

SECOND REGULAR SESSION

[CORRECTED]

HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 829

## 95TH GENERAL ASSEMBLY

4708L.08C

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 67.320, 67.402, 71.285, 195.233, 195.505, 209.200, 211.031, 217.045, 302.020, 302.321, 303.025, 479.260, 488.5050, 491.170, 545.030, 559.036, 559.100, 559.105, 559.604, 568.040, 570.120, 571.030, 575.060, 595.036, 595.037, and 595.060, RSMo, and to enact in lieu thereof thirty-two new sections relating to the justice system, with penalty provisions and an emergency clause for certain sections.

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

Section A. Sections 67.320, 67.402, 71.285, 195.233, 195.505, 209.200, 211.031, 217.045, 302.020, 302.321, 303.025, 479.260, 488.5050, 491.170, 545.030, 559.036, 559.100, 559.105, 559.604, 568.040, 570.120, 571.030, 575.060, 595.036, 595.037, and 595.060, RSMo, are repealed and thirty-two new sections enacted in lieu thereof, to be known as sections 66.720, 67.320, 67.402, 71.285, 195.233, 195.505, 209.200, 211.031, 217.045, 302.020, 302.321, 303.025, 479.260, 488.5032, 488.5050, 491.170, 545.030, 557.014, 559.036, 559.100, 559.105, 559.117, 559.604, 568.040, 570.120, 571.030, 575.060, 595.036, 595.037, 595.060, 621.275, and 650.470, to read as follows:

**66.720. No county with a charter form of government and with more than one hundred ninety-eight thousand but fewer than one hundred ninety-nine thousand two hundred inhabitants shall adopt any charter provision or any order or ordinance that prohibits such county from contracting out the county's probation services with a private entity.**

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

67.320. 1. Any county of the first classification with more than one hundred ninety-eight thousand but less than one hundred ninety-nine thousand two hundred inhabitants **and any county of the first classification with more than eighty-two thousand but fewer than eighty-two thousand one hundred inhabitants** may prosecute and punish violations of its county orders in the circuit court of such counties in the manner and to the extent herein provided or in a county municipal court if creation of a county municipal court is approved by order of the county commission. The county may adopt orders with penal provisions consistent with state law, but only in the areas of traffic violations, solid waste management, county building codes, on-site sewer treatment, zoning orders, and animal control. Any county municipal court established pursuant to the provisions of this section shall have jurisdiction over violations of that county's orders and the ordinances of municipalities with which the county has a contract to prosecute and punish violations of municipal ordinances of the municipality.

2. In any county which has elected to establish a county municipal court pursuant to this section, the judges for such court shall be appointed by the county commission of such county, subject to confirmation by the legislative body of such county in the same manner as confirmation for other county appointed officers. The number of judges appointed, and qualifications for their appointment, shall be established by order of the commission.

3. The practice and procedure of each prosecution shall be conducted in compliance with all of the terms and provisions of sections 66.010 to 66.140, RSMo, except as provided for in this section.

4. Any use of the term ordinance in sections 66.010 to 66.140, RSMo, shall be synonymous with the term order for purposes of this section.

67.402. 1. The governing body of **the following counties may enact nuisance abatement ordinances as provided in this section:**

(1) Any county of the first classification with more than one hundred thirty-five thousand four hundred but [less] **fewer** than one hundred thirty-five thousand five hundred inhabitants[,] ;

(2) Any county of the first classification with more than seventy-one thousand three hundred but [less] **fewer** than seventy-one thousand four hundred inhabitants[, and] ;

(3) Any county of the first classification without a charter form of government and with more than one hundred ninety-eight thousand but [less] **fewer** than one hundred ninety-nine thousand two hundred inhabitants;

(4) **Any county of the first classification with more than eighty-five thousand nine hundred but fewer than eighty-six thousand inhabitants;**

13           **(5) Any county of the third classification without a township form of government**  
14 **and with more than sixteen thousand four hundred but fewer than sixteen thousand five**  
15 **hundred inhabitants;**

16           **(6) Any county of the third classification with a township form of government and**  
17 **with more than fourteen thousand five hundred but fewer than fourteen thousand six**  
18 **hundred inhabitants;**

19           **(7) Any county of the third classification without a township form of government**  
20 **and with more than eighteen thousand nine hundred but fewer than nineteen thousand**  
21 **inhabitants;**

22           **(8) Any county of the first classification with more than eighty-two thousand but**  
23 **fewer than eighty-two thousand one hundred inhabitants.**

24           **2. The governing body of any county described in subsection 1 of this section** may  
25 enact ordinances to provide for the abatement of a condition of any lot or land that has the  
26 presence of rubbish and trash, lumber, bricks, tin, steel, parts of derelict motorcycles, derelict  
27 cars, derelict trucks, derelict construction equipment, derelict appliances, broken furniture, **tires,**  
28 **storm water runoff conditions resulting in damage to buildings or infrastructure,** or  
29 overgrown or noxious weeds in residential subdivisions or districts which may endanger public  
30 safety or which is unhealthy or unsafe and declared to be a public nuisance.

31           [2.] **3.** Any ordinance enacted pursuant to this section shall:

32           (1) Set forth those conditions which constitute a nuisance and which are detrimental to  
33 the health, safety, or welfare of the residents of the county;

34           (2) Provide for duties of inspectors with regard to those conditions which may be  
35 declared a nuisance, and shall provide for duties of the building commissioner or designated  
36 officer or officers to supervise all inspectors and to hold hearings regarding such property;

37           (3) Provide for service of adequate notice of the declaration of nuisance, which notice  
38 shall specify that the nuisance is to be abated, listing a reasonable time for commencement, and  
39 may provide that such notice be served either by personal service or by certified mail, return  
40 receipt requested, but if service cannot be had by either of these modes of service, then service  
41 may be had by publication. The ordinances shall further provide that the owner, occupant,  
42 lessee, mortgagee, agent, and all other persons having an interest in the property as shown by the  
43 land records of the recorder of deeds of the county wherein the property is located shall be made  
44 parties;

45           (4) Provide that upon failure to commence work of abating the nuisance within the time  
46 specified or upon failure to proceed continuously with the work without unnecessary delay, the  
47 building commissioner or designated officer or officers shall call and have a full and adequate  
48 hearing upon the matter before the county commission, giving the affected parties at least ten

49 days' written notice of the hearing. Any party may be represented by counsel, and all parties shall  
50 have an opportunity to be heard. After the hearings, if evidence supports a finding that the  
51 property is a nuisance or detrimental to the health, safety, or welfare of the residents of the  
52 county, the county commission shall issue an order making specific findings of fact, based upon  
53 competent and substantial evidence, which shows the property to be a nuisance and detrimental  
54 to the health, safety, or welfare of the residents of the county and ordering the nuisance abated.  
55 If the evidence does not support a finding that the property is a nuisance or detrimental to the  
56 health, safety, or welfare of the residents of the county, no order shall be issued.

57 [3.] 4. Any ordinance authorized by this section may provide that if the owner fails to  
58 begin abating the nuisance within a specific time which shall not be longer than seven days of  
59 receiving notice that the nuisance has been ordered removed, the building commissioner or  
60 designated officer shall cause the condition which constitutes the nuisance to be removed. If the  
61 building commissioner or designated officer causes such condition to be removed or abated, the  
62 cost of such removal shall be certified to the county clerk or officer in charge of finance who  
63 shall cause the certified cost to be included in a special tax bill or added to the annual real estate  
64 tax bill, at the county collector's option, for the property and the certified cost shall be collected  
65 by the county collector in the same manner and procedure for collecting real estate taxes. If the  
66 certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the  
67 delinquent bill shall be governed by the laws governing delinquent and back taxes. The tax bill  
68 from the date of its issuance shall be deemed a personal debt against the owner and shall also be  
69 a lien on the property until paid.

70 **5. No county shall have the power to adopt any ordinance, resolution, or regulation**  
71 **pursuant to this section governing any railroad company.**

71.285. 1. Whenever weeds or trash, in violation of an ordinance, are allowed to grow  
2 or accumulate, as the case may be, on any part of any lot or ground within any city, town or  
3 village in this state, the owner of the ground, or in case of joint tenancy, tenancy by entireties or  
4 tenancy in common, each owner thereof, shall be liable. The marshal or other city official as  
5 designated in such ordinance shall give a hearing after ten days' notice thereof, either personally  
6 or by United States mail to the owner or owners, or the owner's agents, or by posting such notice  
7 on the premises; thereupon, the marshal or other designated city official may declare the weeds  
8 or trash to be a nuisance and order the same to be abated within five days; and in case the weeds  
9 or trash are not removed within the five days, the marshal or other designated city official shall  
10 have the weeds or trash removed, and shall certify the costs of same to the city clerk, who shall  
11 cause a special tax bill therefor against the property to be prepared and to be collected by the  
12 collector, with other taxes assessed against the property; and the tax bill from the date of its  
13 issuance shall be a first lien on the property until paid and shall be prima facie evidence of the

14 recitals therein and of its validity, and no mere clerical error or informality in the same, or in the  
15 proceedings leading up to the issuance, shall be a defense thereto. Each special tax bill shall be  
16 issued by the city clerk and delivered to the collector on or before the first day of June of each  
17 year. Such tax bills if not paid when due shall bear interest at the rate of eight percent per  
18 annum. Notwithstanding the time limitations of this section, any city, town or village located  
19 in a county of the first classification may hold the hearing provided in this section four days after  
20 notice is sent or posted, and may order at the hearing that the weeds or trash shall be abated  
21 within five business days after the hearing and if such weeds or trash are not removed within five  
22 business days after the hearing, the order shall allow the city to immediately remove the weeds  
23 or trash pursuant to this section. Except for lands owned by a public utility, rights-of-way, and  
24 easements appurtenant or incidental to lands controlled by any railroad, the department of  
25 transportation, the department of natural resources or the department of conservation, the  
26 provisions of this subsection shall not apply to any city with a population of at least seventy  
27 thousand inhabitants which is located in a county of the first classification with a population of  
28 less than one hundred thousand inhabitants which adjoins a county with a population of less than  
29 one hundred thousand inhabitants that contains part of a city with a population of three hundred  
30 fifty thousand or more inhabitants, any city with a population of one hundred thousand or more  
31 inhabitants which is located within a county of the first classification that adjoins no other county  
32 of the first classification, or any city, town or village located within a county of the first  
33 classification with a charter form of government with a population of nine hundred thousand or  
34 more inhabitants, or any city with a population of three hundred fifty thousand or more  
35 inhabitants which is located in more than one county, or the City of St. Louis, where such city,  
36 town or village establishes its own procedures for abatement of weeds or trash, and such city may  
37 charge its costs of collecting the tax bill, including attorney fees, in the event a lawsuit is  
38 required to enforce a tax bill.

39         2. Except as provided in subsection 3 of this section, if weeds are allowed to grow, or  
40 if trash is allowed to accumulate, on the same property in violation of an ordinance more than  
41 once during the same growing season in the case of weeds, or more than once during a calendar  
42 year in the case of trash, in any city with a population of three hundred fifty thousand or more  
43 inhabitants which is located in more than one county, in the City of St. Louis, in any city, town  
44 or village located in a county of the first classification with a charter form of government with  
45 a population of nine hundred thousand or more inhabitants, in any fourth class city located in a  
46 county of the first classification with a charter form of government and a population of less than  
47 three hundred thousand, or in any home rule city with more than one hundred thirteen thousand  
48 two hundred but less than one hundred thirteen thousand three hundred inhabitants located in a  
49 county with a charter form of government and with more than six hundred thousand but less than

50 seven hundred thousand inhabitants, the marshal or other designated city official may order that  
51 the weeds or trash be abated within five business days after notice is sent to or posted on the  
52 property. In case the weeds or trash are not removed within the five days, the marshal or other  
53 designated city official may have the weeds or trash removed and the cost of the same shall be  
54 billed in the manner described in subsection 1 of this section.

55         3. If weeds are allowed to grow, or if trash is allowed to accumulate, on the same  
56 property in violation of an ordinance more than once during the same growing season in the case  
57 of weeds, or more than once during a calendar year in the case of trash, in any city with a  
58 population of three hundred fifty thousand or more inhabitants which is located in more than one  
59 county, in the City of St. Louis, in any city, town or village located in a county of the first  
60 classification with a charter form of government with a population of nine hundred thousand or  
61 more inhabitants, in any fourth class city located in a county of the first classification with a  
62 charter form of government and a population of less than three hundred thousand, in any home  
63 rule city with more than one hundred thirteen thousand two hundred but less than one hundred  
64 thirteen thousand three hundred inhabitants located in a county with a charter form of  
65 government and with more than six hundred thousand but less than seven hundred thousand  
66 inhabitants, [in any third class city with a population of at least ten thousand inhabitants but less  
67 than fifteen thousand inhabitants with the greater part of the population located in a county of  
68 the first classification, in any city of the third classification with more than sixteen thousand nine  
69 hundred but less than seventeen thousand inhabitants, or in any city of the third classification  
70 with more than eight thousand but fewer than nine thousand inhabitants] **or in any city of the**  
71 **third classification**, the marshal or other designated official may, without further notification,  
72 have the weeds or trash removed and the cost of the same shall be billed in the manner described  
73 in subsection 1 of this section. The provisions of subsection 2 and this subsection do not apply  
74 to lands owned by a public utility and lands, rights-of-way, and easements appurtenant or  
75 incidental to lands controlled by any railroad.

76         4. The provisions of this section shall not apply to any city with a population of one  
77 hundred thousand or more inhabitants which is located within a county of the first classification  
78 that adjoins no other county of the first classification where such city establishes its own  
79 procedures for abatement of weeds or trash, and such city may charge its costs of collecting the  
80 tax bill, including attorney fees, in the event a lawsuit is required to enforce a tax bill.

195.233. 1. It is unlawful for any person to use, or to possess with intent to use, drug  
2 paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert,  
3 produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest,  
4 inhale, or otherwise introduce into the human body a controlled substance or an imitation  
5 controlled substance in violation of sections 195.005 to 195.425.

6           2. A person who **knowingly** violates this section is guilty of a class A misdemeanor,  
7 unless the person uses, or possesses with intent to use, the paraphernalia in combination with  
8 each other to manufacture, compound, produce, prepare, test or analyze amphetamine or  
9 methamphetamine or any of their analogues in which case the violation of this section is a class  
10 D felony. **A person who recklessly violates this section is guilty of an infraction.**

195.505. 1. Any two or more political subdivisions or the state highway patrol and any  
2 one or more political subdivisions may by order or ordinance agree to cooperate with one another  
3 in the formation of a multijurisdictional enforcement group for the purpose of intensive  
4 professional investigation of computer, internet-based, **alcohol, tobacco**, narcotics and drug law  
5 violations.

6           2. The power of arrest of any peace officer who is duly authorized as a member of a  
7 MEG unit shall only be exercised during the time such peace officer is an active member of a  
8 MEG unit and only within the scope of the investigation on which the MEG unit is working.  
9 Notwithstanding other provisions of law to the contrary, such MEG officer shall have the power  
10 of arrest, as limited in this subsection, anywhere in the state and shall provide prior notification  
11 to the chief of police of the municipality in which the arrest is to take place or the sheriff of the  
12 county if the arrest is to be made in his venue. If exigent circumstances exist, such arrest may  
13 be made; however, notification shall be made to the chief of police or sheriff, as appropriate, as  
14 soon as practical. The chief of police or sheriff may elect to work with the MEG unit at his  
15 option when such MEG is operating within the jurisdiction of such chief of police or sheriff.

209.200. As used in sections 209.200 to 209.204, the following terms shall mean:

- 2           (1) "Disability", as defined in section 213.010, RSMo;
- 3           (2) "Service dog", a dog that is being or has been specially trained to do work or perform  
4 tasks which benefit a particular person with a disability. Service dog includes:
  - 5           (a) "Guide dog", a dog that is being or has been specially trained to assist a particular  
6 blind or visually impaired person;
  - 7           (b) "Hearing dog", a dog that is being or has been specially trained to assist a particular  
8 deaf or hearing-impaired person;
  - 9           (c) "Medical alert or [respond] **response** dog", a dog that is being or has been trained to  
10 alert a person with a disability that a particular medical event is about to occur or to respond to  
11 a medical event that has occurred;
  - 12           (d) "Mobility dog", a dog that is being or has been specially trained to assist a person  
13 with a disability caused by physical impairments;
  - 14           (e) "**Professional therapy dog**", a dog which is selected, trained, and tested to  
15 **provide specific physical therapeutic functions, under the direction and control of a**  
16 **qualified handler who works with the dog as a team as a part of the handler's occupation**

17 **or profession. Such dogs, with their handlers, perform such functions in institutional**  
18 **settings, community-based group settings, or when providing services to specific persons**  
19 **who have disabilities. Professional therapy dogs do not include dogs, certified or not,**  
20 **which are used by volunteers in visitation therapy.**

211.031. 1. Except as otherwise provided in this chapter, the juvenile court or the family  
2 court in circuits that have a family court as provided in sections 487.010 to 487.190, RSMo, shall  
3 have exclusive original jurisdiction in proceedings:

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

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

12 (b) The child or person seventeen years of age is otherwise without proper care, custody  
13 or support; or

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

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

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

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

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

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

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

30 (e) The child is charged with an offense not classified as criminal, or with an offense  
31 applicable only to children; except that, the juvenile court shall not have jurisdiction over any  
32 child fifteen and one-half years of age who is alleged to have violated a state or municipal traffic



33 ordinance or regulation, the violation of which does not constitute a felony, or any child who is  
34 alleged to have violated a state or municipal ordinance or regulation prohibiting possession or  
35 use of any tobacco product;

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

47 (4) For the adoption of a person;

48 (5) For the commitment of a child or person seventeen years of age to the guardianship  
49 of the department of social services as provided by law.

50 2. Transfer of a matter, proceeding, jurisdiction or supervision for a child or person  
51 seventeen years of age who resides in a county of this state shall be made as follows:

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

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

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

67 (4) Upon motion of any party or upon its own motion at any time following a judgment  
68 of disposition or treatment pursuant to section 211.181, the court having jurisdiction of the cause

69 may place the child or person seventeen years of age under the supervision of another juvenile  
70 court within or without the state pursuant to section 210.570, RSMo, with the consent of the  
71 receiving court;

72 (5) Upon motion of any child or person seventeen years of age or his or her parent, the  
73 court having jurisdiction shall grant one change of judge pursuant to Missouri Supreme Court  
74 Rules;

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

79 3. In any proceeding involving any child or person seventeen years of age taken into  
80 custody in a county other than the county of the child's residence or the residence of a person  
81 seventeen years of age, the juvenile court of the county of the child's residence or the residence  
82 of a person seventeen years of age shall be notified of such taking into custody within  
83 seventy-two hours.

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

217.045. 1. The department shall have the authority to enter into arrangements with the  
2 federal government for the receipt and disbursement of federal funds under any applicable  
3 federal guidelines, subject to appropriations, to carry out the purposes of the department and shall  
4 submit such plans and reports as may be required.

5 2. The director shall approve such applications for federal assistance administered  
6 through the department as may be considered advisable after consultation with the appropriate  
7 division director.

8 3. The department shall also have the authority to receive and disburse **grants, federal**  
9 **funds, and** such other funds as may be **specified in any requirements, terms, or conditions**  
10 **attached thereto or as** appropriated and directed by the general assembly.

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

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

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

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

15 (4) Operate a motor vehicle with an instruction permit or license issued to another  
16 person.

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

21 3. Notwithstanding the provisions of section 302.340 any person convicted of **knowingly**  
22 violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class A misdemeanor.  
23 **Notwithstanding the provisions of section 302.340 any person convicted of recklessly**  
24 **violating subdivision (1) or (2) of subsection 1 of this section is guilty of an infraction.** Any  
25 person convicted a third or subsequent time of violating subdivision (1) or (2) of subsection 1  
26 of this section **if such prior convictions were misdemeanors** is guilty of a class D felony.  
27 Notwithstanding the provisions of section 302.340, violation of subdivisions (3) and (4) of  
28 subsection 1 of this section is a class C misdemeanor and the penalty for failure to wear  
29 protective headgear as required by subsection 2 of this section is an infraction for which a fine  
30 not to exceed twenty-five dollars may be imposed. Notwithstanding all other provisions of law  
31 and court rules to the contrary, no court costs shall be imposed upon any person due to such  
32 violation. No points shall be assessed pursuant to section 302.302 for a failure to wear such  
33 protective headgear.

302.321. 1. A person commits the crime of driving while revoked if such person  
2 operates a motor vehicle on a highway when such person's license or driving privilege has been  
3 canceled, suspended, or revoked under the laws of this state or any other state and acts with  
4 criminal negligence with respect to knowledge of the fact that such person's driving privilege has  
5 been canceled, suspended, or revoked.

6 2. Any person [convicted of driving while revoked] **who knowingly violates this**  
7 **section** is guilty of a class A misdemeanor. **Any person who recklessly violates this section**

8 **is guilty of an infraction.** Any person with no prior alcohol-related enforcement contacts as  
9 defined in section 302.525, convicted a fourth or subsequent time of driving while revoked **when**  
10 **such prior convictions were misdemeanors** or a county or municipal ordinance of driving  
11 while suspended or revoked where the defendant was represented by or waived the right to an  
12 attorney in writing, and where the prior three driving-while-revoked offenses occurred within ten  
13 years of the date of occurrence of the present offense; and any person with a prior alcohol-related  
14 enforcement contact as defined in section 302.525, convicted a third or subsequent time of  
15 driving while revoked **when such prior convictions were misdemeanors** or a county or  
16 municipal ordinance of driving while suspended or revoked where the defendant was represented  
17 by or waived the right to an attorney in writing, and where the prior two driving-while-revoked  
18 offenses occurred within ten years of the date of occurrence of the present offense and where the  
19 person received and served a sentence of ten days or more on such previous offenses is guilty of  
20 a class D felony. **If a person pleads guilty to or is found guilty of a misdemeanor or felony**  
21 **under this section,** no court shall suspend the imposition of sentence as to such a person nor  
22 sentence such person to pay a fine in lieu of a term of imprisonment, nor shall such person be  
23 eligible for parole or probation until such person has served a minimum of forty-eight  
24 consecutive hours of imprisonment, unless as a condition of such parole or probation, such  
25 person performs at least ten days involving at least forty hours of community service under the  
26 supervision of the court in those jurisdictions which have a recognized program for community  
27 service. Driving while revoked is a class D felony on the second or subsequent conviction  
28 pursuant to section 577.010, RSMo, or a fourth or subsequent conviction for any other offense.

303.025. 1. No owner of a motor vehicle registered in this state, or required to be  
2 registered in this state, shall operate, register or maintain registration of a motor vehicle, or  
3 permit another person to operate such vehicle, unless the owner maintains the financial  
4 responsibility which conforms to the requirements of the laws of this state. Furthermore, no  
5 person shall operate a motor vehicle owned by another with the knowledge that the owner has  
6 not maintained financial responsibility unless such person has financial responsibility which  
7 covers the person's operation of the other's vehicle; however, no owner shall be in violation of  
8 this subsection if he or she fails to maintain financial responsibility on a motor vehicle which is  
9 inoperable or being stored and not in operation. The director may prescribe rules and regulations  
10 for the implementation of this section.

11 2. A motor vehicle owner shall maintain the owner's financial responsibility in a manner  
12 provided for in section 303.160, or with a motor vehicle liability policy which conforms to the  
13 requirements of the laws of this state.

14 3. Any person who **knowingly** violates this section is guilty of a class C misdemeanor.  
15 **Any person who recklessly violates this section is guilty of an infraction.** However, no

16 person shall be found guilty of violating this section if the operator demonstrates to the court that  
17 he or she met the financial responsibility requirements of this section at the time the peace  
18 officer, commercial vehicle enforcement officer or commercial vehicle inspector wrote the  
19 citation. In addition to any other authorized punishment, the court shall notify the director of  
20 revenue of any person convicted pursuant to this section and shall do one of the following:

21 (1) Enter an order suspending the driving privilege as of the date of the court order. If  
22 the court orders the suspension of the driving privilege, the court shall require the defendant to  
23 surrender to it any driver's license then held by such person. The length of the suspension shall  
24 be as prescribed in subsection 2 of section 303.042. The court shall forward to the director of  
25 revenue the order of suspension of driving privilege and any license surrendered within ten days;

26 (2) Forward the record of the conviction for an assessment of four points; or

27 (3) In lieu of an assessment of points, render an order of supervision as provided in  
28 section 302.303, RSMo. An order of supervision shall not be used in lieu of points more than  
29 one time in any thirty-six-month period. Every court having jurisdiction pursuant to the  
30 provisions of this section shall forward a record of conviction to the Missouri state highway  
31 patrol, or at the written direction of the Missouri state highway patrol, to the department of  
32 revenue, in a manner approved by the director of the department of public safety. The director  
33 shall establish procedures for the record keeping and administration of this section.

34 4. Nothing in sections 303.010 to 303.050, 303.060, 303.140, 303.220, 303.290, 303.330  
35 and 303.370 shall be construed as prohibiting the department of insurance, financial institutions  
36 and professional registration from approving or authorizing those exclusions and limitations  
37 which are contained in automobile liability insurance policies and the uninsured motorist  
38 provisions of automobile liability insurance policies.

39 5. If a court enters an order of suspension, the offender may appeal such order directly  
40 pursuant to chapter 512, RSMo, and the provisions of section 302.311, RSMo, shall not apply.

479.260. 1. Municipalities by ordinance may provide for fees in an amount per case to  
2 be set pursuant to sections 488.010 to 488.020, RSMo, for each municipal ordinance violation  
3 case filed before a municipal judge, and in the event a defendant pleads guilty or is found guilty,  
4 the judge may assess costs against the defendant except in those cases where the defendant is  
5 found by the judge to be indigent and unable to pay the costs. **In the event the case is dismissed  
6 before the defendant pleads guilty or is found guilty, the municipal judge may assess  
7 municipal court costs as determined by section 488.012, against the defendant if the  
8 defendant consents to paying the costs except in those cases where the defendant is found  
9 by the judge to be indigent and unable to pay the costs.** The fees authorized in this  
10 subsection are in addition to service charges, witness fees and jail costs that may otherwise be  
11 authorized to be assessed, but are in lieu of other court costs. The fees provided by this

12 subsection shall be collected by the municipal division clerk in municipalities electing or  
13 required to have violations of municipal ordinances tried before a municipal judge pursuant to  
14 section 479.020, or to employ judicial personnel pursuant to section 479.060, and disbursed as  
15 provided in subsection 1 of section 479.080. Any other court costs required in connection with  
16 such cases shall be collected and disbursed as provided in sections 488.010 to 488.020, RSMo;  
17 provided that, each municipal court may establish a judicial education fund in an account under  
18 the control of the municipal court to retain one dollar of the fees collected on each case and to  
19 use the fund only to pay for:

20 (1) The continuing education and certification required of the municipal judges by law  
21 or supreme court rule; and

22 (2) Judicial education and training for the court administrator and clerks of the municipal  
23 court.

24

25 Provided further, that no municipal court shall retain more than one thousand five hundred  
26 dollars in the fund for each judge, administrator or clerk of the municipal court. Any excess  
27 funds shall be transmitted quarterly to the general revenue fund of the county or municipal  
28 treasury.

29 2. In municipal ordinance violation cases which are filed in the associate circuit division  
30 of the circuit court, fees shall be assessed in each case in an amount to be set pursuant to sections  
31 488.010 to 488.020, RSMo. In the event a defendant pleads guilty or is found guilty, the judge  
32 shall assess costs against the defendant except in those cases where the defendant is found by the  
33 judge to be indigent and unable to pay the costs. In the event a defendant is acquitted or the case  
34 is dismissed, the judge shall not assess costs against the municipality. The costs authorized in  
35 this subsection are in addition to service charges, witness fees and jail costs that may otherwise  
36 be authorized to be assessed, but are in lieu of other court costs. The costs provided by this  
37 subsection shall be collected by the municipal division clerk in municipalities electing or  
38 required to have violations of municipal ordinances tried before a municipal judge pursuant to  
39 section 479.020, or to employ judicial personnel pursuant to section 479.060, and disbursed as  
40 provided in subsection 2 of section 479.080. Any other court costs required in connection with  
41 such cases shall be collected and disbursed as provided in sections 488.010 to 488.020, RSMo.

42 3. A municipality, when filing cases before an associate circuit judge, shall not be  
43 required to pay fees.

44 4. No fees for a judge, city attorney or prosecutor shall be assessed as costs in a  
45 municipal ordinance violation case.

46 5. In municipal ordinance violation cases, when there is an application for a trial de  
47 novo, there shall be an additional fee in an amount to be set pursuant to sections 488.010 to

48 488.020, RSMo, which shall be assessed in the same manner as provided in subsection 2 of this  
49 section.

50 6. Municipalities by ordinance may provide for a schedule of costs to be paid in  
51 connection with pleas of guilty which are processed in a traffic violations bureau. If a  
52 municipality files its municipal ordinance violation cases before a municipal judge, such costs  
53 shall not exceed the court costs authorized by subsection 1 of this section. If a municipality files  
54 its municipal ordinance violations cases in the associate circuit division of the circuit court, such  
55 costs shall not exceed the court costs authorized by subsection 2 of this section.

**488.5032. In the event a criminal case is dismissed in a circuit court in this state  
2 before the defendant pleads guilty or is found guilty, the circuit judge may assess costs as  
3 determined by section 488.012, RSMo, against any defendant if the defendant consents to  
4 paying the costs except in those cases where the defendant is found by the judge to be  
5 indigent and unable to pay the costs.**

488.5050. 1. In addition to any other surcharges authorized by statute, the clerk of each  
2 court of this state shall collect the surcharges provided for in subsection 2 of this section.

3 2. A surcharge of thirty dollars shall be assessed as costs in each circuit court proceeding  
4 filed within this state in all criminal cases in which the defendant pleads guilty [or nolo  
5 contendere to] , **is found guilty** or is convicted of a felony, except when the defendant pleads  
6 guilty or is found guilty of a class B felony, class A felony, or an unclassified felony, under  
7 chapter 195, RSMo, in which case, the surcharge shall be sixty dollars. A surcharge of fifteen  
8 dollars shall be assessed as costs in each court proceeding filed within this state in all **other**  
9 criminal cases, except for traffic violations cases in which the defendant pleads guilty [or nolo  
10 contendere to] , **is found guilty** or is convicted of a misdemeanor.

11 3. Notwithstanding any other provisions of law, the moneys collected by clerks of the  
12 courts pursuant to the provisions of subsection 1 of this section shall be collected and disbursed  
13 in accordance with sections 488.010 to 488.020, and shall be payable to the state treasurer.

14 4. [If in the immediate previous fiscal year, the state's general revenue did not increase  
15 by two percent or more, the state treasurer shall deposit such moneys or other gifts, grants, or  
16 moneys received on a monthly basis into the state general revenue fund. Otherwise the state  
17 treasurer shall deposit such moneys in accordance with the provisions of subsection 5 of this  
18 section.

19 5.] The state treasurer shall deposit such moneys or other gifts, grants, or moneys  
20 received on a monthly basis into the "DNA Profiling Analysis Fund", which is hereby created  
21 in the state treasury. The fund shall be administered by the department of public safety. The  
22 moneys deposited into the DNA profiling analysis fund shall be used only [for DNA profiling  
23 analysis of convicted offender samples performed] **by the highway patrol crime lab** to fulfill

24 the purposes of the DNA profiling system pursuant to section 650.052, RSMo. Notwithstanding  
25 the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at  
26 the end of the biennium shall not revert to the credit of the general revenue fund.

27 [6.] 5. The provisions of subsections 1 and 2 of this section shall expire on August 28,  
28 2013.

491.170. When a writ of attachment, authorized by section 491.160, shall be executed,  
2 the sheriff or other officer shall discharge such witness, on his entering into a recognizance to  
3 the state of Missouri, with sufficient security, [in the sum of one] **not less than five** hundred  
4 dollars, which the officer executing the writ is authorized to take, conditioned for the appearance  
5 and due attendance of such witness according to the exigency of such writ.

545.030. 1. No indictment or information shall be deemed invalid, nor shall the trial,  
2 judgment or other proceedings thereon be stayed, arrested or in any manner affected:

3 (1) By reason of the omission or misstatement of the defendant's title, occupation, estate  
4 or degree, or of the county or town of his residence; or

5 (2) By the omission of the words, "with force and arms", or any words with similar  
6 import; or

7 (3) By omitting to charge any offense to have been contrary to a statute or statutes,  
8 notwithstanding such offense may have been created or the punishment declared by a statute; or

9 (4) For the omission of the words "as appears by the record"; [nor] **or**

10 (5) For omitting to state the time at which the offense was committed, in any case where  
11 time is not of the essence of the offense; [nor] **or**

12 (6) For stating the time imperfectly; [nor] **or**

13 (7) For stating the offense to have been committed on a day subsequent to the finding  
14 of the indictment or information, or an impossible day, or on a day that never happened; [nor]  
15 **or**

16 (8) For want of a proper or perfect venue; [nor] **or**

17 (9) For want of any venue at all; [nor] **or**

18 (10) For want of a statement of the value or price of any matter or thing, or the amount  
19 of damages, injury or spoil in any case where the value or price, or the amount of damages, injury  
20 or spoil is not of the essence of the offense; [nor] **or**

21 (11) For the want of an allegation of the time or place of any material fact, when the time  
22 and place have once been stated in the indictment or information; [nor] **or**

23 (12) That dates and numbers are represented by figures; [nor] **or**

24 (13) For an omission to allege that the grand jurors were impaneled, sworn or charged;  
25 [nor] **or**



26 (14) For any surplusage or repugnant allegation, when there is sufficient matter alleged  
27 to indicate the crime and person charged; [nor] or

28 (15) For want of the averment of any matter not necessary to be proved; [nor] or

29 (16) For any error committed at the instance or in favor of the defendant; [nor] or

30 (17) Because the evidence shows or tends to show him to be guilty of a higher degree  
31 of the offense than that of which he is convicted; [nor] or

32 (18) **In the case of any sexual offense or any felony offense for the omission of the**  
33 **defendant's name, if the identity of the defendant is unknown at the time the indictment**  
34 **or information is brought and the indictment or information describes the defendant as a**  
35 **person whose name is unknown but who has a particular DNA profile. As used in this**  
36 **subdivision "DNA profile" means an analysis that utilizes the restriction fragment length**  
37 **polymorphism analysis or polymerase chain reaction analysis of DNA resulting in the**  
38 **identification of an individual's patterned chemical structure of genetic information; or**

39 (19) For any other defect or imperfection which does not tend to the prejudice of the  
40 substantial rights of the defendant upon the merits.

41 2. Provided, that nothing herein shall be so construed as to render valid any indictment  
42 which does not fully inform the defendant of the offense of which he stands charged.

**557.014. 1. As used in this section, the following terms shall mean:**

2 (1) "Accusatory instrument", a warrant of arrest, information or indictment;

3 (2) "Accused", an individual accused of a crime, but not yet charged with a crime;

4 (3) "Defendant", any person charged with a criminal offense;

5 (4) "Deferred prosecution", the suspension of a criminal case for a specified period  
6 upon the request of both the prosecuting attorney and the accused or the defendant;

7 (5) "Diversionary screening", the discretionary power of the prosecuting attorney  
8 to suspend all formal prosecutorial proceedings against a person who has become involved  
9 in the criminal justice system as an accused or defendant;

10 (6) "Prosecution diversion", the imposition of conditions of behavior and conduct  
11 by the prosecuting attorney upon an accused or defendant for a specified period of time  
12 as an alternative to proceeding to adjudication on a complaint, information or indictment;

13 (7) "Prosecuting attorney", includes the prosecuting attorney or circuit attorney  
14 for each county of the state and the City of St. Louis.

15 2. Each prosecuting attorney in the state of Missouri shall have the authority to,  
16 upon agreement with an accused or a defendant, divert a criminal case to a prosecution  
17 diversion program for a period of six months to two years, thus allowing for any statute  
18 of limitations to be tolled for that time alone. The period of diversion may be extended by  
19 the prosecuting attorney as a disciplinary measure or to allow sufficient time for

20 completion of any portion of the prosecution diversion including restitution; provided,  
21 however, that no extension of such diversion shall be for a period of more than two years.

22 **3. The prosecuting attorney may divert cases, under this system, out of the criminal**  
23 **justice system where the prosecuting attorney determines that the advantages of utilizing**  
24 **prosecution diversion outweigh the advantages of immediate court activity.**

25 **4. Prior to or upon the issuance of an accusatory instrument, with consent of the**  
26 **accused or defendant, other than for an offense enumerated in this section, the prosecuting**  
27 **attorney may forego continued prosecution upon the parties' agreement to a prosecution**  
28 **diversion plan. The prosecution diversion plan shall be for a specified period and be in**  
29 **writing. The prosecuting attorney has the sole authority to develop diversionary program**  
30 **requirements, but minimum requirements are as follows:**

31 **(1) The alleged crime is nonviolent, nonsexual and does not involve a child victim**  
32 **or possession of an unlawful weapon;**

33 **(2) The accused or defendant must submit to all program requirements;**

34 **(3) Any newly discovered criminal behavior while in a prosecution diversion**  
35 **program will immediately forfeit his or her right to continued participation in said**  
36 **program at the sole discretion of the prosecuting attorney;**

37 **(4) The alleged crime does not also constitute a violation of a current condition of**  
38 **probation or parole;**

39 **(5) The alleged crime is not a traffic offense in which the accused or defendant was**  
40 **a holder of a commercial driver license or was operating a commercial motor vehicle at the**  
41 **time of the offense; and**

42 **(6) Any other criteria established by the prosecuting attorney.**

43 **5. During any period of prosecution diversion, the prosecuting attorney may impose**  
44 **conditions upon the behavior and conduct of the accused or defendant that assures the**  
45 **safety and well-being of the community as well as that of the accused or defendant. The**  
46 **conditions imposed by the prosecuting attorney shall include, but are not limited to, the**  
47 **following:**

48 **(1) Requiring the accused or defendant to remain free of any criminal behavior**  
49 **during the entire period of prosecution diversion;**

50 **(2) Payment of restitution to any victim of the related offense;**

51 **(3) Requiring the accused to pay an administrative handling cost of one hundred**  
52 **dollars for each case diverted under this section. Notwithstanding the provisions of**  
53 **sections 50.525 to 50.745, the costs provided for in this subsection shall be deposited by the**  
54 **county treasurer into a separate interest-bearing fund to be expended by the prosecuting**  
55 **attorney or circuit attorney. This fund shall be known as the "Administrative Handling**

56 **Cost Fund", and it shall be the same fund for deposits under this section and under section**  
57 **570.120. The funds shall be expended, upon warrants issued by the prosecuting attorney**  
58 **or circuit attorney directing the treasurer to issue checks thereon, only for purposes related**  
59 **to that authorized by subsection 4 of this section. Notwithstanding the provisions of any**  
60 **other law, in addition to the administrative handling cost, the prosecuting attorney or**  
61 **circuit attorney shall collect an additional cost of five dollars per case for deposit to the**  
62 **Missouri office of prosecution services fund established in subsection 2 of section 56.765.**  
63 **All moneys collected under this section which are payable to the Missouri office of**  
64 **prosecution services fund shall be transmitted at least monthly by the county treasurer to**  
65 **the director of revenue who shall deposit the amount collected to the credit of the Missouri**  
66 **office of prosecution services fund under the procedure established under subsection 2 of**  
67 **section 56.765.**

68 **6. The moneys deposited in the administrative handling cost fund may be used by**  
69 **the prosecuting attorney or circuit attorney for office supplies, postage, books, training,**  
70 **office equipment, capital outlay, expenses of trial and witness preparation, additional**  
71 **employees for the staff of the prosecuting attorney or circuit attorney, employees' salaries,**  
72 **and for other lawful expenses incurred by the prosecuting attorney or circuit attorney in**  
73 **the operation of that office.**

74 **7. The administrative handling cost fund may be audited by the state auditor's**  
75 **office or the appropriate auditing agency.**

76 **8. If the moneys collected and deposited into the administrative handling cost fund**  
77 **are not totally expended annually, then the unexpended balance shall remain in the fund**  
78 **and the balance shall be kept in the fund to accumulate from year to year.**

79 **9. The responsibility and authority to screen or divert specific cases, or to refuse**  
80 **to screen or divert specific cases, shall rest within the sole judgment and discretion of the**  
81 **prosecuting attorney as part of their official duties as prosecuting attorney. The decision**  
82 **of the prosecuting attorney regarding diversion shall not be subject to appeal nor be raised**  
83 **as a defense in any prosecution of a criminal case involving the accused or defendant.**

84 **10. Any person participating in the program:**

85 **(1) Shall have the right to insist on criminal prosecution for the offense for which**  
86 **they are accused at any time; and**

87 **(2) May have counsel of the person's choosing present during all phases of the**  
88 **prosecution diversion proceedings, but counsel is not required and no right to appointment**  
89 **of counsel is hereby created.**

90 **11. In conducting the program, the prosecuting attorney may require at any point**  
91 **the reinitiation of criminal proceedings when, in his or her judgment, such is warranted.**

92 **12. Any county, city, person, organization or agency, or employee or agent thereof,**  
93 **involved with the supervision of activities, programs or community service that are a part**  
94 **of a prosecution diversion program, shall be immune from any suit by the person**  
95 **performing the work under the deferred prosecution agreement, or any person deriving**  
96 **a cause of action from such person, except for an intentional tort or gross negligence.**  
97 **Persons performing work or community service pursuant to a deferred prosecution**  
98 **agreement as described shall not be deemed to be engaged in employment within the**  
99 **meaning of the provisions of chapter 288. A person performing work or community**  
100 **service pursuant to a deferred prosecution agreement shall not be deemed an employee**  
101 **within the meaning of the provisions of chapter 287.**

102 **13. Any person supervising or employing an accused or defendant under the**  
103 **program shall report to the prosecuting attorney any violation of the terms of the**  
104 **prosecution diversion program.**

105 **14. After completion of the program and any conditions imposed upon the accused**  
106 **or defendant, to the satisfaction of the prosecuting attorney, the individual shall be entitled**  
107 **to a dismissal or alternative disposition of charges against them. Such disposition may, in**  
108 **the discretion of the prosecuting attorney, be without prejudice to the state of Missouri for**  
109 **the reinstatement of criminal proceedings, within the statute of limitations, upon any**  
110 **subsequent criminal activity on the part of the accused. Any other provision of law**  
111 **notwithstanding, such individual shall be required to pay any associated costs prior to**  
112 **dismissal of pending charges.**

559.036. 1. A term of probation commences on the day it is imposed. Multiple terms  
2 of Missouri probation, whether imposed at the same time or at different times, shall run  
3 concurrently. Terms of probation shall also run concurrently with any federal or other state jail,  
4 prison, probation or parole term for another offense to which the defendant is or becomes subject  
5 during the period, unless otherwise specified by the Missouri court.

6 2. The court may terminate a period of probation and discharge the defendant at any time  
7 before completion of the specific term fixed under section 559.016 if warranted by the conduct  
8 of the defendant and the ends of justice. The court may extend the term of the probation, but no  
9 more than one extension of any probation may be ordered except that the court may extend the  
10 term of probation by one additional year by order of the court if the defendant admits he or she  
11 has violated the conditions of probation or is found by the court to have violated the conditions  
12 of his or her probation. Total time on any probation term, including any extension shall not

13 exceed the maximum term established in section 559.016. Procedures for termination, discharge  
14 and extension may be established by rule of court.

15         3. If the defendant violates a condition of probation at any time prior to the expiration  
16 or termination of the probation term, the court may continue him on the existing conditions, with  
17 or without modifying or enlarging the conditions or extending the term, or, if such continuation,  
18 modification, enlargement or extension is not appropriate, may revoke probation and order that  
19 any sentence previously imposed be executed. If imposition of sentence was suspended, the  
20 court may revoke probation and impose any sentence available under section 557.011, RSMo.  
21 The court may mitigate any sentence of imprisonment by reducing the prison or jail term by all  
22 or part of the time the defendant was on probation. The court may, upon revocation of probation,  
23 place an offender on a second term of probation. Such probation shall be for a term of probation  
24 as provided by section 559.016, notwithstanding any amount of time served by the offender on  
25 the first term of probation.

26         4. Probation shall not be revoked without giving the probationer notice and an  
27 opportunity to be heard on the issues of whether he violated a condition of probation and, if he  
28 did, whether revocation is warranted under all the circumstances.

29         5. The prosecuting or circuit attorney may file a motion to revoke probation or at any  
30 time during the term of probation, the court may issue a notice to the probationer to appear to  
31 answer a charge of a violation, and the court may issue a warrant of arrest for the violation. Such  
32 notice shall be personally served upon the probationer. The warrant shall authorize the return  
33 of the probationer to the custody of the court or to any suitable detention facility designated by  
34 the court. Upon the filing of the prosecutor's or circuit attorney's motion or on the court's own  
35 motion, the court may immediately enter an order suspending the period of probation and may  
36 order a warrant for the defendant's arrest. The probation shall remain suspended until the court  
37 rules on the prosecutor's or circuit attorney's motion, or until the court otherwise orders the  
38 probation reinstated.

39         6. The power of the court to revoke probation shall extend for the duration of the term  
40 of probation designated by the court and for any further period which is reasonably necessary for  
41 the adjudication of matters arising before its expiration, provided that some affirmative  
42 manifestation of an intent to conduct a revocation hearing occurs prior to the expiration of the  
43 period and that every reasonable effort is made to notify the probationer and to conduct the  
44 hearing prior to the expiration of the period.

45         **7. A defendant shall not be entitled to an automatic change of judge in a probation**  
46 **revocation proceeding.**

559.100. 1. The circuit courts of this state shall have power, herein provided, to place  
2 on probation or to parole persons convicted of any offense over which they have jurisdiction,  
3 except as otherwise provided in sections 195.275 to 195.296, RSMo, section 558.018, RSMo,  
4 section 559.115, section 565.020, RSMo, sections 566.030, 566.060, 566.067, 566.151, and  
5 566.213, RSMo, section 571.015, RSMo, and subsection 3 of section 589.425, RSMo.

6 2. The circuit court shall have the power to revoke the probation or parole previously  
7 granted and commit the person to the department of corrections. The circuit court shall  
8 determine any conditions of probation or parole for the defendant that it deems necessary to  
9 ensure the successful completion of the probation or parole term, including the extension of any  
10 term of supervision for any person while on probation or parole. The circuit court may require  
11 that the defendant pay restitution for his crime. The probation or parole may be revoked for  
12 failure to pay restitution or for failure to conform his behavior to the conditions imposed by the  
13 circuit court. The circuit court may, in its discretion, credit any period of probation or parole as  
14 time served on a sentence.

15 **3. Restitution, whether court ordered as provided in subsection 2 of this section or**  
16 **agreed to by the parties, or as enforced under section 558.011, shall be paid through the**  
17 **office of the prosecuting attorney or circuit attorney. Nothing in this section shall prohibit**  
18 **the prosecuting attorney or circuit attorney from contracting with or utilizing another**  
19 **entity for the collection of restitution and costs under this section. When ordered by the**  
20 **court, interest shall be allowed under subsection 1 of section 408.040. In addition to all**  
21 **other costs and fees allowed by law, each prosecuting attorney or circuit attorney who**  
22 **takes any action to collect restitution shall collect from the person paying restitution an**  
23 **administrative handling cost. The cost shall be twenty-five dollars for restitution less than**  
24 **one hundred dollars and fifty dollars for restitution of one hundred dollars but less than**  
25 **two hundred fifty dollars. For restitution of two hundred fifty dollars or more an**  
26 **additional fee of ten percent of the total restitution shall be assessed, with a maximum fee**  
27 **for administrative handling costs not to exceed seventy-five dollars total. In addition to the**  
28 **administrative handling costs, an installment cost shall be assessed in the amount of two**  
29 **dollars per installment, excepting the first installment, until such total amount of**  
30 **restitution is paid in full. Notwithstanding the provisions of sections 50.525 to 50.745, the**  
31 **costs provided for in this subsection shall be deposited by the county treasurer into a**  
32 **separate interest-bearing fund to be expended by the prosecuting attorney or circuit**  
33 **attorney. This fund shall be known as the "Administrative Handling Cost Fund", and it**  
34 **shall be the fund for deposits under this section and under section 570.120. The funds shall**  
35 **be expended, upon warrants issued by the prosecuting attorney or circuit attorney**

36 directing the treasurer to issue checks thereon, only for purposes related to that authorized  
37 by subsection 4 of this section. Notwithstanding the provisions of any other law, in  
38 addition to the administrative handling cost, the prosecuting attorney or circuit attorney  
39 shall collect an additional cost of five dollars per each crime victim to whom restitution is  
40 paid for deposit to the Missouri office of prosecution services fund established in  
41 subsection 2 of section 56.765. All moneys collected under this section which are payable  
42 to the Missouri office of prosecution services fund shall be transmitted at least monthly by  
43 the county treasurer to the director of revenue who shall deposit the amount collected to  
44 the credit of the Missouri office of prosecution services fund under the procedure  
45 established under subsection 2 of section 56.765. As used in this subsection, "crime victim"  
46 means any natural person or their survivors or legal guardians, the estate of a deceased  
47 person, a for-profit corporation or business entity, a nonprofit corporation or entity, a  
48 charitable entity, or any governmental body or a political subdivision thereof.

49       **4. The moneys deposited in the administrative handling cost fund may be used by**  
50 **the prosecuting attorney or circuit attorney for office supplies, postage, books, training,**  
51 **office equipment, capital outlay, expenses of trial and witness preparation, additional**  
52 **employees for the staff of the prosecuting or circuit attorney, employees' salaries, and for**  
53 **other lawful expenses incurred by the prosecuting or circuit attorney in the operation of**  
54 **that office.**

55       **5. The administrative handling cost fund may be audited by the state auditor's**  
56 **office or the appropriate auditing agency.**

57       **6. If the moneys collected and deposited into the administrative handling cost fund**  
58 **are not totally expended annually, then the unexpended balance shall remain in the fund**  
59 **and the balance shall be kept in the fund to accumulate from year to year.**

60       **7. Nothing in this section shall be construed to prohibit a crime victim from**  
61 **pursuing other lawful remedies against a defendant for restitution.**

559.105. 1. Any person who has been found guilty [of] or has pled guilty [to a violation  
2 of subdivision (2) of subsection 1 of section 569.080, RSMo, or paragraph (a) of subdivision (3)  
3 of subsection 3 of section 570.030, RSMo,] **to an offense** may be ordered by the court to make  
4 restitution to the victim for the victim's losses due to such offense. Restitution pursuant to this  
5 section shall include, but not be limited to[, the following:

6       (1)] a victim's reasonable expenses to participate in the prosecution of the crime[;

7       (2) A victim's payment for any repairs or replacement of the motor vehicle, watercraft,  
8 or aircraft; and

9 (3) A victim's costs associated with towing or storage fees for the motor vehicle caused  
10 by the acts of the defendant].

11 2. No person ordered by the court to pay restitution pursuant to this section shall be  
12 released from probation until such restitution is complete. If full restitution is not made within  
13 the original term of probation, the court shall order the maximum term of probation allowed for  
14 such offense.

15 3. Any person eligible to be released on parole [for a violation of subdivision (2) of  
16 subsection 1 of section 569.080, RSMo, or paragraph (a) of subdivision (3) of subsection 3 of  
17 section 570.030, RSMo, may] **shall** be required, as a condition of parole, to make restitution  
18 pursuant to this section. The board of probation and parole shall not release any person from any  
19 term of parole for such offense until the person has completed such restitution, or until the  
20 maximum term of parole for such offense has been served.

21 **4. The court may set an amount of restitution to be paid by the defendant. Said**  
22 **amount may be taken from the inmate's account at the department of corrections while the**  
23 **defendant is incarcerated. Upon conditional release or parole, if any amount of such court-**  
24 **ordered restitution is unpaid, the payment of the unpaid balance may be collected as a**  
25 **condition of conditional release or parole by the prosecuting attorney or circuit attorney**  
26 **under section 559.100. The prosecuting attorney or circuit attorney may refer any failure**  
27 **to make such restitution as a condition of conditional release or parole to the parole board**  
28 **for enforcement.**

**559.117. 1. The director of the department of corrections is authorized to establish,**  
2 **as a three-year pilot program, a mental health assessment process.**

3 **2. Only upon a motion filed by the prosecutor in a criminal case, the judge who is**  
4 **hearing the criminal case in a participating county may request that an offender be placed**  
5 **in the department of corrections for one hundred twenty days for a mental health**  
6 **assessment and for treatment if it appears that the offender has a mental disorder or**  
7 **mental illness such that the offender may qualify for probation including community**  
8 **psychiatric rehabilitation (CPR) programs and such probation is appropriate and not**  
9 **inconsistent with public safety. Before the judge rules upon the motion, the victim shall**  
10 **be given notice of such motion and the opportunity to be heard. Upon recommendation**  
11 **of the court, the department shall determine the offender's eligibility for the mental health**  
12 **assessment process.**

13 **3. Following this assessment and treatment period, an assessment report shall be**  
14 **sent to the sentencing court and the sentencing court may, if appropriate, release the**  
15 **offender on probation. The offender shall be supervised on probation by a state probation**



16 **and parole officer, who shall work cooperatively with the department of mental health to**  
17 **enroll eligible offenders in Community Psychiatric Rehabilitation (CPR) programs.**

18 **4. Notwithstanding any other provision of law, probation shall not be granted**  
19 **under this section to offenders who:**

20 **(1) Have been convicted of murder in the second degree under section 565.021;**

21 **(2) Have been convicted of forcible rape under section 566.030;**

22 **(3) Have been convicted of statutory rape in the first degree under section 566.032;**

23 **(4) Have been convicted of forcible sodomy under section 566.060;**

24 **(5) Have been convicted of statutory sodomy in the first degree under section**  
25 **566.062;**

26 **(6) Have been convicted of child molestation in the first degree under section**  
27 **566.067 when classified as a class A felony;**

28 **(7) Have been found to be a predatory sexual offender under section 558.018; or**

29 **(8) Have been convicted of any offense for which there exists a statutory prohibition**  
30 **against either probation or parole.**

31 **5. At the end of the three-year pilot, the director of the department of corrections**  
32 **and the director of the department of mental health shall jointly submit recommendations**  
33 **to the governor and to the general assembly by December 31, 2013, on whether to expand**  
34 **the process statewide.**

559.604. Neither the state of Missouri nor any county of the state shall be required to pay  
2 any part of the cost of probation and rehabilitation services provided to [misdemeanor] offenders  
3 under sections 559.600 to 559.615. The person placed on probation shall contribute not less than  
4 thirty dollars or more than [fifty] **sixty-five** dollars per month to the private entity providing him  
5 with supervision and rehabilitation services. The amount of the contribution shall be determined  
6 by the sentencing court. The court may exempt a person from all or part of the foregoing  
7 contribution if it finds any of the following factors to exist:

8 **(1) The offender has diligently attempted, but has been unable, to obtain employment**  
9 **which provides him or her sufficient income to make such payments;**

10 **(2) The offender is a student in a school, college, university or course of vocational or**  
11 **technical training designed to fit the student for gainful employment. Certification of such**  
12 **student status shall be supplied to the court by the educational institution in which the offender**  
13 **is enrolled;**

14 **(3) The offender has an employment handicap, as determined by a physical,**  
15 **psychological or psychiatric examination acceptable to or ordered by the court;**

16 **(4) The offender's age prevents him or her from obtaining employment;**

17 (5) The offender is responsible for the support of dependents, and the payment of such  
18 contribution constitutes an undue hardship on the offender;

19 (6) There are other extenuating circumstances as determined by the court to exempt or  
20 partially reduce such payments; or

21 (7) The offender has been transferred outside the state under an interstate compact  
22 adopted pursuant to law.

568.040. 1. A person commits the crime of nonsupport if such person knowingly fails  
2 to provide, without good cause, adequate support for his or her spouse; a parent commits the  
3 crime of nonsupport if such parent knowingly fails to provide[, without good cause,] adequate  
4 support which such parent is legally obligated to provide for his or her child or stepchild who is  
5 not otherwise emancipated by operation of law.

6 2. For purposes of this section:

7 (1) "Child" means any biological or adoptive child, or any child whose paternity has been  
8 established under chapter 454, RSMo, or chapter 210, RSMo, or any child whose relationship  
9 to the defendant has been determined, by a court of law in a proceeding for dissolution or legal  
10 separation, to be that of child to parent;

11 (2) "Good cause" means any substantial reason why the defendant is unable to provide  
12 adequate support. Good cause does not exist if the defendant purposely maintains his inability  
13 to support;

14 (3) "Support" means food, clothing, lodging, and medical or surgical attention;

15 (4) It shall not constitute a failure to provide medical and surgical attention, if  
16 nonmedical remedial treatment recognized and permitted under the laws of this state is provided.

17 3. Inability to provide support for good cause shall be an affirmative defense under this  
18 section. A person who raises such affirmative defense has the burden of proving the defense by  
19 a preponderance of the evidence.

20 4. The defendant shall have the burden of injecting the issues raised by [subdivisions (2)  
21 and] **subdivision** (4) of subsection 2 [and subsection 3] of this section.

22 5. Criminal nonsupport is a class A misdemeanor, unless the total arrearage is in excess  
23 of an aggregate of twelve monthly payments due under any order of support issued by any court  
24 of competent jurisdiction or any authorized administrative agency, in which case it is a class D  
25 felony.

26 6. If at any time a defendant convicted of criminal nonsupport is placed on probation or  
27 parole, there may be ordered as a condition of probation or parole that the defendant commence  
28 payment of current support as well as satisfy the arrearages. Arrearages may be satisfied first  
29 by making such lump sum payment as the defendant is capable of paying, if any, as may be

30 shown after examination of defendant's financial resources or assets, both real, personal, and  
31 mixed, and second by making periodic payments. Periodic payments toward satisfaction of  
32 arrears when added to current payments due may be in such aggregate sums as is not greater than  
33 fifty percent of the defendant's adjusted gross income after deduction of payroll taxes, medical  
34 insurance that also covers a dependent spouse or children, and any other court or administrative  
35 ordered support, only. If the defendant fails to pay the current support and arrearages as ordered,  
36 the court may revoke probation or parole and then impose an appropriate sentence within the  
37 range for the class of offense that the defendant was convicted of as provided by law, unless the  
38 defendant proves good cause for the failure to pay as required under subsection 3 of this section.

39 7. During any period that a nonviolent defendant is incarcerated for criminal nonsupport,  
40 if the defendant is ready, willing, and able to be gainfully employed during said period of  
41 incarceration, the defendant, if he or she meets the criteria established by the department of  
42 corrections, may be placed on work release to allow the defendant to satisfy defendant's  
43 obligation to pay support. Arrearages shall be satisfied as outlined in the collection agreement.

44 8. Beginning August 28, 2009, every nonviolent first- and second-time offender then  
45 incarcerated for criminal nonsupport, who has not been previously placed on probation or parole  
46 for conviction of criminal nonsupport, may be considered for parole, under the conditions set  
47 forth in subsection 6 of this section, or work release, under the conditions set forth in subsection  
48 7 of this section.

49 9. Beginning January 1, 1991, every prosecuting attorney in any county which has  
50 entered into a cooperative agreement with the [division of] child support enforcement **service**  
51 **of the family support division of the department of social services** shall report to the division  
52 on a quarterly basis the number of charges filed and the number of convictions obtained under  
53 this section by the prosecuting attorney's office on all IV-D cases. The division shall consolidate  
54 the reported information into a statewide report by county and make the report available to the  
55 general public.

56 10. Persons accused of committing the offense of nonsupport of the child shall be  
57 prosecuted:

58 (1) In any county in which the child resided during the period of time for which the  
59 defendant is charged; or

60 (2) In any county in which the defendant resided during the period of time for which the  
61 defendant is charged.

570.120. 1. A person commits the crime of passing a bad check when:

2 (1) With purpose to defraud, the person makes, issues or passes a check or other similar  
3 sight order or any other form of presentment involving the transmission of account information

4 for the payment of money, knowing that it will not be paid by the drawee, or that there is no such  
5 drawee; or

6 (2) The person makes, issues, or passes a check or other similar sight order or any other  
7 form of presentment involving the transmission of account information for the payment of  
8 money, knowing that there are insufficient funds in or on deposit with that account for the  
9 payment of such check, sight order, or other form of presentment involving the transmission of  
10 account information in full and all other checks, sight orders, or other forms of presentment  
11 involving the transmission of account information upon such funds then outstanding, or that  
12 there is no such account or no drawee and fails to pay the check or sight order or other form of  
13 presentment involving the transmission of account information within ten days after receiving  
14 actual notice in writing that it has not been paid because of insufficient funds or credit with the  
15 drawee or because there is no such drawee.

16 2. As used in subdivision (2) of subsection 1 of this section, "actual notice in writing"  
17 means notice of the nonpayment which is actually received by the defendant. Such notice may  
18 include the service of summons or warrant upon the defendant for the initiation of the  
19 prosecution of the check or checks which are the subject matter of the prosecution if the  
20 summons or warrant contains information of the ten-day period during which the instrument may  
21 be paid and that payment of the instrument within such ten-day period will result in dismissal  
22 of the charges. The requirement of notice shall also be satisfied for written communications  
23 which are tendered to the defendant and which the defendant refuses to accept.

24 3. The face amounts of any bad checks passed pursuant to one course of conduct within  
25 any ten-day period may be aggregated in determining the grade of the offense.

26 4. Passing bad checks is a class A misdemeanor, unless:

27 (1) The face amount of the check or sight order or the aggregated amounts is five  
28 hundred dollars or more; or

29 (2) The issuer had no account with the drawee or if there was no such drawee at the time  
30 the check or order was issued, in which cases passing bad checks is a class C felony.

31 5. (1) In addition to all other costs and fees allowed by law, each prosecuting attorney  
32 or circuit attorney who takes any action pursuant to the provisions of this section shall collect  
33 from the issuer in such action an administrative handling cost. The cost shall be twenty-five  
34 dollars for checks of less than one hundred dollars, and fifty dollars for checks of one hundred  
35 dollars but less than two hundred fifty dollars. For checks of two hundred fifty dollars or more  
36 an additional fee of ten percent of the face amount shall be assessed, with a maximum fee for  
37 administrative handling costs not to exceed seventy-five dollars total. Notwithstanding the  
38 provisions of sections 50.525 to 50.745, RSMo, the costs provided for in this subsection shall

39 be deposited by the county treasurer into a separate interest-bearing fund to be expended by the  
40 prosecuting attorney or circuit attorney. **This fund shall be known as the "Administrative**  
41 **Handling Cost Fund", and it shall be the fund for deposits under this section and under**  
42 **section 559.100.** The funds shall be expended, upon warrants issued by the prosecuting attorney  
43 or circuit attorney directing the treasurer to issue checks thereon, only for purposes related to that  
44 previously authorized in this section. Any revenues that are not required for the purposes of this  
45 section may be placed in the general revenue fund of the county or city not within a county.  
46 Notwithstanding any law to the contrary, in addition to the administrative handling cost, the  
47 prosecuting attorney or circuit attorney shall collect an additional cost of five dollars per check  
48 for deposit to the Missouri office of prosecution services fund established in subsection 2 of  
49 section 56.765, RSMo. All moneys collected pursuant to this section which are payable to the  
50 Missouri office of prosecution services fund shall be transmitted at least monthly by the county  
51 treasurer to the director of revenue who shall deposit the amount collected pursuant to the credit  
52 of the Missouri office of prosecution services fund under the procedure established pursuant to  
53 subsection 2 of section 56.765, RSMo.

54 (2) The moneys deposited in the **administrative handling cost** fund may be used by the  
55 prosecuting or circuit attorney for office supplies, postage, books, training, office equipment,  
56 capital outlay, expenses of trial and witness preparation, additional employees for the staff of the  
57 prosecuting or circuit attorney, employees' salaries, and for other lawful expenses incurred by  
58 the circuit or prosecuting attorney in operation of that office.

59 (3) [This] **The administrative handling cost** fund may be audited by the state auditor's  
60 office or the appropriate auditing agency.

61 (4) If the moneys collected and deposited into [this] **the administrative handling cost**  
62 fund are not totally expended annually, then the unexpended balance shall remain in said fund  
63 and the balance shall be kept in said fund to accumulate from year to year.

64 6. Notwithstanding any other provision of law to the contrary:

65 (1) In addition to the administrative handling costs provided for in subsection 5 of this  
66 section, the prosecuting attorney or circuit attorney may collect from the issuer, in addition to the  
67 face amount of the check, a reasonable service charge, which along with the face amount of the  
68 check, shall be turned over to the party to whom the bad check was issued;

69 (2) If a check that is dishonored or returned unpaid by a financial institution is not  
70 referred to the prosecuting attorney or circuit attorney for any action pursuant to the provisions  
71 of this section, the party to whom the check was issued, or his or her agent or assignee, or a  
72 holder, may collect from the issuer, in addition to the face amount of the check, a reasonable

73 service charge, not to exceed twenty-five dollars, plus an amount equal to the actual charge by  
74 the depository institution for the return of each unpaid or dishonored instrument.

75 7. When any financial institution returns a dishonored check to the person who deposited  
76 such check, it shall be in substantially the same physical condition as when deposited, or in such  
77 condition as to provide the person who deposited the check the information required to identify  
78 the person who wrote the check.

571.030. 1. A person commits the crime of unlawful use of weapons if he or she  
2 knowingly:

3 (1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or  
4 any other weapon readily capable of lethal use; or

5 (2) Sets a spring gun; or

6 (3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft,  
7 or motor vehicle as defined in section 302.010, RSMo, or any building or structure used for the  
8 assembling of people; or

9 (4) Exhibits, in the presence of one or more persons, any weapon readily capable of  
10 lethal use in an angry or threatening manner; or

11 (5) Possesses or discharges a firearm or projectile weapon while intoxicated; or

12 (6) Discharges a firearm within one hundred yards of any occupied schoolhouse,  
13 courthouse, or church building; or

14 (7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or  
15 across a public highway or discharges or shoots a firearm into any outbuilding; or

16 (8) Carries a firearm or any other weapon readily capable of lethal use into any church  
17 or place where people have assembled for worship, or into any election precinct on any election  
18 day, or into any building owned or occupied by any agency of the federal government, state  
19 government, or political subdivision thereof; or

20 (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section  
21 301.010, RSMo, discharges or shoots a firearm at any person, or at any other motor vehicle, or  
22 at any building or habitable structure, unless the person was lawfully acting in self-defense; or

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

26 2. Subdivisions (1), (3), (4), (6), (7), (8), (9) and (10) of subsection 1 of this section shall  
27 not apply to or affect any of the following:

28 (1) All state, county and municipal peace officers who have completed the training  
29 required by the police officer standards and training commission pursuant to sections 590.030

30 to 590.050, RSMo, and [possessing] **who possess** the duty and power of arrest for violation of  
31 the general criminal laws of the state or for violation of ordinances of counties or municipalities  
32 of the state, whether such officers are on or off duty, and whether such officers are within or  
33 outside of the law enforcement agency's jurisdiction, or all qualified retired peace officers, as  
34 defined in subsection 10 of this section, and who carry the identification defined in subsection  
35 11 of this section, or any person summoned by such officers to assist in making arrests or  
36 preserving the peace while actually engaged in assisting such officer;

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

39 (3) Members of the armed forces or national guard while performing their official duty;

40 (4) Those persons vested by article V, section 1 of the Constitution of Missouri with the  
41 judicial power of the state and those persons vested by Article III of the Constitution of the  
42 United States with the judicial power of the United States, the members of the federal judiciary;

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

44 (6) Any federal probation officer or federal flight deck officer as defined under the  
45 federal flight deck officer program, 49 U.S.C. Section 44921;

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

48 (8) Any corporate security advisor meeting the definition and fulfilling the requirements  
49 of the regulations established by the board of police commissioners under section 84.340, RSMo;  
50 and

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

52 **(10) Any elected prosecutor, or assistant prosecutor with written authorization**  
53 **from the elected prosecuting attorney.**

54 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when  
55 the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when  
56 ammunition is not readily accessible or when such weapons are not readily accessible.  
57 Subdivision (1) of subsection 1 of this section does not apply to any person twenty-one years of  
58 age or older transporting a concealable firearm in the passenger compartment of a motor vehicle,  
59 so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also  
60 in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in  
61 his or her dwelling unit or upon premises over which the actor has possession, authority or  
62 control, or is traveling in a continuous journey peaceably through this state. Subdivision (10)  
63 of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by  
64 a person while traversing school premises for the purposes of transporting a student to or from

65 school, or possessed by an adult for the purposes of facilitation of a school-sanctioned  
66 firearm-related event.

67 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any  
68 person who has a valid concealed carry endorsement issued pursuant to sections 571.101 to  
69 571.121 or a valid permit or endorsement to carry concealed firearms issued by another state or  
70 political subdivision of another state.

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

74 6. Nothing in this section shall make it unlawful for a student to actually participate in  
75 school-sanctioned gun safety courses, student military or ROTC courses, or other  
76 school-sponsored firearm-related events, provided the student does not carry a firearm or other  
77 weapon readily capable of lethal use into any school, onto any school bus, or onto the premises  
78 of any other function or activity sponsored or sanctioned by school officials or the district school  
79 board.

80 7. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision  
81 (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or  
82 subdivision (5) or (10) of subsection 1 of this section, in which case it is a class A misdemeanor  
83 if the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of  
84 subsection 1 of this section, in which case it is a class B felony, except that if the violation of  
85 subdivision (9) of subsection 1 of this section results in injury or death to another person, it is  
86 a class A felony.

87 8. Violations of subdivision (9) of subsection 1 of this section shall be punished as  
88 follows:

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

          575.060. 1. A person commits the crime of making a false declaration if, with the  
2 purpose to mislead a public servant in the performance of his **or her** duty, [he] **such person**:

- 3 (1) Submits any written false statement, which he **or she** does not believe to be true  
4 (a) In an application for any pecuniary benefit or other consideration; or  
5 (b) On a form bearing notice, authorized by law, that false statements made therein are  
6 punishable; or  
7 (2) Submits or invites reliance on:  
8 (a) Any writing which he **or she** knows to be forged, altered or otherwise lacking in  
9 authenticity; or  
10 (b) Any sample, specimen, map, boundary mark, or other object which he **or she** knows  
11 to be false; **or**  
12 **(3) Provides any verbal false statement regarding their identity, which he or she**  
13 **believes or knows not to be true.**  
14 2. The falsity of the statement or the item under subsection 1 of this section must be as  
15 to a fact which is material to the purposes for which the statement is made or the item submitted;  
16 and the provisions of subsections 2 and 3 of section 575.040 shall apply to prosecutions under  
17 subsection 1 of this section.  
18 3. It is a defense to a prosecution under subsection 1 of this section that the actor  
19 retracted the false statement or item but this defense shall not apply if the retraction was made  
20 after:  
21 (1) The falsity of the statement or item was exposed; or  
22 (2) The public servant took substantial action in reliance on the statement or item.  
23 4. The defendant shall have the burden of injecting the issue of retraction under  
24 subsection 3 of this section.  
25 5. For the purpose of this section, "written" shall include filings submitted in an  
26 electronic or other format or medium approved or prescribed by the secretary of state.  
27 6. Making a false declaration is a class B misdemeanor.

595.036. 1. **For any claim filed on or after August 28, 2010**, any party aggrieved by  
2 a decision of the department of **public safety** on a claim under the provisions of sections 595.010  
3 to [595.070] **595.075** may, within thirty days following the date of notification [of mailing] of  
4 such decision, file a petition with the [division of workers' compensation of the] department [of  
5 labor and industrial relations] to have such decision heard de novo by [an administrative law  
6 judge] **the director**. The [administrative law judge] **director** may affirm[,] **or** reverse[, or set  
7 aside] the **department's** decision [of the department of public safety] on the basis of the  
8 evidence previously submitted in such case or may take additional evidence [or may remand the  
9 matter to the department of public safety with directions]. The [division of workers'

10 compensation] **department** shall promptly notify the [parties] **party** of its decision and the  
11 reasons therefor.

12         2. Any [of the parties to a] **party aggrieved by the director's** decision [of an  
13 administrative law judge of the division of workers' compensation, as provided by subsection 1  
14 of this section, on a claim heard under the provisions of sections 595.010 to 595.070] may,  
15 within thirty days following the date of notification [or mailing] of such decision, file a petition  
16 with the [labor and industrial relations] **administrative hearing** commission to [have] **appeal**  
17 such decision [reviewed by the commission] **as provided in section 621.275**. [The commission  
18 may allow or deny a petition for review. If a petition is allowed, the commission may affirm,  
19 reverse, or set aside the decision of the division of workers' compensation on the basis of the  
20 evidence previously submitted in such case or may take additional evidence or may remand the  
21 matter to the division of workers' compensation with directions. The commission shall promptly  
22 notify the parties of its decision and the reasons therefor.

23         3. Any petition for review filed pursuant to subsection 1 of this section shall be deemed  
24 to be filed as of the date endorsed by the United States Postal Service on the envelope or  
25 container in which such petition is received.

26         4. Any party who is aggrieved by a final decision of the labor and industrial relations  
27 commission pursuant to the provisions of subsections 2 and 3 of this section shall within thirty  
28 days from the date of the final decision appeal the decision to the court of appeals. Such appeal  
29 may be taken by filing notice of appeal with commission, whereupon the commission shall,  
30 under its certificate, return to the court all documents and papers on file in the matter, together  
31 with a transcript of the evidence, the findings and award, which shall thereupon become the  
32 record of the cause. Upon appeal no additional evidence shall be heard and, in the absence of  
33 fraud, the findings of fact made by the commission within its powers shall be conclusive and  
34 binding. The court, on appeal, shall review only questions of law and may modify, reverse,  
35 remand for rehearing, or set aside the award upon any of the following grounds and no other:

36             (1) That the commission acted without or in excess of its powers;

37             (2) That the award was procured by fraud;

38             (3) That the facts found by the commission do not support the award;

39             (4) That there was not sufficient competent evidence in the record to warrant the making  
40 of the award.]

595.037. 1. All information submitted to the department [or division of workers'  
2 compensation] and any hearing of the [division of workers' compensation] **department** on a  
3 claim filed pursuant to sections 595.010 to 595.075 shall be open to the public except for the  
4 following claims which shall be deemed closed and confidential:

5 (1) A claim in which the alleged assailant has not been brought to trial and disclosure  
6 of the information or a public hearing would adversely affect either the apprehension, or the trial,  
7 of the alleged assailant;

8 (2) A claim in which the offense allegedly perpetrated against the victim is rape, sodomy  
9 or sexual abuse and it is determined by the department [or division of workers' compensation]  
10 to be in the best interest of the victim or of the victim's dependents that the information be kept  
11 confidential or that the public be excluded from the hearing;

12 (3) A claim in which the victim or alleged assailant is a minor; or

13 (4) A claim in which any record or report obtained by the department [or division of  
14 workers' compensation], the confidentiality of which is protected by any other law, shall remain  
15 confidential subject to such law.

16 2. The department [and division of workers' compensation, by separate order,] may close  
17 any record, report or hearing if it determines that the interest of justice would be frustrated rather  
18 than furthered if such record or report was disclosed or if the hearing was open to the public.

595.060. The director shall promulgate rules and regulations necessary to implement the  
2 provisions of sections 595.010 to 595.220 as provided in this section and chapter 536, RSMo.  
3 [In the performance of its functions under section 595.036, the division of workers' compensation  
4 is authorized to promulgate rules pursuant to chapter 536, RSMo, prescribing the procedures to  
5 be followed in the proceedings under section 595.036.] Any rule or portion of a rule, as that term  
6 is defined in section 536.010, RSMo, that is created under the authority delegated in this section  
7 shall become effective only if it complies with and is subject to all of the provisions of chapter  
8 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo,  
9 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter  
10 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are  
11 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed  
12 or adopted after August 28, 2009, shall be invalid and void.

**621.275. 1. Any person shall have the right to appeal to the administrative hearing  
2 commission from any decision made by the director of the department of public safety  
3 under section 595.036 regarding that person's claim for compensation as provided in  
4 sections 595.010 to 595.075.**

5 **2. Any person filing an appeal with the administrative hearing commission shall  
6 be entitled to a hearing before the commission. The person shall file a petition with the  
7 commission within thirty days after the decision of the director of the department of public  
8 safety is sent in the United States mail or within thirty days after the decision is delivered,**

9 whichever is earlier. The director's decision shall contain a notice of the person's right to  
10 appeal:

11 "If you were adversely affected by this decision, you may appeal to the  
12 administrative hearing commission. To appeal, you must file a petition with  
13 the administrative hearing commission within thirty days after the date this  
14 decision was delivered or sent in the United States mail, whichever is earlier.  
15 If your petition is sent by registered or certified mail, it will be deemed filed  
16 on the date it is mailed; if it is sent by any method other than registered or  
17 certified mail, it will be deemed filed on the date it is received by the  
18 commission."

19 3. Decisions of the administrative hearing commission under this section shall be  
20 binding, subject to appeal by either party. The procedures established by chapter 536 shall  
21 apply to any hearings and determinations under this section.

650.470. 1. There is hereby created in the state treasury the "Reverend Nathaniel  
2 Cole Memorial Pursuit Reduction Grant", which shall consist of all moneys duly  
3 authorized and appropriated by the general assembly, all moneys received from federal  
4 funds, gifts, bequests, donations, and any other moneys so designated, and all interest  
5 earned on and income generated from moneys in the fund. The state treasurer shall be the  
6 custodian of the fund and shall approve disbursements from the fund in accordance with  
7 sections 30.170 and 30.180. Moneys in the fund shall be used solely to provide grants in the  
8 amount of a fifty percent match to urban police departments which purchase real-time  
9 tagging and tracking pursuit management systems.

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

13 3. The state treasurer shall invest moneys in the fund in the same manner as other  
14 funds are invested.

15 4. Only urban police departments which have a pursuit policy in place that is  
16 consistent with the state laws governing police pursuits shall be eligible for such grants.  
17 The director of the department of public safety shall determine an applicant's eligibility  
18 according to the requirements of this subsection and shall disqualify from consideration  
19 any urban police department that is not in compliance with state laws governing police  
20 pursuit.

21 5. Applications for matching grants shall be filed with the department of public  
22 safety on forms prescribed and furnished by the director of the department of public

23 **safety. The applications shall include the number of pursuits engaged in by the applicant**  
24 **department per year for each of the five years preceding the application.**

25 **6. The director shall approve all applications which are not disqualified under the**  
26 **provisions of subsection 4 of this section. If funding is not sufficient to award grants to all**  
27 **eligible applicants who were not disqualified by the director of the department of public**  
28 **safety then the director shall determine which applicants shall be awarded grants on the**  
29 **basis of need. Need shall be determined by the average number of pursuits engaged in by**  
30 **a department over the five years preceding application with grants being awarded first to**  
31 **those applicants with the highest average number of pursuits per year. The director shall**  
32 **continue to award grants based on need until funds dip below the dollar amount needed**  
33 **to provide a fifty percent match to the next applicant.**

34 **7. The director of the department of public safety shall administer the provisions**  
35 **of this section and may adopt all rules and regulations necessary to administer the**  
36 **provisions of this section. Any rule or portion of a rule, as that term is defined in section**  
37 **536.010, that is created under the authority delegated in this section shall become effective**  
38 **only if it complies with and is subject to all of the provisions of chapter 536 and, if**  
39 **applicable, section 536.028. The provisions of this section are nonseverable and if any of**  
40 **the powers vested with the general assembly under chapter 536 to review, to delay the**  
41 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**  
42 **then the grant of rulemaking authority and any rule proposed or adopted after August 28,**  
43 **2010, shall be invalid and void.**

44 **8. As used in this section the following terms shall mean:**

45 **(1) "Real-time tagging and tracking pursuit management system", any system**  
46 **which deploys a projectile that attaches to a fleeing vehicle during police pursuit and can**  
47 **be monitored in real-time using GPS technology;**

48 **(2) "Urban police department", any police department, sheriffs' department, or**  
49 **law enforcement agency which is located in a metropolitan area in this state with a**  
50 **population of at least four hundred thousand inhabitants.**

Section B. Because immediate action is necessary to ensure the continued operation of  
2 the DNA profiling system which dramatically contributes to the safety of citizens of this state  
3 and others, to permit the prosecution of certain sexual and felony offenses in cases where the  
4 defendant's identity is unknown at the time the indictment or information is brought, and to  
5 protect the public by ensuring that the criminal justice system is conducted in an efficient and  
6 timely manner, the repeal and reenactment of sections 488.5050, 545.030, and 559.036 of section  
7 A of this act is deemed necessary for the immediate preservation of the public health, welfare,

8 peace, and safety, and is hereby declared to be an emergency act within the meaning of the  
9 constitution, and the repeal and reenactment of sections 488.5050, 545.030, and 559.036 of  
10 section A of this act shall be in full force and effect upon its passage and approval.

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