

SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 850

AN ACT

To repeal sections 217.690, 491.015, 544.170, 558.016, 558.019, 566.149, 566.150, 566.155, 569.010, 569.100, 570.010, 570.030, 571.015, 571.070, 575.010, 575.200, 575.353, 578.007, 578.022, 595.201, and 595.226, RSMo, and to enact in lieu thereof twenty-one new sections relating to criminal laws, with penalty provisions.

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

Section A. Sections 217.690, 491.015, 544.170, 558.016,  
2 558.019, 566.149, 566.150, 566.155, 569.010, 569.100, 570.010,  
3 570.030, 571.015, 571.070, 575.010, 575.200, 575.353, 578.007,  
4 578.022, 595.201, and 595.226, RSMo, are repealed and twenty-  
5 one new sections enacted in lieu thereof, to be known as  
6 sections 217.690, 491.015, 544.170, 558.016, 558.019, 566.149,  
7 566.150, 566.155, 569.010, 569.100, 570.010, 570.030, 571.015,  
8 571.070, 575.010, 575.200, 575.353, 578.007, 578.022, 595.201,  
9 and 595.226, to read as follows:

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

3 2. Before ordering the parole of any offender, the  
4 parole board shall conduct a validated risk and needs  
5 assessment and evaluate the case under the rules governing  
6 parole that are promulgated by the parole board. The parole  
7 board shall then have the offender appear before a hearing  
8 panel and shall conduct a personal interview with him or  
9 her, unless waived by the offender, or if the guidelines

10 indicate the offender may be paroled without need for an  
11 interview. The guidelines and rules shall not allow for the  
12 waiver of a hearing if a victim requests a hearing. The  
13 appearance or presence may occur by means of a  
14 videoconference at the discretion of the parole board. A  
15 parole may be ordered for the best interest of society when  
16 there is a reasonable probability, based on the risk  
17 assessment and indicators of release readiness, that the  
18 person can be supervised under parole supervision and  
19 successfully reintegrated into the community, not as an  
20 award of clemency; it shall not be considered a reduction of  
21 sentence or a pardon. Every offender while on parole shall  
22 remain in the legal custody of the department but shall be  
23 subject to the orders of the parole board.

24 3. The division of probation and parole has  
25 discretionary authority to require the payment of a fee, not  
26 to exceed sixty dollars per month, from every offender  
27 placed under division supervision on probation, parole, or  
28 conditional release, to waive all or part of any fee, to  
29 sanction offenders for willful nonpayment of fees, and to  
30 contract with a private entity for fee collections  
31 services. All fees collected shall be deposited in the  
32 inmate fund established in section 217.430. Fees collected  
33 may be used to pay the costs of contracted collections  
34 services. The fees collected may otherwise be used to  
35 provide community corrections and intervention services for  
36 offenders. Such services include substance abuse assessment  
37 and treatment, mental health assessment and treatment,  
38 electronic monitoring services, residential facilities  
39 services, employment placement services, and other offender  
40 community corrections or intervention services designated by  
41 the division of probation and parole to assist offenders to  
42 successfully complete probation, parole, or conditional

43 release. The division of probation and parole shall adopt  
44 rules not inconsistent with law, in accordance with section  
45 217.040, with respect to sanctioning offenders and with  
46 respect to establishing, waiving, collecting, and using fees.

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

53 5. When considering parole for an offender with  
54 consecutive sentences, the minimum term for eligibility for  
55 parole shall be calculated by adding the minimum terms for  
56 parole eligibility for each of the consecutive sentences,  
57 except the minimum term for parole eligibility shall not  
58 exceed the minimum term for parole eligibility for an  
59 ordinary life sentence.

60 6. Any offender sentenced to a term of imprisonment  
61 amounting to fifteen years or more or multiple terms of  
62 imprisonment that, taken together, amount to fifteen or more  
63 years who was under eighteen years of age at the time of the  
64 commission of the offense or offenses may be eligible for  
65 parole after serving fifteen years of incarceration,  
66 regardless of whether the case is final for the purposes of  
67 appeal, and may be eligible for reconsideration hearings in  
68 accordance with regulations promulgated by the parole board.

69 7. The provisions of subsection 6 of this section  
70 shall not apply to an offender found guilty of murder in the  
71 first or second degree or capital murder who was under  
72 eighteen years of age when the offender committed the  
73 offense or offenses who may be found ineligible for parole  
74 or whose parole eligibility may be controlled by section  
75 558.047 or 565.033.

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

82           9. A victim who has requested an opportunity to be  
83 heard shall receive notice that the parole board is  
84 conducting an assessment of the offender's risk and  
85 readiness for release and that the victim's input will be  
86 particularly helpful when it pertains to safety concerns and  
87 specific protective measures that may be beneficial to the  
88 victim should the offender be granted release.

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

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

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

97           (3) The victim or person representing the victim may  
98 call or write the parole board rather than attend the  
99 hearing;

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

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

108           (6) The parole board shall evaluate information listed  
109 in the juvenile sex offender registry pursuant to section  
110 211.425, provided the offender is between the ages of  
111 seventeen and twenty-one, as it impacts the safety of the  
112 community.

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

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

122           13. Special parole conditions shall be responsive to  
123 the assessed risk and needs of the offender or the need for  
124 extraordinary supervision, such as electronic monitoring.  
125 The parole board shall adopt rules to minimize the  
126 conditions placed on low-risk cases, to frontload conditions  
127 upon release, and to require the modification and reduction  
128 of conditions based on the person's continuing stability in  
129 the community. Parole board rules shall permit parole  
130 conditions to be modified by parole officers with review and  
131 approval by supervisors.

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

136           15. Beginning January 1, 2001, the parole board shall  
137 not order a parole unless the offender has obtained a high  
138 school diploma or its equivalent, or unless the parole board  
139 is satisfied that the offender, while committed to the  
140 custody of the department, has made an honest good-faith

141 effort to obtain a high school diploma or its equivalent;  
142 provided that the director may waive this requirement by  
143 certifying in writing to the parole board that the offender  
144 has actively participated in mandatory education programs or  
145 is academically unable to obtain a high school diploma or  
146 its equivalent.

147 16. Any rule or portion of a rule, as that term is  
148 defined in section 536.010, that is created under the  
149 authority delegated in this section shall become effective  
150 only if it complies with and is subject to all of the  
151 provisions of chapter 536 and, if applicable, section  
152 536.028. This section and chapter 536 are nonseverable and  
153 if any of the powers vested with the general assembly  
154 pursuant to chapter 536 to review, to delay the effective  
155 date, or to disapprove and annul a rule are subsequently  
156 held unconstitutional, then the grant of rulemaking  
157 authority and any rule proposed or adopted after August 28,  
158 2005, shall be invalid and void.

491.015. 1. In prosecutions under chapter 566 or  
2 prosecutions related to sexual conduct under chapter 568,  
3 opinion and reputation evidence of the complaining] a  
4 victim's or witness' prior sexual conduct, acts, or  
5 practices is inadmissible at any trial, hearing, or court  
6 proceeding and not a subject for inquiry during a deposition  
7 or discovery; evidence of specific instances of the  
8 complaining] a victim's or witness' prior sexual conduct,  
9 acts, or practices or the absence of such instances or  
10 conduct is inadmissible at any trial, hearing, or any other  
11 court proceeding, and not a subject for inquiry during a  
12 deposition or discovery, except where such specific  
13 instances are:

14 (1) Evidence of the sexual conduct of the  
15 complaining] a victim or witness with the defendant to prove

16 consent where consent is a defense to the alleged crime and  
17 the evidence is reasonably contemporaneous with the date of  
18 the alleged crime; or

19 (2) Evidence of specific instances of sexual activity  
20 showing alternative source or origin of semen, pregnancy or  
21 disease;

22 (3) Evidence of immediate surrounding circumstances of  
23 the alleged crime; or

24 (4) Evidence relating to the previous chastity of the  
25 complaining witness in cases, where, by statute, previously  
26 chaste character is required to be proved by the prosecution.

27 2. Evidence of the sexual conduct, acts, or practices  
28 of [the complaining] a victim or witness offered under this  
29 section is admissible to the extent that the court finds the  
30 evidence relevant to a material fact or issue.

31 3. If the defendant proposes to offer evidence of the  
32 sexual conduct, acts, or practices of [the complaining] a  
33 victim or witness under this section, he or she shall file  
34 with the court a written motion accompanied by an offer of  
35 proof or make an offer of proof on the record outside the  
36 hearing of the jury. The court shall hold an in camera  
37 hearing to determine the sufficiency of the offer of proof  
38 and may at that hearing hear evidence if the court deems it  
39 necessary to determine the sufficiency of the offer of  
40 proof. If the court finds any of the evidence offered  
41 admissible under this section the court shall make an order  
42 stating the scope of the evidence which may be introduced.  
43 Objections to any decision of the court under this section  
44 may be made by either the prosecution or the defendant in  
45 the manner provided by law. The in camera hearing shall be  
46 recorded and the court shall set forth its reasons for its  
47 ruling. The record of the in camera hearing shall be sealed

48 for delivery to the parties and to the appellate court in  
49 the event of an appeal or other post trial proceeding.

544.170. 1. All persons arrested and confined in any  
2 jail or other place of confinement by any peace officer,  
3 without warrant or other process, for any alleged breach of  
4 the peace or other criminal offense, or on suspicion  
5 thereof, shall be discharged from said custody within twenty-  
6 four hours from the time of such arrest, unless they shall  
7 be charged with a criminal offense by the oath of some  
8 credible person, and be held by warrant to answer to such  
9 offense.

10 2. In any confinement to which the provisions of this  
11 section apply, the confinee shall be permitted at any  
12 reasonable time to consult with counsel or other persons  
13 acting on the confinee's behalf.

14 3. Any person who violates the provisions of this  
15 section, by refusing to release any person who is entitled  
16 to release pursuant to this section, or by refusing to  
17 permit a confinee to consult with counsel or other persons,  
18 or who transfers any such confinees to the custody or  
19 control of another, or to another place, or who falsely  
20 charges such person, with intent to avoid the provisions of  
21 this section, is guilty of a class A misdemeanor.

22 4. Notwithstanding the provisions of subsection 1 of  
23 this section to the contrary, all persons arrested and  
24 confined in any jail or other place of confinement by any  
25 peace officer, without warrant or other process, for a  
26 criminal offense involving a dangerous felony or deadly  
27 weapon as defined in section 556.061, or on suspicion  
28 thereof, shall be discharged from said custody within forty-  
29 eight hours from the time of such arrest, unless they shall  
30 be charged with a criminal offense by the oath of some

31 credible person, and be held by warrant to answer to such  
32 offense.

558.016. 1. The court may sentence a person who has  
2 been found guilty of an offense to a term of imprisonment as  
3 authorized by section 558.011 or to a term of imprisonment  
4 authorized by a statute governing the offense if it finds  
5 the defendant is a prior offender or a persistent  
6 misdemeanor offender. The court may sentence a person to an  
7 extended term of imprisonment if:

8 (1) The defendant is a persistent offender or a  
9 dangerous offender, and the person is sentenced under  
10 subsection 7 of this section;

11 (2) The statute under which the person was found  
12 guilty contains a sentencing enhancement provision that is  
13 based on a prior finding of guilt or a finding of prior  
14 criminal conduct and the person is sentenced according to  
15 the statute; or

16 (3) A more specific sentencing enhancement provision  
17 applies that is based on a prior finding of guilt or a  
18 finding of prior criminal conduct.

19 2. A "prior offender" is one who has been found guilty  
20 of one felony.

21 3. A "persistent offender" is one who has been found  
22 guilty of two or more felonies committed at different times.

23 4. A "dangerous offender" is one who:

24 (1) Is being sentenced for a felony during the  
25 commission of which he knowingly murdered or endangered or  
26 threatened the life of another person or knowingly inflicted  
27 or attempted or threatened to inflict serious physical  
28 injury on another person; [and] or

29 (2) Has been found guilty of a class A or B felony or  
30 a dangerous felony as defined by section 556.061.

31           5. A "persistent misdemeanor offender" is one who has  
32 been found guilty of two or more offenses, committed at  
33 different times that are classified as A or B misdemeanors  
34 under the laws of this state.

35           6. The findings of guilt shall be prior to the date of  
36 commission of the present offense.

37           7. The court shall sentence a person, who has been  
38 found to be a persistent offender or a dangerous offender,  
39 and is found guilty of a class B, C, D, or E felony to the  
40 authorized term of imprisonment for the offense that is one  
41 class higher than the offense for which the person is found  
42 guilty.

          558.019. 1. This section shall not be construed to  
2 affect the powers of the governor under Article IV, Section  
3 7, of the Missouri Constitution. This statute shall not  
4 affect those provisions of section 565.020[, ] or section  
5 566.125, [or section 571.015,] which set minimum terms of  
6 sentences, or the provisions of section 559.115, relating to  
7 probation.

8           2. The provisions of subsections 2 to 5 of this  
9 section shall only be applicable to the offenses contained  
10 in sections 565.021, 565.023, 565.024, 565.027, 565.050,  
11 565.052, 565.054, 565.072, 565.073, 565.074, 565.090,  
12 565.110, 565.115, 565.120, 565.153, 565.156, 565.225,  
13 565.300, 566.030, 566.031, 566.032, 566.034, 566.060,  
14 566.061, 566.062, 566.064, 566.067, 566.068, 566.069,  
15 566.071, 566.083, 566.086, 566.100, 566.101, 566.103,  
16 566.111, 566.115, 566.145, 566.151, 566.153, 566.203,  
17 566.206, 566.209, 566.210, 566.211, 566.215, 568.030,  
18 568.045, 568.060, 568.065, 568.175, 569.040, 569.160,  
19 570.023, 570.025, 570.030 when punished as a class A, B, or  
20 C felony, 570.145 when punished as a class A or B felony,  
21 570.223 when punished as a class B or C felony, 571.020,

22 571.030, 571.070, 573.023, 573.025, 573.035, 573.037,  
23 573.200, 573.205, 574.070, 574.080, 574.115, 575.030,  
24 575.150, 575.153, 575.155, 575.157, 575.200 when punished as  
25 a class A felony, 575.210, 575.230 when punished as a class  
26 B felony, 575.240 when punished as a class B felony,  
27 576.070, 576.080, 577.010, 577.013, 577.078, 577.703,  
28 577.706, 579.065, and 579.068 when punished as a class A or  
29 B felony. For the purposes of this section, "prison  
30 commitment" means and is the receipt by the department of  
31 corrections of an offender after sentencing. For purposes  
32 of this section, prior prison commitments to the department  
33 of corrections shall not include an offender's first  
34 incarceration prior to release on probation under section  
35 217.362 or 559.115. Other provisions of the law to the  
36 contrary notwithstanding, any offender who has been found  
37 guilty of a felony other than a dangerous felony as defined  
38 in section 556.061 and is committed to the department of  
39 corrections shall be required to serve the following minimum  
40 prison terms:

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

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

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

61           3. Other provisions of the law to the contrary  
62 notwithstanding, any offender who has been found guilty of a  
63 dangerous felony as defined in section 556.061 and is  
64 committed to the department of corrections shall be required  
65 to serve a minimum prison term of eighty-five percent of the  
66 sentence imposed by the court or until the offender attains  
67 seventy years of age, and has served at least forty percent  
68 of the sentence imposed, whichever occurs first.

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

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

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

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

82           6. An offender who was convicted of, or pled guilty  
83 to, a felony offense other than those offenses listed in  
84 subsection 2 of this section prior to August 28, 2019, shall  
85 no longer be subject to the minimum prison term provisions  
86 under subsection 2 of this section, and shall be eligible

87 for parole, conditional release, or other early release by  
88 the department of corrections according to the rules and  
89 regulations of the department.

90 7. (1) A sentencing advisory commission is hereby  
91 created to consist of eleven members. One member shall be  
92 appointed by the speaker of the house. One member shall be  
93 appointed by the president pro tem of the senate. One  
94 member shall be the director of the department of  
95 corrections. Six members shall be appointed by and serve at  
96 the pleasure of the governor from among the following: the  
97 public defender commission; private citizens; a private  
98 member of the Missouri Bar; the board of probation and  
99 parole; and a prosecutor. Two members shall be appointed by  
100 the supreme court, one from a metropolitan area and one from  
101 a rural area. All members shall be appointed to a four-year  
102 term. All members of the sentencing commission appointed  
103 prior to August 28, 1994, shall continue to serve on the  
104 sentencing advisory commission at the pleasure of the  
105 governor.

106 (2) The commission shall study sentencing practices in  
107 the circuit courts throughout the state for the purpose of  
108 determining whether and to what extent disparities exist  
109 among the various circuit courts with respect to the length  
110 of sentences imposed and the use of probation for offenders  
111 convicted of the same or similar offenses and with similar  
112 criminal histories. The commission shall also study and  
113 examine whether and to what extent sentencing disparity  
114 among economic and social classes exists in relation to the  
115 sentence of death and if so, the reasons therefor, if  
116 sentences are comparable to other states, if the length of  
117 the sentence is appropriate, and the rate of rehabilitation  
118 based on sentence. It shall compile statistics, examine  
119 cases, draw conclusions, and perform other duties relevant

120 to the research and investigation of disparities in death  
121 penalty sentencing among economic and social classes.

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

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

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

135 (6) The circuit and associate circuit courts of this  
136 state, the office of the state courts administrator, the  
137 department of public safety, and the department of  
138 corrections shall cooperate with the commission by providing  
139 information or access to information needed by the  
140 commission. The office of the state courts administrator  
141 will provide needed staffing resources.

142 8. Courts shall retain discretion to lower or exceed  
143 the sentence recommended by the commission as otherwise  
144 allowable by law, and to order restorative justice methods,  
145 when applicable.

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

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

- 153 (2) Offender treatment programs;
- 154 (3) Mandatory community service;
- 155 (4) Work release programs in local facilities; and
- 156 (5) Community-based residential and nonresidential
- 157 programs.

158 10. Pursuant to subdivision (1) of subsection 9 of  
159 this section, the court may order the assessment and payment  
160 of a designated amount of restitution to a county law  
161 enforcement restitution fund established by the county  
162 commission pursuant to section 50.565. Such contribution  
163 shall not exceed three hundred dollars for any charged  
164 offense. Any restitution moneys deposited into the county  
165 law enforcement restitution fund pursuant to this section  
166 shall only be expended pursuant to the provisions of section  
167 50.565.

168 11. A judge may order payment to a restitution fund  
169 only if such fund had been created by ordinance or  
170 resolution of a county of the state of Missouri prior to  
171 sentencing. A judge shall not have any direct supervisory  
172 authority or administrative control over any fund to which  
173 the judge is ordering a person to make payment.

174 12. A person who fails to make a payment to a county  
175 law enforcement restitution fund may not have his or her  
176 probation revoked solely for failing to make such payment  
177 unless the judge, after evidentiary hearing, makes a finding  
178 supported by a preponderance of the evidence that the person  
179 either willfully refused to make the payment or that the  
180 person willfully, intentionally, and purposefully failed to  
181 make sufficient bona fide efforts to acquire the resources  
182 to pay.

183 13. Nothing in this section shall be construed to  
184 allow the sentencing advisory commission to issue

185 recommended sentences in specific cases pending in the  
186 courts of this state.

566.149. 1. Any person who has been found guilty of:

2 (1) Violating any of the provisions of this chapter or  
3 the provisions of section 568.020, incest; section 568.045,  
4 endangering the welfare of a child in the first degree;  
5 subsection 2 of section 568.080 as it existed prior to  
6 January 1, 2017, or section 573.200, use of a child in a  
7 sexual performance; section 568.090 as it existed prior to  
8 January 1, 2017, or section 573.205, promoting a sexual  
9 performance by a child; section 573.023, sexual exploitation  
10 of a minor; section 573.037, possession of child  
11 pornography; section 573.025, promoting child pornography;  
12 or section 573.040, furnishing pornographic material to  
13 minors; or

14 (2) Any offense in any other jurisdiction which, if  
15 committed in this state, would be a violation listed in this  
16 section;

17 shall not be present in or loiter within five hundred feet  
18 of any school building, on real property comprising any  
19 school, or in any conveyance owned, leased, or contracted by  
20 a school to transport students to or from school or a school-  
21 related activity when persons under the age of eighteen are  
22 present in the building, on the grounds, or in the  
23 conveyance, unless the offender is a parent, legal guardian,  
24 or custodian of a student present in the building and has  
25 met the conditions set forth in subsection 2 of this section.

26 2. No parent, legal guardian, or custodian who has  
27 been found guilty of violating any of the offenses listed in  
28 subsection 1 of this section shall be present in any school  
29 building, on real property comprising any school, or in any  
30 conveyance owned, leased, or contracted by a school to  
31 transport students to or from school or a school-related

32 activity when persons under the age of eighteen are present  
33 in the building, on the grounds or in the conveyance unless  
34 the parent, legal guardian, or custodian has permission to  
35 be present from the superintendent or school board or in the  
36 case of a private school from the principal. In the case of  
37 a public school, if permission is granted, the  
38 superintendent or school board president must inform the  
39 principal of the school where the sex offender will be  
40 present. Permission may be granted by the superintendent,  
41 school board, or in the case of a private school from the  
42 principal for more than one event at a time, such as a  
43 series of events, however, the parent, legal guardian, or  
44 custodian must obtain permission for any other event he or  
45 she wishes to attend for which he or she has not yet had  
46 permission granted.

47 3. Regardless of the person's knowledge of his or her  
48 proximity to school property or a school-related activity,  
49 violation of the provisions of this section is a class A  
50 misdemeanor.

566.150. 1. Any person who has been found guilty of:

2 (1) Violating any of the provisions of this chapter or  
3 the provisions of section 568.020, incest; section 568.045,  
4 endangering the welfare of a child in the first degree;  
5 section 573.200, use of a child in a sexual performance;  
6 section 573.205, promoting a sexual performance by a child;  
7 section 573.023, sexual exploitation of a minor; section  
8 573.025, promoting child pornography; section 573.037,  
9 possession of child pornography; or section 573.040,  
10 furnishing pornographic material to minors; or

11 (2) Any offense in any other jurisdiction which, if  
12 committed in this state, would be a violation listed in this  
13 section;

14 shall not knowingly be present in or loiter within five  
15 hundred feet of any real property comprising any public park  
16 with playground equipment, a public swimming pool, athletic  
17 complex or athletic fields if such facilities exist for the  
18 primary use of recreation for children, any museum if such  
19 museum holds itself out to the public as and exists with the  
20 primary purpose of entertaining or educating children under  
21 eighteen years of age, or Missouri department of  
22 conservation nature or education center properties.

23 2. The first violation of the provisions of this  
24 section is a class E felony.

25 3. A second or subsequent violation of this section is  
26 a class D felony.

27 4. Any person who has been found guilty of an offense  
28 under subdivision (1) or (2) of subsection 1 of this section  
29 who is the parent, legal guardian, or custodian of a child  
30 under the age of eighteen attending a program on the  
31 property of a nature or education center of the Missouri  
32 department of conservation may receive permission from the  
33 nature or education center manager to be present on the  
34 property with the child during the program.

566.155. 1. Any person who has been found guilty of:

2 (1) Violating any of the provisions of this chapter or  
3 the provisions of section 568.020, incest; section 568.045,  
4 endangering the welfare of a child in the first degree;  
5 section 573.200, use of a child in a sexual performance;  
6 section 573.205, promoting a sexual performance by a child;  
7 section 573.023, sexual exploitation of a minor; section  
8 573.037, possession of child pornography; section 573.025,  
9 promoting child pornography; or section 573.040, furnishing  
10 pornographic material to minors; or

11           (2) Any offense in any other jurisdiction which, if  
12 committed in this state, would be a violation listed in this  
13 section;

14 shall not serve as an athletic coach, manager, or athletic  
15 trainer for any sports team in which a child less than  
16 seventeen years of age is a member.

17           2. The first violation of the provisions of this  
18 section is a class E felony.

19           3. A second or subsequent violation of this section is  
20 a class D felony.

          569.010. As used in this chapter the following terms  
2 mean:

3           (1) "Cave or cavern", any naturally occurring  
4 subterranean cavity enterable by a person including, without  
5 limitation, a pit, pothole, natural well, grotto, and  
6 tunnel, whether or not the opening has a natural entrance;

7           (2) "Enter unlawfully or remain unlawfully", a person  
8 enters or remains in or upon premises when he or she is not  
9 licensed or privileged to do so. A person who, regardless  
10 of his or her purpose, enters or remains in or upon premises  
11 which are at the time open to the public does so with  
12 license and privilege unless he or she defies a lawful order  
13 not to enter or remain, personally communicated to him or  
14 her by the owner of such premises or by other authorized  
15 person. A license or privilege to enter or remain in a  
16 building which is only partly open to the public is not a  
17 license or privilege to enter or remain in that part of the  
18 building which is not open to the public;

19           (3) "Nuclear power plant", a power generating facility  
20 that produces electricity by means of a nuclear reactor  
21 owned by a utility or a consortium utility. Nuclear power  
22 plant shall be limited to property within the structure or  
23 fenced yard, as defined in section 563.011;

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

28 (5) "Teller machine", an automated teller machine  
29 (ATM) or interactive teller machine (ITM) is a remote  
30 computer terminal owned or controlled by a financial  
31 institution or a private business that allows individuals to  
32 obtain financial services including obtaining cash,  
33 transferring or transmitting money or digital currencies,  
34 payment of bills, loading money or digital currency to a  
35 payment card or other device without physical in-person  
36 assistance from another person. "Teller machine" does not  
37 include personally owned electronic devices used to access  
38 financial services;

39 ~~[(5)]~~ (6) "Utility", an enterprise which provides gas,  
40 electric, steam, water, sewage disposal, or communication,  
41 video, internet, or voice over internet protocol services,  
42 and any common carrier. It may be either publicly or  
43 privately owned or operated.

569.100. 1. A person commits the offense of property  
2 damage in the first degree if such person:

3 (1) Knowingly damages property of another to an extent  
4 exceeding seven hundred fifty dollars; or

5 (2) Damages property to an extent exceeding seven  
6 hundred fifty dollars for the purpose of defrauding an  
7 insurer; [or]

8 (3) Knowingly damages a motor vehicle of another and  
9 the damage occurs while such person is making entry into the  
10 motor vehicle for the purpose of committing the crime of  
11 stealing therein or the damage occurs while such person is  
12 committing the crime of stealing within the motor vehicle; or

13           (4) Knowingly damages, modifies, or destroys a teller  
14 machine or otherwise makes it inoperable.

15           2. The offense of property damage in the first degree  
16 committed under subdivision (1) or (2) of subsection 1 of  
17 this section is a class E felony, unless the offense of  
18 property damage in the first degree was committed under  
19 subdivision (1) of subsection 1 of this section and the  
20 victim was intentionally targeted as a law enforcement  
21 officer, as defined in section 556.061, or the victim is  
22 targeted because he or she is a relative within the second  
23 degree of consanguinity or affinity to a law enforcement  
24 officer, in which case it is a class D felony. The offense  
25 of property damage in the first degree committed under  
26 subdivision (3) of subsection 1 of this section is a class D  
27 felony unless committed as a second or subsequent violation  
28 of subdivision (3) of subsection 1 of this section in which  
29 case it is a class B felony. The offense of property damage  
30 in the first degree committed under subdivision (4) of  
31 subsection 1 of this section is a class D felony unless  
32 committed for the purpose of executing any scheme or  
33 artifice to defraud or obtain any property, the value of  
34 which exceeds seven hundred fifty dollars or the damage to  
35 the teller machine exceeds seven hundred fifty dollars in  
36 which case it is a class C felony; or unless committed to  
37 obtain the personal financial credentials of another person  
38 or committed as a second or subsequent violation of  
39 subdivision (4) of subsection 1 of this section in which  
40 case it is a class B felony.

          570.010. As used in this chapter, the following terms  
2 mean:

3           (1) "Adulterated", varying from the standard of  
4 composition or quality prescribed by statute or lawfully

5 promulgated administrative regulations of this state  
6 lawfully filed, or if none, as set by commercial usage;

7 (2) "Appropriate", to take, obtain, use, transfer,  
8 conceal, retain or dispose;

9 (3) "Check", a check or other similar sight order or  
10 any other form of presentment involving the transmission of  
11 account information for the payment of money;

12 (4) "Coercion", a threat, however communicated:

13 (a) To commit any offense; or  
14 (b) To inflict physical injury in the future on the  
15 person threatened or another; or  
16 (c) To accuse any person of any offense; or  
17 (d) To expose any person to hatred, contempt or  
18 ridicule; or  
19 (e) To harm the credit or business reputation of any  
20 person; or  
21 (f) To take or withhold action as a public servant, or  
22 to cause a public servant to take or withhold action; or  
23 (g) To inflict any other harm which would not benefit  
24 the actor. A threat of accusation, lawsuit or other  
25 invocation of official action is justified and not coercion  
26 if the property sought to be obtained by virtue of such  
27 threat was honestly claimed as restitution or  
28 indemnification for harm done in the circumstances to which  
29 the accusation, exposure, lawsuit or other official action  
30 relates, or as compensation for property or lawful service.  
31 The defendant shall have the burden of injecting the issue  
32 of justification as to any threat;

33 (5) "Credit device", a writing, card, code, number or  
34 other device purporting to evidence an undertaking to pay  
35 for property or services delivered or rendered to or upon  
36 the order of a designated person or bearer;

37           (6) "Dealer", a person in the business of buying and  
38 selling goods;

39           (7) "Debit device", a writing, card, code, number or  
40 other device, other than a check, draft or similar paper  
41 instrument, by the use of which a person may initiate an  
42 electronic fund transfer, including but not limited to  
43 devices that enable electronic transfers of benefits to  
44 public assistance recipients;

45           (8) "Deceit or deceive", making a representation which  
46 is false and which the actor does not believe to be true and  
47 upon which the victim relies, as to a matter of fact, law,  
48 value, intention or other state of mind, or concealing a  
49 material fact as to the terms of a contract or agreement.  
50 The term "deceit" does not, however, include falsity as to  
51 matters having no pecuniary significance, or puffing by  
52 statements unlikely to deceive ordinary persons in the group  
53 addressed. Deception as to the actor's intention to perform  
54 a promise shall not be inferred from the fact alone that he  
55 did not subsequently perform the promise;

56           (9) "Deprive":

57           (a) To withhold property from the owner permanently; or

58           (b) To restore property only upon payment of reward or  
59 other compensation; or

60           (c) To use or dispose of property in a manner that  
61 makes recovery of the property by the owner unlikely;

62           (10) "Electronic benefits card" or "EBT card", a debit  
63 card used to access food stamps or cash benefits issued by  
64 the department of social services;

65           (11) "Financial institution", a bank, trust company,  
66 savings and loan association, or credit union;

67           (12) "Food stamps", the nutrition assistance program  
68 in Missouri that provides food and aid to low-income  
69 individuals who are in need of benefits to purchase food

70 operated by the United States Department of Agriculture  
71 (USDA) in conjunction with the department of social services;

72 (13) "Forcibly steals", a person, in the course of  
73 stealing, uses or threatens the immediate use of physical  
74 force upon another person for the purpose of:

75 (a) Preventing or overcoming resistance to the taking  
76 of the property or to the retention thereof immediately  
77 after the taking; or

78 (b) Compelling the owner of such property or another  
79 person to deliver up the property or to engage in other  
80 conduct which aids in the commission of the theft;

81 (14) "Internet service", an interactive computer  
82 service or system or an information service, system, or  
83 access software provider that provides or enables computer  
84 access by multiple users to a computer server, and includes,  
85 but is not limited to, an information service, system, or  
86 access software provider that provides access to a network  
87 system commonly known as the internet, or any comparable  
88 system or service and also includes, but is not limited to,  
89 a world wide web page, newsgroup, message board, mailing  
90 list, or chat area on any interactive computer service or  
91 system or other online service;

92 (15) "Means of identification", anything used by a  
93 person as a means to uniquely distinguish himself or herself;

94 (16) "Merchant", a person who deals in goods of the  
95 kind or otherwise by his or her occupation holds oneself out  
96 as having knowledge or skill peculiar to the practices or  
97 goods involved in the transaction or to whom such knowledge  
98 or skill may be attributed by his or her employment of an  
99 agent or broker or other intermediary who by his or her  
100 occupation holds oneself out as having such knowledge or  
101 skill;

102           (17) "Mislabeled", varying from the standard of truth  
103 or disclosure in labeling prescribed by statute or lawfully  
104 promulgated administrative regulations of this state  
105 lawfully filed, or if none, as set by commercial usage; or  
106 represented as being another person's product, though  
107 otherwise accurately labeled as to quality and quantity;

108           (18) "Pharmacy", any building, warehouse, physician's  
109 office, hospital, pharmaceutical house or other structure  
110 used in whole or in part for the sale, storage, or  
111 dispensing of any controlled substance as defined in chapter  
112 195;

113           (19) "Property", anything of value, whether real or  
114 personal, tangible or intangible, in possession or in  
115 action, and shall include but not be limited to the evidence  
116 of a debt actually executed but not delivered or issued as a  
117 valid instrument;

118           (20) "Public assistance benefits", anything of value,  
119 including money, food, EBT cards, food stamps, commodities,  
120 clothing, utilities, utilities payments, shelter, drugs and  
121 medicine, materials, goods, and any service including  
122 institutional care, medical care, dental care, child care,  
123 psychiatric and psychological service, rehabilitation  
124 instruction, training, transitional assistance, or  
125 counseling, received by or paid on behalf of any person  
126 under chapters 198, 205, 207, 208, 209, and 660, or  
127 benefits, programs, and services provided or administered by  
128 the Missouri department of social services or any of its  
129 divisions;

130           (21) "Services" includes transportation, telephone,  
131 electricity, gas, water, or other public service, cable  
132 television service, video service, voice over internet  
133 protocol service, or internet service, accommodation in

134 hotels, restaurants or elsewhere, admission to exhibitions  
135 and use of vehicles;

136 (22) "Stealing-related offense", federal and state  
137 violations of criminal statutes against stealing, robbery,  
138 or buying or receiving stolen property and shall also  
139 include municipal ordinances against the same if the  
140 offender was either represented by counsel or knowingly  
141 waived counsel in writing and the judge accepting the plea  
142 or making the findings was a licensed attorney at the time  
143 of the court proceedings;

144 (23) "Teller machine", an automated teller machine  
145 (ATM) or interactive teller machine (ITM) is a remote  
146 computer terminal owned or controlled by a financial  
147 institution or a private business that allows individuals to  
148 obtain financial services including obtaining cash,  
149 transferring or transmitting money or digital currencies,  
150 payment of bills, loading money or digital currency to a  
151 payment card or other device without physical in-person  
152 assistance from another person. "Teller machine" does not  
153 include personally owned electronic devices used to access  
154 financial services;

155 ~~[(23)]~~ (24) "Video service", the provision of video  
156 programming provided through wireline facilities located at  
157 least in part in the public right-of-way without regard to  
158 delivery technology, including internet protocol technology  
159 whether provided as part of a tier, on demand, or a per-  
160 channel basis. This definition includes cable service as  
161 defined by 47 U.S.C. Section 522(6), but does not include  
162 any video programming provided by a commercial mobile  
163 service provider as "commercial mobile service" is defined  
164 in 47 U.S.C. Section 332(d), or any video programming  
165 provided solely as part of and via a service that enables  
166 users to access content, information, electronic mail, or

167 other services offered over the public internet, and  
168 includes microwave television transmission, from a  
169 multipoint distribution service not capable of reception by  
170 conventional television receivers without the use of special  
171 equipment;

172        [(24)] (25) "Voice over internet protocol service", a  
173 service that:

174            (a) Enables real-time, two-way voice communication;

175            (b) Requires a broadband connection from the user's  
176 location;

177            (c) Requires internet protocol-compatible customer  
178 premises equipment; and

179            (d) Permits users generally to receive calls that  
180 originate on the public switched telephone network and to  
181 terminate calls to the public switched telephone network;

182        [(25)] (26) "Writing" includes printing, any other  
183 method of recording information, money, coins, negotiable  
184 instruments, tokens, stamps, seals, credit cards, badges,  
185 trademarks and any other symbols of value, right, privilege  
186 or identification.

570.030. 1. A person commits the offense of stealing  
2 if he or she:

3            (1) Appropriates property or services of another with  
4 the purpose to deprive him or her thereof, either without  
5 his or her consent or by means of deceit or coercion;

6            (2) Attempts to appropriate anhydrous ammonia or  
7 liquid nitrogen of another with the purpose to deprive him  
8 or her thereof, either without his or her consent or by  
9 means of deceit or coercion; or

10            (3) For the purpose of depriving the owner of a lawful  
11 interest therein, receives, retains or disposes of property  
12 of another knowing that it has been stolen, or believing  
13 that it has been stolen.

14           2. The offense of stealing is a class A felony if the  
15 property appropriated consists of any of the following  
16 containing any amount of anhydrous ammonia: a tank truck,  
17 tank trailer, rail tank car, bulk storage tank, field nurse,  
18 field tank or field applicator.

19           3. The offense of stealing is a class B felony if:

20           (1) The property appropriated or attempted to be  
21 appropriated consists of any amount of anhydrous ammonia or  
22 liquid nitrogen;

23           (2) The property consists of any animal considered  
24 livestock as the term livestock is defined in section  
25 144.010, or any captive wildlife held under permit issued by  
26 the conservation commission, and the value of the animal or  
27 animals appropriated exceeds three thousand dollars and that  
28 person has previously been found guilty of appropriating any  
29 animal considered livestock or captive wildlife held under  
30 permit issued by the conservation commission.

31 Notwithstanding any provision of law to the contrary, such  
32 person shall serve a minimum prison term of not less than  
33 eighty percent of his or her sentence before he or she is  
34 eligible for probation, parole, conditional release, or  
35 other early release by the department of corrections;

36           (3) A person appropriates property consisting of a  
37 motor vehicle, watercraft, or aircraft, and that person has  
38 previously been found guilty of two stealing-related  
39 offenses committed on two separate occasions where such  
40 offenses occurred within ten years of the date of occurrence  
41 of the present offense;

42           (4) The property appropriated or attempted to be  
43 appropriated consists of any animal considered livestock as  
44 the term is defined in section 144.010 if the value of the  
45 livestock exceeds ten thousand dollars; or

46           (5) The property appropriated or attempted to be  
47 appropriated is owned by or in the custody of a financial  
48 institution and the property is taken or attempted to be  
49 taken physically from an individual person to deprive the  
50 owner or custodian of the property.

51           4. The offense of stealing is a class C felony if the  
52 value of the property or services appropriated is twenty-  
53 five thousand dollars or more or the property is a teller  
54 machine or the contents of a teller machine including cash  
55 regardless of the value or amount.

56           5. The offense of stealing is a class D felony if:

57           (1) The value of the property or services appropriated  
58 is seven hundred fifty dollars or more;

59           (2) The offender physically takes the property  
60 appropriated from the person of the victim; or

61           (3) The property appropriated consists of:

62           (a) Any motor vehicle, watercraft or aircraft;

63           (b) Any will or unrecorded deed affecting real  
64 property;

65           (c) Any credit device, debit device or letter of  
66 credit;

67           (d) Any firearms;

68           (e) Any explosive weapon as defined in section 571.010;

69           (f) Any United States national flag designed, intended  
70 and used for display on buildings or stationary flagstaffs  
71 in the open;

72           (g) Any original copy of an act, bill or resolution,  
73 introduced or acted upon by the legislature of the state of  
74 Missouri;

75           (h) Any pleading, notice, judgment or any other record  
76 or entry of any court of this state, any other state or of  
77 the United States;

78 (i) Any book of registration or list of voters  
79 required by chapter 115;

80 (j) Any animal considered livestock as that term is  
81 defined in section 144.010;

82 (k) Any live fish raised for commercial sale with a  
83 value of seventy-five dollars or more;

84 (l) Any captive wildlife held under permit issued by  
85 the conservation commission;

86 (m) Any controlled substance as defined by section  
87 195.010;

88 (n) Ammonium nitrate;

89 (o) Any wire, electrical transformer, or metallic wire  
90 associated with transmitting telecommunications, video,  
91 internet, or voice over internet protocol service, or any  
92 other device or pipe that is associated with conducting  
93 electricity or transporting natural gas or other combustible  
94 fuels; or

95 (p) Any material appropriated with the intent to use  
96 such material to manufacture, compound, produce, prepare,  
97 test or analyze amphetamine or methamphetamine or any of  
98 their analogues.

99 6. The offense of stealing is a class E felony if:

100 (1) The property appropriated is an animal;

101 (2) The property is a catalytic converter; [or]

102 (3) A person has previously been found guilty of three  
103 stealing-related offenses committed on three separate  
104 occasions where such offenses occurred within ten years of  
105 the date of occurrence of the present offense; or

106 (4) The property appropriated is a letter, postal  
107 card, package, bag, or other sealed article that was  
108 delivered by common carrier or delivery service and not yet  
109 received by the addressee or that had been left to be

110 collected for shipment by a common carrier or delivery  
111 service.

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

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

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

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

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

571.015. 1. Any person who commits any felony under  
2 the laws of this state by, with, or through the use,  
3 assistance, or aid of a dangerous instrument or deadly  
4 weapon is also guilty of the offense of armed criminal  
5 action, the offense of armed criminal action shall be an  
6 unclassified felony, and, upon conviction, shall be punished  
7 by imprisonment by the department of corrections for a term  
8 of not less than three years [and not to exceed fifteen  
9 years], unless the person is unlawfully possessing a

10 firearm, in which case the term of imprisonment shall be for  
11 a term of not less than five years. The punishment imposed  
12 pursuant to this subsection shall be in addition to and  
13 consecutive to any punishment provided by law for the crime  
14 committed by, with, or through the use, assistance, or aid  
15 of a dangerous instrument or deadly weapon. No person  
16 convicted under this subsection shall be eligible for  
17 parole, probation, conditional release, or suspended  
18 imposition or execution of sentence [for a period of three  
19 calendar years].

20 2. Any person convicted of a second offense of armed  
21 criminal action under subsection 1 of this section shall be  
22 punished by imprisonment by the department of corrections  
23 for a term of not less than five years [and not to exceed  
24 thirty years], unless the person is unlawfully possessing a  
25 firearm, in which case the term of imprisonment shall be for  
26 a term not less than fifteen years. The punishment imposed  
27 pursuant to this subsection shall be in addition to and  
28 consecutive to any punishment provided by law for the crime  
29 committed by, with, or through the use, assistance, or aid  
30 of a dangerous instrument or deadly weapon. No person  
31 convicted under this subsection shall be eligible for  
32 parole, probation, conditional release, or suspended  
33 imposition or execution of sentence [for a period of five  
34 calendar years].

35 3. Any person convicted of a third or subsequent  
36 offense of armed criminal action under subsection 1 of this  
37 section shall be punished by imprisonment by the department  
38 of corrections for a term of not less than ten years, unless  
39 the person is unlawfully possessing a firearm, in which case  
40 the term of imprisonment shall be no less than fifteen  
41 years. The punishment imposed pursuant to this subsection  
42 shall be in addition to and consecutive to any punishment

43 provided by law for the crime committed by, with, or through  
44 the use, assistance, or aid of a dangerous instrument or  
45 deadly weapon. No person convicted under this subsection  
46 shall be eligible for parole, probation, conditional  
47 release, or suspended imposition or execution of sentence  
48 [for a period of ten calendar years].

571.070. 1. A person commits the offense of unlawful  
2 possession of a firearm if such person knowingly has any  
3 firearm in his or her possession and:

4 (1) Such person has been convicted of a felony under  
5 the laws of this state, or of a crime under the laws of any  
6 state or of the United States which, if committed within  
7 this state, would be a felony; or

8 (2) Such person is a fugitive from justice, is  
9 habitually in an intoxicated or drugged condition, or is  
10 currently adjudged mentally incompetent.

11 2. Unlawful possession of a firearm is a class [D] C  
12 felony, unless a person has been convicted of a dangerous  
13 felony as defined in section 556.061 or the person has a  
14 prior conviction for unlawful possession of a firearm, in  
15 which case it is a class [C] B felony.

16 3. The provisions of subdivision (1) of subsection 1  
17 of this section shall not apply to the possession of an  
18 antique firearm.

575.010. The following definitions shall apply to this  
2 chapter and chapter 576:

3 (1) "Affidavit" means any written statement which is  
4 authorized or required by law to be made under oath, and  
5 which is sworn to before a person authorized to administer  
6 oaths;

7 (2) "Government" means any branch or agency of the  
8 government of this state or of any political subdivision  
9 thereof;

10           (3) "Highway" means any public road or thoroughfare  
11 for vehicles, including state roads, county roads and public  
12 streets, avenues, boulevards, parkways or alleys in any  
13 municipality;

14           (4) "Judicial proceeding" means any official  
15 proceeding in court, or any proceeding authorized by or held  
16 under the supervision of a court;

17           (5) "Juror" means a grand or petit juror, including a  
18 person who has been drawn or summoned to attend as a  
19 prospective juror;

20           (6) "Jury" means a grand or petit jury, including any  
21 panel which has been drawn or summoned to attend as  
22 prospective jurors;

23           (7) "Law enforcement animal" means a dog, horse, or  
24 other animal used in law enforcement or a correctional  
25 facility, or by a municipal police department, fire  
26 department, search and rescue unit or agency, whether the  
27 animal is on duty or not on duty. The term shall include,  
28 but not be limited to, accelerant detection dogs, bomb  
29 detection dogs, narcotic detection dogs, search and rescue  
30 dogs, and tracking animals;

31           (8) "Official proceeding" means any cause, matter, or  
32 proceeding where the laws of this state require that  
33 evidence considered therein be under oath or affirmation;

34           [(8) "Police animal" means a dog, horse or other  
35 animal used in law enforcement or a correctional facility,  
36 or by a municipal police department, fire department, search  
37 and rescue unit or agency, whether the animal is on duty or  
38 not on duty. The term shall include, but not be limited to,  
39 accelerant detection dogs, bomb detection dogs, narcotic  
40 detection dogs, search and rescue dogs and tracking animals;]

41           (9) "Public record" means any document which a public  
42 servant is required by law to keep;

43 (10) "Testimony" means any oral statement under oath  
44 or affirmation;

45 (11) "Victim" means any natural person against whom  
46 any crime is deemed to have been perpetrated or attempted;

47 (12) "Witness" means any natural person:

48 (a) Having knowledge of the existence or nonexistence  
49 of facts relating to any crime; or

50 (b) Whose declaration under oath is received as  
51 evidence for any purpose; or

52 (c) Who has reported any crime to any peace officer or  
53 prosecutor; or

54 (d) Who has been served with a subpoena issued under  
55 the authority of any court of this state.

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

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

8 (1) The person escaping or attempting to escape is  
9 under arrest for a felony, in which case it is a class E  
10 felony; or

11 (2) The offense is committed by means of a deadly  
12 weapon or dangerous instrument or by holding any person as  
13 hostage, in which case it is a class A felony.

575.353. 1. This section shall be known and may be  
2 cited as "Max's Law".

3 2. A person commits the offense of assault on a  
4 [police] law enforcement animal if he or she knowingly  
5 attempts to kill or disable or knowingly causes or attempts  
6 to cause serious physical injury to a [police] law  
7 enforcement animal when that animal is involved in law

8 enforcement investigation, apprehension, tracking, or  
9 search, or the animal is in the custody of or under the  
10 control of a law enforcement officer, department of  
11 corrections officer, municipal police department, fire  
12 department or a rescue unit or agency.

13 [2.] 3. The offense of assault on a [police] law  
14 enforcement animal is a [class C misdemeanor, unless]:

15 (1) Class A misdemeanor, if the law enforcement animal  
16 is not injured to the point of requiring veterinary care or  
17 treatment;

18 (2) Class E felony if the law enforcement animal is  
19 seriously injured to the point of requiring veterinary care  
20 or treatment; and

21 (3) Class D felony if the assault results in the death  
22 of such animal [or disables such animal to the extent it is  
23 unable to be utilized as a police animal, in which case it  
24 is a class E felony].

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

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

5 (2) Bona fide scientific experiments;

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

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

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

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

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

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

22 (9) The killing of an animal by any person at any time  
23 if such animal is outside of the owned or rented property of  
24 the owner or custodian of such animal and the animal is  
25 injuring any person or farm animal, but this exemption shall  
26 not include [police or guard dogs] the killing or injuring  
27 of a law enforcement animal while working;

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

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

578.022. Any dog that is owned, or the service of  
2 which is employed, by a law enforcement agency and that  
3 bites or injures another animal or human in the course of  
4 their official duties is exempt from the provisions of  
5 sections 273.033 [and], 273.036 [and section], 578.012, and  
6 578.024.

595.201. 1. This section shall be known and may be  
2 cited as the "Sexual Assault Survivors' Bill of Rights".  
3 These rights shall be in addition to other rights as  
4 designated by law and no person shall discourage a person  
5 from exercising these rights. For the purposes of this  
6 section, "sexual assault survivor" means any person who is  
7 fourteen years of age or older and who may be a victim of a  
8 sexual offense who presents themselves to an appropriate  
9 medical provider, law enforcement officer, prosecuting  
10 attorney, or court.

11 2. [The rights provided to survivors in this section  
12 attach whenever a survivor is subject to a forensic  
13 examination, as provided in section 595.220; and whenever a

14 survivor is subject to an interview by a law enforcement  
15 official, prosecuting attorney, or defense attorney.] A  
16 sexual assault survivor retains all the rights of this  
17 section [at all times] regardless of whether [the survivor  
18 agrees to participate in the criminal justice system or in  
19 family court; and regardless of whether the survivor  
20 consents to a forensic examination to collect sexual assault  
21 forensic evidence. The following rights shall be afforded  
22 to sexual assault survivors] a criminal investigation or  
23 prosecution results or if the survivor has previously waived  
24 any of these rights. A sexual assault survivor has the  
25 right to:

26 (1) [A survivor has the right to] Consult with an  
27 employee or volunteer of a rape crisis center [during any  
28 forensic examination that is subject to confidentiality  
29 requirements pursuant to section 455.003, as well as the  
30 right to have a support person of the survivor's choosing  
31 present, subject to federal regulations as provided in 42  
32 CFR 482; and during any interview by a law enforcement  
33 official, prosecuting attorney, or defense attorney. A  
34 survivor retains this right even if the survivor has waived  
35 the right in a previous examination or interview;

36 (2) Reasonable costs incurred by a medical provider  
37 for the forensic examination portion of the examination of a  
38 survivor shall be paid by the department of public safety,  
39 out of appropriations made for that purpose, as provided  
40 under section 595.220. Evidentiary collection kits shall be  
41 developed and made available, subject to appropriations, to  
42 appropriate medical providers by the highway patrol or its  
43 designees and eligible crime laboratories. All appropriate  
44 medical provider charges for eligible forensic examinations  
45 shall be billed to and paid by the department of public  
46 safety;

47           (3) Before a medical provider commences a forensic  
48 examination of a survivor, the medical provider shall  
49 provide the survivor with a document to be developed by the  
50 department of public safety that explains the rights of  
51 survivors, pursuant to this section, in clear language that  
52 is comprehensible to a person proficient in English at the  
53 fifth-grade level, accessible to persons with visual  
54 disabilities, and available in all major languages of the  
55 state. This document shall include, but is not limited to:

56           (a) The survivor's rights pursuant to this section and  
57 other rules and regulations by the department of public  
58 safety and the department of health and senior services,  
59 which shall be signed by the survivor of sexual assault to  
60 confirm receipt;

61           (b) The survivor's right to consult with an employee  
62 or volunteer of a rape crisis center, to be summoned by the  
63 medical provider before the commencement of the forensic  
64 examination, unless no employee or volunteer of a rape  
65 crisis center can be summoned in a reasonably timely manner,  
66 and to have present at least one support person of the  
67 victim's choosing;

68           (c) If an employee or volunteer of a rape crisis  
69 center or a support person cannot be summoned in a timely  
70 manner, the ramifications of delaying the forensic  
71 examination; and

72           (d) After the forensic examination, the survivor's  
73 right to shower at no cost, unless showering facilities are  
74 not reasonably available;

75           (4) Before commencing an interview of a survivor, a  
76 law enforcement officer, prosecuting attorney, or defense  
77 attorney shall inform the survivor of the following:

78           (a) The survivor's rights pursuant to this section and  
79 other rules and regulations by the department of public

80 safety and the department of health and senior services,  
81 which shall be signed by the survivor of sexual assault to  
82 confirm receipt;

83 (b) The survivor's right to consult with an employee  
84 or volunteer of a rape crisis center during any interview by  
85 a law enforcement official, prosecuting attorney, or defense  
86 attorney, to be summoned by the interviewer before the  
87 commencement of the interview, unless no employee or  
88 volunteer of a rape crisis center can be summoned in a  
89 reasonably timely manner;

90 (c) The survivor's right to have a support person of  
91 the survivor's choosing present during any interview by a  
92 law enforcement officer, prosecuting attorney, or defense  
93 attorney, unless the law enforcement officer, prosecuting  
94 attorney, or defense attorney determines in his or her good  
95 faith professional judgment that the presence of that  
96 individual would be detrimental to the purpose of the  
97 interview; and

98 (d) For interviews by a law enforcement officer, the  
99 survivor's right to be interviewed by a law enforcement  
100 official of the gender of the survivor's choosing. If no  
101 law enforcement official of that gender is reasonably  
102 available, the survivor shall be interviewed by an available  
103 law enforcement official only upon the survivor's consent;

104 (5) The right to counsel during an interview by a law  
105 enforcement officer or during any interaction with the legal  
106 or criminal justice systems within the state;

107 (6) A law enforcement official, prosecuting attorney,  
108 or defense attorney shall not, for any reason, discourage a  
109 survivor from receiving a forensic examination;

110 (7) A survivor has the right to prompt analysis of  
111 sexual assault forensic evidence, as provided under section  
112 595.220;

113 (8) A survivor has the right to be informed, upon the  
114 survivor's request, of the results of the analysis of the  
115 survivor's sexual assault forensic evidence, whether the  
116 analysis yielded a DNA profile, and whether the analysis  
117 yielded a DNA match, either to the named perpetrator or to a  
118 suspect already in CODIS. The survivor has the right to  
119 receive this information through a secure and confidential  
120 message in writing from the crime laboratory so that the  
121 survivor can call regarding the results;

122 (9) A defendant or person accused or convicted of a  
123 crime against a survivor shall have no standing to object to  
124 any failure to comply with this section, and the failure to  
125 provide a right or notice to a survivor under this section  
126 may not be used by a defendant to seek to have the  
127 conviction or sentence set aside;

128 (10) The failure of a law enforcement agency to take  
129 possession of any sexual assault forensic evidence or to  
130 submit that evidence for analysis within the time prescribed  
131 under section 595.220 does not alter the authority of a law  
132 enforcement agency to take possession of that evidence or to  
133 submit that evidence to the crime laboratory, and does not  
134 alter the authority of the crime laboratory to accept and  
135 analyze the evidence or to upload the DNA profile obtained  
136 from that evidence into CODIS. The failure to comply with  
137 the requirements of this section does not constitute grounds  
138 in any criminal or civil proceeding for challenging the  
139 validity of a database match or of any database information,  
140 and any evidence of that DNA record shall not be excluded by  
141 a court on those grounds;

142 (11) No sexual assault forensic evidence shall be used  
143 to prosecute a survivor for any misdemeanor crimes or any  
144 misdemeanor crime pursuant to sections 579.015 to 579.185;  
145 or as a basis to search for further evidence of any

146 unrelated misdemeanor crimes or any misdemeanor crime  
147 pursuant to sections 579.015 to 579.185, that shall have  
148 been committed by the survivor, except that sexual assault  
149 forensic evidence shall be admissible as evidence in any  
150 criminal or civil proceeding against the defendant or person  
151 accused;

152 (12) Upon initial interaction with a survivor, a law  
153 enforcement officer shall provide the survivor with a  
154 document to be developed by the department of public safety  
155 that explains the rights of survivors, pursuant to this  
156 section, in clear language that is comprehensible to a  
157 person proficient in English at the fifth-grade level,  
158 accessible to persons with visual disabilities, and  
159 available in all major languages of the state. This  
160 document shall include, but is not limited to:

161 (a) A clear statement that a survivor is not required  
162 to participate in the criminal justice system or to receive  
163 a forensic examination in order to retain the rights  
164 provided by this section and other relevant law;

165 (b) Telephone and internet means of contacting nearby  
166 rape crisis centers and employees or volunteers of a rape  
167 crisis center;

168 (c) Forms of law enforcement protection available to  
169 the survivor, including temporary protection orders, and  
170 the process to obtain such protection;

171 (d) Instructions for requesting the results of the  
172 analysis of the survivor's sexual assault forensic  
173 evidence; and

174 (e) State and federal compensation funds for medical  
175 and other costs associated with the sexual assault and any  
176 municipal, state, or federal right to restitution for  
177 survivors in the event of a criminal trial;

178           (13) A law enforcement official shall, upon written  
179 request by a survivor, furnish within fourteen days of  
180 receiving such request a free, complete, and unaltered copy  
181 of all law enforcement reports concerning the sexual  
182 assault, regardless of whether the report has been closed by  
183 the law enforcement agency;

184           (14) A prosecuting attorney shall, upon written  
185 request by a survivor, provide:

186           (a) Timely notice of any pretrial disposition of the  
187 case;

188           (b) Timely notice of the final disposition of the  
189 case, including the conviction, sentence, and place and time  
190 of incarceration;

191           (c) Timely notice of a convicted defendant's location,  
192 including whenever the defendant receives a temporary,  
193 provisional, or final release from custody, escapes from  
194 custody, is moved from a secure facility to a less secure  
195 facility, or reenters custody; and

196           (d) A convicted defendant's information on a sex  
197 offender registry, if any;

198           (15) In either a civil or criminal case relating to  
199 the sexual assault, a survivor has the right to be  
200 reasonably protected from the defendant and persons acting  
201 on behalf of the defendant, as provided under section  
202 595.209 and Article I, Section 32 of the Missouri  
203 Constitution;

204           (16) A survivor has the right to be free from  
205 intimidation, harassment, and abuse, as provided under  
206 section 595.209 and Article I, Section 32 of the Missouri  
207 Constitution;

208           (17) A survivor shall not be required to submit to a  
209 polygraph examination as a prerequisite to filing an

210 accusatory pleading, as provided under 595.223, or to  
211 participating in any part of the criminal justice system;

212 (18) A survivor has the right to be heard through a  
213 survivor impact statement at any proceeding involving a post  
214 arrest release decision, plea, sentencing, post conviction  
215 release decision, or any other proceeding where a right of  
216 the survivor is at issue, as provided under section 595.229  
217 and Article I, Section 32 of the Missouri Constitution.

218 3. For purposes of this section, the following terms  
219 mean:

220 (1) "CODIS", the Federal Bureau of Investigation's  
221 Combined DNA Index System that allows the storage and  
222 exchange of DNA records submitted by federal, state, and  
223 local DNA crime laboratories. The term "CODIS" includes the  
224 National DNA Index System administered and operated by the  
225 Federal Bureau of Investigation;

226 (2) "Crime", an act committed in this state which,  
227 regardless of whether it is adjudicated, involves the  
228 application of force or violence or the threat of force or  
229 violence by the offender upon the victim and shall include  
230 the crime of driving while intoxicated, vehicular  
231 manslaughter and hit and run; and provided, further, that no  
232 act involving the operation of a motor vehicle, except  
233 driving while intoxicated, vehicular manslaughter and hit  
234 and run, which results in injury to another shall constitute  
235 a crime for the purpose of this section, unless such injury  
236 was intentionally inflicted through the use of a motor  
237 vehicle. A crime shall also include an act of terrorism, as  
238 defined in 18 U.S.C. Section 2331, which has been committed  
239 outside of the United States against a resident of Missouri;

240 (3) "Crime laboratory", a laboratory operated or  
241 supported financially by the state, or any unit of city,  
242 county, or other local Missouri government that employs at

243 least one scientist who examines physical evidence in  
244 criminal matters and provides expert or opinion testimony  
245 with respect to such physical evidence in a state court of  
246 law;

247 (4) "Disposition", the sentencing or determination of  
248 a penalty or punishment to be imposed upon a person  
249 convicted of a crime or found delinquent or against who a  
250 finding of sufficient facts for conviction or finding of  
251 delinquency is made;

252 (5) "Law enforcement official", a sheriff and his  
253 regular deputies, municipal police officer, or member of the  
254 Missouri state highway patrol and such other persons as may  
255 be designated by law as peace officers;

256 (6) "Medical provider", any qualified health care  
257 professional, hospital, other emergency medical facility, or  
258 other facility conducting a forensic examination of the  
259 survivor;

260 (7) "Rape crisis center", any public or private agency  
261 that offers assistance to victims of sexual assault, as the  
262 term sexual assault is defined in section 455.010, who are  
263 adults, as defined by section 455.010, or qualified minors,  
264 as defined by section 431.056;

265 (8) "Restitution", money or services which a court  
266 orders a defendant to pay or render to a survivor as part of  
267 the disposition;

268 (9) "Sexual assault survivor", any person who is a  
269 victim of an alleged sexual offense under sections 566.010  
270 to 566.223 and, if the survivor is incompetent, deceased, or  
271 a minor who is unable to consent to counseling services, the  
272 parent, guardian, spouse, or any other lawful representative  
273 of the survivor, unless such person is the alleged assailant;

274 (10) "Sexual assault forensic evidence", any human  
275 biological specimen collected by a medical provider during a

276 forensic medical examination from an alleged survivor, as  
277 provided for in section 595.220, including, but not limited  
278 to, a toxicology kit;

279 (11) "Survivor", a natural person who suffers direct  
280 or threatened physical, emotional, or financial harm as the  
281 result of the commission or attempted commission of a  
282 crime. The term "victim" also includes the family members  
283 of a minor, incompetent or homicide victim.] as defined in  
284 section 455.003;

285 (2) A sexual assault forensic examination as provided  
286 in section 595.220, or when a telehealth network is  
287 established, a forensic examination as provided in section  
288 192.2520 and section 197.135;

289 (3) A shower and a change of clothing, as reasonably  
290 available, at no cost to the sexual assault survivor;

291 (4) Request to be examined by an appropriate medical  
292 provider or interviewed by a law enforcement officer of the  
293 gender of the sexual assault survivor's choosing, when there  
294 is an available appropriate medical provider or law  
295 enforcement official of the gender of the sexual assault  
296 survivor's choosing;

297 (5) An interpreter who can communicate in the language  
298 of the sexual assault survivor's choice, as is reasonably  
299 available, in a timely manner;

300 (6) Notification and basic overview of the options of  
301 choosing a reported evidentiary collection kit, unreported  
302 evidentiary collection kit, or anonymous evidentiary  
303 collection kit as defined in section 595.220;

304 (7) Notification about the evidence tracking system as  
305 defined in subsection 9 of section 595.220;

306 (8) Notification about the right to information  
307 pursuant to subsection 4 of section 610.100;

308 (9) Be free from intimidation, harassment, and abuse  
309 in any related criminal or civil proceeding and the right to  
310 reasonable protection from the offender or any person acting  
311 on behalf of the offender from harm and threats of harm  
312 arising out of the survivor's disclosure of the sexual  
313 assault.

314 3. An appropriate medical provider, law enforcement  
315 officer, and prosecuting attorney shall provide the sexual  
316 assault survivor with notification of the rights of  
317 survivors pursuant to subsection 2 of this section in a  
318 timely manner. Each appropriate medical provider, law  
319 enforcement officer, and prosecuting attorney shall ensure  
320 that the sexual assault survivor has been notified of these  
321 rights.

322 4. The department of public safety shall develop a  
323 document in collaboration with Missouri-based stakeholders.  
324 Missouri-based stakeholders shall include, but not be  
325 limited to, the following:

326 (1) Prosecuting attorneys;  
327 (2) Chief law enforcement officers or their designees;  
328 (3) Appropriate medical providers, as defined in  
329 section 595.220;

330 (4) Representatives of the statewide coalition against  
331 domestic and sexual violence;

332 (5) Representatives of rape crisis centers;

333 (6) Representatives of the Missouri Hospital  
334 Association;

335 (7) The director of the Missouri highway patrol crime  
336 lab or their designee; and

337 (8) The director of the department of health and  
338 senior services or their designee.

339 5. The document shall include the following:

340 (1) A description of the rights of the sexual assault  
341 survivor pursuant to this section; and

342 (2) Telephone and internet means for contacting the  
343 local rape crisis center, as defined in 455.003.

344 The department of public safety shall provide this document  
345 in clear language that is comprehensible to a person  
346 proficient in English and shall provide this document in any  
347 other foreign language spoken by at least five percent of  
348 the population in any county or city not within a county in  
349 Missouri.

595.226. 1. After August 28, 2007, any information  
2 contained in any court record, whether written or published  
3 on the internet, including any visual or aural recordings  
4 that could be used to identify or locate any victim of an  
5 offense under chapter 566 or a victim of domestic assault or  
6 stalking shall be closed and redacted from such record prior  
7 to disclosure to the public. Identifying information shall  
8 include, but shall not be limited to, the name, home or  
9 temporary address, personal email address, telephone number,  
10 Social Security number, birth date, place of employment, any  
11 health information, including human immunodeficiency virus  
12 (HIV) status, any information from a forensic testing  
13 report, or physical characteristics, including an  
14 unobstructed visual image of the victim's face or body.

15 2. [If the court determines that a person or entity  
16 who is requesting identifying information of a victim has a  
17 legitimate interest in obtaining such information, the court  
18 may allow access to the information, but only if the court  
19 determines that disclosure to the person or entity would not  
20 compromise the welfare or safety of such victim,] Any person  
21 who is requesting identifying information of a victim and  
22 who has a legitimate interest in obtaining such information  
23 may petition the court for an in camera inspection of the

24 records. If the court determines the person is entitled to  
25 all or any part of such records, the court may order  
26 production and disclosure of the records, but only if the  
27 court determines that the disclosure to the person or entity  
28 would not compromise the welfare or safety of the victim,  
29 and only after providing reasonable notice to the victim and  
30 after allowing the victim the right to respond to such  
31 request.

32 3. Notwithstanding the provisions of subsection 1 of  
33 this section, the judge presiding over a case under chapter  
34 566 or a case of domestic assault or stalking shall have the  
35 discretion to publicly disclose identifying information  
36 regarding the defendant which could be used to identify or  
37 locate the victim of the crime. The victim may provide a  
38 statement to the court regarding whether he or she desires  
39 such information to remain closed. When making the decision  
40 to disclose such information, the judge shall consider the  
41 welfare and safety of the victim and any statement to the  
42 court received from the victim regarding the disclosure.