

SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILLS NOS. 754, 746, 788, 765, 841, 887 & 861

AN ACT

To repeal sections 211.031, 211.071, 217.345, 217.690, 547.031, 556.021, 558.016, 558.019, 568.045, 571.015, 571.070, 575.010, 575.353, 578.007, 578.022, 579.065, 579.068, 590.192, 590.653, 600.042, and 610.140, RSMo, and to enact in lieu thereof twenty-eight new sections relating to public safety, with penalty provisions and a delayed effective date for a certain section.

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

Section A. Sections 211.031, 211.071, 217.345, 217.690, 2 547.031, 556.021, 558.016, 558.019, 568.045, 571.015, 571.070, 3 575.010, 575.353, 578.007, 578.022, 579.065, 579.068, 590.192, 4 590.653, 600.042, and 610.140, RSMo, are repealed and twenty- 5 eight new sections enacted in lieu thereof, to be known as 6 sections 211.031, 211.071, 211.600, 217.345, 217.690, 307.018, 7 547.031, 547.500, 556.021, 558.016, 558.019, 565.258, 568.045, 8 571.015, 571.031, 571.070, 575.010, 575.353, 578.007, 578.022, 9 579.021, 579.022, 579.065, 579.068, 590.192, 590.653, 600.042, 10 and 610.140, to read as follows:

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, any felony involving  
25 the use, assistance, or aid of a deadly weapon, or has  
26 committed two or more prior unrelated offenses which would  
27 be felonies if committed by an adult, the court shall order  
28 a hearing, and may in its discretion, dismiss the petition  
29 and transfer the child to a court of general jurisdiction  
30 for prosecution under the general law.

31 2. Upon apprehension and arrest, jurisdiction over the  
32 criminal offense allegedly committed by any person between  
33 eighteen and twenty-one years of age over whom the juvenile

34 court has retained continuing jurisdiction shall  
35 automatically terminate and that offense shall be dealt with  
36 in the court of general jurisdiction as provided in section  
37 211.041.

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

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

56 5. The juvenile officer may consult with the office of  
57 prosecuting attorney concerning any offense for which the  
58 child could be certified as an adult under this section.  
59 The prosecuting or circuit attorney shall have access to  
60 police reports, reports of the juvenile or deputy juvenile  
61 officer, statements of witnesses and all other records or  
62 reports relating to the offense alleged to have been  
63 committed by the child. The prosecuting or circuit attorney  
64 shall have access to the disposition records of the child  
65 when the child has been adjudicated pursuant to subdivision  
66 (3) of subsection 1 of section 211.031. The prosecuting

67 attorney shall not divulge any information regarding the  
68 child and the offense until the juvenile court at a judicial  
69 hearing has determined that the child is not a proper  
70 subject to be dealt with under the provisions of this  
71 chapter.

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

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

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

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

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

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

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

99 (7) The age of the child;



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

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

105           (10) Racial disparity in certification.

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

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

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

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

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

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

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

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

132 adult, subject to the certification provisions of this  
133 section.

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

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.

217.345. 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.

217.690. 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.

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.

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 reliable evidence of actual innocence  
25 not presented at a trial. Such newly discovered and  
26 reliable 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.

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.

5 2. Except as otherwise provided by law, the procedure  
6 for infractions shall be the same as for a misdemeanor.

7 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.

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 previously found guilty of a dangerous  
24 felony as 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 contained  
10 in sections 565.021, 565.023, 565.024, 565.027, 565.050,  
11 565.052, 565.054, 565.072, 565.073, 565.074, 565.090,  
12 565.110, 565.115, 565.120, 565.153, 565.156, 565.225,  
13 565.300, 566.030, 566.031, 566.032, 566.034, 566.060,  
14 566.061, 566.062, 566.064, 566.067, 566.068, 566.069,  
15 566.071, 566.083, 566.086, 566.100, 566.101, 566.103,  
16 566.111, 566.115, 566.145, 566.151, 566.153, 566.203,  
17 566.206, 566.209, 566.210, 566.211, 566.215, 568.030,  
18 568.045, 568.060, 568.065, 568.175, 569.040, 569.160,  
19 570.023, 570.025, 570.030 when punished as a class A, B, or  
20 C felony, 570.145 when punished as a class A or B felony,  
21 570.223 when punished as a class B or C felony, 571.020,

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

565.258. 1. There is hereby created the "Stop  
2 Cyberstalking and Harassment Task Force" to consist of the  
3 following members:

(1) The following four members of the general assembly:

(a) Two members of the senate, with one member to be  
6 appointed by the president pro tempore of the senate and one  
7 member to be appointed by the minority floor leader; and

(b) Two members of the house of representatives, with  
9 one member to be appointed by the speaker of the house of  
10 representatives and one member to be appointed by the  
11 minority floor leader;

(2) The director of the department of public safety or  
13 his or her designee;

(3) A representative of the Missouri highway patrol  
15 appointed by the superintendent of the Missouri highway  
16 patrol;

(4) A representative of the Missouri Association of  
18 Prosecuting Attorneys appointed by the president of the  
19 Missouri Association of Prosecuting Attorneys;

(5) One or more law enforcement officers with  
21 experience relating to cyberstalking and harassment  
22 appointed by the governor;

(6) One or more representatives from a regional cyber  
24 crime task force appointed by the governor;

(7) A person with experience in training law  
26 enforcement on issues of cyberstalking or harassment  
27 appointed by the governor;

(8) A representative of a statewide coalition against  
29 domestic and sexual violence appointed by the governor;

(9) A representative of the Missouri safe at home  
31 program appointed by the secretary of state;

32 (10) A representative of the judicial branch appointed  
33 by the chief justice of the Missouri supreme court;

34 (11) A mental health service provider with experience  
35 serving victims or perpetrators of crime appointed by the  
36 director of the department of mental health;

37 (12) One representative from elementary and secondary  
38 education services with experience educating people about  
39 cyberstalking and harassment appointed by the director of  
40 the department of elementary and secondary education;

41 (13) One representative from higher education services  
42 with experience educating people about cyberstalking and  
43 harassment appointed by the director of higher education and  
44 workforce development; and

45 (14) One representative with experience in  
46 cybersecurity and technology appointed by the director of  
47 the office of administration.

48 2. The task force shall appoint a chairperson who is  
49 elected by a majority vote of the members of the task  
50 force. The task force shall have an initial meeting before  
51 October 1, 2024. The members of the task force shall serve  
52 without compensation, but shall be entitled to necessary and  
53 actual expenses incurred in attending meetings of the task  
54 force.

55 3. The task force shall collect feedback from  
56 stakeholders, which may include, but shall not be limited  
57 to, victims, law enforcement, victim advocates, and digital  
58 evidence and forensics experts, to inform development of  
59 best practices regarding:

60 (1) The treatment of victims of cyberstalking or  
61 harassment; and

62 (2) Actions to stop cyberstalking and harassment when  
63 it occurs.

64           4. The task force shall study and make  
65 recommendations, including, but not limited to:  
66           (1) Whether a need exists for further training for law  
67 enforcement relating to cyberstalking and harassment, and if  
68 such a need does exist, recommendations on how to best fill  
69 the need, whether legislatively or otherwise;  
70           (2) Whether a need exists for increased coordination  
71 among police departments to address instances of  
72 cyberstalking or harassment, and if such a need does exist,  
73 recommendations on how to best fill the need, whether  
74 legislatively or otherwise;  
75           (3) Resources and tools law enforcement may need to  
76 identify patterns and collect evidence in cases of  
77 cyberstalking or harassment;  
78           (4) Whether a need exists for strengthening the rights  
79 afforded to victims of cyberstalking or harassment in  
80 Missouri law, and if such a need does exist, recommendations  
81 on how to best fill the need;  
82           (5) Educational and any other resources deemed  
83 necessary by the taskforce to educate and inform victims and  
84 the public on ways to protect themselves from cyberstalking  
85 and harassment;  
86           (6) Whether a need exists for increased victim  
87 services and training for victim advocates relating to  
88 cyberstalking and harassment, and if such a need does exist,  
89 recommendations on how to best fill the need, whether  
90 legislatively or otherwise.  
91           5. The department of public safety shall provide  
92 administrative support to the task force.  
93           6. On or before December thirty-first of each year,  
94 the task force shall submit a report on its findings to the  
95 governor and the general assembly.

96           7. The task force shall expire on December 31, 2026,  
97 unless extended until December 31, 2028, as determined  
98 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.

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.

2 571.031. 1. This section shall be known and may be  
3 cited as "Blair's Law".

4 2. A person commits the offense of unlawful discharge  
5 of a firearm if he or she recklessly discharges a firearm  
6 within or into the limits of any 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 that is:

12 (a) Indoor;

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

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

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

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

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

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

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

30 (7) Using blanks;

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

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

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

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

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

- 49           (1) For a first offense, a class A misdemeanor;  
50           (2) For a second offense, a class E felony; and  
51           (3) For a third or subsequent offense, a class D  
52 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.

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.

575.353. 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.

579.021. 1. A person commits the offense of delivery  
2 of a controlled substance causing serious physical injury,  
3 as defined in section 556.061, if a person delivers or  
4 distributes a controlled substance under section 579.020  
5 knowing such substance is mixed with another controlled  
6 substance and serious physical injury results from the use  
7 of such controlled substance.

8 2. It shall not be a defense that the user contributed  
9 to the user's own serious physical injury by using the  
10 controlled substance or consenting to the administration of  
11 the controlled substance by another.

12 3. The offense of delivery of a controlled substance  
13 causing serious physical injury is a class C felony.

14 4. For purposes of this section, "controlled  
15 substance" means a Schedule I or Schedule II controlled  
16 substance, as defined in section 195.017.

579.022. 1. A person commits the offense of delivery  
2 of a controlled substance causing death if a person delivers  
3 or distributes a controlled substance under section 579.020  
4 knowing such substance is mixed with another controlled  
5 substance and a death results from the use of such  
6 controlled substance.

7 2. It shall not be a defense that the user contributed  
8 to the user's own death by using the controlled substance or  
9 consenting to the administration of the controlled substance  
10 by another.



11           3. The offense of delivery of a controlled substance  
12 causing death is a class A felony.

13           4. For purposes of this section, "controlled  
14 substance" means a Schedule I or Schedule II controlled  
15 substance, as defined in section 195.017.

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.

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 expressly  
32 preempted and void as a matter of law.

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.

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) "Prosecutor" or "prosecuting attorney", the  
8 prosecuting attorney, circuit attorney, or municipal  
9 prosecuting attorney.

10 2. Notwithstanding any other provision of law and  
11 subject to the provisions of this section, any person may  
12 apply to any court in which such person was charged or found  
13 guilty of any [offenses, violations, or infractions] crimes  
14 for an order to expunge records of such arrest, plea, trial,  
15 or conviction.

16 (1) Subject to the limitations of subsection [12] 13  
17 of this section, a person may apply to have one or more  
18 [offenses, violations, or infractions] crimes expunged if  
19 each such [offense, violation, or infraction] crime occurred  
20 within the state of Missouri and was prosecuted under the  
21 jurisdiction of a Missouri [municipal, associate circuit, or  
22 circuit] court, so long as such person lists all the  
23 [offenses, violations, and infractions] crimes he or she is  
24 seeking to have expunged in the petition and so long as all

25 such [offenses, violations, and infractions] crimes are not  
26 excluded under subsection [2] 3 of this section.

27 (2) If the [offenses, violations, or infractions were  
28 charged as counts in the same indictment or information or]  
29 crimes sought to be expunged were committed as part of the  
30 same course of criminal conduct, the person may include all  
31 [the] such related [offenses, violations, and infractions]  
32 crimes in the petition, regardless of the limits of  
33 subsection [12] 13 of this section, and [the petition] those  
34 related crimes shall only count as [a petition for  
35 expungement of] the highest level [violation or offense  
36 contained in the petition] for the purpose of determining  
37 current and future eligibility for expungement.

38 [2.] 3. The following [offenses, violations, and  
39 infractions] crimes shall not be eligible for expungement  
40 under this section:

41 (1) Any class A felony offense;  
42 (2) Any dangerous felony as that term is defined in  
43 section 556.061;

44 (3) Any offense that requires registration as a sex  
45 offender;

46 (4) Any felony offense where death is an element of  
47 the offense;

48 (5) Any felony offense of assault; misdemeanor or  
49 felony offense of domestic assault; or felony offense of  
50 kidnapping;

51 (6) Any offense listed, [or] previously listed, or is  
52 a successor to an offense in chapter 566 or section 105.454,  
53 105.478, 115.631, 130.028, 188.030, 188.080, 191.677,  
54 194.425, [217.360,] 217.385, 334.245, 375.991, 389.653,  
55 455.085, 455.538, 557.035, [565.084, 565.085, 565.086,  
56 565.095,] 565.120, 565.130, 565.156, [565.200, 565.214,]  
57 566.093, 566.111, 566.115, 566.116, 568.020, 568.030,



58 568.032, 568.045, 568.060, 568.065, [568.080, 568.090,]  
59 568.175, [569.030, 569.035,] 569.040, 569.050, 569.055,  
60 569.060, 569.065, 569.067, 569.072, 569.160, 570.025,  
61 570.090, 570.180, 570.223, 570.224, 570.310, 571.020,  
62 571.060, 571.063, 571.070, 571.072, 571.150, 573.200,  
63 573.205, 574.070, 574.105, 574.115, 574.120, 574.130,  
64 574.140, 575.040, 575.095, 575.153, 575.155, 575.157,  
65 575.159, 575.195, 575.200, 575.210, 575.220, 575.230,  
66 575.240, [575.350,] 575.353, 577.078, 577.703, 577.706,  
67 [578.008, 578.305, 578.310,] or 632.520;

68 (7) Any offense eligible for expungement under section  
69 [577.054 or] 610.130;

70 (8) Any intoxication-related traffic or boating  
71 offense as defined in section 577.001, or any offense of  
72 operating an aircraft with an excessive blood alcohol  
73 content or while in an intoxicated condition;

74 (9) Any ordinance violation that is the substantial  
75 equivalent of any offense that is not eligible for  
76 expungement under this section;

77 (10) Any violation of any state law or county or  
78 municipal ordinance regulating the operation of motor  
79 vehicles when committed by an individual who has been issued  
80 a commercial driver's license or is required to possess a  
81 commercial driver's license issued by this state or any  
82 other state; and

83 (11) Any offense of section 571.030, except any  
84 offense under subdivision (1) of subsection 1 of section  
85 571.030 where the person was convicted or found guilty prior  
86 to January 1, 2017, or any offense under subdivision (4) of  
87 subsection 1 of section 571.030.

88 [3.] 4. The petition shall name as defendants all law  
89 enforcement agencies, courts, prosecuting or circuit  
90 attorneys, [municipal prosecuting attorneys,] central state

91 repositories of criminal records, or others who the  
92 petitioner has reason to believe may possess the records  
93 subject to expungement for each of the [offenses,  
94 violations, and infractions] crimes listed in the petition.  
95 The court's order of expungement shall not affect any person  
96 or entity not named as a defendant in the action.

97 [4.] 5. The petition shall include the following  
98 information:

99 (1) The petitioner's:

100 (a) Full name;

101 (b) Sex;

102 (c) Race;

103 (d) Driver's license number, if applicable; and

104 (e) Current address;

105 (2) Each [offense, violation, or infraction] crime for  
106 which the petitioner is requesting expungement;

107 (3) The approximate date the petitioner was charged  
108 for each [offense, violation, or infraction] crime; and

109 (4) The name of the county where the petitioner was  
110 charged for each [offense, violation, or infraction] crime  
111 and if any of the [offenses, violations, or infractions]  
112 crimes occurred in a municipality, the name of the  
113 municipality for each [offense, violation, or infraction]  
114 crime; and

115 (5) The case number and name of the court for each  
116 [offense] crime.

117 [5.] 6. The clerk of the court shall give notice of  
118 the filing of the petition to the office of the prosecuting  
119 attorney[, circuit attorney, or municipal prosecuting  
120 attorney] that prosecuted the [offenses, violations, or  
121 infractions] crimes listed in the petition. If the  
122 prosecuting attorney[, circuit attorney, or municipal  
123 prosecuting attorney] objects to the petition for

124 expungement, he or she shall do so in writing within thirty  
125 days after receipt of service. Unless otherwise agreed upon  
126 by the parties, the court shall hold a hearing within sixty  
127 days after any written objection is filed, giving reasonable  
128 notice of the hearing to the petitioner. If no objection  
129 has been filed within thirty days after receipt of service,  
130 the court may set a hearing on the matter and shall give  
131 reasonable notice of the hearing to each entity named in the  
132 petition. At any hearing, the court may accept evidence and  
133 hear testimony on, and may consider, the following criteria  
134 for each of the [offenses, violations, or infractions]  
135 crimes listed in the petition for expungement:

136 (1) At the time the petition is filed, it has been at  
137 least three years if the offense is a felony, or at least  
138 one year if the offense is a misdemeanor, municipal  
139 [offense] violation, or infraction, from the date the  
140 petitioner completed any authorized disposition imposed  
141 under section 557.011 for each [offense, violation, or  
142 infraction] crime listed in the petition;

143 (2) At the time the petition is filed, the person has  
144 not been found guilty of any other misdemeanor or felony,  
145 not including violations of the traffic regulations provided  
146 under chapters 301, 302, 303, 304, and 307, during the time  
147 period specified for the underlying [offense, violation, or  
148 infraction] crime in subdivision (1) of this subsection;

149 (3) The person has satisfied all obligations relating  
150 to any such disposition, including the payment of any fines  
151 or restitution;

152 (4) The person does not have charges pending;

153 (5) The petitioner's habits and conduct demonstrate  
154 that the petitioner is not a threat to the public safety of  
155 the state; and

156 (6) The expungement is consistent with the public  
157 welfare and the interests of justice warrant the expungement.

158 A pleading by the petitioner that such petitioner meets the  
159 requirements of subdivisions (5) and (6) of this subsection  
160 shall create a rebuttable presumption that the expungement  
161 is warranted so long as the criteria contained in  
162 subdivisions (1) to (4) of this subsection are otherwise  
163 satisfied. The burden shall shift to the prosecuting  
164 attorney[, ] or circuit attorney[, or municipal prosecuting  
165 attorney] to rebut the presumption. A victim of [an  
166 offense, violation, or infraction] a crime listed in the  
167 petition shall have an opportunity to be heard at any  
168 hearing held under this section[, and the court may make a  
169 determination based solely on such victim's testimony]. A  
170 court may find that the continuing impact of the offense  
171 upon the victim rebuts the presumption that expungement is  
172 warranted.

173 [6.] 7. A petition to expunge records related to an  
174 arrest for an eligible [offense, violation, or infraction]  
175 crime may be made in accordance with the provisions of this  
176 section to a court of competent jurisdiction in the county  
177 where the petitioner was arrested no earlier than [three  
178 years] eighteen months from the date of arrest; provided  
179 that, during such time, the petitioner has not been charged  
180 and the petitioner has not been found guilty of any  
181 misdemeanor or felony offense.

182 [7.] 8. If the court determines that such person meets  
183 all the criteria set forth in subsection [5] 6 of this  
184 section for each of the [offenses, violations, or  
185 infractions] crimes listed in the petition for expungement,  
186 the court shall enter an order of expungement. In all cases  
187 under this section, the court shall issue an order of  
188 expungement or dismissal within six months of the filing of

189 the petition. A copy of the order of expungement shall be  
190 provided to the petitioner and each entity possessing  
191 records subject to the order, and, upon receipt of the  
192 order, each entity shall close any record in its possession  
193 relating to any [offense, violation, or infraction] crime  
194 listed in the petition, in the manner established by section  
195 610.120. The records and files maintained in any  
196 administrative or court proceeding in a municipal,  
197 associate, or circuit court for any [offense, infraction, or  
198 violation] crime ordered expunged under this section shall  
199 be confidential and only available to the parties or by  
200 order of the court for good cause shown. The central  
201 repository shall request the Federal Bureau of Investigation  
202 to expunge the records from its files.

203 [8.] 9. The order shall not limit any of the  
204 petitioner's rights that were restricted as a collateral  
205 consequence of such person's criminal record, and such  
206 rights shall be restored upon issuance of the order of  
207 expungement. Except as otherwise provided under this  
208 section, the effect of such order shall be to fully restore  
209 the civil rights of such person to the status he or she  
210 occupied prior to such arrests, pleas, trials, or  
211 convictions as if such events had never taken place. This  
212 includes fully restoring the civil rights of a person to the  
213 right to vote, the right to hold public office, and to serve  
214 as a juror. For purposes of 18 U.S.C. Section  
215 921(a) (33) (B) (ii), an order [or] of expungement granted  
216 pursuant to this section shall be considered a complete  
217 removal of all effects of the expunged conviction. Except  
218 as otherwise provided under this section, the effect of such  
219 order shall be to restore such person to the status he or  
220 she occupied prior to such arrests, pleas, trials, or  
221 convictions as if such events had never taken place. No

222 person as to whom such order has been entered shall be held  
223 thereafter under any provision of law to be guilty of  
224 perjury or otherwise giving a false statement by reason of  
225 his or her failure to recite or acknowledge such arrests,  
226 pleas, trials, convictions, or expungement in response to an  
227 inquiry made of him or her and no such inquiry shall be made  
228 for information relating to an expungement, except the  
229 petitioner shall disclose the expunged [offense, violation,  
230 or infraction] crime to any court when asked or upon being  
231 charged with any subsequent [offense, violation, or  
232 infraction] crime. The expunged [offense, violation, or  
233 infraction] crime may be considered a prior offense in  
234 determining a sentence to be imposed for any subsequent  
235 offense that the person is found guilty of committing.

236 [9.] 10. Notwithstanding the provisions of subsection  
237 [8] 9 of this section to the contrary, a person granted an  
238 expungement shall disclose any expunged [offense, violation,  
239 or infraction] crime when the disclosure of such information  
240 is necessary to complete any application for:

241 (1) A license, certificate, or permit issued by this  
242 state to practice such individual's profession;

243 (2) Any license issued under chapter 313 or permit  
244 issued under chapter 571;

245 (3) Paid or unpaid employment with an entity licensed  
246 under chapter 313, any state-operated lottery, or any  
247 emergency services provider, including any law enforcement  
248 agency;

249 (4) Employment with any federally insured bank or  
250 savings institution or credit union or an affiliate of such  
251 institution or credit union for the purposes of compliance  
252 with 12 U.S.C. Section 1829 and 12 U.S.C. Section 1785;

253 (5) Employment with any entity engaged in the business  
254 of insurance or any insurer for the purpose of complying

255 with 18 U.S.C. Section 1033, 18 U.S.C. Section 1034, or  
256 other similar law which requires an employer engaged in the  
257 business of insurance to exclude applicants with certain  
258 criminal convictions from employment; or

259 (6) Employment with any employer that is required to  
260 exclude applicants with certain criminal convictions from  
261 employment due to federal or state law, including  
262 corresponding rules and regulations.

263 An employer shall notify an applicant of the requirements  
264 under subdivisions (4) to (6) of this subsection.

265 Notwithstanding any provision of law to the contrary, an  
266 expunged [offense, violation, or infraction] crime shall not  
267 be grounds for automatic disqualification of an applicant,  
268 but may be a factor for denying employment, or a  
269 professional license, certificate, or permit; except that,  
270 [an offense, violation, or infraction] a crime expunged  
271 under the provisions of this section may be grounds for  
272 automatic disqualification if the application is for  
273 employment under subdivisions (4) to (6) of this subsection.

274 [10.] 11. A person who has been granted an expungement  
275 of records pertaining to a [misdemeanor or felony offense,  
276 an ordinance violation, or an infraction] crime may answer  
277 "no" to an employer's inquiry into whether the person has  
278 ever been arrested, charged, or convicted of a crime if,  
279 after the granting of the expungement, the person has no  
280 public record of a [misdemeanor or felony offense, an  
281 ordinance violation, or an infraction] crime. The person,  
282 however, shall answer such an inquiry affirmatively and  
283 disclose his or her criminal convictions, including any  
284 offense [or violation] expunged under this section or  
285 similar law, if the employer is required to exclude  
286 applicants with certain criminal convictions from employment

287 due to federal or state law, including corresponding rules  
288 and regulations.

289 [11.] 12. If the court determines that the petitioner  
290 has not met the criteria for any of the [offenses,  
291 violations, or infractions] crimes listed in the petition  
292 for expungement or the petitioner has knowingly provided  
293 false information in the petition, the court shall enter an  
294 order dismissing the petition. Any person whose petition  
295 for expungement has been dismissed by the court for failure  
296 to meet the criteria set forth in subsection [5] 6 of this  
297 section may not refile another petition until a year has  
298 passed since the date of filing for the previous petition.

299 [12.] 13. A person may be granted more than one  
300 expungement under this section provided that during his or  
301 her lifetime, the total number of [offenses, violations, or  
302 infractions] crimes for which orders of expungement are  
303 granted to the person shall not exceed the following limits:

304 (1) Not more than [two] three misdemeanor offenses or  
305 ordinance violations that have an authorized term of  
306 imprisonment; and

307 (2) Not more than [one] two felony [offense] offenses.

308 A person may be granted expungement under this section for  
309 any number of infractions. [Nothing in this section shall  
310 prevent the court from maintaining records to ensure that an  
311 individual has not exceeded the limitations of this  
312 subsection.] Nothing in this section shall be construed to  
313 limit or impair in any way the subsequent use of any record  
314 expunged under this section of any arrests or findings of  
315 guilt by a law enforcement agency, criminal justice agency,  
316 prosecuting attorney[, ] or circuit attorney[, or municipal  
317 prosecuting attorney], including its use as a prior  
318 [offense, violation, or infraction] crime.



319           [13.] 14. The court shall make available a form for  
320 pro se petitioners seeking expungement, which shall include  
321 the following statement: "I declare under penalty of  
322 perjury that the statements made herein are true and correct  
323 to the best of my knowledge, information, and belief."

324           [14.] 15. Nothing in this section shall be construed  
325 to limit or restrict the availability of expungement to any  
326 person under any other law.

          Section B. The repeal and reenactment of section  
2 610.140 of this act shall become effective on January 1,  
3 2025.