

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 301

AN ACT

To repeal sections 43.539, 43.540, 57.280, 57.952, 57.961, 57.967, 57.991, 67.145, 70.631, 84.020, 84.030, 84.100, 84.150, 84.160, 84.170, 84.175, 84.240, 84.341, 84.342, 84.343, 84.344, 84.345, 84.346, 84.347, 84.480, 84.510, 105.500, 105.726, 170.310, 190.091, 190.100, 190.103, 190.134, 190.142, 190.147, 190.327, 190.460, 192.2405, 208.1032, 211.031, 211.071, 211.141, 217.035, 217.345, 217.650, 217.670, 217.690, 217.710, 217.720, 217.785, 217.810, 285.040, 287.067, 287.245, 301.3175, 304.820, 320.210, 320.400, 321.225, 321.620, 476.055, 488.435, 488.650, 509.520, 537.037, 544.170, 547.031, 548.241, 552.020, 556.021, 556.061, 558.016, 558.019, 558.031, 565.240, 568.045, 569.010, 569.100, 570.010, 570.030, 571.010, 571.015, 571.020, 571.030, 571.070, 574.010, 574.040, 574.050, 574.060, 574.070, 575.010, 575.095, 575.353, 578.007, 578.022, 579.065, 579.068, 590.040, 590.060, 590.080, 590.192, 590.653, 595.209, 600.042, 600.063, 610.140, 632.305, 650.058, 650.320, 650.330, and 650.340, RSMo, and to enact in lieu thereof one hundred twenty-eight new sections relating to public safety, with penalty provisions and an emergency clause for certain sections.

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

Section A. Sections 43.539, 43.540, 57.280, 57.952,
2 57.961, 57.967, 57.991, 67.145, 70.631, 84.020, 84.030, 84.100,
3 84.150, 84.160, 84.170, 84.175, 84.240, 84.341, 84.342, 84.343,
4 84.344, 84.345, 84.346, 84.347, 84.480, 84.510, 105.500,
5 105.726, 170.310, 190.091, 190.100, 190.103, 190.134, 190.142,
6 190.147, 190.327, 190.460, 192.2405, 208.1032, 211.031,
7 211.071, 211.141, 217.035, 217.345, 217.650, 217.670, 217.690,
8 217.710, 217.720, 217.785, 217.810, 285.040, 287.067, 287.245,
9 301.3175, 304.820, 320.210, 320.400, 321.225, 321.620, 476.055,
10 488.435, 488.650, 509.520, 537.037, 544.170, 547.031, 548.241,
11 552.020, 556.021, 556.061, 558.016, 558.019, 558.031, 565.240,
12 568.045, 569.010, 569.100, 570.010, 570.030, 571.010, 571.015,
13 571.020, 571.030, 571.070, 574.010, 574.040, 574.050, 574.060,
14 574.070, 575.010, 575.095, 575.353, 578.007, 578.022, 579.065,
15 579.068, 590.040, 590.060, 590.080, 590.192, 590.653, 595.209,
16 600.042, 600.063, 610.140, 632.305, 650.058, 650.320, 650.330,
17 and 650.340, RSMo, are repealed and one hundred twenty-eight
18 new sections enacted in lieu thereof, to be known as sections
19 43.253, 43.539, 43.540, 56.601, 57.280, 57.952, 57.961, 57.967,
20 57.991, 67.145, 70.631, 84.012, 84.020, 84.030, 84.100, 84.150,
21 84.160, 84.170, 84.225, 84.325, 84.480, 84.510, 105.500,
22 105.726, 170.310, 190.091, 190.100, 190.103, 190.142, 190.147,
23 190.327, 190.460, 190.1010, 192.2405, 195.817, 208.1032,
24 211.031, 211.071, 211.141, 211.600, 217.035, 217.345, 217.650,
25 217.670, 217.690, 217.710, 217.720, 217.830, 285.040, 287.067,
26 287.245, 301.3175, 304.822, 307.018, 320.210, 320.400, 321.225,
27 321.620, 407.021, 476.055, 476.1300, 476.1302, 476.1304,
28 476.1306, 476.1308, 476.1310, 476.1313, 488.435, 509.520,
29 537.037, 544.170, 544.453, 547.031, 547.500, 548.241, 552.020,
30 556.021, 556.061, 557.520, 558.016, 558.019, 558.031, 565.240,
31 565.258, 568.045, 569.010, 569.100, 570.010, 570.030, 571.010,
32 571.015, 571.020, 571.030, 571.031, 571.070, 574.010, 574.040,
33 574.050, 574.060, 574.070, 575.010, 575.095, 575.353, 578.007,

34 578.022, 579.041, 579.065, 579.068, 579.088, 589.564, 589.565,
35 590.033, 590.040, 590.060, 590.080, 590.192, 590.653, 590.1070,
36 590.1075, 595.209, 600.042, 600.063, 610.140, 632.305, 650.058,
37 650.320, 650.330, and 650.340, to read as follows:

43.253. 1. Notwithstanding any other provision of law
2 to the contrary, a minimum fee of six dollars may be charged
3 by the Missouri state highway patrol for a records request
4 for a Missouri Uniform Crash Report or Marine Accident
5 Investigation Report where there are allowable fees of less
6 than six dollars under this chapter or chapter 610. Such
7 six-dollar fee shall be in place of any allowable fee of
8 less than six dollars.

9 2. The superintendent of the Missouri state highway
10 patrol may increase the minimum fee described in this
11 section by no more than one dollar every other year
12 beginning August 28, 2024; however, the minimum fee
13 described in this section shall not exceed ten dollars.

43.539. 1. As used in this section, the following
2 terms mean:

3 (1) "Applicant", a person who:

4 (a) Is actively employed by or seeks employment with a
5 qualified entity;

6 (b) Is actively licensed or seeks licensure with a
7 qualified entity;

8 (c) Actively volunteers or seeks to volunteer with a
9 qualified entity;

10 (d) Is actively contracted with or seeks to contract
11 with a qualified entity; or

12 (e) Owns or operates a qualified entity;

13 (2) "Care", the provision of care, treatment,
14 education, training, instruction, supervision, or recreation
15 to children, the elderly, or disabled persons;

16 (3) "Missouri criminal record review", a review of
17 criminal history records and sex offender registration
18 records under sections 589.400 to 589.425 maintained by the
19 Missouri state highway patrol in the Missouri criminal
20 records repository;

21 (4) "Missouri Rap Back program", any type of automatic
22 notification made by the Missouri state highway patrol to a
23 qualified entity indicating that an applicant who is
24 employed, licensed, or otherwise under the purview of that
25 entity has been arrested for a reported criminal offense in
26 Missouri as required under section 43.506;

27 (5) "National criminal record review", a review of the
28 criminal history records maintained by the Federal Bureau of
29 Investigation;

30 (6) "National Rap Back program", any type of automatic
31 notification made by the Federal Bureau of Investigation
32 through the Missouri state highway patrol to a qualified
33 entity indicating that an applicant who is employed,
34 licensed, or otherwise under the purview of that entity has
35 been arrested for a reported criminal offense outside the
36 state of Missouri and the fingerprints for that arrest were
37 forwarded to the Federal Bureau of Investigation by the
38 arresting agency;

39 (7) "Patient or resident", a person who by reason of
40 age, illness, disease, or physical or mental infirmity
41 receives or requires care or services furnished by an
42 applicant, as defined in this section, or who resides or
43 boards in, or is otherwise kept, cared for, treated, or
44 accommodated in a facility as defined in section 198.006,
45 for a period exceeding twenty-four consecutive hours;

46 (8) "Qualified entity", a person, business, or
47 organization that provides care, care placement, or
48 educational services for children, the elderly, or persons

49 with disabilities as patients or residents, including a
50 business or organization that licenses or certifies others
51 to provide care or care placement services;

52 (9) "Youth services agency", any agency, school, or
53 association that provides programs, care, or treatment for
54 or exercises supervision over minors.

55 2. The central repository shall have the authority to
56 submit applicant fingerprints to the National Rap Back
57 program to be retained for the purpose of being searched
58 against future submissions to the National Rap Back program,
59 including latent fingerprint searches. Qualified entities
60 may conduct Missouri and national criminal record reviews on
61 applicants and participate in Missouri and National Rap Back
62 programs for the purpose of determining suitability or
63 fitness for a permit, license, or employment, and shall
64 abide by the following requirements:

65 (1) The qualified entity shall register with the
66 Missouri state highway patrol prior to submitting a request
67 for screening under this section. As part of the
68 registration, the qualified entity shall indicate if it
69 chooses to enroll applicants in the Missouri and National
70 Rap Back programs;

71 (2) Qualified entities shall notify applicants subject
72 to a criminal record review under this section that the
73 applicant's fingerprints shall be retained by the state
74 central repository and the Federal Bureau of Investigation
75 and shall be searched against other fingerprints on file,
76 including latent fingerprints;

77 (3) Qualified entities shall notify applicants subject
78 to enrollment in the National Rap Back program that the
79 applicant's fingerprints, while retained, may continue to be
80 compared against other fingerprints submitted or retained by

81 the Federal Bureau of Investigation, including latent
82 fingerprints;

83 (4) The criminal record review and Rap Back process
84 described in this section shall be voluntary and conform to
85 the requirements established in the National Child
86 Protection Act of 1993, as amended, and other applicable
87 state or federal law. As a part of the registration, the
88 qualified entity shall agree to comply with state and
89 federal law and shall indicate so by signing an agreement
90 approved by the Missouri state highway patrol. The Missouri
91 state highway patrol may periodically audit qualified
92 entities to ensure compliance with federal law and this
93 section;

94 (5) A qualified entity shall submit to the Missouri
95 state highway patrol a request for screening on applicants
96 covered under this section using a completed fingerprint
97 card;

98 (6) Each request shall be accompanied by a reasonable
99 fee, as provided in section 43.530, plus the amount
100 required, if any, by the Federal Bureau of Investigation for
101 the national criminal record review and enrollment in the
102 National Rap Back program in compliance with the National
103 Child Protection Act of 1993, as amended, and other
104 applicable state or federal laws;

105 (7) The Missouri state highway patrol shall provide,
106 directly to the qualified entity, the applicant's state
107 criminal history records that are not exempt from disclosure
108 under chapter 610 or otherwise confidential under law;

109 (8) The national criminal history data shall be
110 available to qualified entities to use only for the purpose
111 of screening applicants as described under this section.
112 The Missouri state highway patrol shall provide the

113 applicant's national criminal history record information
114 directly to the qualified entity;

115 (9) The determination whether the criminal history
116 record shows that the applicant has been convicted of or has
117 a pending charge for any crime that bears upon the fitness
118 of the applicant to have responsibility for the safety and
119 well-being of children, the elderly, or disabled persons
120 shall be made solely by the qualified entity. This section
121 shall not require the Missouri state highway patrol to make
122 such a determination on behalf of any qualified entity;

123 (10) The qualified entity shall notify the applicant,
124 in writing, of his or her right to obtain a copy of any
125 criminal record review, including the criminal history
126 records, if any, contained in the report and of the
127 applicant's right to challenge the accuracy and completeness
128 of any information contained in any such report and obtain a
129 determination as to the validity of such challenge before a
130 final determination regarding the applicant is made by the
131 qualified entity reviewing the criminal history
132 information. A qualified entity that is required by law to
133 apply screening criteria, including any right to contest or
134 request an exemption from disqualification, shall apply such
135 screening criteria to the state and national criminal
136 history record information received from the Missouri state
137 highway patrol for those applicants subject to the required
138 screening; and

139 (11) Failure to obtain the information authorized
140 under this section, with respect to an applicant, shall not
141 be used as evidence in any negligence action against a
142 qualified entity. The state, any political subdivision of
143 the state, or any agency, officer, or employee of the state
144 or a political subdivision shall not be liable for damages
145 for providing the information requested under this section.

146 3. The criminal record review shall include the
147 submission of fingerprints to the Missouri state highway
148 patrol, who shall conduct a Missouri criminal record review,
149 including closed record information under section 610.120.
150 The Missouri state highway patrol shall also forward a copy
151 of the applicant's fingerprints to the Federal Bureau of
152 Investigation for a national criminal record review.

153 4. The applicant subject to a criminal record review
154 shall provide the following information to the qualified
155 entity:

156 (1) Consent to obtain the applicant's fingerprints,
157 conduct the criminal record review, and participate in the
158 Missouri and National Rap Back programs;

159 (2) Consent to obtain the identifying information
160 required to conduct the criminal record review, which may
161 include, but not be limited to:

- 162 (a) Name;
- 163 (b) Date of birth;
- 164 (c) Height;
- 165 (d) Weight;
- 166 (e) Eye color;
- 167 (f) Hair color;
- 168 (g) Gender;
- 169 (h) Race;
- 170 (i) Place of birth;
- 171 (j) Social Security number; and
- 172 (k) The applicant's photo.

173 5. Any information received by an authorized state
174 agency or a qualified entity under the provisions of this
175 section shall be used solely for internal purposes in
176 determining the suitability of an applicant. The
177 dissemination of criminal history information from the
178 Federal Bureau of Investigation beyond the authorized state

179 agency or related governmental entity is prohibited. All
180 criminal record check information shall be confidential, and
181 any person who discloses the information beyond the scope
182 allowed is guilty of a class A misdemeanor.

183 6. A qualified entity enrolled in either the Missouri
184 or National Rap Back program shall be notified by the
185 Missouri state highway patrol that a new arrest has been
186 reported on an applicant who is employed, licensed, or
187 otherwise under the purview of the qualified entity. Upon
188 receiving the Rap Back notification, if the qualified entity
189 deems that the applicant is still serving in an active
190 capacity, the entity may request and receive the
191 individual's updated criminal history record. This process
192 shall only occur if:

193 (1) The entity has abided by all procedures and rules
194 promulgated by the Missouri state highway patrol and Federal
195 Bureau of Investigation regarding the Missouri and National
196 Rap Back programs;

197 (2) The individual upon whom the Rap Back notification
198 is being made has previously had a Missouri and national
199 criminal record review completed for the qualified entity
200 under this section [within the previous six years]; and

201 (3) The individual upon whom the Rap Back notification
202 is being made is a current employee, licensee, or otherwise
203 still actively under the purview of the qualified entity.

204 7. The Missouri state highway patrol shall make
205 available or approve the necessary forms, procedures, and
206 agreements necessary to implement the provisions of this
207 section.

43.540. 1. As used in this section, the following
2 terms mean:

3 (1) "Applicant", a person who:

4 (a) Is actively employed by or seeks employment with a
5 qualified entity;

6 (b) Is actively licensed or seeks licensure with a
7 qualified entity;

8 (c) Actively volunteers or seeks to volunteer with a
9 qualified entity; or

10 (d) Is actively contracted with or seeks to contract
11 with a qualified entity;

12 (2) "Missouri criminal record review", a review of
13 criminal history records and sex offender registration
14 records pursuant to sections 589.400 to 589.425 maintained
15 by the Missouri state highway patrol in the Missouri
16 criminal records repository;

17 (3) "Missouri Rap Back program", shall include any
18 type of automatic notification made by the Missouri state
19 highway patrol to a qualified entity indicating that an
20 applicant who is employed, licensed, or otherwise under the
21 purview of that entity has been arrested for a reported
22 criminal offense in Missouri as required under section
23 43.506;

24 (4) "National criminal record review", a review of the
25 criminal history records maintained by the Federal Bureau of
26 Investigation;

27 (5) "National Rap Back program", shall include any
28 type of automatic notification made by the Federal Bureau of
29 Investigation through the Missouri state highway patrol to a
30 qualified entity indicating that an applicant who is
31 employed, licensed, or otherwise under the purview of that
32 entity has been arrested for a reported criminal offense
33 outside the state of Missouri and the fingerprints for that
34 arrest were forwarded to the Federal Bureau of Investigation
35 by the arresting agency;

36 (6) "Qualified entity", an entity that is:

37 (a) An office or division of state, county, or
38 municipal government, including a political subdivision or a
39 board or commission designated by statute or approved local
40 ordinance, to issue or renew a license, permit,
41 certification, or registration of authority;

42 (b) An office or division of state, county, or
43 municipal government, including a political subdivision or a
44 board or commission designated by statute or approved local
45 ordinance, to make fitness determinations on applications
46 for state, county, or municipal government employment; or

47 (c) Any entity that is authorized to obtain criminal
48 history record information under 28 CFR 20.33.

49 2. The central repository shall have the authority to
50 submit applicant fingerprints to the National Rap Back
51 program to be retained for the purpose of being searched
52 against future submissions to the National Rap Back program,
53 including latent fingerprint searches. Qualified entities
54 may conduct Missouri and national criminal record reviews on
55 applicants and participate in Missouri and National Rap Back
56 programs for the purpose of determining suitability or
57 fitness for a permit, license, or employment, and shall
58 abide by the following requirements:

59 (1) The qualified entity shall register with the
60 Missouri state highway patrol prior to submitting a request
61 for screening under this section. As part of such
62 registration, the qualified entity shall indicate if it
63 chooses to enroll their applicants in the Missouri and
64 National Rap Back programs;

65 (2) Qualified entities shall notify applicants subject
66 to a criminal record review under this section that the
67 applicant's fingerprints shall be retained by the state
68 central repository and the Federal Bureau of Investigation

69 and shall be searched against other fingerprints on file,
70 including latent fingerprints;

71 (3) Qualified entities shall notify applicants subject
72 to enrollment in the National Rap Back program that the
73 applicant's fingerprints, while retained, may continue to be
74 compared against other fingerprints submitted or retained by
75 the Federal Bureau of Investigation, including latent
76 fingerprints;

77 (4) The criminal record review and Rap Back process
78 described in this section shall be voluntary and conform to
79 the requirements established in Pub. L. 92-544 and other
80 applicable state or federal law. As a part of the
81 registration, the qualified entity shall agree to comply
82 with state and federal law and shall indicate so by signing
83 an agreement approved by the Missouri state highway patrol.
84 The Missouri state highway patrol may periodically audit
85 qualified entities to ensure compliance with federal law and
86 this section;

87 (5) A qualified entity shall submit to the Missouri
88 state highway patrol a request for screening on applicants
89 covered under this section using a completed fingerprint
90 card;

91 (6) Each request shall be accompanied by a reasonable
92 fee, as provided in section 43.530, plus the amount
93 required, if any, by the Federal Bureau of Investigation for
94 the national criminal record review and enrollment in the
95 National Rap Back program in compliance with applicable
96 state or federal laws;

97 (7) The Missouri state highway patrol shall provide,
98 directly to the qualified entity, the applicant's state
99 criminal history records that are not exempt from disclosure
100 under chapter 610 or are otherwise confidential under law;

101 (8) The national criminal history data shall be
102 available to qualified entities to use only for the purpose
103 of screening applicants as described under this section.
104 The Missouri state highway patrol shall provide the
105 applicant's national criminal history record information
106 directly to the qualified entity;

107 (9) This section shall not require the Missouri state
108 highway patrol to make an eligibility determination on
109 behalf of any qualified entity;

110 (10) The qualified entity shall notify the applicant,
111 in writing, of his or her right to obtain a copy of any
112 criminal record review, including the criminal history
113 records, if any, contained in the report, and of the
114 applicant's right to challenge the accuracy and completeness
115 of any information contained in any such report and to
116 obtain a determination as to the validity of such challenge
117 before a final determination regarding the applicant is made
118 by the qualified entity reviewing the criminal history
119 information. A qualified entity that is required by law to
120 apply screening criteria, including any right to contest or
121 request an exemption from disqualification, shall apply such
122 screening criteria to the state and national criminal
123 history record information received from the Missouri state
124 highway patrol for those applicants subject to the required
125 screening; and

126 (11) Failure to obtain the information authorized
127 under this section with respect to an applicant shall not be
128 used as evidence in any negligence action against a
129 qualified entity. The state, any political subdivision of
130 the state, or any agency, officer, or employee of the state
131 or a political subdivision shall not be liable for damages
132 for providing the information requested under this section.

133 3. The criminal record review shall include the
134 submission of fingerprints to the Missouri state highway
135 patrol, who shall conduct a Missouri criminal record review,
136 including closed record information under section 610.120.
137 The Missouri state highway patrol shall also forward a copy
138 of the applicant's fingerprints to the Federal Bureau of
139 Investigation for a national criminal record review.

140 4. The applicant subject to a criminal record review
141 shall provide the following information to the qualified
142 entity:

143 (1) Consent to obtain the applicant's fingerprints,
144 conduct the criminal record review, and participate in the
145 Missouri and National Rap Back programs;

146 (2) Consent to obtain the identifying information
147 required to conduct the criminal record review, which may
148 include, but not be limited to:

149 (a) Name;

150 (b) Date of birth;

151 (c) Height;

152 (d) Weight;

153 (e) Eye color;

154 (f) Hair color;

155 (g) Gender;

156 (h) Race;

157 (i) Place of birth;

158 (j) Social Security number; and

159 (k) The applicant's photo.

160 5. Any information received by an authorized state
161 agency or a qualified entity pursuant to the provisions of
162 this section shall be used solely for internal purposes in
163 determining the suitability of an applicant. The
164 dissemination of criminal history information from the
165 Federal Bureau of Investigation beyond the authorized state

166 agency or related governmental entity is prohibited. All
167 criminal record check information shall be confidential and
168 any person who discloses the information beyond the scope
169 allowed is guilty of a class A misdemeanor.

170 6. A qualified entity enrolled in either the Missouri
171 or National Rap Back programs shall be notified by the
172 Missouri state highway patrol that a new arrest has been
173 reported on an applicant who is employed, licensed, or
174 otherwise under the purview of the qualified entity. Upon
175 receiving the Rap Back notification, if the qualified entity
176 deems that the applicant is still serving in an active
177 capacity, the entity may request and receive the
178 individual's updated criminal history record. This process
179 shall only occur if:

180 (1) The agency has abided by all procedures and rules
181 promulgated by the Missouri state highway patrol and Federal
182 Bureau of Investigation regarding the Missouri and National
183 Rap Back programs;

184 (2) The individual upon whom the Rap Back notification
185 is being made has previously had a Missouri and national
186 criminal record review completed for the qualified entity
187 under this section [within the previous six years]; and

188 (3) The individual upon whom the Rap Back notification
189 is being made is a current employee, licensee, or otherwise
190 still actively under the purview of the qualified entity.

191 7. The highway patrol shall make available or approve
192 the necessary forms, procedures, and agreements necessary to
193 implement the provisions of this section.

56.601. 1. The governor may appoint the attorney
2 general or any elected prosecuting or circuit attorney as a
3 special prosecutor to have concurrent jurisdiction with any
4 prosecuting or circuit attorney of this state to prosecute

5 offenses as provided in subsection 3 of this section. Any
6 special prosecutor shall:

7 (1) Not be required to reside in the jurisdiction to
8 which he or she was appointed to serve;

9 (2) Be an attorney licensed to practice law within the
10 state of Missouri; and

11 (3) Cease to hold the appointment of special
12 prosecutor if he or she no longer holds elective office or
13 notifies the governor of an unwillingness to continue to
14 perform the duties of the special prosecutor, however, the
15 attorney general may not decline any appointment by the
16 governor unless he or she ceases to hold the office of the
17 attorney general.

18 2. The provisions of this section shall apply to any
19 jurisdiction of a prosecuting or circuit attorney with a
20 rate of thirty-five homicide cases per every one hundred
21 thousand people according to federal, state, or local crime
22 statistics in the immediate preceding twelve months of
23 appointment of a special prosecutor by the governor.

24 3. (1) A special prosecutor shall have concurrent
25 jurisdiction to initiate and prosecute the following felony
26 offenses referred to a special prosecutor by the governor:

27 (a) First degree murder under section 565.020;
28 (b) Second degree murder under section 565.021;
29 (c) Assault in the first degree under section 565.050;
30 (d) Assault in the second degree under section 565.052;
31 (e) Robbery in the first degree under section 570.023;
32 (f) Robbery in the second degree under section
33 570.025; and

34 (g) Vehicle hijacking under section 570.027.

35 (2) The special prosecutor shall have exclusive
36 jurisdiction to initiate and prosecute criminal offenses
37 against law enforcement officers.

38 (3) Cases involving the felony offenses in subdivision
39 (1) of this subsection shall be individually referred to the
40 special prosecutor by a governor.

41 (4) For felony offenses listed under subdivision (1)
42 of this subsection, a special prosecutor shall have all
43 powers, duties, and responsibilities granted to the
44 prosecuting or circuit attorney in the jurisdiction under
45 sections 56.087, 56.130, and 56.360. Once a special
46 prosecutor commences prosecution for a case referred to him
47 or her by the governor, a special prosecutor may prosecute
48 any additional violations that were part of the same course
49 of criminal conduct as the violation. If the prosecuting or
50 circuit attorney has commenced prosecution prior to the
51 appointment of a special prosecutor for any offense which a
52 special prosecutor has concurrent jurisdiction pursuant to
53 this section, the prosecuting or circuit attorney shall
54 immediately withdraw from the prosecution and a special
55 prosecutor may adopt or amend any complaint, information, or
56 indictment filed by the prosecuting or circuit attorney.

57 4. Any special prosecutor appointed by the governor
58 pursuant to this section shall serve in such capacity for a
59 period of up to five years, unless the governor determines
60 that a threat to public safety and health still exists in
61 which case the governor may appoint a special prosecutor for
62 additional five-year terms. The governor may terminate the
63 appointment of a special prosecutor at any time and may
64 appoint a replacement special prosecutor for the remainder
65 of the five-year term.

66 5. Moneys for reimbursement to a special prosecutor
67 for duties performed pursuant to this section may be
68 provided by the state from the general revenue fund. A
69 special prosecutor may use his or her assistant prosecuting
70 or circuit attorneys or assistant attorneys general and

71 staff who shall be subject to the same duties and
72 responsibilities as in the prosecuting or circuit attorney's
73 office.

57.280. 1. Sheriffs shall receive a charge for
2 service of any summons, writ or other order of court, in
3 connection with any civil case, and making on the same
4 either a return indicating service, a non est return or a
5 nulla bona return, the sum of twenty dollars for each item
6 to be served, except that a sheriff shall receive a charge
7 for service of any subpoena, and making a return on the
8 same, the sum of ten dollars; however, no such charge shall
9 be collected in any proceeding when court costs are to be
10 paid by the state, county or municipality. In addition to
11 such charge, the sheriff shall be entitled to receive for
12 each mile actually traveled in serving any summons, writ,
13 subpoena or other order of court the rate prescribed by the
14 Internal Revenue Service for all allowable expenses for
15 motor vehicle use expressed as an amount per mile, provided
16 that such mileage shall not be charged for more than one
17 subpoena or summons or other writ served in the same cause
18 on the same trip. All of such charges shall be received by
19 the sheriff who is requested to perform the service. Except
20 as otherwise provided by law, all charges made pursuant to
21 this section shall be collected by the court clerk as court
22 costs and are payable prior to the time the service is
23 rendered; provided that if the amount of such charge cannot
24 be readily determined, then the sheriff shall receive a
25 deposit based upon the likely amount of such charge, and the
26 balance of such charge shall be payable immediately upon
27 ascertainment of the proper amount of said charge. A
28 sheriff may refuse to perform any service in any action or
29 proceeding, other than when court costs are waived as
30 provided by law, until the charge provided by this section

31 is paid. Failure to receive the charge shall not affect the
32 validity of the service.

33 2. The sheriff shall receive for receiving and paying
34 moneys on execution or other process, where lands or goods
35 have been levied and advertised and sold, five percent on
36 five hundred dollars and four percent on all sums above five
37 hundred dollars, and half of these sums, when the money is
38 paid to the sheriff without a levy, or where the lands or
39 goods levied on shall not be sold and the money is paid to
40 the sheriff or person entitled thereto, his agent or
41 attorney. The party at whose application any writ,
42 execution, subpoena or other process has issued from the
43 court shall pay the sheriff's costs for the removal,
44 transportation, storage, safekeeping and support of any
45 property to be seized pursuant to legal process before such
46 seizure. The sheriff shall be allowed for each mile, going
47 and returning from the courthouse of the county in which he
48 resides to the place where the court is held, the rate
49 prescribed by the Internal Revenue Service for all allowable
50 expenses for motor vehicle use expressed as an amount per
51 mile. The provisions of this subsection shall not apply to
52 garnishment proceeds.

53 3. The sheriff upon the receipt of the charge herein
54 provided for shall pay into the treasury of the county any
55 and all charges received pursuant to the provisions of this
56 section. The funds collected pursuant to this section, not
57 to exceed fifty thousand dollars in any calendar year, shall
58 be held in a fund established by the county treasurer, which
59 may be expended at the discretion of the sheriff for the
60 furtherance of the sheriff's set duties. Any such funds in
61 excess of fifty thousand dollars in any calendar year shall
62 be placed to the credit of the general revenue fund of the
63 county. Moneys in the fund shall be used only for the

64 procurement of services and equipment to support the
65 operation of the sheriff's office. Moneys in the fund
66 established pursuant to this subsection shall not lapse to
67 the county general revenue fund at the end of any county
68 budget or fiscal year.

69 4. Notwithstanding the provisions of subsection 3 of
70 this section to the contrary, the sheriff[, or any other
71 person specially appointed to serve in a county that
72 receives funds under section 57.278,] shall receive ten
73 dollars for service of any summons, writ, subpoena, or other
74 order of the court included under subsection 1 of this
75 section, in addition to the charge for such service that
76 each sheriff receives under subsection 1 of this section.
77 The money received by the sheriff[, or any other person
78 specially appointed to serve in a county that receives funds
79 under section 57.278,] under this subsection shall be paid
80 into the county treasury and the county treasurer shall make
81 such money payable to the state treasurer. The state
82 treasurer shall deposit such moneys in the deputy sheriff
83 salary supplementation fund created under section 57.278.
84 Any other person specially appointed to serve in a county
85 shall execute and deliver to the circuit clerk, along with
86 the confirmation of service, a signed and notarized
87 affidavit of confirmation, made under penalty of perjury,
88 that includes the amount, check number, and date of payment
89 to evidence payment was made to the sheriff for the deputy
90 sheriff salary supplementation fund as required by this
91 subsection.

92 5. Notwithstanding the provisions of subsection 3 of
93 this section, the court clerk shall collect ten dollars as a
94 court cost for service of any summons, writ, subpoena, or
95 other order of the court included under subsection 1 of this
96 section if any person other than a sheriff is specially

97 appointed to serve in a county that receives funds under
98 section 57.278. The moneys received by the court clerk
99 under this subsection shall be paid into the county treasury
100 and the county treasurer shall make such moneys payable to
101 the state treasurer. The state treasurer shall deposit such
102 moneys in the deputy sheriff salary supplementation fund
103 created under section 57.278.

104 [5.] 6. Sheriffs shall receive up to fifty dollars for
105 service of any summons, writ, or other order of the court in
106 connection with any eviction proceeding, in addition to the
107 charge for such service that each sheriff receives under
108 this section. All of such charges shall be received by the
109 sheriff who is requested to perform the service and shall be
110 paid to the county treasurer in a fund established by the
111 county treasurer, which may be expended at the discretion of
112 the sheriff for the furtherance of the sheriff's set
113 duties. All charges shall be payable prior to the time the
114 service is rendered; provided that if the amount of such
115 charge cannot be readily determined, then the sheriff shall
116 receive a deposit based upon the likely amount of such
117 charge, and the balance of such charge shall be payable
118 immediately upon ascertainment of the proper amount of said
119 charge.

57.952. 1. There is hereby authorized a "Sheriffs'
2 Retirement Fund" which shall be under the management of a
3 board of directors described in section 57.958. The board
4 of directors shall be responsible for the administration and
5 the investment of the funds of such sheriffs' retirement
6 fund. [Neither] The general assembly [nor] and the
7 governing body of a county [shall] may appropriate funds for
8 deposit in the sheriffs' retirement fund. If insufficient
9 funds are generated to provide the benefits payable pursuant
10 to the provisions of sections 57.949 to 57.997, the board

11 shall proportion the benefits according to the funds
12 available.

13 2. The board may accept gifts, donations, grants, and
14 bequests from public or private sources to the sheriffs'
15 retirement fund.

16 3. Each county shall make the payroll deductions for
17 member contributions mandated under section 57.961, and the
18 county shall transmit such moneys to the board for deposit
19 into the sheriffs' retirement fund.

57.961. 1. On and after the effective date of the
2 establishment of the system, as an incident to his or her
3 employment or continued employment, each person employed as
4 an elected or appointed sheriff of a county shall become a
5 member of the system. Such membership shall continue as
6 long as the person continues to be an employee, or receives
7 or is eligible to receive benefits under the provisions of
8 sections 57.949 to 57.997.

9 2. Notwithstanding any other provision of law to the
10 contrary, each person who is a member of the system on or
11 after January 1, 2024, shall be required to contribute five
12 percent of the member's pay to the retirement system. Such
13 contribution shall be made notwithstanding that the minimum
14 salary or wages provided by law for any member shall thereby
15 be changed. Each member shall be deemed to consent and
16 agree to the deduction made and provided for herein.
17 Payment of a member's compensation less such deduction shall
18 be a full and complete discharge and acquittance of all
19 claims and demands whatsoever for services rendered by him
20 or her to a county, except as to benefits provided by this
21 system.

22 3. The officer or officers responsible for making up
23 the payrolls for each county shall cause the contribution
24 provided for in this section to be deducted from the

25 compensation of the member in the employ of the county, on
26 each and every payroll, for each and every payroll to the
27 date his or her membership terminates. When deducted, each
28 contribution shall be paid by the county to the system; the
29 payments shall be made in the manner and shall be
30 accompanied by such supporting data as the board shall from
31 time to time prescribe. When paid to the system, each of
32 the contributions shall be credited to the member from whose
33 compensation the contributions were deducted. The
34 contributions so deducted shall be treated as employee
35 contributions for purposes of determining the member's pay
36 that is includable in the member's gross income for federal
37 income tax purposes.

38 4. Member contributions deducted and paid into the
39 system by the county shall be paid from the same source of
40 funds used for the payment of pay to a member. A deduction
41 shall be made from each member's pay equal to the amount of
42 the member's contributions picked up by the employer. This
43 deduction, however, shall not reduce the member's pay for
44 purposes of computing benefits under the retirement system
45 under this chapter.

46 5. The contributions, although designated as employee
47 contributions, shall be paid by the county in lieu of the
48 contributions by the member. The member shall not have the
49 option of choosing to receive the contributed amounts
50 directly instead of having them paid by the county to the
51 retirement system.

52 6. A former member who is not vested may request a
53 refund of his or her contributions. Such refund shall be
54 paid by the system after ninety days from the date of
55 termination of employment or the request, whichever is
56 later, and shall include all contributions made to any
57 retirement plan administered by the system.

58 [2.] 7. Beginning September 1, 1986, any city not
59 within a county and any county having a charter form of
60 government may elect, by a majority vote of its governing
61 body, to come under the provisions of sections 57.949 to
62 57.997 except for the provisions of section 57.955. Notice
63 in writing of such election shall be given to the board, and
64 the person employed as sheriff of such county, as an
65 incident of his contract of employment or continued
66 employment, shall become a member of the system on the first
67 day of the month immediately following the date the board
68 receives notice. Such membership shall continue as long as
69 the person continues to be an employee, or receives or is
70 eligible to receive benefits under the provisions of
71 sections 57.949 to 57.997, and upon becoming a member he
72 shall receive credit for all prior service as if he had
73 become a member on December 22, 1983.

74 8. Subject to the limitations under sections 57.949 to
75 57.997, the board shall have the authority to formulate and
76 adopt rules and regulations for the administration of these
77 provisions.

 57.967. 1. The normal annuity of a retired member
2 shall equal two percent of the final average compensation of
3 the retired member multiplied by the number of years of
4 creditable service of the retired member, except that the
5 normal annuity shall not exceed seventy-five percent of the
6 retired member's average final compensation. Such annuity
7 shall be not less than one thousand dollars per month.

 2. The board, at its last meeting of each calendar
9 year, shall determine the monthly amount for medical
10 insurance premiums to be paid to each retired member during
11 the next following calendar year. The monthly amount shall
12 not exceed four hundred fifty dollars. The monthly payments
13 are at the discretion of the board on the advice of the

14 actuary. The anticipated sum of all such payments during
15 the year plus the annual normal cost plus the annual amount
16 to amortize the unfunded actuarial accrued liability in no
17 more than thirty years shall not exceed the anticipated
18 moneys credited to the system pursuant to ~~[section]~~ sections
19 57.952 and 57.955. The money amount granted here shall not
20 be continued to any survivor.

21 3. If a member with eight or more years of service
22 dies before becoming eligible for retirement, the member's
23 surviving spouse, if he or she has been married to the
24 member for at least two years prior to the member's death,
25 shall be entitled to survivor benefits under option 1 as set
26 forth in section 57.979 as if the member had retired on the
27 date of the member's death. The member's monthly benefit
28 shall be calculated as the member's accrued benefit at his
29 or her death reduced by one-fourth of one percent per month
30 for an early commencement from the member's normal
31 retirement date: age fifty-five with twelve or more years
32 of creditable service or age sixty-two with eight years of
33 creditable service, to the member's date of death. Such
34 benefit shall be payable on the first day of the month
35 following the member's death and shall be payable during the
36 surviving spouse's lifetime.

57.991. 1. For members of the system prior to
2 December 31, 2023, the benefits provided for by sections
3 57.949 to 57.997 shall in no way affect any person's
4 eligibility for retirement benefits under the local
5 government employees' retirement system, sections 70.600 to
6 70.755, or any other local government retirement or pension
7 system, or in any way have the effect of reducing retirement
8 benefits in such systems, or reducing compensation or
9 mileage reimbursement of employees, anything to the contrary
10 notwithstanding.

11 2. Any new members employed under this section, on or
12 after January 1, 2024, shall be subject to the following
13 provisions:

14 (1) A member of another state or local retirement or
15 pension system who begins employment in a position covered
16 by the sheriffs' retirement system shall become a member of
17 the sheriffs' retirement system upon employment. Any
18 membership in any other state or local retirement or pension
19 system shall cease, except that the member shall be entitled
20 to benefits accrued through December 31, 2023, or the
21 commencement of membership in the sheriffs' retirement
22 system, whichever is later; and

23 (2) Subject to the limitations under sections 57.949
24 to 57.997, the board shall have the authority to formulate
25 and adopt rules and regulations for the administration of
26 these provisions.

67.145. 1. No political subdivision of this state
2 shall prohibit any first responder from engaging in any
3 political activity while off duty and not in uniform, being
4 a candidate for elected or appointed public office, or
5 holding such office unless such political activity or
6 candidacy is otherwise prohibited by state or federal law.

7 2. As used in this section, "first responder" means
8 any person trained and authorized by law or rule to render
9 emergency medical assistance or treatment. Such persons may
10 include, but shall not be limited to, emergency first
11 responders, telecommunicator first responders, police
12 officers, sheriffs, deputy sheriffs, firefighters,
13 [ambulance attendants and attendant drivers,] emergency
14 medical technicians, [mobile emergency medical technicians,
15 emergency medical technician-paramedics,] registered nurses,
16 or physicians.

70.631. 1. Each political subdivision may, by
2 majority vote of its governing body, elect to cover
3 [emergency telecommunicators] telecommunicator first
4 responders, jailors, and emergency medical service personnel
5 as public safety personnel members of the system. The clerk
6 or secretary of the political subdivision shall certify an
7 election concerning the coverage of [emergency
8 telecommunicators] telecommunicator first responders,
9 jailors, and emergency medical service personnel as public
10 safety personnel members of the system to the board within
11 ten days after such vote. The date in which the political
12 subdivision's election becomes effective shall be the first
13 day of the calendar month specified by such governing body,
14 the first day of the calendar month next following receipt
15 by the board of the certification of the election, or the
16 effective date of the political subdivision's becoming an
17 employer, whichever is the latest date. Such election shall
18 not be changed after the effective date. If the election is
19 made, the coverage provisions shall be applicable to all
20 past and future employment with the employer by present and
21 future employees. If a political subdivision makes no
22 election under this section, no [emergency] telecommunicator
23 first responder, jailor, or emergency medical service
24 personnel of the political subdivision shall be considered
25 public safety personnel for purposes determining a minimum
26 service retirement age as defined in section 70.600.

27 2. If an employer elects to cover [emergency
28 telecommunicators] telecommunicator first responders,
29 jailors, and emergency medical service personnel as public
30 safety personnel members of the system, the employer's
31 contributions shall be correspondingly changed effective the
32 same date as the effective date of the political
33 subdivision's election.

34 3. The limitation on increases in an employer's
35 contributions provided by subsection 6 of section 70.730
36 shall not apply to any contribution increase resulting from
37 an employer making an election under the provisions of this
38 section.

84.012. In all cities of this state not within a
2 county, the common council or municipal assembly of such
3 cities may pass ordinances for preserving order; securing
4 property and persons from violence, danger, or destruction;
5 protecting public and private property; and promoting the
6 interests and ensuring the good governance of the cities,
7 but no ordinances heretofore passed, or that may hereafter
8 be passed, by the common council or municipal assembly of
9 the cities shall, in any manner, conflict or interfere with
10 the powers or the exercise of the powers of the boards of
11 police commissioners of the cities as created by section
12 84.020, nor shall the cities or any officer or agent of the
13 corporation of the cities, or the mayor thereof, in any
14 manner impede, obstruct, hinder, or interfere with the
15 boards of police, any officer, agent, or servant thereof or
16 thereunder.

 84.020. In all cities [of this state that now have, or
2 may hereafter attain, a population of five hundred thousand
3 inhabitants or over] not within a county, there shall be,
4 and is hereby established, within and for said cities, a
5 board of police, to consist of four commissioners, as
6 provided in sections 84.040 to 84.080, together with the
7 mayor of said cities for the time being, or whosoever may be
8 officially acting in that capacity, and said board shall
9 appoint one of its members as president, and one member who
10 shall act as vice president during the absence of the
11 president; and such president or vice president shall be the

12 executive officer of the board and shall act for it when the
13 board is not in session.

84.030. Beginning on [January 9, 1989] August 28,
2 2023, and no later than September 28, 2023, the governor of
3 the state of Missouri, by and with the advice and consent of
4 the senate, shall appoint the four commissioners provided
5 for in section 84.020, and one commissioner shall be
6 appointed for a term of one year; one commissioner shall be
7 appointed for a term of two years; one commissioner shall be
8 appointed for a term of three years; one commissioner shall
9 be appointed for a term of four years. Their successors
10 shall each be appointed for a term of four years, and said
11 commissioners shall hold office for their term of
12 appointment and until their successors shall have been
13 appointed and qualified. In case of a vacancy in said board
14 for any cause whatsoever, it shall be filled by appointment
15 for the unexpired term, in the same manner as in the case of
16 original appointments. The governor shall issue commissions
17 to the persons so appointed, designating the time for which
18 they are appointed in case the appointment is to fill an
19 unexpired term occasioned by death, resignation or any other
20 cause, and whenever the term of office of any commissioner
21 expires, the appointment of his successor shall be for four
22 years. [The commissioners now holding offices under
23 existing laws in any city of this state to which sections
24 84.010 to 84.340 apply are to hold their offices until the
25 expiration of their terms, and their successors are duly
26 appointed and qualified.]

84.100. To enable the boards to perform the duties
2 imposed upon them, they are hereby authorized and required
3 to appoint, enroll and employ [a] only one permanent police
4 force for the cities which they shall equip and arm as they
5 may judge necessary. Except as provided below, the number

6 of patrolmen to be appointed shall not be ~~[more]~~ less than
7 one thousand ~~[six]~~ three hundred ~~[eighty-three]~~ thirteen, of
8 which number not more than two hundred fifty are to be
9 probationary patrolmen. Any increase in the number of
10 patrolmen authorized, in addition to that provided for
11 above, shall be permitted upon recommendation by the board
12 of police commissioners, with the approval of the municipal
13 board of estimate and apportionment. ~~[The number of~~
14 ~~turnkeys to be appointed shall be sixty-five, except that~~
15 ~~for each patrolman hereafter promoted, demoted, removed,~~
16 ~~resigned or otherwise separated from the force, an~~
17 ~~additional turnkey may be appointed, but under no~~
18 ~~circumstances shall more than one hundred fifty turnkeys be~~
19 ~~appointed. As each additional turnkey is appointed, the~~
20 ~~maximum number of patrolmen to be appointed shall be reduced~~
21 ~~accordingly so that when one hundred fifty turnkeys have~~
22 ~~been appointed, the number of patrolmen to be appointed~~
23 ~~shall not be more than one thousand five hundred ninety-~~
24 ~~eight.]~~ The board may continue to employ as many
25 noncommissioned police civilians, which shall include city
26 marshals and park rangers, as it deems necessary in order to
27 perform the duties imposed upon it.

84.150. The maximum number of officers of the police
2 force in each such city shall be as follows: ~~[one chief of~~
3 ~~police with the rank of colonel; lieutenant colonels, not to~~
4 ~~exceed five in number and other such ranks and number of~~
5 ~~members within such ranks as the board from time to time~~
6 ~~deems necessary]~~ seventy-six commissioned officers at the
7 rank of lieutenant and above; two hundred commissioned
8 officers at the rank of sergeant; and one thousand thirty-
9 seven commissioned officers at the rank of patrolman. The
10 officers of the police force shall have commissions issued
11 to them by the boards of police commissioners, and those

12 heretofore and those hereafter commissioned shall serve so
13 long as they shall faithfully perform their duties and
14 possess the necessary mental and physical ability, and be
15 subject to removal only for cause after a hearing by the
16 board, who are hereby invested with exclusive jurisdiction
17 in the premises.

84.160. 1. As of August 28, [2006] 2023, the board of
2 police commissioners shall have the authority to compute and
3 establish the annual salary of each member of the police
4 force without receiving prior authorization from the general
5 assembly, which shall not be less than the annual salary
6 paid to any member at the time of the enactment of this act.

7 2. Each officer of police and patrolman whose regular
8 assignment requires nonuniformed attire may receive, in
9 addition to his or her salary, an allowance not to exceed
10 three hundred sixty dollars per annum payable biweekly.
11 Notwithstanding the provisions of subsection 1 of this
12 section to the contrary, no additional compensation or
13 compensatory time off for overtime, court time, or standby
14 court time shall be paid or allowed to any officer of the
15 rank of sergeant or above. Notwithstanding any other
16 provision of law to the contrary, nothing in this section
17 shall prohibit the payment of additional compensation
18 pursuant to this subsection to officers of the ranks of
19 [sergeants] lieutenant and above, provided that funding for
20 such compensation shall not:

21 (1) Be paid from the general funds of either the city
22 or the board of police commissioners of the city; or

23 (2) Be violative of any federal law or other state law.

24 3. It is the duty of the municipal assembly or common
25 council of the cities to make the necessary appropriation
26 for the expenses of the maintenance of the police force in
27 the manner herein and hereafter provided; provided, that in

28 no event shall such municipal assembly or common council be
29 required to appropriate for such purposes (including, but
30 not limited to, costs of funding pensions or retirement
31 plans) for any fiscal year a sum in excess of any limitation
32 imposed by article X, section 21, Missouri Constitution; and
33 provided further, that such municipal assembly or common
34 council may appropriate a sum in excess of such limitation
35 for any fiscal year by an appropriations ordinance enacted
36 in conformity with the provisions of the charter of such
37 cities.

38 4. Notwithstanding the provisions of subsection 1 of
39 this section to the contrary, the board of police
40 commissioners shall pay additional compensation for all
41 hours of service rendered by probationary patrolmen [and],
42 patrolmen, and sergeants in excess of the established
43 regular working period, and the rate of compensation shall
44 be one and one-half times the regular hourly rate of pay to
45 which each member shall normally be entitled; except that,
46 the court time and court standby time shall be paid at the
47 regular hourly rate of pay to which each member shall
48 normally be entitled. No credit shall be given or
49 deductions made from payments for overtime for the purpose
50 of retirement benefits.

51 5. Notwithstanding the provisions of subsection 1 of
52 this section to the contrary, probationary patrolmen [and],
53 patrolmen, and sergeants shall receive additional
54 compensation for authorized overtime, court time and court
55 standby time whenever the total accumulated time exceeds
56 forty hours. The accumulated forty hours shall be taken as
57 compensatory time off at the officer's discretion with the
58 approval of his supervisor.

59 6. The allowance of compensation or compensatory time
60 off for court standby time shall be computed at the rate of

61 one-third of one hour for each hour spent on court standby
62 time.

63 7. The board of police commissioners may shall
64 effect programs to provide additional compensation to its
65 employees for successful completion of academic work at an
66 accredited college or university, in amounts not to exceed
67 ten percent of their yearly salaries or for field training
68 officer and lead officer responsibilities in amounts not to
69 exceed three percent of their yearly salaries for field
70 training officer responsibilities and an additional three
71 percent of their yearly salaries for lead officer
72 responsibilities. The board may designate up to one hundred
73 fifty employees as field training officers and up to fifty
74 employees as lead officers.

75 8. The board of police commissioners:

76 (1) Shall provide or contract for life insurance
77 coverage and for insurance benefits providing health,
78 medical and disability coverage for officers and employees
79 of the department;

80 (2) Shall provide or contract for insurance coverage
81 providing salary continuation coverage for officers and
82 employees of the police department;

83 (3) Shall provide health, medical, and life insurance
84 coverage for retired officers and employees of the police
85 department. Health, medical and life insurance coverage
86 shall be made available for purchase to the spouses or
87 dependents of deceased retired officers and employees of the
88 police department who receive pension benefits pursuant to
89 sections 86.200 to 86.364 at the rate that such dependent's
90 or spouse's coverage would cost under the appropriate plan
91 if the deceased were living;

92 (4) May pay an additional shift differential
93 compensation to members of the police force for evening and

94 night tour of duty in an amount not to exceed ten percent of
95 the officer's base hourly rate.

96 9. Notwithstanding the provisions of subsection 1 of
97 this section to the contrary, the board of police
98 commissioners shall pay additional compensation to members
99 of the police force up to and including the rank of police
100 officer for any full hour worked between the hours of 11:00
101 p.m. and 7:00 a.m., in amounts equal to **[five]** ten percent
102 of the officer's base hourly pay.

103 10. The board of police commissioners, from time to
104 time and in its discretion, may pay additional compensation
105 to police officers, sergeants and lieutenants by paying
106 commissioned officers in the aforesaid ranks for
107 accumulated, unused vacation time. Any such payments shall
108 be made in increments of not less than forty hours, and at
109 rates equivalent to the base straight-time rates being
110 earned by said officers at the time of payment; except that,
111 no such officer shall be required to accept payment for
112 accumulated unused vacation time.

84.170. 1. When any vacancy shall take place in any
2 grade of officers, it shall be filled from the next lowest
3 grade; provided, however, that probationary patrolmen shall
4 serve at least six months as such before being promoted to
5 the rank of patrolman; patrolmen shall serve at least three
6 years as such before being promoted to the rank of sergeant;
7 sergeants shall serve at least one year as such before being
8 promoted to the rank of lieutenant; lieutenants shall serve
9 at least one year as such before being promoted to the rank
10 of captain; and in no case shall the chief or assistant
11 chief be selected from men not members of the force or below
12 the grade of captain. Patrolmen shall serve at least three
13 years as such before promotion to the rank of detective; the

14 inspector shall be taken from men in the rank not below the
15 grade of lieutenant.

16 2. The boards of police are hereby authorized to make
17 all such rules and regulations, not inconsistent with
18 sections 84.010 to 84.340, or other laws of the state, as
19 they may judge necessary, for the appointment, employment,
20 uniforming, discipline, trial and government of the police.
21 At the time of the effective date of this act and until such
22 time as the board adopts other investigative and
23 disciplinary policies and procedures not inconsistent with
24 section 590.502, discipline and investigative procedures for
25 commissioned and civilian employees of the police force
26 shall be regulated by rule 7 of the police manual of the
27 police department in effect as of November 4, 2013; except
28 that, where rule 7 is in conflict with section 590.502, the
29 board shall comply with the requirements of section
30 590.502. Under no circumstances shall the board initially
31 or hereafter adopt investigative and disciplinary procedures
32 that do not include the summary hearing board procedures
33 provided for in rule 7 of the police manual of the police
34 department in effect as of November 4, 2013. The said
35 boards shall also have power to require of any officer or
36 policeman bond with sureties when they may consider it
37 demanded by the public interests. All lawful rules and
38 regulations of the board shall be obeyed by the police force
39 on pain of dismissal or such lighter punishment, either by
40 suspension, fine, reduction or forfeiture of pay, or
41 otherwise as the boards may adjudge.

42 3. The authority possessed by the board of police
43 includes, but is not limited to, the authority to delegate
44 portions of its powers authorized in section 84.120,
45 including presiding over a disciplinary hearing, to a
46 hearing officer as determined by the board.

84.225. Any officer or servant of the mayor or common council or municipal assembly of the cities, or other persons whatsoever, who forcibly resists or obstructs the execution or enforcement of any of the provisions of sections 84.012 to 84.340 or relating to the same, or who disburses or fails to disburse any money in violation thereof, or who hinders or obstructs the organization or maintenance of the board of police or the police force therein provided to be organized and maintained, or who maintains or controls any police force other than the one therein provided for, or who delays or hinders the due enforcement of sections 84.012 to 84.340 by failing or neglecting to perform the duties by such sections imposed upon him or her, shall be subject to a penalty of one thousand dollars for each offense, recoverable by the boards by action at law in the name of the state, and shall forever thereafter be disqualified from holding or exercising any office or employment whatsoever under the mayor or common council or municipal assembly of such cities, or under sections 84.012 to 84.340; provided that, nothing in this section shall be construed to interfere with the punishment, under any existing or any future laws of this state, of any criminal offense that is committed by the parties in or about the resistance, obstruction, hindrance, conspiracy, combination, or disbursement aforesaid.

84.325. 1. On August 28, 2023, the board of police commissioners shall assume control of any municipal police force established within any city not within a county according to the procedures and requirements of this section and any rules promulgated under subsection 6 of this section. The purpose of these procedures and requirements is to provide for an orderly and appropriate transition in the governance of the police force and provide for an

9 equitable employment transition for commissioned and
10 civilian personnel.

11 2. Upon the assumption of control by the board of
12 police commissioners under subsection 1 of this section, any
13 municipal police department within any city not within a
14 county shall convey, assign, and otherwise transfer to the
15 board title and ownership of all indebtedness and assets,
16 including, but not limited to, all funds and real and
17 personal property held in the name of or controlled by the
18 municipal police department. Such city shall thereafter
19 cease the operation of any police department or police force.

20 3. Upon the assumption of control by the board of
21 police commissioners under subsection 1 of this section, the
22 board shall accept responsibility, ownership, and liability
23 as successor-in-interest for contractual obligations and
24 other lawful obligations of the municipal police department.

25 4. The board of police commissioners shall initially
26 employ, without a reduction in rank, salary, or benefits,
27 all commissioned and civilian personnel of the municipal
28 police department who were employed by the municipal police
29 department immediately prior to the date the board assumed
30 control. The board shall recognize all accrued years of
31 service that such commissioned and civilian personnel had
32 with the municipal police department, as well as all accrued
33 years of service that such commissioned and civilian
34 personnel had previously with the board of police
35 commissioners. Such personnel shall be entitled to the same
36 holidays, vacation, sick leave, sick bonus time, and annual
37 step-increases they were entitled to as employees of the
38 municipal police department.

39 5. The commissioned and civilian personnel who retire
40 from service with the municipal police department before the
41 board of police commissioners assumed control of the

42 department under subsection 1 of this section shall continue
43 to be entitled to the same pension benefits provided as
44 employees of the municipal police department and the same
45 benefits set forth in subsection 5 of this section. Any
46 police pension system created under chapter 86 for the
47 benefit of a police force established under sections 84.012
48 to 84.340 shall continue to be governed by chapter 86 and
49 shall apply to any comprehensive policing plan and any
50 police force established under sections 84.012 to 84.340.
51 Other than any provision that makes chapter 86 applicable to
52 a municipal police force established under sections 84.343
53 to 84.346, nothing in sections 84.012 to 84.340 shall be
54 construed as limiting or changing the rights or benefits
55 provided under chapter 86.

56 6. Beginning August 28, 2024, and annually thereafter,
57 the state auditor shall develop an annual research report
58 indicating the decrease in criminal activity that resulted
59 from the board assuming control of any municipal police
60 force established within any city not within a county under
61 this section. The research report shall be submitted to the
62 general assembly no later than December thirty-first of each
63 year.

64 7. The board of police commissioners may promulgate
65 all necessary rules and regulations for the implementation
66 and administration of this section. Any rule or portion of
67 a rule, as that term is defined in section 536.010, that is
68 created under the authority delegated in this section shall
69 become effective only if it complies with and is subject to
70 all of the provisions of chapter 536 and, if applicable,
71 section 536.028. This section and chapter 536 are
72 nonseverable and if any of the powers vested with the
73 general assembly pursuant to chapter 536 to review, to delay
74 the effective date, or to disapprove and annul a rule are

75 subsequently held unconstitutional, then the grant of
76 rulemaking authority and any rule proposed or adopted after
77 August 28, 2023, shall be invalid and void.

84.480. The board of police commissioners shall
2 appoint a chief of police who shall be the chief police
3 administrative and law enforcement officer of such cities.
4 The chief of police shall be chosen by the board solely on
5 the basis of his or her executive and administrative
6 qualifications and his or her demonstrated knowledge of
7 police science and administration with special reference to
8 his or her actual experience in law enforcement leadership
9 and the provisions of section 84.420. At the time of the
10 appointment, the chief shall [not be more than sixty years
11 of age, shall] have had at least five years' executive
12 experience in a governmental police agency and shall be
13 certified by a surgeon or physician to be in a good physical
14 condition, and shall be a citizen of the United States and
15 shall either be or become a citizen of the state of Missouri
16 and resident of the city in which he or she is appointed as
17 chief of police. In order to secure and retain the highest
18 type of police leadership within the departments of such
19 cities, the [chief shall receive a salary of not less than
20 eighty thousand two hundred eleven dollars, nor more than
21 one hundred eighty-nine thousand seven hundred twenty-six
22 dollars per annum] board shall establish a range for the
23 salary of the chief by resolution.

84.510. 1. For the purpose of operation of the police
2 department herein created, the chief of police, with the
3 approval of the board, shall appoint such number of police
4 department employees, including police officers and civilian
5 employees as the chief of police from time to time deems
6 necessary.

7 2. The base annual compensation of police officers
8 shall be as follows for the several ranks:

9 (1) Lieutenant colonels, not to exceed five in number,
10 at not less than seventy-one thousand nine hundred sixty-
11 nine dollars[, nor more than one hundred forty-six thousand
12 one hundred twenty-four dollars per annum each];

13 (2) Majors at not less than sixty-four thousand six
14 hundred seventy-one dollars[, nor more than one hundred
15 thirty-three thousand three hundred twenty dollars per annum
16 each];

17 (3) Captains at not less than fifty-nine thousand five
18 hundred thirty-nine dollars[, nor more than one hundred
19 twenty-one thousand six hundred eight dollars per annum
20 each];

21 (4) Sergeants at not less than forty-eight thousand
22 six hundred fifty-nine dollars[, nor more than one hundred
23 six thousand five hundred sixty dollars per annum each];

24 (5) Master patrol officers at not less than fifty-six
25 thousand three hundred four dollars[, nor more than ninety-
26 four thousand three hundred thirty-two dollars per annum
27 each];

28 (6) Master detectives at not less than fifty-six
29 thousand three hundred four dollars[, nor more than ninety-
30 four thousand three hundred thirty-two dollars per annum
31 each];

32 (7) Detectives, investigators, and police officers at
33 not less than twenty-six thousand six hundred forty-three
34 dollars[, nor more than eighty-seven thousand six hundred
35 thirty-six dollars per annum each].

36 3. The board of police commissioners has the authority
37 by resolution to effect a comprehensive pay schedule program
38 to provide for step increases with separate pay rates within
39 each rank, [in] using the above-specified salary minimums as

40 a base for such ranges from police officers through chief of
41 police.

42 4. Officers assigned to wear civilian clothes in the
43 performance of their regular duties may receive an
44 additional one hundred fifty dollars per month clothing
45 allowance. Uniformed officers may receive seventy-five
46 dollars per month uniform maintenance allowance.

47 5. The chief of police, subject to the approval of the
48 board, shall establish the total regular working hours for
49 all police department employees, and the board has the
50 power, upon recommendation of the chief, to pay additional
51 compensation for all hours of service rendered in excess of
52 the established regular working period, but the rate of
53 overtime compensation shall not exceed one and one-half
54 times the regular hourly rate of pay to which each member
55 shall normally be entitled. No credit shall be given nor
56 deductions made from payments for overtime for the purpose
57 of retirement benefits.

58 6. The board of police commissioners, by majority
59 affirmative vote, including the mayor, has the authority by
60 resolution to authorize incentive pay in addition to the
61 base compensation as provided for in subsection 2 of this
62 section, to be paid police officers of any rank who they
63 determine are assigned duties which require an extraordinary
64 degree of skill, technical knowledge and ability, or which
65 are highly demanding or unusual. No credit shall be given
66 nor deductions made from these payments for the purpose of
67 retirement benefits.

68 7. The board of police commissioners may effect
69 programs to provide additional compensation for successful
70 completion of academic work at an accredited college or
71 university. No credit shall be given nor deductions made
72 from these payments for the purpose of retirement benefits.

73 8. The additional pay increments provided in
74 subsections 6 and 7 of this section shall not be considered
75 a part of the base compensation of police officers of any
76 rank and shall not exceed ten percent of what the officer
77 would otherwise be entitled to pursuant to subsections 2 and
78 3 of this section.

79 9. Not more than twenty-five percent of the officers
80 in any rank who are receiving the maximum rate of pay
81 authorized by subsections 2 and 3 of this section may
82 receive the additional pay increments authorized by
83 subsections 6 and 7 of this section at any given time.
84 However, any officer receiving a pay increment provided
85 pursuant to the provisions of subsections 6 and 7 of this
86 section shall not be deprived of such pay increment as a
87 result of the limitations of this subsection.

 105.500. For purposes of sections 105.500 to 105.598,
2 unless the context otherwise requires, the following words
3 and phrases mean:

4 (1) "Bargaining unit", a unit of public employees at
5 any plant or installation or in a craft or in a function of
6 a public body that establishes a clear and identifiable
7 community of interest among the public employees concerned;

8 (2) "Board", the state board of mediation established
9 under section 295.030;

10 (3) "Department", the department of labor and
11 industrial relations established under section 286.010;

12 (4) "Exclusive bargaining representative", an
13 organization that has been designated or selected, as
14 provided in section 105.575, by a majority of the public
15 employees in a bargaining unit as the representative of such
16 public employees in such unit for purposes of collective
17 bargaining;

18 (5) "Labor organization", any organization, agency, or
19 public employee representation committee or plan, in which
20 public employees participate and that exists for the
21 purpose, in whole or in part, of dealing with a public body
22 or public bodies concerning collective bargaining,
23 grievances, labor disputes, wages, rates of pay, hours of
24 employment, or conditions of work;

25 (6) "Public body", the state of Missouri, or any
26 officer, agency, department, bureau, division, board or
27 commission of the state, or any other political subdivision
28 or special district of or within the state. Public body
29 shall not include the department of corrections;

30 (7) "Public employee", any person employed by a public
31 body;

32 (8) "Public safety labor organization", a labor
33 organization wholly or primarily representing persons
34 trained or authorized by law or rule to render emergency
35 medical assistance or treatment, including, but not limited
36 to, firefighters, [ambulance attendants, attendant drivers,]
37 emergency medical technicians, [emergency medical technician
38 paramedics,] dispatchers, registered nurses and physicians,
39 and persons who are vested with the power of arrest for
40 criminal code violations including, but not limited to,
41 police officers, sheriffs, and deputy sheriffs.

 105.726. 1. Nothing in sections 105.711 to 105.726
2 shall be construed to broaden the liability of the state of
3 Missouri beyond the provisions of sections 537.600 to
4 537.610, nor to abolish or waive any defense at law which
5 might otherwise be available to any agency, officer, or
6 employee of the state of Missouri. Sections 105.711 to
7 105.726 do not waive the sovereign immunity of the state of
8 Missouri.

9 2. The creation of the state legal expense fund and
10 the payment therefrom of such amounts as may be necessary
11 for the benefit of any person covered thereby are deemed
12 necessary and proper public purposes for which funds of this
13 state may be expended.

14 3. Moneys in the state legal expense fund shall not be
15 available for the payment of any claim or any amount
16 required by any final judgment rendered by a court of
17 competent jurisdiction against a board of police
18 commissioners established under chapter 84, including the
19 commissioners, any police officer, notwithstanding sections
20 84.330 and 84.710, or other provisions of law, other
21 employees, agents, representative, or any other individual
22 or entity acting or purporting to act on its or their
23 behalf. Such was the intent of the general assembly in the
24 original enactment of sections 105.711 to 105.726, and it is
25 made express by this section in light of the decision in
26 Wayman Smith, III, et al. v. State of Missouri, 152 S.W.3d
27 275. Except that the commissioner of administration shall
28 reimburse from the legal expense fund the board of police
29 commissioners established under [section 84.350, and any
30 successor-in-interest established pursuant to section
31 84.344,] chapter 84 for liability claims otherwise eligible
32 for payment under section 105.711 paid by such [board]
33 boards on an equal share basis per claim up to a maximum of
34 one million dollars per fiscal year.

35 4. [Subject to the provisions of subsection 2 of
36 section 84.345,] If the representation of the attorney
37 general is requested by a board of police commissioners [or
38 its successor-in-interest established pursuant to section
39 84.344], the attorney general shall represent, investigate,
40 defend, negotiate, or compromise all claims under sections
41 105.711 to 105.726 for the board of police commissioners,

42 its successor-in-interest pursuant to section 84.344, any
43 police officer, other employees, agents, representatives, or
44 any other individual or entity acting or purporting to act
45 on their behalf. The attorney general may establish
46 procedures by rules promulgated under chapter 536 under
47 which claims must be referred for the attorney general's
48 representation. The attorney general and the officials of
49 the city which the police board represents [or represented]
50 shall meet and negotiate reasonable expenses or charges that
51 will fairly compensate the attorney general and the office
52 of administration for the cost of the representation of the
53 claims under this section.

54 5. Claims tendered to the attorney general promptly
55 after the claim was asserted as required by section 105.716
56 and prior to August 28, 2005, may be investigated, defended,
57 negotiated, or compromised by the attorney general and full
58 payments may be made from the state legal expense fund on
59 behalf of the entities and individuals described in this
60 section as a result of the holding in *Wayman Smith, III, et*
61 *al. v. State of Missouri*, 152 S.W.3d 275.

170.310. 1. For school year 2017-18 and each school
2 year thereafter, upon graduation from high school, pupils in
3 public schools and charter schools shall have received
4 thirty minutes of cardiopulmonary resuscitation instruction
5 and training in the proper performance of the Heimlich
6 maneuver or other first aid for choking given any time
7 during a pupil's four years of high school.

8 2. Beginning in school year 2017-18, any public school
9 or charter school serving grades nine through twelve shall
10 provide enrolled students instruction in cardiopulmonary
11 resuscitation. Students with disabilities may participate
12 to the extent appropriate as determined by the provisions of
13 the Individuals with Disabilities Education Act or Section

14 504 of the Rehabilitation Act. Instruction shall be included
15 in the district's existing health or physical education
16 curriculum. Instruction shall be based on a program
17 established by the American Heart Association or the
18 American Red Cross, or through a nationally recognized
19 program based on the most current national evidence-based
20 emergency cardiovascular care guidelines, and psychomotor
21 skills development shall be incorporated into the
22 instruction. For purposes of this section, "psychomotor
23 skills" means the use of hands-on practicing and skills
24 testing to support cognitive learning.

25 3. The teacher of the cardiopulmonary resuscitation
26 course or unit shall not be required to be a certified
27 trainer of cardiopulmonary resuscitation if the instruction
28 is not designed to result in certification of students.
29 Instruction that is designed to result in certification
30 being earned shall be required to be taught by an authorized
31 cardiopulmonary instructor. Schools may develop agreements
32 with any local chapter of a voluntary organization of first
33 responders to provide the required hands-on practice and
34 skills testing. For purposes of this subsection, "first
35 responders" shall include telecommunicator first responders
36 as defined in section 650.320.

37 4. The department of elementary and secondary
38 education may promulgate rules to implement this section.
39 Any rule or portion of a rule, as that term is defined in
40 section 536.010, that is created under the authority
41 delegated in this section shall become effective only if it
42 complies with and is subject to all of the provisions of
43 chapter 536 and, if applicable, section 536.028. This
44 section and chapter 536 are nonseverable and if any of the
45 powers vested with the general assembly pursuant to chapter
46 536 to review, to delay the effective date, or to disapprove

47 and annul a rule are subsequently held unconstitutional,
48 then the grant of rulemaking authority and any rule proposed
49 or adopted after August 28, 2012, shall be invalid and void.

190.091. 1. As used in this section, the following
2 terms mean:

3 (1) "Bioterrorism", the intentional use of any
4 microorganism, virus, infectious substance, or biological
5 product that may be engineered as a result of biotechnology
6 or any naturally occurring or bioengineered component of any
7 microorganism, virus, infectious substance, or biological
8 product to cause death, disease, or other biological
9 malfunction in a human, an animal, a plant, or any other
10 living organism to influence the conduct of government or to
11 intimidate or coerce a civilian population;

12 (2) "Department", the Missouri department of health
13 and senior services;

14 (3) "Director", the director of the department of
15 health and senior services;

16 (4) "Disaster locations", any geographical location
17 where a bioterrorism attack, terrorist attack, catastrophic
18 or natural disaster, or emergency occurs;

19 (5) "First responders", state and local law
20 enforcement personnel, telecommunicator first responders,
21 fire department personnel, and emergency medical personnel
22 who will be deployed to bioterrorism attacks, terrorist
23 attacks, catastrophic or natural disasters, and emergencies;

24 (6) "Missouri state highway patrol telecommunicator",
25 any authorized Missouri state highway patrol communications
26 division personnel whose primary responsibility includes
27 directly responding to emergency communications and who meet
28 the training requirements pursuant to section 650.340.

29 2. The department shall offer a vaccination program
30 for first responders and Missouri state highway patrol

31 telecommunicators who may be exposed to infectious diseases
32 when deployed to disaster locations as a result of a
33 bioterrorism event or a suspected bioterrorism event. The
34 vaccinations shall include, but are not limited to,
35 smallpox, anthrax, and other vaccinations when recommended
36 by the federal Centers for Disease Control and Prevention's
37 Advisory Committee on Immunization Practices.

38 3. Participation in the vaccination program shall be
39 voluntary by the first responders and Missouri state highway
40 patrol telecommunicators, except for first responders or
41 Missouri state highway patrol telecommunicators who, as
42 determined by their employer, cannot safely perform
43 emergency responsibilities when responding to a bioterrorism
44 event or suspected bioterrorism event without being
45 vaccinated. The recommendations of the Centers for Disease
46 Control and Prevention's Advisory Committee on Immunization
47 Practices shall be followed when providing appropriate
48 screening for contraindications to vaccination for first
49 responders and Missouri state highway patrol
50 telecommunicators. A first responder and Missouri state
51 highway patrol telecommunicator shall be exempt from
52 vaccinations when a written statement from a licensed
53 physician is presented to their employer indicating that a
54 vaccine is medically contraindicated for such person.

55 4. If a shortage of the vaccines referred to in
56 subsection 2 of this section exists following a bioterrorism
57 event or suspected bioterrorism event, the director, in
58 consultation with the governor and the federal Centers for
59 Disease Control and Prevention, shall give priority for such
60 vaccinations to persons exposed to the disease and to first
61 responders or Missouri state highway patrol
62 telecommunicators who are deployed to the disaster location.

63 5. The department shall notify first responders and
64 Missouri state highway patrol telecommunicators concerning
65 the availability of the vaccination program described in
66 subsection 2 of this section and shall provide education to
67 such first responders, [and] their employers, and Missouri
68 state highway patrol telecommunicators concerning the
69 vaccinations offered and the associated diseases.

70 6. The department may contract for the administration
71 of the vaccination program described in subsection 2 of this
72 section with health care providers, including but not
73 limited to local public health agencies, hospitals,
74 federally qualified health centers, and physicians.

75 7. The provisions of this section shall become
76 effective upon receipt of federal funding or federal grants
77 which designate that the funding is required to implement
78 vaccinations for first responders and Missouri state highway
79 patrol telecommunicators in accordance with the
80 recommendations of the federal Centers for Disease Control
81 and Prevention's Advisory Committee on Immunization
82 Practices. Upon receipt of such funding, the department
83 shall make available the vaccines to first responders and
84 Missouri state highway patrol telecommunicators as provided
85 in this section.

 190.100. As used in sections 190.001 to 190.245 and
2 section 190.257, the following words and terms mean:

3 (1) "Advanced emergency medical technician" or "AEMT",
4 a person who has successfully completed a course of
5 instruction in certain aspects of advanced life support care
6 as prescribed by the department and is licensed by the
7 department in accordance with sections 190.001 to 190.245
8 and rules and regulations adopted by the department pursuant
9 to sections 190.001 to 190.245;

10 (2) "Advanced life support (ALS)", an advanced level
11 of care as provided to the adult and pediatric patient such
12 as defined by national curricula, and any modifications to
13 that curricula specified in rules adopted by the department
14 pursuant to sections 190.001 to 190.245;

15 (3) "Ambulance", any privately or publicly owned
16 vehicle or craft that is specially designed, constructed or
17 modified, staffed or equipped for, and is intended or used,
18 maintained or operated for the transportation of persons who
19 are sick, injured, wounded or otherwise incapacitated or
20 helpless, or who require the presence of medical equipment
21 being used on such individuals, but the term does not
22 include any motor vehicle specially designed, constructed or
23 converted for the regular transportation of persons who are
24 disabled, handicapped, normally using a wheelchair, or
25 otherwise not acutely ill, or emergency vehicles used within
26 airports;

27 (4) "Ambulance service", a person or entity that
28 provides emergency or nonemergency ambulance transportation
29 and services, or both, in compliance with sections 190.001
30 to 190.245, and the rules promulgated by the department
31 pursuant to sections 190.001 to 190.245;

32 (5) "Ambulance service area", a specific geographic
33 area in which an ambulance service has been authorized to
34 operate;

35 (6) "Basic life support (BLS)", a basic level of care,
36 as provided to the adult and pediatric patient as defined by
37 national curricula, and any modifications to that curricula
38 specified in rules adopted by the department pursuant to
39 sections 190.001 to 190.245;

40 (7) "Council", the state advisory council on emergency
41 medical services;

42 (8) "Department", the department of health and senior
43 services, state of Missouri;

44 (9) "Director", the director of the department of
45 health and senior services or the director's duly authorized
46 representative;

47 (10) "Dispatch agency", any person or organization
48 that receives requests for emergency medical services from
49 the public, by telephone or other means, and is responsible
50 for dispatching emergency medical services;

51 (11) "Emergency", the sudden and, at the time,
52 unexpected onset of a health condition that manifests itself
53 by symptoms of sufficient severity that would lead a prudent
54 layperson, possessing an average knowledge of health and
55 medicine, to believe that the absence of immediate medical
56 care could result in:

57 (a) Placing the person's health, or with respect to a
58 pregnant woman, the health of the woman or her unborn child,
59 in significant jeopardy;

60 (b) Serious impairment to a bodily function;

61 (c) Serious dysfunction of any bodily organ or part;

62 (d) Inadequately controlled pain;

63 (12) "Emergency medical dispatcher", a person who
64 receives emergency calls from the public and has
65 successfully completed an emergency medical dispatcher
66 course[, meeting or exceeding the national curriculum of the
67 United States Department of Transportation and any
68 modifications to such curricula specified by the department
69 through rules adopted pursuant to sections 190.001 to
70 190.245] and any ongoing training requirements under section
71 650.340;

72 (13) "Emergency medical responder", a person who has
73 successfully completed an emergency first response course
74 meeting or exceeding the national curriculum of the U.S.

75 Department of Transportation and any modifications to such
76 curricula specified by the department through rules adopted
77 under sections 190.001 to 190.245 and who provides emergency
78 medical care through employment by or in association with an
79 emergency medical response agency;

80 (14) "Emergency medical response agency", any person
81 that regularly provides a level of care that includes first
82 response, basic life support or advanced life support,
83 exclusive of patient transportation;

84 (15) "Emergency medical services for children (EMS-C)
85 system", the arrangement of personnel, facilities and
86 equipment for effective and coordinated delivery of
87 pediatric emergency medical services required in prevention
88 and management of incidents which occur as a result of a
89 medical emergency or of an injury event, natural disaster or
90 similar situation;

91 (16) "Emergency medical services (EMS) system", the
92 arrangement of personnel, facilities and equipment for the
93 effective and coordinated delivery of emergency medical
94 services required in prevention and management of incidents
95 occurring as a result of an illness, injury, natural
96 disaster or similar situation;

97 (17) "Emergency medical technician", a person licensed
98 in emergency medical care in accordance with standards
99 prescribed by sections 190.001 to 190.245, and by rules
100 adopted by the department pursuant to sections 190.001 to
101 190.245;

102 (18) ["Emergency medical technician-basic" or "EMT-B",
103 a person who has successfully completed a course of
104 instruction in basic life support as prescribed by the
105 department and is licensed by the department in accordance
106 with standards prescribed by sections 190.001 to 190.245 and

107 rules adopted by the department pursuant to sections 190.001
108 to 190.245;

109 ~~(19)~~ "Emergency medical technician-community
110 paramedic", "community paramedic", or "EMT-CP", a person who
111 is certified as an emergency medical technician-paramedic
112 and is certified by the department in accordance with
113 standards prescribed in section 190.098;

114 [(20) "Emergency medical technician-paramedic" or "EMT-
115 P", a person who has successfully completed a course of
116 instruction in advanced life support care as prescribed by
117 the department and is licensed by the department in
118 accordance with sections 190.001 to 190.245 and rules
119 adopted by the department pursuant to sections 190.001 to
120 190.245;

121 ~~(21)~~ (19) "Emergency services", health care items and
122 services furnished or required to screen and stabilize an
123 emergency which may include, but shall not be limited to,
124 health care services that are provided in a licensed
125 hospital's emergency facility by an appropriate provider or
126 by an ambulance service or emergency medical response agency;

127 [(22)] (20) "Health care facility", a hospital,
128 nursing home, physician's office or other fixed location at
129 which medical and health care services are performed;

130 [(23)] (21) "Hospital", an establishment as defined in
131 the hospital licensing law, subsection 2 of section 197.020,
132 or a hospital operated by the state;

133 [(24)] (22) "Medical control", supervision provided by
134 or under the direction of physicians, or their designated
135 registered nurse, including both online medical control,
136 instructions by radio, telephone, or other means of direct
137 communications, and offline medical control through
138 supervision by treatment protocols, case review, training,
139 and standing orders for treatment;

140 [(25)] (23) "Medical direction", medical guidance and
141 supervision provided by a physician to an emergency services
142 provider or emergency medical services system;

143 [(26)] (24) "Medical director", a physician licensed
144 pursuant to chapter 334 designated by the ambulance service,
145 dispatch agency, or emergency medical response agency and
146 who meets criteria specified by the department by rules
147 pursuant to sections 190.001 to 190.245;

148 [(27)] (25) "Memorandum of understanding", an
149 agreement between an emergency medical response agency or
150 dispatch agency and an ambulance service or services within
151 whose territory the agency operates, in order to coordinate
152 emergency medical services;

153 (26) "Paramedic", a person who has successfully
154 completed a course of instruction in advanced life support
155 care as prescribed by the department and is licensed by the
156 department in accordance with sections 190.001 to 190.245
157 and rules adopted by the department pursuant to sections
158 190.001 to 190.245;

159 [(28)] (27) "Patient", an individual who is sick,
160 injured, wounded, diseased, or otherwise incapacitated or
161 helpless, or dead, excluding deceased individuals being
162 transported from or between private or public institutions,
163 homes or cemeteries, and individuals declared dead prior to
164 the time an ambulance is called for assistance;

165 [(29)] (28) "Person", as used in these definitions and
166 elsewhere in sections 190.001 to 190.245, any individual,
167 firm, partnership, copartnership, joint venture,
168 association, cooperative organization, corporation,
169 municipal or private, and whether organized for profit or
170 not, state, county, political subdivision, state department,
171 commission, board, bureau or fraternal organization, estate,
172 public trust, business or common law trust, receiver,

173 assignee for the benefit of creditors, trustee or trustee in
174 bankruptcy, or any other service user or provider;

175 [(30)] (29) "Physician", a person licensed as a
176 physician pursuant to chapter 334;

177 [(31)] (30) "Political subdivision", any municipality,
178 city, county, city not within a county, ambulance district
179 or fire protection district located in this state which
180 provides or has authority to provide ambulance service;

181 [(32)] (31) "Professional organization", any organized
182 group or association with an ongoing interest regarding
183 emergency medical services. Such groups and associations
184 could include those representing volunteers, labor,
185 management, firefighters, [EMT-B's] EMTs, nurses, [EMT-P's]
186 paramedics, physicians, communications specialists and
187 instructors. Organizations could also represent the
188 interests of ground ambulance services, air ambulance
189 services, fire service organizations, law enforcement,
190 hospitals, trauma centers, communication centers, pediatric
191 services, labor unions and poison control services;

192 [(33)] (32) "Proof of financial responsibility", proof
193 of ability to respond to damages for liability, on account
194 of accidents occurring subsequent to the effective date of
195 such proof, arising out of the ownership, maintenance or use
196 of a motor vehicle in the financial amount set in rules
197 promulgated by the department, but in no event less than the
198 statutory minimum required for motor vehicles. Proof of
199 financial responsibility shall be used as proof of self-
200 insurance;

201 [(34)] (33) "Protocol", a predetermined, written
202 medical care guideline, which may include standing orders;

203 [(35)] (34) "Regional EMS advisory committee", a
204 committee formed within an emergency medical services (EMS)

205 region to advise ambulance services, the state advisory
206 council on EMS and the department;

207 [(36)] (35) "Specialty care transportation", the
208 transportation of a patient requiring the services of an
209 emergency medical technician-paramedic who has received
210 additional training beyond the training prescribed by the
211 department. Specialty care transportation services shall be
212 defined in writing in the appropriate local protocols for
213 ground and air ambulance services and approved by the local
214 physician medical director. The protocols shall be
215 maintained by the local ambulance service and shall define
216 the additional training required of the emergency medical
217 technician-paramedic;

218 [(37)] (36) "Stabilize", with respect to an emergency,
219 the provision of such medical treatment as may be necessary
220 to attempt to assure within reasonable medical probability
221 that no material deterioration of an individual's medical
222 condition is likely to result from or occur during ambulance
223 transportation unless the likely benefits of such
224 transportation outweigh the risks;

225 [(38)] (37) "State advisory council on emergency
226 medical services", a committee formed to advise the
227 department on policy affecting emergency medical service
228 throughout the state;

229 [(39)] (38) "State EMS medical directors advisory
230 committee", a subcommittee of the state advisory council on
231 emergency medical services formed to advise the state
232 advisory council on emergency medical services and the
233 department on medical issues;

234 [(40)] (39) "STEMI" or "ST-elevation myocardial
235 infarction", a type of heart attack in which impaired blood
236 flow to the patient's heart muscle is evidenced by ST-
237 segment elevation in electrocardiogram analysis, and as

238 further defined in rules promulgated by the department under
239 sections 190.001 to 190.250;

240 [(41)] (40) "STEMI care", includes education and
241 prevention, emergency transport, triage, and acute care and
242 rehabilitative services for STEMI that requires immediate
243 medical or surgical intervention or treatment;

244 [(42)] (41) "STEMI center", a hospital that is
245 currently designated as such by the department to care for
246 patients with ST-segment elevation myocardial infarctions;

247 [(43)] (42) "Stroke", a condition of impaired blood
248 flow to a patient's brain as defined by the department;

249 [(44)] (43) "Stroke care", includes emergency
250 transport, triage, and acute intervention and other acute
251 care services for stroke that potentially require immediate
252 medical or surgical intervention or treatment, and may
253 include education, primary prevention, acute intervention,
254 acute and subacute management, prevention of complications,
255 secondary stroke prevention, and rehabilitative services;

256 [(45)] (44) "Stroke center", a hospital that is
257 currently designated as such by the department;

258 [(46)] (45) "Time-critical diagnosis", trauma care,
259 stroke care, and STEMI care occurring either outside of a
260 hospital or in a center designated under section 190.241;

261 [(47)] (46) "Time-critical diagnosis advisory
262 committee", a committee formed under section 190.257 to
263 advise the department on policies impacting trauma, stroke,
264 and STEMI center designations; regulations on trauma care,
265 stroke care, and STEMI care; and the transport of trauma,
266 stroke, and STEMI patients;

267 [(48)] (47) "Trauma", an injury to human tissues and
268 organs resulting from the transfer of energy from the
269 environment;

270 [(49)] (48) "Trauma care" includes injury prevention,
271 triage, acute care and rehabilitative services for major
272 single system or multisystem injuries that potentially
273 require immediate medical or surgical intervention or
274 treatment;

275 [(50)] (49) "Trauma center", a hospital that is
276 currently designated as such by the department.

190.103. 1. One physician with expertise in emergency
2 medical services from each of the EMS regions shall be
3 elected by that region's EMS medical directors to serve as a
4 regional EMS medical director. The regional EMS medical
5 directors shall constitute the state EMS medical director's
6 advisory committee and shall advise the department and their
7 region's ambulance services on matters relating to medical
8 control and medical direction in accordance with sections
9 190.001 to 190.245 and rules adopted by the department
10 pursuant to sections 190.001 to 190.245. The regional EMS
11 medical director shall serve a term of four years. The
12 southwest, northwest, and Kansas City regional EMS medical
13 directors shall be elected to an initial two-year term. The
14 central, east central, and southeast regional EMS medical
15 directors shall be elected to an initial four-year term.
16 All subsequent terms following the initial terms shall be
17 four years. The state EMS medical director shall be the
18 chair of the state EMS medical director's advisory
19 committee, and shall be elected by the members of the
20 regional EMS medical director's advisory committee, shall
21 serve a term of four years, and shall seek to coordinate EMS
22 services between the EMS regions, promote educational
23 efforts for agency medical directors, represent Missouri EMS
24 nationally in the role of the state EMS medical director,
25 and seek to incorporate the EMS system into the health care
26 system serving Missouri.

27 2. A medical director is required for all ambulance
28 services and emergency medical response agencies that
29 provide: advanced life support services; basic life support
30 services utilizing medications or providing assistance with
31 patients' medications; or basic life support services
32 performing invasive procedures including invasive airway
33 procedures. The medical director shall provide medical
34 direction to these services and agencies in these instances.

35 3. The medical director, in cooperation with the
36 ambulance service or emergency medical response agency
37 administrator, shall have the responsibility and the
38 authority to ensure that the personnel working under their
39 supervision are able to provide care meeting established
40 standards of care with consideration for state and national
41 standards as well as local area needs and resources. The
42 medical director, in cooperation with the ambulance service
43 or emergency medical response agency administrator, shall
44 establish and develop triage, treatment and transport
45 protocols, which may include authorization for standing
46 orders. Emergency medical technicians shall only perform
47 those medical procedures as directed by treatment protocols
48 approved by the local medical director or when authorized
49 through direct communication with online medical control.

50 4. All ambulance services and emergency medical
51 response agencies that are required to have a medical
52 director shall establish an agreement between the service or
53 agency and their medical director. The agreement will
54 include the roles, responsibilities and authority of the
55 medical director beyond what is granted in accordance with
56 sections 190.001 to 190.245 and rules adopted by the
57 department pursuant to sections 190.001 to 190.245. The
58 agreement shall also include grievance procedures regarding

59 the emergency medical response agency or ambulance service,
60 personnel and the medical director.

61 5. Regional EMS medical directors and the state EMS
62 medical director elected as provided under subsection 1 of
63 this section shall be considered public officials for
64 purposes of sovereign immunity, official immunity, and the
65 Missouri public duty doctrine defenses.

66 6. The state EMS medical director's advisory committee
67 shall be considered a peer review committee under section
68 537.035.

69 7. Regional EMS medical directors may act to provide
70 online telecommunication medical direction to AEMTs, [EMT-
71 Bs, EMT-Ps] EMTs, paramedics, and community paramedics and
72 provide offline medical direction per standardized
73 treatment, triage, and transport protocols when EMS
74 personnel, including AEMTs, [EMT-Bs, EMT-Ps] EMTs,
75 paramedics, and community paramedics, are providing care to
76 special needs patients or at the request of a local EMS
77 agency or medical director.

78 8. When developing treatment protocols for special
79 needs patients, regional EMS medical directors may
80 promulgate such protocols on a regional basis across
81 multiple political subdivisions' jurisdictional boundaries,
82 and such protocols may be used by multiple agencies
83 including, but not limited to, ambulance services, emergency
84 response agencies, and public health departments. Treatment
85 protocols shall include steps to ensure the receiving
86 hospital is informed of the pending arrival of the special
87 needs patient, the condition of the patient, and the
88 treatment instituted.

89 9. Multiple EMS agencies including, but not limited
90 to, ambulance services, emergency response agencies, and
91 public health departments shall take necessary steps to

92 follow the regional EMS protocols established as provided
93 under subsection 8 of this section in cases of mass casualty
94 or state-declared disaster incidents.

95 10. When regional EMS medical directors develop and
96 implement treatment protocols for patients or provide online
97 medical direction for patients, such activity shall not be
98 construed as having usurped local medical direction
99 authority in any manner.

100 11. The state EMS medical directors advisory committee
101 shall review and make recommendations regarding all proposed
102 community and regional time-critical diagnosis plans.

103 12. Notwithstanding any other provision of law to the
104 contrary, when regional EMS medical directors are providing
105 either online telecommunication medical direction to AEMTs,
106 [EMT-Bs, EMT-Ps] EMTs, paramedics, and community paramedics,
107 or offline medical direction per standardized EMS treatment,
108 triage, and transport protocols for patients, those medical
109 directions or treatment protocols may include the
110 administration of the patient's own prescription medications.

190.142. 1. (1) For applications submitted before
2 the recognition of EMS personnel licensure interstate
3 compact under sections 190.900 to 190.939 takes effect, the
4 department shall, within a reasonable time after receipt of
5 an application, cause such investigation as it deems
6 necessary to be made of the applicant for an emergency
7 medical technician's license.

8 (2) For applications submitted after the recognition
9 of EMS personnel licensure interstate compact under sections
10 190.900 to 190.939 takes effect, an applicant for initial
11 licensure as an emergency medical technician in this state
12 shall submit to a background check by the Missouri state
13 highway patrol and the Federal Bureau of Investigation
14 through a process approved by the department of health and

15 senior services. Such processes may include the use of
16 vendors or systems administered by the Missouri state
17 highway patrol. The department may share the results of
18 such a criminal background check with any emergency services
19 licensing agency in any member state, as that term is
20 defined under section 190.900, in recognition of the EMS
21 personnel licensure interstate compact. The department
22 shall not issue a license until the department receives the
23 results of an applicant's criminal background check from the
24 Missouri state highway patrol and the Federal Bureau of
25 Investigation, but, notwithstanding this subsection, the
26 department may issue a temporary license as provided under
27 section 190.143. Any fees due for a criminal background
28 check shall be paid by the applicant.

29 (3) The director may authorize investigations into
30 criminal records in other states for any applicant.

31 2. The department shall issue a license to all levels
32 of emergency medical technicians, for a period of five
33 years, if the applicant meets the requirements established
34 pursuant to sections 190.001 to 190.245 and the rules
35 adopted by the department pursuant to sections 190.001 to
36 190.245. The department may promulgate rules relating to
37 the requirements for an emergency medical technician
38 including but not limited to:

39 (1) Age requirements;

40 (2) Emergency medical technician and paramedic
41 education and training requirements based on respective
42 National Emergency Medical Services Education Standards and
43 any modification to such curricula specified by the
44 department through rules adopted pursuant to sections
45 190.001 to 190.245;

46 (3) Paramedic accreditation requirements. Paramedic
47 training programs shall be accredited [by the Commission on

48 Accreditation of Allied Health Education Programs (CAAHEP)
49 or hold a CAAHEP letter of review] as required by the
50 National Registry of Emergency Medical Technicians;

51 (4) Initial licensure testing requirements. Initial
52 [EMT-P] paramedic licensure testing shall be through the
53 national registry of EMTs;

54 (5) Continuing education and relicensure requirements;
55 and

56 (6) Ability to speak, read and write the English
57 language.

58 3. Application for all levels of emergency medical
59 technician license shall be made upon such forms as
60 prescribed by the department in rules adopted pursuant to
61 sections 190.001 to 190.245. The application form shall
62 contain such information as the department deems necessary
63 to make a determination as to whether the emergency medical
64 technician meets all the requirements of sections 190.001 to
65 190.245 and rules promulgated pursuant to sections 190.001
66 to 190.245.

67 4. All levels of emergency medical technicians may
68 perform only that patient care which is:

69 (1) Consistent with the training, education and
70 experience of the particular emergency medical technician;
71 and

72 (2) Ordered by a physician or set forth in protocols
73 approved by the medical director.

74 5. No person shall hold themselves out as an emergency
75 medical technician or provide the services of an emergency
76 medical technician unless such person is licensed by the
77 department.

78 6. Any rule or portion of a rule, as that term is
79 defined in section 536.010, that is created under the
80 authority delegated in this section shall become effective

81 only if it complies with and is subject to all of the
82 provisions of chapter 536 and, if applicable, section
83 536.028. This section and chapter 536 are nonseverable and
84 if any of the powers vested with the general assembly
85 pursuant to chapter 536 to review, to delay the effective
86 date, or to disapprove and annul a rule are subsequently
87 held unconstitutional, then the grant of rulemaking
88 authority and any rule proposed or adopted after August 28,
89 2002, shall be invalid and void.

190.147. 1. [An emergency medical technician
2 paramedic (EMT-P)] A paramedic may make a good faith
3 determination that such behavioral health patients who
4 present a likelihood of serious harm to themselves or
5 others, as the term "likelihood of serious harm" is defined
6 under section 632.005, or who are significantly
7 incapacitated by alcohol or drugs shall be placed into a
8 temporary hold for the sole purpose of transport to the
9 nearest appropriate facility; provided that, such
10 determination shall be made in cooperation with at least one
11 other [EMT-P] paramedic or other health care professional
12 involved in the transport. Once in a temporary hold, the
13 patient shall be treated with humane care in a manner that
14 preserves human dignity, consistent with applicable federal
15 regulations and nationally recognized guidelines regarding
16 the appropriate use of temporary holds and restraints in
17 medical transport. Prior to making such a determination:

18 (1) The [EMT-P] paramedic shall have completed a
19 standard crisis intervention training course as endorsed and
20 developed by the state EMS medical director's advisory
21 committee;

22 (2) The [EMT-P] paramedic shall have been authorized
23 by his or her ground or air ambulance service's

24 administration and medical director under subsection 3 of
25 section 190.103; and

26 (3) The **[EMT-P's]** paramedic ground or air ambulance
27 service has developed and adopted standardized triage,
28 treatment, and transport protocols under subsection 3 of
29 section 190.103, which address the challenge of treating and
30 transporting such patients. Provided:

31 (a) That such protocols shall be reviewed and approved
32 by the state EMS medical director's advisory committee; and

33 (b) That such protocols shall direct the **[EMT-P]**
34 paramedic regarding the proper use of patient restraint and
35 coordination with area law enforcement; and

36 (c) Patient restraint protocols shall be based upon
37 current applicable national guidelines.

38 2. In any instance in which a good faith determination
39 for a temporary hold of a patient has been made, such hold
40 shall be made in a clinically appropriate and adequately
41 justified manner, and shall be documented and attested to in
42 writing. The writing shall be retained by the ambulance
43 service and included as part of the patient's medical file.

44 3. **[EMT-Ps]** Paramedics who have made a good faith
45 decision for a temporary hold of a patient as authorized by
46 this section shall no longer have to rely on the common law
47 doctrine of implied consent and therefore shall not be
48 civilly liable for a good faith determination made in
49 accordance with this section and shall not have waived any
50 sovereign immunity defense, official immunity defense, or
51 Missouri public duty doctrine defense if employed at the
52 time of the good faith determination by a government
53 employer.

54 4. Any ground or air ambulance service that adopts the
55 authority and protocols provided for by this section shall
56 have a memorandum of understanding with applicable local law

57 enforcement agencies in order to achieve a collaborative and
58 coordinated response to patients displaying symptoms of
59 either a likelihood of serious harm to themselves or others
60 or significant incapacitation by alcohol or drugs, which
61 require a crisis intervention response. The memorandum of
62 understanding shall include, but not be limited to, the
63 following:

64 (1) Administrative oversight, including coordination
65 between ambulance services and law enforcement agencies;

66 (2) Patient restraint techniques and coordination of
67 agency responses to situations in which patient restraint
68 may be required;

69 (3) Field interaction between paramedics and law
70 enforcement, including patient destination and
71 transportation; and

72 (4) Coordination of program quality assurance.

73 5. The physical restraint of a patient by an emergency
74 medical technician under the authority of this section shall
75 be permitted only in order to provide for the safety of
76 bystanders, the patient, or emergency personnel due to an
77 imminent or immediate danger, or upon approval by local
78 medical control through direct communications. Restraint
79 shall also be permitted through cooperation with on-scene
80 law enforcement officers. All incidents involving patient
81 restraint used under the authority of this section shall be
82 reviewed by the ambulance service physician medical director.

190.327. 1. Immediately upon the decision by the
2 commission to utilize a portion of the emergency telephone
3 tax for central dispatching and an affirmative vote of the
4 telephone tax, the commission shall appoint the initial
5 members of a board which shall administer the funds and
6 oversee the provision of central dispatching for emergency
7 services in the county and in municipalities and other

8 political subdivisions which have contracted for such
9 service. Beginning with the general election in 1992, all
10 board members shall be elected according to this section and
11 other applicable laws of this state. At the time of the
12 appointment of the initial members of the board, the
13 commission shall relinquish to the board and no longer
14 exercise the duties prescribed in this chapter with regard
15 to the provision of emergency telephone service and in
16 chapter 321, with regard to the provision of central
17 dispatching service, and such duties shall be exercised by
18 the board.

19 2. Elections for board members may be held on general
20 municipal election day, as defined in subsection 3 of
21 section 115.121, after approval by a simple majority of the
22 county commission.

23 3. For the purpose of providing the services described
24 in this section, the board shall have the following powers,
25 authority and privileges:

26 (1) To have and use a corporate seal;

27 (2) To sue and be sued, and be a party to suits,
28 actions and proceedings;

29 (3) To enter into contracts, franchises and agreements
30 with any person, partnership, association or corporation,
31 public or private, affecting the affairs of the board;

32 (4) To acquire, construct, purchase, maintain, dispose
33 of and encumber real and personal property, including leases
34 and easements;

35 (5) To have the management, control and supervision of
36 all the business affairs of the board and the construction,
37 installation, operation and maintenance of any improvements;

38 (6) To hire and retain agents and employees and to
39 provide for their compensation including health and pension
40 benefits;

41 (7) To adopt and amend bylaws and any other rules and
42 regulations;

43 (8) To fix, charge and collect the taxes and fees
44 authorized by law for the purpose of implementing and
45 operating the services described in this section;

46 (9) To pay all expenses connected with the first
47 election and all subsequent elections; and

48 (10) To have and exercise all rights and powers
49 necessary or incidental to or implied from the specific
50 powers granted in this subsection. Such specific powers
51 shall not be considered as a limitation upon any power
52 necessary or appropriate to carry out the purposes and
53 intent of sections 190.300 to 190.329.

54 4. (1) Notwithstanding the provisions of subsections
55 1 and 2 of this section to the contrary, the county
56 commission may elect to appoint the members of the board to
57 administer the funds and oversee the provision of central
58 dispatching for emergency services in the counties,
59 municipalities, and other political subdivisions which have
60 contracted for such service upon the request of the
61 municipalities and other political subdivisions. Upon
62 appointment of the initial members of the board, the
63 commission shall relinquish all powers and duties to the
64 board and no longer exercise the duties prescribed in this
65 chapter with regard to the provision of central dispatching
66 service and such duties shall be exercised by the board.

67 (2) The board shall consist of seven members appointed
68 without regard to political affiliation. The members shall
69 include:

70 (a) Five members who shall serve for so long as they
71 remain in their respective county or municipal positions as
72 follows:

73 a. The county sheriff, or his or her designee;

74 b. The heads of the municipal police department who
75 have contracted for central dispatching service in the two
76 largest municipalities wholly contained within the county,
77 or their designees; or

78 c. The heads of the municipal fire departments or fire
79 divisions who have contracted for central dispatching
80 service in the two largest municipalities wholly contained
81 within the county, or their designees;

82 (b) Two members who shall serve two-year terms
83 appointed from among the following:

84 a. The head of any of the county's fire protection
85 districts who have contracted for central dispatching
86 service, or his or her designee;

87 b. The head of any of the county's ambulance districts
88 who have contracted for central dispatching service, or his
89 or her designee;

90 c. The head of any of the municipal police departments
91 located in the county who have contracted for central
92 dispatching service, or his or her designee, excluding those
93 mentioned in subparagraph b. of paragraph (a) of this
94 subdivision; and

95 d. The head of any of the municipal fire departments
96 in the county who have contracted for central dispatching
97 service, or his or her designee, excluding those mentioned
98 in subparagraph c. of paragraph (a) of this subdivision.

99 (3) Upon the appointment of the board under this
100 subsection, the board shall have the powers provided in
101 subsection 3 of this section and the commission shall
102 relinquish all powers and duties relating to the provision
103 of central dispatching service under this chapter to the
104 board.

105 [5. An emergency services board originally organized
106 under section 190.325 operating within a county with a

107 charter form of government and with more than two hundred
108 thousand but fewer than three hundred fifty thousand
109 inhabitants shall not have a sales tax for emergency
110 services or for providing central dispatching for emergency
111 services greater than one-quarter of one percent. If on
112 July 9, 2019, such tax is greater than one-quarter of one
113 percent, the board shall lower the tax rate.]

190.460. 1. As used in this section, the following
2 terms mean:

3 (1) "Board", the Missouri 911 service board
4 established under section 650.325;

5 (2) "Consumer", a person who purchases prepaid
6 wireless telecommunications service in a retail transaction;

7 (3) "Department", the department of revenue;

8 (4) "Prepaid wireless service provider", a provider
9 that provides prepaid wireless service to an end user;

10 (5) "Prepaid wireless telecommunications service", a
11 wireless telecommunications service that allows a caller to
12 dial 911 to access the 911 system and which service shall be
13 paid for in advance and is sold in predetermined units or
14 dollars of which the number declines with use in a known
15 amount;

16 (6) "Retail transaction", the purchase of prepaid
17 wireless telecommunications service from a seller for any
18 purpose other than resale. The purchase of more than one
19 item that provides prepaid wireless telecommunication
20 service, when such items are sold separately, constitutes
21 more than one retail transaction;

22 (7) "Seller", a person who sells prepaid wireless
23 telecommunications service to another person;

24 (8) "Wireless telecommunications service", commercial
25 mobile radio service as defined by 47 CFR 20.3, as amended.

26 2. (1) Beginning January 1, 2019, there is hereby
27 imposed a prepaid wireless emergency telephone service
28 charge on each retail transaction. The amount of such
29 charge shall be equal to three percent of the amount of each
30 retail transaction. The first fifteen dollars of each
31 retail transaction shall not be subject to the service
32 charge.

33 (2) When prepaid wireless telecommunications service
34 is sold with one or more products or services for a single,
35 nonitemized price, the prepaid wireless emergency telephone
36 service charge set forth in subdivision (1) of this
37 subsection shall apply to the entire nonitemized price
38 unless the seller elects to apply such service charge in the
39 following way:

40 (a) If the amount of the prepaid wireless
41 telecommunications service is disclosed to the consumer as a
42 dollar amount, three percent of such dollar amount; or

43 (b) If the seller can identify the portion of the
44 price that is attributable to the prepaid wireless
45 telecommunications service by reasonable and verifiable
46 standards from the seller's books and records that are kept
47 in the regular course of business for other purposes
48 including, but not limited to, nontax purposes, three
49 percent of such portion;

50 The first fifteen dollars of each transaction under this
51 subdivision shall not be subject to the service charge.

52 (3) The prepaid wireless emergency telephone service
53 charge shall be collected by the seller from the consumer
54 with respect to each retail transaction occurring in this
55 state. The amount of the prepaid wireless emergency
56 telephone service charge shall be either separately stated
57 on an invoice, receipt, or other similar document that is

58 provided to the consumer by the seller or otherwise
59 disclosed to the consumer.

60 (4) For purposes of this subsection, a retail
61 transaction that is effected in person by a consumer at a
62 business location of the seller shall be treated as
63 occurring in this state if that business location is in this
64 state, and any other retail transaction shall be treated as
65 occurring in this state if the retail transaction is treated
66 as occurring under chapter 144.

67 (5) The prepaid wireless emergency telephone service
68 charge is the liability of the consumer and not of the
69 seller or of any provider; except that, the seller shall be
70 liable to remit all charges that the seller collects or is
71 deemed to collect.

72 (6) The amount of the prepaid wireless emergency
73 telephone service charge that is collected by a seller from
74 a consumer, if such amount is separately stated on an
75 invoice, receipt, or other similar document provided to the
76 consumer by the seller, shall not be included in the base
77 for measuring any tax, fee, surcharge, or other charge that
78 is imposed by this state, any political subdivision of this
79 state, or any intergovernmental agency.

80 3. (1) Prepaid wireless emergency telephone service
81 charges collected by sellers shall be remitted to the
82 department at the times and in the manner provided by state
83 law with respect to sales and use taxes. The department
84 shall establish registration and payment procedures that
85 substantially coincide with the registration and payment
86 procedures that apply under state law. On or after the
87 effective date of the service charge imposed under the
88 provisions of this section, the director of the department
89 of revenue shall perform all functions incident to the
90 administration, collection, enforcement, and operation of

91 the service charge, and the director shall collect, in
92 addition to the sales tax for the state of Missouri, all
93 additional service charges imposed in this section. All
94 service charges imposed under this section together with all
95 taxes imposed under the sales tax law of the state of
96 Missouri shall be collected together and reported upon such
97 forms and under such administrative rules and regulations as
98 may be prescribed by the director. All applicable
99 provisions contained in sections 144.010 to 144.525
100 governing the state sales tax and section 32.057 shall apply
101 to the collection of any service charges imposed under this
102 section except as modified.

103 (2) Beginning on January 1, 2019, and ending on
104 January 31, 2019, when a consumer purchases prepaid wireless
105 telecommunications service in a retail transaction from a
106 seller under this section, the seller shall be allowed to
107 retain one hundred percent of the prepaid wireless emergency
108 telephone service charges that are collected by the seller
109 from the consumer. Beginning on February 1, 2019, a seller
110 shall be permitted to deduct and retain three percent of
111 prepaid wireless emergency telephone service charges that
112 are collected by the seller from consumers.

113 (3) The department shall establish procedures by which
114 a seller of prepaid wireless telecommunications service may
115 document that a sale is not a retail transaction, which
116 procedures shall substantially coincide with the procedures
117 for documenting sale for resale transactions for sales and
118 use purposes under state law.

119 (4) The department shall deposit all remitted prepaid
120 wireless emergency telephone service charges into the
121 general revenue fund for the department's use until eight
122 hundred thousand one hundred fifty dollars is collected to
123 reimburse its direct costs of administering the collection

124 and remittance of prepaid wireless emergency telephone
125 service charges. From then onward, the department shall
126 deposit all remitted prepaid wireless emergency telephone
127 service charges into the Missouri 911 service trust fund
128 created under section 190.420 within thirty days of receipt
129 for use by the board. After the initial eight hundred
130 thousand one hundred fifty dollars is collected, the
131 department may deduct an amount not to exceed one percent of
132 collected charges to be retained by the department to
133 reimburse its direct costs of administering the collection
134 and remittance of prepaid wireless emergency telephone
135 service charges.

136 (5) The board shall set a rate between twenty-five and
137 one hundred percent of the prepaid wireless emergency
138 telephone service charges deposited in the Missouri 911
139 service trust fund collected in counties without a charter
140 form of government, less the deductions authorized in
141 subdivision (4) of this subsection, that shall be remitted
142 to such counties in direct proportion to the amount of
143 charges collected in each county. The board shall set a
144 rate between sixty-five and one hundred percent of the
145 prepaid wireless emergency telephone service charges
146 deposited in the Missouri 911 service trust fund collected
147 in counties with a charter form of government and any city
148 not within a county, less the deductions authorized in
149 subdivision (4) of this subsection, that shall be remitted
150 to each such county or city not within a county in direct
151 proportion to the amount of charges collected in each such
152 county or city not within a county. If a county has an
153 elected emergency services board, the Missouri 911 service
154 board shall remit the funds to the elected emergency
155 services board, except for an emergency services board
156 originally organized under section 190.325 operating within

157 a county with a charter form of government and with more
158 than two hundred thousand but fewer than three hundred fifty
159 thousand inhabitants, in which case the funds shall be
160 remitted to the county's general fund for the purpose of
161 public safety infrastructure. The initial percentage rate
162 set by the board for counties with and without a charter
163 form of government and any city not within a county shall be
164 set by June thirtieth of each applicable year and may be
165 adjusted annually for the first three years, and thereafter
166 the rate may be adjusted every three years; however, at no
167 point shall the board set rates that fall below twenty-five
168 percent for counties without a charter form of government
169 and sixty-five percent for counties with a charter form of
170 government and any city not within a county.

171 (6) Any amounts received by a county or city under
172 subdivision (5) of this subsection shall be used only for
173 purposes authorized in sections 190.305, 190.325, and
174 190.335. Any amounts received by any county with a charter
175 form of government and with more than six hundred thousand
176 but fewer than seven hundred thousand inhabitants under this
177 section may be used for emergency service notification
178 systems.

179 4. (1) A seller that is not a provider shall be
180 entitled to the immunity and liability protections under
181 section 190.455, notwithstanding any requirement in state
182 law regarding compliance with Federal Communications
183 Commission Order 05-116.

184 (2) A provider shall be entitled to the immunity and
185 liability protections under section 190.455.

186 (3) In addition to the protection from liability
187 provided in subdivisions (1) and (2) of this subsection,
188 each provider and seller and its officers, employees,
189 assigns, agents, vendors, or anyone acting on behalf of such

190 persons shall be entitled to the further protection from
191 liability, if any, that is provided to providers and sellers
192 of wireless telecommunications service that is not prepaid
193 wireless telecommunications service under section 190.455.

194 5. The prepaid wireless emergency telephone service
195 charge imposed by this section shall be in addition to any
196 other tax, fee, surcharge, or other charge imposed by this
197 state, any political subdivision of this state, or any
198 intergovernmental agency for 911 funding purposes.

199 6. The provisions of this section shall become
200 effective unless the governing body of a county or city
201 adopts an ordinance, order, rule, resolution, or regulation
202 by at least a two-thirds vote prohibiting the charge
203 established under this section from becoming effective in
204 the county or city at least forty-five days prior to the
205 effective date of this section. If the governing body does
206 adopt such ordinance, order, rule, resolution, or regulation
207 by at least a two-thirds vote, the charge shall not be
208 collected and the county or city shall not be allowed to
209 obtain funds from the Missouri 911 service trust fund that
210 are remitted to the fund under the charge established under
211 this section. The Missouri 911 service board shall, by
212 September 1, 2018, notify all counties and cities of the
213 implementation of the charge established under this section,
214 and the procedures set forth under this subsection for
215 prohibiting the charge from becoming effective.

216 7. Any county or city which prohibited the prepaid
217 wireless emergency telephone service charge pursuant to the
218 provisions of subsection 6 of this section may take a vote
219 of the governing body, and notify the department of revenue
220 of the result of such vote[, by November 15, 2019,] to
221 impose such charge [effective January 1, 2020]. A vote of
222 at least two-thirds of the governing body is required in

223 order to impose such charge. The department shall notify
224 the board of notices received by [December 1, 2019] within
225 sixty days of receiving such notice.

190.1010. 1. As used in this section, the following
2 terms shall mean:

3 (1) "Employee", a first responder employed by an
4 employer;

5 (2) "Employer", the state, a unit of local government,
6 or a public hospital or ambulance service that employs first
7 responders;

8 (3) "First responder", a 911 dispatcher, paramedic,
9 emergency medical technician, or a volunteer or full-time
10 paid firefighter;

11 (4) "Peer support advisor", a person approved by the
12 employer who voluntarily provides confidential support and
13 assistance to employees experiencing personal or
14 professional problems. An employer shall provide peer
15 support advisors with an appropriate level of training in
16 counseling to provide emotional and moral support;

17 (5) "Peer support counseling program", a program
18 established by an employer to train employees to serve as
19 peer support advisors in order to conduct peer support
20 counseling sessions;

21 (6) "Peer support counseling session", communication
22 with a peer support advisor designated by an employer. A
23 peer support counseling session is accomplished primarily
24 through listening, assessing, assisting with problem
25 solving, making referrals to a professional when necessary,
26 and conducting follow-up as needed;

27 (7) "Record", any record kept by a therapist or by an
28 agency in the course of providing behavioral health care to
29 a first responder concerning the first responder and the
30 services provided. "Record" includes the personal notes of

31 the therapist or agency, as well as all records maintained
32 by a court that have been created in connection with, in
33 preparation for, or as a result of the filing of any
34 petition. "Record" does not include information that has
35 been de-identified in accordance with the federal Health
36 Insurance Portability and Accountability Act (HIPAA) and
37 does not include a reference to the receipt of behavioral
38 health care noted during a patient history and physical or
39 other summary of care.

40 2. (1) Any communication made by an employee or peer
41 support advisor in a peer support counseling session, as
42 well as any oral or written information conveyed in the peer
43 support counseling session, shall be confidential and shall
44 not be disclosed by any person participating in the peer
45 support counseling session or released to any person or
46 entity. Any communication relating to a peer support
47 counseling session made confidential under this section that
48 is made between peer support advisors and the supervisors or
49 staff of a peer support counseling program, or between the
50 supervisor and staff of a peer support counseling program,
51 shall be confidential and shall not be disclosed. The
52 provisions of this section shall not be construed to
53 prohibit any communications between counselors who conduct
54 peer support counseling sessions or any communications
55 between counselors and the supervisors or staff of a peer
56 support counseling program.

57 (2) Any communication described in subdivision (1) of
58 this subsection may be subject to a subpoena for good cause
59 shown.

60 (3) The provisions of this subsection shall not apply
61 to the following:

62 (a) Any threat of suicide or homicide made by a
63 participant in a peer support counseling session or any

64 information conveyed in a peer support counseling session
65 related to a threat of suicide or homicide;

66 (b) Any information mandated by law or agency policy
67 to be reported, including, but not limited to, domestic
68 violence, child abuse or neglect, or elder abuse or neglect;

69 (c) Any admission of criminal conduct; or

70 (d) Any admission or act of refusal to perform duties
71 to protect others or the employee.

72 (4) All communications, notes, records, and reports
73 arising out of a peer support counseling session shall not
74 be considered public records subject to disclosure under
75 chapter 610.

76 (5) A department or organization that establishes a
77 peer support counseling program shall develop a policy or
78 rule that imposes disciplinary measures against a peer
79 support advisor who violates the confidentiality of the peer
80 support counseling program by sharing information learned in
81 a peer support counseling session with personnel who are not
82 supervisors or staff of the peer support counseling program
83 unless otherwise exempted under the provisions of this
84 subsection.

85 3. Any employer that creates a peer support counseling
86 program shall be subject to the provisions of this section.
87 An employer shall ensure that peer support advisors receive
88 appropriate training in counseling to conduct peer support
89 counseling sessions. An employer may refer any person to a
90 peer support advisor within the employer's organization or,
91 if those services are not available with the employer, to
92 another peer support counseling program that is available
93 and approved by the employer. Notwithstanding any other
94 provision of law to the contrary, an employer shall not
95 mandate that any employee participate in a peer support
96 counseling program.

192.2405. 1. The following persons shall be required
2 to immediately report or cause a report to be made to the
3 department under sections 192.2400 to 192.2470:

4 (1) Any person having reasonable cause to suspect that
5 an eligible adult presents a likelihood of suffering serious
6 physical harm, or bullying as defined in subdivision (2) of
7 section 192.2400, and is in need of protective services; and

8 (2) Any adult day care worker, chiropractor, Christian
9 Science practitioner, coroner, dentist, embalmer, employee
10 of the departments of social services, mental health, or
11 health and senior services, employee of a local area agency
12 on aging or an organized area agency on aging program,
13 emergency medical technician, firefighter, first responder,
14 funeral director, home health agency, home health agency
15 employee, hospital and clinic personnel engaged in the care
16 or treatment of others, in-home services owner or provider,
17 in-home services operator or employee, law enforcement
18 officer, long-term care facility administrator or employee,
19 medical examiner, medical resident or intern, mental health
20 professional, minister, nurse, nurse practitioner,
21 optometrist, other health practitioner, peace officer,
22 pharmacist, physical therapist, physician, physician's
23 assistant, podiatrist, probation or parole officer,
24 psychologist, social worker, or other person with the
25 responsibility for the care of an eligible adult who has
26 reasonable cause to suspect that the eligible adult has been
27 subjected to abuse or neglect or observes the eligible adult
28 being subjected to conditions or circumstances which would
29 reasonably result in abuse or neglect. Notwithstanding any
30 other provision of this section, a duly ordained minister,
31 clergy, religious worker, or Christian Science practitioner
32 while functioning in his or her ministerial capacity shall
33 not be required to report concerning a privileged

34 communication made to him or her in his or her professional
35 capacity.

36 2. Any other person who becomes aware of circumstances
37 that may reasonably be expected to be the result of, or
38 result in, abuse or neglect of an eligible adult may report
39 to the department.

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

43 4. As used in this section, "first responder" means
44 any person trained and authorized by law or rule to render
45 emergency medical assistance or treatment. Such persons may
46 include, but shall not be limited to, emergency first
47 responders, police officers, sheriffs, deputy sheriffs,
48 firefighters, or emergency medical technicians[, or
49 emergency medical technician-paramedics].

195.817. 1. The department of health and senior
2 services shall require all employees, contractors, owners,
3 and volunteers of marijuana facilities to submit
4 fingerprints to the Missouri state highway patrol for the
5 purpose of conducting a state and federal fingerprint-based
6 criminal background check.

7 2. The department may require that such fingerprint
8 submissions be made as part of a marijuana facility
9 application, a marijuana facility renewal application, and
10 an individual's application for a license or permit
11 authorizing that individual to be an employee, contractor,
12 owner, or volunteer of a marijuana facility.

13 3. Fingerprint cards and any required fees shall be
14 sent to the Missouri state highway patrol's central
15 repository. The fingerprints shall be used for searching
16 the state criminal records repository and shall also be
17 forwarded to the Federal Bureau of Investigation for a

18 federal criminal records search under section 43.540. The
19 Missouri state highway patrol shall notify the department of
20 any criminal history record information or lack of criminal
21 history record information discovered on the individual.
22 Notwithstanding the provisions of section 610.120 to the
23 contrary, all records related to any criminal history
24 information discovered shall be accessible and available to
25 the department.

26 4. As used in this section, the following terms shall
27 mean:

28 (1) "Contractor", a person performing work or service
29 of any kind for a marijuana facility for more than fourteen
30 days in a calendar year in accordance with a contract with
31 that facility;

32 (2) "Marijuana facility", an entity licensed or
33 certified by the department of health and senior services to
34 cultivate, manufacture, test, transport, dispense, or
35 conduct research on marijuana or marijuana products;

36 (3) "Owner", an individual who has a financial
37 interest or voting interest in ten percent or greater of a
38 marijuana facility.

208.1032. 1. The department of social services shall
2 be authorized to design and implement in consultation and
3 coordination with eligible providers as described in
4 subsection 2 of this section an intergovernmental transfer
5 program relating to ground emergency medical transport
6 services, including those services provided at the emergency
7 medical responder, emergency medical technician (EMT),
8 advanced EMT, [EMT intermediate,] or paramedic levels in the
9 prestabilization and preparation for transport, in order to
10 increase capitation payments for the purpose of increasing
11 reimbursement to eligible providers.

12 2. A provider shall be eligible for increased
13 reimbursement under this section only if the provider meets
14 the following conditions in an applicable state fiscal year:

15 (1) Provides ground emergency medical transportation
16 services to MO HealthNet participants;

17 (2) Is enrolled as a MO HealthNet provider for the
18 period being claimed; and

19 (3) Is owned, operated, or contracted by the state or
20 a political subdivision.

21 3. (1) To the extent intergovernmental transfers are
22 voluntarily made by and accepted from an eligible provider
23 described in subsection 2 of this section or a governmental
24 entity affiliated with an eligible provider, the department
25 of social services shall make increased capitation payments
26 to applicable MO HealthNet eligible providers for covered
27 ground emergency medical transportation services.

28 (2) The increased capitation payments made under this
29 section shall be in amounts at least actuarially equivalent
30 to the supplemental fee-for-service payments and up to
31 equivalent of commercial reimbursement rates available for
32 eligible providers to the extent permissible under federal
33 law.

34 (3) Except as provided in subsection 6 of this
35 section, all funds associated with intergovernmental
36 transfers made and accepted under this section shall be used
37 to fund additional payments to eligible providers.

38 (4) MO HealthNet managed care plans and coordinated
39 care organizations shall pay one hundred percent of any
40 amount of increased capitation payments made under this
41 section to eligible providers for providing and making
42 available ground emergency medical transportation and
43 prestabilization services pursuant to a contract or other

44 arrangement with a MO HealthNet managed care plan or
45 coordinated care organization.

46 4. The intergovernmental transfer program developed
47 under this section shall be implemented on the date federal
48 approval is obtained, and only to the extent
49 intergovernmental transfers from the eligible provider, or
50 the governmental entity with which it is affiliated, are
51 provided for this purpose. The department of social
52 services shall implement the intergovernmental transfer
53 program and increased capitation payments under this section
54 on a retroactive basis as permitted by federal law.

55 5. Participation in the intergovernmental transfers
56 under this section is voluntary on the part of the
57 transferring entities for purposes of all applicable federal
58 laws.

59 6. As a condition of participation under this section,
60 each eligible provider as described in subsection 2 of this
61 section or the governmental entity affiliated with an
62 eligible provider shall agree to reimburse the department of
63 social services for any costs associated with implementing
64 this section. Intergovernmental transfers described in this
65 section are subject to an administration fee of up to twenty
66 percent of the nonfederal share paid to the department of
67 social services and shall be allowed to count as a cost of
68 providing the services not to exceed one hundred twenty
69 percent of the total amount.

70 7. As a condition of participation under this section,
71 MO HealthNet managed care plans, coordinated care
72 organizations, eligible providers as described in subsection
73 2 of this section, and governmental entities affiliated with
74 eligible providers shall agree to comply with any requests
75 for information or similar data requirements imposed by the
76 department of social services for purposes of obtaining

77 supporting documentation necessary to claim federal funds or
78 to obtain federal approvals.

79 8. This section shall be implemented only if and to
80 the extent federal financial participation is available and
81 is not otherwise jeopardized, and any necessary federal
82 approvals have been obtained.

83 9. To the extent that the director of the department
84 of social services determines that the payments made under
85 this section do not comply with federal Medicaid
86 requirements, the director retains the discretion to return
87 or not accept an intergovernmental transfer, and may adjust
88 payments under this section as necessary to comply with
89 federal Medicaid requirements.

211.031. 1. Except as otherwise provided in this
2 chapter, the juvenile court or the family court in circuits
3 that have a family court as provided in chapter 487 shall
4 have exclusive original jurisdiction in proceedings:

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

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

17 (b) The child is otherwise without proper care,
18 custody or support;

19 (c) The child was living in a room, building or other
20 structure at the time such dwelling was found by a court of

21 competent jurisdiction to be a public nuisance pursuant to
22 section 195.130; or

23 (d) The child is in need of mental health services and
24 the parent, guardian or custodian is unable to afford or
25 access appropriate mental health treatment or care for the
26 child;

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

30 (a) The child while subject to compulsory school
31 attendance is repeatedly and without justification absent
32 from school;

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

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

38 (d) The behavior or associations of the child are
39 otherwise injurious to his or her welfare or to the welfare
40 of others; or

41 (e) The child is charged with an offense not
42 classified as criminal, or with an offense applicable only
43 to children; except that, the juvenile court shall not have
44 jurisdiction over any child fifteen years of age who is
45 alleged to have violated a state or municipal traffic
46 ordinance or regulation, the violation of which does not
47 constitute a felony, or any child who is alleged to have
48 violated a state or municipal ordinance or regulation
49 prohibiting possession or use of any tobacco product;

50 (3) Involving any child who is alleged to have
51 violated a state law or municipal ordinance, or any person
52 who is alleged to have violated a state law or municipal
53 ordinance prior to attaining the age of eighteen years, in

54 which cases jurisdiction may be taken by the court of the
55 circuit in which [the child or person resides or may be
56 found or in which] the violation is alleged to have
57 occurred, except as provided in subsection 2 of this
58 section; except that, the juvenile court shall not have
59 jurisdiction over any child fifteen years of age who is
60 alleged to have violated a state or municipal traffic
61 ordinance or regulation, the violation of which does not
62 constitute a felony, and except that the juvenile court
63 shall have concurrent jurisdiction with the municipal court
64 over any child who is alleged to have violated a municipal
65 curfew ordinance, and except that the juvenile court shall
66 have concurrent jurisdiction with the circuit court on any
67 child who is alleged to have violated a state or municipal
68 ordinance or regulation prohibiting possession or use of any
69 tobacco product;

70 (4) For the adoption of a person;

71 (5) For the commitment of a child to the guardianship
72 of the department of social services as provided by law;

73 (6) Involving an order of protection pursuant to
74 chapter 455 when the respondent is less than eighteen years
75 of age; and

76 (7) Involving a child who has been a victim of sex
77 trafficking or sexual exploitation.

78 2. Transfer of a matter, proceeding, jurisdiction or
79 supervision for a child who resides in a county of this
80 state shall be made as follows:

81 (1) Prior to the filing of a petition and upon request
82 of any party or at the discretion of the juvenile officer,
83 the matter in the interest of a child may be transferred by
84 the juvenile officer, with the prior consent of the juvenile
85 officer of the receiving court, to the county of the child's

86 residence or the residence of the person eighteen years of
87 age for future action;

88 (2) Upon the motion of any party or on its own motion
89 prior to final disposition on the pending matter, the court
90 in which a proceeding is commenced may transfer the
91 proceeding of a child to the court located in the county of
92 the child's residence, or the county in which the offense
93 pursuant to subdivision (3) of subsection 1 of this section
94 is alleged to have occurred for further action;

95 (3) Upon motion of any party or on its own motion, the
96 court in which jurisdiction has been taken pursuant to
97 subsection 1 of this section may at any time thereafter
98 transfer jurisdiction of a child to the court located in the
99 county of the child's residence for further action with the
100 prior consent of the receiving court;

101 (4) Upon motion of any party or upon its own motion at
102 any time following a judgment of disposition or treatment
103 pursuant to section 211.181, the court having jurisdiction
104 of the cause may place the child under the supervision of
105 another juvenile court within or without the state pursuant
106 to section 210.570 with the consent of the receiving court;

107 (5) Upon motion of any child or his or her parent, the
108 court having jurisdiction shall grant one change of judge
109 pursuant to Missouri supreme court rules;

110 (6) Upon the transfer of any matter, proceeding,
111 jurisdiction or supervision of a child, certified copies of
112 all legal and social documents and records pertaining to the
113 case on file with the clerk of the transferring juvenile
114 court shall accompany the transfer.

115 3. In any proceeding involving any child taken into
116 custody in a county other than the county of the child's
117 residence, the juvenile court of the county of the child's

118 residence shall be notified of such taking into custody
119 within seventy-two hours.

120 4. When an investigation by a juvenile officer
121 pursuant to this section reveals that the only basis for
122 action involves an alleged violation of section 167.031
123 involving a child who alleges to be home schooled, the
124 juvenile officer shall contact a parent or parents of such
125 child to verify that the child is being home schooled and
126 not in violation of section 167.031 before making a report
127 of such a violation. Any report of a violation of section
128 167.031 made by a juvenile officer regarding a child who is
129 being home schooled shall be made to the prosecuting
130 attorney of the county where the child legally resides.

131 5. The disability or disease of a parent shall not
132 constitute a basis for a determination that a child is a
133 child in need of care or for the removal of custody of a
134 child from the parent without a specific showing that there
135 is a causal relation between the disability or disease and
136 harm to the child.

211.071. 1. If a petition alleges that a child
2 between the ages of ~~twelve~~ fourteen and eighteen has
3 committed an offense which would be considered a felony if
4 committed by an adult, the court may, upon its own motion or
5 upon motion by the juvenile officer, the child or the
6 child's custodian, order a hearing and may, in its
7 discretion, dismiss the petition and such child may be
8 transferred to the court of general jurisdiction and
9 prosecuted under the general law; except that if a petition
10 alleges that ~~any~~ a child between the ages of twelve and
11 eighteen has committed an offense which would be considered
12 first degree murder under section 565.020, second degree
13 murder under section 565.021, first degree assault under
14 section 565.050, forcible rape under section 566.030 as it

15 existed prior to August 28, 2013, rape in the first degree
16 under section 566.030, forcible sodomy under section 566.060
17 as it existed prior to August 28, 2013, sodomy in the first
18 degree under section 566.060, first degree robbery under
19 section 569.020 as it existed prior to January 1, 2017, or
20 robbery in the first degree under section 570.023,
21 distribution of drugs under section 195.211 as it existed
22 prior to January 1, 2017, or the manufacturing of a
23 controlled substance under section 579.055, a dangerous
24 felony as defined in section 556.061, or has committed two
25 or more prior unrelated offenses which would be felonies if
26 committed by an adult, the court shall order a hearing, and
27 may in its discretion, dismiss the petition and transfer the
28 child to a court of general jurisdiction for prosecution
29 under the general law.

30 2. Upon apprehension and arrest, jurisdiction over the
31 criminal offense allegedly committed by any person between
32 eighteen and twenty-one years of age over whom the juvenile
33 court has retained continuing jurisdiction shall
34 automatically terminate and that offense shall be dealt with
35 in the court of general jurisdiction as provided in section
36 211.041.

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

44 4. Written notification of a transfer hearing shall be
45 given to the juvenile and his or her custodian in the same
46 manner as provided in sections 211.101 and 211.111. Notice
47 of the hearing may be waived by the custodian. Notice shall

48 contain a statement that the purpose of the hearing is to
49 determine whether the child is a proper subject to be dealt
50 with under the provisions of this chapter, and that if the
51 court finds that the child is not a proper subject to be
52 dealt with under the provisions of this chapter, the
53 petition will be dismissed to allow for prosecution of the
54 child under the general law.

55 5. The juvenile officer may consult with the office of
56 prosecuting attorney concerning any offense for which the
57 child could be certified as an adult under this section.
58 The prosecuting or circuit attorney shall have access to
59 police reports, reports of the juvenile or deputy juvenile
60 officer, statements of witnesses and all other records or
61 reports relating to the offense alleged to have been
62 committed by the child. The prosecuting or circuit attorney
63 shall have access to the disposition records of the child
64 when the child has been adjudicated pursuant to subdivision
65 (3) of subsection 1 of section 211.031. The prosecuting
66 attorney shall not divulge any information regarding the
67 child and the offense until the juvenile court at a judicial
68 hearing has determined that the child is not a proper
69 subject to be dealt with under the provisions of this
70 chapter.

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

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

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

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

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

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

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

98 (7) The age of the child;

99 (8) The program and facilities available to the
100 juvenile court in considering disposition;

101 (9) Whether or not the child can benefit from the
102 treatment or rehabilitative programs available to the
103 juvenile court; and

104 (10) Racial disparity in certification.

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

108 (1) Findings showing that the court had jurisdiction
109 of the cause and of the parties;

110 (2) Findings showing that the child was represented by
111 counsel;

112 (3) Findings showing that the hearing was held in the
113 presence of the child and his or her counsel; and

114 (4) Findings showing the reasons underlying the
115 court's decision to transfer jurisdiction.

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

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

125 10. If a petition has been dismissed thereby
126 permitting a child to be prosecuted under the general law
127 and the child is found not guilty by a court of general
128 jurisdiction, the juvenile court shall have jurisdiction
129 over any later offense committed by that child which would
130 be considered a misdemeanor or felony if committed by an
131 adult, subject to the certification provisions of this
132 section.

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

211.141. 1. When a child is taken into custody as
2 provided in section 211.131, the person taking the child
3 into custody shall, unless it has been otherwise ordered by
4 the court, return the child to his or her parent, guardian
5 or legal custodian on the promise of such person to bring
6 the child to court, if necessary, at a stated time or at
7 such times as the court may direct. The court may also
8 impose other conditions relating to activities of the

9 child. If these additional conditions are not met, the
10 court may order the child detained as provided in section
11 211.151. If additional conditions are imposed, the child
12 shall be notified that failure to adhere to the conditions
13 may result in the court imposing more restrictive conditions
14 or ordering the detention of the child. If the person
15 taking the child into custody believes it desirable, he may
16 request the parent, guardian or legal custodian to sign a
17 written promise to bring the child into court and
18 acknowledging any additional conditions imposed on the child.

19 2. If the child is not released as provided in
20 subsection 1 of this section, he or she may be conditionally
21 released or detained in any place of detention specified in
22 section 211.151 but only on order of the court specifying
23 the reason for the conditional release or the detention.
24 The parent, guardian or legal custodian of the child shall
25 be notified of the terms of the conditional release or the
26 place of detention as soon as possible.

27 3. The juvenile officer may conditionally release or
28 detain a child for a period not to exceed twenty-four hours
29 if it is impractical to obtain a written order from the
30 court because of the unreasonableness of the hour or the
31 fact that it is a Sunday or holiday. The conditional
32 release shall be as provided in subsection 1 of this
33 section, and the detention shall be as provided in section
34 211.151. A written record of such conditional release or
35 detention shall be kept and a report in writing filed with
36 the court. In the event that the judge is absent from his
37 circuit, or is unable to act, the approval of another
38 circuit judge of the same or adjoining circuit must be
39 obtained as a condition or continuing the conditional
40 release or detention of a child for more than twenty-four
41 hours.

42 4. In any matter referred to the juvenile court
43 pursuant to section 211.031, the juvenile officer shall make
44 a risk and needs assessment of the child and, before the
45 disposition of the matter, shall report the results of the
46 assessment to the juvenile court. The juvenile officer
47 shall use a cumulative total of points assessed for all
48 alleged offenses committed to determine whether or not the
49 court shall order the child to be detained as provided in
50 section 211.151. The assessment shall be written on a
51 standardized form approved by the office of state courts
52 administrator.

53 5. The division, in cooperation with juvenile officers
54 and juvenile courts, shall at least biennially review a
55 random sample of assessments of children and the disposition
56 of each child's case to recommend assessment and disposition
57 equity throughout the state. Such review shall identify any
58 evidence of racial disparity in certification. Such review
59 shall be conducted in a manner which protects the
60 confidentiality of the cases examined.

211.600. 1. The office of state courts administrator
2 shall collect information related to the filing and
3 disposition of petitions to certify juveniles pursuant to
4 section 211.071.

5 2. The data collected pursuant to this section shall
6 include the following:

7 (1) The number of certification petitions filed
8 annually;

9 (2) The disposition of certification petitions filed
10 annually;

11 (3) The offenses for which certification petitions are
12 filed annually;

13 (4) The race of the juveniles for whom the
14 certification petitions are filed annually; and

15 (5) The number of juveniles who have waived their
16 right to counsel.

17 3. The data collected pursuant to this section shall
18 be made publicly available annually.

 217.035. The director shall have the authority to:

2 (1) Establish, with approval of the governor, the
3 internal organization of the department and file the plan
4 thereof with the secretary of state in the manner in which
5 administrative rules are filed, the commissioner of
6 administration and the revisor of statutes;

7 (2) Exclusively prepare the budgets of the department
8 and each division within the department in the form and
9 manner set out by statute or by the commissioner of
10 administration;

11 (3) Designate by written order filed with the
12 governor, the president pro tem of the senate, and the
13 chairman of the joint committee on corrections, a deputy
14 director of the department to act for and exercise the
15 powers of the director during the director's absence for
16 official business, vacation, illness or incapacity. The
17 deputy director shall serve as acting director no longer
18 than six months; however, after the deputy director has
19 acted as director for longer than thirty days the deputy
20 director shall receive compensation equal to that of the
21 director;

22 (4) Procure, either through the division of purchasing
23 or by other means authorized by law, supplies, material,
24 equipment or contractual services for the department and
25 each of its divisions;

26 (5) Establish policy for the department and each of
27 its divisions;

28 (6) Designate any responsibilities, duties and powers
29 given by sections 217.010, [217.810,] 558.011 and 558.026 to

30 the department or the department director to any division or
31 division director.

217.345. 1. Correctional treatment programs for first
2 offenders and offenders eighteen years of age or younger in
3 the department shall be established, subject to the control
4 and supervision of the director, and shall include such
5 programs deemed necessary and sufficient for the successful
6 rehabilitation of offenders.

7 2. [Correctional treatment programs for offenders who
8 are younger than eighteen years of age shall be established,
9 subject to the control and supervision of the director. By
10 January 1, 1998, such] Programs established pursuant to this
11 section shall include physical separation of offenders who
12 are younger than eighteen years of age from offenders who
13 are eighteen years of age or older and shall include
14 educational programs that award a high school diploma or its
15 equivalent.

16 3. The department shall have the authority to
17 promulgate rules pursuant to subsection 2 of section 217.378
18 to establish correctional treatment programs for offenders
19 under age eighteen. Such rules may include:

20 (1) Establishing separate housing units for such
21 offenders; and

22 (2) Providing housing and program space in existing
23 housing units for such offenders that is not accessible to
24 adult offenders.

25 4. The department shall have the authority to
26 determine the number of juvenile offenders participating in
27 any treatment program depending on available
28 appropriations. The department may contract with any
29 private or public entity for the provision of services and
30 facilities for offenders under age eighteen. The department
31 shall apply for and accept available federal, state and

32 local public funds including project demonstration funds as
33 well as private moneys to fund such services and facilities.

34 5. The department shall develop and implement an
35 evaluation process for all juvenile offender programs.

217.650. As used in sections 217.650 to [217.810]
2 217.805, unless the context clearly indicates otherwise, the
3 following terms mean:

4 (1) "Chairperson", chairperson of the parole board who
5 shall be appointed by the governor;

6 (2) "Diversionary program", a program designed to
7 utilize alternatives to incarceration undertaken under the
8 supervision of the division of probation and parole after
9 commitment of an offense and prior to arraignment;

10 (3) "Parole", the release of an offender to the
11 community by the court or the state parole board prior to
12 the expiration of his term, subject to conditions imposed by
13 the court or the parole board and to its supervision by the
14 division of probation and parole;

15 (4) "Parole board", the state board of parole;

16 (5) "Prerelease program", a program relating to an
17 offender's preparation for, or orientation to, supervision
18 by the division of probation and parole immediately prior to
19 or immediately after assignment of the offender to the
20 division of probation and parole for supervision;

21 (6) "Pretrial program", a program relating to the
22 investigation or supervision of persons referred or assigned
23 to the division of probation and parole prior to their
24 conviction;

25 (7) "Probation", a procedure under which a defendant
26 found guilty of a crime upon verdict or plea is released by
27 the court without imprisonment, subject to conditions
28 imposed by the court and subject to the supervision of the
29 division of probation and parole;

30 (8) "Recognizance program", a program relating to the
31 release of an individual from detention who is under arrest
32 for an offense for which he or she may be released as
33 provided in section 544.455.

217.670. 1. The board shall adopt an official seal of
2 which the courts shall take official notice.

3 2. Decisions of the board regarding granting of
4 paroles, extensions of a conditional release date or
5 revocations of a parole or conditional release shall be by a
6 majority vote of the hearing panel members. The hearing
7 panel shall consist of one member of the board and two
8 hearing officers appointed by the board. A member of the
9 board may remove the case from the jurisdiction of the
10 hearing panel and refer it to the full board for a
11 decision. Within thirty days of entry of the decision of
12 the hearing panel to deny parole or to revoke a parole or
13 conditional release, the offender may appeal the decision of
14 the hearing panel to the board. The board shall consider
15 the appeal within thirty days of receipt of the appeal. The
16 decision of the board shall be by majority vote of the board
17 members and shall be final.

18 3. The orders of the board shall not be reviewable
19 except as to compliance with the terms of sections 217.650
20 to [217.810] 217.805 or any rules promulgated pursuant to
21 such section.

22 4. The board shall keep a record of its acts and shall
23 notify each correctional center of its decisions relating to
24 persons who are or have been confined in such correctional
25 center.

26 5. Notwithstanding any other provision of law, any
27 meeting, record, or vote, of proceedings involving
28 probation, parole, or pardon, may be a closed meeting,
29 closed record, or closed vote.

30 6. Notwithstanding any other provision of law, when
31 the appearance or presence of an offender before the board
32 or a hearing panel is required for the purpose of deciding
33 whether to grant conditional release or parole, extend the
34 date of conditional release, revoke parole or conditional
35 release, or for any other purpose, such appearance or
36 presence may occur by means of a videoconference at the
37 discretion of the board. Victims having a right to attend
38 parole hearings may testify either at the site where the
39 board is conducting the videoconference or at the
40 institution where the offender is located. The use of
41 videoconferencing in this section shall be at the discretion
42 of the board, and shall not be utilized if either the victim
43 or the victim's family objects to it.

 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
71 the first degree or] capital murder, murder in the first
72 degree or murder in the second degree, when murder in the
73 second degree is committed pursuant to subdivision (1) of
74 subsection 1 of section 565.021, who was under eighteen
75 years of age when the offender committed the offense or
76 offenses who may be found ineligible for parole or whose
77 parole eligibility may be controlled by section 558.047 or
78 565.033.

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

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

92 10. Parole hearings shall, at a minimum, contain the
93 following procedures:

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

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

100 (3) The victim or person representing the victim may
101 call or write the parole board rather than attend the
102 hearing;

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

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

111 (6) The parole board shall evaluate information listed
112 in the juvenile sex offender registry pursuant to section
113 211.425, provided the offender is between the ages of
114 seventeen and twenty-one, as it impacts the safety of the
115 community.

116 11. The parole board shall notify any person of the
117 results of a parole eligibility hearing if the person
118 indicates to the parole board a desire to be notified.

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

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

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

139 15. Beginning January 1, 2001, the parole board shall
140 not order a parole unless the offender has obtained a high
141 school diploma or its equivalent, or unless the parole board
142 is satisfied that the offender, while committed to the
143 custody of the department, has made an honest good-faith
144 effort to obtain a high school diploma or its equivalent;
145 provided that the director may waive this requirement by
146 certifying in writing to the parole board that the offender
147 has actively participated in mandatory education programs or

148 is academically unable to obtain a high school diploma or
149 its equivalent.

150 16. Any rule or portion of a rule, as that term is
151 defined in section 536.010, that is created under the
152 authority delegated in this section shall become effective
153 only if it complies with and is subject to all of the
154 provisions of chapter 536 and, if applicable, section
155 536.028. This section and chapter 536 are nonseverable and
156 if any of the powers vested with the general assembly
157 pursuant to chapter 536 to review, to delay the effective
158 date, or to disapprove and annul a rule are subsequently
159 held unconstitutional, then the grant of rulemaking
160 authority and any rule proposed or adopted after August 28,
161 2005, shall be invalid and void.

217.710. 1. Probation and parole officers,
2 supervisors and members of the parole board, who are
3 certified pursuant to the requirements of subsection 2 of
4 this section shall have the authority to carry their
5 firearms at all times. The department of corrections shall
6 promulgate policies and operating regulations which govern
7 the use of firearms by probation and parole officers,
8 supervisors and members of the parole board when carrying
9 out the provisions of sections 217.650 to [217.810]
10 217.805. Mere possession of a firearm shall not constitute
11 an employment activity for the purpose of calculating
12 compensatory time or overtime.

13 2. The department shall determine the content of the
14 required firearms safety training and provide firearms
15 certification and recertification training for probation and
16 parole officers, supervisors and members of the parole
17 board. A minimum of sixteen hours of firearms safety
18 training shall be required. In no event shall firearms
19 certification or recertification training for probation and

20 parole officers and supervisors exceed the training required
21 for officers of the state highway patrol.

22 3. The department shall determine the type of firearm
23 to be carried by the officers, supervisors and members of
24 the parole board.

25 4. Any officer, supervisor or member of the parole
26 board that chooses to carry a firearm in the performance of
27 such officer's, supervisor's or member's duties shall
28 purchase the firearm and holster.

29 5. The department shall furnish such ammunition as is
30 necessary for the performance of the officer's, supervisor's
31 and member's duties.

32 6. Any rule or portion of a rule, as that term is
33 defined in section 536.010, that is promulgated under the
34 authority of this chapter, shall become effective only if
35 the agency has fully complied with all of the requirements
36 of chapter 536 including but not limited to, section
37 536.028, if applicable, after August 28, 1998. All
38 rulemaking authority delegated prior to August 28, 1998, is
39 of no force and effect and repealed as of August 28, 1998,
40 however nothing in section 571.030 or this section shall be
41 interpreted to repeal or affect the validity of any rule
42 adopted and promulgated prior to August 28, 1998. If the
43 provisions of section 536.028 apply, the provisions of this
44 section are nonseverable and if any of the powers vested
45 with the general assembly pursuant to section 536.028 to
46 review, to delay the effective date, or to disapprove and
47 annul a rule or portion of a rule are held unconstitutional
48 or invalid, the purported grant of rulemaking authority and
49 any rule so proposed and contained in the order of
50 rulemaking shall be invalid and void, except that nothing in
51 section 571.030 or this section shall affect the validity of
52 any rule adopted and promulgated prior to August 28, 1998.

217.720. 1. At any time during release on parole or
2 conditional release the division of probation and parole may
3 issue a warrant for the arrest of a released offender for
4 violation of any of the conditions of parole or conditional
5 release. The warrant shall authorize any law enforcement
6 officer to return the offender to the actual custody of the
7 correctional center from which the offender was released, or
8 to any other suitable facility designated by the division.
9 If any parole or probation officer has probable cause to
10 believe that such offender has violated a condition of
11 parole or conditional release, the probation or parole
12 officer may issue a warrant for the arrest of the offender.
13 The probation or parole officer may effect the arrest or may
14 deputize any officer with the power of arrest to do so by
15 giving the officer a copy of the warrant which shall outline
16 the circumstances of the alleged violation and contain the
17 statement that the offender has, in the judgment of the
18 probation or parole officer, violated conditions of parole
19 or conditional release. The warrant delivered with the
20 offender by the arresting officer to the official in charge
21 of any facility designated by the division to which the
22 offender is brought shall be sufficient legal authority for
23 detaining the offender. After the arrest the parole or
24 probation officer shall present to the detaining authorities
25 a similar statement of the circumstances of violation.
26 Pending hearing as hereinafter provided, upon any charge of
27 violation, the offender shall remain in custody or
28 incarcerated without consideration of bail.

29 2. If the offender is arrested under the authority
30 granted in subsection 1 of this section, the offender shall
31 have the right to a preliminary hearing on the violation
32 charged unless the offender waives such hearing. Upon such
33 arrest and detention, the parole or probation officer shall

34 immediately notify the board and shall submit in writing a
35 report showing in what manner the offender has violated the
36 conditions of his parole or conditional release. The board
37 shall order the offender discharged from such facility,
38 require as a condition of parole or conditional release the
39 placement of the offender in a treatment center operated by
40 the department of corrections, or shall cause the offender
41 to be brought before it for a hearing on the violation
42 charged, under such rules and regulations as the board may
43 adopt. If the violation is established and found, the board
44 may continue or revoke the parole or conditional release, or
45 enter such other order as it may see fit. If no violation
46 is established and found, then the parole or conditional
47 release shall continue. If at any time during release on
48 parole or conditional release the offender is arrested for a
49 crime which later leads to conviction, and sentence is then
50 served outside the Missouri department of corrections, the
51 board shall determine what part, if any, of the time from
52 the date of arrest until completion of the sentence imposed
53 is counted as time served under the sentence from which the
54 offender was paroled or conditionally released.

55 3. An offender for whose return a warrant has been
56 issued by the division shall, if it is found that the
57 warrant cannot be served, be deemed to be a fugitive from
58 justice or to have fled from justice. If it shall appear
59 that the offender has violated the provisions and conditions
60 of his parole or conditional release, the board shall
61 determine whether the time from the issuing date of the
62 warrant to the date of his arrest on the warrant, or
63 continuance on parole or conditional release shall be
64 counted as time served under the sentence. In all other
65 cases, time served on parole or conditional release shall be
66 counted as time served under the sentence.

67 4. At any time during parole or probation, the
68 division may issue a warrant for the arrest of any person
69 from another jurisdiction[, the visitation and supervision
70 of whom the division has undertaken pursuant to the
71 provisions of the interstate compact for the supervision of
72 parolees and probationers authorized in section 217.810,]
73 for violation of any of the conditions of release[,] or a
74 notice to appear to answer a charge of violation. The
75 notice shall be served personally upon the person. The
76 warrant shall authorize any law enforcement officer to
77 return the offender to any suitable detention facility
78 designated by the division. Any parole or probation officer
79 may arrest such person without a warrant, or may deputize
80 any other officer with power of arrest to do so by issuing a
81 written statement setting forth that the defendant has, in
82 the judgment of the parole or probation officer, violated
83 the conditions of his release. The written statement
84 delivered with the person by the arresting officer to the
85 official in charge of the detention facility to which the
86 person is brought shall be sufficient legal authority for
87 detaining him. After making an arrest the parole or
88 probation officer shall present to the detaining authorities
89 a similar statement of the circumstances of violation.

217.830. The department of corrections shall develop a
2 policy and procedures outlining for offenders how to apply
3 for Medicaid and how to obtain a birth certificate, Social
4 Security card, and state identification prior to release
5 from a correctional center. The policy shall be made
6 available to the offender population. If an offender does
7 not have access to his or her birth certificate, Social
8 Security card, or state identification upon release, the
9 department shall assist such offender in obtaining the
10 documents prior to release. Any educational or special

11 training certificate shall be provided to the offender at
12 the time he or she is released from custody.

285.040. 1. As used in this section, "public safety
2 employee" shall mean a person trained or authorized by law
3 or rule to render emergency medical assistance or treatment,
4 including, but not limited to, firefighters, [ambulance
5 attendants and attendant drivers,] emergency medical
6 technicians, [emergency medical technician paramedics,]
7 dispatchers, registered nurses, physicians, and sheriffs and
8 deputy sheriffs.

9 2. No public safety employee of a city not within a
10 county who is hired prior to September 1, 2023, shall be
11 subject to a residency requirement of retaining a primary
12 residence in a city not within a county but may be required
13 to maintain a primary residence located within a one-hour
14 response time.

15 [3. Public safety employees of a city not within a
16 county who are hired after August 31, 2023, may be subject
17 to a residency rule no more restrictive than a requirement
18 of retaining a primary residence in a city not within a
19 county for a total of seven years and of then allowing the
20 public safety employee to maintain a primary residence
21 outside the city not within a county so long as the primary
22 residence is located within a one-hour response time.]

287.067. 1. In this chapter the term "occupational
2 disease" is hereby defined to mean, unless a different
3 meaning is clearly indicated by the context, an identifiable
4 disease arising with or without human fault out of and in
5 the course of the employment. Ordinary diseases of life to
6 which the general public is exposed outside of the
7 employment shall not be compensable, except where the
8 diseases follow as an incident of an occupational disease as
9 defined in this section. The disease need not to have been

10 foreseen or expected but after its contraction it must
11 appear to have had its origin in a risk connected with the
12 employment and to have flowed from that source as a rational
13 consequence.

14 2. An injury or death by occupational disease is
15 compensable only if the occupational exposure was the
16 prevailing factor in causing both the resulting medical
17 condition and disability. The "prevailing factor" is
18 defined to be the primary factor, in relation to any other
19 factor, causing both the resulting medical condition and
20 disability. Ordinary, gradual deterioration, or progressive
21 degeneration of the body caused by aging or by the normal
22 activities of day-to-day living shall not be compensable.

23 3. An injury due to repetitive motion is recognized as
24 an occupational disease for purposes of this chapter. An
25 occupational disease due to repetitive motion is compensable
26 only if the occupational exposure was the prevailing factor
27 in causing both the resulting medical condition and
28 disability. The "prevailing factor" is defined to be the
29 primary factor, in relation to any other factor, causing
30 both the resulting medical condition and disability.
31 Ordinary, gradual deterioration, or progressive degeneration
32 of the body caused by aging or by the normal activities of
33 day-to-day living shall not be compensable.

34 4. "Loss of hearing due to industrial noise" is
35 recognized as an occupational disease for purposes of this
36 chapter and is hereby defined to be a loss of hearing in one
37 or both ears due to prolonged exposure to harmful noise in
38 employment. "Harmful noise" means sound capable of
39 producing occupational deafness.

40 5. "Radiation disability" is recognized as an
41 occupational disease for purposes of this chapter and is
42 hereby defined to be that disability due to radioactive

43 properties or substances or to Roentgen rays (X-rays) or
44 exposure to ionizing radiation caused by any process
45 involving the use of or direct contact with radium or
46 radioactive properties or substances or the use of or direct
47 exposure to Roentgen rays (X-rays) or ionizing radiation.

48 6. Disease of the lungs or respiratory tract,
49 hypotension, hypertension, or disease of the heart or
50 cardiovascular system, including carcinoma, may be
51 recognized as occupational diseases for the purposes of this
52 chapter and are defined to be disability due to exposure to
53 smoke, gases, carcinogens, inadequate oxygen, of paid
54 firefighters of a paid fire department or paid police
55 officers of a paid police department certified under chapter
56 590 if a direct causal relationship is established, or
57 psychological stress of firefighters of a paid fire
58 department or paid peace officers of a police department who
59 are certified under chapter 590 if a direct causal
60 relationship is established.

61 7. Any employee who is exposed to and contracts any
62 contagious or communicable disease arising out of and in the
63 course of his or her employment shall be eligible for
64 benefits under this chapter as an occupational disease.

65 8. With regard to occupational disease due to
66 repetitive motion, if the exposure to the repetitive motion
67 which is found to be the cause of the injury is for a period
68 of less than three months and the evidence demonstrates that
69 the exposure to the repetitive motion with the immediate
70 prior employer was the prevailing factor in causing the
71 injury, the prior employer shall be liable for such
72 occupational disease.

73 9. (1) (a) Posttraumatic stress disorder (PTSD), as
74 described in the Diagnostic and Statistical Manual of Mental
75 Health Disorders, Fifth Edition, published by the American

76 Psychiatric Association, (DSM-5) is recognized as a
77 compensable occupational disease for purposes of this
78 chapter when diagnosed in a first responder, as defined
79 pursuant to section 67.145.

80 (b) Benefits payable to a first responder pursuant to
81 this section shall not require a physical injury to the
82 first responder, and are not subject to any preexisting PTSD.

83 (c) Benefits payable to a first responder under this
84 section are compensable only if demonstrated by clear and
85 convincing evidence that PTSD has resulted from the course
86 and scope of employment, and the first responder is examined
87 and diagnosed with PTSD by an authorized treating physician,
88 due to the first responder experiencing one of the following
89 qualifying events:

90 a. Seeing for oneself a deceased minor;

91 b. Witnessing directly the death of a minor;

92 c. Witnessing directly the injury to a minor who
93 subsequently died prior to, or upon arrival at a hospital
94 emergency department, participating in the physical
95 treatment of, or manually transporting an injured minor who
96 subsequently died before or upon arrival at a hospital
97 emergency department;

98 d. Seeing for oneself a person that has suffered
99 grievous bodily harm of a nature that shocks the conscience;

100 e. Witnessing directly a death, including suicide, due
101 to grievous bodily harm; or homicide, including murder, mass
102 killings, manslaughter, self-defense, misadventure, and
103 negligence;

104 f. Witnessing directly an injury that results in
105 death, if the person suffered grievous bodily harm that
106 shocks the conscience;

107 g. Participating in the physical treatment of an
108 injury, including attempted suicide, or manually

109 transporting an injured person who suffered grievous bodily
110 harm, if the injured person subsequently died prior to or
111 upon arrival at a hospital emergency department; or

112 h. Involvement in an event which caused or may have
113 caused serious injury or harm to the first responder or had
114 the potential to cause the death of the first responder,
115 whether accidental or by an intentional act of another
116 individual.

117 (2) The time for notice of injury or death in cases of
118 compensable PTSD pursuant to this section is measured from
119 exposure to one of the qualifying stressors listed in the
120 DSM-5 criteria, or the diagnosis of the disorder, whichever
121 is later. Any claim for compensation for such injury shall
122 be properly noticed to the division within fifty-two weeks
123 after the qualifying exposure, or the diagnosis of the
124 disorder, whichever is later.

287.245. 1. As used in this section, the following
2 terms shall mean:

3 (1) "Association", volunteer fire protection
4 associations as defined in section 320.300;

5 (2) "State fire marshal", the state fire marshal
6 selected under the provisions of sections 320.200 to 320.270;

7 (3) "Volunteer firefighter", the same meaning as in
8 section 287.243;

9 (4) "Voluntary [firefighter cancer] critical illness
10 benefits pool" or "pool", the same meaning as in section
11 320.400.

12 2. (1) Any association may apply to the state fire
13 marshal for a grant for the purpose of funding such
14 association's costs related to workers' compensation
15 insurance premiums for volunteer firefighters.

16 (2) Any voluntary [firefighter cancer] critical
17 illness benefits pool may apply to the state fire marshal

18 for a grant for the [purpose of establishing a] voluntary
19 [firefighter cancer] critical illness benefits pool. [This
20 subdivision shall expire June 30, 2023.]

21 3. Subject to appropriations, the state fire marshal
22 may disburse grants to any applying volunteer fire
23 protection association subject to the following schedule:

24 (1) Associations which had zero to five volunteer
25 firefighters receive workers' compensation benefits from
26 claims arising out of and in the course of the prevention or
27 control of fire or the underwater recovery of drowning
28 victims in the preceding calendar year shall be eligible for
29 two thousand dollars in grant money;

30 (2) Associations which had six to ten volunteer
31 firefighters receive workers' compensation benefits from
32 claims arising out of and in the course of the prevention or
33 control of fire or the underwater recovery of drowning
34 victims in the preceding calendar year shall be eligible for
35 one thousand five hundred dollars in grant money;

36 (3) Associations which had eleven to fifteen volunteer
37 firefighters receive workers' compensation benefits from
38 claims arising out of and in the course of the prevention or
39 control of fire or the underwater recovery of drowning
40 victims in the preceding calendar year shall be eligible for
41 one thousand dollars in grant money;

42 (4) Associations which had sixteen to twenty volunteer
43 firefighters receive workers' compensation benefits from
44 claims arising out of and in the course of the prevention or
45 control of fire or the underwater recovery of drowning
46 victims in the preceding calendar year shall be eligible for
47 five hundred dollars in grant money.

48 4. Grant money disbursed under this section shall only
49 be used for the purpose of paying for the workers'
50 compensation insurance premiums of volunteer firefighters or

51 [establishing] for the benefit of a voluntary [firefighter
52 cancer] critical illness benefits pool.

301.3175. 1. Any vehicle owner may apply for "Back
2 the Blue" license plates for any motor vehicle the person
3 owns, either solely or jointly, other than an apportioned
4 motor vehicle or a commercial motor vehicle licensed in
5 excess of twenty-four thousand pounds gross weight. Upon
6 making a ten dollar contribution to the Missouri Law
7 Enforcement Memorial Foundation, the vehicle owner may apply
8 for the "Back the Blue" plate. If the contribution is made
9 directly to the Missouri Law Enforcement Memorial
10 Foundation, the foundation shall issue the individual making
11 the contribution a receipt, verifying the contribution, that
12 may be used to apply for the "Back the Blue" license plate.
13 If the contribution is made directly to the director of
14 revenue pursuant to section 301.3031, the director shall
15 note the contribution and the owner may then apply for the
16 "Back the Blue" plate. The applicant for such plate shall
17 pay a fifteen dollar fee in addition to the regular
18 registration fees and present any other documentation
19 required by law for each set of "Back the Blue" plates
20 issued pursuant to this section. Notwithstanding the
21 provisions of section 301.144, no additional fee shall be
22 charged for the personalization of license plates issued
23 pursuant to this section. Notwithstanding any provision of
24 law to the contrary, the department of revenue shall issue
25 the license plate or plates, as authorized in this section,
26 for nonapportioned vehicles of any classification for which
27 it issues a license plate or plates.

28 2. The "Back the Blue" plate shall bear the emblem of
29 a thin blue line encompassed in black as prescribed by the
30 director of revenue and shall have the words "BACK THE
31 BLUE". Such license plates shall be made with fully

32 reflective material with a common color scheme and design,
33 shall be clearly visible at night, and shall be
34 aesthetically attractive, as prescribed by section 301.130.

35 [2.] 3. The director of revenue may promulgate rules
36 and regulations for the administration of this section. Any
37 rule or portion of a rule, as that term is defined in
38 section 536.010, that is created under the authority
39 delegated in this section shall become effective only if it
40 complies with and is subject to all of the provisions of
41 chapter 536 and, if applicable, section 536.028. This
42 section and chapter 536 are nonseverable and if any of the
43 powers vested with the general assembly pursuant to chapter
44 536 to review, to delay the effective date, or to disapprove
45 and annul a rule are subsequently held unconstitutional,
46 then the grant of rulemaking authority and any rule proposed
47 or adopted after August 28, 2019, shall be invalid and void.

2 304.822. 1. This section shall be known as the
3 "Siddens Bening Hands Free Law".

4 2. As used in this section, the following terms shall
5 mean:

6 (1) "Commercial motor vehicle", the same meaning as is
7 ascribed to such term in section 302.700;

8 (2) "Electronic communication device", a portable
9 device that is used to initiate, receive, store, or view
10 communication, information, images, or data electronically;

11 (a) Such term shall include but not be limited to:
12 cellular telephones; portable telephones; text-messaging
13 devices; personal digital assistants; pagers; broadband
14 personal communication devices; electronic devices with
15 mobile data access; computers, including but not limited to
16 tablets, laptops, notebook computers, and electronic or
17 video game systems; devices capable of transmitting,
retrieving, or displaying a video, movie, broadcast

18 television image, or visual image; and any substantially
19 similar device that is used to initiate or receive
20 communication or store and review information, videos,
21 images, or data;

22 (b) Such term shall not include: radios; citizens band
23 radios; commercial two-way radio communication devices or
24 their functional equivalent; subscription-based emergency
25 communication devices; prescribed medical devices; amateur
26 or ham radio devices; or global positioning system
27 receivers, security, navigation, communication, or remote
28 diagnostics systems permanently affixed to the vehicle;

29 (3) "Highway", the same meaning as is ascribed to such
30 term in section 302.010;

31 (4) "Noncommercial motor vehicle", the same meaning as
32 is ascribed to such term in section 302.700;

33 (5) "Operating", the actual physical control of a
34 vehicle;

35 (6) "Operator", a person who is in actual physical
36 control;

37 (7) "School bus", the same meaning as is ascribed to
38 such term in section 302.700;

39 (8) "Voice-operated or hands-free feature or
40 function", a feature or function, whether internally
41 installed or externally attached or connected to an
42 electronic communication device, that allows a person to use
43 an electronic communication device without the use of either
44 hand, except to activate, deactivate, or initiate the
45 feature or function with a single touch or single swipe.

46 3. Except as otherwise provided in this section, while
47 operating a noncommercial motor vehicle or commercial motor
48 vehicle on any highway or property open to the public for
49 vehicular traffic in this state, no operator shall:

- 50 (1) Physically hold or support, with any part of his
51 or her body, an electronic communication device;
- 52 (2) Write, send, or read any text-based communication,
53 including but not limited to a text message, instant
54 message, email, or social media interaction on an electronic
55 communication device. This subdivision shall not apply to
56 operators of a noncommercial motor vehicle using a voice-
57 operated or hands-free feature or function that converts the
58 message to be sent as a message in a written form, provided
59 that the operator does not divert his or her attention from
60 lawful operation of the vehicle;
- 61 (3) Make any communication on an electronic
62 communication device, including a phone call, voice message,
63 or one-way voice communication; provided however, that this
64 prohibition shall not apply to use of a voice-operated or
65 hands-free feature or function;
- 66 (4) Engage in any form of electronic data retrieval or
67 electronic data communication on an electronic communication
68 device;
- 69 (5) Manually enter letters, numbers, or symbols into
70 any website, search engine, or application on an electronic
71 communication device;
- 72 (6) Watch a video or movie on an electronic
73 communication device, other than watching data related to
74 the navigation of the vehicle; or
- 75 (7) Record, post, send, or broadcast video, including
76 a video conference, on an electronic communication device,
77 provided that this prohibition shall not apply to electronic
78 devices used for the sole purpose of continually monitoring
79 operator behavior by recording or broadcasting video within
80 or outside the vehicle.
- 81 4. The operator of a school bus shall not use or
82 operate an electronic communication device while the school

83 bus is in motion unless the device is being used in a
84 similar manner as a two-way radio to allow live
85 communication between the operator and school officials or
86 public safety officials. The operator of a school bus shall
87 not use or operate an electronic communication device or a
88 two-way radio while loading or unloading passengers.

89 5. This section shall not apply to:

90 (1) Law enforcement officers or operators of emergency
91 vehicles, as such term is defined in section 304.022, who
92 are both using the electronic communication device and
93 operating the emergency vehicle in the performance of their
94 official duties;

95 (2) Operators using an electronic communication device
96 for the sole purpose of reporting an emergency situation and
97 continuing communication with emergency personnel during the
98 emergency situation;

99 (3) Operators of noncommercial motor vehicles using an
100 electronic communication device solely through a voice-
101 operated or hands-free feature or function;

102 (4) Operators of commercial motor vehicles using a
103 voice-operated or hands-free feature or function, as long as
104 the operator remains seated and is restrained by a seat belt
105 as required by law;

106 (5) Operators of commercial motor vehicles reading a
107 message displayed on a permanently installed communication
108 device designed for a commercial motor vehicle with a screen
109 that does not exceed ten inches tall by ten inches wide in
110 size;

111 (6) Operators using electronic communication devices
112 while the vehicle is lawfully stopped or parked;

113 (7) Commercial motor vehicles that are responding to a
114 request for roadside assistance, when such response is

115 conducted by a motor club as defined in section 385.450 or a
116 towing company as defined in section 304.001;

117 (8) The use of an electronic communication device to
118 relay information between a transit or for-hire vehicle
119 operator and that operator's dispatcher, provided the device
120 is mounted or affixed to the vehicle;

121 (9) The use of an electronic communication device to
122 access or view a map for navigational purposes; or

123 (10) The use of an electronic communication device to
124 access or listen to an audio broadcast or digital audio
125 recording.

126 6. Except as otherwise provided in this subsection,
127 violation of this section shall be an infraction. Penalties
128 for violations of this section shall be as provided in this
129 subsection. Prior convictions shall be pleaded and proven
130 in the same manner as required under section 558.021.

131 (1) For a conviction under this section where there is
132 no prior conviction under this section within the preceding
133 twenty-four months, the court shall impose a fine of up to
134 one hundred fifty dollars.

135 (2) For a conviction under this section where there is
136 one prior conviction under this section within the preceding
137 twenty-four months, the court shall impose a fine of up to
138 two hundred fifty dollars.

139 (3) For a conviction under this section where there
140 are two or more prior convictions under this section in the
141 preceding twenty-four months, the court shall impose a fine
142 of up to five hundred dollars.

143 (4) For a conviction under this section where the
144 violation occurred in a work zone when workers are present,
145 as such terms are defined in section 304.580, or for a
146 conviction under this section where the violation occurred
147 in an area designated as a school zone and marked in any way

148 that would alert a reasonably prudent operator to the
149 presence of the school zone, the court shall impose a fine
150 of up to five hundred dollars.

151 (5) A violation of this section that is the proximate
152 cause of damage to property in excess of five thousand
153 dollars shall be a class D misdemeanor.

154 (6) A violation of this section that is the proximate
155 cause of serious physical injury to another person shall be
156 a class B misdemeanor.

157 (7) A violation of this section that is the proximate
158 cause of the death of another person shall be a class D
159 felony.

160 (8) A violation of this section while operating a
161 commercial motor vehicle shall be deemed a serious traffic
162 violation, as such term is defined in section 302.700, for
163 purposes of commercial driver's license disqualification
164 under section 302.755.

165 7. A law enforcement officer who stops a noncommercial
166 motor vehicle for a violation of this section shall inform
167 the operator of the operator's right to decline a search of
168 their electronic communication device and shall not access
169 the electronic communication device without a warrant, nor
170 confiscate the device while awaiting issuance of a warrant.

171 8. A violation of this section shall not be used to
172 establish probable cause for any other violation.

173 9. The provisions of this section shall be subject to
174 the reporting requirements set forth in section 590.650.

175 10. The state preempts the field of regulating the use
176 of electronic communication devices by the operators of
177 commercial and noncommercial motor vehicles. The provisions
178 of this section shall supercede any local laws, ordinances,
179 orders, rules, or regulations enacted by a county,
180 municipality, or other political subdivision to regulate the

181 use of electronic communication devices by the operator of a
182 commercial or noncommercial motor vehicle.

183 11. Prior to January 1, 2025, a law enforcement
184 officer who stops a noncommercial motor vehicle for a
185 violation of this section shall not issue a citation for a
186 violation of this section and shall only issue a warning.

187 12. No person shall be stopped, inspected, or detained
188 solely for a violation of this section.

307.018. 1. Notwithstanding any other provision of
2 law, no court shall issue a warrant of arrest for a person's
3 failure to respond, pay the fine assessed, or appear in
4 court with respect to a traffic citation issued for an
5 infraction under the provisions of this chapter. In lieu of
6 such warrant of arrest, the court shall issue a notice of
7 failure to respond, pay the fine assessed, or appear, and
8 the court shall schedule a second court date for the person
9 to respond, pay the fine assessed, or appear. A copy of the
10 court's notice with the new court date shall be sent to the
11 driver of the vehicle. If the driver fails to respond, pay
12 the fine assessed, or appear on the second court date, the
13 court shall issue a second notice of failure to respond, pay
14 the fine assessed, or appear. If the driver fails to
15 respond, pay the fine assessed, or appear after the second
16 notice, the court may issue a default judgment under section
17 556.021 for the infraction.

18 2. At any point after the default judgment has been
19 entered, the driver may appear in court to state that he or
20 she is unable to pay and to request the court to modify the
21 judgment. The court shall hold a hearing to determine
22 whether the driver has the ability to pay. If the court
23 finds the driver lacks the present ability to pay, the court
24 shall modify the judgment in any way authorized by statute
25 or court rule, including:

26 (1) Allowing for payment of the fine on an installment
27 basis;

28 (2) Waiving or reducing the amount owed; or

29 (3) Requiring the driver to perform community service
30 or attend a court-ordered program in lieu of payment.

31 3. At any point after the default judgment has been
32 entered, the driver may appear in court and show proof that
33 he or she corrected the equipment violation for which the
34 fine and costs were assessed. If the driver shows such
35 proof, the court may waive the fines and costs that are due.

 320.210. The state fire marshal shall appoint one
2 assistant director and such other investigators and
3 employees as the needs of the office require within the
4 limits of the appropriation made for such purpose.

5 [Supervising investigators shall be at least twenty-five
6 years of age and shall have either a minimum of five years'
7 experience in fire risk inspection, prevention, or
8 investigation work, or a degree in fire protection
9 engineering from a recognized college or university of
10 engineering.] No person shall be appointed as an
11 investigator or other employee who has been convicted of a
12 felony or other crime involving moral turpitude. Any person
13 appointed as an investigator shall be of good character,
14 shall be a citizen of the United States, [shall have been a
15 taxpaying resident of this state for at least three years
16 immediately preceding his appointment, and] shall be a
17 graduate of an accredited four-year high school or, in lieu
18 thereof, shall have obtained a certificate of equivalency
19 from the state department of elementary and secondary
20 education, and shall [possess ordinary physical strength and
21 be able to pass such physical and mental examinations as the
22 state fire marshal may prescribe] be a resident of Missouri
23 at the time of appointment. An investigator or employee

24 shall not hold any other commission or office, elective or
25 appointive, or accept any other employment that would pose a
26 conflict of interest while he or she is an investigator or
27 employee. An investigator or employee shall not accept any
28 compensation, reward, or gift other than his or her regular
29 salary and expenses for the performance of his or her
30 official duties.

320.400. 1. For purposes of this section, the
2 following terms mean:

3 (1) "Covered individual", a [firefighter] first
4 responder who:

5 (a) Is a paid employee or is a volunteer [firefighter
6 as defined in section 320.333];

7 (b) Has been assigned to at least five years of
8 hazardous duty as a [firefighter] paid employee or volunteer;

9 (c) Was exposed to [an agent classified by the
10 International Agency for Research on Cancer, or its
11 successor organization, as a group 1 or 2A carcinogen, or
12 classified as a cancer-causing agent by the American Cancer
13 Society, the American Association for Cancer Research, the
14 Agency for Health Care Policy and Research, the American
15 Society for Clinical Oncology, the National Institute for
16 Occupational Safety and Health, or the United States
17 National Cancer Institute] or diagnosed with a critical
18 illness type;

19 (d) Was last assigned to hazardous duty [as a
20 firefighter] within the previous fifteen years; and

21 (e) In the case of a diagnosis of cancer, is not
22 seventy years of age or older at the time of the diagnosis
23 of cancer;

24 (2) "Critical illness", one of the following:

25 (a) In the case of a cancer claim, exposure to an
26 agent classified by the International Agency for Research on

27 Cancer, or its successor organization, as a group 1 or 2A
28 carcinogen, or classified as a cancer-causing agent by the
29 American Cancer Society, the American Association for Cancer
30 Research, the Agency for Healthcare Research and Quality,
31 the American Society of Clinical Oncology, the National
32 Institute for Occupational Safety and Health, or the United
33 States National Cancer Institute;

34 (b) In the case of a posttraumatic stress injury
35 claim, such an injury that is diagnosed by a psychiatrist
36 licensed pursuant to chapter 334 or a psychologist licensed
37 pursuant to chapter 337 and established by a preponderance
38 of the evidence to have been caused by the employment
39 conditions of the first responder;

40 (3) "Dependent", the same meaning as in section
41 287.240;

42 [(3)] (4) "Emergency medical technician-basic", the
43 same meaning as in section 190.100;

44 (5) "Emergency medical technician-paramedic", the same
45 meaning as in section 190.100;

46 (6) "Employer", any political subdivision of the state;

47 [(4)] (7) "First responder", a firefighter, emergency
48 medical technician-basic or emergency medical technician-
49 paramedic, or telecommunicator;

50 (8) "Posttraumatic stress injury", any psychological
51 or behavioral health injury suffered by and through the
52 employment of an individual due to exposure to stressful and
53 life-threatening situations and rigors of the employment,
54 excluding any posttraumatic stress injuries that may arise
55 solely as a result of a legitimate personnel action by an
56 employer such as a transfer, promotion, demotion, or
57 termination;

58 (9) "Telecommunicator", the same meaning as in section
59 650.320;

60 (10) "Voluntary [firefighter cancer] critical illness
61 benefits pool" or "pool", an entity described in section
62 537.620 that is established for the purposes of this section;

63 (11) "Volunteer", a volunteer firefighter, as defined
64 in section 320.333; volunteer emergency medical technician-
65 basic; volunteer emergency medical technician-paramedic; or
66 volunteer telecommunicator.

67 2. (1) Three or more employers may create a
68 [voluntary firefighter cancer benefits] pool for the purpose
69 of this section. Notwithstanding the provisions of sections
70 537.620 to 537.650 to the contrary, a pool created pursuant
71 to this section may allow covered individuals to join the
72 pool. An employer or covered individual may make
73 contributions into the [voluntary firefighter cancer
74 benefits] pool established for the purpose of this section.
75 Any professional organization formed for the purpose, in
76 whole or in part, of representing or providing resources for
77 any covered individual may make contributions to the pool on
78 behalf of any covered individual without the professional
79 organization itself joining the pool. The contribution
80 levels and award levels shall be set by the board of
81 trustees of the pool.

82 (2) For a covered individual or an employer that
83 chooses to make contributions into the [voluntary
84 firefighter cancer benefits] pool, the pool shall provide
85 the minimum benefits specified by the board of trustees of
86 the pool to covered individuals, based on the award level of
87 the [cancer] critical illness at the time of diagnosis,
88 after the employer or covered individual becomes a
89 participant.

90 (3) Benefit levels for cancer shall be established by
91 the board of trustees of the pool based on the category and
92 stage of the cancer. Benefit levels for a posttraumatic

93 stress injury shall be established by the board of trustees
94 of the pool. Awards of benefits may be made to the same
95 individual for both cancer and posttraumatic stress injury
96 provided the qualifications for both awards are met.

97 (4) In addition to [an] a cancer award pursuant to
98 subdivision (3) of this subsection:

99 (a) A payment may be made from the pool to a covered
100 individual for the actual award, up to twenty-five thousand
101 dollars, for rehabilitative or vocational training
102 employment services and educational training relating to the
103 cancer diagnosis;

104 (b) A payment may be made to covered individual of up
105 to ten thousand dollars if the covered individual incurs
106 cosmetic disfigurement costs resulting from cancer.

107 (5) If the cancer is diagnosed as terminal cancer, the
108 covered individual may receive a lump-sum payment of twenty-
109 five thousand dollars as an accelerated payment toward the
110 benefits due based on the benefit levels established
111 pursuant to subdivision (3) of this subsection.

112 (6) The covered individual may receive additional
113 awards if the cancer increases in award level, but the
114 amount of any benefit paid earlier for the same cancer may
115 be subtracted from the new award.

116 (7) If a covered individual dies while owed benefits
117 pursuant to this section, the benefits shall be paid to the
118 dependent or domestic partner, if any, at the time of
119 death. If there is no dependent or domestic partner, the
120 obligation of the pool to pay benefits shall cease.

121 (8) If a covered individual returns to the same
122 position of employment after a cancer diagnosis, the covered
123 individual may receive benefits in this section for any
124 subsequent new type of covered cancer diagnosis.

125 (9) The cancer benefits payable pursuant to this
126 section shall be reduced by twenty-five percent if a covered
127 individual used a tobacco product within the five years
128 immediately preceding the cancer diagnosis.

129 (10) A cancer claim for benefits from the pool shall
130 be filed no later than two years after the diagnosis of the
131 cancer. The claim for each type of cancer needs to be filed
132 only once to allow the pool to increase the award level
133 pursuant to subdivision (3) of this subsection.

134 (11) A payment may be made from the pool to a covered
135 individual for the actual award, up to ten thousand dollars,
136 for seeking treatment with a psychiatrist licensed pursuant
137 to chapter 334 or a psychologist licensed pursuant to
138 chapter 337 and any subsequent courses of treatment
139 recommended by such licensed individuals. If a covered
140 individual returns to the same position of employment after
141 a posttraumatic stress injury diagnosis, the covered
142 individual may receive benefits in this section for the
143 continued treatment of such injury or any subsequently
144 covered posttraumatic stress injury diagnosis.

145 (12) For purposes of all other employment policies and
146 benefits that are not workers' compensation benefits payable
147 under chapter 287, health insurance, and any benefits paid
148 pursuant to chapter 208, a covered individual's **[cancer]**
149 critical illness diagnosis shall be treated as an on-the-job
150 injury or illness.

151 3. The board of trustees of **[the pool]** a pool created
152 pursuant to this section may:

153 (1) Create a program description to further define or
154 modify the benefits of this section;

155 (2) Modify the contribution rates, benefit levels,
156 including the maximum amount, consistent with subdivision
157 (1) of this subsection, and structure of the benefits based

158 on actuarial recommendations and with input from a committee
159 of the pool; and

160 (3) Set a maximum amount of benefits that may be paid
161 to a covered individual for each **[cancer]** critical illness
162 diagnosis.

163 4. The board of trustees of the pool shall be
164 considered a public governmental body and shall be subject
165 to all of the provisions of chapter 610.

166 5. A pool may accept or apply for any grants or
167 donations from any private or public source.

168 6. (1) Any pool may apply to the state fire marshal
169 for a grant for the **[purpose of establishing a voluntary**
170 **firefighter cancer benefits]** pool. The state fire marshal
171 shall disburse grants to the pool upon receipt of the
172 application.

173 (2) The state fire marshal may grant money disbursed
174 under section 287.245 to be used for the purpose of setting
175 up a pool.

176 **[(3)This subsection shall expire on June 30, 2023.]**

177 7. (1) This **[subsection]** section shall not affect any
178 determination as to whether a covered individual's **[cancer]**
179 critical illness arose out of and in the course of
180 employment and is a compensable injury pursuant to chapter
181 287. Receipt of benefits from **[the]** a pool under this
182 section shall not be considered competent evidence or proof
183 by itself of a compensable injury under chapter 287.

184 (2) Should it be determined that a covered
185 individual's **[cancer]** critical illness arose out of and in
186 the course of employment and is a compensable injury under
187 chapter 287, the compensation and death benefit provided
188 under chapter 287 shall be reduced one hundred percent by
189 any benefits received from the pool under this section.

190 (3) The employer in any claim made pursuant to chapter
191 287 shall be subrogated to the right of the employee or to
192 the dependent or domestic partner to receive benefits from
193 [the] a pool and such employer may recover any amounts which
194 such employee or the dependent or domestic partner would
195 have been entitled to recover from [the] a pool under this
196 section. Any receipt of benefits from the pool under this
197 section shall be treated as an advance payment by the
198 employer, on account of any future installments of benefits
199 payable pursuant to chapter 287.

321.225. 1. A fire protection district may, in
2 addition to its other powers and duties, provide emergency
3 ambulance service within its district if a majority of the
4 voters voting thereon approve a proposition to furnish such
5 service and to levy a tax not to exceed thirty cents on the
6 one hundred dollars assessed valuation to be used
7 exclusively to supply funds for the operation of an
8 emergency ambulance service. The district shall exercise
9 the same powers and duties in operating an emergency
10 ambulance service as it does in operating its fire
11 protection service.

12 2. The proposition to furnish emergency ambulance
13 service may be submitted by the board of directors at any
14 municipal general, primary or general election or at any
15 election of the members of the board.

16 3. The question shall be submitted in substantially
17 the following form:

18 Shall the board of directors of _____ Fire
19 Protection District be authorized to provide
20 emergency ambulance service within the district
21 and be authorized to levy a tax not to exceed
22 thirty cents on the one hundred dollars assessed
23 valuation to provide funds for such service?

24 4. If a majority of the voters casting votes thereon
25 be in favor of emergency ambulance service and the levy, the
26 district shall forthwith commence such service.

27 5. As used in this section "emergency" means a
28 situation resulting from a sudden or unforeseen situation or
29 occurrence that requires immediate action to save life or
30 prevent suffering or disability.

31 6. In addition to all other taxes authorized on or
32 before September 1, 1990, the board of directors of any fire
33 protection district may, if a majority of the voters of the
34 district voting thereon approve, levy an additional tax of
35 not more than forty cents per one hundred dollars of
36 assessed valuation to be used for the support of the
37 ambulance service or partial or complete support of [an
38 emergency medical technician defibrillator program or
39 partial or complete support of an emergency medical
40 technician] a paramedic first responder program. The
41 proposition to levy the tax authorized by this subsection
42 may be submitted by the board of directors at the next
43 annual election of the members of the board or at any
44 regular municipal or school election conducted by the county
45 clerk or board of election commissioners in such district or
46 at a special election called for the purpose, or upon
47 petition of five hundred registered voters of the district.
48 A separate ballot containing the question shall read as
49 follows:

50 Shall the board of directors of the _____ Fire
51 Protection District be authorized to levy an
52 additional tax of not more than forty cents per
53 one hundred dollars assessed valuation to provide
54 funds for the support of an ambulance service or
55 partial or complete support of an emergency
56 medical technician defibrillator program or
57 partial or complete support of an emergency

58 medical technician paramedic first responder
59 program?

60 FOR THE PROPOSITION

61 AGAINST THE PROPOSITION

62 (Place an X in the square opposite the one for
63 which you wish to vote.)

64 If a majority of the qualified voters casting votes thereon
65 be in favor of the question, the board of directors shall
66 accordingly levy a tax in accordance with the provisions of
67 this subsection, but if a majority of voters casting votes
68 thereon do not vote in favor of the levy authorized by this
69 subsection, any levy previously authorized shall remain in
70 effect.

321.620. 1. Fire protection districts in first class
2 counties may, in addition to their other powers and duties,
3 provide ambulance service within their district if a
4 majority of the voters voting thereon approve a proposition
5 to furnish such service and to levy a tax not to exceed
6 thirty cents on the one hundred dollars assessed valuation
7 to be used exclusively to supply funds for the operation of
8 an emergency ambulance service. The district shall exercise
9 the same powers and duties in operating an ambulance service
10 as it does in operating its fire protection service. As
11 used in this section "emergency" means a situation resulting
12 from a sudden or unforeseen situation or occurrence that
13 requires immediate action to save life or prevent suffering
14 or disability.

15 2. The proposition to furnish ambulance service may be
16 submitted by the board of directors at any municipal
17 general, primary or general election or at any election of
18 the members of the board or upon petition by five hundred
19 voters of such district.

20 3. The question shall be submitted in substantially
21 the following form:

22 Shall the board of directors of _____ Fire
23 Protection District be authorized to provide
24 ambulance service within the district and be
25 authorized to levy a tax not to exceed thirty
26 cents on the one hundred dollars assessed
27 valuation to provide funds for such service?

28 4. If a majority of the voters casting votes thereon
29 be in favor of ambulance service and the levy, the district
30 shall forthwith commence such service.

31 5. In addition to all other taxes authorized on or
32 before September 1, 1990, the board of directors of any fire
33 protection district may, if a majority of the voters of the
34 district voting thereon approve, levy an additional tax of
35 not more than forty cents per one hundred dollars of
36 assessed valuation to be used for the support of the
37 ambulance service, or partial or complete support of [an
38 emergency medical technician defibrillator program or
39 partial or complete support of an emergency medical
40 technician] a paramedic first responder program. The
41 proposition to levy the tax authorized by this subsection
42 may be submitted by the board of directors at the next
43 annual election of the members of the board or at any
44 regular municipal or school election conducted by the county
45 clerk or board of election commissioners in such district or
46 at a special election called for the purpose, or upon
47 petition of five hundred registered voters of the district.
48 A separate ballot containing the question shall read as
49 follows:

50 Shall the board of directors of the _____ Fire
51 Protection District be authorized to levy an
52 additional tax of not more than forty cents per
53 one hundred dollars assessed valuation to provide

54 funds for the support of an ambulance service or
55 partial or complete support of an emergency
56 medical technician defibrillator program or
57 partial or complete support of an emergency
58 medical technician paramedic first responder
59 program?

60 FOR THE PROPOSITION

61 AGAINST THE PROPOSITION

62 (Place an X in the square opposite the one for
63 which you wish to vote).

64 If a majority of the qualified voters casting votes thereon
65 be in favor of the question, the board of directors shall
66 accordingly levy a tax in accordance with the provisions of
67 this subsection, but if a majority of voters casting votes
68 thereon do not vote in favor of the levy authorized by this
69 subsection, any levy previously authorized shall remain in
70 effect.

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

3 (1) "Counterfeit lighter", any lighter that infringes
4 on the intellectual property rights of any citizen of the
5 United States or any entity that is protected by any federal
6 or state intellectual property law;

7 (2) "Lighter", any electrical or mechanical device
8 that:

9 (a) Operates using any type of fuel or power source,
10 including, but not limited to, butane, isobutene or another
11 liquid fuel, or source of electrical energy, including, but
12 not limited to, all types of batteries; and

13 (b) Is typically used to light cigarettes, cigars or
14 pipes, candles, charcoal or gas grills, or fireplaces;

15 (3) "Unsafe lighter":

16 (a) Any disposable or refillable lighters that do not
17 comply with American Society for Testing and Materials
18 Standard F400-20, as amended; and

19 (b) Any grill or utility lighters that do not comply
20 with American Society for Testing and Materials Standard
21 F2201-20, as amended.

22 2. Except as provided in subsection 3 of this section,
23 no person shall offer or sell any counterfeit lighters or
24 unsafe lighters in this state, including, but not limited
25 to, by way of providing a free sample to a person in this
26 state, regardless of whether such person is offering or
27 selling such lighters on a retail basis, wholesale basis,
28 online, or in person.

29 3. The provisions of this section shall not be
30 construed to prohibit:

31 (1) The interstate transportation of counterfeit
32 lighters or unsafe lighters through this state; or

33 (2) The storage of counterfeit lighters or unsafe
34 lighters in any distribution center or warehouse located in
35 this state if such distribution center or warehouse is
36 closed to the public and does not distribute or sell, at
37 retail, such lighters to the public.

476.055. 1. There is hereby established in the state
2 treasury the "Statewide Court Automation Fund". All moneys
3 collected pursuant to section 488.027, as well as gifts,
4 contributions, devises, bequests, and grants received
5 relating to automation of judicial record keeping, and
6 moneys received by the judicial system for the dissemination
7 of information and sales of publications developed relating
8 to automation of judicial record keeping, shall be credited
9 to the fund. Moneys credited to this fund may only be used
10 for the purposes set forth in this section and as
11 appropriated by the general assembly. Any unexpended

12 balance remaining in the statewide court automation fund at
13 the end of each biennium shall not be subject to the
14 provisions of section 33.080 requiring the transfer of such
15 unexpended balance to general revenue[; except that, any
16 unexpended balance remaining in the fund on September 1,
17 2023, shall be transferred to general revenue].

18 2. The statewide court automation fund shall be
19 administered by a court automation committee consisting of
20 the following: the chief justice of the supreme court, a
21 judge from the court of appeals, four circuit judges, four
22 associate circuit judges, four employees of the circuit
23 court, two employees who work full time in a municipal
24 division of a circuit court, the commissioner of
25 administration, two members of the house of representatives
26 appointed by the speaker of the house, two members of the
27 senate appointed by the president pro tem of the senate, the
28 executive director of the Missouri office of prosecution
29 services, the director of the state public defender system,
30 and two members of the Missouri Bar. The judge members and
31 employee members shall be appointed by the chief justice.
32 The commissioner of administration shall serve ex officio.
33 The members of the Missouri Bar shall be appointed by the
34 board of governors of the Missouri Bar. Any member of the
35 committee may designate another person to serve on the
36 committee in place of the committee member.

37 3. The committee shall develop and implement a plan
38 for a statewide court automation system. The committee
39 shall have the authority to hire consultants, review systems
40 in other jurisdictions and purchase goods and services to
41 administer the provisions of this section. The committee
42 may implement one or more pilot projects in the state for
43 the purposes of determining the feasibility of developing
44 and implementing such plan. The members of the committee

45 shall be reimbursed from the court automation fund for their
46 actual expenses in performing their official duties on the
47 committee.

48 4. Any purchase of computer software or computer
49 hardware that exceeds five thousand dollars shall be made
50 pursuant to the requirements of the office of administration
51 for lowest and best bid. Such bids shall be subject to
52 acceptance by the office of administration. The court
53 automation committee shall determine the specifications for
54 such bids.

55 5. The court automation committee shall not require
56 any circuit court to change any operating system in such
57 court, unless the committee provides all necessary
58 personnel, funds and equipment necessary to effectuate the
59 required changes. No judicial circuit or county may be
60 reimbursed for any costs incurred pursuant to this
61 subsection unless such judicial circuit or county has the
62 approval of the court automation committee prior to
63 incurring the specific cost.

64 6. Any court automation system, including any pilot
65 project, shall be implemented, operated and maintained in
66 accordance with strict standards for the security and
67 privacy of confidential judicial records. Any person who
68 knowingly releases information from a confidential judicial
69 record is guilty of a class B misdemeanor. Any person who,
70 knowing that a judicial record is confidential, uses
71 information from such confidential record for financial gain
72 is guilty of a class E felony.

73 7. On the first day of February, May, August and
74 November of each year, the court automation committee shall
75 file a report on the progress of the statewide automation
76 system with:

77 (1) The chair of the house budget committee;

- 78 (2) The chair of the senate appropriations committee;
79 (3) The chair of the house judiciary committee; and
80 (4) The chair of the senate judiciary committee.

81 8. [Section 488.027 shall expire on September 1,
82 2023.] The court automation committee established pursuant
83 to this section may continue to function until completion of
84 its duties prescribed by this section[, but shall complete
85 its duties prior to September 1, 2025].

86 9. This section shall expire on September 1, 2025].

476.1300. 1. Sections 476.1300 to 476.1310 shall be
2 known and may be cited as the "Judicial Privacy Act".

3 2. As used in sections 476.1300 to 476.1310, the
4 following terms mean:

5 (1) "Government agency", all agencies, authorities,
6 boards, commissions, departments, institutions, offices, and
7 any other bodies politic and corporate of the state created
8 by the constitution or statute, whether in the executive,
9 judicial, or legislative branch; all units and corporate
10 outgrowths created by executive order of the governor or any
11 constitutional officer, by the supreme court, or by
12 resolution of the general assembly; agencies, authorities,
13 boards, commissions, departments, institutions, offices, and
14 any other bodies politic and corporate of a political
15 subdivision, including school districts; and any public
16 governmental body as that term is defined in section 610.010;

17 (2) "Home address", a judicial officer's permanent
18 residence and any secondary residences affirmatively
19 identified by the judicial officer, but does not include a
20 judicial officer's work address;

21 (3) "Immediate family", a judicial officer's spouse,
22 child, adoptive child, foster child, parent, or any
23 unmarried companion of the judicial officer or other

24 familial relative of the judicial officer or the judicial
25 officer's spouse who lives in the same residence;
26 (4) "Judicial officer", actively employed, formerly
27 employed, or retired:
28 (a) Justices of the Supreme Court of the United States;
29 (b) Judges of the United States Court of Appeals;
30 (c) Judges and magistrate judges of the United States
31 District Courts;
32 (d) Judges of the United States Bankruptcy Court;
33 (e) Judges of the Missouri supreme court;
34 (f) Judges of the Missouri court of appeals;
35 (g) Judges and commissioners of the Missouri circuit
36 courts, including of the divisions of a circuit court; and
37 (h) Prosecuting or circuit attorney, or assistant
38 prosecuting or circuit attorney;
39 (5) "Personal information", a home address, home
40 telephone number, mobile telephone number, pager number,
41 personal email address, Social Security number, federal tax
42 identification number, checking and savings account numbers,
43 credit card numbers, marital status, and identity of
44 children under eighteen years of age;
45 (6) "Publicly available content", any written,
46 printed, or electronic document or record that provides
47 information or that serves as a document or record
48 maintained, controlled, or in the possession of a government
49 agency that may be obtained by any person or entity, from
50 the internet, from the government agency upon request either
51 free of charge or for a fee, or in response to a request
52 pursuant to chapter 610 or the federal Freedom of
53 Information Act, 5 U.S.C. Section 552, as amended;
54 (7) "Publicly post or display", to communicate to
55 another or to otherwise make available to the general public;

56 (8) "Written request", written or electronic notice
57 signed by:

58 (a) A state judicial officer and submitted to the
59 clerk of the Missouri supreme court or the clerk's designee;
60 or

61 (b) A federal judicial officer and submitted to that
62 judicial officer's clerk of the court or the clerk's
63 designee;

64 that is transmitted by the applicable clerk to a government
65 agency, person, business, or association to request such
66 government agency, person, business, or association refrain
67 from posting or displaying publicly available content that
68 includes the judicial officer's personal information.

476.1302. 1. A government agency shall not publicly
2 post or display publicly available content that includes a
3 judicial officer's personal information, provided that the
4 government agency has received a written request that the
5 agency refrain from disclosing the judicial officer's
6 personal information. After a government agency has
7 received a written request, the government agency shall
8 remove the judicial officer's personal information from
9 publicly available content within five business days. After
10 the government agency has removed the judicial officer's
11 personal information from publicly available content, the
12 government agency shall not publicly post or display the
13 judicial officer's personal information and the judicial
14 officer's personal information shall be exempted from the
15 provisions of chapter 610, unless the government agency has
16 received written consent from the judicial officer to make
17 the personal information available to the public.

18 2. If a government agency fails to comply with a
19 written request to refrain from disclosing personal
20 information, the judicial officer may bring an action

21 seeking injunctive or declaratory relief in any court of
22 competent jurisdiction. If the court grants injunctive or
23 declaratory relief, the court may award costs and reasonable
24 attorney's fees to the judicial officer.

25 3. The provisions of subsection 1 of this section
26 shall not apply to any government agency created under
27 section 43.020.

476.1304. 1. No person, business, or association
2 shall publicly post or display on the internet publicly
3 available content that includes a judicial officer's
4 personal information, provided that the judicial officer has
5 made a written request to the person, business, or
6 association that it refrain from disclosing the personal
7 information.

8 2. No person, business, or association shall solicit,
9 sell, or trade on the internet a judicial officer's personal
10 information for purposes of tampering with a judicial
11 officer in violation of section 575.095 or with the intent
12 to pose an imminent and serious threat to the health and
13 safety of the judicial officer or the judicial officer's
14 immediate family.

15 3. As prohibited in this section, persons, businesses,
16 or associations posting, displaying, soliciting, selling, or
17 trading a judicial officer's personal information on the
18 internet includes, but is not limited to, internet phone
19 directories, internet search engines, internet data
20 aggregators, and internet service providers.

476.1306. 1. After a person, business, or association
2 has received a written request from a judicial officer to
3 protect the privacy of the officer's personal information,
4 that person, business, or association shall have five
5 business days to remove the personal information from the
6 internet.

7 2. After a person, business, or association has
8 received a written request from a judicial officer, that
9 person, business, or association shall ensure that the
10 judicial officer's personal information is not made
11 available on any website or subsidiary website controlled by
12 that person, business, or association.

13 3. After receiving a judicial officer's written
14 request, no person, business, or association shall make
15 public the judicial officer's personal information to any
16 other person, business, or association through any medium.

476.1308. A judicial officer whose personal
2 information is made public as a result of a violation of
3 sections 476.1304 to 476.1306 may bring an action seeking
4 injunctive or declaratory relief in any court of competent
5 jurisdiction. If the court grants injunctive or declaratory
6 relief, the person, business, or association responsible for
7 the violation shall be required to pay the judicial
8 officer's costs and reasonable attorney's fees.

476.1310. 1. No government agency, person, business,
2 or association shall be found to have violated any provision
3 of sections 476.1300 to 476.1310 if the judicial officer
4 fails to submit a written request calling for the protection
5 of the judicial officer's personal information.

2. A written request shall be valid if:

7 (1) The judicial officer sends a written request
8 directly to a government agency, person, business, or
9 association; or

10 (2) The judicial officer complies with a Missouri
11 supreme court rule for a state judicial officer to file the
12 written request with the clerk of the Missouri supreme court
13 or the clerk's designee to notify government agencies and
14 such notice is properly delivered by mail or electronic
15 format.

16 3. In each quarter of a calendar year, the clerk of
17 the Missouri supreme court or the clerk's designee shall
18 provide a list of all state judicial officers who have
19 submitted a written request under this section to the
20 appropriate officer with ultimate supervisory authority for
21 a government agency. The officer shall promptly provide a
22 copy of the list to all government agencies under his or her
23 supervision. Receipt of the written request list compiled
24 by the clerk of the Missouri supreme court or the clerk's
25 designee by a government agency shall constitute a written
26 request to that government agency for the purposes of
27 sections 476.1300 to 476.1310.

28 4. The chief clerk or circuit clerk of the court where
29 the judicial officer serves may submit a written request on
30 the judicial officer's behalf, provided that the judicial
31 officer gives written consent to the clerk and provided that
32 the clerk agrees to furnish a copy of that consent when a
33 written request is made. The chief clerk or circuit clerk
34 shall submit the written request as provided by subsection 2
35 of this section.

36 5. A judicial officer's written request shall specify
37 what personal information shall be maintained as private.
38 If a judicial officer wishes to identify a secondary
39 residence as a home address, the designation shall be made
40 in the written request. A judicial officer shall disclose
41 the identity of his or her immediate family and indicate
42 that the personal information of those members of the
43 immediate family shall also be excluded to the extent that
44 it could reasonably be expected to reveal the personal
45 information of the judicial officer. A judicial officer
46 shall make reasonable efforts to identify specific publicly
47 available content in the possession of a government agency.

48 6. A judicial officer's written request is valid until
49 the judicial officer provides the government agency, person,
50 business, or association with written consent to release the
51 personal information. A judicial officer's written request
52 expires on such judicial officer's death.

53 7. The provisions of sections 476.1300 to 476.1310
54 shall not apply to any disclosure of personal information of
55 a judicial officer or a member of a judicial officer's
56 immediate family as required by Article VIII, Section 23 of
57 the Missouri Constitution, sections 105.470 to 105.482,
58 section 105.498, and chapter 130.

476.1313. 1. Notwithstanding any other provision of
2 law to the contrary, a recorder of deeds shall meet the
3 requirements of the provisions of sections 476.1300 to
4 476.1310 by complying with this section. As used in this
5 section, the following terms mean:

6 (1) "Eligible documents", documents or instruments
7 that are maintained by and located in the office of the
8 recorder of deeds that are accessed electronically;

9 (2) "Immediate family", shall have the same meaning as
10 in section 476.1300;

11 (3) "Indexes", indexes maintained by and located in
12 the office of the recorder of deeds that are accessed
13 electronically;

14 (4) "Judicial officer", shall have the same meaning as
15 in section 476.1300;

16 (5) "Recorder of deeds", shall have the same meaning
17 as in section 59.005;

18 (6) "Shield", "shielded", or "shielding", a
19 prohibition against the general public's electronic access
20 to eligible documents and the unique identifier and
21 recording date contained in indexes for eligible documents;

22 (7) "Written request", written or electronic notice
23 signed by:

24 (a) A state judicial officer and submitted to the
25 clerk of the Missouri supreme court or the clerk's designee;
26 or

27 (b) A federal judicial officer and submitted to that
28 judicial officer's clerk of the court or the clerk's
29 designee;

30 that is transmitted electronically by the applicable clerk
31 to a recorder of deeds to request that eligible documents be
32 shielded.

33 2. Written requests transmitted to a recorder of deeds
34 shall only include information specific to eligible
35 documents maintained by that county. Any written request
36 transmitted to a recorder of deeds shall include the
37 requesting judicial officer's full legal name or legal alias
38 and a document locator number for each eligible document for
39 which the judicial officer is requesting shielding. If the
40 judicial officer is not a party to the instrument but is
41 requesting shielding for an eligible document in which an
42 immediate family member is a party to the instrument, the
43 full legal name or legal alias of the immediate family
44 member shall also be provided.

45 3. Not more than five business days after the date on
46 which the recorder of deeds receives the written request,
47 the recorder of deeds shall shield the eligible documents
48 listed in the written request. Within five business days of
49 receipt, the recorder of deeds shall electronically reply to
50 the written request with a list of any document locator
51 numbers submitted under subsection 2 of this section not
52 found in the records maintained by that recorder of deeds.

53 4. If the full legal name or legal alias of the
54 judicial officer or immediate family member provided does

55 not appear on an eligible document listed in the written
56 request, the recorder of deeds may electronically reply to
57 the written request with this information. The recorder of
58 deeds may delay shielding such eligible document until
59 electronic confirmation is received from the applicable
60 court clerk or judicial officer.

61 5. In order to shield subsequent eligible documents,
62 the judicial officer shall present to the recorder of deeds
63 at the time of recording a copy of his or her written
64 request. The recorder of deeds shall ensure that the
65 eligible document is shielded within five business days.

66 6. Eligible documents shall remain shielded until the
67 recorder of deeds receives a court order or notarized
68 affidavit signed by the judicial officer directing the
69 recorder of deeds to terminate shielding.

70 7. The provisions of this section shall not prohibit
71 access to a shielded eligible document by an individual or
72 entity that provides to the recorder of deeds a court order
73 or notarized affidavit signed by the judicial officer.

74 8. No recorder of deeds shall be liable for any
75 damages under this section, provided the recorder of deeds
76 made a good faith effort to comply with the provisions of
77 this section. No recorder of deeds shall be liable for the
78 release of any eligible document or any data from any
79 eligible document that was released or accessed prior to the
80 eligible document being shielded pursuant to this section.

488.435. 1. Sheriffs shall receive a charge, as
2 provided in section 57.280, for service of any summons, writ
3 or other order of court, in connection with any civil case,
4 and making on the same either a return indicating service, a
5 non est return or a nulla bona return, the sum of twenty
6 dollars for each item to be served, as provided in section
7 57.280, except that a sheriff shall receive a charge for

8 service of any subpoena, and making a return on the same,
9 the sum of ten dollars, as provided in section 57.280;
10 however, no such charge shall be collected in any proceeding
11 when court costs are to be paid by the state, county or
12 municipality. In addition to such charge, the sheriff shall
13 be entitled, as provided in section 57.280, to receive for
14 each mile actually traveled in serving any summons, writ,
15 subpoena or other order of court, the rate prescribed by the
16 Internal Revenue Service for all allowable expenses for
17 motor vehicle use expressed as an amount per mile, provided
18 that such mileage shall not be charged for more than one
19 subpoena or summons or other writ served in the same cause
20 on the same trip. All of such charges shall be received by
21 the sheriff who is requested to perform the service. Except
22 as otherwise provided by law, all charges made pursuant to
23 section 57.280 shall be collected by the court clerk as
24 court costs and are payable prior to the time the service is
25 rendered; provided that if the amount of such charge cannot
26 be readily determined, then the sheriff shall receive a
27 deposit based upon the likely amount of such charge, and the
28 balance of such charge shall be payable immediately upon
29 ascertainment of the proper amount of such charge. A
30 sheriff may refuse to perform any service in any action or
31 proceeding, other than when court costs are waived as
32 provided by law, until the charge provided by this section
33 is paid. Failure to receive the charge shall not affect the
34 validity of the service.

35 2. The sheriff shall, as provided in section 57.280,
36 receive for receiving and paying moneys on execution or
37 other process, where lands or goods have been levied and
38 advertised and sold, five percent on five hundred dollars
39 and four percent on all sums above five hundred dollars, and
40 half of these sums, when the money is paid to the sheriff

41 without a levy, or where the lands or goods levied on shall
42 not be sold and the money is paid to the sheriff or person
43 entitled thereto, his or her agent or attorney. The party
44 at whose application any writ, execution, subpoena or other
45 process has issued from the court shall pay the sheriff's
46 costs, as provided in section 57.280, for the removal,
47 transportation, storage, safekeeping and support of any
48 property to be seized pursuant to legal process before such
49 seizure. The sheriff shall be allowed for each mile, as
50 provided in section 57.280, going and returning from the
51 courthouse of the county in which he or she resides to the
52 place where the court is held, the rate prescribed by the
53 Internal Revenue Service for all allowable expenses for
54 motor vehicle use expressed as an amount per mile. The
55 provisions of this subsection shall not apply to garnishment
56 proceeds.

57 3. As provided in subsection 4 of section 57.280, the
58 sheriff shall receive ten dollars for service of any
59 summons, writ, subpoena, or other order of the court
60 included under subsection 1 of section 57.280, in addition
61 to the charge for such service that each sheriff receives
62 under subsection 1 of section 57.280. The money received by
63 the sheriff under subsection 4 of section 57.280 shall be
64 paid into the county treasury and the county treasurer shall
65 make such money payable to the state treasurer. The state
66 treasurer shall deposit such moneys in the deputy sheriff
67 salary supplementation fund created under section 57.278.

68 4. As provided in subsection 5 of section 57.280, the
69 court clerk shall collect ten dollars as a court cost for
70 service of any summons, writ, subpoena, or other order of
71 the court included under subsection 1 of this section if any
72 person other than a sheriff is specially appointed to serve
73 in a county that receives funds under section 57.278. The

74 moneys received by the clerk under this subsection shall be
75 paid into the county treasury and the county treasurer shall
76 make such moneys payable to the state treasurer. The state
77 treasurer shall deposit such moneys in the deputy sheriff
78 salary supplementation fund created under section 57.278.

509.520. 1. Notwithstanding any provision of law to
2 the contrary, beginning August 28, [2009] 2023, pleadings,
3 attachments, [or] exhibits filed with the court in any case,
4 as well as any judgments or orders issued by the court, or
5 other records of the court shall not include the following
6 confidential and personal identifying information:

7 (1) The full Social Security number of any party or
8 any child [who is the subject to an order of custody or
9 support];

10 (2) The full credit card number [or other], financial
11 institution account number, personal identification number,
12 or password used to secure an account of any party;

13 (3) The full motor vehicle operator license number;

14 (4) Victim information, including the name, address,
15 and other contact information of the victim;

16 (5) Witness information, including the name, address,
17 and other contact information of the witness;

18 (6) Any other full state identification number;

19 (7) The name, address, and date of birth of a minor
20 and, if applicable, any next friend; or

21 (8) The full date of birth of any party; however, the
22 year of birth shall be made available, except for a minor.

23 2. The information provided under subsection 1 of this
24 section shall be provided in a confidential information
25 filing sheet contemporaneously filed with the court or
26 entered by the court, which shall not be subject to public
27 inspection or availability.

28 3. Nothing in this section shall preclude an entity
29 including, but not limited to, a financial institution,
30 insurer, insurance support organization, or consumer
31 reporting agency that is otherwise permitted by law to
32 access state court records from using a person's unique
33 identifying information to match such information contained
34 in a court record to validate that person's record.

35 4. The Missouri supreme court shall promulgate rules
36 to administer this section.

37 5. Contemporaneously with the filing of every petition
38 for dissolution of marriage, legal separation, motion for
39 modification, action to establish paternity, and petition or
40 motion for support or custody of a minor child, the filing
41 party shall file a confidential case filing sheet with the
42 court which shall not be subject to public inspection and
43 which provides:

44 (1) The name and address of the current employer and
45 the Social Security number of the petitioner or movant, if a
46 person;

47 (2) If known to the petitioner or movant, the name and
48 address of the current employer and the Social Security
49 number of the respondent; and

50 (3) The names, dates of birth, and Social Security
51 numbers of any children subject to the action.

52 [3.] 6. Contemporaneously with the filing of every
53 responsive pleading petition for dissolution of marriage,
54 legal separation, motion for modification, action to
55 establish paternity, and petition or motion for support or
56 custody of a minor child, the responding party shall file a
57 confidential case filing sheet with the court which shall
58 not be subject to public inspection and which provides:

59 (1) The name and address of the current employer and
60 the Social Security number of the responding party, if a
61 person;

62 (2) If known to the responding party, the name and
63 address of the current employer and the Social Security
64 number of the petitioner or movant; and

65 (3) The names, dates of birth, and Social Security
66 numbers of any children subject to the action.

67 [4.] 7. The full Social Security number of any party
68 or child subject to an order of custody or support shall be
69 retained by the court on the confidential case filing sheet
70 or other confidential record maintained in conjunction with
71 the administration of the case. The full credit card number
72 or other financial account number of any party may be
73 retained by the court on a confidential record if it is
74 necessary to maintain the number in conjunction with the
75 administration of the case.

76 [5.] 8. Any document described in subsection 1 of this
77 section shall, in lieu of the full number, include only the
78 last four digits of any such number.

79 [6.] 9. Except as provided in section 452.430, the
80 clerk shall not be required to redact any document described
81 in subsection 1 of this section issued or filed before
82 August 28, 2009, prior to releasing the document to the
83 public.

84 [7.] 10. For good cause shown, the court may release
85 information contained on the confidential case filing sheet;
86 except that, any state agency acting under authority of
87 chapter 454 shall have access to information contained
88 herein without court order in carrying out their official
89 duty.

537.037. 1. Any physician or surgeon, registered
2 professional nurse or licensed practical nurse licensed to

3 practice in this state under the provisions of chapter 334
4 or 335, or licensed to practice under the equivalent laws of
5 any other state and any person licensed as [a mobile] an
6 emergency medical technician under the provisions of chapter
7 190, may:

8 (1) In good faith render emergency care or assistance,
9 without compensation, at the scene of an emergency or
10 accident, and shall not be liable for any civil damages for
11 acts or omissions other than damages occasioned by gross
12 negligence or by willful or wanton acts or omissions by such
13 person in rendering such emergency care;

14 (2) In good faith render emergency care or assistance,
15 without compensation, to any minor involved in an accident,
16 or in competitive sports, or other emergency at the scene of
17 an accident, without first obtaining the consent of the
18 parent or guardian of the minor, and shall not be liable for
19 any civil damages other than damages occasioned by gross
20 negligence or by willful or wanton acts or omissions by such
21 person in rendering the emergency care.

22 2. Any other person who has been trained to provide
23 first aid in a standard recognized training program may,
24 without compensation, render emergency care or assistance to
25 the level for which he or she has been trained, at the scene
26 of an emergency or accident, and shall not be liable for
27 civil damages for acts or omissions other than damages
28 occasioned by gross negligence or by willful or wanton acts
29 or omissions by such person in rendering such emergency care.

30 3. Any mental health professional, as defined in
31 section 632.005, or qualified counselor, as defined in
32 section 631.005, or any practicing medical, osteopathic, or
33 chiropractic physician, or certified nurse practitioner, or
34 physicians' assistant may in good faith render suicide
35 prevention interventions at the scene of a threatened

36 suicide and shall not be liable for any civil damages for
37 acts or omissions other than damages occasioned by gross
38 negligence or by willful or wanton acts or omissions by such
39 person in rendering such suicide prevention interventions.

40 4. Any other person may, without compensation, render
41 suicide prevention interventions at the scene of a
42 threatened suicide and shall not be liable for civil damages
43 for acts or omissions other than damages occasioned by gross
44 negligence or by willful or wanton acts or omissions by such
45 person in rendering such suicide prevention interventions.

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.

544.453. Notwithstanding any provision of the law or
2 court rule to the contrary, a judge or judicial officer,
3 when setting bail or conditions of release in all courts in
4 Missouri for any offense charged, shall consider, in
5 addition to any factor required by law, whether:

6 (1) A defendant poses a danger to a victim of a crime,
7 the community, any witness to the crime, or to any other
8 person;

9 (2) A defendant is a flight risk;

10 (3) A defendant has committed a misdemeanor offense
11 involving a crime of violence, sexual offense, or felony
12 offense in this state or any other state in the last five
13 years; and

14 (4) A defendant has failed to appear in court as a
15 required condition of probation or parole for a misdemeanor
16 involving a crime of violence or felony or a sexual offense
17 within the last three years.

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

8 jurisdiction and authority to consider, hear, and decide the
9 motion.

10 2. Upon the filing of a motion to vacate or set aside
11 the judgment, the court shall order a hearing and shall
12 issue findings of fact and conclusions of law on all issues
13 presented. The attorney general shall be given notice of
14 hearing of such a motion by the circuit clerk and shall be
15 permitted to appear, question witnesses, and make arguments
16 in a hearing of such a motion.

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

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

547.500. 1. The Missouri office of prosecution
2 services may establish a conviction review unit to
3 investigate claims of actual innocence of any defendant
4 including those who plead guilty.

5 2. The Missouri office of prosecution services shall
6 have the power to promulgate rules and regulations to
7 receive and investigate claims of actual innocence.

8 3. The Missouri office of prosecution services shall
9 create an application process that at a minimum shall
10 include that:

11 (1) Any application for review of a claim of actual
12 innocence shall not have any excessive fees and fees shall
13 be waived in cases of indigence;

14 (2) No application shall be accepted if there is any
15 pending motion, writ, appeal, or other matter pending
16 regarding the defendant's conviction. Any application filed
17 shall be considered a pleading under the Missouri rules of
18 civil procedure and all attorneys shall comply with supreme
19 court rule 55.03 when signing the application and the
20 application shall be sworn and signed under penalty of
21 perjury by the applicant. Any witness statements attached
22 shall be sworn and signed under penalty of perjury; and

23 (3) Any review and investigation shall be based on
24 newly discovered and verifiable evidence of actual innocence
25 not presented at a trial. Such newly discovered and
26 verifiable evidence shall establish by clear and convincing
27 evidence the actual innocence of the defendant.

28 4. The conviction review unit shall consist of two
29 attorneys, hired by the executive director of the Missouri
30 office of prosecution services, who have extensive
31 experience prosecuting and defending criminal matters, an
32 investigator, a paralegal, and such administrative staff as
33 is needed to efficiently and effectively process all
34 applications and claims. The executive director of the
35 Missouri office of prosecution services shall coordinate the
36 activities and budget of the conviction review unit and act
37 as an ex officio member of the unit.

38 5. Once the review is complete, the conviction review
39 unit shall present its findings and recommendations to:

40 (1) The office of the prosecuting attorney or circuit
41 attorney who prosecuted the defendant's case; the attorney
42 general's office if it prosecuted the case, or the special
43 prosecutor who prosecuted the case; or

44 (2) If the review was requested by a prosecuting
45 attorney's office, the circuit attorney's office, attorney
46 general, or special prosecutor, the findings and
47 recommendation shall be presented to the office which
48 requested the review.

49 6. The circuit attorney, prosecuting attorney of any
50 county, special prosecutor, attorney general's office if it
51 prosecuted the case, Missouri office of prosecution
52 services, or other prosecutor who prosecuted the case is not
53 required to accept or follow the findings and
54 recommendations of the conviction review unit.

55 7. (1) The application, investigation, reports,
56 interviews, findings, and recommendations, and any
57 documents, written, electronic or otherwise, received or
58 generated by the conviction review unit are closed records.

59 (2) The conviction review unit's findings and
60 recommendations submitted to the prosecuting attorney,
61 circuit attorney, the attorney general's office if it
62 prosecuted the case, or the special prosecutor who
63 prosecuted the case, shall become open records after the
64 receiving entity of the submission makes a decision not to
65 pursue a motion under section 547.031 or, if such a motion
66 is filed, after the finality of all proceedings under
67 section 547.031, including appeals authorized therein.

548.241. 1. All necessary and proper expenses
2 accruing under section 548.221, upon being ascertained to
3 the satisfaction of the governor, shall be allowed on his

4 certificate and paid out of the state treasury as other
5 demands against the state.

6 2. All necessary and proper expenses accruing as a
7 result of a person being returned to this state pursuant to
8 the provisions of section 548.243 [or 217.810] shall be
9 allowed and paid out of the state treasury as if the person
10 were being returned to this state pursuant to section
11 548.221.

12 3. Any necessary and proper expenses accruing as a
13 result of a person being returned to this state under the
14 provisions of sections 589.500 to 589.569 may be paid either
15 out of the Missouri interstate compact fund established in
16 section 589.565 or out of the state treasury.

552.020. 1. No person who as a result of mental
2 disease or defect lacks capacity to understand the
3 proceedings against him or her or to assist in his or her
4 own defense shall be tried, convicted or sentenced for the
5 commission of an offense so long as the incapacity endures.

6 2. Whenever any judge has reasonable cause to believe
7 that the accused lacks mental fitness to proceed, the judge
8 shall, upon his or her own motion or upon motion filed by
9 the state or by or on behalf of the accused, by order of
10 record, appoint one or more private psychiatrists or
11 psychologists, as defined in section 632.005, or physicians
12 with a minimum of one year training or experience in
13 providing treatment or services to persons with an
14 intellectual disability or developmental disability or
15 mental illness, who are neither employees nor contractors of
16 the department of mental health for purposes of performing
17 the examination in question, to examine the accused; or
18 shall direct the director to have the accused so examined by
19 one or more psychiatrists or psychologists, as defined in
20 section 632.005, or physicians with a minimum of one year

21 training or experience in providing treatment or services to
22 persons with an intellectual disability, developmental
23 disability, or mental illness. The order shall direct that
24 a written report or reports of such examination be filed
25 with the clerk of the court. No private physician,
26 psychiatrist, or psychologist shall be appointed by the
27 court unless he or she has consented to act. The
28 examinations ordered shall be made at such time and place
29 and under such conditions as the court deems proper; except
30 that, if the order directs the director of the department to
31 have the accused examined, the director, or his or her
32 designee, shall determine the time, place and conditions
33 under which the examination shall be conducted. The order
34 may include provisions for the interview of witnesses and
35 may require the provision of police reports to the
36 department for use in evaluations. The department shall
37 establish standards and provide training for those
38 individuals performing examinations pursuant to this section
39 and section 552.030. No individual who is employed by or
40 contracts with the department shall be designated to perform
41 an examination pursuant to this chapter unless the
42 individual meets the qualifications so established by the
43 department. Any examination performed pursuant to this
44 subsection shall be completed and filed with the court
45 within sixty days of the order unless the court for good
46 cause orders otherwise. Nothing in this section or section
47 552.030 shall be construed to permit psychologists to engage
48 in any activity not authorized by chapter 337. One pretrial
49 evaluation shall be provided at no charge to the defendant
50 by the department. All costs of subsequent evaluations
51 shall be assessed to the party requesting the evaluation.

52 3. A report of the examination made under this section
53 shall include:

54 (1) Detailed findings;

55 (2) An opinion as to whether the accused has a mental
56 disease or defect;

57 (3) An opinion based upon a reasonable degree of
58 medical or psychological certainty as to whether the
59 accused, as a result of a mental disease or defect, lacks
60 capacity to understand the proceedings against him or her or
61 to assist in his or her own defense;

62 (4) An opinion, if the accused is found to lack
63 capacity to understand the proceedings against him or her or
64 to assist in his or her own defense, as to whether there is
65 a substantial probability that the accused will be mentally
66 fit to proceed in the reasonably foreseeable future;

67 [(4)] (5) A recommendation as to whether the accused
68 should be held in custody in a suitable hospital facility
69 for treatment pending determination, by the court, of mental
70 fitness to proceed; [and

71 (5)] (6) A recommendation as to whether the accused,
72 if found by the court to be mentally fit to proceed, should
73 be detained in such hospital facility pending further
74 proceedings;

75 (7) A recommendation as to whether the accused, if
76 found by the court to lack the mental fitness to proceed,
77 should be committed to a suitable hospital facility for
78 treatment to restore the mental fitness to proceed or if
79 such treatments to restore the mental fitness to proceed may
80 be provided in a county jail or other detention facility
81 approved by the director or his or her designee; and

82 (8) A recommendation as to whether the accused, if
83 found by the court to lack the mental fitness to proceed,
84 and the accused is not charged with a dangerous felony as
85 defined in section 556.061, or murder in the first degree

86 pursuant to section 565.020, or rape in the second degree
87 pursuant to section 566.031, or the attempts thereof:

88 (a) Should be committed to a suitable hospital
89 facility; or

90 (b) May be appropriately treated in the community; and

91 (c) Whether the accused can comply with bond
92 conditions as set forth by the court and can comply with
93 treatment conditions and requirements as set forth by the
94 director of the department or his or her designee.

95 4. When the court determines that the accused can
96 comply with the bond and treatment conditions as referenced
97 in paragraph (c) of subdivision (8) of subsection 3 of this
98 section, the court shall order that the accused remain on
99 bond while receiving treatment until the case is disposed of
100 as set out in subsection 12 of this section. If, at any
101 time, the court finds that the accused has failed to comply
102 with the bond or treatment conditions, then the court may
103 order that the accused be taken into law enforcement custody
104 until such time as a department inpatient bed is available
105 to provide treatment as set forth in this section.

106 **[4.]** 5. If the accused has pleaded lack of
107 responsibility due to mental disease or defect or has given
108 the written notice provided in subsection 2 of section
109 552.030, the court shall order the report of the examination
110 conducted pursuant to this section to include, in addition
111 to the information required in subsection 3 of this section,
112 an opinion as to whether at the time of the alleged criminal
113 conduct the accused, as a result of mental disease or
114 defect, did not know or appreciate the nature, quality, or
115 wrongfulness of his or her conduct or as a result of mental
116 disease or defect was incapable of conforming his or her
117 conduct to the requirements of law. A plea of not guilty by
118 reason of mental disease or defect shall not be accepted by

119 the court in the absence of any such pretrial evaluation
120 which supports such a defense. In addition, if the accused
121 has pleaded not guilty by reason of mental disease or
122 defect, and the alleged crime is not a dangerous felony as
123 defined in section 556.061, or those crimes set forth in
124 subsection 10 of section 552.040, or the attempts thereof,
125 the court shall order the report of the examination to
126 include an opinion as to whether or not the accused should
127 be immediately conditionally released by the court pursuant
128 to the provisions of section 552.040 or should be committed
129 to a mental health or developmental disability facility. If
130 such an evaluation is conducted at the direction of the
131 director of the department of mental health, the court shall
132 also order the report of the examination to include an
133 opinion as to the conditions of release which are consistent
134 with the needs of the accused and the interest of public
135 safety, including, but not limited to, the following factors:

- 136 (1) Location and degree of necessary supervision of
137 housing;
- 138 (2) Location of and responsibilities for appropriate
139 psychiatric, rehabilitation and aftercare services,
140 including the frequency of such services;
- 141 (3) Medication follow-up, including necessary testing
142 to monitor medication compliance;
- 143 (4) At least monthly contact with the department's
144 forensic case monitor;
- 145 (5) Any other conditions or supervision as may be
146 warranted by the circumstances of the case.

147 [5.] 6. If the report contains the recommendation that
148 the accused should be committed to or held in a suitable
149 hospital facility pending determination of the issue of
150 mental fitness to proceed, and if the accused is not
151 admitted to bail or released on other conditions, the court

152 may order that the accused be committed to or held in a
153 suitable hospital facility pending determination of the
154 issue of mental fitness to proceed.

155 [6.] 7. The clerk of the court shall deliver copies of
156 the report to the prosecuting or circuit attorney and to the
157 accused or his or her counsel. The report shall not be a
158 public record or open to the public. Within ten days after
159 the filing of the report, both the defendant and the state
160 shall, upon written request, be entitled to an order
161 granting them an examination of the accused by a
162 psychiatrist or psychologist, as defined in section 632.005,
163 or a physician with a minimum of one year training or
164 experience in providing treatment or services to persons
165 with an intellectual disability or developmental disability
166 or mental illness, of their own choosing and at their own
167 expense. An examination performed pursuant to this
168 subsection shall be completed and a report filed with the
169 court within sixty days of the date it is received by the
170 department or private psychiatrist, psychologist or
171 physician unless the court, for good cause, orders
172 otherwise. A copy shall be furnished the opposing party.

173 [7.] 8. If neither the state nor the accused nor his
174 or her counsel requests a second examination relative to
175 fitness to proceed or contests the findings of the report
176 referred to in subsections 2 and 3 of this section, the
177 court [may] shall make a determination and finding on the
178 basis of the report filed or [may] hold a hearing on its own
179 motion. If any such opinion is contested, the court shall
180 hold a hearing on the issue. The court shall determine the
181 issue of mental fitness to proceed and may impanel a jury of
182 six persons to assist in making the determination. The
183 report or reports may be received in evidence at any hearing
184 on the issue but the party contesting any opinion therein

185 shall have the right to summon and to cross-examine the
186 examiner who rendered such opinion and to offer evidence
187 upon the issue.

188 [8.] 9. At a hearing on the issue pursuant to
189 subsection [7] 8 of this section, the accused is presumed to
190 have the mental fitness to proceed. The burden of proving
191 that the accused does not have the mental fitness to proceed
192 is by a preponderance of the evidence and the burden of
193 going forward with the evidence is on the party raising the
194 issue. The burden of going forward shall be on the state if
195 the court raises the issue.

196 [9.] 10. If the court determines that the accused
197 lacks mental fitness to proceed, the criminal proceedings
198 shall be suspended and the court shall commit him or her to
199 the director of the department of mental health. The
200 director of the department, or his or her designee, shall
201 notify the court and the parties of the location and
202 conditions for treatment. After the person has been
203 committed, legal counsel for the department of mental health
204 shall have standing to file motions and participate in
205 hearings on the issue of involuntary medications.

206 [10.] 11. Any person committed pursuant to subsection
207 [9] 10 of this section shall be entitled to the writ of
208 habeas corpus upon proper petition to the court that
209 committed him or her. The issue of the mental fitness to
210 proceed after commitment under subsection [9] 10 of this
211 section may also be raised by a motion filed by the director
212 of the department of mental health or by the state, alleging
213 the mental fitness of the accused to proceed. A report
214 relating to the issue of the accused's mental fitness to
215 proceed may be attached thereto. When a motion to proceed
216 is filed, legal counsel for the department of mental health
217 shall have standing to participate in hearings on such

218 motions. If the motion is not contested by the accused or
219 his or her counsel or if after a hearing on a motion the
220 court finds the accused mentally fit to proceed, or if he or
221 she is ordered discharged from the director's custody upon a
222 habeas corpus hearing, the criminal proceedings shall be
223 resumed.

224 [11.] 12. The following provisions shall apply after a
225 commitment as provided in this section:

226 (1) Six months after such commitment, the court which
227 ordered the accused committed shall order an examination by
228 the head of the facility in which the accused is committed,
229 or a qualified designee, to ascertain whether the accused is
230 mentally fit to proceed and if not, whether there is a
231 substantial probability that the accused will attain the
232 mental fitness to proceed to trial in the foreseeable
233 future. The order shall direct that written report or
234 reports of the examination be filed with the clerk of the
235 court within thirty days and the clerk shall deliver copies
236 to the prosecuting attorney or circuit attorney and to the
237 accused or his or her counsel. The report required by this
238 subsection shall conform to the requirements under
239 subsection 3 of this section [with the additional
240 requirement that it] and shall include an opinion, if the
241 accused lacks mental fitness to proceed, as to whether there
242 is a substantial probability that the accused will attain
243 the mental fitness to proceed in the foreseeable future;

244 (2) Within ten days after the filing of the report,
245 both the accused and the state shall, upon written request,
246 be entitled to an order granting them an examination of the
247 accused by a psychiatrist or psychologist, as defined in
248 section 632.005, or a physician with a minimum of one year
249 training or experience in providing treatment or services to
250 persons with an intellectual disability or developmental

251 disability or mental illness, of their own choosing and at
252 their own expense. An examination performed pursuant to
253 this subdivision shall be completed and filed with the court
254 within thirty days unless the court, for good cause, orders
255 otherwise. A copy shall be furnished to the opposing party;

256 (3) If neither the state nor the accused nor his or
257 her counsel requests a second examination relative to
258 fitness to proceed or contests the findings of the report
259 referred to in subdivision (1) of this subsection, the court
260 may make a determination and finding on the basis of the
261 report filed, or may hold a hearing on its own motion. If
262 any such opinion is contested, the court shall hold a
263 hearing on the issue. The report or reports may be received
264 in evidence at any hearing on the issue but the party
265 contesting any opinion therein relative to fitness to
266 proceed shall have the right to summon and to cross-examine
267 the examiner who rendered such opinion and to offer evidence
268 upon the issue;

269 (4) If the accused is found mentally fit to proceed,
270 the criminal proceedings shall be resumed;

271 (5) If it is found that the accused lacks mental
272 fitness to proceed but there is a substantial probability
273 the accused will be mentally fit to proceed in the
274 reasonably foreseeable future, the court shall continue such
275 commitment for a period not longer than six months, after
276 which the court shall reinstitute the proceedings required
277 under subdivision (1) of this subsection;

278 (6) If it is found that the accused lacks mental
279 fitness to proceed and there is no substantial probability
280 that the accused will be mentally fit to proceed in the
281 reasonably foreseeable future, the court shall dismiss the
282 charges without prejudice and the accused shall be
283 discharged, but only if proper proceedings have been filed

284 under chapter 632 or chapter 475, in which case those
285 sections and no others will be applicable. The probate
286 division of the circuit court shall have concurrent
287 jurisdiction over the accused upon the filing of a proper
288 pleading to determine if the accused shall be involuntarily
289 detained under chapter 632, or to determine if the accused
290 shall be declared incapacitated under chapter 475, and
291 approved for admission by the guardian under section 632.120
292 or 633.120, to a mental health or developmental disability
293 facility. When such proceedings are filed, the criminal
294 charges shall be dismissed without prejudice if the court
295 finds that the accused is mentally ill and should be
296 committed or that he or she is incapacitated and should have
297 a guardian appointed. The period of limitation on
298 prosecuting any criminal offense shall be tolled during the
299 period that the accused lacks mental fitness to proceed.

300 [12.] 13. If the question of the accused's mental
301 fitness to proceed was raised after a jury was impaneled to
302 try the issues raised by a plea of not guilty and the court
303 determines that the accused lacks the mental fitness to
304 proceed or orders the accused committed for an examination
305 pursuant to this section, the court may declare a mistrial.
306 Declaration of a mistrial under these circumstances, or
307 dismissal of the charges pursuant to subsection [11] 12 of
308 this section, does not constitute jeopardy, nor does it
309 prohibit the trial, sentencing or execution of the accused
310 for the same offense after he or she has been found restored
311 to competency.

312 [13.] 14. The result of any examinations made pursuant
313 to this section shall not be a public record or open to the
314 public.

315 [14.] 15. No statement made by the accused in the
316 course of any examination or treatment pursuant to this

317 section and no information received by any examiner or other
318 person in the course thereof, whether such examination or
319 treatment was made with or without the consent of the
320 accused or upon his or her motion or upon that of others,
321 shall be admitted in evidence against the accused on the
322 issue of guilt in any criminal proceeding then or thereafter
323 pending in any court, state or federal. A finding by the
324 court that the accused is mentally fit to proceed shall in
325 no way prejudice the accused in a defense to the crime
326 charged on the ground that at the time thereof he or she was
327 afflicted with a mental disease or defect excluding
328 responsibility, nor shall such finding by the court be
329 introduced in evidence on that issue nor otherwise be
330 brought to the notice of the jury.

556.021. 1. An infraction does not constitute a
2 criminal offense and conviction of an infraction shall not
3 give rise to any disability or legal disadvantage based on
4 conviction of a criminal offense.

2. Except as otherwise provided by law, the procedure
6 for infractions shall be the same as for a misdemeanor.

3. If a person fails to appear in court either solely
8 for an infraction or for an infraction which is committed in
9 the same course of conduct as a criminal offense for which
10 the person is charged, or if a person fails to respond to
11 notice of an infraction from the central violations bureau
12 established in section 476.385, the court may issue a
13 default judgment for court costs and fines for the
14 infraction which shall be enforced in the same manner as
15 other default judgments, including enforcement under
16 sections 488.5028 and 488.5030, unless the court determines
17 that good cause or excusable neglect exists for the person's
18 failure to appear for the infraction. The notice of entry
19 of default judgment and the amount of fines and costs

20 imposed shall be sent to the person by first class mail.
21 The default judgment may be set aside for good cause if the
22 person files a motion to set aside the judgment within six
23 months of the date the notice of entry of default judgment
24 is mailed.

25 4. Notwithstanding subsection 3 of this section or any
26 provisions of law to the contrary, a court may issue a
27 warrant for failure to appear for any violation [which] that
28 is classified or charged as an infraction; except that, a
29 court shall not issue a warrant for failure to appear for
30 any violation that is classified or charged as an infraction
31 under chapter 307.

32 5. Judgment against the defendant for an infraction
33 shall be in the amount of the fine authorized by law and the
34 court costs for the offense.

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

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

7 (2) "Affirmative defense":

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

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

13 (3) "Burden of injecting the issue":

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

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

19 (4) "Commercial film and photographic print
20 processor", any person who develops exposed photographic
21 film into negatives, slides or prints, or who makes prints
22 from negatives or slides, for compensation. The term
23 commercial film and photographic print processor shall
24 include all employees of such persons but shall not include
25 a person who develops film or makes prints for a public
26 agency;

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

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

45 (7) "Computer hardware", all equipment which can
46 collect, analyze, create, display, convert, store, conceal
47 or transmit electronic, magnetic, optical or similar
48 computer impulses or data. Hardware includes, but is not
49 limited to, any data processing devices, such as central
50 processing units, memory typewriters and self-contained
51 laptop or notebook computers; internal and peripheral

52 storage devices, transistor-like binary devices and other
53 memory storage devices, such as floppy disks, removable
54 disks, compact disks, digital video disks, magnetic tape,
55 hard drive, optical disks and digital memory; local area
56 networks, such as two or more computers connected together
57 to a central computer server via cable or modem; peripheral
58 input or output devices, such as keyboards, printers,
59 scanners, plotters, video display monitors and optical
60 readers; and related communication devices, such as modems,
61 cables and connections, recording equipment, RAM or ROM
62 units, acoustic couplers, automatic dialers, speed dialers,
63 programmable telephone dialing or signaling devices and
64 electronic tone-generating devices; as well as any devices,
65 mechanisms or parts that can be used to restrict access to
66 computer hardware, such as physical keys and locks;

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

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

72 (10) "Computer software", digital information which
73 can be interpreted by a computer and any of its related
74 components to direct the way they work. Software is stored
75 in electronic, magnetic, optical or other digital form. The
76 term commonly includes programs to run operating systems and
77 applications, such as word processing, graphic, or
78 spreadsheet programs, utilities, compilers, interpreters and
79 communications programs;

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

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

86 (13) "Confinement":

87 (a) A person is in confinement when such person is
88 held in a place of confinement pursuant to arrest or order
89 of a court, and remains in confinement until:

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

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

93 c. A public servant having the legal power and duty to
94 confine the person authorizes his release without guard and
95 without condition that he return to confinement;

96 (b) A person is not in confinement if:

97 a. The person is on probation or parole, temporary or
98 otherwise; or

99 b. The person is under sentence to serve a term of
100 confinement which is not continuous, or is serving a
101 sentence under a work-release program, and in either such
102 case is not being held in a place of confinement or is not
103 being held under guard by a person having the legal power
104 and duty to transport the person to or from a place of
105 confinement;

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

108 (a) It is given by a person who lacks the mental
109 capacity to authorize the conduct charged to constitute the
110 offense and such mental incapacity is manifest or known to
111 the actor; or

112 (b) It is given by a person who by reason of youth,
113 mental disease or defect, intoxication, a drug-induced
114 state, or any other reason is manifestly unable or known by
115 the actor to be unable to make a reasonable judgment as to

116 the nature or harmfulness of the conduct charged to
117 constitute the offense; or

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

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

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

127 (17) "Custody", a person is in custody when he or she
128 has been arrested but has not been delivered to a place of
129 confinement;

130 (18) "Damage", when used in relation to a computer
131 system or network, means any alteration, deletion, or
132 destruction of any part of the computer system or network;

133 (19) "Dangerous felony", the felonies of arson in the
134 first degree, assault in the first degree, attempted rape in
135 the first degree if physical injury results, attempted
136 forcible rape if physical injury results, attempted sodomy
137 in the first degree if physical injury results, attempted
138 forcible sodomy if physical injury results, rape in the
139 first degree, forcible rape, sodomy in the first degree,
140 forcible sodomy, assault in the second degree if the victim
141 of such assault is a special victim as defined in
142 subdivision (14) of section 565.002, kidnapping in the first
143 degree, kidnapping, murder in the second degree, assault of
144 a law enforcement officer in the first degree, domestic
145 assault in the first degree, elder abuse in the first
146 degree, robbery in the first degree, armed criminal action,
147 conspiracy to commit an offense when the offense is a
148 dangerous felony, vehicle hijacking when punished as a class

149 A felony, statutory rape in the first degree when the victim
150 is a child less than twelve years of age at the time of the
151 commission of the act giving rise to the offense, statutory
152 sodomy in the first degree when the victim is a child less
153 than twelve years of age at the time of the commission of
154 the act giving rise to the offense, child molestation in the
155 first or second degree, abuse of a child if the child dies
156 as a result of injuries sustained from conduct chargeable
157 under section 568.060, child kidnapping, parental kidnapping
158 committed by detaining or concealing the whereabouts of the
159 child for not less than one hundred twenty days under
160 section 565.153, and an "intoxication-related traffic
161 offense" or "intoxication-related boating offense" if the
162 person is found to be a "habitual offender" or "habitual
163 boating offender" as such terms are defined in section
164 577.001, and rioting as defined under section 574.050;

165 (20) "Dangerous instrument", any instrument, article
166 or substance, which, under the circumstances in which it is
167 used, is readily capable of causing death or other serious
168 physical injury;

169 (21) "Data", a representation of information, facts,
170 knowledge, concepts, or instructions prepared in a
171 formalized or other manner and intended for use in a
172 computer or computer network. Data may be in any form
173 including, but not limited to, printouts, microfiche,
174 magnetic storage media, punched cards and as may be stored
175 in the memory of a computer;

176 (22) "Deadly weapon", any firearm, loaded or unloaded,
177 or any weapon from which a shot, readily capable of
178 producing death or serious physical injury, may be
179 discharged, or a switchblade knife, dagger, billy club,
180 blackjack or metal knuckles;

181 (23) "Digital camera", a camera that records images in
182 a format which enables the images to be downloaded into a
183 computer;

184 (24) "Disability", a mental, physical, or
185 developmental impairment that substantially limits one or
186 more major life activities or the ability to provide
187 adequately for one's care or protection, whether the
188 impairment is congenital or acquired by accident, injury or
189 disease, where such impairment is verified by medical
190 findings;

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

193 (26) "Felony", an offense so designated or an offense
194 for which persons found guilty thereof may be sentenced to
195 death or imprisonment for a term of more than one year;

196 (27) "Forcible compulsion" either:

197 (a) Physical force that overcomes reasonable
198 resistance; or

199 (b) A threat, express or implied, that places a person
200 in reasonable fear of death, serious physical injury or
201 kidnapping of such person or another person;

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

206 (29) "Infraction", a violation defined by this code or
207 by any other statute of this state if it is so designated or
208 if no sentence other than a fine, or fine and forfeiture or
209 other civil penalty, is authorized upon conviction;

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

212 (a) Where any person lives or carries on business or
213 other calling; or

214 (b) Where people assemble for purposes of business,
215 government, education, religion, entertainment, or public
216 transportation; or

217 (c) Which is used for overnight accommodation of
218 persons.

219 Any such vehicle, vessel, or structure is inhabitable
220 regardless of whether a person is actually present. If a
221 building or structure is divided into separately occupied
222 units, any unit not occupied by the actor is an inhabitable
223 structure of another;

224 (31) "Knowingly", when used with respect to:

225 (a) Conduct or attendant circumstances, means a person
226 is aware of the nature of his or her conduct or that those
227 circumstances exist; or

228 (b) A result of conduct, means a person is aware that
229 his or her conduct is practically certain to cause that
230 result;

231 (32) "Law enforcement officer", any public servant
232 having both the power and duty to make arrests for
233 violations of the laws of this state, and federal law
234 enforcement officers authorized to carry firearms and to
235 make arrests for violations of the laws of the United States;

236 (33) "Misdemeanor", an offense so designated or an
237 offense for which persons found guilty thereof may be
238 sentenced to imprisonment for a term of which the maximum is
239 one year or less;

240 (34) "Of another", property that any entity, including
241 but not limited to any natural person, corporation, limited
242 liability company, partnership, association, governmental
243 subdivision or instrumentality, other than the actor, has a
244 possessory or proprietary interest therein, except that
245 property shall not be deemed property of another who has
246 only a security interest therein, even if legal title is in

247 the creditor pursuant to a conditional sales contract or
248 other security arrangement;

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

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

253 (37) "Place of confinement", any building or facility
254 and the grounds thereof wherein a court is legally
255 authorized to order that a person charged with or convicted
256 of a crime be held;

257 (38) "Possess" or "possessed", having actual or
258 constructive possession of an object with knowledge of its
259 presence. A person has actual possession if such person has
260 the object on his or her person or within easy reach and
261 convenient control. A person has constructive possession if
262 such person has the power and the intention at a given time
263 to exercise dominion or control over the object either
264 directly or through another person or persons. Possession
265 may also be sole or joint. If one person alone has
266 possession of an object, possession is sole. If two or more
267 persons share possession of an object, possession is joint;

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

270 (40) "Public servant", any person employed in any way
271 by a government of this state who is compensated by the
272 government by reason of such person's employment, any person
273 appointed to a position with any government of this state,
274 or any person elected to a position with any government of
275 this state. It includes, but is not limited to,
276 legislators, jurors, members of the judiciary and law
277 enforcement officers. It does not include witnesses;

278 (41) "Purposely", when used with respect to a person's
279 conduct or to a result thereof, means when it is his or her

280 conscious object to engage in that conduct or to cause that
281 result;

282 (42) "Recklessly", consciously disregarding a
283 substantial and unjustifiable risk that circumstances exist
284 or that a result will follow, and such disregard constitutes
285 a gross deviation from the standard of care which a
286 reasonable person would exercise in the situation;

287 (43) "Serious emotional injury", an injury that
288 creates a substantial risk of temporary or permanent medical
289 or psychological damage, manifested by impairment of a
290 behavioral, cognitive or physical condition. Serious
291 emotional injury shall be established by testimony of
292 qualified experts upon the reasonable expectation of
293 probable harm to a reasonable degree of medical or
294 psychological certainty;

295 (44) "Serious physical injury", physical injury that
296 creates a substantial risk of death or that causes serious
297 disfigurement or protracted loss or impairment of the
298 function of any part of the body;

299 (45) "Services", when used in relation to a computer
300 system or network, means use of a computer, computer system,
301 or computer network and includes, but is not limited to,
302 computer time, data processing, and storage or retrieval
303 functions;

304 (46) "Sexual orientation", male or female
305 heterosexuality, homosexuality or bisexuality by
306 inclination, practice, identity or expression, or having a
307 self-image or identity not traditionally associated with
308 one's gender;

309 (47) "Vehicle", a self-propelled mechanical device
310 designed to carry a person or persons, excluding vessels or
311 aircraft;

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

321 (49) "Voluntary act":

322 (a) A bodily movement performed while conscious as a
323 result of effort or determination. Possession is a
324 voluntary act if the possessor knowingly procures or
325 receives the thing possessed, or having acquired control of
326 it was aware of his or her control for a sufficient time to
327 have enabled him or her to dispose of it or terminate his or
328 her control; or

329 (b) An omission to perform an act of which the actor
330 is physically capable. A person is not guilty of an offense
331 based solely upon an omission to perform an act unless the
332 law defining the offense expressly so provides, or a duty to
333 perform the omitted act is otherwise imposed by law;

334 (50) "Vulnerable person", any person in the custody,
335 care, or control of the department of mental health who is
336 receiving services from an operated, funded, licensed, or
337 certified program.

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

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

8 exceeding twenty-five-thousandths of one percent by weight
9 of alcohol in such person's breath;

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

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

19 2. In any criminal case involving an intoxicated-
20 related traffic offense, the prosecuting or circuit attorney
21 may divert the criminal case, with the consent of the
22 defendant, to a driving while intoxicated (DWI) diversion
23 program by filing a motion with the court requesting the
24 court to stay the criminal proceeding, if the defendant
25 meets the following criteria for eligibility into the
26 driving while intoxicated diversion program:

27 (1) The defendant has not previously pled guilty to or
28 been convicted of an intoxicated-related traffic offense in
29 violation of sections 577.010, 577.012, 577.013, 577.014,
30 577.015, or 577.016;

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

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

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

38 (5) The offense did not result in the injury or death
39 of another person.

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

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

55 5. If the court continues the criminal case to divert
56 the defendant to a DWI diversion program, the department of
57 revenue shall continue any proceeding to suspend or revoke a
58 license pursuant to chapter 302 for a period not to exceed
59 twenty-four months. After the defendant successfully
60 completes the requirements of the DWI diversion program, the
61 department shall dismiss any proceeding against the
62 defendant.

63 6. The court shall notify the defendant that he or she
64 is required to install a functioning, certified ignition
65 interlock device on any vehicle that the person operates and
66 the person is prohibited from operating a motor vehicle
67 unless that vehicle is equipped with a functioning,
68 certified ignition interlock device pursuant to this
69 section. These requirements shall be in addition to any
70 other provisions of this chapter or chapter 302 requiring
71 installation and maintenance of an ignition interlock
72 device. Any person required to use an ignition interlock

73 device shall comply with such requirement subject to the
74 penalties provided by section 577.599.

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

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

90 (2) Arrange for each vehicle with a functioning,
91 certified ignition interlock device to be serviced by the
92 installer at least once every thirty days for the installer
93 to recalibrate and monitor the operation of the device.

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

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

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

102 (3) If the device registers a failed start.

103 If a person has any failed start that occurs within the last
104 ninety days of the required period of installation of the

105 ignition interlock device, the term shall be extended for a
106 period of ninety days.

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

120 10. In the event of non-compliance by the defendant
121 with the terms and conditions of the DWI diversion program,
122 the prosecuting or circuit attorney may file a motion to
123 terminate the defendant from the diversion program and may
124 recommend the prosecution of the underlying case. Upon the
125 filing of such motion, after notice to the defendant, the
126 court shall hold a hearing to determine by preponderance of
127 the evidence whether the defendant has failed to comply with
128 the terms and conditions of the diversion program. If the
129 court finds that the defendant has not complied with the
130 terms and conditions of the diversion program, the court may
131 end the diversion program and set the case on the next
132 available criminal docket.

133 11. Any defendant who is found guilty of any
134 intoxicated-related traffic offense and who has previously
135 utilized the DWI diversion program pursuant to this section
136 shall be considered a prior offender as defined in section
137 577.001, provided that the prior offense occurred within

138 five years of the intoxicated-related offense for which the
139 person is charged, as provided in subdivision (20) of
140 section 577.001.

141 12. For the limited purpose of determining whether a
142 defendant is a chronic, habitual, persistent, or prior
143 offender under section 577.001, a criminal case diverted to
144 a DWI diversion program and successfully completed by a
145 defendant shall be counted as one intoxication-related
146 traffic 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 or one who has been found guilty of a dangerous felony as
24 defined in subdivision (19) of section 556.061.

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

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

31 (2) Has been found guilty of a class A or B felony or
32 a dangerous felony.

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

37 6. The findings of guilt shall be prior to the date of
38 commission of the present offense.

39 7. The court shall sentence a person, who has been
40 found to be a persistent offender or a dangerous offender,
41 and is found guilty of a class B, C, D, or E felony to the
42 authorized term of imprisonment for the offense that is one
43 class higher than the offense for which the person is found
44 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
10 contained in sections 565.021, 565.023, 565.024, 565.027,
11 565.050, 565.052, 565.054, 565.072, 565.073, 565.074,
12 565.090, 565.110, 565.115, 565.120, 565.153, 565.156,
13 565.225, 565.300, 566.030, 566.031, 566.032, 566.034,

14 566.060, 566.061, 566.062, 566.064, 566.067, 566.068,
15 566.069, 566.071, 566.083, 566.086, 566.100, 566.101,
16 566.103, 566.111, 566.115, 566.145, 566.151, 566.153,
17 566.203, 566.206, 566.209, 566.210, 566.211, 566.215,
18 568.030, 568.045, 568.060, 568.065, 568.175, 569.040,
19 569.160, 570.023, 570.025, 570.030 when punished as a class
20 A, B, or C felony, 570.145 when punished as a class A or B
21 felony, 570.223 when punished as a class B or C felony,
22 571.020, 571.030, 571.070, 573.023, 573.025, 573.035,
23 573.037, 573.200, 573.205, 574.070, 574.080, 574.115,
24 575.030, 575.150, 575.153, 575.155, 575.157, 575.200 when
25 punished as a class A felony, 575.210, 575.230 when punished
26 as a class B felony, 575.240 when punished as a class B
27 felony, 576.070, 576.080, 577.010, 577.013, 577.078,
28 577.703, 577.706, 579.065, and 579.068 when punished as a
29 class A or B felony] all classes of felonies except those
30 set forth in chapter 579, or in chapter 195 prior to January
31 1, 2017, and those otherwise excluded in subsection 1 of
32 this section. For the purposes of this section, "prison
33 commitment" means and is the receipt by the department of
34 corrections of an offender after sentencing. For purposes
35 of this section, prior prison commitments to the department
36 of corrections shall not include an offender's first
37 incarceration prior to release on probation under section
38 217.362 or 559.115. Other provisions of the law to the
39 contrary notwithstanding, any offender who has been found
40 guilty of a felony other than a dangerous felony as defined
41 in section 556.061 and is committed to the department of
42 corrections shall be required to serve the following minimum
43 prison terms:

44 (1) If the offender has one previous prison commitment
45 to the department of corrections for a felony offense, the
46 minimum prison term which the offender must serve shall be

47 forty percent of his or her sentence or until the offender
48 attains seventy years of age, and has served at least thirty
49 percent of the sentence imposed, whichever occurs first;

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

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

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

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

74 (1) A sentence of life shall be calculated to be
75 thirty years;

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

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

85 6. [An offender who was convicted of, or pled guilty
86 to, a felony offense other than those offenses listed in
87 subsection 2 of this section prior to August 28, 2019, shall
88 no longer be subject to the minimum prison term provisions
89 under subsection 2 of this section, and shall be eligible
90 for parole, conditional release, or other early release by
91 the department of corrections according to the rules and
92 regulations of the department.

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

109 (2) The commission shall study sentencing practices in
110 the circuit courts throughout the state for the purpose of
111 determining whether and to what extent disparities exist
112 among the various circuit courts with respect to the length

113 of sentences imposed and the use of probation for offenders
114 convicted of the same or similar offenses and with similar
115 criminal histories. The commission shall also study and
116 examine whether and to what extent sentencing disparity
117 among economic and social classes exists in relation to the
118 sentence of death and if so, the reasons therefor, if
119 sentences are comparable to other states, if the length of
120 the sentence is appropriate, and the rate of rehabilitation
121 based on sentence. It shall compile statistics, examine
122 cases, draw conclusions, and perform other duties relevant
123 to the research and investigation of disparities in death
124 penalty sentencing among economic and social classes.

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

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

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

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

145 [8.] 7. Courts shall retain discretion to lower or
146 exceed the sentence recommended by the commission as
147 otherwise allowable by law, and to order restorative justice
148 methods, when applicable.

149 [9.] 8. If the imposition or execution of a sentence
150 is suspended, the court may order any or all of the
151 following restorative justice methods, or any other method
152 that the court finds just or appropriate:

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

156 (2) Offender treatment programs;

157 (3) Mandatory community service;

158 (4) Work release programs in local facilities; and

159 (5) Community-based residential and nonresidential
160 programs.

161 [10.] 9. Pursuant to subdivision (1) of subsection [9]
162 8 of this section, the court may order the assessment and
163 payment of a designated amount of restitution to a county
164 law enforcement restitution fund established by the county
165 commission pursuant to section 50.565. Such contribution
166 shall not exceed three hundred dollars for any charged
167 offense. Any restitution moneys deposited into the county
168 law enforcement restitution fund pursuant to this section
169 shall only be expended pursuant to the provisions of section
170 50.565.

171 [11.] 10. A judge may order payment to a restitution
172 fund only if such fund had been created by ordinance or
173 resolution of a county of the state of Missouri prior to
174 sentencing. A judge shall not have any direct supervisory
175 authority or administrative control over any fund to which
176 the judge is ordering a person to make payment.

177 [12.] 11. A person who fails to make a payment to a
178 county law enforcement restitution fund may not have his or
179 her probation revoked solely for failing to make such
180 payment unless the judge, after evidentiary hearing, makes a
181 finding supported by a preponderance of the evidence that
182 the person either willfully refused to make the payment or
183 that the person willfully, intentionally, and purposefully
184 failed to make sufficient bona fide efforts to acquire the
185 resources to pay.

186 [13.] 12. Nothing in this section shall be construed
187 to allow the sentencing advisory commission to issue
188 recommended sentences in specific cases pending in the
189 courts of this state.

 558.031. 1. A sentence of imprisonment shall commence
2 when a person convicted of an offense in this state is
3 received into the custody of the department of corrections
4 or other place of confinement where the offender is
5 sentenced.

6 2. Such person shall receive credit toward the service
7 of a sentence of imprisonment for all time in prison, jail
8 or custody after [conviction] the offense occurred and
9 before the commencement of the sentence, when the time in
10 custody was related to that offense[, and the circuit court
11 may, when pronouncing sentence, award credit for time spent
12 in prison, jail, or custody after the offense occurred and
13 before conviction toward the service of the sentence of
14 imprisonment, except:

15 (1) Such credit shall only be applied once when
16 sentences are consecutive;

17 (2) Such credit shall only be applied if the person
18 convicted was in custody in the state of Missouri, unless
19 such custody was compelled exclusively by the state of
20 Missouri's action; and

21 (3) As provided in section 559.100]. This credit
22 shall be based upon the certification of the sheriff as
23 provided in subdivision (3) of subsection 2 of section
24 217.305 and may be supplemented by a certificate of a
25 sheriff or other custodial officer from another jurisdiction
26 having held the person on the charge of the offense for
27 which the sentence of imprisonment is ordered.

28 3. The officer required by law to deliver a person
29 convicted of an offense in this state to the department of
30 corrections shall endorse upon the papers required by
31 section 217.305 both the dates the offender was in custody
32 and the period of time to be credited toward the service of
33 the sentence of imprisonment, except as endorsed by such
34 officer.

35 4. If a person convicted of an offense escapes from
36 custody, such escape shall interrupt the sentence. The
37 interruption shall continue until such person is returned to
38 the correctional center where the sentence was being served,
39 or in the case of a person committed to the custody of the
40 department of corrections, to any correctional center
41 operated by the department of corrections. An escape shall
42 also interrupt the jail time credit to be applied to a
43 sentence which had not commenced when the escape occurred.

44 5. If a sentence of imprisonment is vacated and a new
45 sentence imposed upon the offender for that offense, all
46 time served under the vacated sentence shall be credited
47 against the new sentence, unless the time has already been
48 credited to another sentence as provided in subsection 1 of
49 this section.

50 6. If a person released from imprisonment on parole or
51 serving a conditional release term violates any of the
52 conditions of his or her parole or release, he or she may be
53 treated as a parole violator. If the parole board revokes

54 the parole or conditional release, the paroled person shall
55 serve the remainder of the prison term and conditional
56 release term, as an additional prison term, and the
57 conditionally released person shall serve the remainder of
58 the conditional release term as a prison term, unless
59 released on parole.

60 7. Subsection 2 of this section shall be applicable to
61 offenses [occurring] for which the offender was sentenced on
62 or after August 28, [2021] 2023.

63 8. The total amount of credit given shall not exceed
64 the number of days spent in prison, jail, or custody after
65 the offense occurred and before the commencement of the
66 sentence.

565.240. 1. A person commits the offense of unlawful
2 posting of certain information over the internet if he or
3 she knowingly posts the name, home address, Social Security
4 number, telephone number, or any other personally
5 identifiable information of any person on the internet
6 intending to cause great bodily harm or death, or
7 threatening to cause great bodily harm or death to such
8 person.

9 2. The offense of unlawful posting of certain
10 information over the internet is a class C misdemeanor,
11 unless the person knowingly posts on the internet the name,
12 home address, Social Security number, telephone number, or
13 any other personally identifiable information of any law
14 enforcement officer, corrections officer, parole officer,
15 judge, commissioner, or prosecuting attorney, or of any
16 immediate family member of such law enforcement officer,
17 corrections officer, parole officer, judge, commissioner, or
18 prosecuting attorney, intending to cause great bodily harm
19 or death, or threatening to cause great bodily harm or
20 death, in which case it is a class E felony, and if such

21 intention or threat results in bodily harm or death to such
22 person or immediate family member, the offense of unlawful
23 posting of certain information over the internet is a class
24 D felony.

2 565.258. 1. There is hereby created the "Stop
3 Cyberstalking and Harassment Task Force" to consist of the
4 following members:

5 (1) The following four members of the general assembly:

6 (a) Two members of the senate, with one member to be
7 appointed by the president pro tempore of the senate and one
8 member to be appointed by the minority floor leader; and

9 (b) Two members of the house of representatives, with
10 one member to be appointed by the speaker of the house of
11 representatives and one member to be appointed by the
12 minority floor leader;

13 (2) The director of the department of public safety or
14 his or her designee;

15 (3) A representative of the Missouri highway patrol
16 appointed by the superintendent of the Missouri highway
17 patrol;

18 (4) A representative of the Missouri Association of
19 Prosecuting Attorneys appointed by the president of the
20 Missouri Association of Prosecuting Attorneys;

21 (5) One or more law enforcement officers with
22 experience relating to cyberstalking and harassment
23 appointed by the governor;

24 (6) One or more representatives from a regional cyber
25 crime task force appointed by the governor;

26 (7) A person with experience in training law
27 enforcement on issues of cyberstalking or harassment
28 appointed by the governor;

29 (8) A representative of a statewide coalition against
domestic and sexual violence appointed by the governor;

30 (9) A representative of the Missouri safe at home
31 program appointed by the secretary of state;

32 (10) A representative of the office of state courts
33 administrator appointed by the state courts administrator or
34 his or her designee;

35 (11) A mental health service provider with experience
36 serving victims or perpetrators of crime appointed by the
37 director of the department of mental health;

38 (12) One representative from elementary and secondary
39 education services with experience educating people about
40 cyberstalking and harassment appointed by the director of
41 the department of elementary and secondary education;

42 (13) One representative from higher education services
43 with experience educating people about cyberstalking and
44 harassment appointed by the director of higher education and
45 workforce development; and

46 (14) One representative with experience in
47 cybersecurity and technology appointed by the director of
48 the office of administration.

49 2. The task force shall appoint a chairperson who is
50 elected by a majority vote of the members of the task
51 force. The task force shall have an initial meeting before
52 October 1, 2023. The members of the task force shall serve
53 without compensation, but shall be entitled to necessary and
54 actual expenses incurred in attending meetings of the task
55 force.

56 3. The task force shall collect feedback from
57 stakeholders, which may include, but shall not be limited
58 to, victims, law enforcement, victim advocates, and digital
59 evidence and forensics experts, to inform development of
60 best practices regarding:

61 (1) The treatment of victims of cyberstalking or
62 harassment; and

63 (2) Actions to stop cyberstalking and harassment when
64 it occurs.

65 4. The task force shall study and make
66 recommendations, including, but not limited to:

67 (1) Whether a need exists for further training for law
68 enforcement relating to cyberstalking and harassment, and if
69 such a need does exist, recommendations on how to best fill
70 the need, whether legislatively or otherwise;

71 (2) Whether a need exists for increased coordination
72 among police departments to address instances of
73 cyberstalking or harassment, and if such a need does exist,
74 recommendations on how to best fill the need, whether
75 legislatively or otherwise;

76 (3) Resources and tools law enforcement may need to
77 identify patterns and collect evidence in cases of
78 cyberstalking or harassment;

79 (4) Whether a need exists for strengthening the rights
80 afforded to victims of cyberstalking or harassment in
81 Missouri law, and if such a need does exist, recommendations
82 on how to best fill the need;

83 (5) Educational and any other resources deemed
84 necessary by the taskforce to educate and inform victims and
85 the public on ways to protect themselves from cyberstalking
86 and harassment;

87 (6) Whether a need exists for increased victim
88 services and training for victim advocates relating to
89 cyberstalking and harassment, and if such a need does exist,
90 recommendations on how to best fill the need, whether
91 legislatively or otherwise.

92 5. The department of public safety shall provide
93 administrative support to the task force.

94 6. On or before December thirty-first of each year,
95 the task force shall submit a report on its findings to the
96 governor and the general assembly.

97 7. The task force shall expire on December 31, 2025,
98 unless extended until December 31, 2027, as determined
99 necessary by the department of public safety.

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

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

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

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

14 (4) In the presence of a child less than seventeen
15 years of age or in a residence where a child less than
16 seventeen years of age resides, unlawfully manufactures[,]
17 or attempts to manufacture compounds, possesses, produces,
18 prepares, sells, transports, tests or analyzes amphetamine
19 or methamphetamine or any of [their] its analogues.

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

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

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

30 (3) Results in the death of a child, in which case the
31 offense is a class A 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) "Teller machine", an automated teller machine
25 (ATM) or interactive teller machine (ITM) that is a remote
26 computer terminal or other device owned or controlled by a
27 financial institution or a private business that allows
28 individuals to obtain financial services, including
29 obtaining cash, transferring or transmitting moneys or

30 digital currencies, payment of bills, or loading moneys or
31 digital currency to a payment card, without physical in-
32 person assistance from another person. "Teller machine"
33 does not include personally owned electronic devices used to
34 access financial services;

35 (5) "To tamper", to interfere with something
36 improperly, to meddle with it, displace it, make unwarranted
37 alterations in its existing condition, or to deprive,
38 temporarily, the owner or possessor of that thing;

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; except that, if the
37 offense of property damage in the first degree committed
38 under subdivision (4) of subsection 1 of this section is
39 committed to obtain the personal financial credentials of
40 another person or committed as a second or subsequent
41 violation of subdivision (4) of subsection 1 of this
42 section, the offense of property damage in the first degree
43 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) that is a remote
146 computer terminal or other device owned or controlled by a
147 financial institution or a private business that allows
148 individuals to obtain financial services, including
149 obtaining cash, transferring or transmitting moneys or
150 digital currencies, payment of bills, or loading moneys or
151 digital currency to a payment card, without physical in-
152 person assistance from another person. "Teller machine"
153 does not include personally owned electronic devices used to
154 access financial services;

155 (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 a common carrier or delivery service and not
109 yet 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.

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

3 (1) "Antique, curio or relic firearm", any firearm so
4 defined by the National Gun Control Act, 18 U.S.C. Title 26,
5 Section 5845, and the United States Treasury/Bureau of
6 Alcohol Tobacco and Firearms, 27 CFR Section 178.11:

7 (a) "Antique firearm" is any firearm not designed or
8 redesigned for using rim fire or conventional center fire
9 ignition with fixed ammunition and manufactured in or before
10 1898, said ammunition not being manufactured any longer;
11 this includes any matchlock, wheel lock, flintlock,
12 percussion cap or similar type ignition system, or replica
13 thereof;

14 (b) "Curio or relic firearm" is any firearm deriving
15 value as a collectible weapon due to its unique design,
16 ignition system, operation or at least fifty years old,
17 associated with a historical event, renown personage or
18 major war;

19 (2) "Blackjack", any instrument that is designed or
20 adapted for the purpose of stunning or inflicting physical
21 injury by striking a person, and which is readily capable of
22 lethal use;

23 (3) "Blasting agent", any material or mixture,
24 consisting of fuel and oxidizer that is intended for
25 blasting, but not otherwise defined as an explosive under
26 this section, provided that the finished product, as mixed
27 for use of shipment, cannot be detonated by means of a
28 numbered 8 test blasting cap when unconfined;

29 (4) "Concealable firearm", any firearm with a barrel
30 less than sixteen inches in length, measured from the face
31 of the bolt or standing breech;

32 (5) "Deface", to alter or destroy the manufacturer's
33 or importer's serial number or any other distinguishing
34 number or identification mark;

35 (6) "Detonator", any device containing a detonating
36 charge that is used for initiating detonation in an
37 explosive, including but not limited to, electric blasting
38 caps of instantaneous and delay types, nonelectric blasting
39 caps for use with safety fuse or shock tube and detonating
40 cord delay connectors;

41 (7) "Explosive weapon", any explosive, incendiary, or
42 poison gas bomb or similar device designed or adapted for
43 the purpose of inflicting death, serious physical injury, or
44 substantial property damage; or any device designed or
45 adapted for delivering or shooting such a weapon. For the
46 purposes of this subdivision, the term "explosive" shall
47 mean any chemical compound mixture or device, the primary or
48 common purpose of which is to function by explosion,
49 including but not limited to, dynamite and other high
50 explosives, pellet powder, initiating explosives,

51 detonators, safety fuses, squibs, detonating cords, igniter
52 cords, and igniters or blasting agents;

53 (8) "Firearm", any weapon that is designed or adapted
54 to expel a projectile by the action of an explosive;

55 (9) "Firearm silencer", any instrument, attachment, or
56 appliance that is designed or adapted to muffle the noise
57 made by the firing of any firearm;

58 (10) "Gas gun", any gas ejection device, weapon,
59 cartridge, container or contrivance other than a gas bomb
60 that is designed or adapted for the purpose of ejecting any
61 poison gas that will cause death or serious physical injury,
62 but not any device that ejects a repellant or temporary
63 incapacitating substance;

64 (11) "Intoxicated", substantially impaired mental or
65 physical capacity resulting from introduction of any
66 substance into the body;

67 (12) "Knife", any dagger, dirk, stiletto, or bladed
68 hand instrument that is readily capable of inflicting
69 serious physical injury or death by cutting or stabbing a
70 person. For purposes of this chapter, "knife" does not
71 include any ordinary pocketknife with no blade more than
72 four inches in length;

73 (13) "Knuckles", any instrument that consists of
74 finger rings or guards made of a hard substance that is
75 designed or adapted for the purpose of inflicting serious
76 physical injury or death by striking a person with a fist
77 enclosed in the knuckles;

78 (14) "Machine gun", any firearm that is capable of
79 firing more than one shot automatically, without manual
80 reloading, by a single function of the trigger;

81 (15) "Projectile weapon", any bow, crossbow, pellet
82 gun, slingshot or other weapon that is not a firearm, which
83 is capable of expelling a projectile that could inflict

84 serious physical injury or death by striking or piercing a
85 person;

86 (16) "Rifle", any firearm designed [or adapted] to be
87 exclusively fired from the shoulder and to use the energy of
88 the explosive in a fixed metallic cartridge to fire a
89 projectile through a rifled bore by a single function of the
90 trigger;

91 (17) "Short barrel", a barrel length of less than
92 sixteen inches for a rifle and eighteen inches for a
93 shotgun, both measured from the face of the bolt or standing
94 breech, or an overall rifle or shotgun length of less than
95 twenty-six inches;

96 (18) "Shotgun", any firearm designed or adapted to be
97 fired from the shoulder and to use the energy of the
98 explosive in a fixed shotgun shell to fire a number of shot
99 or a single projectile through a smooth bore barrel by a
100 single function of the trigger;

101 (19) "Spring gun", any fused, timed or nonmanually
102 controlled trap or device designed or adapted to set off an
103 explosion for the purpose of inflicting serious physical
104 injury or death;

105 (20) "Switchblade knife", any knife which has a blade
106 that folds or closes into the handle or sheath, and:

107 (a) That opens automatically by pressure applied to a
108 button or other device located on the handle; or

109 (b) That opens or releases from the handle or sheath
110 by the force of gravity or by the application of centrifugal
111 force.

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 firearm,
10 in which case the term of imprisonment shall be for a term
11 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.

571.020. 1. A person commits an offense if such
2 person knowingly possesses, manufactures, transports,
3 repairs, or sells:

4 (1) An explosive weapon;

5 (2) An explosive, incendiary or poison substance or
6 material with the purpose to possess, manufacture or sell an
7 explosive weapon;

8 (3) A gas gun;

9 (4) A bullet or projectile which explodes or detonates
10 upon impact because of an independent explosive charge after
11 having been shot from a firearm; [or]

12 (5) Knuckles; [or]

13 (6) Any of the following in violation of federal law:

14 [(a)] (6) A machine gun;

15 [(b)] (7) A short-barreled rifle or shotgun;

16 [(c)] (8) A firearm silencer; or

17 [(d)] (9) A switchblade knife.

18 2. A person does not commit an offense pursuant to
19 this section if his or her conduct involved any of the items
20 in subdivisions (1) to [(5)] (9) of subsection 1, and the
21 item was possessed in conformity with any applicable state
22 or federal law, or the item was possessed in conformity with
23 any applicable state or federal law, and the conduct:

24 (1) Was incident to the performance of official duty
25 by the Armed Forces, National Guard, a governmental law
26 enforcement agency, or a penal institution; or

27 (2) Was incident to engaging in a lawful commercial or
28 business transaction with an organization enumerated in
29 subdivision (1) of this [section] subsection; or

30 (3) Was incident to using an explosive weapon in a
31 manner reasonably related to a lawful industrial or
32 commercial enterprise; or

33 (4) Was incident to displaying the weapon in a public
34 museum or exhibition; or

35 (5) Was incident to using the weapon in a manner
36 reasonably related to a lawful dramatic performance.

37 3. An offense pursuant to subdivision (1), (2), (3) or
38 (6) of subsection 1 of this section is a class D felony; a
39 crime pursuant to subdivision (4) or (5) of subsection 1 of
40 this section is a class A misdemeanor.

571.030. 1. A person commits the offense of unlawful
2 use of weapons, except as otherwise provided by sections
3 571.101 to 571.121, if he or she knowingly:

4 (1) Carries concealed upon or about his or her person
5 a knife, a firearm, a blackjack or any other weapon readily
6 capable of lethal use into any area where firearms are
7 restricted under section 571.107; or

8 (2) Sets a spring gun; or

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

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

16 (5) Has a firearm or projectile weapon readily capable
17 of lethal use on his or her person, while he or she is
18 intoxicated, and handles or otherwise uses such firearm or
19 projectile weapon in either a negligent or unlawful manner
20 or discharges such firearm or projectile weapon unless
21 acting in self-defense; or

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

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

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

33 (9) Discharges or shoots a firearm at or from a motor
34 vehicle, as defined in section 301.010, discharges or shoots
35 a firearm at any person, or at any other motor vehicle, or
36 at any building or habitable structure, unless the person
37 was lawfully acting in self-defense; or

38 (10) Carries a firearm, whether loaded or unloaded, or
39 any other weapon readily capable of lethal use into any
40 school, onto any school bus, or onto the premises of any
41 function or activity sponsored or sanctioned by school
42 officials or the district school board; or

43 (11) Possesses a firearm while also knowingly in
44 possession of a controlled substance that is sufficient for
45 a felony violation of section 579.015.

46 2. Subdivisions (1), (8), and (10) of subsection 1 of
47 this section shall not apply to the persons described in
48 this subsection, regardless of whether such uses are

49 reasonably associated with or are necessary to the
50 fulfillment of such person's official duties except as
51 otherwise provided in this subsection. Subdivisions (3),
52 (4), (6), (7), and (9) of subsection 1 of this section shall
53 not apply to or affect any of the following persons, when
54 such uses are reasonably associated with or are necessary to
55 the fulfillment of such person's official duties, except as
56 otherwise provided in this subsection:

57 (1) All state, county and municipal peace officers who
58 have completed the training required by the police officer
59 standards and training commission pursuant to sections
60 590.030 to 590.050 and who possess the duty and power of
61 arrest for violation of the general criminal laws of the
62 state or for violation of ordinances of counties or
63 municipalities of the state, whether such officers are on or
64 off duty, and whether such officers are within or outside of
65 the law enforcement agency's jurisdiction, or all qualified
66 retired peace officers, as defined in subsection 12 of this
67 section, and who carry the identification defined in
68 subsection 13 of this section, or any person summoned by
69 such officers to assist in making arrests or preserving the
70 peace while actually engaged in assisting such officer;

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

74 (3) Members of the Armed Forces or National Guard
75 while performing their official duty;

76 (4) Those persons vested by Article V, Section 1 of
77 the Constitution of Missouri with the judicial power of the
78 state and those persons vested by Article III of the
79 Constitution of the United States with the judicial power of
80 the United States, the members of the federal judiciary;

- 81 (5) Any person whose bona fide duty is to execute
82 process, civil or criminal;
- 83 (6) Any federal probation officer or federal flight
84 deck officer as defined under the federal flight deck
85 officer program, 49 U.S.C. Section 44921, regardless of
86 whether such officers are on duty, or within the law
87 enforcement agency's jurisdiction;
- 88 (7) Any state probation or parole officer, including
89 supervisors and members of the parole board;
- 90 (8) Any corporate security advisor meeting the
91 definition and fulfilling the requirements of the
92 regulations established by the department of public safety
93 under section 590.750;
- 94 (9) Any coroner, deputy coroner, medical examiner, or
95 assistant medical examiner;
- 96 (10) Any municipal or county prosecuting attorney or
97 assistant prosecuting attorney; circuit attorney or
98 assistant circuit attorney; municipal, associate, or circuit
99 judge; or any person appointed by a court to be a special
100 prosecutor who has completed the firearms safety training
101 course required under subsection 2 of section 571.111;
- 102 (11) Any member of a fire department or fire
103 protection district who is employed on a full-time basis as
104 a fire investigator and who has a valid concealed carry
105 endorsement issued prior to August 28, 2013, or a valid
106 concealed carry permit under section 571.111 when such uses
107 are reasonably associated with or are necessary to the
108 fulfillment of such person's official duties; and
- 109 (12) Upon the written approval of the governing body
110 of a fire department or fire protection district, any paid
111 fire department or fire protection district member who is
112 employed on a full-time basis and who has a valid concealed
113 carry endorsement issued prior to August 28, 2013, or a

114 valid concealed carry permit, when such uses are reasonably
115 associated with or are necessary to the fulfillment of such
116 person's official duties.

117 3. Subdivisions (1), (5), (8), and (10) of subsection
118 1 of this section do not apply when the actor is
119 transporting such weapons in a nonfunctioning state or in an
120 unloaded state when ammunition is not readily accessible or
121 when such weapons are not readily accessible. Subdivision
122 (1) of subsection 1 of this section does not apply to any
123 person nineteen years of age or older or eighteen years of
124 age or older and a member of the United States Armed Forces,
125 or honorably discharged from the United States Armed Forces,
126 transporting a concealable firearm in the passenger
127 compartment of a motor vehicle, so long as such concealable
128 firearm is otherwise lawfully possessed, nor when the actor
129 is also in possession of an exposed firearm or projectile
130 weapon for the lawful pursuit of game, or is in his or her
131 dwelling unit or upon premises over which the actor has
132 possession, authority or control, or is traveling in a
133 continuous journey peaceably through this state.

134 Subdivision (10) of subsection 1 of this section does not
135 apply if the firearm is otherwise lawfully possessed by a
136 person while traversing school premises for the purposes of
137 transporting a student to or from school, or possessed by an
138 adult for the purposes of facilitation of a school-
139 sanctioned firearm-related event or club event.

140 4. Subdivisions (1), (8), and (10) of subsection 1 of
141 this section shall not apply to any person who has a valid
142 concealed carry permit issued pursuant to sections 571.101
143 to 571.121, a valid concealed carry endorsement issued
144 before August 28, 2013, or a valid permit or endorsement to
145 carry concealed firearms issued by another state or
146 political subdivision of another state.

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

151 6. Notwithstanding any provision of this section to
152 the contrary, the state shall not prohibit any state
153 employee from having a firearm in the employee's vehicle on
154 the state's property provided that the vehicle is locked and
155 the firearm is not visible. This subsection shall only
156 apply to the state as an employer when the state employee's
157 vehicle is on property owned or leased by the state and the
158 state employee is conducting activities within the scope of
159 his or her employment. For the purposes of this subsection,
160 "state employee" means an employee of the executive,
161 legislative, or judicial branch of the government of the
162 state of Missouri.

163 7. (1) Subdivision (10) of subsection 1 of this
164 section shall not apply to a person who is a school officer
165 commissioned by the school board of any school district
166 under section 162.215 or who is a school protection officer,
167 as described under section 160.665.

168 (2) Nothing in this section shall make it unlawful for
169 a student to actually participate in school-sanctioned gun
170 safety courses, student military or ROTC courses, or other
171 school-sponsored or club-sponsored firearm-related events,
172 provided the student does not carry a firearm or other
173 weapon readily capable of lethal use into any school, onto
174 any school bus, or onto the premises of any other function
175 or activity sponsored or sanctioned by school officials or
176 the district school board.

177 8. A person who commits the crime of unlawful use of
178 weapons under:

179 (1) Subdivision (2), (3), (4), or (11) of subsection 1
180 of this section shall be guilty of a class E felony;

181 (2) Subdivision (1), (6), (7), or (8) of subsection 1
182 of this section shall be guilty of a class B misdemeanor,
183 except when a concealed weapon is carried onto any private
184 property whose owner has posted the premises as being off-
185 limits to concealed firearms by means of one or more signs
186 displayed in a conspicuous place of a minimum size of eleven
187 inches by fourteen inches with the writing thereon in
188 letters of not less than one inch, in which case the
189 penalties of subsection 2 of section 571.107 shall apply;

190 (3) Subdivision (5) or (10) of subsection 1 of this
191 section shall be guilty of a class A misdemeanor if the
192 firearm is unloaded and a class E felony if the firearm is
193 loaded;

194 (4) Subdivision (9) of subsection 1 of this section
195 shall be guilty of a class B felony, except that if the
196 violation of subdivision (9) of subsection 1 of this section
197 results in injury or death to another person, it is a class
198 A felony.

199 9. Violations of subdivision (9) of subsection 1 of
200 this section shall be punished as follows:

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

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

209 (3) For any violation by a persistent offender as
210 defined in section 558.016, a person shall be sentenced to
211 the maximum authorized term of imprisonment for a class B

212 felony without the possibility of parole, probation, or
213 conditional release;

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

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

221 11. Notwithstanding any other provision of law, no
222 person who pleads guilty to or is found guilty of a felony
223 violation of subsection 1 of this section shall receive a
224 suspended imposition of sentence if such person has
225 previously received a suspended imposition of sentence for
226 any other firearms- or weapons-related felony offense.

227 12. As used in this section "qualified retired peace
228 officer" means an individual who:

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

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

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

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

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

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

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

252 13. The identification required by subdivision (1) of
253 subsection 2 of this section is:

254 (1) A photographic identification issued by the agency
255 from which the individual retired from service as a peace
256 officer that indicates that the individual has, not less
257 recently than one year before the date the individual is
258 carrying the concealed firearm, been tested or otherwise
259 found by the agency to meet the standards established by the
260 agency for training and qualification for active peace
261 officers to carry a firearm of the same type as the
262 concealed firearm; or

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

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

2 571.031. 1. This section shall be known and may be
cited as "Blair's Law".

3 2. A person commits the offense of unlawful discharge
4 of a firearm if, with criminal negligence, he or she
5 discharges a firearm within or into the limits of any
6 municipality.

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

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

11 (2) On a shooting range supervised by any person
12 eighteen years of age or older;

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

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

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

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

25 (7) Using blanks;

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

27 (9) In self-defense or defense of another person
28 against an animal attack if a reasonable person would
29 believe that deadly physical force against the animal is
30 immediately necessary and reasonable under the circumstances
31 to protect oneself or the other person; or

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

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

37 (1) For a first offense, a class A misdemeanor;

38 (2) For a second offense, a class E felony; and

39 (3) For a third or subsequent offense, a class D
40 felony.

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.

574.010. 1. A person commits the offense of peace
2 disturbance if he or she:

3 (1) Unreasonably and knowingly disturbs or alarms
4 another person or persons by:

5 (a) Loud noise; or

6 (b) Offensive language addressed in a face-to-face
7 manner to a specific individual and uttered under
8 circumstances which are likely to produce an immediate
9 violent response from a reasonable recipient; or

10 (c) Threatening to commit a felonious act against any
11 person under circumstances which are likely to cause a
12 reasonable person to fear that such threat may be carried
13 out; or

14 (d) Fighting; or

15 (e) Creating a noxious and offensive odor;

16 (2) Is in a public place or on private property of
17 another without consent and purposely causes inconvenience
18 to another person or persons by unreasonably and physically
19 obstructing:

20 (a) Vehicular or pedestrian traffic; or

21 (b) The free ingress or egress to or from a public or
22 private place.

23 2. The offense of peace disturbance is a class **[B]** A
24 misdemeanor upon the first conviction. Upon a second or
25 subsequent conviction, peace disturbance is a class **[A]**
26 **misdemeanor** E felony. Upon a third or subsequent
27 conviction, a person shall be sentenced to pay a fine of no
28 less than one thousand dollars and no more than five
29 thousand dollars.

574.040. 1. A person commits the offense of unlawful
2 assembly if he or she knowingly assembles with six or more
3 other persons and agrees with such persons to violate any of
4 the criminal laws of this state or of the United States with
5 force or violence.

6 2. The offense of unlawful assembly is a class **[B]** A
7 misdemeanor.

574.050. 1. A person commits the offense of rioting
2 if he or she knowingly assembles with six or more other
3 persons **[and agrees with such persons to violate any of the**
4 **criminal laws of this state or of the United States with**
5 **force or violence]**, and thereafter, while still so
6 assembled, **[does violate any of said laws with force or**

7 violence] violates any of the criminal laws of this state or
8 of the United States.

9 2. The offense of rioting is a class [A misdemeanor] D
10 felony. A second or subsequent conviction under this
11 section shall be a class C felony.

574.060. 1. A person commits the offense of refusal
2 to disperse if, being present at the scene of an unlawful
3 assembly, or at the scene of a riot, he or she knowingly
4 fails or refuses to obey the lawful command of a law
5 enforcement officer to depart from the scene of such
6 unlawful assembly or riot.

7 2. The offense of refusal to disperse is a class [C] A
8 misdemeanor.

574.070. 1. As used in this section, the following
2 terms mean:

3 (1) "Civil disorder", any public disturbance involving
4 acts of violence by assemblages of three or more persons,
5 which causes an immediate danger of or results in damage or
6 injury to the property or person of any other individual;

7 (2) "Explosive or incendiary device", includes:

8 (a) Dynamite and all other forms of high explosives;

9 (b) Any explosive bomb, grenade, missile, or similar
10 device; and

11 (c) Any incendiary bomb or grenade, fire bomb, or
12 similar device, including any device which consists of or
13 includes a breakable container containing a flammable liquid
14 or compound and a wick composed of any material which, when
15 ignited, is capable of igniting such flammable liquid or
16 compound, and can be carried or thrown by one individual
17 acting alone;

18 (3) "Firearm", any weapon which is designed to or may
19 readily be converted to expel any projectile by the action
20 of an explosive, or the frame or receiver of any such weapon;

21 (4) "Law enforcement officer", any officer or employee
22 of the United States, any state, any political subdivision
23 of a state, or the District of Columbia. The term "law
24 enforcement officer" shall specifically include, but shall
25 not be limited to, members of the National Guard, as defined
26 in Section 101(9) of Title 10, United States Code, and
27 members of the organized militia of any state or territory
28 of the United States, the Commonwealth of Puerto Rico, or
29 the District of Columbia, not included within the definition
30 of National Guard as defined by Section 101(9) of Title 10,
31 United States Code, and members of the Armed Forces of the
32 United States.

33 2. A person commits the offense of promoting civil
34 disorder if he or she teaches or demonstrates to any other
35 person the use, application, or construction of any firearm,
36 explosive, or incendiary device capable of causing injury or
37 death to any person, knowing or intending that such firearm,
38 explosive, or incendiary device be used in furtherance of a
39 civil disorder.

40 3. The offense of promoting civil disorder is a class
41 **[D]** C felony.

42 4. Nothing contained in this section shall be
43 construed to prohibit the training or teaching of the use of
44 weapons for law enforcement purposes, hunting, recreation,
45 competition, or other lawful uses and activities.

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.

575.095. 1. A person commits the offense of tampering
2 with a judicial officer if, with the purpose to harass,
3 intimidate or influence a judicial officer in the
4 performance of such officer's official duties, such person:

5 (1) Threatens or causes harm to such judicial officer
6 or members of such judicial officer's family;

7 (2) Uses force, threats, or deception against or
8 toward such judicial officer or members of such judicial
9 officer's family;

10 (3) Offers, conveys or agrees to convey any benefit
11 direct or indirect upon such judicial officer or such
12 judicial officer's family;

13 (4) Engages in conduct reasonably calculated to harass
14 or alarm such judicial officer or such judicial officer's
15 family, including stalking pursuant to section 565.225 or
16 565.227;

17 (5) Disseminates through any means, including by
18 posting on the internet, the judicial officer's or the
19 judicial officer's family's personal information. For
20 purposes of this section, "personal information" includes a
21 home address, home or mobile telephone number, personal
22 email address, Social Security number, federal tax
23 identification number, checking or savings account number,
24 marital status, and identity of a child under eighteen years
25 of age.

26 2. A judicial officer for purposes of this section
27 shall be a judge or commissioner of a state or federal
28 court, arbitrator, special master, juvenile officer, deputy
29 juvenile officer, state prosecuting or circuit attorney,
30 state assistant prosecuting or circuit attorney, juvenile
31 court commissioner, state probation or parole officer, or
32 referee.

33 3. A judicial officer's family for purposes of this
34 section shall be:

35 (1) Such officer's spouse; or

36 (2) Such officer or such officer's spouse's ancestor
37 or descendant by blood or adoption; or

38 (3) Such officer's stepchild, while the marriage
39 creating that relationship exists.

40 4. The offense of tampering with a judicial officer is
41 a class D felony.

42 5. If a violation of this section results in death or
43 bodily injury to a judicial officer or a member of the
44 judicial officer's family, the offense is a class B 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.

579.041. 1. For purposes of this section, the
2 following terms mean:

3 (1) "Drug masking product", synthetic urine, human
4 urine, a substance designated to be added to human urine, or
5 a substance designated to be added to or used on human hair
6 or oral fluid for the purpose of defrauding an alcohol or a
7 drug screening test;

8 (2) "Synthetic urine", a substance that is designated
9 to simulate the composition, chemical properties, physical
10 appearance, or physical properties of human urine.

11 2. A person commits the offense of unlawful
12 distribution, delivery, or sale of a drug masking product if
13 the person unlawfully distributes, delivers, or sells a drug
14 masking product.

15 3. The offense of unlawful distribution, delivery, or
16 sale of a drug masking product is a class A misdemeanor.

579.065. 1. A person commits the offense of
2 trafficking drugs in the first degree if, except as
3 authorized by this chapter or chapter 195, such person
4 knowingly distributes, delivers, manufactures, produces or
5 attempts to distribute, deliver, manufacture or produce:

6 (1) More than thirty grams of a mixture or substance
7 containing a detectable amount of heroin;

8 (2) More than one hundred fifty grams of a mixture or
9 substance containing a detectable amount of coca leaves,
10 except coca leaves and extracts of coca leaves from which
11 cocaine, ecgonine, and derivatives of ecgonine or their
12 salts have been removed; cocaine salts and their optical and
13 geometric isomers, and salts of isomers; ecgonine, its
14 derivatives, their salts, isomers, and salts of isomers; or
15 any compound, mixture, or preparation which contains any
16 quantity of any of the foregoing substances;

17 (3) **[More than eight grams of a mixture or substance**
18 **described in subdivision (2) of this subsection which**
19 **contains cocaine base;**

20 **(4)]** More than five hundred milligrams of a mixture or
21 substance containing a detectable amount of lysergic acid
22 diethylamide (LSD);

23 **[(5)]** (4) More than thirty grams of a mixture or
24 substance containing a detectable amount of phencyclidine
25 (PCP);

26 **[(6)]** (5) More than four grams of phencyclidine;

27 [(7)] (6) More than thirty kilograms of a mixture or
28 substance containing marijuana;

29 [(8)] (7) More than thirty grams of any material,
30 compound, mixture, or preparation containing any quantity of
31 the following substances having a stimulant effect on the
32 central nervous system: amphetamine, its salts, optical
33 isomers and salts of its optical isomers; methamphetamine,
34 its salts, optical isomers and salts of its optical isomers;
35 phenmetrazine and its salts; or methylphenidate;

36 [(9)] (8) More than thirty grams of any material,
37 compound, mixture, or preparation which contains any
38 quantity of 3,4-methylenedioxymethamphetamine;

39 [(10)] (9) One gram or more of flunitrazepam for the
40 first offense;

41 [(11)] (10) Any amount of gamma-hydroxybutyric acid
42 for the first offense; or

43 [(12)] (11) More than ten milligrams of fentanyl or
44 carfentanil, or any derivative thereof, or any combination
45 thereof, or any compound, mixture, or substance containing a
46 detectable amount of fentanyl or carfentanil, or their
47 optical isomers or analogues.

48 2. The offense of trafficking drugs in the first
49 degree is a class B felony.

50 3. The offense of trafficking drugs in the first
51 degree is a class A felony if the quantity involved is:

52 (1) Ninety grams or more of a mixture or substance
53 containing a detectable amount of heroin; or

54 (2) Four hundred fifty grams or more of a mixture or
55 substance containing a detectable amount of coca leaves,
56 except coca leaves and extracts of coca leaves from which
57 cocaine, ecgonine, and derivatives of ecgonine or their
58 salts have been removed; cocaine salts and their optical and
59 geometric isomers, and salts of isomers; ecgonine, its

60 derivatives, their salts, isomers, and salts of isomers; or
61 any compound, mixture, or preparation which contains any
62 quantity of any of the foregoing substances; or

63 (3) [Twenty-four grams or more of a mixture or
64 substance described in subdivision (2) of this subsection
65 which contains cocaine base; or

66 (4) One gram or more of a mixture or substance
67 containing a detectable amount of lysergic acid diethylamide
68 (LSD); or

69 [(5)] (4) Ninety grams or more of a mixture or
70 substance containing a detectable amount of phencyclidine
71 (PCP); or

72 [(6)] (5) Twelve grams or more of phencyclidine; or

73 [(7)] (6) One hundred kilograms or more of a mixture
74 or substance containing marijuana; or

75 [(8)] (7) Ninety grams or more of any material,
76 compound, mixture, or preparation containing any quantity of
77 the following substances having a stimulant effect on the
78 central nervous system: amphetamine, its salts, optical
79 isomers and salts of its optical isomers; methamphetamine,
80 its salts, optical isomers and salts of its optical isomers;
81 phenmetrazine and its salts; or methylphenidate; or

82 [(9)] (8) More than thirty grams of any material,
83 compound, mixture, or preparation containing any quantity of
84 the following substances having a stimulant effect on the
85 central nervous system: amphetamine, its salts, optical
86 isomers, and salts of its optical isomers; methamphetamine,
87 its salts, optical isomers, and salts of its optical
88 isomers; phenmetrazine and its salts; or methylphenidate,
89 and the location of the offense was within two thousand feet
90 of real property comprising a public or private elementary,
91 vocational, or secondary school, college, community college,
92 university, or any school bus, in or on the real property

93 comprising public housing or any other governmental assisted
94 housing, or within a motor vehicle, or in any structure or
95 building which contains rooms furnished for the
96 accommodation or lodging of guests, and kept, used,
97 maintained, advertised, or held out to the public as a place
98 where sleeping accommodations are sought for pay or
99 compensation to transient guests or permanent guests; or

100 [(10)] (9) Ninety grams or more of any material,
101 compound, mixture or preparation which contains any quantity
102 of 3,4-methylenedioxymethamphetamine; or

103 [(11)] (10) More than thirty grams of any material,
104 compound, mixture, or preparation which contains any
105 quantity of 3,4-methylenedioxymethamphetamine and the
106 location of the offense was within two thousand feet of real
107 property comprising a public or private elementary,
108 vocational, or secondary school, college, community college,
109 university, or any school bus, in or on the real property
110 comprising public housing or any other governmental assisted
111 housing, within a motor vehicle, or in any structure or
112 building which contains rooms furnished for the
113 accommodation or lodging of guests, and kept, used,
114 maintained, advertised, or held out to the public as a place
115 where sleeping accommodations are sought for pay or
116 compensation to transient guests or permanent guests; or

117 [(12)] (11) One gram or more of flunitrazepam for a
118 second or subsequent offense; or

119 [(13)] (12) Any amount of gamma-hydroxybutyric acid
120 for a second or subsequent offense; or

121 [(14)] (13) Twenty milligrams or more of fentanyl or
122 carfentanil, or any derivative thereof, or any combination
123 thereof, or any compound, mixture, or substance containing a
124 detectable amount of fentanyl or carfentanil, or their
125 optical isomers or analogues.

579.068. 1. A person commits the offense of
trafficking drugs in the second degree if, except as
authorized by this chapter or chapter 195, such person
knowingly possesses or has under his or her control,
purchases or attempts to purchase, or brings into this state:

(1) More than thirty grams of a mixture or substance
containing a detectable amount of heroin;

(2) More than one hundred fifty grams of a mixture or
substance containing a detectable amount of coca leaves,
except coca leaves and extracts of coca leaves from which
cocaine, ecgonine, and derivatives of ecgonine or their
salts have been removed; cocaine salts and their optical and
geometric isomers, and salts of isomers; ecgonine, its
derivatives, their salts, isomers, and salts of isomers; or
any compound, mixture, or preparation which contains any
quantity of any of the foregoing substances;

(3) [More than eight grams of a mixture or substance
described in subdivision (2) of this subsection which
contains cocaine base;

(4)] More than five hundred milligrams of a mixture or
substance containing a detectable amount of lysergic acid
diethylamide (LSD);

[(5)] (4) More than thirty grams of a mixture or
substance containing a detectable amount of phencyclidine
(PCP);

[(6)] (5) More than four grams of phencyclidine;

[(7)] (6) More than thirty kilograms of a mixture or
substance containing marijuana;

[(8)] (7) More than thirty grams of any material,
compound, mixture, or preparation containing any quantity of
the following substances having a stimulant effect on the
central nervous system: amphetamine, its salts, optical
isomers and salts of its optical isomers; methamphetamine,

34 its salts, optical isomers and salts of its optical isomers;
35 phenmetrazine and its salts; or methylphenidate;

36 [(9)] (8) More than thirty grams of any material,
37 compound, mixture, or preparation which contains any
38 quantity of 3,4-methylenedioxymethamphetamine; or

39 [(10)] (9) More than ten milligrams of fentanyl or
40 carfentanil, or any derivative thereof, or any combination
41 thereof, or any compound, mixture, or substance containing a
42 detectable amount of fentanyl or carfentanil, or their
43 optical isomers or analogues.

44 2. The offense of trafficking drugs in the second
45 degree is a class C felony.

46 3. The offense of trafficking drugs in the second
47 degree is a class B felony if the quantity involved is:

48 (1) Ninety grams or more of a mixture or substance
49 containing a detectable amount of heroin; or

50 (2) Four hundred fifty grams or more of a mixture or
51 substance containing a detectable amount of coca leaves,
52 except coca leaves and extracts of coca leaves from which
53 cocaine, ecgonine, and derivatives of ecgonine or their
54 salts have been removed; cocaine salts and their optical and
55 geometric isomers, and salts of isomers; ecgonine, its
56 derivatives, their salts, isomers, and salts of isomers; or
57 any compound, mixture, or preparation which contains any
58 quantity of any of the foregoing substances; or

59 (3) [Twenty-four grams or more of a mixture or
60 substance described in subdivision (2) of this subsection
61 which contains cocaine base; or

62 [(4)] One gram or more of a mixture or substance
63 containing a detectable amount of lysergic acid diethylamide
64 (LSD); or

65 [(5)] (4) Ninety grams or more of a mixture or
66 substance containing a detectable amount of phencyclidine
67 (PCP); or

68 [(6)] (5) Twelve grams or more of phencyclidine; or

69 [(7)] (6) One hundred kilograms or more of a mixture
70 or substance containing marijuana; or

71 [(8)] (7) More than five hundred marijuana plants; or

72 [(9)] (8) Ninety grams or more but less than four
73 hundred fifty grams of any material, compound, mixture, or
74 preparation containing any quantity of the following
75 substances having a stimulant effect on the central nervous
76 system: amphetamine, its salts, optical isomers and salts
77 of its optical isomers; methamphetamine, its salts, optical
78 isomers and salts of its optical isomers; phenmetrazine and
79 its salts; or methylphenidate; or

80 [(10)] (9) Ninety grams or more but less than four
81 hundred fifty grams of any material, compound, mixture, or
82 preparation which contains any quantity of 3,4-
83 methylenedioxymethamphetamine; or

84 [(11)] (10) Twenty milligrams or more of fentanyl or
85 carfentanil, or any derivative thereof, or any combination
86 thereof, or any compound, mixture, or substance containing a
87 detectable amount of fentanyl or carfentanil, or their
88 optical isomers or analogues.

89 4. The offense of trafficking drugs in the second
90 degree is a class A felony if the quantity involved is four
91 hundred fifty grams or more of any material, compound,
92 mixture or preparation which contains:

93 (1) Any quantity of the following substances having a
94 stimulant effect on the central nervous system:

95 amphetamine, its salts, optical isomers and salts of its
96 optical isomers; methamphetamine, its salts, isomers and

97 salts of its isomers; phenmetrazine and its salts; or
98 methylphenidate; or

99 (2) Any quantity of 3,4-methylenedioxymethamphetamine.

100 5. The offense of drug trafficking in the second
101 degree is a class C felony for the first offense and a class
102 B felony for any second or subsequent offense for the
103 trafficking of less than one gram of flunitrazepam.

579.088. Notwithstanding any other provision of this
2 chapter or chapter 195 to the contrary, it shall not be
3 unlawful to manufacture, possess, sell, deliver, or use any
4 device, equipment, or other material for the purpose of
5 analyzing controlled substances to detect the presence of
6 fentanyl or any synthetic controlled substance fentanyl
7 analogue.

589.564. 1. Upon a petition from the state, a circuit
2 court is authorized to add any condition to a term of
3 probation for an offender supervised in this state for a
4 term of probation ordered by another state, including shock
5 incarceration; however, the court shall not reduce, extend,
6 or revoke such a term of probation. The circuit court for
7 the jurisdiction in which a probationer is under supervision
8 shall serve as the authorizing court for the purposes of
9 this section. The prosecuting attorney or circuit attorney
10 for the jurisdiction in which a probationer is under
11 supervision shall serve as the authorized person to petition
12 the court to add a condition of probation. Notwithstanding
13 any provision of section 549.500 or 559.125, the division of
14 probation and parole may submit violation reports to the
15 prosecuting attorney or circuit attorney with authority to
16 petition the court to add a condition to a term of probation
17 under this section.

18 2. Where supervision of a parolee in Missouri is
19 administered pursuant to this compact, the division of

20 probation and parole shall have the authority to impose a
21 sanction or additional conditions in response to written
22 violations of supervision; however, the division of
23 probation and parole shall not reduce, extend, or revoke
24 such a term of parole.

2 589.565. A Missouri probationer or parolee seeking
3 transfer of their supervision through this compact shall pay
4 a fee for each transfer application submitted in the amount
5 of one hundred seventy-five dollars. The transfer
6 application fee shall be paid to the compact commissioner
7 upon submission of the transfer application. The
8 commissioner or commissioner's designee may waive the
9 application fee if either the commissioner or the
10 commissioner's designee finds that payment of the fee will
11 constitute an undue economic burden on the offender. All
12 fees collected pursuant to this section shall be paid and
13 deposited to the credit of the "Missouri Interstate Compact
14 Fund", which is hereby established in the state treasury.
15 The state treasurer shall be custodian of the fund. In
16 accordance with sections 30.170 and 30.180, the state
17 treasurer may approve disbursements. The fund shall be a
18 dedicated fund and, upon appropriation, moneys in the fund
19 shall be used for the sole benefit of the department of
20 corrections in support of administration of this section;
21 expenses related to retaking, assessment, staff development,
22 and training; and implementation of evidence-based practices
23 in support of offenders under supervision. Notwithstanding
24 the provisions of section 33.080 to the contrary, any moneys
25 remaining in the fund at the end of the biennium shall not
26 revert to the credit of the general revenue fund. The state
27 treasurer shall invest moneys in the fund in the same manner
28 as other funds are invested. Any interest and moneys earned
on such investments shall be credited to the fund.

590.033. 1. The POST commission shall establish
2 minimum standards for a chief of police training course
3 which shall include at least forty hours of training. All
4 police chiefs appointed after August 28, 2023, shall attend
5 a chief of police training course certified by the POST
6 commission not later than six months after the person's
7 appointment as a chief of police.

8 2. A chief of police may request an exemption from the
9 training in subsection 1 of this section by submitting to
10 the POST commission proof of completion of the Federal
11 Bureau of Investigation's national academy course or any
12 other equivalent training course within the previous ten
13 years or at least five years of experience as a police chief
14 in a Missouri law enforcement agency.

15 3. Any law enforcement agency who has a chief of
16 police appointed after August 28, 2023, that fails to
17 complete a chief of police training course within six months
18 of appointment shall be precluded from receiving any POST
19 commission training funds, state grant funds, or federal
20 grant funds until the police chief has completed the
21 training course.

22 4. While attending a chief of police training course,
23 the chief of police shall receive compensation in the same
24 manner and amount as if carrying out the powers and duties
25 of the chief of police. The cost of the chief of police
26 training course may be paid by moneys from the peace officer
27 standards and training commission fund created in section
28 590.178.

590.040. 1. The POST commission shall set the minimum
2 number of hours of basic training for licensure as a peace
3 officer no lower [than four hundred seventy and no higher]
4 than six hundred, with the following exceptions:

5 (1) Up to one thousand hours may be mandated for any
6 class of license required for commission by a state law
7 enforcement agency;

8 (2) As few as one hundred twenty hours may be mandated
9 for any class of license restricted to commission as a
10 reserve peace officer with police powers limited to the
11 commissioning political subdivision;

12 (3) Persons validly licensed on August 28, 2001, may
13 retain licensure without additional basic training;

14 (4) Persons licensed and commissioned within a county
15 of the third classification before July 1, 2002, may retain
16 licensure with one hundred twenty hours of basic training if
17 the commissioning political subdivision has adopted an order
18 or ordinance to that effect;

19 (5) Persons serving as a reserve officer on August 27,
20 2001, within a county of the first classification or a
21 county with a charter form of government and with more than
22 one million inhabitants on August 27, 2001, having
23 previously completed a minimum of one hundred sixty hours of
24 training, shall be granted a license necessary to function
25 as a reserve peace officer only within such county. For the
26 purposes of this subdivision, the term "reserve officer"
27 shall mean any person who serves in a less than full-time
28 law enforcement capacity, with or without pay and who,
29 without certification, has no power of arrest and who,
30 without certification, must be under the direct and
31 immediate accompaniment of a certified peace officer of the
32 same agency at all times while on duty; and

33 (6) The POST commission shall provide for the
34 recognition of basic training received at law enforcement
35 training centers of other states, the military, the federal
36 government and territories of the United States regardless
37 of the number of hours included in such training and shall

38 have authority to require supplemental training as a
39 condition of eligibility for licensure.

40 2. The director shall have the authority to limit any
41 exception provided in subsection 1 of this section to
42 persons remaining in the same commission or transferring to
43 a commission in a similar jurisdiction.

44 3. The basic training of every peace officer, except
45 agents of the conservation commission, shall include at
46 least thirty hours of training in the investigation and
47 management of cases involving domestic and family violence.
48 Such training shall include instruction, specific to
49 domestic and family violence cases, regarding: report
50 writing; physical abuse, sexual abuse, child fatalities and
51 child neglect; interviewing children and alleged
52 perpetrators; the nature, extent and causes of domestic and
53 family violence; the safety of victims, other family and
54 household members and investigating officers; legal rights
55 and remedies available to victims, including rights to
56 compensation and the enforcement of civil and criminal
57 remedies; services available to victims and their children;
58 the effects of cultural, racial and gender bias in law
59 enforcement; and state statutes. Said curriculum shall be
60 developed and presented in consultation with the department
61 of health and senior services, the children's division,
62 public and private providers of programs for victims of
63 domestic and family violence, persons who have demonstrated
64 expertise in training and education concerning domestic and
65 family violence, and the Missouri coalition against domestic
66 violence.

590.060. 1. The POST commission shall establish
2 minimum standards for training instructors and training
3 centers, and the director shall establish minimum
4 qualifications for admittance into a basic training course.

5 2. The director shall license training instructors,
6 centers, and curricula, and may probate, suspend and revoke
7 such licenses upon written notice stating the reasons for
8 such action. Any person aggrieved by a decision pursuant to
9 this subsection may appeal as provided in chapter 536.

10 3. Each person seeking entrance into a basic training
11 program shall submit a fingerprint card and authorization
12 for a criminal history background check to include the
13 records of the Federal Bureau of Investigation to the
14 training center where such person is seeking entrance. The
15 training center shall cause a criminal history background
16 check to be made and shall cause the resulting report to be
17 forwarded to the director. The person seeking entrance may
18 be charged a fee for the cost of this procedure.

19 4. Instructors at Missouri police academies shall be
20 approved by the POST commission.

590.080. 1. As used in this section, the following
2 terms shall mean:

3 (1) "Gross misconduct", includes any willful and
4 wanton or unlawful conduct motivated by premeditated or
5 intentional purpose or by purposeful indifference to the
6 consequences of one's acts;

7 (2) "Moral turpitude", the wrongful quality shared by
8 acts of fraud, theft, bribery, illegal drug use, sexual
9 misconduct, and other similar acts as defined by the common
10 law of Missouri;

11 (3) "Reckless disregard", a conscious disregard of a
12 substantial risk that circumstances exist or that a result
13 will follow, and such failure constitutes a gross deviation
14 from the standard of care that a reasonable peace officer
15 would exercise in the situation.

16 2. The director shall have cause to discipline any
17 peace officer licensee who:

18 (1) Is unable to perform the functions of a peace
19 officer with reasonable competency or reasonable safety [as
20 a result of a mental condition, including alcohol or
21 substance abuse];

22 (2) Has committed any criminal offense, whether or not
23 a criminal charge has been filed, has been convicted, or has
24 entered a plea of guilty or nolo contendere, in a criminal
25 prosecution under the laws of any state, or the United
26 States, or of any country, regardless of whether or not
27 sentence is imposed;

28 (3) Has committed any act [while on active duty or
29 under color of law] that involves moral turpitude or a
30 reckless disregard for the safety of the public or any
31 person;

32 (4) Has caused a material fact to be misrepresented
33 for the purpose of obtaining or retaining a peace officer
34 commission or any license issued pursuant to this chapter;

35 (5) Has violated a condition of any order of probation
36 lawfully issued by the director; [or]

37 (6) Has violated a provision of this chapter or a rule
38 promulgated pursuant to this chapter;

39 (7) Has tested positive for a controlled substance, as
40 defined in chapter 195, without a valid prescription for the
41 controlled substance;

42 (8) Is subject to an order of another state,
43 territory, the federal government, or any peace officer
44 licensing authority suspending or revoking a peace officer
45 license or certification; or

46 (9) Has committed any act of gross misconduct
47 indicating inability to function as a peace officer.

48 [2.] 3. When the director has knowledge of cause to
49 discipline a peace officer license pursuant to this section,
50 the director may cause a complaint to be filed with the

51 administrative hearing commission, which shall conduct a
52 hearing to determine whether the director has cause for
53 discipline, and which shall issue findings of fact and
54 conclusions of law on the matter. The administrative
55 hearing commission shall not consider the relative severity
56 of the cause for discipline or any rehabilitation of the
57 licensee or otherwise impinge upon the discretion of the
58 director to determine appropriate discipline when cause
59 exists pursuant to this section.

60 [3.] 4. Upon a finding by the administrative hearing
61 commission that cause to discipline exists, the director
62 shall, within thirty days, hold a hearing to determine the
63 form of discipline to be imposed and thereafter shall
64 probate, suspend, or permanently revoke the license at
65 issue. If the licensee fails to appear at the director's
66 hearing, this shall constitute a waiver of the right to such
67 hearing.

68 [4.] 5. Notice of any hearing pursuant to this chapter
69 or section may be made by certified mail to the licensee's
70 address of record pursuant to subdivision (2) of subsection
71 3 of section 590.130. Proof of refusal of the licensee to
72 accept delivery or the inability of postal authorities to
73 deliver such certified mail shall be evidence that required
74 notice has been given. Notice may be given by publication.

75 [5.] 6. Nothing contained in this section shall
76 prevent a licensee from informally disposing of a cause for
77 discipline with the consent of the director by voluntarily
78 surrendering a license or by voluntarily submitting to
79 discipline.

80 [6.] 7. The provisions of chapter 621 and any
81 amendments thereto, except those provisions or amendments
82 that are in conflict with this chapter, shall apply to and
83 govern the proceedings of the administrative hearing

84 commission and pursuant to this section the rights and
85 duties of the parties involved.

590.192. 1. There is hereby established the "Critical
2 Incident Stress Management Program" within the department of
3 public safety. The program shall provide services for peace
4 officers and firefighters to assist in coping with stress
5 and potential psychological trauma resulting from a response
6 to a critical incident or emotionally difficult event. Such
7 services may include consultation, risk assessment,
8 education, intervention, and other crisis intervention
9 services provided by the department to peace officers and
10 firefighters affected by a critical incident. For purposes
11 of this section, a "critical incident" shall mean any event
12 outside the usual realm of human experience that is markedly
13 distressing or evokes reactions of intense fear,
14 helplessness, or horror and involves the perceived threat to
15 a person's physical integrity or the physical integrity of
16 someone else.

17 2. All peace officers and firefighters shall be
18 required to meet with a program service provider once every
19 three to five years for a mental health check-in. The
20 program service provider shall send a notification to the
21 peace officer's commanding officer or firefighter's fire
22 protection district director that he or she completed such
23 check-in.

24 3. Any information disclosed by a peace officer or
25 firefighter shall be privileged and shall not be used as
26 evidence in criminal, administrative, or civil proceedings
27 against the peace officer or firefighter unless:

28 (1) A program representative reasonably believes the
29 disclosure is necessary to prevent harm to a person who
30 received services or to prevent harm to another person;

31 (2) The person who received the services provides
32 written consent to the disclosure; or

33 (3) The person receiving services discloses
34 information that is required to be reported under mandatory
35 reporting laws.

36 4. (1) There is hereby created in the state treasury
37 the "988 Public Safety Fund", which shall consist of moneys
38 appropriated by the general assembly. The state treasurer
39 shall be custodian of the fund. In accordance with sections
40 30.170 and 30.180, the state treasurer may approve
41 disbursements. The fund shall be a dedicated fund and
42 moneys in the fund shall be used solely by the department of
43 public safety for the purposes of providing services for
44 peace officers and firefighters to assist in coping with
45 stress and potential psychological trauma resulting from a
46 response to a critical incident or emotionally difficult
47 event pursuant to subsection 1 of this section. Such
48 services may include consultation, risk assessment,
49 education, intervention, and other crisis intervention
50 services provided by the department to peace officers or
51 firefighters affected by a critical incident. The director
52 of public safety may prescribe rules and regulations
53 necessary to carry out the provisions of this section. Any
54 rule or portion of a rule, as that term is defined in
55 section 536.010, that is created under the authority
56 delegated in this section shall become effective only if it
57 complies with and is subject to all of the provisions of
58 chapter 536 and, if applicable, section 536.028. This
59 section and chapter 536 are nonseverable and if any of the
60 powers vested with the general assembly pursuant to chapter
61 536 to review, to delay the effective date, or to disapprove
62 and annul a rule are subsequently held unconstitutional,

63 then the grant of rulemaking authority and any rule proposed
64 or adopted after August 28, 2021, shall be invalid and void.

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

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

590.653. 1. Each city, county and city not within a
2 county may establish a civilian review board, division of
3 civilian oversight, or any other entity which provides
4 civilian review or oversight of police agencies, or may use
5 an existing civilian review board or division of civilian
6 oversight or other named entity which has been appointed by
7 the local governing body, with the authority to investigate
8 allegations of misconduct by local law enforcement officers
9 towards members of the public. The members shall not
10 receive compensation but shall receive reimbursement from
11 the local governing body for all reasonable and necessary
12 expenses.

13 2. The board, division, or any other such entity,
14 shall have the power **[to receive, investigate, make]** solely
15 limited to receiving, investigating, making findings and
16 **[recommend]** recommending disciplinary action upon complaints
17 by members of the public against members of the police
18 department that allege misconduct involving excessive use of
19 force, abuse of authority, discourtesy, or use of offensive
20 language, including, but not limited to, slurs relating to
21 race, ethnicity, religion, gender, sexual orientation and
22 disability. The findings and recommendations of the board,
23 division, or other entity and the basis therefor, shall be

24 submitted to the chief law enforcement official. No finding
25 or recommendation shall be based solely upon an unsworn
26 complaint or statement, nor shall prior unsubstantiated,
27 unfounded or withdrawn complaints be the basis for any such
28 findings or recommendations. Only the powers specifically
29 granted herein are authorized and any and all authority
30 granted to future or existing boards, divisions, or entities
31 outside the scope of the powers listed herein are preempted
32 and void as a matter of law.

590.1070. 1. There is hereby established within the
2 department of public safety the "Peace Officer Basic
3 Training Tuition Reimbursement Program". Any moneys
4 appropriated by the general assembly for this program shall
5 be used to provide tuition reimbursement for:

6 (1) Qualifying Missouri residents who have paid
7 tuition at a state licensed basic law enforcement training
8 center for the basic law enforcement training required for a
9 peace officer license in this state and who have been
10 employed as full-time peace officers in this state for a
11 specified period; and

12 (2) Qualifying government entities that have paid
13 tuition for an employee to receive the basic law enforcement
14 training required for a peace officer license in this state
15 at a licensed basic law enforcement training center when
16 such employee has been employed as a full-time peace officer
17 for a specified period.

18 2. The POST commission shall be the administrative
19 agency for the implementation of the tuition reimbursement
20 program established under this section, and shall:

21 (1) Prescribe the form and the time and method of
22 awarding tuition reimbursement under this section and shall
23 supervise the processing thereof; and

24 (2) Select qualifying recipients to receive
25 reimbursement under this section and determine the manner
26 and method of payment to the recipient.

27 3. To be eligible to receive tuition reimbursement
28 under subdivision (1) of subsection 1 of this section, a
29 person shall:

30 (1) Be initially employed as a peace officer on or
31 after September 1, 2023;

32 (2) Submit to the commission an initial application
33 for tuition reimbursement, and annually thereafter for each
34 year of qualifying employment, in the manner and on a form
35 prescribed by the commission that requires:

36 (a) Employer verification of the person's employment
37 as a full-time peace officer in this state for at least one
38 year and the person's current employment as a peace officer
39 in this state as of the date of the application;

40 (b) A transcript containing the person's basic police
41 training coursework and his or her date of graduation; and

42 (c) A statement of the total amount of tuition the
43 applicant paid to the basic training center for his or her
44 basic training;

45 (3) Be currently employed, and have completed at least
46 one year of employment, as a full-time peace officer in this
47 state; and

48 (4) Comply with any other requirements adopted by the
49 commission under this section.

50 4. To be eligible to receive tuition reimbursement
51 under subdivision (2) of subsection 1 of this section, a
52 government entity shall:

53 (1) Be the employer of a peace officer who was
54 initially employed on or after September 1, 2023;

55 (2) Submit to the commission an initial application
56 for tuition reimbursement, and annually thereafter for each

57 year of the employee's qualifying employment, up to four
58 years, in the manner and on a form prescribed by the
59 commission that requires:

60 (a) Verification of the employee's full-time
61 employment as a peace officer in this state for at least one
62 year and the employee's current employment as a peace
63 officer in this state as of the date of the application;

64 (b) A transcript containing the employee's basic
65 police training coursework and his or her date of
66 graduation; and

67 (c) A statement of the total amount of tuition and
68 fees the employer paid to the basic training center for the
69 employee's basic training;

70 (3) Certify that the employee is currently employed,
71 and has completed at least one year of employment, as a full-
72 time peace officer in this state; and

73 (4) Comply with any other requirements adopted by the
74 commission under this section.

75 5. Tuition reimbursement granted under this section,
76 subject to the availability of funds, shall be reimbursed as
77 follows:

78 (1) At the end of one year of continuous employment as
79 a full-time peace officer, an applicant or his or her
80 employer, whichever applies, shall be eligible to receive
81 reimbursement for twenty-five percent of the total tuition
82 paid to a licensed basic training center;

83 (2) At the end of two, three, and four years of
84 continuous qualifying employment as a full-time peace
85 officer, and submission of documents verifying continued
86 full-time employment as a peace officer, an applicant or his
87 or her employer, whichever applies, shall be eligible to
88 receive reimbursement each year for twenty-five percent of
89 the total tuition paid to a licensed basic training center.

90 A government entity may qualify for tuition reimbursement
91 under this subdivision for tuition paid for an employee even
92 if such person is no longer employed by the government
93 entity as long as the person for whom tuition was paid is
94 still continuously employed as a full-time peace officer.

95 6. Notwithstanding any provision of this section to
96 the contrary, the total amount of tuition reimbursement
97 provided under this section to an eligible person, or to a
98 government entity with respect to an employee, shall not
99 exceed six thousand dollars per person or employee.

100 7. The department of public safety shall promulgate
101 all necessary rules and regulations for the administration
102 of the program. Any rule or portion of a rule, as that term
103 is defined in section 536.010, that is created under the
104 authority delegated in this section shall become effective
105 only if it complies with and is subject to all of the
106 provisions of chapter 536 and, if applicable, section
107 536.028. This section and chapter 536 are nonseverable and
108 if any of the powers vested with the general assembly
109 pursuant to chapter 536 to review, to delay the effective
110 date, or to disapprove and annul a rule are subsequently
111 held unconstitutional, then the grant of rulemaking
112 authority and any rule proposed or adopted after August 28,
113 2023, shall be invalid and void.

590.1075. There is hereby created in the state
2 treasury the "Peace Officer Basic Training Tuition
3 Reimbursement Fund", which shall consist of moneys
4 appropriated annually by the general assembly from general
5 revenue and any gifts, bequests, or donations. The state
6 treasurer shall be custodian of the fund. In accordance
7 with sections 30.170 and 30.180, the state treasurer may
8 approve disbursements. The fund shall be a dedicated fund
9 and, upon appropriation, moneys in the fund shall be used

10 solely for the administration of section 590.1070.
11 Notwithstanding the provisions of section 33.080 to the
12 contrary, any moneys remaining in the fund at the end of the
13 biennium shall not revert to the credit of the general
14 revenue fund. The state treasurer shall invest moneys in
15 the fund in the same manner as other funds are invested.
16 Any interest and moneys earned on such investments shall be
17 credited to the fund.

595.209. 1. The following rights shall automatically
2 be afforded to victims of dangerous felonies, as defined in
3 section 556.061, victims of murder in the first degree, as
4 defined in section 565.020, victims of voluntary
5 manslaughter, as defined in section 565.023, victims of any
6 offense under chapter 566, victims of an attempt to commit
7 one of the preceding crimes, as defined in section 562.012,
8 and victims of domestic assault, as defined in sections
9 565.072 to 565.076; and, upon written request, the following
10 rights shall be afforded to victims of all other crimes and
11 witnesses of crimes:

(1) For victims, the right to be present at all
12 criminal justice proceedings at which the defendant has such
13 right, including juvenile proceedings where the offense
14 would have been a felony if committed by an adult, even if
15 the victim is called to testify or may be called to testify
16 as a witness in the case;

(2) For victims, the right to information about the
18 crime, as provided for in subdivision (5) of this subsection;

(3) For victims and witnesses, to be informed, in a
20 timely manner, by the prosecutor's office of the filing of
21 charges, preliminary hearing dates, trial dates,
22 continuances and the final disposition of the case. Final
23 disposition information shall be provided within five days;
24

25 (4) For victims, the right to confer with and to be
26 informed by the prosecutor regarding bail hearings, guilty
27 pleas, pleas under chapter 552 or its successors, hearings,
28 sentencing and probation revocation hearings and the right
29 to be heard at such hearings, including juvenile
30 proceedings, unless in the determination of the court the
31 interests of justice require otherwise;

32 (5) The right to be informed by local law enforcement
33 agencies, the appropriate juvenile authorities or the
34 custodial authority of the following:

35 (a) The status of any case concerning a crime against
36 the victim, including juvenile offenses;

37 (b) The right to be informed by local law enforcement
38 agencies or the appropriate juvenile authorities of the
39 availability of victim compensation assistance, assistance
40 in obtaining documentation of the victim's losses,
41 including, but not limited to and subject to existing law
42 concerning protected information or closed records, access
43 to copies of complete, unaltered, unedited investigation
44 reports of motor vehicle, pedestrian, and other similar
45 accidents upon request to the appropriate law enforcement
46 agency by the victim or the victim's representative, and
47 emergency crisis intervention services available in the
48 community;

49 (c) Any release of such person on bond or for any
50 other reason;

51 (d) Within twenty-four hours, any escape by such
52 person from a municipal detention facility, county jail, a
53 correctional facility operated by the department of
54 corrections, mental health facility, or the division of
55 youth services or any agency thereof, and any subsequent
56 recapture of such person;

57 (6) For victims, the right to be informed by
58 appropriate juvenile authorities of probation revocation
59 hearings initiated by the juvenile authority and the right
60 to be heard at such hearings or to offer a written
61 statement, video or audio tape, counsel or a representative
62 designated by the victim in lieu of a personal appearance,
63 the right to be informed by the board of probation and
64 parole of probation revocation hearings initiated by the
65 board and of parole hearings, the right to be present at
66 each and every phase of parole hearings, the right to be
67 heard at probation revocation and parole hearings or to
68 offer a written statement, video or audio tape, counsel or a
69 representative designated by the victim in lieu of a
70 personal appearance, and the right to have, upon written
71 request of the victim, a partition set up in the probation
72 or parole hearing room in such a way that the victim is
73 shielded from the view of the probationer or parolee, and
74 the right to be informed by the custodial mental health
75 facility or agency thereof of any hearings for the release
76 of a person committed pursuant to the provisions of chapter
77 552, the right to be present at such hearings, the right to
78 be heard at such hearings or to offer a written statement,
79 video or audio tape, counsel or a representative designated
80 by the victim in lieu of personal appearance;

81 (7) For victims and witnesses, upon their written
82 request, the right to be informed by the appropriate
83 custodial authority, including any municipal detention
84 facility, juvenile detention facility, county jail,
85 correctional facility operated by the department of
86 corrections, mental health facility, division of youth
87 services or agency thereof if the offense would have been a
88 felony if committed by an adult, postconviction or

89 commitment pursuant to the provisions of chapter 552 of the
90 following:

91 (a) The projected date of such person's release from
92 confinement;

93 (b) Any release of such person on bond;

94 (c) Any release of such person on furlough, work
95 release, trial release, electronic monitoring program, or to
96 a community correctional facility or program or release for
97 any other reason, in advance of such release;

98 (d) Any scheduled parole or release hearings,
99 including hearings under section 217.362, regarding such
100 person and any changes in the scheduling of such hearings.
101 No such hearing shall be conducted without thirty days'
102 advance notice;

103 (e) Within twenty-four hours, any escape by such
104 person from a municipal detention facility, county jail, a
105 correctional facility operated by the department of
106 corrections, mental health facility, or the division of
107 youth services or any agency thereof, and any subsequent
108 recapture of such person;

109 (f) Any decision by a parole board, by a juvenile
110 releasing authority or by a circuit court presiding over
111 releases pursuant to the provisions of chapter 552, or by a
112 circuit court presiding over releases under section 217.362,
113 to release such person or any decision by the governor to
114 commute the sentence of such person or pardon such person;

115 (g) Notification within thirty days of the death of
116 such person;

117 (8) For witnesses who have been summoned by the
118 prosecuting attorney and for victims, to be notified by the
119 prosecuting attorney in a timely manner when a court
120 proceeding will not go on as scheduled;

121 (9) For victims and witnesses, the right to reasonable
122 protection from the defendant or any person acting on behalf
123 of the defendant from harm and threats of harm arising out
124 of their cooperation with law enforcement and prosecution
125 efforts;

126 (10) For victims and witnesses, on charged cases or
127 submitted cases where no charge decision has yet been made,
128 to be informed by the prosecuting attorney of the status of
129 the case and of the availability of victim compensation
130 assistance and of financial assistance and emergency and
131 crisis intervention services available within the community
132 and information relative to applying for such assistance or
133 services, and of any final decision by the prosecuting
134 attorney not to file charges;

135 (11) For victims, to be informed by the prosecuting
136 attorney of the right to restitution which shall be
137 enforceable in the same manner as any other cause of action
138 as otherwise provided by law;

139 (12) For victims and witnesses, to be informed by the
140 court and the prosecuting attorney of procedures to be
141 followed in order to apply for and receive any witness fee
142 to which they are entitled;

143 (13) When a victim's property is no longer needed for
144 evidentiary reasons or needs to be retained pending an
145 appeal, the prosecuting attorney or any law enforcement
146 agency having possession of the property shall, upon request
147 of the victim, return such property to the victim within
148 five working days unless the property is contraband or
149 subject to forfeiture proceedings, or provide written
150 explanation of the reason why such property shall not be
151 returned;

152 (14) An employer may not discharge or discipline any
153 witness, victim or member of a victim's immediate family for

154 honoring a subpoena to testify in a criminal proceeding,
155 attending a criminal proceeding, or for participating in the
156 preparation of a criminal proceeding, or require any
157 witness, victim, or member of a victim's immediate family to
158 use vacation time, personal time, or sick leave for honoring
159 a subpoena to testify in a criminal proceeding, attending a
160 criminal proceeding, or participating in the preparation of
161 a criminal proceeding;

162 (15) For victims, to be provided with creditor
163 intercession services by the prosecuting attorney if the
164 victim is unable, as a result of the crime, temporarily to
165 meet financial obligations;

166 (16) For victims and witnesses, the right to speedy
167 disposition of their cases, and for victims, the right to
168 speedy appellate review of their cases, provided that
169 nothing in this subdivision shall prevent the defendant from
170 having sufficient time to prepare such defendant's defense.
171 The attorney general shall provide victims, upon their
172 written request, case status information throughout the
173 appellate process of their cases. The provisions of this
174 subdivision shall apply only to proceedings involving the
175 particular case to which the person is a victim or witness;

176 (17) For victims and witnesses, to be provided by the
177 court, a secure waiting area during court proceedings and to
178 receive notification of the date, time and location of any
179 hearing conducted by the court for reconsideration of any
180 sentence imposed, modification of such sentence or recall
181 and release of any defendant from incarceration;

182 (18) For victims, the right to receive upon request
183 from the department of corrections a photograph taken of the
184 defendant prior to release from incarceration.

185 2. The provisions of subsection 1 of this section
186 shall not be construed to imply any victim who is

187 incarcerated by the department of corrections or any local
188 law enforcement agency has a right to be released to attend
189 any hearing or that the department of corrections or the
190 local law enforcement agency has any duty to transport such
191 incarcerated victim to any hearing.

192 3. Those persons entitled to notice of events pursuant
193 to the provisions of subsection 1 of this section shall
194 provide the appropriate person or agency with their current
195 addresses, electronic mail address, and telephone numbers or
196 the addresses, electronic mail address, or telephone numbers
197 at which they wish notification to be given.

198 4. Notification by the appropriate person or agency
199 utilizing the statewide automated crime victim notification
200 system as established in section 650.310 shall constitute
201 compliance with the victim notification requirement of this
202 section. If notification utilizing the statewide automated
203 crime victim notification system cannot be used, then
204 written notification shall be sent by certified mail or
205 electronic mail to the most current address or electronic
206 mail address provided by the victim.

207 5. Victims' rights as established in Section 32 of
208 Article I of the Missouri Constitution or the laws of this
209 state pertaining to the rights of victims of crime shall be
210 granted and enforced regardless of the desires of a
211 defendant and no privileges of confidentiality shall exist
212 in favor of the defendant to exclude victims or prevent
213 their full participation in each and every phase of parole
214 hearings or probation revocation hearings. The rights of
215 the victims granted in this section are absolute and the
216 policy of this state is that the victim's rights are
217 paramount to the defendant's rights. The victim has an
218 absolute right to be present at any hearing in which the

219 defendant is present before a probation and parole hearing
220 officer.

600.042. 1. The director shall:

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

8 (2) Submit to the commission, between August fifteenth
9 and September fifteenth of each year, a report which shall
10 include all pertinent data on the operation of the state
11 public defender system, the costs, projected needs, and
12 recommendations for statutory changes. Prior to October
13 fifteenth of each year, the commission shall submit such
14 report along with such recommendations, comments,
15 conclusions, or other pertinent information it chooses to
16 make to the chief justice, the governor, and the general
17 assembly. Such reports shall be a public record, shall be
18 maintained in the office of the state public defender, and
19 shall be otherwise distributed as the commission shall
20 direct;

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

27 (4) Administer and coordinate the operations of
28 defender services and be responsible for the overall
29 supervision of all personnel, offices, divisions and
30 facilities of the state public defender system, except that
31 the director shall have no authority to direct or control

32 the legal defense provided by a defender to any person
33 served by the state public defender system;

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

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

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

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

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

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

62 (11) With the approval and on behalf of the
63 commission, contract with private attorneys for the
64 collection and enforcement of liens and other judgments owed

65 to the state for services rendered by the state public
66 defender system.

67 2. No rule or portion of a rule promulgated under the
68 authority of this chapter shall become effective unless it
69 has been promulgated pursuant to the provisions of section
70 536.024.

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

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

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

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

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

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

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

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

108 5. The director may:

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

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

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

 600.063. 1. Upon approval by the director or the
2 commission, any district defender may file a motion to

3 request a conference to discuss caseload issues involving
4 any individual public defender or defenders, but not the
5 entire office, with the presiding judge of any circuit court
6 served by the district office. The motion shall state the
7 reasons why the individual public defender or public
8 defenders will be unable to provide effective assistance of
9 counsel due to caseload concerns. When a motion to request
10 a conference has been filed, the clerk of the court shall
11 immediately provide a copy of the motion to the prosecuting
12 or circuit attorney who serves the circuit court.

13 2. If the presiding judge approves the motion, a date
14 for the conference shall be set within thirty days of the
15 filing of the motion. The court shall provide notice of the
16 conference date and time to the district defender and the
17 prosecuting or circuit attorney.

18 3. Within thirty days of the conference, the presiding
19 judge shall issue an order either granting or denying
20 relief. If relief is granted, it shall be based upon a
21 finding that the individual public defender or defenders
22 will be unable to provide effective assistance of counsel
23 due to caseload issues. The judge may order one or more of
24 the following types of relief in any appropriate combination:

25 (1) Appoint private counsel to represent any eligible
26 defendant pursuant to the provisions of section 600.064;

27 (2) Investigate the financial status of any defendant
28 determined to be eligible for public defender representation
29 under section 600.086 and make findings regarding the
30 eligibility of such defendants;

31 (3) Determine, with the express concurrence of the
32 prosecuting or circuit attorney, whether any cases can be
33 disposed of without the imposition of a jail or prison
34 sentence and allow such cases to proceed without the
35 provision of counsel to the defendant;

36 (4) Modify the conditions of release ordered in any
37 case in which the defendant is being represented by a public
38 defender, including, but not limited to, reducing the amount
39 of any bond required for release; and

40 (5) [Place cases on a waiting list for defender
41 services, taking into account the seriousness of the case,
42 the incarceration status of the defendant, and such other
43 special circumstances as may be brought to the attention of
44 the court by the prosecuting or circuit attorney, the
45 district defender, or other interested parties; and

46 (6)] Grant continuances.

47 4. Upon receiving the order, the prosecuting or
48 circuit attorney and the district defender shall have ten
49 days to file an application for review to the appropriate
50 appellate court. Such appeal shall be expedited by the
51 court in every manner practicable.

52 5. Nothing in this section shall deny any party the
53 right to seek any relief authorized by law nor shall any
54 provisions of this section be construed as providing a basis
55 for a claim for post-conviction relief by a defendant.

56 6. The commission and the supreme court may make such
57 rules and regulations to implement this section. Any rule
58 or portion of a rule, as that term is defined in section
59 536.010, that is created by the commission under the
60 authority delegated in this section shall become effective
61 only if it complies with and is subject to all of the
62 provisions of chapter 536 and, if applicable, section
63 536.028. This section and chapter 536 are nonseverable and
64 if any of the powers vested with the general assembly
65 pursuant to chapter 536 to review, to delay the effective
66 date, or to disapprove and annul a rule are subsequently
67 held unconstitutional, then the grant of rulemaking

68 authority and any rule proposed or adopted after August 28,
69 2013, shall be invalid and void.

610.140. 1. For the purposes of this section, the
2 following terms mean:

3 (1) "Court", any Missouri municipal, associate
4 circuit, or circuit court;

5 (2) "Crime", any offense, violation, or infraction of
6 Missouri state, county, municipal, or administrative law;

7 (3) "Extended course of criminal conduct", crimes
8 which:

9 (a) Occur during a period of addiction, however long,
10 in which a person suffers from a problematic pattern of use
11 of one or more controlled substances leading to significant
12 impairment or distress that would be characterized as
13 moderate or severe by the most recently published Diagnostic
14 and Statistical Manual of Mental Disorders (DSM). A
15 clinical diagnosis of addiction is not required to prove
16 addiction; or

17 (b) Occur while a person is between the ages of
18 sixteen to twenty-five;

19 (4) "Prosecutor" or "prosecuting attorney", the
20 prosecuting attorney, circuit attorney, or municipal
21 prosecuting attorney;

22 (5) "Same course of criminal conduct", crimes which:

23 (a) Are charged as counts in the same indictment or
24 information; or

25 (b) Occur within a time period suggesting a common
26 connection between the offenses, not to exceed one year.

27 2. Notwithstanding any other provision of law and
28 subject to the provisions of this section, any person may
29 apply to any court in which such person was charged or found
30 guilty of any [offenses, violations, or infractions] crimes

31 for an order to expunge records of such arrest, plea, trial,
32 or conviction.

33 (1) Subject to the limitations of subsection [12] 13
34 of this section, a person may apply to have one or more
35 [offenses, violations, or infractions] crimes expunged if
36 each such [offense, violation, or infraction] crime occurred
37 within the state of Missouri and was prosecuted under the
38 jurisdiction of a Missouri [municipal, associate circuit, or
39 circuit] court, so long as such person lists all the
40 [offenses, violations, and infractions] crimes he or she is
41 seeking to have expunged in the petition and so long as all
42 such [offenses, violations, and infractions] crimes are not
43 excluded under subsection [2] 3 of this section.

44 (2) If the [offenses, violations, or infractions were
45 charged as counts in the same indictment or information or]
46 crimes sought to be expunged were committed as part of the
47 same course of criminal conduct, the person may include all
48 [the] such related [offenses, violations, and infractions]
49 crimes in the petition, regardless of the limits of
50 subsection [12] 13 of this section, and [the petition] those
51 related crimes shall only count as [a petition for
52 expungement of] the highest level [violation or offense
53 contained in the petition] for the purpose of determining
54 current and future eligibility for expungement.

55 (3) If the crimes sought to be expunged were committed
56 as part of an extended course of criminal conduct, the
57 person may include all such related crimes in the petition:

58 (a) The person may include all crimes that were
59 committed during a period of addiction as defined in
60 subsection 1 of this section, regardless of the limits of
61 subsection 13 of this section, and those crimes shall count
62 only as the highest level among them for the purpose of
63 determining current and future eligibility for expungement.

64 (b) The person may include all crimes that were
65 committed while a person was between the ages of sixteen and
66 twenty-five, regardless of the limits of subsection 13 of
67 this section, and those crimes shall count only as the
68 highest level among them for the purpose of determining
69 current and future eligibility for expungement.

70 [2.] 3. The following [offenses, violations, and
71 infractions] crimes shall not be eligible for expungement
72 under this section:

73 (1) Any class A felony offense;

74 (2) Any dangerous felony as that term is defined in
75 section 556.061;

76 (3) Any offense at the time of conviction that
77 requires registration as a sex offender;

78 (4) Any felony offense where death is an element of
79 the offense;

80 (5) Any felony offense of assault; misdemeanor or
81 felony offense of domestic assault; or felony offense of
82 kidnapping;

83 (6) Any offense listed, [or] previously listed, or is
84 a successor to an offense in chapter 566 or section 105.454,
85 105.478, 115.631, 130.028, 188.030, 188.080, 191.677,
86 194.425, [217.360,] 217.385, 334.245, 375.991, 389.653,
87 455.085, 455.538, 557.035, [565.084, 565.085, 565.086,
88 565.095,] 565.120, 565.130, 565.156, [565.200, 565.214,]
89 566.093, 566.111, 566.115, 566.116, 568.020, 568.030,
90 568.032, 568.045, 568.060, 568.065, [568.080, 568.090,]
91 568.175, [569.030, 569.035,] 569.040, 569.050, 569.055,
92 569.060, 569.065, 569.067, 569.072, 569.160, 570.025,
93 [570.090,] 570.180, 570.223, 570.224, [570.310,] 571.020,
94 571.060, 571.063, 571.070, 571.072, 571.150, 573.200,
95 573.205, 574.070, 574.105, 574.115, 574.120, 574.130,
96 574.140, 575.040, 575.095, 575.153, 575.155, 575.157,

97 575.159, 575.195, 575.200, 575.210, 575.220, 575.230,
98 575.240, [575.350,] 575.353, 577.078, 577.703, 577.706,
99 [578.008, 578.305, 578.310,] or 632.520;

100 (7) Any offense eligible for expungement under section
101 [577.054 or] 610.130;

102 (8) Any intoxication-related traffic or boating
103 offense as defined in section 577.001, or any offense of
104 operating an aircraft with an excessive blood alcohol
105 content or while in an intoxicated condition;

106 (9) Any ordinance violation that is the substantial
107 equivalent of any offense that is not eligible for
108 expungement under this section;

109 (10) Any violation of any state law or county or
110 municipal ordinance regulating the operation of motor
111 vehicles when committed by an individual who has been issued
112 a commercial driver's license or is required to possess a
113 commercial driver's license issued by this state or any
114 other state; and

115 (11) Any felony offense of section 571.030, except any
116 offense under subdivision (1) of subsection 1 of section
117 571.030 where the person was convicted or found guilty prior
118 to January 1, 2017, or any offense under subdivision (4) of
119 subsection 1 of section 571.030.

120 [3.] 4. The petition shall name as defendants all law
121 enforcement agencies, courts, prosecuting or circuit
122 attorneys, [municipal prosecuting attorneys,] central state
123 repositories of criminal records, or others who the
124 petitioner has reason to believe may possess the records
125 subject to expungement for each of the [offenses,
126 violations, and infractions] crimes listed in the petition.
127 The court's order of expungement shall not affect any person
128 or entity not named as a defendant in the action.

129 [4.] 5. The petition shall include the following
130 information:
131 (1) The petitioner's:
132 (a) Full name;
133 (b) Sex;
134 (c) Race;
135 (d) Driver's license number, if applicable; and
136 (e) Current address;
137 (2) Each [offense, violation, or infraction] crime for
138 which the petitioner is requesting expungement;
139 (3) The approximate date the petitioner was charged
140 for each [offense, violation, or infraction] crime; and
141 (4) The name of the county where the petitioner was
142 charged for each [offense, violation, or infraction] crime
143 and if any of the [offenses, violations, or infractions]
144 crimes occurred in a municipality, the name of the
145 municipality for each [offense, violation, or infraction]
146 crime; and
147 (5) The case number and name of the court for each
148 [offense] crime.
149 [5.] 6. The clerk of the court shall give notice of
150 the filing of the petition to the office of the prosecuting
151 attorney[, circuit attorney, or municipal prosecuting
152 attorney] that prosecuted the [offenses, violations, or
153 infractions] crimes listed in the petition. If the
154 prosecuting attorney[, circuit attorney, or municipal
155 prosecuting attorney] objects to the petition for
156 expungement, he or she shall do so in writing within thirty
157 days after receipt of service. Unless otherwise agreed upon
158 by the parties, the court shall hold a hearing within sixty
159 days after any written objection is filed, giving reasonable
160 notice of the hearing to the petitioner. If no objection
161 has been filed within thirty days after receipt of service,

162 the court may set a hearing on the matter and shall give
163 reasonable notice of the hearing to each entity named in the
164 petition. At any hearing, the court may accept evidence and
165 hear testimony on, and may consider, the following criteria
166 for each of the [offenses, violations, or infractions]
167 crimes listed in the petition for expungement:

168 (1) At the time the petition is filed, it has been at
169 least three years if the offense is a felony, or at least
170 one year if the offense is a misdemeanor, municipal
171 [offense] violation, or infraction, from the date the
172 petitioner completed any authorized disposition imposed
173 under section 557.011 for each [offense, violation, or
174 infraction] crime listed in the petition;

175 (2) At the time the petition is filed, it has been at
176 least ten years from the date on which the authorized
177 dispositions imposed under section 557.011 for all crimes
178 committed within the relevant period have been completed if
179 the crimes sought to be expunged were committed as part of
180 an extended course of criminal conduct under subdivision (3)
181 of subsection 2 of this section;

182 (3) At the time the petition is filed, the person has
183 not been found guilty of any other misdemeanor or felony,
184 not including violations of the traffic regulations provided
185 under chapters 301, 302, 303, 304, and 307, during the time
186 period specified for the underlying [offense, violation, or
187 infraction] crime in subdivision (1) or (2) of this
188 subsection;

189 [(3)] (4) The person has satisfied all obligations
190 relating to any such disposition, including the payment of
191 any fines or restitution;

192 [(4)] (5) The person does not have charges pending;

193 [(5)] (6) The petitioner's habits and conduct
194 demonstrate that the petitioner is not a threat to the
195 public safety of the state; and

196 [(6)] (7) The expungement is consistent with the
197 public welfare and the interests of justice warrant the
198 expungement.

199 A pleading by the petitioner that such petitioner meets the
200 requirements of subdivisions [(5)] (6) and [(6)] (7) of this
201 subsection shall create a rebuttable presumption that the
202 expungement is warranted so long as the criteria contained
203 in subdivisions (1) to [(4)] (5) of this subsection are
204 otherwise satisfied. The burden shall shift to the
205 prosecuting attorney[,] or circuit attorney[, or municipal
206 prosecuting attorney] to rebut the presumption. A victim of
207 [an offense, violation, or infraction] a crime listed in the
208 petition shall have an opportunity to be heard at any
209 hearing held under this section[, and the court may make a
210 determination based solely on such victim's testimony]. A
211 court may find that the continuing impact of the offense
212 upon the victim rebuts the presumption that expungement is
213 warranted.

214 [6.] 7. A petition to expunge records related to an
215 arrest for an eligible [offense, violation, or infraction]
216 crime may be made in accordance with the provisions of this
217 section to a court of competent jurisdiction in the county
218 where the petitioner was arrested no earlier than [three
219 years] eighteen months from the date of arrest; provided
220 that, during such time, the petitioner has not been charged
221 and the petitioner has not been found guilty of any
222 misdemeanor or felony offense.

223 [7.] 8. If the court determines that such person meets
224 all the criteria set forth in subsection [5] 6 of this
225 section for each of the [offenses, violations, or

226 infractions] crimes listed in the petition for expungement,
227 the court shall enter an order of expungement. In all cases
228 under this section, the court shall issue an order of
229 expungement or dismissal within six months of the filing of
230 the petition. A copy of the order of expungement shall be
231 provided to the petitioner and each entity possessing
232 records subject to the order, and, upon receipt of the
233 order, each entity shall close any record in its possession
234 relating to any [offense, violation, or infraction] crime
235 listed in the petition, in the manner established by section
236 610.120. The records and files maintained in any
237 administrative or court proceeding in a municipal,
238 associate, or circuit court for any [offense, infraction, or
239 violation] crime ordered expunged under this section shall
240 be confidential and only available to the parties or by
241 order of the court for good cause shown. The central
242 repository shall request the Federal Bureau of Investigation
243 to expunge the records from its files.

244 [8.] 9. The order shall not limit any of the
245 petitioner's rights that were restricted as a collateral
246 consequence of such person's criminal record, and such
247 rights shall be restored upon issuance of the order of
248 expungement. Except as otherwise provided under this
249 section, the effect of such order shall be to fully restore
250 the civil rights of such person to the status he or she
251 occupied prior to such arrests, pleas, trials, or
252 convictions as if such events had never taken place. This
253 includes fully restoring the civil rights of a person to the
254 right to vote, the right to hold public office, and to serve
255 as a juror. For purposes of 18 U.S.C. Section
256 921(a)(33)(B)(ii), an order [or] of expungement granted
257 pursuant to this section shall be considered a complete
258 removal of all effects of the expunged conviction. Except

259 as otherwise provided under this section, the effect of such
260 order shall be to restore such person to the status he or
261 she occupied prior to such arrests, pleas, trials, or
262 convictions as if such events had never taken place. No
263 person as to whom such order has been entered shall be held
264 thereafter under any provision of law to be guilty of
265 perjury or otherwise giving a false statement by reason of
266 his or her failure to recite or acknowledge such arrests,
267 pleas, trials, convictions, or expungement in response to an
268 inquiry made of him or her and no such inquiry shall be made
269 for information relating to an expungement, except the
270 petitioner shall disclose the expunged [offense, violation,
271 or infraction] crime to any court when asked or upon being
272 charged with any subsequent [offense, violation, or
273 infraction] crime. The expunged [offense, violation, or
274 infraction] crime may be considered a prior offense in
275 determining a sentence to be imposed for any subsequent
276 offense that the person is found guilty of committing.

277 [9.] 10. Notwithstanding the provisions of subsection
278 [8] 9 of this section to the contrary, a person granted an
279 expungement shall disclose any expunged [offense, violation,
280 or infraction] crime when the disclosure of such information
281 is necessary to complete any application for:

- 282 (1) A license, certificate, or permit issued by this
283 state to practice such individual's profession;
- 284 (2) Any license issued under chapter 313 or permit
285 issued under chapter 571;
- 286 (3) Paid or unpaid employment with an entity licensed
287 under chapter 313, any state-operated lottery, or any
288 emergency services provider, including any law enforcement
289 agency;
- 290 (4) Employment with any federally insured bank or
291 savings institution or credit union or an affiliate of such

292 institution or credit union for the purposes of compliance
293 with 12 U.S.C. Section 1829 and 12 U.S.C. Section 1785;

294 (5) Employment with any entity engaged in the business
295 of insurance or any insurer for the purpose of complying
296 with 18 U.S.C. Section 1033, 18 U.S.C. Section 1034, or
297 other similar law which requires an employer engaged in the
298 business of insurance to exclude applicants with certain
299 criminal convictions from employment; or

300 (6) Employment with any employer that is required to
301 exclude applicants with certain criminal convictions from
302 employment due to federal or state law, including
303 corresponding rules and regulations.

304 An employer shall notify an applicant of the requirements
305 under subdivisions (4) to (6) of this subsection.

306 Notwithstanding any provision of law to the contrary, an
307 expunged [offense, violation, or infraction] crime shall not
308 be grounds for automatic disqualification of an applicant,
309 but may be a factor for denying employment, or a
310 professional license, certificate, or permit; except that,
311 [an offense, violation, or infraction] a crime expunged
312 under the provisions of this section may be grounds for
313 automatic disqualification if the application is for
314 employment under subdivisions (4) to (6) of this subsection.

315 [10.] 11. A person who has been granted an expungement
316 of records pertaining to a [misdemeanor or felony offense,
317 an ordinance violation, or an infraction] crime may answer
318 "no" to an employer's inquiry into whether the person has
319 ever been arrested, charged, or convicted of a crime if,
320 after the granting of the expungement, the person has no
321 public record of a [misdemeanor or felony offense, an
322 ordinance violation, or an infraction] crime. The person,
323 however, shall answer such an inquiry affirmatively and
324 disclose his or her criminal convictions, including any

325 offense [or violation] expunged under this section or
326 similar law, if the employer is required to exclude
327 applicants with certain criminal convictions from employment
328 due to federal or state law, including corresponding rules
329 and regulations.

330 [11.] 12. If the court determines that the petitioner
331 has not met the criteria for any of the [offenses,
332 violations, or infractions] crimes listed in the petition
333 for expungement or the petitioner has knowingly provided
334 false information in the petition, the court shall enter an
335 order dismissing the petition. Any person whose petition
336 for expungement has been dismissed by the court for failure
337 to meet the criteria set forth in subsection [5] 6 of this
338 section may not refile another petition until a year has
339 passed since the date of filing for the previous petition.

340 [12.] 13. A person may be granted more than one
341 expungement under this section provided that during his or
342 her lifetime, the total number of [offenses, violations, or
343 infractions] crimes for which orders of expungement are
344 granted to the person shall not exceed the following limits:

345 (1) Not more than [two] three misdemeanor offenses or
346 ordinance violations that have an authorized term of
347 imprisonment; and

348 (2) Not more than [one] two felony [offense] offenses.

349 A person may be granted expungement under this section for
350 any number of infractions. [Nothing in this section shall
351 prevent the court from maintaining records to ensure that an
352 individual has not exceeded the limitations of this

353 subsection] A person may not be granted more than one
354 expungement under subdivision (3) of subsection 2 of this
355 section. Nothing in this section shall be construed to
356 limit or impair in any way the subsequent use of any record
357 expunged under this section of any arrests or findings of

358 guilt by a law enforcement agency, criminal justice agency,
359 prosecuting attorney[,] or circuit attorney[, or municipal
360 prosecuting attorney], including its use as a prior
361 [offense, violation, or infraction] crime.

362 [13.] 14. The court shall make available a form for
363 pro se petitioners seeking expungement, which shall include
364 the following statement: "I declare under penalty of
365 perjury that the statements made herein are true and correct
366 to the best of my knowledge, information, and belief."

367 [14.] 15. Nothing in this section shall be construed
368 to limit or restrict the availability of expungement to any
369 person under any other law.

632.305. 1. An application for detention for
2 evaluation and treatment may be executed by any adult
3 person, who need not be an attorney or represented by an
4 attorney, including the mental health coordinator, on a form
5 provided by the court for such purpose, and shall allege
6 under oath, without a notarization requirement, that the
7 applicant has reason to believe that the respondent is
8 suffering from a mental disorder and presents a likelihood
9 of serious harm to himself or herself or to others. The
10 application shall specify the factual information on which
11 such belief is based and should contain the names and
12 addresses of all persons known to the applicant who have
13 knowledge of such facts through personal observation.

14 2. The filing of a written application in court by any
15 adult person, who need not be an attorney or represented by
16 an attorney, including the mental health coordinator, shall
17 authorize the applicant to bring the matter before the court
18 on an ex parte basis to determine whether the respondent
19 should be taken into custody and transported to a mental
20 health facility. The application may be filed in the court
21 having probate jurisdiction in any county where the

22 respondent may be found. If the court finds that there is
23 probable cause, either upon testimony under oath or upon a
24 review of affidavits, declarations, or other supporting
25 documentation, to believe that the respondent may be
26 suffering from a mental disorder and presents a likelihood
27 of serious harm to himself or herself or others, it shall
28 direct a peace officer to take the respondent into custody
29 and transport him or her to a mental health facility for
30 detention for evaluation and treatment for a period not to
31 exceed ninety-six hours unless further detention and
32 treatment is authorized pursuant to this chapter. Nothing
33 herein shall be construed to prohibit the court, in the
34 exercise of its discretion, from giving the respondent an
35 opportunity to be heard.

36 3. A mental health coordinator may request a peace
37 officer to take or a peace officer may take a person into
38 custody for detention for evaluation and treatment for a
39 period not to exceed ninety-six hours only when such mental
40 health coordinator or peace officer has reasonable cause to
41 believe that such person is suffering from a mental disorder
42 and that the likelihood of serious harm by such person to
43 himself or herself or others is imminent unless such person
44 is immediately taken into custody. Upon arrival at the
45 mental health facility, the peace officer or mental health
46 coordinator who conveyed such person or caused him or her to
47 be conveyed shall either present the application for
48 detention for evaluation and treatment upon which the court
49 has issued a finding of probable cause and the respondent
50 was taken into custody or complete an application for
51 initial detention for evaluation and treatment for a period
52 not to exceed ninety-six hours which shall be based upon his
53 or her own personal observations or investigations and shall

54 contain the information required in subsection 1 of this
55 section.

56 4. If a person presents himself or herself or is
57 presented by others to a mental health facility and a
58 licensed physician, a registered professional nurse or a
59 mental health professional designated by the head of the
60 facility and approved by the department for such purpose has
61 reasonable cause to believe that the person is mentally
62 disordered and presents an imminent likelihood of serious
63 harm to himself or herself or others unless he or she is
64 accepted for detention, the licensed physician, the mental
65 health professional or the registered professional nurse
66 designated by the facility and approved by the department
67 may complete an application for detention for evaluation and
68 treatment for a period not to exceed ninety-six hours. The
69 application shall be based on his or her own personal
70 observations or investigation and shall contain the
71 information required in subsection 1 of this section.

72 5. [Any oath required by the provisions of this
73 section] No notarization shall be required for an
74 application or any affidavits, declarations, or other
75 documents supporting an application. The application and
76 any affidavits, declarations, or other documents supporting
77 the application shall be subject to the provisions of
78 section 492.060 allowing for declaration under penalty of
79 perjury.

650.058. 1. Notwithstanding the sovereign immunity of
2 the state, any individual who was found guilty of a felony
3 in a Missouri court and was later determined to be actually
4 innocent of such crime [solely as a result of DNA profiling
5 analysis] may be paid restitution. The individual may
6 receive an amount of one hundred seventy-nine dollars per
7 day for each day of postconviction incarceration for the

8 crime for which the individual is determined to be actually
9 innocent. The petition for the payment of said restitution
10 shall be filed with the sentencing court. For the purposes
11 of this section, the term "actually innocent" shall mean:

12 (1) The individual was convicted of a felony for which
13 a final order of release was entered by the court;

14 (2) All appeals of the order of release have been
15 exhausted;

16 (3) The individual was not serving any term of a
17 sentence for any other crime concurrently with the sentence
18 for which he or she is determined to be actually innocent,
19 unless such individual was serving another concurrent
20 sentence because his or her parole was revoked by a court or
21 the parole board in connection with the crime for which the
22 person has been exonerated. Regardless of whether any other
23 basis may exist for the revocation of the person's probation
24 or parole at the time of conviction for the crime for which
25 the person is later determined to be actually innocent, when
26 the court's or the parole board's sole stated reason for the
27 revocation in its order is the conviction for the crime for
28 which the person is later determined to be actually
29 innocent, such order shall, for purposes of this section
30 only, be conclusive evidence that [their] the person's
31 probation or parole was revoked in connection with the crime
32 for which the person has been exonerated; and

33 (4) Testing ordered under section 547.035, or testing
34 by the order of any state or federal court, if such person
35 was exonerated on or before August 28, 2004, or testing
36 ordered under section 650.055, if such person was or is
37 exonerated after August 28, 2004, or after an evidentiary
38 hearing and finding in a habeas corpus proceeding or a
39 proceeding held pursuant to section 547.031 which

40 demonstrates a person's innocence of the crime for which the
41 person is in custody.

42 Any individual who receives restitution under this section
43 shall be prohibited from seeking any civil redress from the
44 state, its departments and agencies, or any employee
45 thereof, or any political subdivision or its employees.
46 This section shall not be construed as a waiver of sovereign
47 immunity for any purposes other than the restitution
48 provided for herein. The department of corrections shall
49 determine the aggregate amount of restitution owed during a
50 fiscal year. If insufficient moneys are appropriated each
51 fiscal year to pay restitution to such persons, the
52 department shall pay each individual who has received an
53 order awarding restitution a pro rata share of the amount
54 appropriated. Provided sufficient moneys are appropriated
55 to the department, the amounts owed to such individual shall
56 be paid on June thirtieth of each subsequent fiscal year,
57 until such time as the restitution to the individual has
58 been paid in full. However, no individual awarded
59 restitution under this subsection shall receive more than
60 ~~[thirty-six]~~ sixty-five thousand ~~[five hundred]~~ dollars
61 during each fiscal year. No interest on unpaid restitution
62 shall be awarded to the individual. No individual who has
63 been determined by the court to be actually innocent shall
64 be responsible for the costs of care under section 217.831
65 and may also be awarded other nonmonetary relief, including
66 counseling, housing assistance, and personal financial
67 literary assistance.

68 2. If a person receives DNA testing and the results of
69 the DNA testing confirm the person's guilt, then the person
70 filing for DNA testing under section 547.035, shall:

71 (1) Be liable for any reasonable costs incurred when
72 conducting the DNA test, including but not limited to the

73 cost of the test. Such costs shall be determined by the
74 court and shall be included in the findings of fact and
75 conclusions of law made by the court; and

76 (2) Be sanctioned under the provisions of section
77 217.262.

78 3. A petition for payment of restitution under this
79 section may **[only]** be filed only by the individual
80 determined to be actually innocent or the individual's legal
81 guardian. No claim or petition for restitution under this
82 section may be filed by the individual's heirs or assigns.
83 An individual's right to receive restitution under this
84 section is not assignable or otherwise transferrable. The
85 state's obligation to pay restitution under this section
86 shall cease upon the individual's death. Any beneficiary
87 designation that purports to bequeath, assign, or otherwise
88 convey the right to receive such restitution shall be void
89 and unenforceable.

90 4. An individual who is determined to be actually
91 innocent of a crime under this chapter shall automatically
92 be granted an order of expungement from the court in which
93 he or she pled guilty or was sentenced to expunge from all
94 official records all recordations of his or her arrest,
95 plea, trial or conviction. Upon the court's granting of the
96 order of expungement, the records and files maintained in
97 any administrative or court proceeding in an associate or
98 circuit division of the court shall be confidential and
99 **[only]** available only to the parties or by order of the
100 court for good cause shown. The effect of such order shall
101 be to restore such person to the status he or she occupied
102 prior to such arrest, plea or conviction and as if such
103 event had never taken place. No person as to whom such
104 order has been entered shall be held thereafter under any
105 provision of any law to be guilty of perjury or otherwise

106 giving a false statement by reason of his or her failure to
107 recite or acknowledge such arrest, plea, trial, conviction
108 or expungement in response to any inquiry made of him or her
109 for any purpose whatsoever, and no such inquiry shall be
110 made for information relating to an expungement under this
111 section.

650.320. For the purposes of sections 650.320 to
2 650.340, the following terms mean:

3 (1) "Ambulance service", the same meaning given to the
4 term in section 190.100;

5 (2) "Board", the Missouri 911 service board
6 established in section 650.325;

7 (3) "Dispatch agency", the same meaning given to the
8 term in section 190.100;

9 (4) "Medical director", the same meaning given to the
10 term in section 190.100;

11 (5) "Memorandum of understanding", the same meaning
12 given to the term in section 190.100;

13 [(2)] (6) "Public safety answering point", the
14 location at which 911 calls are answered;

15 [(3)] (7) "Telecommunicator first responder", any
16 person employed as an emergency [telephone worker,] call
17 taker or public safety dispatcher whose duties include
18 receiving, processing or transmitting public safety
19 information received through a 911 public safety answering
20 point.

650.330. 1. The board shall consist of fifteen
2 members, one of which shall be chosen from the department of
3 public safety, and the other members shall be selected as
4 follows:

5 (1) One member chosen to represent an association
6 domiciled in this state whose primary interest relates to
7 municipalities;

- 8 (2) One member chosen to represent the Missouri 911
9 Directors Association;
- 10 (3) One member chosen to represent emergency medical
11 services and physicians;
- 12 (4) One member chosen to represent an association with
13 a chapter domiciled in this state whose primary interest
14 relates to a national emergency number;
- 15 (5) One member chosen to represent an association
16 whose primary interest relates to issues pertaining to fire
17 chiefs;
- 18 (6) One member chosen to represent an association with
19 a chapter domiciled in this state whose primary interest
20 relates to issues pertaining to public safety communications
21 officers;
- 22 (7) One member chosen to represent an association
23 whose primary interest relates to issues pertaining to
24 police chiefs;
- 25 (8) One member chosen to represent an association
26 domiciled in this state whose primary interest relates to
27 issues pertaining to sheriffs;
- 28 (9) One member chosen to represent counties of the
29 second, third, and fourth classification;
- 30 (10) One member chosen to represent counties of the
31 first classification, counties with a charter form of
32 government, and cities not within a county;
- 33 (11) One member chosen to represent telecommunications
34 service providers;
- 35 (12) One member chosen to represent wireless
36 telecommunications service providers;
- 37 (13) One member chosen to represent voice over
38 internet protocol service providers; and
- 39 (14) One member chosen to represent the governor's
40 council on disability established under section 37.735.

41 2. Each of the members of the board shall be appointed
42 by the governor with the advice and consent of the senate
43 for a term of four years. Members of the committee may
44 serve multiple terms. No corporation or its affiliate shall
45 have more than one officer, employee, assign, agent, or
46 other representative serving as a member of the board.
47 Notwithstanding subsection 1 of this section to the
48 contrary, all members appointed as of August 28, 2017, shall
49 continue to serve the remainder of their terms.

50 3. The board shall meet at least quarterly at a place
51 and time specified by the chairperson of the board and it
52 shall keep and maintain records of such meetings, as well as
53 the other activities of the board. Members shall not be
54 compensated but shall receive actual and necessary expenses
55 for attending meetings of the board.

56 4. The board shall:

57 (1) Organize and adopt standards governing the board's
58 formal and informal procedures;

59 (2) Provide recommendations for primary answering
60 points and secondary answering points on technical and
61 operational standards for 911 services;

62 (3) Provide recommendations to public agencies
63 concerning model systems to be considered in preparing a 911
64 service plan;

65 (4) Provide requested mediation services to political
66 subdivisions involved in jurisdictional disputes regarding
67 the provision of 911 services, except that the board shall
68 not supersede decision-making authority of local political
69 subdivisions in regard to 911 services;

70 (5) Provide assistance to the governor and the general
71 assembly regarding 911 services;

- 72 (6) Review existing and proposed legislation and make
73 recommendations as to changes that would improve such
74 legislation;
- 75 (7) Aid and assist in the timely collection and
76 dissemination of information relating to the use of a
77 universal emergency telephone number;
- 78 (8) Perform other duties as necessary to promote
79 successful development, implementation and operation of 911
80 systems across the state, including monitoring federal and
81 industry standards being developed for next-generation 911
82 systems;
- 83 (9) Designate a state 911 coordinator who shall be
84 responsible for overseeing statewide 911 operations and
85 ensuring compliance with federal grants for 911 funding;
- 86 (10) Elect the chair from its membership;
- 87 (11) Apply for and receive grants from federal,
88 private, and other sources;
- 89 (12) Report to the governor and the general assembly
90 at least every three years on the status of 911 services
91 statewide, as well as specific efforts to improve
92 efficiency, cost-effectiveness, and levels of service;
- 93 (13) Conduct and review an annual survey of public
94 safety answering points in Missouri to evaluate potential
95 for improved services, coordination, and feasibility of
96 consolidation;
- 97 (14) Make and execute contracts or any other
98 instruments and agreements necessary or convenient for the
99 exercise of its powers and functions, including for the
100 development and implementation of an emergency services
101 internet protocol network that can be shared by all public
102 safety agencies;
- 103 (15) Develop a plan and timeline of target dates for
104 the testing, implementation, and operation of a next-

105 generation 911 system throughout Missouri. The next-
106 generation 911 system shall allow for the processing of
107 electronic messages including, but not limited to,
108 electronic messages containing text, images, video, or data;

109 (16) Administer and authorize grants and loans under
110 section 650.335 to those counties and any home rule city
111 with more than fifteen thousand but fewer than seventeen
112 thousand inhabitants and partially located in any county of
113 the third classification without a township form of
114 government and with more than thirty-seven thousand but
115 fewer than forty-one thousand inhabitants that can
116 demonstrate a financial commitment to improving 911 services
117 by providing at least a fifty percent match and demonstrate
118 the ability to operate and maintain ongoing 911 services.
119 The purpose of grants and loans from the 911 service trust
120 fund shall include:

121 (a) Implementation of 911 services in counties of the
122 state where services do not exist or to improve existing 911
123 systems;

124 (b) Promotion of consolidation where appropriate;

125 (c) Mapping and addressing all county locations;

126 (d) Ensuring primary access and texting abilities to
127 911 services for disabled residents;

128 (e) Implementation of initial emergency medical
129 dispatch services, including prearrival medical instructions
130 in counties where those services are not offered as of July
131 1, 2019; and

132 (f) Development and implementation of an emergency
133 services internet protocol network that can be shared by all
134 public safety agencies;

135 (17) Develop an application process including
136 reporting and accountability requirements, withholding a
137 portion of the grant until completion of a project, and

138 other measures to ensure funds are used in accordance with
139 the law and purpose of the grant, and conduct audits as
140 deemed necessary;

141 (18) Set the percentage rate of the prepaid wireless
142 emergency telephone service charges to be remitted to a
143 county or city as provided under subdivision (5) of
144 subsection 3 of section 190.460;

145 (19) Retain in its records proposed county plans
146 developed under subsection 11 of section 190.455 and notify
147 the department of revenue that the county has filed a plan
148 that is ready for implementation;

149 (20) Notify any communications service provider, as
150 defined in section 190.400, that has voluntarily submitted
151 its contact information when any update is made to the
152 centralized database established under section 190.475 as a
153 result of a county or city establishing or modifying a tax
154 or monthly fee no less than ninety days prior to the
155 effective date of the establishment or modification of the
156 tax or monthly fee;

157 (21) Establish criteria for consolidation
158 prioritization of public safety answering points;

159 (22) In coordination with existing public safety
160 answering points, by December 31, 2018, designate no more
161 than eleven regional 911 coordination centers which shall
162 coordinate statewide interoperability among public safety
163 answering points within their region through the use of a
164 statewide 911 emergency services network; [and]

165 (23) Establish an annual budget, retain records of all
166 revenue and expenditures made, retain minutes of all
167 meetings and subcommittees, post records, minutes, and
168 reports on the board's webpage on the department of public
169 safety website; and

170 (24) Promote and educate the public about the critical
171 role of telecommunicator first responders in protecting the
172 public and ensuring public safety.

173 5. The department of public safety shall provide staff
174 assistance to the board as necessary in order for the board
175 to perform its duties pursuant to sections 650.320 to
176 650.340. The board shall have the authority to hire
177 consultants to administer the provisions of sections 650.320
178 to 650.340.

179 6. The board shall promulgate rules and regulations
180 that are reasonable and necessary to implement and
181 administer the provisions of sections 190.455, 190.460,
182 190.465, 190.470, 190.475, and sections 650.320 to 650.340.
183 Any rule or portion of a rule, as that term is defined in
184 section 536.010, shall become effective only if it has been
185 promulgated pursuant to the provisions of chapter 536. This
186 section and chapter 536 are nonseverable and if any of the
187 powers vested with the general assembly pursuant to chapter
188 536 to review, to delay the effective date or to disapprove
189 and annul a rule are subsequently held unconstitutional,
190 then the grant of rulemaking authority and any rule proposed
191 or adopted after August 28, 2017, shall be invalid and void.

 650.340. 1. The provisions of this section may be
2 cited and shall be known as the "911 Training and Standards
3 Act".

4 2. Initial training requirements for
5 **[telecommunicators]** telecommunicator first responders who
6 answer 911 calls that come to public safety answering points
7 shall be as follows:

8 (1) Police telecommunicator first responder, 16 hours;

9 (2) Fire telecommunicator first responder, 16 hours;

10 (3) Emergency medical services telecommunicator first
11 responder, 16 hours;

12 (4) Joint communication center telecommunicator first
13 responder, 40 hours.

14 3. All persons employed as a telecommunicator first
15 responder in this state shall be required to complete
16 ongoing training so long as such person engages in the
17 occupation as a telecommunicator first responder. Such
18 persons shall complete at least twenty-four hours of ongoing
19 training every three years by such persons or organizations
20 as provided in subsection 6 of this section.

21 4. Any person employed as a telecommunicator on August
22 28, 1999, shall not be required to complete the training
23 requirement as provided in subsection 2 of this section.
24 Any person hired as a telecommunicator or a telecommunicator
25 first responder after August 28, 1999, shall complete the
26 training requirements as provided in subsection 2 of this
27 section within twelve months of the date such person is
28 employed as a telecommunicator or telecommunicator first
29 responder.

30 5. The training requirements as provided in subsection
31 2 of this section shall be waived for any person who
32 furnishes proof to the committee that such person has
33 completed training in another state which is at least as
34 stringent as the training requirements of subsection 2 of
35 this section.

36 6. The board shall determine by administrative rule
37 the persons or organizations authorized to conduct the
38 training as required by subsection 2 of this section.

39 7. [This section shall not apply to an emergency
40 medical dispatcher or agency as defined in section 190.100,
41 or a person trained by an entity accredited or certified
42 under section 190.131, or a person who provides prearrival
43 medical instructions who works for an agency which meets the
44 requirements set forth in section 190.134.] The board shall

45 be responsible for the approval of training courses for
46 emergency medical dispatchers. The board shall develop
47 necessary rules and regulations in collaboration with the
48 state EMS medical director's advisory committee, as
49 described in section 190.103, which may provide
50 recommendations relating to the medical aspects of
51 prearrival medical instructions.

52 8. A dispatch agency is required to have a memorandum
53 of understanding with all ambulance services that it
54 dispatches. If a dispatch agency provides prearrival
55 medical instructions, it is required to have a medical
56 director whose duties include the maintenance of standards
57 and approval of protocols or guidelines.

2 [84.175. 1. Upon recommendation of the
3 chief of police, the board may authorize and
4 provide for the organization of a police reserve
5 force composed of members who receive a service
6 retirement under the provisions of sections
7 86.200 to 86.366 and who qualify under the
8 provisions of section 84.120. Such reserve
9 force shall be under the command of the chief of
10 police and shall be provided training,
11 equipment, uniforms, and arms as the chief shall
12 direct with the approval of the board. Members
13 of the reserve force shall possess all of the
14 powers of regular police officers and shall be
15 subject to all laws and regulations applicable
16 to police officers; provided, however, that the
17 city council or other governing body of any such
18 city may in its discretion fix a total in number
19 which the reserve force may not exceed.]

20 2. In event of riot or other emergencies
21 as declared and defined by the mayor, in
22 concurrence with the board, the board, upon
23 recommendation of the chief, may appoint special
24 officers or patrolmen for temporary service in
25 addition to the police reserve force herein
26 provided for, but the length of time for which
27 such officers or patrolmen shall be employed
28 shall be limited to the time during which such
emergency shall exist.]

2 [84.240. The board of police commissioners
3 shall establish the Bertillon system of
4 identification of criminals and others by means
5 of anthropometric indications, and they are
6 further required to employ such additional
7 assistance as may be necessary to properly
conduct and manage this department.]

2 [84.341. No elected or appointed official
3 of the state or any political subdivision
4 thereof shall act or refrain from acting in any
5 manner to impede, obstruct, hinder, or otherwise
6 interfere with any member of a municipal police
7 force established under sections 84.343 to
8 84.346 in the performance of his or her job
9 duties, or with any aspect of any investigation
10 arising from the performance of such job
11 duties. This section shall not be construed to
12 prevent such officials from acting within the
13 normal course and scope of their employment or
14 from acting to implement sections 84.343 to
15 84.346. Any person who violates this section
16 shall be liable for a penalty of two thousand
17 five hundred dollars for each offense and shall
18 forever be disqualified from holding any office
19 or employment whatsoever with the governmental
20 entity the person served at the time of the
21 violation. The penalty shall not be paid by the
22 funds of any committee as the term committee is
23 defined in section 130.011. This section shall
24 not be construed to interfere with the
25 punishment, under any laws of this state, of a
26 criminal offense committed by such officials,
27 nor shall this section apply to duly appointed
28 members of the municipal police force, or their
29 appointing authorities, whose conduct is
otherwise provided for by law.]

2 [84.342. 1. It shall be an unlawful
3 employment practice for an official, employee,
4 or agent of a municipal police force established
5 under sections 84.343 to 84.346 to discharge,
6 demote, reduce the pay of, or otherwise
7 retaliate against an employee of the municipal
8 police force for reporting to any superior,
9 government agency, or the press the conduct of
10 another employee that the reporting employee
11 believes, in good faith, is illegal.]

12 2. Any employee of the municipal police
13 force may bring a cause of action for general or
14 special damages based on a violation of this
section.]

2 [84.343. 1. Subject to the provisions of
3 sections 84.344 to 84.346, any city not within a
4 county may establish a municipal police force
5 for the purposes of:

6 (1) Preserving the public peace, welfare,
7 and order;

8 (2) Preventing crime and arresting
9 suspected offenders;

10 (3) Enforcing the laws of the state and
11 ordinances of the city;

12 (4) Exercising all powers available to a
13 police force under generally applicable state
law; and

14 (5) Regulating and licensing all private
15 watchmen, private detectives, and private
16 policemen serving or acting as such in said city.

17 2. Any person who acts as a private
18 watchman, private detective, or private
19 policeman in said cities without having obtained
20 a written license from said cities is guilty of
21 a class A misdemeanor.]

2 [84.344. 1. Notwithstanding any
3 provisions of this chapter to the contrary, any
4 city not within a county may establish a
5 municipal police force on or after July 1, 2013,
6 according to the procedures and requirements of
7 this section. The purpose of these procedures
8 and requirements is to provide for an orderly
9 and appropriate transition in the governance of
10 the police force and provide for an equitable
11 employment transition for commissioned and
12 civilian personnel.

13 2. Upon the establishment of a municipal
14 police force by a city under sections 84.343 to
15 84.346, the board of police commissioners shall
16 convey, assign, and otherwise transfer to the
17 city title and ownership of all indebtedness and
18 assets, including, but not limited to, all funds
19 and real and personal property held in the name
20 of or controlled by the board of police
21 commissioners created under sections 84.010 to
22 84.340. The board of police commissioners shall
23 execute all documents reasonably required to
24 accomplish such transfer of ownership and
25 obligations.

26 3. If the city establishes a municipal
27 police force and completes the transfer
28 described in subsection 2 of this section, the
29 city shall provide the necessary funds for the
30 maintenance of the municipal police force.

31 4. Before a city not within a county may
32 establish a municipal police force under this
33 section, the city shall adopt an ordinance
34 accepting responsibility, ownership, and
35 liability as successor-in-interest for
36 contractual obligations, indebtedness, and other
37 lawful obligations of the board of police
38 commissioners subject to the provisions of
39 subsection 2 of section 84.345.

40 5. A city not within a county that
41 establishes a municipal police force shall
42 initially employ, without a reduction in rank,
43 salary, or benefits, all commissioned and
44 civilian personnel of the board of police
45 commissioners created under sections 84.010 to
46 84.340 that were employed by the board
47 immediately prior to the date the municipal
48 police force was established. Such commissioned
49 personnel who previously were employed by the
50 board may only be involuntarily terminated by
51 the city not within a county for cause. The
city shall also recognize all accrued years of

52 service that such commissioned and civilian
53 personnel had with the board of police
54 commissioners. Such personnel shall be entitled
55 to the same holidays, vacation, and sick leave
56 they were entitled to as employees of the board
57 of police commissioners.

58 6. (1) Commissioned and civilian
59 personnel of a municipal police force
60 established under this section who are hired
61 prior to September 1, 2023, shall not be subject
62 to a residency requirement of retaining a
63 primary residence in a city not within a county
64 but may be required to maintain a primary
65 residence located within a one-hour response
66 time.

67 (2) Commissioned and civilian personnel of
68 a municipal police force established under this
69 section who are hired after August 31, 2023, may
70 be subject to a residency rule no more
71 restrictive than a requirement of retaining a
72 primary residence in a city not within a county
73 for a total of seven years and of then allowing
74 the personnel to maintain a primary residence
75 outside the city not within a county so long as
76 the primary residence is located within a one-
77 hour response time.

78 7. The commissioned and civilian personnel
79 who retire from service with the board of police
80 commissioners before the establishment of a
81 municipal police force under subsection 1 of
82 this section shall continue to be entitled to
83 the same pension benefits provided under chapter
84 86 and the same benefits set forth in subsection
85 5 of this section.

86 8. If the city not within a county elects
87 to establish a municipal police force under this
88 section, the city shall establish a separate
89 division for the operation of its municipal
90 police force. The civil service commission of
91 the city may adopt rules and regulations
92 appropriate for the unique operation of a police
93 department. Such rules and regulations shall
94 reserve exclusive authority over the
95 disciplinary process and procedures affecting
96 commissioned officers to the civil service
97 commission; however, until such time as the city
98 adopts such rules and regulations, the
99 commissioned personnel shall continue to be
100 governed by the board of police commissioner's
101 rules and regulations in effect immediately
102 prior to the establishment of the municipal
103 police force, with the police chief acting in
104 place of the board of police commissioners for
105 purposes of applying the rules and regulations.
106 Unless otherwise provided for, existing civil
107 service commission rules and regulations
108 governing the appeal of disciplinary decisions
109 to the civil service commission shall apply to
110 all commissioned and civilian personnel. The

111 civil service commission's rules and regulations
112 shall provide that records prepared for
113 disciplinary purposes shall be confidential,
114 closed records available solely to the civil
115 service commission and those who possess
116 authority to conduct investigations regarding
117 disciplinary matters pursuant to the civil
118 service commission's rules and regulations. A
119 hearing officer shall be appointed by the civil
120 service commission to hear any such appeals that
121 involve discipline resulting in a suspension of
122 greater than fifteen days, demotion, or
123 termination, but the civil service commission
124 shall make the final findings of fact,
125 conclusions of law, and decision which shall be
126 subject to any right of appeal under chapter 536.
127 9. A city not within a county that
128 establishes and maintains a municipal police
129 force under this section:
130 (1) Shall provide or contract for life
131 insurance coverage and for insurance benefits
132 providing health, medical, and disability
133 coverage for commissioned and civilian personnel
134 of the municipal police force to the same extent
135 as was provided by the board of police
136 commissioners under section 84.160;
137 (2) Shall provide or contract for medical
138 and life insurance coverage for any commissioned
139 or civilian personnel who retired from service
140 with the board of police commissioners or who
141 were employed by the board of police
142 commissioners and retire from the municipal
143 police force of a city not within a county to
144 the same extent such medical and life insurance
145 coverage was provided by the board of police
146 commissioners under section 84.160;
147 (3) Shall make available medical and life
148 insurance coverage for purchase to the spouses
149 or dependents of commissioned and civilian
150 personnel who retire from service with the board
151 of police commissioners or the municipal police
152 force and deceased commissioned and civilian
153 personnel who receive pension benefits under
154 sections 86.200 to 86.366 at the rate that such
155 dependent's or spouse's coverage would cost
156 under the appropriate plan if the deceased were
157 living; and
158 (4) May pay an additional shift
159 differential compensation to commissioned and
160 civilian personnel for evening and night tours
161 of duty in an amount not to exceed ten percent
162 of the officer's base hourly rate.
163 10. A city not within a county that
164 establishes a municipal police force under
165 sections 84.343 to 84.346 shall establish a
166 transition committee of five members for the
167 purpose of: coordinating and implementing the
168 transition of authority, operations, assets, and
169 obligations from the board of police

170 commissioners to the city; winding down the
171 affairs of the board; making nonbinding
172 recommendations for the transition of the police
173 force from the board to the city; and other
174 related duties, if any, established by executive
175 order of the city's mayor. Once the ordinance
176 referenced in this section is enacted, the city
177 shall provide written notice to the board of
178 police commissioners and the governor of the
179 state of Missouri. Within thirty days of such
180 notice, the mayor shall appoint three members to
181 the committee, two of whom shall be members of a
182 statewide law enforcement association that
183 represents at least five thousand law
184 enforcement officers. The remaining members of
185 the committee shall include the police chief of
186 the municipal police force and a person who
187 currently or previously served as a commissioner
188 on the board of police commissioners, who shall
189 be appointed to the committee by the mayor of
190 such city.]

2 [84.345. 1. Except as required for the
3 board of police commissioners to conclude its
4 affairs and pursue legal claims and defenses,
5 upon the establishment of a municipal police
6 force, the terms of office of the commissioners
7 of the board of police created under sections
8 84.020 and 84.030 shall expire, and the
9 provisions of sections 84.010 to 84.340 shall
10 not apply to any city not within a county or its
11 municipal police force as of such date. The
12 board shall continue to operate, if necessary,
13 to wind down the board's affairs until the
14 transfer of ownership and obligations under
15 subsection 2 of section 84.344 has been
16 completed. During such time, the board of
17 police commissioners shall designate and
18 authorize its secretary to act on behalf of the
19 board for purposes of performing the board's
20 duties and any other actions incident to the
21 transfer and winding down of the board's affairs.

22 2. For any claim, lawsuit, or other action
23 arising out of actions occurring before the date
24 of completion of the transfer provided under
25 subsection 2 of section 84.344, the state shall
26 continue to provide legal representation as set
27 forth in section 105.726, and the state legal
28 expense fund shall continue to provide
29 reimbursement for such claims under section
30 105.726. This subsection applies to all claims,
31 lawsuits, and other actions brought against any
32 commissioner, police officer, employee, agent,
33 representative, or any individual or entity
34 acting or purporting to act on its or their
35 behalf.

36 3. Notwithstanding any other provision of
37 law, rule, or regulation to the contrary, any
38 city not within a county that establishes a
municipal police force under sections 84.343 to

39 84.346 shall not be restricted or limited in any
40 way in the selection of a police chief or chief
41 of the division created under subsection 8 of
42 section 84.344.

43 4. It shall be the duty of the sheriff for
44 any city not within a county, whenever called
45 upon by the police chief of the municipal police
46 force, to act under the police chief's control
47 for the preservation of the public peace and
48 quiet; and, whenever the exigency or
49 circumstances may, in the police chief's
50 judgment, warrant it, said police chief shall
51 have the power to assume the control and command
52 of all local and municipal conservators of the
53 peace of the city, whether sheriff, constable,
54 policemen or others, and they shall act under
55 the orders of the said police chief and not
56 otherwise.]

2 [84.346. Any police pension system created
3 under chapter 86 for the benefit of a police
4 force established under sections 84.010 to
5 84.340 shall continue to be governed by chapter
6 86, and shall apply to any police force
7 established under section 84.343 to 84.346.
8 Other than any provision that makes chapter 86
9 applicable to a municipal police force
10 established under section 84.343 to 84.346,
11 nothing in sections 84.343 to 84.346 shall be
12 construed as limiting or changing the rights or
benefits provided under chapter 86.]

2 [84.347. Notwithstanding the provisions of
3 section 1.140 to the contrary, the provisions of
4 sections 84.343 to 84.346 shall be
5 nonseverable. If any provision of sections
6 84.343 to 84.346 is for any reason held to be
7 invalid, such decision shall invalidate all of
the remaining provisions of this act.]

2 [190.134. A dispatch agency is required to
3 have a memorandum of understanding with all
4 ambulance services that it dispatches. If a
5 dispatch agency provides prearrival medical
6 instructions, it is required to have a medical
7 director, whose duties include the maintenance
of standards and protocol approval.]

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

8 2. The department of corrections shall
9 establish by regulation the "Missouri
10 Postconviction Drug Treatment Program". The
11 program shall include noninstitutional and
12 institutional placement. The institutional
13 phase of the program may include any offender
under the supervision and control of the

14 department of corrections. The department shall
15 establish rules determining how, when and where
16 an offender shall be admitted into or removed
17 from the program.

18 3. Any first-time offender who has been
19 found guilty of violating the provisions of
20 chapter 195 or 579, or whose controlled
21 substance abuse was a precipitating or
22 contributing factor in the commission of his
23 offense, and who is placed on probation may be
24 required to participate in the noninstitutional
25 phase of the program, which may include
26 education, treatment and rehabilitation
27 programs. Persons required to attend a program
28 pursuant to this section may be charged a
29 reasonable fee to cover the costs of the
30 program. Failure of an offender to complete
31 successfully the noninstitutional phase of the
32 program shall be sufficient cause for the
33 offender to be remanded to the sentencing court
34 for assignment to the institutional phase of the
35 program or any other authorized disposition.

36 4. A probationer shall be eligible for
37 assignment to the institutional phase of the
38 postconviction drug treatment program if he has
39 failed to complete successfully the
40 noninstitutional phase of the program. If space
41 is available, the sentencing court may assign
42 the offender to the institutional phase of the
43 program as a special condition of probation,
44 without the necessity of formal revocation of
45 probation.

46 5. The availability of space in the
47 institutional program shall be determined by the
48 department of corrections. If the sentencing
49 court is advised that there is no space
50 available, then the court shall consider other
51 authorized dispositions.

52 6. Any time after ninety days and prior to
53 one hundred twenty days after assignment of the
54 offender to the institutional phase of the
55 program, the department shall submit to the
56 court a report outlining the performance of the
57 offender in the program. If the department
58 determines that the offender will not
59 participate or has failed to complete the
60 program, the department shall advise the
61 sentencing court, who shall cause the offender
62 to be brought before the court for consideration
63 of revocation of the probation or other
64 authorized disposition. If the offender
65 successfully completes the program, the
66 department shall release the individual to the
67 appropriate probation and parole district office
68 and so advise the court.

69 7. Time spent in the institutional phase
70 of the program shall count as time served on the
71 sentence.]

2 [217.810. 1. The governor is hereby
3 authorized and directed to enter into the
4 interstate compact for the supervision of
5 parolees and probationers on behalf of the state
6 of Missouri with the commonwealth of Puerto
7 Rico, the Virgin Islands, the District of
8 Columbia and any and all other states of the
9 United States legally joining therein and
10 pursuant to the provisions of an act of the
11 Congress of the United States of America
12 granting the consent of Congress to the
13 commonwealth of Puerto Rico, the Virgin Islands,
14 the District of Columbia and any two or more
15 states to enter into agreements or compacts for
16 cooperative effort and mutual assistance in the
17 prevention of crime and for other purposes,
18 which compact shall have as its objective the
19 permitting of persons placed on probation or
20 released on parole to reside in any other state
21 signatory to the compact assuming the duties of
22 visitation and supervision over such
23 probationers and parolees; permitting the
24 extradition and transportation without
25 interference of prisoners, being retaken,
26 through any and all states signatory to the
27 compact under such terms, conditions, rules and
28 regulations, and for such duration as in the
29 opinion of the governor of this state shall be
30 necessary and proper and in a form substantially
31 as contained in subsection 2 of this section.
32 The chairman of the board shall administer the
33 compact for the state.

34 2. INTERSTATE COMPACT FOR THE SUPERVISION
35 OF PAROLEES AND PROBATIONERS

36 This compact shall be entered into by and
37 among the contracting states, signatories
38 hereto, with the consent of the Congress of the
39 United States of America, granted by an act
40 entitled "An act granting the consent of
41 Congress to any two or more states to enter into
42 agreements or compacts for cooperative effort
43 and mutual assistance in the prevention of crime
44 and for other purposes."

45 The contracting states solemnly agree:

46 (1) That it shall be competent for the
47 duly constituted judicial and administrative
48 authorities of a state party to this compact
49 (herein called "sending state") to permit any
50 person convicted of an offense within such state
51 and placed on probation or released on parole to
52 reside in any other state party to this compact
53 (herein called "receiving state"), while on
54 probation or parole, if

55 (a) Such a person is in fact a resident of
56 or has his family residing within the receiving
57 state and can obtain employment there;

58 (b) Though not a resident of the receiving
state and not having his family residing there,

59 the receiving state consents to such person
60 being sent there.

61 Before granting such permission,
62 opportunity shall be granted to the receiving
63 state to investigate the home and prospective
64 employment of such person.

65 A resident of the receiving state, within
66 the meaning of this section, is one who has been
67 an actual inhabitant of such state continuously
68 for more than one year prior to his coming to
69 the sending state and has not resided within the
70 sending state more than six continuous months
71 immediately preceding the commission of the
72 offense for which he has been convicted.

73 (2) The receiving state shall assume the
74 duties of visitation and supervision over
75 probationers or parolees of any sending state
76 transferred under the compact and will apply the
77 same standards of supervision that prevail for
78 its own probationers and parolees.

79 (3) That duly accredited officers of a
80 sending state may at all times enter a receiving
81 state and there apprehend and retake any person
82 on probation or parole. For that purpose no
83 formalities will be required other than
84 establishing the authority of the officer and
85 the identity of the person to be retaken. All
86 legal requirements to obtain extradition of
87 fugitives from justice are hereby expressly
88 waived on the part of states party hereto, as to
89 such persons. The decision of the sending state
90 to retake a person on probation or parole shall
91 be conclusive upon and not reviewable within the
92 receiving state. Provided, however, that if at
93 the time when a state seeks to retake a
94 probationer or parolee there should be pending
95 against him within the receiving state any
96 criminal charge, or he should be suspected of
97 having committed within such state a criminal
98 offense, he shall not be retaken without the
99 consent of the receiving state until discharged
100 from prosecution or from imprisonment for such
101 offense.

102 (4) That the duly accredited officers of
103 the sending state will be permitted to transport
104 prisoners being retaken through any and all
105 states parties to this compact, without
106 interference.

107 (5) Each state may designate an officer
108 who, acting jointly with like officers of other
109 contracting states shall promulgate such rules
110 and regulations as may be deemed necessary to
111 more effectively carry out the terms of this
112 compact.

113 (6) That this compact shall become
114 operative immediately upon its execution by any
115 state as between it and any other state or
116 states so executing. When executed it shall
117 have the full force and effect of law within

118 such state, the form of execution to be in
119 accordance with the laws of the executing state.

120 (7) That this compact shall continue in
121 force and remain binding upon each executing
122 state until renounced by it. The duties and
123 obligations hereunder of a renouncing state
124 shall continue as to parolees or probationers
125 residing therein at the time of withdrawal until
126 retaken or finally discharged by the sending
127 state. Renunciation of this compact shall be by
128 the same authority which executed it, by sending
129 six months' notice in writing of its intention
130 to withdraw from the compact to the other states
131 party hereto.

132 3. If any section, sentence, subdivision
133 or clause within subsection 2 of this section is
134 for any reason held invalid or to be
135 unconstitutional, such decision shall not affect
136 the validity of the remaining provisions of that
137 subsection or this section.

138 4. All necessary and proper expenses
139 accruing as a result of a person being returned
140 to this state by order of a court or the parole
141 board shall be paid by the state as provided in
142 section 548.241 or 548.243.]

2 [304.820. 1. Except as otherwise provided
3 in this section, no person twenty-one years of
4 age or younger operating a moving motor vehicle
5 upon the highways of this state shall, by means
6 of a hand-held electronic wireless
7 communications device, send, read, or write a
8 text message or electronic message.

9 2. Except as otherwise provided in this
10 section, no person shall operate a commercial
11 motor vehicle while using a hand-held mobile
12 telephone.

13 3. Except as otherwise provided in this
14 section, no person shall operate a commercial
15 motor vehicle while using a wireless
16 communications device to send, read, or write a
17 text message or electronic message.

18 4. The provisions of subsection 1 through
19 subsection 3 of this section shall not apply to
20 a person operating:

21 (1) An authorized emergency vehicle; or

22 (2) A moving motor vehicle while using a
23 hand-held electronic wireless communications
24 device to:

25 (a) Report illegal activity;

26 (b) Summon medical or other emergency help;

27 (c) Prevent injury to a person or
28 property; or

29 (d) Relay information between a transit or
30 for-hire operator and that operator's
31 dispatcher, in which the device is permanently
32 affixed to the vehicle.

33 5. Nothing in this section shall be
34 construed or interpreted as prohibiting a person
from making or taking part in a telephone call,

35 by means of a hand-held electronic wireless
36 communications device, while operating a
37 noncommercial motor vehicle upon the highways of
38 this state.

39 6. As used in this section, "electronic
40 message" means a self-contained piece of digital
41 communication that is designed or intended to be
42 transmitted between hand-held electronic
43 wireless communication devices. "Electronic
44 message" includes, but is not limited to,
45 electronic mail, a text message, an instant
46 message, or a command or request to access an
47 internet site.

48 7. As used in this section, "hand-held
49 electronic wireless communications device"
50 includes any hand-held cellular phone, palm
51 pilot, blackberry, or other mobile electronic
52 device used to communicate verbally or by text
53 or electronic messaging, but shall not apply to
54 any device that is permanently embedded into the
55 architecture and design of the motor vehicle.

56 8. As used in this section, "making or
57 taking part in a telephone call" means listening
58 to or engaging in verbal communication through a
59 hand-held electronic wireless communication
60 device.

61 9. As used in this section, "send, read,
62 or write a text message or electronic message"
63 means using a hand-held electronic wireless
64 telecommunications device to manually
65 communicate with any person by using an
66 electronic message. Sending, reading, or
67 writing a text message or electronic message
68 does not include reading, selecting, or entering
69 a phone number or name into a hand-held
70 electronic wireless communications device for
71 the purpose of making a telephone call.

72 10. A violation of this section shall be
73 deemed an infraction and shall be deemed a
74 moving violation for purposes of point
75 assessment under section 302.302.

76 11. The state preempts the field of
77 regulating the use of hand-held electronic
78 wireless communications devices in motor
79 vehicles, and the provisions of this section
80 shall supercede any local laws, ordinances,
81 orders, rules, or regulations enacted by a
82 county, municipality, or other political
83 subdivision to regulate the use of hand-held
84 electronic wireless communication devices by the
85 operator of a motor vehicle.

86 12. The provisions of this section shall
87 not apply to:

88 (1) The operator of a vehicle that is
89 lawfully parked or stopped;

90 (2) Any of the following while in the
91 performance of their official duties: a law
92 enforcement officer; a member of a fire

93 department; or the operator of a public or
94 private ambulance;
95 (3) The use of factory-installed or
96 aftermarket global positioning systems (GPS) or
97 wireless communications devices used to transmit
98 or receive data as part of a digital dispatch
99 system;
100 (4) The use of voice-operated technology;
101 (5) The use of two-way radio transmitters
102 or receivers by a licensee of the Federal
103 Communications Commission in the Amateur Radio
104 Service.]

2 [488.650. There shall be assessed as costs
3 a surcharge in the amount of two hundred fifty
4 dollars on all petitions for expungement filed
5 under the provisions of section 610.140. The
6 judge may waive the surcharge if the petitioner
7 is found by the judge to be indigent and unable
8 to pay the costs. Such surcharge shall be
9 collected and disbursed by the clerk of the
10 court as provided by sections 488.010 to
11 488.020. Moneys collected from this surcharge
shall be payable to the general revenue fund.]

Section B. Because immediate action is necessary to
2 further equip and enhance our criminal justice system to
3 fight violent crime in Missouri and protect our citizens and
4 residents due to the recent unprecedented wave of violent
5 crime across our nation and state, the repeal and
6 reenactment of sections 211.071, and 217.345, and the
7 enactment of sections 56.601 and 211.600 of this act is
8 deemed necessary for the immediate preservation of the
9 public health, welfare, peace, and safety, and is hereby
10 declared to be an emergency act within the meaning of the
11 constitution, and the repeal and reenactment of sections
12 211.071, and 217.345, and the enactment of sections 56.601
13 and 211.600 of this act shall be in full force and effect
14 upon its passage and approval.