

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 804
98TH GENERAL ASSEMBLY

4274H.03C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 211.059, 217.360, 304.351, 566.210, 566.211, 566.212, 566.213, 578.007, 578.011, and 578.022, RSMo, sections 221.111, 566.209, and 577.060 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 566.209 as enacted by house bill no. 214, ninety-sixth general assembly, first regular session, and section 577.060 as enacted by house bill no. 3, eighty-fifth general assembly, first extraordinary session, and to enact in lieu thereof fourteen new sections relating to criminal judicial proceedings, with penalty provisions.

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

Section A. Sections 211.059, 217.360, 304.351, 566.210, 566.211, 566.212, 566.213, 578.007, 578.011, and 578.022, RSMo, sections 221.111, 566.209, and 577.060 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 566.209 as enacted by house bill no. 214, ninety-sixth general assembly, first regular session, and section 577.060 as enacted by house bill no. 3, eighty-fifth general assembly, first extraordinary session, are repealed and fourteen new sections enacted in lieu thereof, to be known as sections 211.059, 211.436, 217.360, 221.111, 304.351, 566.209, 566.210, 566.211, 566.212, 566.213, 577.060, 578.007, 578.022, and 578.040, to read as follows:

211.059. 1. When a child is taken into custody by a juvenile officer or law enforcement official, with or without a warrant for an offense in violation of the juvenile code or the general law which would place the child under the jurisdiction of the juvenile court pursuant to subdivision (2) or (3) of subsection 1 of section 211.031, the child shall be advised prior to questioning:

(1) That he has the right to remain silent; and

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

7 (2) That any statement he does make to anyone can be and may be used against him; and

8 (3) That he has a right to have a parent, guardian or custodian present during
9 questioning; and

10 (4) That he has a right to consult with an attorney and that one will be appointed and paid
11 for him if he cannot afford one.

12 2. If the child indicates in any manner and at any stage of questioning pursuant to this
13 section that he does not wish to be questioned further, the officer shall cease questioning.

14 3. When a child is taken into custody by a juvenile officer or law enforcement official
15 which places the child under the jurisdiction of the juvenile court under subdivision (1) of
16 subsection 1 of section 211.031, including any interactions with the child by the children's
17 division, the following shall apply:

18 (1) If the child indicates in any manner at any stage during questioning involving the
19 alleged abuse and neglect that the child does not wish to be questioned any further on the
20 allegations, or that the child wishes to have his or her parent, legal guardian, or custodian if such
21 parent, guardian, or custodian is not the alleged perpetrator, or his or her attorney present during
22 questioning as to the alleged abuse, the questioning of the child shall cease on the alleged abuse
23 and neglect until such a time that the child does not object to talking about the alleged abuse and
24 neglect unless the interviewer has reason to believe that the parent, legal guardian, or custodian
25 is acting to protect the alleged perpetrator. Nothing in this subdivision shall be construed to
26 prevent the asking of any questions necessary for the care, treatment, or placement of a child; and

27 (2) Notwithstanding any prohibition of hearsay evidence, all video or audio recordings
28 of any meetings, interviews, or interrogations of a child shall be presumed admissible as
29 evidence in any court or administrative proceeding involving the child if the following conditions
30 are met:

31 (a) Such meetings, interviews, or interrogations of the child are conducted by the state
32 prior to or after the child is taken into the custody of the state; and

33 (b) Such video or audio recordings were made prior to the adjudication hearing in the
34 case. Nothing in this paragraph shall be construed to prohibit the videotaping or audiotaping of
35 any such meetings, interviews, or interrogations of a child after the adjudication hearing; and

36 (3) Only upon a showing by clear and convincing evidence that such a video or audio
37 recording lacks sufficient indicia of reliability shall such recording be inadmissible.

38 The provisions of this subsection shall not apply to statements admissible under section 491.075
39 or 492.304 in criminal proceedings.

40 **4. For the purposes of this section, any court recognized exception from the**
41 **required warnings given by law enforcement concerning constitutional rights to an adult**
42 **prior to custodial interrogation shall also apply to a child taken into custody. Any evidence**

43 **obtained in violation of this section shall be treated by the courts in the same manner as**
44 **evidence collected in violation of an adult's right to be given warnings concerning**
45 **constitutional rights prior to custodial interrogation.**

211.436. 1. When a court of jurisdiction in juvenile cases has a local court rule or
2 **otherwise mandates that a juvenile shall be restrained during court proceedings using**
3 **either handcuffs, chains, irons, or a straitjacket, the juvenile's attorney shall have the right**
4 **to be heard on the issue of the necessity of restraints on the juvenile and request that the**
5 **restraints on the juvenile not be used. The juvenile's attorney may present evidence that**
6 **the juvenile is not a flight risk, poses no safety risk to himself or herself or others, or has**
7 **no history of disruptive courtroom behavior.**

8 **2. If the court orders that restraints shall be used on the juvenile, the court shall**
9 **make findings of fact in support of such use.**

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

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

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

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

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

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

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

20 3. Any person who has been found guilty of or has pled guilty to a violation of
21 subdivision (2) of subsection 1 of this section involving any alkaloid shall be entitled to
22 expungement of the record of the violation. The procedure to expunge the record shall be
23 pursuant to section 610.123. The record of any person shall not be expunged if such person has
24 been found guilty of or has pled guilty to knowingly delivering, attempting to deliver, having in

25 his possession, or depositing or concealing any alkaloid of any controlled substance in or about
26 the premises of any correctional center, or city or county jail, or private prison or jail.

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

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

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

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

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

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

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

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

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

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

21 3. The chief operating officer of a county or city jail or other correctional facility or the
22 administrator of a private jail may deny visitation privileges to or refer to the county prosecuting
23 attorney for prosecution any person who knowingly delivers, attempts to deliver, possesses,
24 deposits, or conceals in or about the premises of such jail or facility any personal item which is
25 prohibited by rule or regulation of such jail or facility. Such rules or regulations, including a list
26 of personal items allowed in the jail or facility, shall be prominently posted for viewing both
27 inside and outside such jail or facility in an area accessible to any visitor, and shall be made

28 available to any person requesting such rule or regulation. Violation of this subsection shall be
29 an infraction if not covered by other statutes.

30 4. Any person who has been found guilty of a violation of subdivision (2) of subsection
31 1 of this section involving any alkaloid shall be entitled to expungement of the record of the
32 violation. The procedure to expunge the record shall be pursuant to section 610.123. The record
33 of any person shall not be expunged if such person has been found guilty of knowingly
34 delivering, attempting to deliver, possessing, depositing, or concealing any alkaloid of any
35 controlled substance in or about the premises of any correctional center, or city or county jail,
36 or private prison or jail.

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

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

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

304.351. 1. The driver of a vehicle approaching an intersection shall yield the right-of-
2 way to a vehicle which has entered the intersection from a different highway, provided, however,
3 there is no form of traffic control at such intersection.

4 2. When two vehicles enter an intersection from different highways at approximately the
5 same time, the driver of the vehicle on the left shall yield the right-of-way to the driver of the
6 vehicle on the right. This subsection shall not apply to vehicles approaching each other from
7 opposite directions when the driver of one of such vehicles is attempting to or is making a left
8 turn.

9 3. The driver of a vehicle within an intersection intending to turn to the left shall yield
10 the right-of-way to any vehicle approaching from the opposite direction which is within the
11 intersection or so close thereto as to constitute an immediate hazard.

12 4. (1) The state highways and transportation commission with reference to state
13 highways and local authorities with reference to other highways under their jurisdiction may
14 designate through highways and erect stop signs or yield signs at specified entrances thereto, or
15 may designate any intersection as a stop intersection or as a yield intersection and erect stop signs
16 or yield signs at one or more entrances to such intersection.

17 (2) Preferential right-of-way at an intersection may be indicated by stop signs or yield
18 signs as authorized in this section:

19 (a) Except when directed to proceed by a police officer or traffic-control signal, every
20 driver of a vehicle approaching a stop intersection, indicated by a stop sign, shall stop at a clearly
21 marked stop line, but if none, before entering the crosswalk on the near side of the intersection,

22 or if none, then at the point nearest the intersecting roadway where the driver has a view of
23 approaching traffic in the intersecting roadway before entering the intersection. After having
24 stopped, the driver shall yield the right-of-way to any vehicle which has entered the intersection
25 from another highway or which is approaching so closely on the highway as to constitute an
26 immediate hazard during the time when such driver is moving across or within the intersection.

27 (b) The driver of a vehicle approaching a yield sign shall in obedience to the sign slow
28 down to a speed reasonable to the existing conditions and, if required for safety to stop, shall stop
29 at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where
30 the driver has a view of approaching traffic on the intersecting roadway. After slowing or
31 stopping the driver shall yield the right-of-way to any vehicle in the intersection or approaching
32 on another highway so closely as to constitute an immediate hazard during the time such traffic
33 is moving across or within the intersection.

34 5. The driver of a vehicle about to enter or cross a highway from an alley, building or
35 any private road or driveway shall yield the right-of-way to all vehicles approaching on the
36 highway to be entered.

37 6. The driver of a vehicle intending to make a left turn into an alley, private road or
38 driveway shall yield the right-of-way to any vehicle approaching from the opposite direction
39 when the making of such left turn would create a traffic hazard.

40 7. The state highways and transportation commission or local authorities with respect
41 to roads under their respective jurisdictions, on any section where construction or major
42 maintenance operations are being effected, may fix a speed limit in such areas by posting of
43 appropriate signs, and the operation of a motor vehicle in excess of such speed limit in the area
44 so posted shall be deemed prima facie evidence of careless and imprudent driving and a violation
45 of section 304.010.

46 8. Notwithstanding the provisions of section 304.361, violation of this section shall be
47 deemed a class C misdemeanor.

48 9. In addition to the penalty specified in subsection 8 of this section, any person who
49 pleads guilty to or is found guilty of a violation of this section in which the offender is found to
50 have caused physical injury, there [shall] **may** be assessed a penalty of up to [two hundred] **five**
51 **hundred** dollars. The court may issue an order of suspension of such person's driving privilege
52 for a period of thirty days.

53 10. In addition to the penalty specified in subsection 8 of this section, any person who
54 pleads guilty to or is found guilty of a violation of this section in which the offender is found to
55 have caused serious physical injury, there [shall] **may** be assessed a penalty of up to [five
56 hundred] **one thousand** dollars. The court may issue an order of suspension of such person's
57 driving privilege for a period of ninety days.

58 11. In addition to the penalty specified in subsection 8 of this section, any person who
59 pleads guilty to or is found guilty of a violation of this section in which the offender is found to
60 have caused a fatality, there [shall] **may** be assessed a penalty of up to [one] **two thousand five**
61 **hundred** dollars. The court may issue an order of suspension of such person's driving privilege
62 for a period of six months. **Such person may also be required to participate in and**
63 **successfully complete a driver-improvement program approved by the director of the**
64 **department of revenue.**

65 12. As used in subsections 9 and 10 of this section, the terms "physical injury" and
66 "serious physical injury" shall have the meanings ascribed to them in section 556.061.

67 13. For any court-ordered suspension under subsection 9, 10, or 11 of this section, the
68 director of the department shall impose such suspension as set forth in the court order. The order
69 of suspension shall include the name of the offender, the offender's driver's license number,
70 Social Security number, and the effective date of the suspension. Any appeal of a suspension
71 imposed under subsection 9, 10, or 11 of this section shall be a direct appeal of the court order
72 and subject to review by the presiding judge of the circuit court or another judge within the
73 circuit other than the judge who issued the original order to suspend the driver's license. The
74 director of revenue's entry of the court-ordered suspension on the driving record is not a decision
75 subject to review under section 302.311. Any suspension of the driver's license ordered by the
76 court under this section shall be in addition to any other suspension that may occur as a result
77 of the conviction under other provisions of law.

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

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

 566.209. 1. A person commits the crime of trafficking for the purposes of sexual
2 exploitation if a person knowingly recruits, entices, harbors, transports, provides, **advertises the**

3 **availability of**, or obtains by any means, including but not limited to through the use of force,
4 abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial
5 harm, another person for the use or employment of such person in a **commercial sex act**, sexual
6 conduct, a sexual performance, or the production of explicit sexual material as defined in section
7 573.010, without his or her consent, or benefits, financially or by receiving anything of value,
8 from participation in such activities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (a) His or her name;

- 9 (b) His or her residence, including city and street number;
- 10 (c) The registration or license number for his or her vehicle or vessel; and
- 11 (d) His or her operator's license number, if any.
- 12 2. For the purposes of this section, all law enforcement officers shall have jurisdiction,
- 13 when invited by an injured person, to enter the premises of any privately owned property for the
- 14 purpose of investigating an accident and performing all necessary duties regarding such accident.
- 15 3. The offense of leaving the scene of an accident is:
- 16 (1) A class A misdemeanor; [or]
- 17 (2) A class E felony if:
- 18 (a) Physical injury was caused to another party; or
- 19 (b) Damage in excess of one thousand dollars was caused to the property of another
- 20 person; or
- 21 (c) The defendant has previously been found guilty of any offense **in violation of this**
- 22 **section**; committed in another jurisdiction which, if committed in this state, would be a violation
- 23 of an offense [in] **of this section**; or
- 24 **(3) A class D felony if a death has occurred as a result of the accident.**
- 25 4. A law enforcement officer who investigates or receives information of an accident
- 26 involving an all-terrain vehicle and also involving the loss of life or serious physical injury shall
- 27 make a written report of the investigation or information received and such additional facts
- 28 relating to the accident as may come to his or her knowledge, mail the information to the
- 29 department of public safety, and keep a record thereof in his or her office.
- 30 5. The provisions of this section shall not apply to the operation of all-terrain vehicles
- 31 when property damage is sustained in sanctioned all-terrain vehicle races, derbies and rallies.
- 577.060. 1. A person commits the crime of leaving the scene of a motor vehicle accident
- 2 when being the operator or driver of a vehicle on the highway or on any publicly or privately
- 3 owned parking lot or parking facility generally open for use by the public and knowing that an
- 4 injury has been caused to a person or damage has been caused to property, due to his culpability
- 5 or to accident, he leaves the place of the injury, damage or accident without stopping and giving
- 6 his name, residence, including city and street number, motor vehicle number and driver's license
- 7 number, if any, to the injured party or to a police officer, or if no police officer is in the vicinity,
- 8 then to the nearest police station or judicial officer.
- 9 2. For the purposes of this section, all peace officers shall have jurisdiction, when invited
- 10 by an injured person, to enter the premises of any privately owned parking lot or parking facility
- 11 for the purpose of investigating an accident and performing all necessary duties regarding such
- 12 accident.

13 3. Leaving the scene of a motor vehicle accident is a class A misdemeanor, except that
14 it shall be:

15 **(1)** A class D felony if the accident resulted in:

16 [(1)] (a) Physical injury to another party; [or]

17 [(2)] **(b)** Property damage in excess of one thousand dollars; or

18 [(3)] **(c)** If the defendant has previously pled guilty to or been found guilty of a violation
19 of this section; **or**

20 **(2) A class C felony if a death has occurred as a result of the accident.**

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

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

5 (2) Bona fide scientific experiments;

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

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

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

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

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

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

16 (9) The killing of an animal by any person at any time if such animal is outside of the
17 owned or rented property of the owner or custodian of such animal and the animal is injuring any
18 person or farm animal but **this exemption** shall not include [police or guard dogs] **the killing**
19 **or injuring of a law enforcement officer dog** while working;

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

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

 578.022. Any dog that is owned, or the service of which is employed, by a law
2 enforcement agency and that bites **or injures** another animal or human in the course of their
3 official duties is exempt from the provisions of sections 273.033 [and] , 273.036, **578.012**, and
4 section 578.024.

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

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

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

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

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

10 **(2) Having ownership or custody of livestock as the term "livestock" is defined**
11 **under section 265.300 knowingly fails to provide adequate control of the livestock for a**
12 **period of twelve hours or more and the livestock trespasses onto another person's property.**

13 **[2.] 3. The offense of animal or livestock trespass is an infraction [upon first conviction**
14 **and for each offense punishable by a fine not to exceed two hundred dollars, and] , unless the**
15 **person has previously been found guilty of a violation of this section in which case it is a**
16 **class C misdemeanor [punishable by imprisonment or a fine not to exceed five hundred dollars,**
17 **or both, upon the second and all subsequent convictions]. All fines for a first [conviction of**
18 **animal trespass] finding of guilt under this section may be waived by the court provided that**
19 **the person found guilty of animal or livestock trespass shows that adequate, permanent remedies**
20 **for the trespass have been made. [Reasonable costs incurred for the care and maintenance of**
21 **trespassing animals may not be waived.] This section shall not apply to the provisions of section**
22 **578.007 or sections 272.010 to 272.370.**

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