6 written and executed in conformity by law, and involve two or more units of local 7 government;

8 (2) Establish a MEG policy board composed of an elected official, or his 9 designee, and the chief law enforcement officer from each participating unit of 10 local government and a representative of a hazardous materials response team or, if such team is not formed, then a representative of the local fire response
agency, to oversee the operations of the MEG and make such reports to the
department of public safety as the department may require;

(3) Designate a single appropriate official of a participating unit of local
government to act as the financial officer of the MEG for all participating units
of the local government and to receive funds for the operation of the MEG;

17

(4) Limit its target operation to enforcement of drug laws;

(5) Cooperate with the department of public safety in order to assure
compliance with sections [195.501 to 195.511] 650.150 to 650.165 and to enable
the department to fulfill its duties under sections [195.501 to 195.511] 650.150
to 650.165 and supply the department with all information the department
deems necessary therefor;

23 (6) Cooperate with the local hazardous material response team to24 establish a local emergency response strategy.

253. The department of public safety shall monitor the operations of all 26MEG units which receive state grants. From the moneys appropriated annually, 27if funds are made available by the general assembly for this purpose, the director shall determine and certify to the auditor the amount of the grant to be made to 2829each designated MEG financial officer. No provision of this section shall prohibit funding of multijurisdictional enforcement groups by sources other than those 30 31provided by the general assembly, if such funding is in accordance with and in such a manner as provided by law. 32

[195.511.] **650.165.** The director shall report annually, no later than 2 January first of each year, to the governor and the general assembly on the 3 operations of the multijurisdictional enforcement groups, including a breakdown 4 of the appropriation for the current fiscal year indicating the amount of the state 5 grant each MEG received or will receive.

[578.390.] **660.360.** The department **of social services** shall establish 2 and maintain a statewide toll-free telephone service which shall be operated eight 3 hours per day during the work week to receive complaints of [a] suspected public 4 assistance fraud. This service shall receive reports over a single statewide 5 toll-free number.

[195.025. 1. No person shall:

2 (1) Transport, carry, and convey any controlled substance
3 by means of any vessel, vehicle, or aircraft, except as authorized in
4 sections 195.010 to 195.320;

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5 (2) Conceal or possess any controlled substance in or upon
6 any vessel, vehicle or aircraft; or

7 (3) Use any vessel, vehicle, or aircraft to facilitate the
8 transportation, carriage, conveyance, concealment, receive
9 possession, purchase, sell, barter, exchange or giving away of any
10 controlled substance.

2. When used in this section the term:

(1) "Aircraft" includes every description of craft or carriage
or other contrivance used or capable of being used as a means of
transportation through air;

15 (2) "Vehicle" includes every description of carriage or other 16 contrivance used or capable of being used as a means of 17 transportation, on, below, or above the land, and shall include but 18 not be limited to automobiles, trucks, station wagons, trailers and 19 motorcycles, but does not include aircraft;

20 (3) "Vessel" includes every description of water craft or
21 other contrivance used or capable of being used as a means of
22 transportation in water, but does not include aircraft.]

[195.110. A person to whom or for whose use any controlled substance in Schedule II has been prescribed, sold, or dispensed by a physician, dentist, podiatrist, or pharmacist, or other person authorized under the provisions of section 195.050 and the owner of any animal for which any such drug has been prescribed, sold, or dispensed, by a veterinarian, may lawfully possess it only in the container in which it was delivered to him by the person selling or dispensing the same.]

[195.135. 1. A search warrant may issue, and execution and seizure may be had, as provided in the rules of criminal procedure for the courts of Missouri, for any controlled substance or imitation controlled substance unlawfully in the possession or under the control of any person, or for any drug paraphernalia for the unauthorized administration or use of controlled substances or imitation controlled substances in the possession or under the control of any person.

9 2. Any peace officer of the state, upon making an arrest for
10 a violation of this chapter, shall seize without warrant any

11 controlled substance or imitation controlled substance or drug 12 paraphernalia kept for the unauthorized administration or use of 13 a controlled substance or imitation controlled substance in the 14 possession or under the control of the person or persons arrested, 15 providing such seizure shall be made incident to the arrest.]

[195.213. 1. A person commits the crime of unlawful purchase or transport of a controlled substance with a minor if he knowingly permits a minor child to purchase or transport illegally obtained controlled substances.

5 2. Unlawful purchase or transport of a controlled substance
6 with a minor is a class B felony.]

[195.214. 1. A person commits the offense of distribution of a controlled substance near schools if such person violates section 195.211 by unlawfully distributing or delivering any controlled substance to a person in or on, or within two thousand feet of, the real property comprising a public or private elementary or secondary school, public vocational school, or a public or private community college, college or university or on any school bus.

8 2. Distribution of a controlled substance near schools is a 9 class A felony which term shall be served without probation or 10 parole if the court finds the defendant is a persistent drug 11 offender.]

[195.217. 1. A person commits the offense of distribution of a controlled substance near a park if such person violates section 195.211 by unlawfully distributing or delivering heroin, cocaine, cocaine base, LSD, amphetamine, or methamphetamine to a person in or on, or within one thousand feet of, the real property comprising a public park, state park, county park, or municipal park or a public or private park designed for public recreational purposes, as park is defined in section 253.010.

9 10 2. Distribution of a controlled substance near a park is a class A felony.]

[195.219. 1. A person commits the crime of unlawful endangerment of property if, while engaged in or as a part of the enterprise for the production of a controlled substance, he protects or attempts to protect the production of the controlled substance by

5creating, setting up, building, erecting or using any device or 6 weapon which causes or is intended to cause damage to the 7 property of, or injury to, another person. 8 2. Unlawful endangerment of property is a class C felony, 9 unless there is physical injury to a person whereby the offense is 10 a class B felony, or there is serious physical injury to a person 11 whereby the offense is a class A felony.] [195.246. 1. It is unlawful for any person to possess any 2 methamphetamine precursor drug with the intent to manufacture 3 amphetamine, methamphetamine or any of their analogs. 2. Possession of more than twenty-four grams of any 4 methamphetamine precursor drug or combination of 5methamphetamine precursor drugs shall be prima facie evidence 6 7of intent to violate this section. This subsection shall not apply to 8 any practitioner or to any product possessed in the course of a 9 legitimate business. 10 3. A person who violates this section is guilty of a class D 11 felony.] [195.256. 1. It is unlawful for any person to manufacture, $\mathbf{2}$ deliver or possess with intent to manufacture or deliver, a 3 controlled substance which, or the container or labeling of which, without authorization and with knowledge of the nature of his 4 actions, bears the trademark, trade name, or other identifying 56 mark, imprint, number or device or any likeness thereof, of a $\overline{7}$ manufacturer, distributor, or dispenser, other than the person who 8 in fact manufactured, distributed, or dispensed the substance. 9 2. A person who violates this section is guilty of a class D 10 felony.] [195.285. 1. Any person who has pleaded guilty to or been $\mathbf{2}$ found guilty of a violation of subsection 2 of section 195.202 shall 3 be sentenced to the authorized term of imprisonment for a class B felony if the court finds the defendant is a prior drug offender. 4 2. Any person who has pleaded guilty to or been found $\mathbf{5}$ 6 guilty of a violation of subsection 2 of section 195.202 shall be 7 sentenced to the authorized term of imprisonment for a class A 8 felony if it finds the defendant is a persistent drug offender.]

[195.291. 1. Any person who has pleaded guilty to or been found guilty of a violation of section 195.211, when punishable as a class B felony, shall be sentenced to the authorized term of imprisonment for a class A felony if the court finds the defendant is a prior drug offender.

6 2. Any person who has pleaded guilty to or been found 7 guilty of a violation of section 195.211, when punishable as a class 8 B felony, shall be sentenced to the authorized term of 9 imprisonment for a class A felony which term shall be served 10 without probation or parole if the court finds the defendant is a 11 persistent drug offender.]

[195.292. Any person who has pleaded guilty to or been found guilty of a violation of section 195.212 or 195.213 shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole if the court finds the defendant is a prior drug offender.]

[195.295. 1. Any person who has pleaded guilty to or been $\mathbf{2}$ found guilty of violation of subdivision (1) of subsection 1 of section 3 195.223, subdivision (1) of subsection 2 of section 195.223, subdivision (1) of subsection 3 of section 195.223, subdivision (1) of 4 subsection 4 of section 195.223, subdivision (1) of subsection 5 of $\mathbf{5}$ 6 section 195.223, subdivision (1) of subsection 6 of section 195.223, 7 or subdivision (1) of subsection 7 of section 195.223 shall be 8 sentenced to the authorized term of imprisonment for a class A 9 felony if the court finds the defendant is a prior drug offender.

10 2. Any person who has pleaded guilty to or been found 11 guilty of a violation of subdivision (1) of subsection 1 of section 12195.223, subdivision (1) of subsection 2 of section 195.223, 13subdivision (1) of subsection 3 of section 195.223, subdivision (1) of 14subsection 4 of section 195.223, subdivision (1) of subsection 5 of section 195.223, subdivision (1) of subsection 6 of section 195.223, 15or subdivision (1) of subsection 7 of section 195.223, or subdivision 16 (1) of subsection 9 of section 195.223 shall be sentenced to the 1718 authorized term of imprisonment for a class A felony, which term 19 shall be without probation or parole, if the court finds the 20defendant is a persistent drug offender.

213. Any person who has pleaded guilty to or been found 22guilty of a violation of subdivision (2) of subsection 1 of section 23195.223, subdivision (2) of subsection 2 of section 195.223, 24subdivision (2) of subsection 3 of section 195.223, subdivision (2) of subsection 4 of section 195.223, subdivision (2) of subsection 5 of 2526section 195.223, subdivision (2) of subsection 6 of section 195.223, 27or subdivision (2) of subsection 7 of section 195.223 or subsection 288 of section 195.223, or subdivision (2) of subsection 9 of section 29195.223 shall be sentenced to the authorized term of imprisonment 30 for a class A felony, which term shall be served without probation 31 or parole, if the court finds the defendant is a prior drug offender.]

[195.296. Any person who has pleaded guilty to or been $\mathbf{2}$ found guilty of violation of subdivision (1) of subsection 1 of section 3 195.222, subdivision (1) of subsection 2 of section 195.222, 4 subdivision (1) of subsection 3 of section 195.222, subdivision (1) of subsection 4 of section 195.222, subdivision (1) of subsection 5 of 5 6 section 195.222, subdivision (1) of subsection 6 of section 195.222, 7 or subdivision (1) of subsection 7 of section 195.222, or subdivision 8 (1) of subsection 8 of section 195.222 shall be sentenced to the 9 authorized term of imprisonment for a class A felony which term 10 shall be served without probation or parole if the court finds the defendant is a prior drug offender.] 11

[195.369. In the absence of proof that a person is the duly authorized holder of an appropriate registration or order form issued under sections 195.005 to 195.425, the person is presumed not to be the holder of the registration or form. The burden of producing evidence with respect to the registration or order form is upon that person.]

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

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

8

(2) Any other alkaloid of any controlled substance, any

9 spirituous or malt liquor, or any intoxicating liquor as defined in 10 section 311.020;

(3) Any article or item of personal property which an 11 offender is prohibited by law or by rule and regulation of the 1213 division from receiving or possessing;

14(4) Any gun, knife, weapon, or other article or item of 15personal property that may be used in such manner as to endanger 16the safety or security of the correctional center, or city or county 17jail, or private prison or jail or as to endanger the life or limb of 18 any offender or employee of such a center.

19 2. The violation of subdivision (1) of subsection 1 of this 20section shall be a class C felony; the violation of subdivision (2) of 21subsection 1 of this section shall be a class D felony; the violation 22of subdivision (3) of subsection 1 of this section shall be a class A 23misdemeanor; and the violation of subdivision (4) of subsection 1 24of this section shall be a class B felony.

253. Any person who has been found guilty of or has pled 26guilty to a violation of subdivision (2) of subsection 1 of this section 27involving any alkaloid shall be entitled to expungement of the 28record of the violation. The procedure to expunge the record shall be pursuant to section 610.123. The record of any person shall not 2930 be expunged if such person has been found guilty of or has pled 31 guilty to knowingly delivering, attempting to deliver, having in his 32possession, or depositing or concealing any alkaloid of any 33 controlled substance in or about the premises of any correctional 34center, or city or county jail, or private prison or jail.]

[306.112. 1. A person commits the crime of operating a 2 vessel with excessive blood alcohol content if such person operates 3 a vessel on the Mississippi River, Missouri River or the lakes of 4 this state with eight-hundredths of one percent or more by weight $\mathbf{5}$ of alcohol in such person's blood.

2. As used in this section, percent by weight of alcohol in 6 7 the blood shall be based upon grams of alcohol per one hundred 8 milliliters of blood and may be shown by chemical analysis of the 9 person's blood, breath, urine, or saliva.

10

3. Operating a vessel with excessive blood alcohol content

11

is a class B misdemeanor.]

[306.114. 1. No person convicted of or pleading guilty to a violation of section 306.111 or 306.112 shall be granted a suspended imposition of sentence, unless such person is placed on probation for a minimum of two years and a record of the conviction or plea of guilty is entered into the records of the Missouri uniform law enforcement system maintained by the Missouri state highway patrol.

8 2. Chemical tests of a person's blood, breath, urine, or saliva to be considered valid under the provisions of sections 9 10 306.111 to 306.119 shall be performed according to methods and 11 devices approved by the department of health and senior services 12by licensed medical personnel or by a person possessing a valid 13 permit issued by the department of health and senior services for 14 this purpose. In addition, any state, county, or municipal law 15enforcement officer who is certified pursuant to chapter 590 may, 16 prior to arrest, administer a portable chemical test to any person 17suspected of operating any vessel in violation of section 306.111 or 18306.112. A portable chemical test shall be admissible as evidence of probable cause to arrest and as exculpatory evidence, but shall 19 not be admissible as evidence of blood alcohol content. The 2021provisions of section 306.116 shall not apply to a test administered 22prior to arrest pursuant to this section.

3. The department of health and senior services shall
approve satisfactory techniques, devices, equipment, or methods to
conduct tests required by sections 306.111 to 306.119, and shall
establish standards as to the qualifications and competence of
individuals to conduct analyses and to issue permits which shall be
subject to termination, suspension or revocation by the department
of health and senior services.

304. A licensed physician, registered nurse, or trained medical31technician, acting at the request and direction of a law enforcement32officer, shall withdraw blood for the purpose of determining the33alcohol content of the blood, unless the medical personnel, in the34exercise of good faith medical judgment, believes such procedure35would endanger the life or health of the person in custody. Blood

36 may be withdrawn only by such medical personnel, but such 37 restriction shall not apply to the taking of a breath test or a urine or saliva specimen. In withdrawing blood for the purpose of 38 39 determining the alcohol content in the blood, only a previously 40 unused and sterile needle and sterile vessel shall be used and the 41 withdrawal shall otherwise be in strict accord with accepted 42medical practices. Upon the request of the person who is tested, 43full information concerning the test taken at the direction of the 44 law enforcement officer shall be made available to such person.

455. No person who administers any test pursuant to the provisions of sections 306.111 to 306.119 upon the request of a law 46 enforcement officer, no hospital in or with which such person is 4748employed or is otherwise associated or in which such test is 49 administered, and no other person, firm, or corporation by whom 50or with which such person is employed or is in any way associated 51shall be civilly liable for damages to the person tested, except for 52negligence in administering of the test or for willful and wanton 53acts or omissions.

54 6. Any person who is dead, unconscious or who is otherwise 55 in a condition rendering such person incapable of refusing to take 56 a test as provided in sections 306.111 to 306.119 shall be deemed 57 not to have withdrawn the consent provided by section 306.116 and 58 the test or tests may be administered.]

[306.116. 1. Any person who operates a vessel upon the $\mathbf{2}$ Mississippi River, Missouri River or the lakes of this state shall be 3 deemed to have given consent to, subject to the provisions of 4 sections 306.111 to 306.119, a chemical test or tests of such person's breath, blood, urine, or saliva for the purpose of 56 determining the alcohol or drug content of such person's blood if 7 arrested for any offense arising out of acts which the arresting law 8 enforcement officer had reasonable grounds to believe were 9 committed while the person was operating a vessel upon the 10 Mississippi River, Missouri River or lakes of this state in violation 11 of section 306.111 or 306.112. The test shall be administered at 12the direction of the arresting law enforcement officer whenever the 13person has been arrested for the offense.

14 2. The implied consent to submit to the chemical tests
15 listed in subsection 1 of this section shall be limited to not more
16 than two such tests arising from the same arrest, incident, or
17 charge.

18 3. The person tested may have a physician, or a gualified 19 technician, chemist, registered nurse, or other qualified person of 20such person's choosing and at such person's expense administer a 21test in addition to any administered at the direction of a law 22enforcement officer. The failure or inability to obtain an additional 23test by a person shall not preclude the admission of evidence 24relating to the test taken at the direction of a law enforcement 25officer.

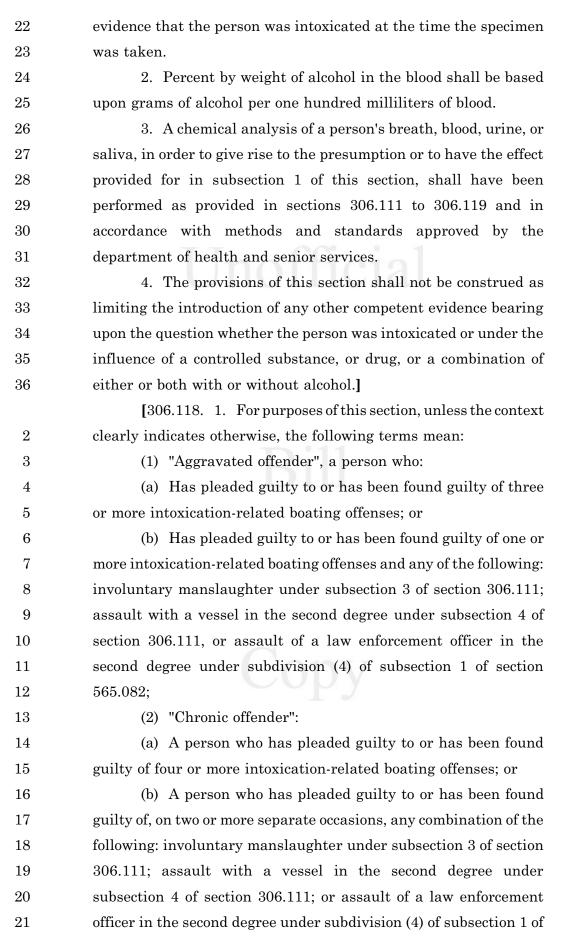
264. Upon the request of the person who is tested, full27information concerning the test shall be made available to such28person.]

[306.117. 1. Upon the trial of any person for violation of $\mathbf{2}$ any of the provisions of section 306.111 or 306.112 the amount of 3 alcohol or drugs in the person's blood at the time of the act alleged as shown by any chemical analysis of the person's blood, breath, 4 urine, or saliva is admissible in evidence and the provisions of 56 subdivision (5) of section 491.060 shall not prevent the admissibility or introduction of such evidence if otherwise 7 8 admissible. Evidence of alcohol in a person's blood shall be given 9 the following effect:

10 (1) If there was five-hundredths of one percent or less by 11 weight of alcohol in such person's blood, it shall be presumed that 12 the person was not intoxicated at the time the specimen was 13 obtained;

14 (2) If there was in excess of five-hundredths of one percent 15 but less than eight-hundredths of one percent by weight of alcohol 16 in such person's blood, the fact shall not give rise to any 17 presumption that the person was or was not intoxicated, but the 18 fact may be considered with other competent evidence in 19 determining whether the person was intoxicated;

20 (3) If there was eight-hundredths of one percent or more by
21 weight of alcohol in the person's blood, this shall be prima facie



22	section 565.082; or
23	(c) A person who has pleaded guilty to or has been found
24	guilty of two or more intoxication-related boating offenses and any
25	of the following: involuntary manslaughter under subsection 3 of
26	section 306.111; assault with a vessel in the second degree under
27	subsection 4 of section 306.111; or assault of a law enforcement
28	officer in the second degree under subdivision (4) of subsection 1 of
29	section 565.082;
30	(3) "Intoxication-related boating offense", operating a vessel
31	while intoxicated under subsection 2 of section 306.111; operating
32	a vessel with excessive blood alcohol content under section 306.112;
33	involuntary manslaughter under subsection 3 of section 306.111;
34	assault with a vessel in the second degree under subsection 4 of
35	section 306.111; any violation of subsection 2 of section 306.110; or
36	assault of a law enforcement officer in the second degree under
37	subdivision (4) of subsection 1 of section 565.082;
38	(4) "Persistent offender", one of the following:
39	(a) A person who has pleaded guilty to or has been found
40	guilty of two or more intoxication-related boating offenses;
41	(b) A person who has pleaded guilty to or has been found
42	guilty of involuntary manslaughter under subsection 3 of section
43	306.111, assault in the second degree under subsection 4 of section
44	306.111, assault of a law enforcement officer in the second degree
45	under subdivision (4) of subsection 1 of section 565.082;
46	(5) "Prior offender", a person who has pleaded guilty to or
47	has been found guilty of one intoxication-related boating offense,
48	where such prior offense occurred within five years of the
49	occurrence of the intoxication-related boating offense for which the
50	person is charged.
51	2. Any person who pleads guilty to or is found guilty of a
52	violation of subsection 2 of section 306.110, section 306.111, or
53	section 306.112, who is alleged and proved to be a prior offender
54	shall be guilty of a class A misdemeanor.
55	3. Any person who pleads guilty to or is found guilty of a
56	violation of subsection 2 of section 306.110, section 306.111, or
57	section 306.112, who is alleged and proved to be a persistent

58 offender shall be guilty of a class D felony.

59 4. Any person who pleads guilty to or is found guilty of a 60 violation of subsection 2 of section 306.110, section 306.111, or 61 section 306.112, who is alleged and proved to be an aggravated 62 offender shall be guilty of a class C felony.

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5. Any person who pleads guilty to or is found guilty of a
violation of subsection 2 of section 306.110, section 306.111, or
section 306.112 who is alleged and proved to be a chronic offender
shall be guilty of a class B felony.

6. No state, county, or municipal court shall suspend the 67 imposition of sentence as to a prior offender, persistent offender, 68 69 aggravated offender, or chronic offender under this section, nor 70sentence such person to pay a fine in lieu of a term of 71imprisonment, notwithstanding the provisions of section 557.011 to the contrary notwithstanding. No prior offender shall be eligible 72for parole or probation until he or she has served a minimum of 7374five days imprisonment, unless as a condition of such parole or 75probation such person performs at least thirty days of community 76service under the supervision of the court in those jurisdictions 77which have a recognized program for community service. No 78persistent offender shall be eligible for parole or probation until he 79or she has served a minimum of ten days imprisonment, unless as 80 a condition of such parole or probation such person performs at 81 least sixty days of community service under the supervision of the 82 court. No aggravated offender shall be eligible for parole or 83 probation until he or she has served a minimum of sixty days 84 imprisonment. No chronic offender shall be eligible for parole or 85 probation until he or she has served a minimum of two years 86 imprisonment.

87 7. The state, county, or municipal court shall find the
88 defendant to be a prior offender, persistent offender, aggravated
89 offender, or chronic offender if:

90 (1) The indictment or information, original or amended, or
91 the information in lieu of an indictment pleads all essential facts
92 warranting a finding that the defendant is a prior offender,
93 persistent offender, aggravated offender, or chronic offender; and

94	(2) Evidence is introduced that establishes sufficient facts
95	pleaded to warrant a finding beyond a reasonable doubt the
96	defendant is a prior offender, persistent offender, aggravated
97	offender, or chronic offender; and
98	(3) The court makes findings of fact that warrant a finding
99	beyond a reasonable doubt by the court that the defendant is a
100	prior offender, persistent offender, aggravated offender, or chronic
101	offender.
102	8. In a jury trial, the facts shall be pleaded, established and
103	found prior to submission to the jury outside of its hearing.
104	9. In a trial without a jury or upon a plea of guilty, the
105	court may defer the proof in findings of such facts to a later time,
106	but prior to sentencing.
107	10. The defendant shall be accorded full rights of
108	confrontation and cross-examination, with the opportunity to
109	present evidence, at such hearings.
110	11. The defendant may waive proof of the facts alleged.
111	12. Nothing in this section shall prevent the use of
112	presentence investigations or commitments.
113	13. At the sentencing hearing both the state, county, or
114	municipality and the defendant shall be permitted to present
115	additional information bearing on the issue of sentence.
116	14. The pleas or findings of guilt shall be prior to the date
117	of commission of the present offense.
118	15. The court shall not instruct the jury as to the range of
119	punishment or allow the jury, upon a finding of guilt, to assess and
120	declare the punishment as part of its verdict in cases of prior
121	offenders, persistent offenders, aggravated offenders, or chronic
122	offenders.]
	[306.119. 1. If an arresting officer requests a person under
2	arrest to submit to a chemical test, such request shall include the
3	reasons of the officer for requesting the person to submit to a test
4	and shall inform the person that he or she may refuse such request
5	but that such person's refusal may be used as evidence against him
6	or her. If a person refuses a test as provided in this subsection, no
7	test shall be given.

8	2. If a person refuses to submit to a chemical test of such
9	person's breath, blood, urine, or saliva and that person stands trial
10	for the crimes provided in section 306.111 or 306.112, such refusal
11	may be admissible into evidence at the trial.]
	[306.141. 1. A person commits the crime of leaving the
2	scene of a vessel accident if:
3	(1) The person is an operator of a vessel on a waterway;
4	(2) The person knows that an injury was caused to another
5	person or to the property of another person, due to the person's
6	action, whether purposefully, negligently or accidentally; and
7	(3) The person leaves the place of the injury, damage, or
8	accident without stopping and giving the following information to
9	the other party or to a water patrol officer or other law enforcement
10	officer or, if no officer is in the vicinity, then without delay to the
11	nearest police station or judicial officer:
12	(a) The operator's name;
13	(b) The operator's residence, including city and street
14	number;
15	(c) The vessel registration number; and
16	(d) The operator's license number for any license issued
17	under chapter 302.
18	2. Leaving the scene of a vessel accident is a class A
19	misdemeanor, unless:
20	(1) The defendant has previously pled guilty to, or been
21	found guilty of, a violation of this section; or
22	(2) The accident resulted in physical injury to another
23	person. In which cases, leaving the scene of a vessel accident is a
24	class D felony.]
	[556.016. 1. An offense defined by this code or by any other
2	statute of this state, for which a sentence of death or imprisonment
3	is authorized, constitutes a "crime". Crimes are classified as
4	felonies and misdemeanors.
5	2. A crime is a "felony" if it is so designated or if persons
6	convicted thereof may be sentenced to death or imprisonment for
7	a term which is in excess of one year.
8	3. A crime is a "misdemeanor" if it is so designated or if

9	persons convicted thereof may be sentenced to imprisonment for a
10	term of which the maximum is one year or less.]
	[556.022. It shall be the duty of the operator or driver of
2	any vehicle or the rider of any animal traveling on the roads of this
3	state to stop on signal of any law enforcement officer and to obey
4	any other reasonable signal or direction of such law enforcement
5	officer given in the course of enforcing any infraction. Any person
6	who willfully fails or refuses to obey any signal or direction of a law
7	enforcement officer given in the course of enforcing any infraction,
8	or who willfully resists or opposes a law enforcement officer in the
9	proper discharge of his or her duties in the course of enforcing any
10	infraction, is guilty of a class A misdemeanor and on plea or
11	finding of guilt thereof shall be punished as provided by law for
12	such offenses.]
	[556.051. When the phrase "The defendant shall have the
2	burden of injecting the issue" is used in the code, it means
3	(1) The issue referred to is not submitted to the trier of fact
4	unless supported by evidence; and
5	(2) If the issue is submitted to the trier of fact any
6	reasonable doubt on the issue requires a finding for the defendant
7	on that issue.]
	[556.056. When the phrase "affirmative defense" is used in
2	the code, it means
3	(1) The defense referred to is not submitted to the trier of
4	fact unless supported by evidence; and
5	(2) If the defense is submitted to the trier of fact the
6	defendant has the burden of persuasion that the defense is more
7	probably true than not.]
	[556.063. In all criminal statutes, unless the context
2	requires a different definition, the following terms mean:
3	(1) "Access", to instruct, communicate with, store data in,
4	retrieve or extract data from, or otherwise make any use of any
5	resources of, a computer, computer system, or computer network;
6	(2) "Computer", the box that houses the central processing
7	unit (cpu), along with any internal storage devices, such as internal
8	hard drives, and internal communication devices, such as internal

9 modems capable of sending or receiving electronic mail or fax 10 cards, along with any other hardware stored or housed internally. Thus, computer refers to hardware, software and data 11 12contained in the main unit. Printers, external modems attached by 13cable to the main unit, monitors, and other external attachments 14will be referred to collectively as peripherals and discussed 15individually when appropriate. When the computer and all peripherals are referred to as a package, the term "computer 1617system" is used. Information refers to all the information on a computer system including both software applications and data: 18

19(3) "Computer equipment", computers, terminals, data20storage devices, and all other computer hardware associated with21a computer system or network;

22(4) "Computer hardware", all equipment which can collect, 23analyze, create, display, convert, store, conceal or transmit 24electronic, magnetic, optical or similar computer impulses or 25data. Hardware includes, but is not limited to, any data processing 26devices, such as central processing units, memory typewriters and 27self-contained laptop or notebook computers; internal and 28peripheral storage devices, transistor-like binary devices and other memory storage devices, such as floppy disks, removable disks, 2930 compact disks, digital video disks, magnetic tape, hard drive, 31 optical disks and digital memory; local area networks, such as two 32 or more computers connected together to a central computer server 33 via cable or modem; peripheral input or output devices, such as keyboards, printers, scanners, plotters, video display monitors and 3435optical readers; and related communication devices, such as 36 modems, cables and connections, recording equipment, RAM or 37 ROM units, acoustic couplers, automatic dialers, speed dialers, 38 programmable telephone dialing or signaling devices and electronic 39 tone-generating devices; as well as any devices, mechanisms or parts that can be used to restrict access to computer hardware, 40 such as physical keys and locks; 41

42 (5) "Computer network", a complex consisting of two or
43 more interconnected computers or computer systems;

44

(6) "Computer program", a set of instructions, statements,

SS SCS SB 491 45245or related data that directs or is intended to direct a computer to 46 perform certain functions; (7) "Computer software", digital information which can be 47interpreted by a computer and any of its related components to 48 49 direct the way they work. Software is stored in electronic, 50magnetic, optical or other digital form. It commonly includes 51programs to run operating systems and applications, such as word 52processing, graphic, or spreadsheet programs, utilities, compilers, 53interpreters and communications programs; 54(8) "Computer-related documentation", written, recorded, printed or electronically stored material which explains or 5556illustrates how to configure or use computer hardware, software or 57other related items; 58(9) "Computer system", a set of related, connected or 59unconnected, computer equipment, data, or software; 60 (10) "Damage", any alteration, deletion, or destruction of 61 any part of a computer system or network; 62 (11) "Data", a representation of information, facts, 63 knowledge, concepts, or instructions prepared in a formalized or other manner and intended for use in a computer or computer 64 65network. Data may be in any form including, but not limited to, printouts, microfiche, magnetic storage media, punched cards and 66 67 as may be stored in the memory of a computer; (12) "Digital camera", a camera that records images in a 68 69 format which enables the images to be downloaded into a computer; 70 (13) "Property", anything of value as defined in subdivision 71(10) of section 570.010 and includes, but is not limited to, financial 72instruments, information, including electronically produced data 73 and computer software and programs in either machine or human 74readable form, and any other tangible or intangible item of value; 75(14) "Services", the use of a computer, computer system, or

computer network and includes, but is not limited to, computer
 time, data processing, and storage or retrieval functions.]

[557.046. In all felony cases, the court shall give notice of the time and place of sentencing to the prosecuting attorney and the law enforcement agency within whose jurisdiction the $\mathrm{SS}\ \mathrm{SCS}\ \mathrm{SB}\ 491$

4	prosecution was initiated. The prosecuting attorney and a
5	representative of the law enforcement agency may appear at
6	sentencing and provide relevant information to the court prior to
7	the court's decision.]
	[560.016. 1. Except as otherwise provided for an offense
2	outside this code, a person who has been convicted of a
3	misdemeanor or infraction may be sentenced to pay a fine which
4	does not exceed:
5	(1) For a class A misdemeanor, one thousand dollars;
6	(2) For a class B misdemeanor, five hundred dollars;
7	(3) For a class C misdemeanor, three hundred dollars;
8	(4) For an infraction, two hundred dollars.
9	2. In lieu of a fine imposed under subsection 1, a person
10	who has been convicted of a misdemeanor or infraction through
11	which he derived "gain" as defined in section 560.011, may be
12	sentenced to a fine which does not exceed double the amount of
13	gain from the commission of the offense. An individual offender
14	may be fined not more than twenty thousand dollars under this
15	provision.]
	[560.021. 1. A sentence to pay a fine, when imposed on a
2	corporation for an offense defined in this code or for any offense
3	defined outside this code for which no special corporate fine is
4	specified, shall be a sentence to pay an amount, fixed by the court,
5	not exceeding:
6	(1) Ten thousand dollars, when the conviction is of a felony;
7	(2) Five thousand dollars, when the conviction is of a class
8	A misdemeanor;
9	(3) Two thousand dollars, when the conviction is of a class
10	B misdemeanor;
11	(4) One thousand dollars, when the conviction is of a class
12	C misdemeanor;
13	(5) Five hundred dollars, when the conviction is of an
14	infraction;
15	(6) Any higher amount not exceeding double the amount of
16	the corporation's gain from the commission of the offense, as
17	determined under section 560.011.

18	2. In the case of an offense defined outside the code, if a
19	special fine for a corporation is expressly specified in the statute
20	that defines the offense, the fine fixed by the court shall be
21	(1) An amount within the limits specified in the statute
22	that defines the offense; or
23	(2) Any higher amount not exceeding double the amount of
24	the corporation's gain from the commission of the offense, as
25	determined under section 560.011.]
	[565.075. 1. A person commits the crime of assault while
2	on school property if the person:
3	(1) Knowingly causes physical injury to another person; or
4	(2) With criminal negligence, causes physical injury to
5	another person by means of a deadly weapon; or
6	(3) Recklessly engages in conduct which creates a grave risk
7	of death or serious physical injury to another person; and the act
8	described under subdivision (1), (2) or (3) of this subsection
9	occurred on school or school district property, or in a vehicle that
10	at the time of the act was in the service of a school or school
11	district, or arose as a result of a school or school district-sponsored
12	activity.
13	2. Assault while on school property is a class D felony.]
	[565.081. 1. A person commits the crime of assault of a law
2	enforcement officer, corrections officer, emergency personnel,
3	highway worker in a construction zone or work zone, utility worker,
4	cable worker, or probation and parole officer in the first degree if
5	such person attempts to kill or knowingly causes or attempts to
6	cause serious physical injury to a law enforcement officer,
7	corrections officer, emergency personnel, highway worker in a
8	construction zone or work zone, utility worker, cable worker, or
9	probation and parole officer.
10	2. As used in this section, "emergency personnel" means
11	any paid or volunteer firefighter, emergency room or trauma center
12	personnel, or emergency medical technician as defined in
13	subdivisions (15), (16), (17), and (18) of section 190.100.
14	3. As used in this section the term "corrections officer"
15	includes any jailer or corrections officer of the state or any political

16 subdivision of the state.

When used in this section, the terms "highway worker",
 "construction zone", or "work zone" shall have the same meaning as
 such terms are defined in section 304.580.

5. As used in this section, the term "utility worker" means any employee while in performance of their job duties, including any person employed under contract of a utility that provides gas, heat, electricity, water, steam, telecommunications services, or sewer services, whether privately, municipally, or cooperatively owned.

6. As used in this section, the term "cable worker" means any employee including any person employed under contract of a cable operator, as such term is defined in section 67.2677.

29 7. Assault of a law enforcement officer, corrections officer,
30 emergency personnel, highway worker in a construction zone or
31 work zone, utility worker, cable worker, or probation and parole
32 officer in the first degree is a class A felony.]

[565.082. 1. A person commits the crime of assault of a law
enforcement officer, corrections officer, emergency personnel,
highway worker in a construction zone or work zone, utility worker,
cable worker, or probation and parole officer in the second degree
if such person:

6 (1) Knowingly causes or attempts to cause physical injury 7 to a law enforcement officer, corrections officer, emergency 8 personnel, highway worker in a construction zone or work zone, 9 utility worker, cable worker, or probation and parole officer by 10 means of a deadly weapon or dangerous instrument;

(2) Knowingly causes or attempts to cause physical injury
to a law enforcement officer, corrections officer, emergency
personnel, highway worker in a construction zone or work zone,
utility worker, cable worker, or probation and parole officer by
means other than a deadly weapon or dangerous instrument;

16 (3) Recklessly causes serious physical injury to a law
17 enforcement officer, corrections officer, emergency personnel,
18 highway worker in a construction zone or work zone, utility worker,
19 cable worker, or probation and parole officer; or

(4) While in an intoxicated condition or under the influence
of controlled substances or drugs, operates a motor vehicle or vessel
in this state and when so operating, acts with criminal negligence
to cause physical injury to a law enforcement officer, corrections
officer, emergency personnel, highway worker in a construction
zone or work zone, utility worker, cable worker, or probation and
parole officer;

(5) Acts with criminal negligence to cause physical injury
to a law enforcement officer, corrections officer, emergency
personnel, highway worker in a construction zone or work zone,
utility worker, cable worker, or probation and parole officer by
means of a deadly weapon or dangerous instrument;

32 (6) Purposely or recklessly places a law enforcement officer,
33 corrections officer, emergency personnel, highway worker in a
34 construction zone or work zone, utility worker, cable worker, or
35 probation and parole officer in apprehension of immediate serious
36 physical injury; or

37 (7) Acts with criminal negligence to create a substantial
38 risk of death or serious physical injury to a law enforcement officer,
39 corrections officer, emergency personnel, highway worker in a
40 construction zone or work zone, utility worker, cable worker, or
41 probation and parole officer.

42 2. As used in this section, "emergency personnel" means
43 any paid or volunteer firefighter, emergency room or trauma center
44 personnel, or emergency medical technician as defined in
45 subdivisions (15), (16), (17), and (18) of section 190.100.

46 3. As used in this section the term "corrections officer"
47 includes any jailer or corrections officer of the state or any political
48 subdivision of the state.

49 4. When used in this section, the terms "highway worker",
50 "construction zone", or "work zone" shall have the same meaning as
51 such terms are defined in section 304.580.

52 5. As used in this section, the term "utility worker" means 53 any employee while in performance of their job duties, including 54 any person employed under contract of a utility that provides gas, 55 heat, electricity, water, steam, telecommunications services, or

56 sewer services, whether privately, municipally, or cooperatively 57 owned.

58 6. As used in this section, the term "cable worker" means 59 any employee, including any person employed under contract of a 60 cable operator, as such term is defined in section 67.2677.

61 7. Assault of a law enforcement officer, corrections officer, 62 emergency personnel, highway worker in a construction zone or 63 work zone, utility worker, cable worker, or probation and parole officer in the second degree is a class B felony unless committed 64 pursuant to subdivision (2), (5), (6), or (7) of subsection 1 of this 65 section in which case it is a class C felony. For any violation of 66 67 subdivision (1), (3), or (4) of subsection 1 of this section, the 68 defendant must serve mandatory jail time as part of his or her 69 sentence.]

[565.083. 1. A person commits the crime of assault of a law
enforcement officer, corrections officer, emergency personnel,
highway worker in a construction zone or work zone, utility worker,
cable worker, or probation and parole officer in the third degree if:

5 (1) Such person recklessly causes physical injury to a law
6 enforcement officer, corrections officer, emergency personnel,
7 highway worker in a construction zone or work zone, utility worker,
8 cable worker, or probation and parole officer;

9 (2) Such person purposely places a law enforcement officer, 10 corrections officer, emergency personnel, highway worker in a 11 construction zone or work zone, utility worker, cable worker, or 12 probation and parole officer in apprehension of immediate physical 13 injury;

(3) Such person knowingly causes or attempts to cause 14 15physical contact with a law enforcement officer, corrections officer, 16 emergency personnel, highway worker in a construction zone or 17work zone, utility worker, cable worker, or probation and parole officer without the consent of the law enforcement officer, 18 corrections officer, emergency personnel, highway worker in a 1920construction zone or work zone, utility worker, cable worker, or 21probation and parole officer.

22

2. As used in this section, "emergency personnel" means

23any paid or volunteer firefighter, emergency room or trauma center24personnel, or emergency medical technician as defined in25subdivisions (15), (16), (17), and (18) of section 190.100.

3. As used in this section the term "corrections officer"
includes any jailer or corrections officer of the state or any political
subdivision of the state.

4. When used in this section, the terms "highway worker",
"construction zone", or "work zone" shall have the same meaning as
such terms are defined in section 304.580.

5. As used in this section, the term "utility worker" means any employee while in performance of their job duties, including any person employed under contract of a utility that provides gas, heat, electricity, water, steam, telecommunications services, or sewer services, whether privately, municipally, or cooperatively owned.

38 6. As used in this section, the term "cable worker" means
39 any employee, including any person employed under contract of a
40 cable operator, as such term is defined in section 67.2677.

41 7. Assault of a law enforcement officer, corrections officer,
42 emergency personnel, highway worker in a construction zone or
43 work zone, utility worker, cable worker, or probation and parole
44 officer in the third degree is a class A misdemeanor.]

[565.092. 1. A patient or respondent is guilty of aggravated harassment of an employee when, with intent to harass, annoy, threaten or alarm a person in a facility whom the person knows or reasonably should know to be an employee of such facility or the department of mental health or to be an employee of any law enforcement agency, the person causes or attempts to cause such employee to come into contact with blood, seminal fluid, urine or feces, by throwing, tossing or expelling such fluid or material.

9 2. For the purposes of this section, "patient" means any 10 person who is a patient in a facility operated by the department of 11 mental health. For purposes of this section, "respondent" means a 12 juvenile in a secure facility operated and maintained by the 13 division of youth services. For purposes of this section, "facility" 14 means a hospital operated by the department of mental health or

15	a secure facility operated by the division of youth services.
16	3. Any person who violates the provisions of this section is
17	guilty of a class A misdemeanor.]
	[565.149. As used in sections 565.149 to 565.169, the
2	following words and phrases mean:
3	(1) "Child", a person under seventeen years of age;
4	(2) "Legal custody", the right to the care, custody and
5	control of a child;
6	(3) "Parent", either a biological parent or a parent by
7	adoption;
8	(4) "Person having a right of custody", a parent or legal
9	guardian of the child.]
	[565.165. 1. A person commits the crime of assisting in
2	child abduction or parental kidnapping if he:
3	(1) Before or during the commission of a child abduction or
4	parental kidnapping as defined in section 565.153 or 565.156 and
5	with the intent to promote or facilitate such offense, intentionally
6	assists another in the planning or commission of child abduction or
7	parental kidnapping, unless before the commission of the offense
8	he makes proper efforts to prevent the commission of the offense;
9	or
10	(2) With the intent to prevent the apprehension of a person
11	known to have committed the offense of child abduction or parental
12	kidnapping, or with the intent to obstruct or prevent efforts to
13	locate the child victim of a child abduction, knowingly destroys,
14	alters, conceals or disguises physical evidence or furnishes false
15	information.
16	2. Assisting in child abduction or parental kidnapping is a
17	class A misdemeanor.]
	[565.169. Upon conviction or guilty plea of a person under
2	section 565.150 , or section 565.153 or 565.156 , the court may, in
3	addition to or in lieu of any sentence or fine imposed, assess as
4	restitution against the defendant and in favor of the legal
5	custodian or parent any reasonable expenses incurred by the legal
6	custodian or parent in searching for or returning the child.]

[565.180. 1. A person commits the crime of elder abuse in

2	the first degree if he attempts to kill, knowingly causes or attempts
3	to cause serious physical injury, as defined in section 565.002, to
4	any person sixty years of age or older or an eligible adult as
5	defined in section 660.250.
6	2. Elder abuse in the first degree is a class A felony.]
	[565.182. 1. A person commits the crime of elder abuse in
2	the second degree if he:
3	(1) Knowingly causes, attempts to cause physical injury to
4	any person sixty years of age or older or an eligible adult, as
5	defined in section 660.250, by means of a deadly weapon or
6	dangerous instrument; or
7	(2) Recklessly or purposely causes serious physical injury,
8	as defined in section 565.002, to a person sixty years of age or older
9	or an eligible adult as defined in section 660.250.
10	2. Elder abuse in the second degree is a class B felony.]
	[565.210. 1. A person commits the crime of vulnerable
2	person abuse in the first degree if he or she attempts to kill or
3	knowingly causes or attempts to cause serious physical injury to a
4	vulnerable person, as defined in section 630.005.
5	2. Vulnerable person abuse in the first degree is a class A
6	felony.]
	[565.212. 1. A person commits the crime of vulnerable
2	person abuse in the second degree if he or she:
3	(1) Knowingly causes or attempts to cause physical injury
4	to a vulnerable person, as defined in section 630.005, by means of
5	a deadly weapon or dangerous instrument; or
6	(2) Recklessly causes serious physical injury to any
7	vulnerable person, as defined in section 630.005.
8	2. Vulnerable person abuse in the second degree is a class
9	B felony.]
	[565.214. 1. A person commits the crime of vulnerable
2	person abuse in the third degree if he or she:
3	(1) Knowingly causes or attempts to cause physical contact
4	with any vulnerable person as defined in section 630.005, knowing
5	the other person will regard the contact as harmful or offensive; or
6	(2) Purposely engages in conduct involving more than one

incident that causes grave emotional distress to a vulnerable
person, as defined in section 630.005. The result of the conduct
shall be such as would cause a vulnerable person, as defined in
section 630.005, to suffer substantial emotional distress; or

(3) Purposely or knowingly places a vulnerable person, as
 defined in section 630.005, in apprehension of immediate physical
 injury; or

(4) Intentionally fails to provide care, goods or services to
a vulnerable person, as defined in section 630.005. The result of
the conduct shall be such as would cause a vulnerable person, as
defined in section 630.005, to suffer physical or emotional distress;
or

(5) Knowingly acts or knowingly fails to act with malice in
a manner that results in a grave risk to the life, body or health of
a vulnerable person, as defined in section 630.005; or

(6) Is a person who is a vendor, provider, agent, or
employee of a department operated, funded, licensed, or certified
program and engages in sexual contact, as defined by subdivision
(3) of section 566.010, or sexual intercourse, as defined by
subdivision (4) of section 566.010, with a vulnerable person.

272. Vulnerable person abuse in the third degree is a class A28 misdemeanor.

3. Actions done in good faith and without gross negligence
that are designed to protect the safety of the individual and the
safety of others, or are provided within accepted standards of care
and treatment, shall not be considered as abuse of a vulnerable
person as defined in this section.

34
4. Nothing in this section shall be construed to mean that
a vulnerable person is abused solely because such person chooses
to rely on spiritual means through prayer, in lieu of medical care,
for his or her health care, as evidenced by the vulnerable person's
explicit consent, advance directive for health care, or practice.]

[565.250. As used in sections 565.250 to 565.257, the 2 following terms mean:

3 (1) "Full or partial nudity", the showing of all or any part
4 of the human genitals or pubic area or buttock, or any part of the

5nipple of the breast of any female person, with less than a fully 6 opaque covering; 7 (2) "Photographs" or "films", the making of any photograph, 8 motion picture film, videotape, or any other recording or 9 transmission of the image of a person; 10 (3) "Place where a person would have a reasonable 11 expectation of privacy", any place where a reasonable person would 12believe that a person could disrobe in privacy, without being 13 concerned that the person's undressing was being viewed, photographed or filmed by another; 14 (4) "Prior invasion of privacy offender", a person who 15previously has pleaded or been found guilty of the crime of invasion 16 17of privacy; (5) "Same course of conduct", more than one person has 18 19 been filmed in full or partial nudity under the same or similar 20circumstances pursuant to one scheme or course of conduct, 21whether at the same or different times; 22(6) "Views", the looking upon of another person, with the 23unaided eye or with any device designed or intended to improve 24visual acuity, for the purpose of arousing or gratifying the sexual desire of any person.] 25[565.253. 1. A person commits the crime of invasion of $\mathbf{2}$ privacy in the second degree if: 3 (1) Such person knowingly views, photographs or films 4 another person, without that person's knowledge and consent, while the person being viewed, photographed or filmed is in a state 5of full or partial nudity and is in a place where one would have a 6 7 reasonable expectation of privacy; or 8 (2) Such person knowingly uses a concealed camcorder or 9 photographic camera of any type to secretly videotape, photograph, 10 or record by electronic means another person under or through the clothing worn by that other person for the purpose of viewing the 11 12body of or the undergarments worn by that other person without 13 that person's consent. 2. Invasion of privacy in the second degree pursuant to 1415subdivision (1) of subsection 1 of this section is a class A

16 misdemeanor; unless more than one person is viewed, 17photographed or filmed in full or partial nudity in violation of sections 565.250 to 565.257 during the same course of conduct, in 18 19 which case invasion of privacy is a class D felony; and unless 20committed by a person who has previously pled guilty to or been found guilty of invasion of privacy, in which case invasion of 2122privacy is a class D felony. Invasion of privacy in the second 23degree pursuant to subdivision (2) of subsection 1 of this section is 24a class A misdemeanor; unless more than one person is secretly videotaped, photographed or recorded in violation of sections 2526 565.250 to 565.257 during the same course of conduct, in which 27case invasion of privacy is a class D felony; and unless committed 28by a person who has previously pled guilty to or been found guilty 29of invasion of privacy, in which case invasion of privacy is a class 30 C felony. Prior pleas or findings of guilt shall be pled and proven 31in the same manner required by the provisions of section 558.021.]

[566.140. 1. Any person who has pleaded guilty to or been $\mathbf{2}$ found guilty of violating the provisions of this chapter and is 3 granted a suspended imposition or execution of sentence or placed under the supervision of the board of probation and parole shall be 4 $\mathbf{5}$ required to participate in and successfully complete a program of 6 treatment, education and rehabilitation designed for perpetrators 7 of sexual offenses. Persons required to attend a program pursuant 8 to this section may be charged a reasonable fee to cover the costs 9 of such program.

10 2. No person who provides assessment services or who 11 makes a report, finding, or recommendation for any probationer to 12attend any counseling or program of treatment, education or 13rehabilitation as a condition or requirement of probation, following 14the probationer's plea of guilty to or a finding of guilt of violating any provision of this chapter or chapter 565, may be related within 1516 the third degree of consanguinity or affinity to any person who has 17a financial interest, whether direct or indirect, in the counseling or 18 program of treatment, education or rehabilitation or any financial 19 interest, whether direct or indirect, in any private entity which 20provides the counseling or program of treatment, education or

21rehabilitation. Any person who violates this subsection shall 22thereafter:

23(1) Immediately remit to the state of Missouri any financial 24income gained as a direct or indirect result of the action 25constituting the violation:

26(2) Be prohibited from providing assessment or counseling 27services or any program of treatment, education or rehabilitation 28to, for, on behalf of, at the direction of, or in contract with the state 29board of probation and parole or any office thereof; and

(3) Be prohibited from having any financial interest, 30 whether direct or indirect, in any private entity which provides 3132assessment or counseling services or any program of treatment, 33 education or rehabilitation to, for, on behalf of, at the direction of, 34or in contract with the state board of probation and parole or any 35 office thereof.

3. The provisions of subsection 2 of this section shall not 36 37 apply when the department of corrections has identified only one 38 qualified service provider within reasonably accessible distance 39 from the offender or when the only providers available within a reasonable distance are related within the third degree of 40 41 consanguinity or affinity to any person who has a financial interest 42in the service provider.]

[566.141. Any person who is convicted of or pleads guilty or $\mathbf{2}$ nolo contendere to any sexual offense involving a child shall be 3 required as a condition of probation or parole to be involved in and successfully complete an appropriate treatment program. Any 4 person involved in such a program shall be required to follow all 56 directives of the treatment program provider.]

[567.040. In any prosecution for prostitution or patronizing $\mathbf{2}$ a prostitute, the sex of the two parties or prospective parties to the sexual conduct engaged in, contemplated or solicited is immaterial, 3 and it is no defense that 4

(1) Both persons were of the same sex; or

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6 (2) The person who received, agreed to receive or solicited 7 something of value was a male and the person who gave or agreed 8 or offered to give something of value was a female.]

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[568.100. 1. When it becomes necessary for the purposes of $\mathbf{2}$ section 568.060, 568.080 or 568.090 to determine whether a child 3 who participated in a sexual performance was younger than seventeen years of age, the court or jury may make this 4 determination by any of the following methods: $\mathbf{5}$ 6 (1) Personal inspection of the child; 7 (2) Inspection of the photograph or motion picture that 8 shows the child engaging in the sexual performance; 9 (3) Oral testimony by a witness to the sexual performance as to the age of the child based on the child's appearance at the 10 11 time; 12(4) Expert medical testimony based on the appearance of 13the child engaging in the sexual performance; or 14(5) Any other method authorized by law or by the rules of evidence. 15162. When it becomes necessary for the purposes of section 17568.060, 568.080 or 568.090 to determine whether a child who 18 participated in the sexual conduct consented to the conduct, the 19 term "consent" shall have the meaning given it in section 556.061. 203. Upon request of the prosecuting attorney, the court may 21order that the child's testimony be videotaped pursuant to section 22492.303 or as otherwise provided by law.] [568.120. 1. Any person who has pleaded guilty to or been $\mathbf{2}$ found guilty of violating the provisions of section 568.020, 568.060, 3 568.080 or 568.090, and who is granted a suspended imposition or 4 execution of sentence, or placed under the supervision of the board $\mathbf{5}$ of probation and parole, shall be required to participate in an appropriate program of treatment, education and 6 7 rehabilitation. Persons required to attend a program pursuant to 8 this section may be charged a reasonable fee to cover the costs of 9 such program. 10 2. Notwithstanding other provisions of law to the contrary, any person who has previously pleaded guilty to or been found 11 12guilty of violating the provisions of sections 568.020, 568.060, 13568.080 and 568.090, and who subsequently pleads guilty or is

found guilty of violating any one of the foregoing sections, shall not

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15	be granted a suspended imposition of sentence, a suspended
16	execution of sentence, nor probation by the circuit court for the
17	subsequent offense.]
	[569.025. 1. A person commits the crime of pharmacy
2	robbery in the first degree when he forcibly steals any controlled
3	substance from a pharmacy and in the course thereof he, or another
4	participant in the crime:
5	(1) Causes serious physical injury to any person;
6	(2) Is armed with a deadly weapon;
7	(3) Uses or threatens the immediate use of a dangerous
8	instrument against any person; or
9	(4) Displays or threatens the use of what appears to be a
10	deadly weapon or dangerous instrument.
11	2. For purposes of this section the following terms mean:
12	(1) "Controlled substance", a drug, substance or immediate
13	precursor in schedules I through V as defined in sections 195.005
14	to 195.425;
15	(2) "Pharmacy", any building, warehouse, physician's office,
16	hospital, pharmaceutical house or other structure used in whole or
17	in part for the sale, storage or dispensing of any controlled
18	substance as defined by sections 195.005 to 195.425.
19	3. Pharmacy robbery in the first degree is a class A felony,
20	but, notwithstanding any other provision of law, a person convicted
21	pursuant to this section shall not be eligible for suspended
22	execution of sentence, parole or conditional release until having
23	served a minimum of ten years of imprisonment.]
	[569.035. 1. A person commits the crime of pharmacy
2	robbery in the second degree when he forcibly steals any controlled
3	substance from a pharmacy.
4	2. For purposes of this section the following terms mean:
5	(1) "Controlled substance", a drug, substance or immediate
6	precursor in schedules I through V as defined in sections 195.005
7	to 195.425;
8	(2) "Pharmacy", any building, warehouse, physician's office,
9	hospital, pharmaceutical house or other structure used in whole or
10	in part for the sale, storage or dispensing of any controlled

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11 substance as defined by sections 195.005 to 195.425.

3. Pharmacy robbery in the second degree is a class B
felony, but, notwithstanding any other provision of law, a person
convicted pursuant to this section shall not be eligible for
suspended execution of sentence, parole or conditional release until
having served a minimum of five years of imprisonment.]

[569.067. 1. A person commits the crime of negligently setting fire to a woodland, cropland, grassland, prairie or marsh when he with criminal negligence causes damage to a woodland, cropland, grassland, prairie or marsh of another by starting a fire.

5 2. A person commits the crime of negligently allowing a fire 6 to escape when he with criminal negligence allows a fire burning 7 on lands in his possession or control to escape onto property of 8 another.

9 3. Negligently setting fire to a woodland, cropland,
10 grassland, prairie or marsh or negligently allowing a fire to escape
11 is a class B misdemeanor.]

[569.094. In a prosecution under sections 569.095 to 569.099, computer printouts shall be competent evidence of any computer software, program, or data contained in or taken from a computer, computer system, or computer network.]

[570.033. Any person who, without lawful authority, willfully takes another's animal with the intent to deprive him of his property is guilty of a class D felony.]

[570.040. 1. Every person who has previously pled guilty $\mathbf{2}$ to or been found guilty of two stealing-related offenses committed 3 on two separate occasions where such offenses occurred within ten years of the date of occurrence of the present offense and who 4 $\mathbf{5}$ subsequently pleads guilty or is found guilty of a stealing-related 6 offense is guilty of a class D felony, unless the subsequent plea or 7 guilty verdict is pursuant to paragraph (a) of subdivision (3) of 8 subsection 3 of section 570.030, in which case the person shall be 9 guilty of a class B felony, and shall be punished accordingly.

102. As used in this section, the term "stealing-related11offense" shall include federal and state violations of criminal12statutes against stealing, robbery, or buying or receiving stolen

property and shall also include municipal ordinances against same if the defendant was either represented by counsel or knowingly waived counsel in writing and the judge accepting the plea or making the findings was a licensed attorney at the time of the court proceedings.

3. Evidence of prior guilty pleas or findings of guilt shall be
heard by the court, out of the hearing of the jury, prior to the
submission of the case to the jury, and the court shall determine
the existence of the prior guilty pleas or findings of guilt.]

[570.050. Amounts stolen pursuant to one scheme or course of conduct, whether from the same or several owners and whether at the same or different times, constitute a single criminal episode and may be aggregated in determining the grade of the offense.]

[570.055. Any person who steals or appropriates, without consent of the owner, any wire, electrical transformer, metallic wire associated with transmitting telecommunications, or any other device or pipe that is associated with conducting electricity or transporting natural gas or other combustible fuels shall be guilty of a class C felony.]

[570.080. 1. A person commits the crime of receiving stolen property if for the purpose of depriving the owner of a lawful interest therein, he or she receives, retains or disposes of property of another knowing that it has been stolen, or believing that it has been stolen.

6 2. Evidence of the following is admissible in any criminal 7 prosecution pursuant to this section to prove the requisite 8 knowledge or belief of the alleged receiver:

9 (1) That he or she was found in possession or control of 10 other property stolen on separate occasions from two or more 11 persons;

12 (2) That he or she received other stolen property in another13 transaction within the year preceding the transaction charged;

14 (3) That he or she acquired the stolen property for a
15 consideration which he or she knew was far below its reasonable
16 value;

(4) That he or she obtained control over stolen property

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18	knowing the property to have been stolen or under such
19	circumstances as would reasonably induce a person to believe the
20	property was stolen.
21	3. Except as otherwise provided in subsections 4 and 5 of
22	this section, receiving stolen property is a class A misdemeanor.
23	4. Receiving stolen property is a class C felony if:
24	(1) The value of the property or services appropriated is five
25	hundred dollars or more but less than twenty-five thousand dollars;
26	(2) The property has been physically taken from the person
27	of the victim; or
28	(3) The property appropriated includes:
29	(a) Any motor vehicle, watercraft, or aircraft;
30	(b) Any will or unrecorded deed affecting real property;
31	(c) Any credit card or letter of credit;
32	(d) Any firearm;
33	(e) Any explosive weapon as that term is defined in section
34	571.010;
35	(f) A United States national flag designed, intended, and
36	used for display on buildings or stationary flagstaffs in the open;
37	(g) Any original copy of an act, bill, or resolution,
38	introduced or acted upon by the legislature of the state of Missouri;
39	(h) Any pleading, notice, judgment, or any other record or
40	entry of any court of this state, any other state, or of the United
41	States;
42	(i) Any book of registration or list of voters required by
43	chapter 115;
44	(j) Any animal considered livestock as that term is defined
45	in section 144.010;
46	(k) Any live fish raised for commercial sale with a value of
47	seventy-five dollars or more;
48	(l) Any captive wildlife held under permit issued by the
49	conservation commission;
50	(m) Any controlled substance as that term is defined in
51	section 195.010;
52	(n) Anhydrous ammonia;
53	(o) Ammonium nitrate; or

(p) Any document of historical significance which has a fair 55market value of five hundred dollars or more.

5. The receipt of any item of property or services pursuant 56to subsection 4 of this section which exceeds five hundred dollars 5758may be considered a separate felony and may be charged in 59separate counts.

60 6. Any person who previously has been found guilty of, or 61 pled guilty to, receiving stolen property, when the property is of the 62 kind described under paragraph (i) or (l) of subdivision (3) of subsection 4 of this section and the value of the animal or animals 63 received exceeds three thousand dollars, is guilty of a class B 64 felony. Such person shall serve a minimum prison term of not less 65 66 than eighty percent of his or her sentence before being eligible for 67 probation, parole, conditional release, or other early release by the 68 department of corrections.

69 7. Receiving stolen property is a class B felony if the value 70of the property or services equals or exceeds twenty-five thousand 71dollars.]

[570.155. 1. It shall be unlawful:

 $\mathbf{2}$ (1) For any person to give, promise or offer to any 3 professional or amateur baseball, football, hockey, polo, tennis or basketball player or boxer or any player who participates or expects 4 to participate in any professional or amateur game or sport or any 56 jockey, driver, groom or any person participating or expecting to 7participate in any horse race, including owners of race tracks and 8 their employees, stewards, trainers, judges, starters or special 9 policemen, or to any manager, coach or trainer of any team or 10 participant or prospective participant in any such game, contest or 11 sport, any valuable thing with intent to influence him to lose or try 12to lose or cause to be lost or to limit his or his team's margin of victory in a baseball, football, hockey or basketball game, boxing, 1314tennis or polo match or a horse race or any professional or amateur sport, or game, in which such player or participant or jockey or 1516 driver, is taking part or expects to take part, or has any duty or 17connection therewith:

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(2) For any professional or amateur baseball, football,

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19 hockey, basketball, tennis or polo player, boxer, or jockey, driver, 20or groom or participant or prospective participant in any sport or 21game, or manager, coach or trainer of any team or individual 22participant or prospective participant in any such game, contest or 23sport to accept, attempt to obtain, or to solicit any valuable thing 24to influence him to lose or try to lose or cause to be lost or to limit 25his or his team's margin of victory in a baseball, football, hockey or 26basketball game or boxing, tennis, or polo match, or horse race or 27any game or sport in which he is taking part, or expects to take 28part, or has any duty or connection therewith.

29 2. (1) Any person violating the provisions of subdivision (1) 30 of subsection 1 shall be deemed guilty of a felony, and, upon 31 conviction thereof, shall be punished by imprisonment in the 32 penitentiary for a term of not to exceed ten years or by 33 imprisonment in the county jail for a period not to exceed one year, 34 or by a fine not to exceed ten thousand dollars or by both such fine 35 and imprisonment;

36 (2) Any person violating the provisions of subdivision (2) of
37 subsection 1 shall be deemed guilty of a misdemeanor.]

[570.160. 1. A person commits the crime of false advertising if, in connection with the promotion of the sale of, or to increase the consumption of, property or services, he recklessly makes or causes to be made a false or misleading statement in any advertisement addressed to the public or to a substantial number of persons.

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2. False advertising is a class A misdemeanor.]

[570.170. 1. A person commits the crime of bait advertising if he advertises in any manner the sale of property or services with the purpose not to sell or provide the property or services:

(1) At t

(1) At the price which he offered them; or

5 (2) In a quantity sufficient to meet the reasonably expected
6 public demand, unless the quantity is specifically stated in the
7 advertisement; or

(3) At all.

2. Bait advertising is a class A misdemeanor.]

[570.190. 1. A person commits the crime of telephone

2	service fraud if the person by deceit obtains or attempts to obtain
3	telephone service without paying the lawful charge, except that it
4	shall not be unlawful for a person to purchase, rent or use
5	telephones or telephone receiving equipment acquired from a lawful
6	source, other than the telephone utility certified to serve the area
7	in which such person resides.
8	2. A person commits the crime of electronic telephone fraud
9	if the person knowingly
10	(1) Uses, in connection with the making or receiving of a
11	telephone call; or
12	(2) Has possession of; or
13	(3) Transfers possession or causes the transfer of possession
14	to another; or
15	(4) Makes or assembles; an electronic or mechanical device
16	which, when used in connection with a telephone call, will cause
17	the billing system of a telephone company to record incorrectly, or
18	omit to record correctly, any fact by which the person responsible
19	for paying the charge for a telephone call is determined.
20	3. Venue for trial shall be as follows:
21	(1) An offense under subsection 1 and subdivision (1) of
22	subsection 2 which involves the placing of telephone calls may be
23	deemed to have been committed at either the place at which the
24	telephone calls were made, or at the place where the telephone
25	calls were received.
26	(2) An offense under subdivisions (2), (3) and (4) of
27	subsection 2 may be deemed to have been committed where the
28	device was found, or at the place where the device was transferred
29	or fabricated.
30	4. (1) An offense under subsection 1 shall be punished by
31	a fine not to exceed five hundred dollars or by confinement in jail
32	for not more than six months, or both; except that if the telephone
33	charges avoided or attempted to be avoided pursuant to one scheme
34	or course of conduct exceed fifty dollars, the offense shall be
35	punished by a fine of not more than one thousand dollars, or by
36	confinement in jail for not more than one year, or both.
37	(2) An offense under subdivisions (1) through (5) of

subsection 2 shall be punished by a fine of not more than one
thousand dollars, confinement in jail for not more than one year,
or both; except that if defendant received consideration from
another as a consequence of the use, transfer, or fabrication of the
device, the offense shall be punished as provided in subdivision (3)
of subsection 4.

(3) If the defendant has been convicted previously of an 44 45offense under this section or of an offense under the laws of 46 another state of the United States which would have been an offense under this section if committed in this state, then the 47offense shall be punished by a fine of not more than five thousand 48dollars or by imprisonment by the department of corrections and 49 50human resources for not less than two nor more than five years, or 51both.

52 5. A search warrant shall be issued by any court of 53 competent jurisdiction upon a finding of probable cause to believe 54 an instrument or device described in subsections 1 and 2 is housed 55 in a particular structure, vehicle or upon the person.]

[570.226. No person shall, without the consent of the owner, transfer or cause to be transferred to any phonograph record, disc, wire, tape, film, videocassette, or other article or medium now known or later developed on which sounds or images are recorded or otherwise stored, any performance whether live before an audience or transmitted by wire or through the air by radio or television, with the intent to sell or cause to be sold for profit.]

[570.230. No person shall advertise, or offer for sale, resale, or sell or resell, or cause to be sold, resold or process for such purposes any article that has been produced in violation of the provisions of section 570.225 or 570.226, knowing, or having reasonable grounds to know, that the sounds thereon have been so transferred without the consent of the owner.]

[570.235. As used in sections 570.225 to 570.255, the 2 following terms mean:

3 (1) "Audiovisual works", works that consist of a series of
4 related images which are intrinsically intended to be shown by the
5 use of machines, electronic equipment or other devices, now known

6 or later developed, together with accompanying sounds, if any; 7 (2) "Manufacturer", the person who transfers or causes to 8 be transferred any sounds or images to the particular article, 9 medium, recording or other physical embodiment of such sounds or 10 images then in issue: (3) "Motion pictures", audiovisual works consisting of a 11 12series of related images which, when shown in succession, impart 13an impression of motion, together with accompanying sounds, if 14any; (4) "Owner", the person who owns the sounds of any 15performance not yet fixed in a medium of expression, or the 16 original fixation of sounds embodied in the master phonograph 1718 record, master disc, master tape, master film, master videocassette, or other device or medium now known or later developed, used for 19 20reproducing sounds on phonograph records, discs, tapes, films, 21videocassettes, or other articles or medium upon which sound is or 22may be recorded, and from which the transferred recorded sounds 23are directly or indirectly derived; 24(5) "Person", any natural person, corporation or other 25business entity.] [570.240. The label, cover, box or jacket on all phonograph $\mathbf{2}$ records, discs, wires, tapes, films, videocassettes or other articles 3 or medium now known or later developed on which sounds or images are recorded shall contain thereon in clearly readable print 4 $\mathbf{5}$ the name and address of the manufacturer.] [570.241. No person shall advertise, or offer for rental, sale, 2 resale, or rent, sell, resell, or cause to be sold, resold, or possess for 3 such purposes any article that has been produced in violation of the provisions of section 570.240, knowing, or having reasonable 4 grounds to know, that the article has been produced in violation of $\mathbf{5}$ the provisions of section 570.240.] 6 [570.245. Sections 570.225 to 570.255 do not apply to: $\mathbf{2}$ (1) Any radio or television broadcaster who transfers any 3 such sounds as part of or in connection with a radio or television broadcast transmission or for archival preservation; 4 5(2) Any person transferring any such sounds at home for

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his personal use without any compensation being derived by such
person or any other person from such transfer;

8 (3) Any cable television company that transfers any such
9 sounds as part of its regular cable television service.]

[570.255. 1. Any person guilty of a violation of sections 570.225 to 570.255 is punishable as follows:

3 (1) For the first offense of a violation of sections 570.225 to
4 570.241 which is not a felony under subdivision (2) of this
5 subsection, such person is guilty of a misdemeanor, and upon
6 conviction shall be punished by a fine not exceeding five thousand
7 dollars, or by confinement in the county jail not exceeding six
8 months, or by both such fine and confinement.

9 (2) For any offense of a violation of section 570.240 or 10 570.241 involving one hundred or more articles upon which motion 11 pictures or audiovisual works are recorded, or any other violation of section 570.225 to 570.241 involving one hundred or more 1213articles, such person is guilty of a felony and, upon conviction, shall 14be punished by a fine not exceeding fifty thousand dollars, or by 15imprisonment by the department of corrections for not more than 16 five years, or by both such fine and imprisonment.

17 (3) For the second and subsequent violations of sections 18 570.225 to 570.255, such person is guilty of a felony and, upon 19 conviction, shall be punished by a fine not exceeding one hundred 20 thousand dollars, or by imprisonment by the department of 21 corrections for not less than two years nor more than five years, or 22 by both such fine and imprisonment.

232. If a person is convicted of any violation of sections 24570.225 to 570.255, the court in its judgment of conviction may 25order the forfeiture and destruction or other disposition of all 26unlawful recordings and all implements, devices and equipment 27used or intended to be used in the manufacture of the unlawful recordings. The court may enter an order preserving such 2829recordings and all implements, devices and equipment as evidence 30 for use in other cases or pending in the final determination of an 31 appeal. The provisions of this subsection shall not be construed to 32allow an order to destroy any such implements, devices, or

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equipment used or intended to be used in such manufacture subject
to any valid lien or rights under any security agreement or title
retention contract when the holder thereof is an innocent party.

36 3. The penalties provided under sections 570.225 to 570.255
37 are not exclusive and are in addition to any other penalties
38 provided by law.]

[573.013. In the course of a criminal investigation under $\mathbf{2}$ this chapter, when the venue of the alleged criminal conduct cannot 3 be readily determined without further investigation, the attorney general may request the prosecuting attorney of Cole County to 4 request a circuit or associate circuit judge of Cole County to issue $\mathbf{5}$ 6 a subpoena to any witness who may have information for the 7purpose of oral examination under oath or to require access to data 8 or the production of books, papers, records, or other material of evidentiary nature at the office of the attorney general. If, upon 9 10 review of the evidence produced pursuant to the subpoenas, it 11 appears that a violation of this chapter may have been committed, 12the attorney general shall provide the evidence produced pursuant 13to subpoena to an appropriate county prosecuting attorney or circuit attorney having venue over the criminal offense.] 14

[573.500. As used in sections 573.500 to 573.507, the 2 following terms mean:

3 (1) "Adult cabaret", a nightclub, bar, restaurant, or similar
4 establishment in which persons appear in a state of nudity in the
5 performance of their duties;

(2) "Nudity", the showing of either:

7 (a) The human male or female genitals or pubic area with
8 less than a fully opaque covering; or

9 (b) The female breast with less than a fully opaque covering
10 on any part of the nipple.]

[573.528. For purposes of sections 573.525 to 573.537, the following terms shall mean:

3 (1) "Adult bookstore" or "adult video store", a commercial
4 establishment which, as one of its principal business activities,
5 offers for sale or rental for any form of consideration any one or
6 more of the following: books, magazines, periodicals, or other

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7	printed matter, or photographs, films, motion pictures, video
8	cassettes, compact discs, digital video discs, slides, or other visual
9	representations which are characterized by their emphasis upon
10	the display of specified sexual activities or specified anatomical
11	areas. A "principal business activity" exists where the commercial
12	establishment:
13	(a) Has a substantial portion of its displayed merchandise
14	which consists of such items; or
15	(b) Has a substantial portion of the wholesale value of its
16	displayed merchandise which consists of such items; or
17	(c) Has a substantial portion of the retail value of its
18	displayed merchandise which consists of such items; or
19	(d) Derives a substantial portion of its revenues from the
20	sale or rental, for any form of consideration, of such items; or
21	(e) Maintains a substantial section of its interior business
22	space for the sale or rental of such items; or
23	(f) Maintains an adult arcade. "Adult arcade" means any
24	place to which the public is permitted or invited wherein
25	coin-operated or slug-operated or electronically, electrically, or
26	$mechanically \ controlled \ still \ or \ motion \ picture \ machines, \ projectors,$
27	or other image-producing devices are regularly maintained to show
28	images to five or fewer persons per machine at any one time, and
29	where the images so displayed are characterized by their emphasis
30	upon matter exhibiting specified sexual activities or specified
31	anatomical areas;
32	(2) "Adult cabaret", a nightclub, bar, juice bar, restaurant,
33	bottle club, or other commercial establishment, regardless of
34	whether alcoholic beverages are served, which regularly features
35	persons who appear semi-nude;
36	(3) "Adult motion picture theater", a commercial
37	establishment where films, motion pictures, video cassettes, slides,
38	or similar photographic reproductions, which are characterized by

or similar photographic reproductions, which are characterized by
their emphasis upon the display of specified sexual activities or
specified anatomical areas are regularly shown to more than five
persons for any form of consideration;

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(4) "Characterized by", describing the essential character or

43dominant theme of an item; (5) "Employ", "employee", or "employment", describe and 44 pertain to any person who performs any service on the premises of 45a sexually oriented business, on a full-time, part-time, or contract 46 47basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise. Employee does not 48 49 include a person exclusively on the premises for repair or 50maintenance of the premises or for the delivery of goods to the 51premises: (6) "Establish" or "establishment", any of the following: 52(a) The opening or commencement of any sexually oriented 5354business as a new business; (b) The conversion of an existing business, whether or not 55a sexually oriented business, to any sexually oriented business; or 5657(c) The addition of any sexually oriented business to any 58other existing sexually oriented business; 59(7) "Influential interest", any of the following: 60 (a) The actual power to operate the sexually oriented 61 business or control the operation, management, or policies of the 62 sexually oriented business or legal entity which operates the 63 sexually oriented business; (b) Ownership of a financial interest of thirty percent or 64 more of a business or of any class of voting securities of a business; 6566 or 67 (c) Holding an office, such as president, vice president, 68 secretary, treasurer, managing member, or managing director, in 69 a legal entity which operates the sexually oriented business; 70 (8) "Nudity" or "state of nudity", the showing of the human 71male or female genitals, pubic area, vulva, anus, anal cleft, or 72cleavage with less than a fully opaque covering, or the showing of 73the female breast with less than a fully opaque covering of any part 74of the nipple or areola; (9) "Operator", any person on the premises of a sexually 7576 oriented business who causes the business to function or who puts 77or keeps in operation the business or who is authorized to manage 78the business or exercise overall operational control of the business

premises. A person may be found to be operating or causing to be
operated a sexually oriented business whether or not such person
is an owner, part owner, or licensee of the business;

(10) "Premises", the real property upon which the sexually
oriented business is located, and all appurtenances thereto and
buildings thereon, including but not limited to the sexually
oriented business, the grounds, private walkways, and parking lots
or parking garages or both;

87 (11) "Regularly", the consistent and repeated doing of the
88 act so described;

89 (12) "Semi-nude" or "state of semi-nudity", the showing of 90 the female breast below a horizontal line across the top of the 91 areola and extending across the width of the breast at such point, 92 or the showing of the male or female buttocks. Such definition 93 includes the lower portion of the human female breast, but shall 94not include any portion of the cleavage of the female breasts 95 exhibited by a bikini, dress, blouse, shirt, leotard, or similar 96 wearing apparel provided the areola is not exposed in whole or in 97 part;

98 (13) "Semi-nude model studio", a place where persons 99 regularly appear in a state of semi-nudity for money or any form of 100 consideration in order to be observed, sketched, drawn, painted, 101 sculptured, photographed, or similarly depicted by other 102 persons. Such definition shall not apply to any place where 103 persons appearing in a state of semi-nudity do so in a modeling 104 class operated:

105 (a) By a college, junior college, or university supported106 entirely or partly by taxation;

107 (b) By a private college or university which maintains and
108 operates educational programs in which credits are transferable to
109 a college, junior college, or university supported entirely or partly
110 by taxation; or

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(c) In a structure:

a. Which has no sign visible from the exterior of the
structure and no other advertising that indicates a semi-nude
person is available for viewing; and

115	b. Where, in order to participate in a class, a student must
116	enroll at least three days in advance of the class;
117	(14) "Sexual encounter center", a business or commercial
118	enterprise that, as one of its principal purposes, purports to offer
119	for any form of consideration physical contact in the form of
120	wrestling or tumbling between two or more persons when one or
121	more of the persons is semi-nude;
122	(15) "Sexually oriented business", an adult bookstore or
123	adult video store, an adult cabaret, an adult motion picture
124	theater, a semi-nude model studio, or a sexual encounter center;
125	(16) "Specified anatomical areas":
126	(a) Less than completely and opaquely covered: human
127	genitals, pubic region, buttock, and female breast below a point
128	immediately above the top of the areola; and
129	(b) Human male genitals in a discernibly turgid state, even
130	if completely and opaquely covered;
131	(17) "Specified criminal act", any of the following specified
132	offenses for which less than eight years has elapsed since the date
133	of conviction or the date of release from confinement for the
134	conviction, whichever is later:
135	(a) Rape and sexual assault offenses;
136	(b) Sexual offenses involving minors;
137	(c) Offenses involving prostitution;
138	(d) Obscenity offenses;
139	(e) Offenses involving money laundering;
140	(f) Offenses involving tax evasion;
141	(g) Any attempt, solicitation, or conspiracy to commit one
142	of the offenses listed in paragraphs (a) to (f) of this subdivision; or
143	(h) Any offense committed in another jurisdiction which if
144	committed in this state would have constituted an offense listed in
145	paragraphs (a) to (g) of this subdivision;
146	(18) "Specified sexual activity", any of the following:
147	(a) Intercourse, oral copulation, masturbation, or sodomy;
148	or
149	(b) Excretory functions as a part of or in connection with
150	any of the activities described in paragraph (a) of this subdivision;

151(19) "Substantial", at least thirty percent of the item or 152items so modified; (20) "Viewing room", the room, booth, or area where a 153patron of a sexually oriented business would ordinarily be 154155positioned while watching a film, video cassette, digital video disc, 156or other video reproduction.] [574.030. For the purposes of sections 574.010 and 574.020 $\mathbf{2}$ (1) "Property of another" means any property in which the 3 actor does not have a possessory interest; (2) "Private property" means any place which at the time is 4 not open to the public. It includes property which is owned $\mathbf{5}$ 6 publicly or privately; 7 (3) "Public place" means any place which at the time is 8 open to the public. It includes property which is owned publicly or 9 privately; 10 (4) If a building or structure is divided into separately 11 occupied units, such units are separate premises.] [575.021. 1. A person commits the crime of obstruction of $\mathbf{2}$ an ethics investigation if such person, for the purpose of 3 obstructing or preventing an ethics investigation, knowingly commits any of the following acts: 4 5 (1) Confers or agrees to confer anything of pecuniary benefit 6 to any person in direct exchange for that person's concealing or 7 withholding any information concerning any violation of sections 8 105.450 to 105.496 and chapter 130; 9 (2) Accepting or agreeing to accept anything of pecuniary 10 benefit in direct exchange for concealing or withholding any information concerning any violation of sections 105.450 to 105.496 11 12or chapter 130; 13(3) Utters or submits a false statement that the person does not believe to be true to any member or employee of the Missouri 1415ethics commission or to any official investigating any violation of sections 105.450 to 105.496 or chapter 130; or 16 17(4) Submits any writing or other documentation that is 18 inaccurate and that the person does not believe to be true to any 19 member or employee of the Missouri ethics commission or to any

20	official investigating any violation of sections 105.450 to 105.496 or
21	chapter 130.
22	2. It is a defense to a prosecution under subdivisions (3)
23	and (4) of subsection 1 of this section that the person retracted the
24	false statement, writing, or other documentation, but this defense
25	shall not apply if the retraction was made after:
26	(1) The falsity of the statement, writing, or other
27	documentation was exposed; or
28	(2) Any member or employee of the Missouri ethics
29	commission or any official investigating any violation of sections
30	105.450 to 105.496 or chapter 130 took substantial action in
31	reliance on the statement, writing, or other documentation.
32	3. The defendant shall have the burden of injecting the
33	issue of retraction under this section.
34	4. Obstruction of an ethics investigation under this section
35	is a class A misdemeanor.]
	[575.350. 1. A person commits the crime of killing or
2	disabling a police animal when such person knowingly causes the
3	death of a police animal, or knowingly disables a police animal to
4	the extent it is unable to be utilized as a police animal, when that
5	animal is involved in a law enforcement investigation,
6	apprehension, tracking, or search and rescue, or the animal is in
7	the custody of or under the control of a law enforcement officer,
8	department of corrections officer, municipal police department, fire
9	department and a rescue unit or agency.
10	2. Killing or disabling a police animal is a class D felony.]
	[577.026. 1. Chemical tests of the person's breath, blood,
2	saliva, or urine to be considered valid under the provisions of
3	sections 577.020 to 577.041, shall be performed according to
4	methods and devices approved by the state department of health
5	and senior services by licensed medical personnel or by a person
6	possessing a valid permit issued by the state department of health
7	and senior services for this purpose.
8	2. The state department of health and senior services shall
9	approve satisfactory techniques, devices, equipment, or methods to
10	conduct tests required by sections 577.020 to 577.041, and shall

establish standards as to the qualifications and competence of individuals to conduct analyses and to issue permits which shall be subject to termination or revocation by the state department of health and senior services.]

[577.065. 1. Whenever any all-terrain vehicle is involved $\mathbf{2}$ in an accident resulting in loss of life, personal injury or damage 3 to property and the operator thereof has knowledge of such 4 accident, he shall stop and give his name and address, the name $\mathbf{5}$ and address of the owner thereof and the registration number of the all-terrain vehicle to the injured person or the person 6 7 sustaining the damage or to a police officer. In case no police 8 officer nor the person sustaining the damage is present at the place 9 where the damage occurred, then the operator shall immediately 10 report the accident, as soon as he is physically able, to the nearest 11 law enforcement agency.

122. A law enforcement officer who investigates or receives 13information of an accident involving an all-terrain vehicle and also 14involving the loss of life or serious physical injury, as defined in 15section 556.061, shall make a written report of the investigation or information received, and such additional facts relating to the 16 17accident as may come to his knowledge, and mail the information to the department of public safety and keep a record thereof in his 18 19 office.

3. This section does not apply when property damage is
sustained in sanctioned all-terrain vehicle races, derbies and
rallies.

4. Any person leaving the scene of an accident involving an
all-terrain vehicle which results in a serious personal injury shall
be guilty of a class A misdemeanor, except that it shall be a class
D felony if the accident resulted in death of another party or if
defendant has previously pled guilty or been found guilty of a
violation of this section.]

[577.071. The prosecutor of any county and the circuit attorney of any city not within a county shall investigate reports of violations of sections 260.211 and 260.212 and may, by information or indictment, institute a prosecution for any violation of sections

5 260.211 and 260.212.]

[577.090. Any law enforcement officer shall and any agent of the conservation commission or deputy or member of the highway patrol, water patrol division, may enforce the provisions of sections 577.070 and 577.080 and arrest violators thereof; except that conservation agents may enforce such provisions only upon the water, the banks thereof or upon public land.]

[577.105. 1. "Party line", as used in this section, means a subscriber's line telephone circuit, consisting of two or more main telephone stations connected therewith, each station with a distinctive ring or telephone number. "Emergency", as used in this section, means a situation in which property or human life are in jeopardy and the prompt summoning of aid is essential.

2. Any person who willfully refuses to immediately
relinquish a party line when informed that the line is needed for
an emergency call to a fire department or law enforcement official
or for medical aid or ambulance service, or any person who secures
the use of a party line by falsely stating that the line is needed for
an emergency call, is guilty of a misdemeanor.

133. Every telephone directory hereafter distributed to the 14members of the general public in this state or in any portion thereof which lists the calling numbers of telephones of any 1516 telephone exchange located in this state shall contain a notice 17which explains the offense provided for in this section, the notice 18 to be preceded by the word "warning"; provided, that the provisions 19 of this section shall not apply to those directories distributed solely 20for business advertising purposes, commonly known as classified 21directories, nor to any telephone directory heretofore distributed to 22the general public. Any person, firm or corporation providing 23telephone service which distributes or causes to be distributed in 24the state copies of a telephone directory which is subject to the 25provisions of this section and which do not contain the notice 26herein provided for is guilty of a misdemeanor.]

[577.110. No person under the age of sixteen years shall operate a motor vehicle on the highways of this state. Any person who violates this section, upon conviction thereof, shall be punished by a fine of not less than five dollars nor more than five
hundred dollars.]
[577.160. 1. As used in sections 577.160 and 577.161, the
following words mean:

3 (1) "Swimming pool", any artificial basin of water which is 4 modified, improved, constructed or installed for the purpose of $\mathbf{5}$ public swimming, and includes: pools for community use, pools at 6 apartments, condominiums, and other groups of associations having 7 five or more living units, clubs, churches, camps, schools, 8 institutions, Y.M.C.A. and Y.W.C.A. parks, recreational areas, 9 motels, hotels and other commercial establishments. It does not include pools at private residences intended only for the use of the 10 11 owner or guests;

(2) "Person", any individual, group of individuals,
association, trust, partnership, corporation, person doing business
under an assumed name, county, municipality, the state of
Missouri, or any political subdivision or department thereof, or any
other entity;

17 (3) "Life jacket", a life jacket, life vest or any other flotation
18 device designed to be worn about the body to assist in maintaining
19 buoyancy in water.]

[577.201. As used in this section and section 577.203, "flight crew member" shall include the pilot in command, copilots, flight engineers and flight navigators.]

[577.206. 1. Any person who operates, or acts as a flight $\mathbf{2}$ crew member of, any aircraft in this state is deemed to have given 3 his or her consent to chemical testing of his or her blood, breath, or urine for the purpose of determining the alcohol or drug content 4 $\mathbf{5}$ of the blood. The consent shall be deemed only if the person is 6 detained for any offense allegedly committed in violation of sections 7 577.201 and 577.203 or if any officer requests chemical testing as 8 part of an investigation of a suspected violation of state or local 9 law. The test shall be administered at the direction of the law 10 enforcement officer.

11 2. The implied consent to submit to the chemical tests shall12 be limited to not more than two such tests arising from the same

13 incident.] [577.208. 1. Chemical tests of the person's breath, blood, $\mathbf{2}$ or urine to be considered valid shall be performed according to 3 methods and devices approved by the state department of health and senior services and shall be performed by licensed medical 4 5personnel or by a person possessing a valid permit issued by the 6 state department of health and senior services for this purpose. A 7blood test shall not be performed if the medical personnel, in good 8 faith medical judgment, believe such procedure would endanger the 9 health of the person in custody. 2. Upon request of the person tested, full information 10 concerning the test shall be made available to him. 11 123. No person administering a chemical test under this section and sections 577.206, 577.211 and 577.214, or any other 13 14person, firm or corporation with whom he is associated, shall be 15civilly liable for damages to the person tested except for negligence 16 or by willful or wanton act or omission.] [577.211. Any person who is dead, unconscious, or $\mathbf{2}$ otherwise incapable of refusing to take a test shall be deemed to 3 not have withdrawn the consent, and the chemical test may be administered.] 4 [577.214. The provisions of section 491.060 shall not $\mathbf{2}$ prevent the admissibility of evidence of any chemical analysis 3 performed under this section and sections 577.206, 577.208 and 4 577.211. In any criminal prosecution for the violation of sections 577.201 and 577.203, the results of any properly performed 5chemical test of the defendant's blood, breath or urine shall be 6 7 admissible as evidence.] [578.200. Sections 578.200 to 578.225 shall be known and $\mathbf{2}$ may be cited as the "Cave Resources Act".] [578.205. When used in sections 578.200 to 578.225, the $\mathbf{2}$ following words and phrases shall have the meanings ascribed to 3 them in this section unless the context clearly requires otherwise: 4 (1) "Cave or cavern", any naturally occurring subterranean cavity enterable by man including, without limitation, a pit, $\mathbf{5}$ 6 pothole, natural well, grotto and tunnel, whether or not the

7 opening has a natural entrance;

8 (2) "Cave system", the caves in a given area related to each 9 other hydrologically, whether continuous or discontinuous from a 10 single opening;

(3) "Show cave", any cave or cavern wherein trails have
been created and some type of lighting provided by the owner or
operator for purpose of exhibition to the general public as a profit
or nonprofit enterprise, wherein a fee is generally collected for
entry;

(4) "Sinkhole", a hollow place or depression in the ground
in which drainage may collect with an opening therefrom into an
underground channel or cave including any subsurface opening
that might be bridged by a formation of silt, gravel, humus or any
other material through which percolation into the channel or cave
may occur.]

[578.220. Sections 578.200 to 578.225 shall not apply to 2 vertical or horizontal underground mining operations.]

[578.225. Any person who violates any provision of sections 578.200 to 578.225 is guilty of a class A misdemeanor.]

[578.353. Any person licensed under chapter 334 or 335 $\mathbf{2}$ who, in good faith, makes a report pursuant to section 578.350 3 shall have immunity from civil liability that otherwise might result 4 from such report and shall have the same immunity with respect $\mathbf{5}$ to any good faith participation in any judicial proceeding in which 6 the reported gunshot wound is an issue. Notwithstanding the 7 provisions of subdivision (5) of section 491.060, the existence of a 8 physician-patient relationship shall not prevent a physician from 9 submitting the report required in section 578.350, or testifying 10 regarding information acquired from a patient treated for a gunshot wound if such testimony is otherwise admissible.] 11

[578.360. As used in sections 578.360 to 578.365, unless the context clearly requires otherwise, the following terms mean:

3 (1) "Educational institution", a public or private college or
4 university;

5 (2) "Hazing", a willful act, occurring on or off the campus of 6 an educational institution, directed against a student or a

7 prospective member of an organization operating under the 8 sanction of an educational institution, that recklessly endangers 9 the mental or physical health or safety of a student or prospective 10 member for the purpose of initiation or admission into or continued 11 membership in any such organization to the extent that such 12person is knowingly placed at probable risk of the loss of life or 13 probable bodily or psychological harm. Acts of hazing shall include: 14 15(a) Any activity which recklessly endangers the physical

health or safety of the student or prospective member, including
but not limited to physical brutality, whipping, beating, branding,
exposure to the elements, forced consumption of any food, liquor,
drug or other substance or forced smoking or chewing of tobacco
products; or

(b) Any activity which recklessly endangers the mental
health of the student or prospective member, including but not
limited to sleep deprivation, physical confinement, or other extreme
stress-inducing activity; or

25 (c) Any activity that requires the student or prospective 26 member to perform a duty or task which involves a violation of the 27 criminal laws of this state or any political subdivision in this 28 state.]

[578.363. Each educational institution in this state shall adopt a written policy prohibiting hazing by any organization operating under the sanction of the institution.]

[578.375. As used in sections 578.375 to 578.392, the 2 following terms mean:

3 (1) "Department", the Missouri department of social
4 services or any of its divisions;

5 (2) "Electronic benefits card" or "EBT card", a debit card 6 used to access food stamps or cash benefits issued by the 7 department of social services;

8 (3) "Employment information", the following facts if 9 reasonably available: complete name, beginning and ending dates 10 of employment during the most recent five years, amount of money 11 earned in any month or months during the most recent five years, 12 last known address, date of birth, and Social Security account13 number;

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

19(5) "Public assistance benefits", anything of value, including 20money, food, EBT cards, food stamps, commodities, clothing, 21utilities, utilities payments, shelter, drugs and medicine, materials, 22goods, and any service including institutional care, medical care, 23dental care, child care, psychiatric and psychological service, 24rehabilitation instruction, training, transitional assistance, or 25counseling, received by or paid on behalf of any person under chapters 198, 205, 207, 208, 209, and 660, or benefits, programs, 2627and services provided or administered by the department or any of 28its divisions.]

[578.389. 1. Every person who has been previously convicted of two violations in section 578.385 or 578.387, or any two of them shall, upon a subsequent conviction of any of these offenses, be guilty of a class C felony and shall be punished accordingly.

6 2. Evidence of prior convictions shall be heard by the court, 7 out of the hearing of the jury, prior to the submission of the case 8 to the jury, and the court shall determine the existence of the prior 9 convictions.]

[578.392. The department shall study analytical modeling-based methods of detecting fraud and issue a report to the general assembly and governor by December 1, 2013, relating to the benefits and limitations of such a model, experiences in other states using such a model, and estimated costs for implementation.]

[578.409. 1. Any person who violates section 578.407:

2 (1) Shall be guilty of a misdemeanor for each such violation
3 unless the loss, theft, or damage to the animal facility exceeds
4 three hundred dollars in value;

5(2) Shall be guilty of a class D felony if the loss, theft, or 6 damage to the animal facility property exceeds three hundred 7 dollars in value but does not exceed ten thousand dollars in value; 8 (3) Shall be guilty of a class C felony if the loss, theft, or 9 damage to the animal facility property exceeds ten thousand 10 dollars in value but does not exceed one hundred thousand dollars 11 in value; 12(4) Shall be guilty of a class B felony if the loss, theft, or 13 damage to the animal facility exceeds one hundred thousand 14 dollars in value. 2. Any person who intentionally agrees with another person 15to violate section 578.407 and commits an act in furtherance of 16 17such violation shall be guilty of the same class of violation as 18 provided in subsection 1 of this section. 19 3. In the determination of the value of the loss, theft, or 20damage to an animal facility, the court shall conduct a hearing to 21determine the reasonable cost of replacement of materials, data, 22equipment, animals, and records that were damaged, destroyed, 23lost, or cannot be returned, as well as the reasonable cost of lost 24production funds and repeating experimentation that may have 25been disrupted or invalidated as a result of the violation of section 26578.407. 274. Any persons found guilty of a violation of section 578.407 28shall be ordered by the court to make restitution, jointly and severally, to the owner, operator, or both, of the animal facility, in 2930 the full amount of the reasonable cost as determined under 31subsection 3 of this section. 32 5. Any person who has been damaged by a violation of 33 section 578.407 may recover all actual and consequential damages, 34punitive damages, and court costs, including reasonable attorneys' fees, from the person causing such damage. 3536 6. Nothing in sections 578.405 to 578.412 shall preclude any animal facility injured in its business or property by a violation of 3738 section 578.407 from seeking appropriate relief under any other 39 provision of law or remedy including the issuance of an injunction

40 against any person who violates section 578.407. The owner or

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41 operator of the animal facility may petition the court to 42permanently enjoin such persons from violating sections 578.405 to 578.412 and the court shall provide such relief.] 43[578.412. 1. The director shall have the authority to $\mathbf{2}$ investigate any alleged violation of sections 578.405 to 578.412, 3 along with any other law enforcement agency, and may take any action within the director's authority necessary for the enforcement 4 $\mathbf{5}$ of sections 578.405 to 578.412. The attorney general, the highway 6 patrol, and other law enforcement officials shall provide assistance 7 required in the conduct of an investigation. 8 2. The director may promulgate rules and regulations 9 necessary for the enforcement of sections 578.405 to 578.412. No 10 rule or portion of a rule promulgated under the authority of 11 sections 578.405 to 578.412 shall become effective unless it has 12been promulgated pursuant to the provisions of section 536.024.] [578.414. Sections 578.414 to 578.420 shall be known and $\mathbf{2}$ may be cited as "The Crop Protection Act". As used in sections 3 578.414 to 578.420, the term "director" shall mean the director of the department of agriculture.] 4 [578.418. 1. Any person who violates section 578.416: $\mathbf{2}$ (1) Shall be guilty of a misdemeanor for each such violation 3 unless the loss or damage to the crop exceeds five hundred dollars 4 in value; $\mathbf{5}$ (2) Shall be guilty of a class D felony if the loss or damage 6 to the crop exceeds five hundred dollars in value but does not 7 exceed one thousand dollars in value; 8 (3) Shall be guilty of a class C felony if the loss or damage 9 to the crop exceeds one thousand dollars in value but does not 10 exceed one hundred thousand dollars in value; (4) Shall be guilty of a class B felony if the loss or damage 11 12to the crop exceeds one hundred thousand dollars in value. 13 2. Any person who has been damaged by a violation of section 578.416 may have a civil cause of action pursuant to section 1415537.353. 163. Nothing in sections 578.414 to 578.420 shall preclude any

17 owner or operator injured in his or her business or property by a

violation of section 578.416 from seeking appropriate relief under
any other provision of law or remedy including the issuance of an
injunction against any person who violates section 578.416. The
owner or operator of the business may petition the court to
permanently enjoin such persons from violating sections 578.414 to
578.420 and the court shall provide such relief.]

[578.420. 1. The director shall have the authority to investigate any alleged violation of sections 578.414 to 578.420, along with any other law enforcement agency, and may take any action within the director's authority necessary for the enforcement of sections 578.414 to 578.420. The attorney general, the highway patrol, and other law enforcement officials shall provide assistance required in the conduct of an investigation.

8 2. The director may promulgate rules and regulations necessary for the enforcement of sections 578.414 to 578.420. Any 9 10 rule or portion of a rule, as that term is defined in section 536.010, 11 that is created under the authority delegated in sections 578.414 12to 578.420 shall become effective only if it complies with and is 13subject to all of the provisions of chapter 536 and, if applicable, section 536.028. Sections 578.414 to 578.420 and chapter 536 are 1415nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective 16 17date or to disapprove and annul a rule are subsequently held 18 unconstitutional, then the grant of rulemaking authority and any 19 rule proposed or adopted after August 28, 2001, shall be invalid 20and void.]

[578.433. It is unlawful for a person to keep or maintain such a public nuisance. In addition to any other criminal prosecutions, the prosecuting attorney or circuit attorney may by information or indictment charge the owner or the occupant, or both the owner and the occupant, of the room, building, structure, or inhabitable structure with the crime of keeping or maintaining a public nuisance. Keeping or maintaining a public nuisance is a class C felony.]

[578.501. 1. This section shall be known as "Spc. Edward 2 Lee Myers' Law".

3 2. It shall be unlawful for any person to engage in picketing or other protest activities in front of or about any location at which 4 $\mathbf{5}$ a funeral is held, within one hour prior to the commencement of 6 any funeral, and until one hour following the cessation of any $\overline{7}$ funeral. Each day on which a violation occurs shall constitute a separate offense. Violation of this section is a class B 8 misdemeanor, unless committed by a person who has previously 9 pled guilty to or been found guilty of a violation of this section, in 10 11 which case the violation is a class A misdemeanor. 123. For the purposes of this section, "funeral" means the

12 3. For the purposes of this section, Tuneral means the
13 ceremonies, processions and memorial services held in connection
14 with the burial or cremation of the dead.]

[578.503. The enactment of section 578.502 shall become effective only on the date the provisions of section 578.501 are finally declared void or unconstitutional by a court of competent jurisdiction and upon notification by the attorney general to the revisor of statutes.]

Section B. Section A of this act shall become effective on January 1, 2017.

Сору