

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 2700

AN ACT

To repeal sections 43.080, 211.033, 211.071, 211.072, 219.021, 221.044, 287.243, 307.175, 478.001, 488.040, 490.692, 491.075, 491.641, 492.304, 494.455, 547.031, 556.061, 559.125, 567.030, 568.045, 575.150, 575.205, 595.045, and 600.042, RSMo, and section 304.022 as enacted by house bill no. 1606, one hundred first general assembly, second regular session, and section 304.022 as enacted by senate bill no. 26 merged with senate bills nos. 53 & 60, one hundred first general assembly, first regular session, and to enact in lieu thereof thirty-one new sections relating to criminal proceedings, with penalty provisions.

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

Section A. Sections 43.080, 211.033, 211.071, 211.072, 219.021, 221.044, 287.243, 307.175, 478.001, 488.040, 490.692, 491.075, 491.641, 492.304, 494.455, 547.031, 556.061, 559.125, 567.030, 568.045, 575.150, 575.205, 595.045, and 600.042, RSMo, and section 304.022 as enacted by house bill no. 1606, one hundred first general assembly, second regular session, and section 304.022 as enacted by senate bill no. 26 merged with senate bills nos. 53 & 60, one hundred first general assembly, first regular session, are repealed and thirty-one new sections enacted in lieu thereof, to be known as sections 43.080, 211.033, 211.071, 211.072, 219.021, 221.044, 287.243, 304.022, 307.175, 454.1050, 478.001, 488.040, 490.692, 491.075, 491.641, 492.304, 494.455, 547.031, 556.061, 557.520, 559.125, 567.030,

568.045, 569.158, 570.036, 571.031, 575.150, 575.151, 575.205, 595.045, and 600.042, to read as follows:

43.080. 1. The superintendent is authorized and empowered to prescribe policies providing for increases in the salaries of members of the highway patrol. Each year, prior to January first, the superintendent shall submit a salary schedule report to the governor, speaker of the house of representatives, and the president pro tem of the senate. The salary schedule report prepared by the superintendent shall include, in addition to other matters deemed pertinent to the superintendent, a comparison of the salaries of police officers of the three largest police departments in the state and a comparison of the salaries and benefits of police officers employed by the following law enforcement agencies located in surrounding states:

- (1) The Iowa State Patrol;
- (2) The Nebraska State Patrol;
- (3) The Illinois State Police;
- (4) The Kentucky State Police;
- (5) The Tennessee Highway Patrol;
- (6) The Arkansas State Police;
- (7) The Oklahoma Highway Patrol; and
- (8) The Kansas Highway Patrol.

2. The governor may make additional recommendations to the report and forward them to the speaker of the house of representatives and the president pro tem of the senate. The speaker of the house of representatives and the president pro tem of the senate may assign the salary schedule report to the appropriate standing committees to review the salary comparisons to ensure that parity in the salary of members of the highway patrol and officers of the three largest police departments is maintained. The superintendent of the highway patrol shall testify before

the appropriate committee on the salary schedule report if called upon by such committee. The "service" of a member of the patrol, who has served in the Armed Forces of the United States and who has subsequently been reinstated as a member of the patrol within ninety days after receiving a discharge other than dishonorable from the Armed Forces of the United States, shall be considered service with the patrol as a member of the patrol rendered since last becoming a member prior to entrance into the Armed Forces of the United States; except that no member shall be entitled to any credit, privilege or benefit provided by this chapter if such member voluntarily extends or participates in an extension of the period of service, whether by reenlistment, waiver of discharge, acceptance of commission or any other action, with the Armed Forces beyond the period of service for which such member was originally commissioned, enlisted, inducted or called.

211.033. 1. No person under the age of eighteen years, except those transferred to the court of general jurisdiction under the provisions of section 211.071, shall be detained in a jail or other adult detention facility as that term is defined in section 211.151. [A traffic court judge may request the juvenile court to order the commitment of a person under the age of eighteen to a juvenile detention facility.]

2. Nothing in this section shall be construed as creating any civil or criminal liability for any law enforcement officer, juvenile officer, school personnel, or court personnel for any action taken or failure to take any action involving a minor child who remains under the jurisdiction of the juvenile court under this section if such action or failure to take action is based on a good

faith belief by such officer or personnel that the minor child is not under the jurisdiction of the juvenile court.

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

2. Upon apprehension and arrest, jurisdiction over the criminal offense allegedly committed by any person between

eighteen and twenty-one years of age over whom the juvenile court has retained continuing jurisdiction shall automatically terminate and that offense shall be dealt with in the court of general jurisdiction as provided in section 211.041.

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

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

5. The juvenile officer may consult with the office of prosecuting attorney concerning any offense for which the child could be certified as an adult under this section. The prosecuting or circuit attorney shall have access to police reports, reports of the juvenile or deputy juvenile officer, statements of witnesses and all other records or reports relating to the offense alleged to have been committed by the child. The prosecuting or circuit attorney shall have access to the disposition records of the child when the child has been adjudicated pursuant to subdivision

(3) of subsection 1 of section 211.031. The prosecuting attorney shall not divulge any information regarding the child and the offense until the juvenile court at a judicial hearing has determined that the child is not a proper subject to be dealt with under the provisions of this chapter.

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

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

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

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

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

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

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

- (7) The age of the child;
- (8) The program and facilities available to the juvenile court in considering disposition;
- (9) Whether or not the child can benefit from the treatment or rehabilitative programs available to the juvenile court; and
- (10) Racial disparity in certification.

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

- (1) Findings showing that the court had jurisdiction of the cause and of the parties;
- (2) Findings showing that the child was represented by counsel;
- (3) Findings showing that the hearing was held in the presence of the child and his or her counsel; and
- (4) Findings showing the reasons underlying the court's decision to transfer jurisdiction.

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

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

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

adult, subject to the certification provisions of this section.

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

211.072. 1. A juvenile under eighteen years of age who has been certified to stand trial as an adult for offenses pursuant to section 211.071, if currently placed in a secure juvenile detention facility, shall remain in a secure juvenile detention facility pending finalization of the judgment and completion of appeal, if any, of the judgment dismissing the juvenile petition to allow for prosecution under the general law unless otherwise ordered by the juvenile court. Upon the judgment dismissing the petition to allow prosecution under the general laws becoming final and adult charges being filed, if the juvenile is currently in a secure juvenile detention facility, the juvenile shall remain in such facility unless the juvenile posts bond or the juvenile is transferred to an adult jail. If the juvenile officer does not believe juvenile detention would be the appropriate placement or would continue to serve as the appropriate placement, the juvenile officer may file a motion in the adult criminal case requesting that the juvenile be transferred from a secure juvenile detention facility to an adult jail. The court shall hear evidence relating to the appropriateness of the juvenile remaining in a secure juvenile detention facility or being transferred to an adult jail. At such hearing, the following shall have the right to be present and have the opportunity to present evidence and recommendations at such hearing: the juvenile; the juvenile's parents; the juvenile's counsel; the prosecuting

attorney; the juvenile officer or his or her designee for the circuit in which the juvenile was certified; the juvenile officer or his or her designee for the circuit in which the pretrial-certified juvenile is proposed to be held, if different from the circuit in which the juvenile was certified; counsel for the juvenile officer; and representatives of the county proposed to have custody of the pretrial-certified juvenile.

2. Following the hearing, the court shall order that the juvenile continue to be held in a secure juvenile detention facility subject to all Missouri juvenile detention standards, or the court shall order that the pretrial-certified juvenile be held in an adult jail but only after the court has made findings that it would be in the best interest of justice to move the pretrial-certified juvenile to an adult jail. The court shall weigh the following factors when deciding whether to detain a certified juvenile in an adult facility:

- (1) The certified juvenile's age;
- (2) The certified juvenile's physical and mental maturity;
- (3) The certified juvenile's present mental state, including whether he or she presents an imminent risk of self-harm;
- (4) The nature and circumstances of the charges;
- (5) The certified juvenile's history of delinquency;
- (6) The relative ability of the available adult and juvenile facilities to both meet the needs of the certified juvenile and to protect the public and other youth in their custody;
- (7) The opinion of the juvenile officer in the circuit of the proposed placement as to the ability of that juvenile

detention facility to provide for appropriate care, custody, and control of the pretrial-certified juvenile; and

(8) Any other relevant factor.

3. In the event the court finds that it is in the best interest of justice to require the certified juvenile to be held in an adult jail, the court shall hold a hearing once every thirty days to determine whether the placement of the certified juvenile in an adult jail is still in the best interests of justice. If a pretrial-certified juvenile under eighteen years of age is ordered released on the juvenile's adult criminal case from an adult jail following a transfer order under subsection 2 of this section and the juvenile is detained on violation of the conditions of release or bond, the juvenile shall return to the custody of the adult jail pending further court order.

4. A certified juvenile cannot be held in an adult jail for more than one hundred eighty days unless the court finds, for good cause, that an extension is necessary or the juvenile, through counsel, waives the one hundred eighty day maximum period. If no extension is granted under this subsection, the certified juvenile shall be transferred from the adult jail to a secure juvenile detention facility. If an extension is granted under this subsection, the court shall hold a hearing once every thirty days to determine whether the placement of the certified juvenile in an adult jail is still in the best interests of justice.

5. Effective December 31, 2021, all previously pretrial-certified juveniles under eighteen years of age who had been certified prior to August 28, 2021, shall be transferred from adult jail to a secure juvenile detention facility, unless a hearing is held and the court finds, based upon the factors in subsection 2 of this section, that

it would be in the best interest of justice to keep the juvenile in the adult jail.

6. All pretrial-certified juveniles under eighteen years of age who are held in adult jails pursuant to the best interest of justice exception shall continue to be subject to the protections of the Prison Rape Elimination Act (PREA) and shall be physically separated from adult inmates.

7. If the certified juvenile remains in juvenile detention, the juvenile officer may file a motion to reconsider placement. The court shall consider the factors set out in subsection 2 of this section and the individuals set forth in subsection 1 of this section shall have a right to be present and present evidence. The court may amend its earlier order in light of the evidence and arguments presented at the hearing if the court finds that it would not be in the best interest of justice for the juvenile to remain in a secure juvenile detention facility.

8. Issues related to the setting of, and posting of, bond along with any bond forfeiture proceedings shall be held in the pretrial-certified juvenile's adult criminal case.

9. Upon attaining eighteen years of age or upon conviction on the adult charges, the juvenile shall be transferred from juvenile detention to the appropriate adult facility.

10. Any responsibility for transportation of and contracted service for the certified juvenile who remains in a secure juvenile detention facility shall be handled by county jail staff in the same manner as in all other adult criminal cases where the defendant is in custody.

11. The county jail staff shall designate a liaison assigned to each pretrial-certified juvenile while housed in

a juvenile detention facility, who shall assist in communication with the juvenile detention facility on the needs of the juvenile including, but not limited to, visitation, legal case status, medical and mental health needs, and phone contact.

12. The per diem provisions as set forth in section 211.156 shall apply to certified juveniles who are being held in a secure juvenile detention facility.

219.021. 1. Except as provided in subsections 2 and 3 of this section, any child may be committed to the custody of the division when the juvenile court determines a suitable community-based treatment service does not exist, or has proven ineffective; and when the child is adjudicated pursuant to the provisions of subdivision (3) of subsection 1 of section 211.031 or when the child is adjudicated pursuant to subdivision (2) of subsection 1 of section 211.031 and is currently under court supervision for adjudication under subdivision (2) or (3) of subsection 1 of section 211.031. The division shall not keep any youth beyond his [eighteenth birth date] or her nineteenth birthday, except upon petition and a showing of just cause in which case the division may maintain custody until the youth's twenty-first birth date. Notwithstanding any other provision of law to the contrary, the committing court shall review the treatment plan to be provided by the division. The division shall notify the court of original jurisdiction from which the child was committed at least three weeks prior to the child's release to aftercare supervision. The notification shall include a summary of the treatment plan and progress of the child that has resulted in the planned release. The court may formally object to the director of the division in writing, stating its reasons in opposition to the release. The director shall review the court's

objection in consideration of its final approval for release. The court's written objection shall be made within a one-week period after it receives notification of the division's planned release; otherwise the division may assume court agreement with the release. The division director's written response to the court shall occur within five working days of service of the court's objection and preferably prior to the release of the child. The division shall not place a child directly into a precare setting immediately upon commitment from the court until it advises the court of such placement.

2. No child who has been diagnosed as having a mental disease or a communicable or contagious disease shall be committed to the division; except the division may, by regulation, when services for the proper care and treatment of persons having such diseases are available at any of the facilities under its control, authorize the commitment of children having such diseases to it for treatment in such institution. Notice of any such regulation shall be promptly mailed to the judges and juvenile officers of all courts having jurisdiction of cases involving children.

3. When a child has been committed to the division, the division shall forthwith examine the individual and investigate all pertinent circumstances of his background for the purpose of facilitating the placement and treatment of the child in the most appropriate program or residential facility to assure the public safety and the rehabilitation of the child; except that, no child committed under the provisions of subdivision (2) of subsection 1 of section 211.031 may be placed in the residential facilities designated by the division as a maximum security facility, unless the juvenile is subsequently adjudicated under subdivision (3) of subsection 1 of section 211.031.

4. The division may transfer any child under its jurisdiction to any other institution for children if, after careful study of the child's needs, it is the judgment of the division that the transfer should be effected. If the division determines that the child requires treatment by another state agency, it may transfer the physical custody of the child to that agency, and that agency shall accept the child if the services are available by that agency.

5. The division shall make periodic reexaminations of all children committed to its custody for the purpose of determining whether existing dispositions should be modified or continued. Reexamination shall include a study of all current circumstances of such child's personal and family situation and an evaluation of the progress made by such child since the previous study. Reexamination shall be conducted as frequently as the division deems necessary, but in any event, with respect to each such child, at intervals not to exceed six months. Reports of the results of such examinations shall be sent to the child's committing court and to his parents or guardian.

6. Failure of the division to examine a child committed to it or to reexamine him within six months of a previous examination shall not of itself entitle the child to be discharged from the custody of the division but shall entitle the child, his parent, guardian, or agency to which the child may be placed by the division to petition for review as provided in section 219.051.

7. The division is hereby authorized to establish, build, repair, maintain, and operate, from funds appropriated or approved by the legislature for these purposes, facilities and programs necessary to implement the provisions of this chapter. Such facilities or programs may include, but not be limited to, the establishment and

operation of training schools, maximum security facilities, moderate care facilities, group homes, day treatment programs, family foster homes, aftercare, counseling services, educational services, and such other services as may be required to meet the needs of children committed to it. The division may terminate any facility or program no longer needed to meet the needs of children.

8. The division may institute day release programs for children committed to it. The division may arrange with local schools, public or private agencies, or persons approved by the division for the release of children committed to the division on a daily basis to the custody of such schools, agencies, or persons for participation in programs.

9. The division shall make all reasonable efforts to ensure that any outstanding judgment entered in accordance with section 211.185 or any outstanding assessments ordered in accordance with section 211.181 be paid while a child is in the care, custody or control of the division.

221.044. No person under the age of eighteen years, except those transferred to the court of general jurisdiction under the provisions of section 211.071, shall be detained in a jail or other adult detention facility as that term is defined in section 211.151. [A traffic court judge may request the juvenile court to order the commitment of a person under the age of eighteen to a juvenile detention facility.] If a person is eighteen years of age or older or attains the age of eighteen while in detention, upon a motion filed by the juvenile officer, the court may order that the person be detained in a jail or other adult detention facility as that term is defined in section 211.151 until the disposition of that person's juvenile court case.

287.243. 1. This section shall be known and may be cited as the "Line of Duty Compensation Act".

2. As used in this section, unless otherwise provided, the following words shall mean:

(1) "Air ambulance pilot", a person certified as an air ambulance pilot in accordance with sections 190.001 to 190.245 and corresponding regulations applicable to air ambulances adopted by the department of health and senior services;

(2) "Air ambulance registered professional nurse", a person licensed as a registered professional nurse in accordance with sections 335.011 to 335.096 and corresponding regulations adopted by the state board of nursing, 20 CSR 2200-4, et seq., who provides registered professional nursing services as a flight nurse in conjunction with an air ambulance program that is certified in accordance with sections 190.001 to 190.245 and the corresponding regulations applicable to such programs;

(3) "Air ambulance registered respiratory therapist", a person licensed as a registered respiratory therapist in accordance with sections 334.800 to 334.930 and corresponding regulations adopted by the state board for respiratory care, who provides respiratory therapy services in conjunction with an air ambulance program that is certified in accordance with sections 190.001 to 190.245 and corresponding regulations applicable to such programs;

(4) "Child", any natural, illegitimate, adopted, or posthumous child or stepchild of a deceased public safety officer who, at the time of the public safety officer's fatality is:

(a) Eighteen years of age or under;

(b) Over eighteen years of age and a student, as defined in 5 U.S.C. Section 8101; or

(c) Over eighteen years of age and incapable of self-support because of physical or mental disability;

(5) "Emergency medical technician", a person licensed in emergency medical care in accordance with standards prescribed by sections 190.001 to 190.245 and by rules adopted by the department of health and senior services under sections 190.001 to 190.245;

(6) "Firefighter", any person, including a volunteer firefighter, employed by the state or a local governmental entity as an employer defined under subsection 1 of section 287.030, or otherwise serving as a member or officer of a fire department either for the purpose of the prevention or control of fire or the underwater recovery of drowning victims;

(7) "Flight crew member", an individual engaged in flight responsibilities with an air ambulance licensed in accordance with sections 190.001 to 190.245 and corresponding regulations applicable to such programs;

(8) "Killed in the line of duty", when any person defined in this section loses his or her life when:

(a) Death is caused by an accident or the willful act of violence of another;

(b) The public safety officer is in the active performance of his or her duties in his or her respective profession and there is a relationship between the accident or commission of the act of violence and the performance of the duty, even if the individual is off duty; the public safety officer is traveling to or from employment; or the public safety officer is taking any meal break or other break which takes place while that individual is on duty;

(c) Death is the natural and probable consequence of the injury; and

(d) Death occurs within three hundred weeks from the date the injury was received.

The term excludes death resulting from the willful misconduct or intoxication of the public safety officer. The division of workers' compensation shall have the burden of proving such willful misconduct or intoxication;

(9) "Law enforcement officer", any person employed by the state or a local governmental entity as a police officer, peace officer certified under chapter 590, or serving as an auxiliary police officer or in some like position involving the enforcement of the law and protection of the public interest at the risk of that person's life;

(10) "Local governmental entity", includes counties, municipalities, townships, board or other political subdivision, cities under special charter, or under the commission form of government, fire protection districts, ambulance districts, and municipal corporations;

(11) "Public safety officer", any law enforcement officer, firefighter, uniformed employee of the office of the state fire marshal, emergency medical technician, police officer, capitol police officer, parole officer, probation officer, state correctional employee, water safety officer, park ranger, conservation officer, or highway patrolman employed by the state of Missouri or a political subdivision thereof who is killed in the line of duty or any emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, air ambulance registered respiratory therapist, or flight crew member who is killed in the line of duty;

(12) "State", the state of Missouri and its departments, divisions, boards, bureaus, commissions, authorities, and colleges and universities;

(13) "Volunteer firefighter", a person having principal employment other than as a firefighter, but who is carried on the rolls of a regularly constituted fire department either for the purpose of the prevention or control of fire or the underwater recovery of drowning victims, the members of which are under the jurisdiction of the corporate authorities of a city, village, incorporated town, or fire protection district. Volunteer firefighter shall not mean an individual who volunteers assistance without being regularly enrolled as a firefighter.

3. (1) A claim for compensation under this section shall be filed by survivors of the deceased with the division of workers' compensation not later than one year from the date of death of a public safety officer. If a claim is made within one year of the date of death of a public safety officer killed in the line of duty, compensation shall be paid, if the division finds that the claimant is entitled to compensation under this section.

(2) The amount of compensation paid to the claimant shall be twenty-five thousand dollars, subject to appropriation, for death occurring on or after June 19, 2009, but before August 28, 2024.

(3) The amount of compensation paid to the claimant shall be one hundred thousand dollars, subject to appropriation, for death occurring on or after the effective date of this section. The amount of compensation paid, subject to the modifications under subdivision (4) of this subsection, shall be determined as the amount in effect as of the date of death of the public safety officer.

(4) Beginning with the 2025 calendar year, the amount of compensation paid as identified under subdivision (3) of this subsection shall be adjusted annually by the percent increase in the Consumer Price Index for All Urban

Consumers, or its successor index, as such index is defined and officially reported by the United States Department of Labor, or its successor agency. Such annual adjustment under this subdivision, however, shall not decrease the amount of compensation paid to an amount less than one hundred thousand dollars. The department of labor and industrial relations shall annually publish such adjusted amount. The modification shall take effect on January first of each calendar year and shall apply to all calendar years beginning on or after the effective date of the adjusted compensation amount, until the next modification occurs.

4. Any compensation awarded under the provisions of this section shall be distributed as follows:

(1) To the surviving spouse of the public safety officer if there is no child who survived the public safety officer;

(2) Fifty percent to the surviving child, or children, in equal shares, and fifty percent to the surviving spouse if there is at least one child who survived the public safety officer, and a surviving spouse of the public safety officer;

(3) To the surviving child, or children, in equal shares, if there is no surviving spouse of the public safety officer;

(4) If there is no surviving spouse of the public safety officer and no surviving child:

(a) To the surviving individual, or individuals, in shares per the designation or, otherwise, in equal shares, designated by the public safety officer to receive benefits under this subsection in the most recently executed designation of beneficiary of the public safety officer on file at the time of death with the public safety agency, organization, or unit; or

(b) To the surviving individual, or individuals, in equal shares, designated by the public safety officer to receive benefits under the most recently executed life insurance policy of the public safety officer on file at the time of death with the public safety agency, organization, or unit if there is no individual qualifying under paragraph (a) of this subdivision;

(5) To the surviving parent, or parents, in equal shares, of the public safety officer if there is no individual qualifying under subdivision (1), (2), (3), or (4) of this subsection; or

(6) To the surviving individual, or individuals, in equal shares, who would qualify under the definition of the term "child" but for age if there is no individual qualifying under subdivision (1), (2), (3), (4), or (5) of this subsection.

5. Notwithstanding subsection 3 of this section, no compensation is payable under this section unless a claim is filed within the time specified under this section setting forth:

(1) The name, address, and title or designation of the position in which the public safety officer was serving at the time of his or her death;

(2) The name and address of the claimant;

(3) A full, factual account of the circumstances resulting in or the course of events causing the death at issue; and

(4) Such other information that is reasonably required by the division.

When a claim is filed, the division of workers' compensation shall make an investigation for substantiation of matters set forth in the application.

6. The compensation provided for under this section is in addition to, and not exclusive of, any pension rights, death benefits, or other compensation the claimant may otherwise be entitled to by law.

7. Neither employers nor workers' compensation insurers shall have subrogation rights against any compensation awarded for claims under this section. Such compensation shall not be assignable, shall be exempt from attachment, garnishment, and execution, and shall not be subject to setoff or counterclaim, or be in any way liable for any debt, except that the division or commission may allow as lien on the compensation, reasonable attorney's fees for services in connection with the proceedings for compensation if the services are found to be necessary. Such fees are subject to regulation as set forth in section 287.260.

8. Any person seeking compensation under this section who is aggrieved by the decision of the division of workers' compensation regarding his or her compensation claim, may make application for a hearing as provided in section 287.450. The procedures applicable to the processing of such hearings and determinations shall be those established by this chapter. Decisions of the administrative law judge under this section shall be binding, subject to review by either party under the provisions of section 287.480.

9. Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall be reauthorized as of August 28, 2024, and shall automatically sunset [six years after June 19, 2019] on December 31, 2030, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

10. The provisions of this section, unless specified, shall not be subject to other provisions of this chapter.

11. There is hereby created in the state treasury the "Line of Duty Compensation Fund", which shall consist of moneys appropriated to the fund and any voluntary contributions, gifts, or bequests to the fund. The state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for paying claims under this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

12. The division shall promulgate rules to administer this section, including but not limited to the appointment of claims to multiple claimants, record retention, and procedures for information requests. Any rule or portion of a rule, as that term is defined in section 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 the provisions 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 under 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 June 19, 2009, shall be invalid and void.

[304.022. 1. Upon the immediate approach of an emergency vehicle giving audible signal by siren or while having at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle or a flashing blue light authorized by section 307.175, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as far as possible to the right of, the traveled portion of the highway and thereupon stop and remain in such position until such emergency vehicle has passed, except when otherwise directed by a police or traffic officer.

2. Upon approaching a stationary vehicle displaying lighted red or red and blue lights, or a stationary vehicle displaying lighted amber or amber and white lights, the driver of every motor vehicle shall:

(1) Proceed with caution and yield the right-of-way, if possible with due regard to safety and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary vehicle, if on a roadway having at least four lanes with not less than two lanes proceeding in the same direction as the approaching vehicle; or

(2) Proceed with due caution and reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be unsafe or impossible.

3. The motorman of every streetcar shall immediately stop such car clear of any intersection and keep it in such position until the emergency vehicle has passed, except as

otherwise directed by a police or traffic officer.

4. An "emergency vehicle" is a vehicle of any of the following types:

(1) A vehicle operated by the state highway patrol, the state water patrol, the Missouri capitol police, a conservation agent, or a state or a county or municipal park ranger, those vehicles operated by enforcement personnel of the state highways and transportation commission, police or fire department, sheriff, constable or deputy sheriff, federal law enforcement officer authorized to carry firearms and to make arrests for violations of the laws of the United States, traffic officer, coroner, medical examiner, or forensic investigator of the county medical examiner's office, or by a privately owned emergency vehicle company;

(2) A vehicle operated as an ambulance or operated commercially for the purpose of transporting emergency medical supplies or organs;

(3) Any vehicle qualifying as an emergency vehicle pursuant to section 307.175;

(4) Any wrecker, or tow truck or a vehicle owned and operated by a public utility or public service corporation while performing emergency service;

(5) Any vehicle transporting equipment designed to extricate human beings from the wreckage of a motor vehicle;

(6) Any vehicle designated to perform emergency functions for a civil defense or emergency management agency established pursuant to the provisions of chapter 44;

(7) Any vehicle operated by an authorized employee of the department of corrections who, as part of the employee's official duties, is responding to a riot, disturbance, hostage incident, escape or other critical situation where there is the threat of serious physical injury or death, responding to mutual aid call from another criminal justice agency, or in accompanying an ambulance which is transporting an offender to a medical facility;

(8) Any vehicle designated to perform hazardous substance emergency functions established pursuant to the provisions of sections 260.500 to 260.550;

(9) Any vehicle owned by the state highways and transportation commission and operated by an authorized employee of the department of transportation that is marked as a department of transportation emergency response or motorist assistance vehicle; or

(10) Any vehicle owned and operated by the civil support team of the Missouri National Guard while in response to or during operations involving chemical, biological, or radioactive materials or in support of official requests from the state of Missouri involving unknown substances, hazardous materials, or as may be requested by the appropriate state agency acting on behalf of the governor.

5. (1) The driver of any vehicle referred to in subsection 4 of this section shall not sound the siren thereon or have the front red lights or blue lights on except when such vehicle is responding to an emergency call or when in pursuit of an actual or suspected law violator, or when responding to, but not upon returning from, a fire.

(2) The driver of an emergency vehicle may:

(a) Park or stand irrespective of the provisions of sections 304.014 to 304.025;

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(c) Exceed the prima facie speed limit so long as the driver does not endanger life or property;

(d) Disregard regulations governing direction of movement or turning in specified directions.

(3) The exemptions granted to an emergency vehicle pursuant to subdivision (2) of this subsection shall apply only when the driver of any such vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp

displaying a red light or blue light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle.

6. No person shall purchase an emergency light as described in this section without furnishing the seller of such light an affidavit stating that the light will be used exclusively for emergency vehicle purposes.

7. Violation of this section shall be deemed a class A misdemeanor.]

304.022. 1. Upon the immediate approach of an emergency vehicle giving audible signal by siren or while having at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle or a flashing blue light authorized by section 307.175, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as far as possible to the right of, the traveled portion of the highway and thereupon stop and remain in such position until such emergency vehicle has passed, except when otherwise directed by a police or traffic officer.

2. Upon approaching a stationary vehicle displaying lighted red or red and blue lights, or a stationary vehicle displaying lighted amber or amber and white lights, the driver of every motor vehicle shall:

(1) Proceed with caution and yield the right-of-way, if possible with due regard to safety and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary vehicle, if on a roadway having at least four lanes with not less than two lanes proceeding in the same direction as the approaching vehicle; or

(2) Proceed with due caution and reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be unsafe or impossible.

3. The motorman of every streetcar shall immediately stop such car clear of any intersection and keep it in such position until the emergency vehicle has passed, except as otherwise directed by a police or traffic officer.

4. An "emergency vehicle" is a vehicle of any of the following types:

(1) A vehicle operated by a state fire investigator, the state highway patrol, the state water patrol, the Missouri capitol police, a conservation agent, or a state or a county or municipal park ranger, those vehicles operated by enforcement personnel of the state highways and transportation commission, police or fire department, sheriff, constable or deputy sheriff, federal law enforcement officer authorized to carry firearms and to make arrests for violations of the laws of the United States, traffic officer, coroner, medical examiner, or forensic investigator of the county medical examiner's office, or by a privately owned emergency vehicle company;

(2) A vehicle operated as an ambulance or operated commercially for the purpose of transporting emergency medical supplies or organs;

(3) Any vehicle qualifying as an emergency vehicle pursuant to section 307.175;

(4) Any wrecker, or tow truck or a vehicle owned and operated by a public utility or public service corporation while performing emergency service;

(5) Any vehicle transporting equipment designed to extricate human beings from the wreckage of a motor vehicle;

(6) Any vehicle designated to perform emergency functions for a civil defense or emergency management agency established pursuant to the provisions of chapter 44;

(7) Any vehicle operated by an authorized employee of the department of corrections who, as part of the employee's

official duties, is responding to a riot, disturbance, hostage incident, escape or other critical situation where there is the threat of serious physical injury or death, responding to mutual aid call from another criminal justice agency, or in accompanying an ambulance which is transporting an offender to a medical facility;

(8) Any vehicle designated to perform hazardous substance emergency functions established pursuant to the provisions of sections 260.500 to 260.550;

(9) Any vehicle owned by the state highways and transportation commission and operated by an authorized employee of the department of transportation that is marked as a department of transportation emergency response or motorist assistance vehicle; or

(10) Any vehicle owned and operated by the civil support team of the Missouri National Guard while in response to or during operations involving chemical, biological, or radioactive materials or in support of official requests from the state of Missouri involving unknown substances, hazardous materials, or as may be requested by the appropriate state agency acting on behalf of the governor.

5. (1) The driver of any vehicle referred to in subsection 4 of this section shall not sound the siren thereon or have the front red lights or blue lights on except when such vehicle is responding to an emergency call or when in pursuit of an actual or suspected law violator, or when responding to, but not upon returning from, a fire.

(2) The driver of an emergency vehicle may:

(a) Park or stand irrespective of the provisions of sections 304.014 to 304.025;

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(c) Exceed the prima facie speed limit so long as the driver does not endanger life or property;

(d) Disregard regulations governing direction of movement or turning in specified directions.

(3) The exemptions granted to an emergency vehicle pursuant to subdivision (2) of this subsection shall apply only when the driver of any such vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light or blue light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle.

6. No person shall purchase an emergency light as described in this section without furnishing the seller of such light an affidavit stating that the light will be used exclusively for emergency vehicle purposes.

7. Violation of this section shall be deemed a class A misdemeanor.

307.175. 1. Motor vehicles and equipment which are operated by any member of an organized fire department, ambulance association, or rescue squad, including a canine search and rescue team, whether paid or volunteer, may be operated on streets and highways in this state as an emergency vehicle under the provisions of section 304.022 while responding to a fire call [or], ambulance call, or an emergency call requiring search and rescue operations, or at the scene of a fire call [or], ambulance call, or an emergency call requiring search and rescue operations, and while using or sounding a warning siren and using or

displaying thereon fixed, flashing or rotating blue lights, but sirens and blue lights shall be used only in bona fide emergencies.

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

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

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

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

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

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

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

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

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

3. Permits for the operation of such vehicles equipped with sirens or blue lights shall be in writing and shall be issued and may be revoked by the chief of an organized fire department, organized ambulance association, rescue squad, or the state highways and transportation commission and no person shall use or display a siren or blue lights on a motor vehicle, fire, ambulance, or rescue equipment without a valid permit authorizing the use. A permit to use a siren or lights as heretofore set out does not relieve the

operator of the vehicle so equipped with complying with all other traffic laws and regulations. Violation of this section constitutes a class A misdemeanor.

454.1050. 1. This section shall be known and may be cited as "Bentley and Mason's Law".

2. The court shall order a defendant convicted of the offense of driving while intoxicated to pay restitution for a child whose parent or guardian died as a result of such offense.

3. Notwithstanding any provision of law under chapter 559 relating to restitution, and subject to subsection 4 of this section, the court shall determine a monthly amount to be paid for the support of the child until the child reaches eighteen years of age or has graduated from high school, whichever is later.

4. The defendant shall not be required to pay restitution under this section to an individual who is nineteen years of age or older.

5. The court shall order the defendant to pay restitution in an amount that is reasonable and necessary to support the child, considering all relevant factors, including:

(1) The financial needs and resources of the child;

(2) The financial needs and resources of the surviving parent or guardian or other current guardian of the child, including the state if the state is the guardian;

(3) The standard of living to which the child is accustomed;

(4) The physical and emotional condition of the child and the child's educational needs;

(5) The child's physical and legal custody arrangements;

(6) The reasonable work-related child care expenses of the surviving parent or guardian or other current guardian, if applicable; and

(7) The financial resources of the defendant.

6. The order of restitution under this section shall require restitution payments to be:

(1) Delivered in the manner described under subsection 7 of this section, as appropriate; and

(2) Directed to the parent or guardian of the child or the state, as applicable.

7. The order of restitution under this section shall require the defendant to:

(1) Make restitution directly to the person or agency that will accept and forward restitution payments to the victim or other person eligible for restitution under this section; or

(2) Deliver the amount due as restitution to the division of probation or parole or to the department of corrections for transfer to the victim or person or state, as appropriate.

8. If a defendant ordered to pay restitution under this section is unable to make the required restitution payments because the defendant is confined or imprisoned in a correctional facility, the defendant shall begin payments no later than the first anniversary of the date of the defendant's release from the facility. The defendant may enter into a payment plan to address any arrearage that exists on the date of the defendant's release. The defendant shall pay all arrearages regardless of whether the restitution payments were scheduled to terminate while the defendant was confined or imprisoned in the correctional facility.

9. The amount of restitution paid under this section shall be deducted from any civil judgment against the defendant.

10. A restitution order issued under this section may be enforced by the office of the attorney general, or by a person or a parent or guardian of the person named in the order to receive the restitution, in the same manner as a judgment in a civil action.

478.001. 1. For purposes of sections 478.001 to 478.009, the following terms shall mean:

(1) "Adult treatment court", a treatment court focused on addressing the substance use disorder or co-occurring disorder of defendants charged with a criminal offense;

(2) "Community-based substance use disorder treatment program", an agency certified by the department of mental health as a substance use disorder treatment provider;

(3) "Co-occurring disorder", the coexistence of both a substance use disorder and a mental health disorder;

(4) "DWI court", a treatment court focused on addressing the substance use disorder or co-occurring disorder of defendants who have pleaded guilty to or been found guilty of driving while intoxicated or driving with excessive blood alcohol content;

(5) "Family treatment court", a treatment court focused on addressing a substance use disorder or co-occurring disorder existing in families in the juvenile court, family court, or criminal court in which a parent or other household member has been determined to have a substance use disorder or co-occurring disorder that impacts the safety and well-being of the children in the family;

(6) "Juvenile treatment court", a treatment court focused on addressing the substance use disorder or co-occurring disorder of juveniles in the juvenile court;

(7) "Medication-assisted treatment", the use of pharmacological medications, in combination with counseling and behavioral therapies, to provide a whole-patient approach to the treatment of substance use disorders;

(8) "Mental health court", a court focused on addressing the mental health disorder or co-occurring disorder of defendants charged with a criminal offense;

(9) "Mental health disorder", any organic, mental, or emotional impairment that has substantial adverse effects on a person's cognitive, volitional, or emotional function and that constitutes a substantial impairment in a person's ability to participate in activities of normal living;

[(9)] (10) "Risk and needs assessment", an actuarial tool, approved by the treatment courts coordinating commission and validated on a targeted population of drug-involved adult offenders, scientifically proven to determine a person's risk to recidivate and to identify criminal risk factors that, when properly addressed, can reduce that person's likelihood of committing future criminal behavior;

[(10)] (11) "Substance use disorder", the recurrent use of alcohol or drugs that causes clinically significant impairment, including health problems, disability, and failure to meet major responsibilities at work, school, or home;

[(11)] (12) "Treatment court commissioner", a person appointed by a majority of the circuit and associate circuit judges in a circuit to preside as the judicial officer in the treatment court division;

[(12)] (13) "Treatment court division", a specialized, nonadversarial court division with jurisdiction over cases involving substance-involved offenders and making extensive use of comprehensive supervision, drug or alcohol testing, and treatment services. Treatment court divisions include,

but are not limited to, the following specialized courts: adult treatment court, DWI court, family treatment court, juvenile treatment court, mental health court, veterans treatment court, or any combination thereof;

[(13)] (14) "Treatment court team", the following members who are assigned to the treatment court: the judge or treatment court commissioner, treatment court administrator or coordinator, prosecutor, public defender or member of the criminal defense bar, a representative from the division of probation and parole, a representative from law enforcement, substance use or mental health disorder treatment providers, and any other person selected by the treatment court team;

[(14)] (15) "Veterans treatment court", a treatment court focused on substance use disorders, co-occurring disorders, or mental health disorders of defendants charged with a criminal offense who are military veterans or current military personnel.

2. A treatment court division shall be established, prior to August 28, 2021, by any circuit court pursuant to sections 478.001 to 478.009 to provide an alternative for the judicial system to dispose of cases which stem from, or are otherwise impacted by, a substance use or mental health disorder. The treatment court division may include, but not be limited to, cases assigned to an adult treatment court, DWI court, family treatment court, juvenile treatment court, mental health court, veterans treatment court, or any combination thereof. A treatment court shall combine judicial supervision, drug or alcohol testing, and treatment of participants. Except for good cause found by the court, a treatment court making a referral for substance use or mental health disorder treatment, when such program will receive state or federal funds in connection with such

referral, shall refer the person only to a program which is certified by the department of mental health, unless no appropriate certified treatment program is located within the same county as the treatment court. Upon successful completion of the treatment court program, the charges, petition, or penalty against a treatment court participant may be dismissed, reduced, or modified, unless otherwise stated. Any fees received by a court from a defendant as payment for substance or mental health treatment programs shall not be considered court costs, charges or fines.

3. An adult treatment court may be established by any circuit court [under sections 478.001 to 478.009] to provide an alternative for the judicial system to dispose of cases which stem from substance use.

4. [Under sections 478.001 to 478.009,] A DWI court may be established by any circuit court to provide an alternative for the judicial system to dispose of cases that stem from driving while intoxicated.

5. A family treatment court may be established by any circuit court. The juvenile division of the circuit court or the family court, if one is established under section 487.010, may refer one or more parents or other household members subject to its jurisdiction to the family treatment court if he or she has been determined to have a substance use disorder or co-occurring disorder that impacts the safety and well-being of the children in the family.

6. A juvenile treatment court may be established by the juvenile division of any circuit court. The juvenile division may refer a juvenile to the juvenile treatment court if the juvenile is determined to have committed acts that violate the criminal laws of the state or ordinances of a municipality or county and a substance use disorder or co-

occurring disorder contributed to the commission of the offense.

7. The general assembly finds and declares that it is the public policy of this state to encourage and provide an alternative method for the disposal of cases for military veterans and current military personnel with substance use disorders, mental health disorders, or co-occurring disorders. In order to effectuate this public policy, a veterans treatment court may be established by any circuit court, or combination of circuit courts upon agreement of the presiding judges of such circuit courts, to provide an alternative for the judicial system to dispose of cases that stem from a substance use disorder, mental health disorder, or co-occurring disorder of military veterans or current military personnel. A veterans treatment court shall combine judicial supervision, drug or alcohol testing, and substance use and mental health disorder treatment to participants who have served or are currently serving the United States Armed Forces, including members of the Reserves or National Guard, with preference given to individuals who have combat service. For the purposes of this section, combat service shall be shown through military service documentation that reflects service in a combat theater, receipt of combat service medals, or receipt of imminent danger or hostile fire pay or tax benefits. Except for good cause found by the court, a veterans treatment court shall make a referral for substance use or mental health disorder treatment, or a combination of substance use and mental health disorder treatment, through the Department of Defense health care, the Veterans Administration, or a community-based substance use disorder treatment program. Community-based programs utilized shall receive state or federal funds in connection with such referral and shall

only refer the individual to a program certified by the department of mental health, unless no appropriate certified treatment program is located within the same circuit as the veterans treatment court.

8. A mental health court may be established by any circuit court to provide an alternative for the judicial system to dispose of cases that stem from a mental health disorder or co-occurring disorder.

488.040. [1.] Each grand and petit juror shall[, pursuant to the provisions of section 494.455, receive six dollars per day for every day he or she may actually serve as such and seven cents for every mile he or she may necessarily travel going from his or her place of residence to the courthouse and returning, to be paid from funds of the county or a city not within a county.

2. Provided that a county or a city not within a county authorizes daily compensation payable from county or city funds for jurors who serve in that county pursuant to subsection 3 of this section in the amount of at least six dollars per day in addition to the amount required by subsection 1 of this section, a person shall receive an additional six dollars per day, pursuant to the provisions of section 494.455, to be reimbursed by the state of Missouri so that the total compensation payable shall be at least eighteen dollars, plus mileage as indicated in subsection 1 of this section, for each day that the person actually serves as a petit juror in a particular case; or for each day that a person actually serves as a grand juror during a term of a grand jury. The state shall reimburse the county for six dollars of the additional juror compensation provided by this subsection.

3. The governing body of each county or a city not within a county may authorize additional daily compensation

and mileage allowance for jurors, which additional compensation shall be paid from the funds of the county or a city not within a county. The governing body of each county or a city not within a county may authorize additional daily compensation and mileage allowance for jurors attending a coroner's inquest. Jurors may receive the additional compensation and mileage allowance authorized by this subsection only if the governing body of the county or the city not within a county authorizes the additional compensation. The provisions of this subsection authorizing additional compensation shall terminate upon the issuance of a mandate by the Missouri supreme court which results in the state of Missouri being obligated or required to pay any such additional compensation even if such additional compensation is formally approved or authorized by the governing body of a county or a city not within a county.

4. When each panel of jurors summoned and attending court has completed its service, the board of jury commissioners shall cause to be submitted to the governing body of the county or a city not within a county a statement of fees earned by each juror. Within thirty days of the submission of the statement of fees, the governing body shall cause payment to be made to those jurors summoned the fees earned during their service as jurors] receive daily compensation and mileage allowance in the amount provided by law pursuant to section 494.455.

490.692. 1. Any records or copies of records reproduced in the ordinary course of business by any photographic, photostatic, microfilm, microcard, miniature photographic, optical disk imaging, or other process which accurately reproduces or forms a durable medium for so reproducing the original that would be admissible under sections 490.660 to 490.690 shall be admissible as a

business record, subject to other substantive or procedural objections, in any court in this state upon the affidavit of the person who would otherwise provide the prerequisites of sections 490.660 to 490.690, that the records attached to the affidavit were kept as required by section 490.680.

2. No party shall be permitted to offer such business records into evidence pursuant to this section unless all other parties to the action have been served with copies of such records and such affidavit at least seven days prior to the day upon which trial of the cause commences.

3. The affidavit permitted by this section may be in form and content substantially as follows:

THE STATE OF _____
COUNTY OF _____

AFFIDAVIT

Before me, the undersigned authority, personally appeared _____, who, being by me duly sworn, deposed as follows:

My name is _____, I am of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

I am the custodian of the records of _____. Attached hereto are _____ pages of records from _____. These _____ pages of records are kept by _____ in the regular course of business, and it was the regular course of business of _____ for an employee or representative of _____ with knowledge of the act, event, condition, opinion, or diagnosis recorded to make the record or to transmit information thereof to be included in such record; and the record was made at or near the time of the act, event, condition, opinion or diagnosis. The records attached hereto are the original or exact duplicates of the original.

Affiant

[In witness whereof I have hereunto subscribed my name and affixed my official seal this _____ day of _____, 20_____.

(Signed)

(Seal)

]

4. Notwithstanding any other provision of law to the contrary, an affidavit offered pursuant to this section shall not be deemed invalid for the reason that it utilizes an electronic signature or digital signature.

5. Notwithstanding any other provision of law to the contrary, an affidavit offered pursuant to this section shall not be deemed invalid for the reason that it does not include a notarization.

6. Notwithstanding any other provision of law to the contrary, an affidavit offered pursuant to this section shall be signed in a manner that, if falsely made, would subject the signer to criminal penalties pursuant to section 575.040.

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

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

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

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

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

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

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

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

5. For the purposes of this section, "vulnerable person" shall mean a person who, as a result of an inadequately developed or impaired intelligence or a psychiatric disorder that materially affects ability to

function, lacks the mental capacity to consent, or whose developmental level does not exceed that of an ordinary child of ~~fourteen~~ seventeen years of age.

491.641. 1. (1) There is hereby created in the state treasury the "Pretrial Witness Protection Services Fund", which shall consist of moneys collected under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and money in the fund shall be used solely by the department of public safety for the purposes of witness protection services pursuant to this section.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

2. Any law enforcement agency and any prosecuting or circuit attorney's office may provide for the security of witnesses, potential witnesses, and their immediate families in criminal proceedings instituted or investigations pending against a person alleged to have engaged in a violation of state law. Providing for witnesses may include provision of housing facilities and for the health, safety, and welfare of such witnesses and their immediate families, if testimony by such a witness might subject the witness or a member of his or her immediate family to danger of bodily injury, and may continue so long as such danger exists. Subject to appropriations from the general assembly for the purposes

provided for in this section, funds may be appropriated from the pretrial witness protection services fund.

3. The department of public safety may authorize funds to be disbursed to law enforcement agencies and prosecuting or circuit attorney's offices for the purchase, rental, or modification of protected housing facilities for the purpose of this section. The law enforcement agency or prosecuting or circuit attorney's office may contract with any department of federal or state government to obtain or to provide the facilities or services to carry out this section.

4. The department of public safety may authorize expenditures for law enforcement agencies and prosecuting or circuit attorney's offices to provide for the health, safety, and welfare of witnesses and victims, and the families of such witnesses and victims, whenever testimony from, or a willingness to testify by, such a witness or victim would place the life of such person, or a member of his or her family or household, in jeopardy. [A law enforcement agency shall submit an application to the department of public safety which shall include, but not necessarily be limited to:

(1) Statement of conditions which qualify persons for protection;

(2) Precise methods the originating agency will use to provide protection, including relocation of persons and reciprocal agreements with other law enforcement agencies;

(3) Statement of the projected costs over a specified period of time;

(4) If the requesting agency expects the person to provide evidence in any court of competent jurisdiction:

(a) Brief statement of the anticipated evidence;

(b) Certification of a reasonable belief in the person's competency to give evidence;

(c) Statement of facts supporting the law enforcement agency's belief in the accuracy of the evidence; and

(d) Any offer made in exchange for the person agreeing to give evidence.] Law enforcement agencies and prosecuting or circuit attorney's offices seeking reimbursement shall submit an application to be approved by the department of public safety.

5. The application and any associated documents submitted in subsection 4 of this section shall be a closed record and not subject to disclosure under the provisions of chapter 610. Any information contained in the application[, or] and any other documents, which reveals or could reveal the location or address of the individual or individuals who qualify for services under this section shall be confidential and shall not be disclosed by any entity.

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

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

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

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

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

(5) Every voice on the recording is identified;

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

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

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

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

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

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

494.455. 1. [Each county or city not within a county may elect to compensate its jurors pursuant to subsection 2 of this section except as otherwise provided in subsection 3 of this section.]

2.] Each grand and petit juror shall receive a minimum of six dollars per day, for every day [he or she] the juror may actually serve as [such] a juror, and [seven cents] the mileage rate as provided by section 33.095 for state employees for every mile [he or she] the juror may necessarily travel going from [his or her] the juror's place of residence to the courthouse and returning, to be paid from funds of the county or a city not within a county. Each county or city not within a county may elect to compensate its jurors under subsection 2 of this section, except as otherwise provided in subsection 3 of this section.

2. The governing body of each county or a city not within a county may authorize additional daily compensation and mileage allowance for jurors, which additional compensation shall be paid from the funds of the county or a city not within a county. The governing body of each county or a city not within a county may authorize additional daily compensation and mileage allowance for jurors attending a coroner's inquest. Jurors may receive the additional compensation and mileage allowance authorized by this subsection only if the governing body of the county or the city not within a county authorizes the additional

compensation. The provisions of this subsection authorizing additional compensation shall terminate upon the issuance of a mandate by the Missouri supreme court which results in the state of Missouri being obligated or required to pay any such additional compensation even if such additional compensation is formally approved or authorized by the governing body of a county or a city not within a county. Provided that a county or a city not within a county authorizes daily compensation payable from county or city funds for jurors who serve in that county pursuant to this subsection in the amount of at least six dollars per day in addition to the amount required by this subsection, a person shall receive an additional six dollars per day to be reimbursed by the state of Missouri so that the total compensation payable shall be at least eighteen dollars, plus mileage for each day that the person actually serves as a petit juror in a particular case; or for each day that a person actually serves as a grand juror during a term of a grand jury. The state shall reimburse the county for six dollars of the additional juror compensation provided by this subsection.

3. [In any county of the first classification without a charter form of government and with a population of at least two hundred thousand inhabitants, no grand or petit juror shall receive compensation for the first two days of service, but shall receive fifty dollars per day for the third day and each subsequent day he or she may actually serve as such, and seven cents for every mile he or she may necessarily travel going from his or her place of residence to the courthouse and returning, to be paid from funds of the county.] Notwithstanding the provisions of subsection 1 or 2 of this section, by a majority vote, the governing body of a county or city not within a county may adopt a system

for juror compensation in a city not within a county or a county within the circuit, as follows: each grand or petit juror shall receive fifty dollars per day for the third day the juror may actually serve as a juror and for each subsequent day of actual service, and the mileage rate as provided by section 33.095 for state employees for every mile the juror may necessarily travel from the juror's place of residence to the courthouse and returning, to be paid from funds of the county or a city not within a county, provided that no grand or petit juror shall receive compensation for the first two days the juror may actually serve as such.

4. When each panel of jurors summoned and attending court has completed its service, the board of jury commissioners shall cause to be submitted to the governing body of the county or a city not within a county a statement of fees earned by each juror. Within thirty days of the submission of the statement of fees, the governing body shall cause payment to be made to those jurors summoned the fees earned during their service as jurors.

547.031. 1. A prosecuting or circuit attorney, in the jurisdiction in which **[a person was convicted of an offense]** charges were filed, may file a motion to vacate or set aside the judgment at any time if he or she has information that the convicted person may be innocent or may have been erroneously convicted. The circuit court in which **[the person was convicted]** charges were filed shall have jurisdiction and authority to consider, hear, and decide the motion.

2. Upon the filing of a motion to vacate or set aside the judgment, the court shall order a hearing and shall issue findings of fact and conclusions of law on all issues presented. The attorney general shall be given notice of

hearing of such a motion by the circuit clerk and shall be permitted to appear, question witnesses, and make arguments in a hearing of such a motion.

3. The court shall grant the motion of the prosecuting or circuit attorney to vacate or set aside the judgment where the court finds that there is clear and convincing evidence of actual innocence or constitutional error at the original trial or plea that undermines the confidence in the judgment. In considering the motion, the court shall take into consideration the evidence presented at the original trial or plea; the evidence presented at any direct appeal or post-conviction proceedings, including state or federal habeas actions; and the information and evidence presented at the hearing on the motion.

4. The prosecuting attorney or circuit attorney shall have the authority and right to file and maintain an appeal of the denial or disposal of such a motion. The attorney general may file a motion to intervene and, in addition to such motion, file a motion to dismiss the motion to vacate or to set aside the judgment in any appeal filed by the prosecuting or circuit attorney.

556.061. In this code, unless the context requires a different definition, the following terms shall mean:

(1) "Access", to instruct, communicate with, store data in, retrieve or extract data from, or otherwise make any use of any resources of, a computer, computer system, or computer network;

(2) "Affirmative defense":

(a) The defense referred to is not submitted to the trier of fact unless supported by evidence; and

(b) If the defense is submitted to the trier of fact the defendant has the burden of persuasion that the defense is more probably true than not;

(3) "Burden of injecting the issue":

(a) The issue referred to is not submitted to the trier of fact unless supported by evidence; and

(b) If the issue is submitted to the trier of fact any reasonable doubt on the issue requires a finding for the defendant on that issue;

(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;

(5) "Computer", the box that houses the central processing unit (CPU), along with any internal storage devices, such as internal hard drives, and internal communication devices, such as internal modems capable of sending or receiving electronic mail or fax cards, along with any other hardware stored or housed internally. Thus, computer refers to hardware, software and data contained in the main unit. Printers, external modems attached by cable to the main unit, monitors, and other external attachments will be referred to collectively as peripherals and discussed individually when appropriate. When the computer and all peripherals are referred to as a package, the term "computer system" is used. Information refers to all the information on a computer system including both software applications and data;

(6) "Computer equipment", computers, terminals, data storage devices, and all other computer hardware associated with a computer system or network;

(7) "Computer hardware", all equipment which can collect, analyze, create, display, convert, store, conceal or transmit electronic, magnetic, optical or similar computer impulses or data. Hardware includes, but is not limited to, any data processing devices, such as central processing units, memory typewriters and self-contained laptop or notebook computers; internal and peripheral storage devices, transistor-like binary devices and other memory storage devices, such as floppy disks, removable disks, compact disks, digital video disks, magnetic tape, hard drive, optical disks and digital memory; local area networks, such as two or more computers connected together to a central computer server via cable or modem; peripheral input or output devices, such as keyboards, printers, scanners, plotters, video display monitors and optical readers; and related communication devices, such as modems, cables and connections, recording equipment, RAM or ROM units, acoustic couplers, automatic dialers, speed dialers, programmable telephone dialing or signaling devices and electronic tone-generating devices; as well as any devices, mechanisms or parts that can be used to restrict access to computer hardware, such as physical keys and locks;

(8) "Computer network", two or more interconnected computers or computer systems;

(9) "Computer program", a set of instructions, statements, or related data that directs or is intended to direct a computer to perform 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;

(11) "Computer-related documentation", written, recorded, printed or electronically stored material which explains or illustrates how to configure or use computer hardware, software or other related items;

(12) "Computer system", a set of related, connected or unconnected, computer equipment, data, or software;

(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:

a. A court orders the person's release; or

b. The person is released on bail, bond, or recognizance, personal or otherwise; 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;

(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;

(14) "Consent": consent or lack of consent may be expressed or implied. Assent does not constitute consent if:

(a) It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the

offense and such mental incapacity is manifest or known to the actor; or

(b) It is given by a person who by reason of youth, mental disease or defect, intoxication, a drug-induced state, or any other reason is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or

(c) It is induced by force, duress or deception;

(15) "Controlled substance", a drug, substance, or immediate precursor in schedules I through V as defined in chapter 195;

(16) "Criminal negligence", failure to be aware of a substantial and unjustifiable risk that circumstances exist or a result will follow, and such failure constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation;

(17) "Custody", a person is in custody when he or she 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;

(19) "Dangerous felony", the felonies of arson in the first degree, assault in the first degree, attempted rape in the first degree if physical injury results, attempted forcible rape if physical injury results, attempted sodomy in the first degree if physical injury results, attempted forcible sodomy if 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 such assault is a special victim as defined in subdivision (14) of section 565.002, kidnapping in the first

degree, kidnapping, murder in the second degree, assault of a law enforcement officer in the first degree, domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree, armed criminal action, conspiracy to commit an offense when the offense is a dangerous felony, vehicle hijacking when punished as a class A felony, statutory rape 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, statutory 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, child molestation in the first or second degree, abuse of a child if the child dies as a result of injuries sustained from conduct chargeable under section 568.060, child kidnapping, parental kidnapping committed by detaining or concealing the whereabouts of the child for not less than one hundred twenty days under section 565.153, endangering the welfare of a child in the first degree, and an "intoxication-related traffic offense" or "intoxication-related boating offense" if the person is found to be a "habitual offender" or "habitual boating offender" as such terms are defined in section 577.001;

(20) "Dangerous instrument", any instrument, article or substance, which, under the circumstances in which it is used, is readily capable 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 of a computer;

(22) "Deadly weapon", 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;

(25) "Elderly person", a person sixty years of age or older;

(26) "Felony", 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;

(27) "Forcible compulsion" either:

(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;

(28) "Incapacitated", a temporary or permanent physical or mental condition in which a person is unconscious, unable to appraise the nature of his or her conduct, or unable to communicate unwillingness to an act;

(29) "Infraction", 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;

(30) "Inhabitable structure", a vehicle, vessel or structure:

(a) Where any person lives or carries on business or other 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. If a building or structure is divided into separately occupied units, any unit not occupied by the actor is an inhabitable structure of another;

(31) "Knowingly", 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;

(32) "Law enforcement officer", 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;

(33) "Misdemeanor", 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;

(35) "Offense", any felony or misdemeanor;

(36) "Physical injury", slight impairment of any function of the body or temporary loss of use of any part of the body;

(37) "Place of confinement", 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;

(38) "Possess" or "possessed", having actual or constructive possession of an object with knowledge of its presence. A person has actual 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 has the power and the intention at a given time to exercise dominion or control over the object either directly or through another person or persons. Possession may also be sole or joint. If one person alone has possession of an object, possession is sole. If two or more persons share possession of an object, possession is joint;

(39) "Property", anything of value, whether real or personal, tangible or intangible, in possession or in action;

(40) "Public servant", 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 of this state. It includes, but is not limited to, legislators, jurors, members of the judiciary and law enforcement officers. It does not include witnesses;

(41) "Purposely", 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;

(42) "Recklessly", 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;

(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;

(44) "Serious physical injury", 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;

(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;

(48) "Vessel", any boat or craft propelled by a motor or by machinery, whether or not such motor or machinery is a principal source of propulsion used or capable of being used as a means of transportation on water, or any boat or craft more than twelve feet in length which is powered by sail alone or by a combination of sail and machinery, and used or capable of being used as a means of transportation on water, but not any boat or craft having, as the only means of propulsion, a paddle or oars;

(49) "Voluntary act":

(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 or her control for a sufficient time to have enabled him or her to dispose of it or terminate his or her control; or

(b) An omission to perform an act of which the actor is 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.

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

(1) "Failed start", any attempt to start the vehicle with a breath alcohol concentration exceeding twenty-five thousandths of one percent by weight of alcohol in such person's breath, unless a subsequent retest performed within ten minutes registers a breath alcohol concentration not exceeding twenty-five thousandths of one percent by weight of alcohol in such person's breath;

(2) "Running retest", failure to take a breath test performed by the driver upon a certified ignition interlock device at random intervals after the initial engine startup breath test and while the vehicle's motor is running or failure to take a breath retest with a breath alcohol concentration not exceeding twenty-five thousandths of one percent by weight of alcohol in such person's breath;

(3) "Vehicle", any mechanical device on wheels, designed primarily for use, or used, on highways.

2. In any criminal case involving an intoxicated-related traffic offense, the defendant may request to divert the criminal case to a driving while intoxicated (DWI) diversion program described in this section by submitting a request to the prosecuting or circuit attorney and sending a copy of such request to the department of revenue within fifteen days of his or her arrest. The prosecuting or circuit attorney may divert the criminal case to this DWI diversion program by filing a motion with the court to stay the criminal proceeding, if the defendant meets the following criteria for eligibility into the DWI diversion program:

(1) The defendant has not previously pled guilty to or been convicted of an intoxicated-related traffic offense in

violation of sections 577.010, 577.012, 577.013, 577.014, 577.015, or 577.016;

(2) The defendant is not currently enrolled in, and has not in the previous five years completed, a diversion program pursuant to this section;

(3) The defendant does not hold a commercial driver's license;

(4) The offense did not occur while operating a commercial vehicle;

(5) The offense did not result in the injury or death of another person; and

(6) The defendant did not refuse to submit to any test allowed pursuant to section 577.020.

3. Upon a motion filed by the prosecuting or circuit attorney, the court may continue a diverted case involving an intoxicated-related traffic offense if the prosecuting or circuit attorney deems appropriate based on the specific situation of the defendant. The case shall be diverted for a period not to exceed twenty-four months and order the defendant to comply with terms, conditions, or requirements.

4. The DWI diversion plan shall be for a specified period and be in writing. The prosecuting or circuit attorney has the sole authority to develop diversionary program requirements, but may require installation of an ignition interlock device for a period of not less than one year, require the defendant to participate in a victim impact panel sponsored by a nonprofit organization, and require other terms deemed necessary by the court.

5. If the court continues the criminal case to divert the defendant to this DWI diversion program, a copy of such order shall be sent to the department of revenue and, upon receipt, the department shall continue any proceeding to suspend or revoke a license pursuant to chapter 302 for a

period not to exceed twenty-four months. After the defendant successfully completes the requirements of the DWI diversion program, the department shall dismiss any proceeding against the defendant.

6. The court shall notify the defendant that he or she is required to install a functioning, certified ignition interlock device on any vehicle that the person operates and the person is prohibited from operating a motor vehicle unless that vehicle is equipped with a functioning, certified ignition interlock device pursuant to this section. These requirements shall be in addition to any other provisions of this chapter or chapter 302 requiring installation and maintenance of an ignition interlock device. Any person required to use an ignition interlock device shall comply with such requirement subject to the penalties provided by section 577.599.

7. The department of revenue shall inform the defendant of the requirements of this section, including the term for which the person is required to have a certified ignition interlock device installed and shall notify the person that installation of a functioning, certified ignition interlock device on a vehicle does not allow the person to drive without a valid driver's license. The department shall record the mandatory use of the device for the term required and the time when the device is required to be installed pursuant to the court order. A person who is notified by the department shall do all of the following:

(1) Arrange for each vehicle operated by the person to be equipped with a functioning, certified ignition interlock device by a certified ignition interlock device provider as determined by the department of transportation; and

(2) Arrange for each vehicle with a functioning, certified ignition interlock device to be serviced by the

installer at least once every thirty days for the installer to recalibrate and monitor the operation of the device.

8. The certified ignition interlock device provider shall notify the department:

(1) If the device is removed or indicates that the person has attempted to remove, bypass by a running retest, or tamper with the device;

(2) If the person fails three or more times to comply with any requirement for the maintenance or calibration of the ignition interlock device; or

(3) If the device registers a failed start.

If a person has any failed start that occurs within the last ninety days of the required period of installation of the ignition interlock device, the term may be extended for a period of up to ninety days.

9. After the completion of the DWI diversion program and if the defendant has complied with all the imposed terms and conditions, the court shall dismiss the criminal case against the defendant, record the dismissal, and transmit the record to the central repository upon dismissal. Any court automation system, including any pilot project, that provides public access to electronic record on the internet shall redact any personal identifying information of the defendant, including name, address, and year of birth. Such information shall be provided in a confidential filing sheet contemporaneously filed with the court or entered by the court, which shall not be subject to public inspection or availability.

10. In the event of non-compliance by the defendant with the terms and conditions of the DWI diversion program, the prosecuting or circuit attorney may file a motion to terminate the defendant from the diversion program and may recommend the prosecution of the underlying case. Upon the

filing of such motion, after notice to the defendant, the court shall hold a hearing to determine by preponderance of the evidence whether the defendant has failed to comply with the terms and conditions of the diversion program. If the court finds that the defendant has not complied with the terms and conditions of the diversion program, the court may end the diversion program and set the case on the next available criminal docket.

11. Any defendant who is found guilty of any intoxicated-related traffic offense and who has previously utilized the DWI diversion program pursuant to this section shall be considered a prior offender as defined in section 577.001, provided that the prior offense occurred within five years of the intoxicated-related offense for which the person is charged, as provided in subsection 20 of section 577.001.

12. For the limited purpose of determining whether a defendant is a chronic, habitual, persistent, or prior offender under section 577.001, a criminal case diverted to a DWI diversion program and successfully completed by a defendant shall be counted as one intoxication-related traffic offense.

13. A certified ignition interlock device provider shall adopt a discounted fee schedule that provides for the payment of the costs of the certified ignition interlock device by offenders with an income at or below one hundred and fifty percent of the federal poverty level. A person with an income at or below one hundred and fifty percent of the federal poverty level who provides income verification shall be responsible for ten percent of the cost of the ignition interlock device and any additional costs accrued by the person for noncompliance with program requirements are not subject to discounted rates and are the sole

responsibility of the person. The certified ignition interlock provider shall verify the offender's income to determine the cost of the ignition interlock device by verifying from the offender the previous year's federal income tax return, the previous three months of weekly or monthly income statements, or a court order declaring the person with an income at or below one hundred and fifty percent of the federal poverty level.

14. Nothing in this section shall prohibit a prosecuting or circuit attorney from diverting a criminal case pursuant to section 557.014 in any criminal case involving an intoxicated-related traffic offense.

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

2. Except in criminal proceedings, information and data obtained by a probation or parole officer shall be privileged information and shall not be receivable in any court. Such information shall not be disclosed directly or indirectly to anyone other than the members of a parole

board and the judge entitled to receive reports, except the court, the division of probation and parole, or the parole board may in its discretion permit the inspection of the report, or parts of such report, by the defendant, or offender or his or her attorney, or other person having a proper interest therein.

3. The provisions of subsection 2 of this section notwithstanding, the presentence investigation report shall be made available to the state and all information and data obtained in connection with preparation of the presentence investigation report may be made available to the state at the discretion of the court upon a showing that the receipt of the information and data is in the best interest of the state.

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

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

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

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

2. It shall not be a defense that the person believed that the 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 patronizes is less than eighteen years of age but older than

~~[fourteen]~~ fifteen years of age, in which case patronizing prostitution is a class E felony.

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

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

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

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

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

568.045. 1. A person commits the offense of endangering the welfare of a child in the first degree if he or she:

(1) Knowingly acts in a manner that creates a substantial risk to the life, body, or health of a child less than seventeen years of age; or

(2) Knowingly engages in sexual conduct with a person under the age of seventeen years over whom the person is a parent, guardian, or otherwise charged with the care and custody;

(3) Knowingly encourages, aids or causes a child less than seventeen years of age to engage in any conduct which violates the provisions of chapter 571 or 579;

(4) In the presence of a child less than seventeen years of age or in a residence where a child less than seventeen years of age resides, unlawfully manufactures~~[,]~~ or attempts to manufacture compounds, possesses, produces, prepares, sells, transports, tests or analyzes any of the

following: fentanyl, carfentanil, amphetamine [or], methamphetamine, or any of [their] its analogues.

2. The offense of endangering the welfare of a child in the first degree is a class D felony unless the offense:

(1) Is committed as part of an act or series of acts performed by two or more persons as part of an established or prescribed pattern of activity, or where physical injury to the child results, or the offense is a second or subsequent offense under this section, in which case the offense is a class C felony;

(2) Involves fentanyl or carfentanil or any of their analogues, in which case:

(a) The offense is a felony which shall be punished by a term of imprisonment of not less than five years and not more than ten years;

(b) No court shall suspend the imposition or execution of sentence of a person who pleads guilty to or is found guilty of an offense under this subdivision;

(c) No court shall sentence such person to pay a fine in lieu of a term of imprisonment; and

(d) A person sentenced under this subdivision shall not be eligible for conditional release or parole until he or she has served at least five years of imprisonment;

(3) Results in serious physical injury to the child, in which case the offense is a class B felony; or

[(3)] (4) Results in the death of a child, in which case the offense is a class A felony.

569.158. 1. A person commits the offense of trespass of a retail establishment or other public place if he or she, while alone or with any other person or persons, enters a retail establishment or similar public place or assists a person who enters a retail establishment or similar public place with the primary purpose of:

(1) Engaging in tumultuous or violent conduct causing damage to property;

(2) Disrupting lawful commerce in such retail establishment or similar public place; or

(3) Creating the danger of serious bodily injury to persons.

2. The offense of trespass of a retail establishment or other public place is a class B misdemeanor unless committed as part of an organized campaign; then the organized campaign shall pay a fine not to exceed five thousand dollars.

570.036. 1. A person commits the offense of organized retail theft if he or she, while alone or with any other person or persons, commits a series of thefts of retail merchandise against one or more persons either on the premises of a merchant or through the use of an internet or network site in this state with the intent to:

(1) Return the merchandise to the merchant for value;
or

(2) Resell, trade, or barter the merchandise for value in any manner including, but not limited to, through the use of an internet or network site.

2. The offense of organized retail theft is a class C felony if the aggregated value of the property or services involved in all thefts committed in this state during a period of one hundred twenty days is no less than one thousand five hundred dollars and no more than ten thousand dollars.

3. The offense of organized retail theft is a class B felony if the aggregated value of the property or services involved in all thefts committed in this state during a period of one hundred twenty days is more than ten thousand dollars.

4. In addition to any other penalty, the court shall order a person who violates this section to pay restitution.

5. For the purposes of this section, in determining the aggregated value of the property or services involved in all thefts committed in this state during a period of one hundred twenty days:

(1) The amount involved in a single theft shall be deemed to be the highest value, by any reasonable standard, of the property or services that are obtained; and

(2) The amounts involved in all thefts committed by all participants in the organized retail theft shall be aggregated.

6. In any prosecution for a violation of this section, the violation shall be deemed to have been committed and may be prosecuted in any jurisdiction in this state in which any theft committed by any participant in the organized retail theft was committed regardless of whether the defendant was ever physically present in such jurisdiction.

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

2. A person commits the offense of unlawful discharge of a firearm if he or she recklessly discharges a firearm within or into the limits of any municipality.

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

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

(2) On a shooting range that is:

(a) Indoor;

(b) Owned or operated by the state or any political subdivision;

(c) A commercial shooting range, including any range used by paying members; and

(d) Supervised by any person eighteen years of age or older;

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

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

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

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

(7) Using blanks;

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

(9) In self-defense or defense of another person against an imminent or ongoing animal attack unless the self-defense or defense of another person is a gross deviation from the standard of care which a reasonable person would exercise in the situation to protect oneself or the other person from such animal attack and such person shall not have a duty to retreat;

(10) In defense of a domestic animal against an imminent or ongoing animal attack, unless the defense of the domestic animal is a gross deviation from the standard of care which a reasonable person would exercise in the situation to protect a domestic animal from attack; or

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

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

- (1) For a first offense, a class A misdemeanor;
- (2) For a second offense, a class E felony; and
- (3) For a third or subsequent offense, a class D felony.

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

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

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

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

2. This section applies to:

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

(2) Arrests, stops, [or] detentions, or custodies for any offense, infraction, or ordinance violation; and

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

3. A person is presumed to be fleeing a vehicle stop if he or she continues to operate a motor vehicle after he or she has seen or should have seen clearly visible emergency lights or has heard or should have heard an

audible signal emanating from the law enforcement vehicle pursuing him or her. Nothing in this section shall be construed to require the state to prove in a prosecution against a defendant that the defendant knew why he or she was being stopped, detained, or arrested.

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

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

(1) Felony;

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

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

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

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

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

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

(4) The escape or attempt to escape while in custody or under arrest was for a felony, in which case it is a class E felony; except that, if such escape or attempted escape is committed by means of a deadly weapon or dangerous instrument or by holding any person hostage it is a class A felony.

575.151. 1. This section shall be known and may be cited as "Valentine's Law".

2. A person commits the offense of aggravated fleeing a stop or detention of a motor vehicle if he or she knows or reasonably should know that a law enforcement officer is attempting to detain or stop a motor vehicle, and for the purpose of preventing the officer from effecting the stop or detention, he or she flees and:

(1) Such person operates a motor vehicle at a high speed or in any manner which creates a substantial risk of serious physical injury or death to any person;

(2) As a result of such flight causes physical injury to another person; or

(3) As a result of such flight causes death to another person.

3. A person is presumed to be fleeing a vehicle stop or detention if he or she continues to operate a motor vehicle after he or she has seen or reasonably should have seen clearly visible emergency lights or has heard or reasonably should have heard an audible signal emanating from the law enforcement vehicle pursuing him or her.

4. It is no defense to a prosecution pursuant to subsection 2 of this section that the law enforcement officer was acting unlawfully in making the arrest. However, nothing in this section shall be construed to bar civil suits for unlawful arrest. A person need not know the

basis for the arrest, detention, or stop, only that the person was being stopped or detained.

5. The offense of aggravated fleeing a stop or detention in violation of subdivision (1) of subsection 2 of this section shall be a class D felony, without eligibility for probation, parole, or conditional release until the defendant has served no less than one year of such sentence.

The offense of aggravated fleeing a stop or detention in violation of subdivision (2) of subsection 2 of this section shall be a class B felony. The offense of aggravated fleeing a stop or detention in violation of subdivision (3) of subsection 2 of this section shall be a class A felony.

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

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

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

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

595.045. 1. There is established in the state treasury the "Crime Victims' Compensation Fund". A surcharge of seven dollars and fifty cents shall be assessed

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

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

3. The director of revenue shall deposit annually the amount of two hundred fifty thousand dollars to the state forensic laboratory account administered by the department of public safety to provide financial assistance to defray expenses of crime laboratories if such analytical laboratories are registered with the federal Drug Enforcement Agency or the Missouri department of health and senior services. Subject to appropriations made therefor, such funds shall be distributed by the department of public safety to the crime laboratories serving the courts of this state making analysis of a controlled substance or analysis of blood, breath or urine in relation to a court proceeding.

4. The remaining funds collected under subsection 1 of this section shall be denoted to the payment of an annual

appropriation for the administrative and operational costs of the office for victims of crime and, if a statewide automated crime victim notification system is established pursuant to section 650.310, to the monthly payment of expenditures actually incurred in the operation of such system. Additional remaining funds shall be subject to the following provisions:

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

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

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

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

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

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

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

8. In addition to the moneys collected pursuant to subsection 1 of this section, the court shall enter a judgment in favor of the state of Missouri, payable to the crime victims' compensation fund, of sixty-eight dollars upon a plea of guilty or a finding of guilt for a class A or B felony; forty-six dollars upon a plea of guilty or finding of guilt for a class C [or], D, or E felony; and ten dollars upon a plea of guilty or a finding of guilt for any misdemeanor under Missouri law except for those in chapter 252 relating to fish and game, chapter 302 relating to drivers' and commercial drivers' license, chapter 303 relating to motor vehicle financial responsibility, chapter 304 relating to traffic regulations, chapter 306 relating to watercraft regulation and licensing, and chapter 307 relating to vehicle equipment regulations. Any clerk of the court receiving moneys pursuant to such judgments shall collect and disburse such crime victims' compensation

judgments in the manner provided by sections 488.010 to 488.020. Such funds shall be payable to the state treasury and deposited to the credit of the crime victims' compensation fund.

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

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

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

12. All awards made to injured victims under sections 595.010 to 595.105 and all appropriations for administration of sections 595.010 to 595.105, except sections 595.050 and 595.055, shall be made from the crime victims' compensation fund. Any unexpended balance remaining in the crime victims' compensation fund at the end of each biennium shall not be subject to the provision of section 33.080 requiring

the transfer of such unexpended balance to the ordinary revenue fund of the state, but shall remain in the crime victims' compensation fund. In the event that there are insufficient funds in the crime victims' compensation fund to pay all claims in full, all claims shall be paid on a pro rata basis. If there are no funds in the crime victims' compensation fund, then no claim shall be paid until funds have again accumulated in the crime victims' compensation fund. When sufficient funds become available from the fund, awards which have not been paid shall be paid in chronological order with the oldest paid first. In the event an award was to be paid in installments and some remaining installments have not been paid due to a lack of funds, then when funds do become available that award shall be paid in full. All such awards on which installments remain due shall be paid in full in chronological order before any other postdated award shall be paid. Any award pursuant to this subsection is specifically not a claim against the state, if it cannot be paid due to a lack of funds in the crime victims' compensation fund.

13. When judgment is entered against a defendant as provided in this section and such sum, or any part thereof, remains unpaid, there shall be withheld from any disbursement, payment, benefit, compensation, salary, or other transfer of money from the state of Missouri to such defendant an amount equal to the unpaid amount of such judgment. Such amount shall be paid forthwith to the crime victims' compensation fund and satisfaction of such judgment shall be entered on the court record. Under no circumstances shall the general revenue fund be used to reimburse court costs or pay for such judgment. The director of the department of corrections shall have the authority to pay into the crime victims' compensation fund

from an offender's compensation or account the amount owed by the offender to the crime victims' compensation fund, provided that the offender has failed to pay the amount owed to the fund prior to entering a correctional facility of the department of corrections.

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

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

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

600.042. 1. The director shall:

(1) Direct and supervise the work of the deputy directors and other state public defender office personnel appointed pursuant to this chapter; and he or she and the deputy director or directors may participate in the trial and appeal of criminal actions at the request of the defender;

(2) Submit to the commission, between August fifteenth and September fifteenth of each year, a report which shall include all pertinent data on the operation of the state public defender system, the costs, projected needs, and recommendations for statutory changes. Prior to October fifteenth of each year, the commission shall submit such report along with such recommendations, comments, conclusions, or other pertinent information it chooses to make to the chief justice, the governor, and the general

assembly. Such reports shall be a public record, shall be maintained in the office of the state public defender, and shall be otherwise distributed as the commission shall direct;

(3) With the approval of the commission, establish such divisions, facilities and offices and select such professional, technical and other personnel, including investigators, as he deems reasonably necessary for the efficient operation and discharge of the duties of the state public defender system under this chapter;

(4) Administer and coordinate the operations of defender services and be responsible for the overall supervision of all personnel, offices, divisions and facilities of the state public defender system, except that the director shall have no authority to direct or control the legal defense provided by a defender to any person served by the state public defender system;

(5) Develop programs and administer activities to achieve the purposes of this chapter;

(6) Keep and maintain proper financial records with respect to the provision of all public defender services for use in the calculating of direct and indirect costs of any or all aspects of the operation of the state public defender system;

(7) Supervise the training of all public defenders and other personnel and establish such training courses as shall be appropriate;

(8) With approval of the commission, promulgate necessary rules, regulations and instructions consistent with this chapter defining the organization of the state public defender system and the responsibilities of division directors, district defenders, deputy district defenders, assistant public defenders and other personnel;

(9) With the approval of the commission, apply for and accept on behalf of the public defender system any funds which may be offered or which may become available from government grants, private gifts, donations or bequests or from any other source. Such moneys shall be deposited in the [state general revenue] public defender-federal and other fund;

(10) Contract for legal services with private attorneys on a case-by-case basis and with assigned counsel as the commission deems necessary considering the needs of the area, for fees approved and established by the commission;

(11) With the approval and on behalf of the commission, contract with private attorneys for the collection and enforcement of liens and other judgments owed to the state for services rendered by the state public defender system.

2. 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.

3. The director and defenders shall, within guidelines as established by the commission and as set forth in subsection 4 of this section, accept requests for legal services from eligible persons entitled to counsel under this chapter or otherwise so entitled under the constitution or laws of the United States or of the state of Missouri and provide such persons with legal services when, in the discretion of the director or the defenders, such provision of legal services is appropriate.

4. The director and defenders shall provide legal services to an eligible person:

(1) Who is detained or charged with a felony, including appeals from a conviction in such a case;

(2) Who is detained or charged with a misdemeanor which will probably result in confinement in the county jail upon conviction, including appeals from a conviction in such a case, unless the prosecuting or circuit attorney has waived a jail sentence;

(3) Who is charged with a violation of probation when it has been determined by a judge that the appointment of counsel is necessary to protect the person's due process rights under section 559.036;

(4) Who has been taken into custody pursuant to section 632.489, including appeals from a determination that the person is a sexually violent predator and petitions for release, notwithstanding any provisions of law to the contrary;

(5) For whom the federal constitution or the state constitution requires the appointment of counsel; and

(6) Who is charged in a case in which he or she faces a loss or deprivation of liberty, and in which the federal or the state constitution or any law of this state requires the appointment of counsel; however, the director and the defenders shall not be required to provide legal services to persons charged with violations of county or municipal ordinances, or misdemeanor offenses except as provided in this section.

5. The director may:

(1) Delegate the legal representation of an eligible person to any member of the state bar of Missouri;

(2) Designate persons as representatives of the director for the purpose of making indigency determinations and assigning counsel.

6. There is hereby created within the state treasury the "Public Defender-Federal and Other Fund", which shall be funded annually by appropriation and which shall contain moneys received from any other funds from government grants, private gifts, donations, bequests, or any other source to be used for the purpose of funding local offices of the office of state public defender. The state treasurer shall be the custodian of the fund and shall approve disbursements from the fund upon the request of the director of the office of state public defender. Any interest or other earnings with respect to amounts transferred to the fund shall be credited to the fund. Notwithstanding the provisions of section 33.080 to the contrary, any unexpended balances in the fund at the end of any fiscal year shall not be transferred to the general revenue fund or any other fund.