

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

FIFTY-THIRD DAY, WEDNESDAY, APRIL 17, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

*The Lord shall preserve thy going out and thy coming in from this time forth and even forevermore.
(Psalm 121:8)*

Eternal God, at the beginning of another day, we pause a moment in Your presence seeking guidance at Your hand, strength for the day and wisdom for the decisions we have to make.

May Your blessings rest upon these Representatives of our citizens - especially our newest member, who will be sworn in today - and may Your spirit move in their hearts as they seek to promote justice in Missouri, good will between our people and cooperation among our leaders. As a result of their endeavors may obedience to law, the rights of the individual and loyalty to our country be firmly established among us. God bless America, God bless Missouri; keep us true to You and free now and forever.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Andrew Hildebrand, Mikayla Hildebrand and Cameron Newsome.

The Journal of the fifty-second day was approved as printed.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1850 through House Resolution No. 1902

COMMUNICATIONS FROM THE SECRETARY OF STATE

TO THE CHIEF CLERK OF THE MISSOURI HOUSE
Mr. Adam Crumbliss
Jefferson City, MO

Sir:

I, Jason Kander, Secretary of State of the State of Missouri, hereby certify that at the Special Election held in the 157th Legislative District in the State of Missouri, on the 2nd day of April, 2013, as provided by law, the following

named person was elected to the office of State Representative, 157th Legislative District as shown by the election results certified to this office by the election authority of the 157th Legislative District.

Name	Office
Mike Moon 6935 Lawrence 1222 Ash Grove, MO 65604	State Representative 157 th Legislative District

IN WITNESS WHEREOF, I have hereunto
set my hand and affixed the seal of my
office this 17th day of April, 2013

/s/ Jason Kander
Secretary of State

TO THE CHIEF CLERK OF THE MISSOURI HOUSE
Mr. Adam Crumbliss
Jefferson City, MO

Sir:

I, Jason Kander, Secretary of State of the State of Missouri, hereby certify that at the Special Election held in the 76th Legislative District in the State of Missouri, on the 2nd day of April, 2013, as provided by law, the following named person was elected to the office of State Representative, 76th Legislative District as shown by the election results certified to this office by the election authority of the 76th Legislative District.

Name	Office
Joshua Peters 3009 Abner Pl St. Louis, MO 63120	State Representative 76 th Legislative District

IN WITNESS WHEREOF, I have hereunto
set my hand and affixed the seal of my
office this 17th day of April, 2013

/s/ Jason Kander
Secretary of State

OATH OF OFFICE

Representative-elect Joshua Peters advanced to the bar and subscribed to the oath of office, which was administered by the Honorable Timothy Jones, Speaker of the Missouri House of Representatives.

SPECIAL RECOGNITION

Ellie Holtman, 2013 Miss Missouri USA, was introduced by Representative Korman and presented a resolution.

PERFECTION OF HOUSE BILLS

HCS HB 175, relating to property taxes and assessments, was taken up by Representative Crawford.

Representative Gatschenberger offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 175, Page 16, Section 140.730, Line 28, by inserting after all of said section and line the following:

"247.225. Notwithstanding any provision of law to the contrary, a water supply district under this chapter in a county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants shall be under the auspices of the public service commission for rates, charges, or other fees."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Gatschenberger, **House Amendment No. 1** was adopted.

Representative Hoskins assumed the Chair.

On motion of Representative Crawford, **HCS HB 175, as amended**, was adopted.

On motion of Representative Crawford, **HCS HB 175, as amended**, was ordered perfected and printed.

HCS HB 290, relating to adoption investigations, was taken up by Representative Lichtenegger.

Representative White offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 290, Page 2, Section 453.070, Line 50, by inserting immediately after said line the following:

"453.080. 1. The court shall conduct a hearing to determine whether the adoption shall be finalized. During such hearing, the court shall ascertain whether:

(1) The person sought to be adopted, if a child, has been in the lawful and actual custody of the petitioner for a period of at least six months prior to entry of the adoption decree; except that the six-month period may be waived if the person sought to be adopted is a child who is under the prior and continuing jurisdiction of a court pursuant to chapter 211 and the person desiring to adopt the child is the child's current foster parent. "Lawful and actual custody" shall include a transfer of custody pursuant to the laws of this state, another state, a territory of the United States, or another country;

(2) The court has received and reviewed:

(a) A postplacement assessment on the monthly contacts with the adoptive family pursuant to section 453.077, except for good cause shown in the case of a child adopted from a foreign country;

(b) **An investigation report under section 453.070, if any;**

(c) **An investigation and social study under section 211.455, if any;**

(3) The court has received and reviewed an updated financial affidavit;

(4) The court has received the recommendations of the guardian ad litem and has received and reviewed the recommendations of the person placing the child, the person making the assessment and the person making the postplacement assessment;

(5) There is compliance with the uniform child custody jurisdiction act, sections 452.440 to 452.550;

(6) There is compliance with the Indian Child Welfare Act, if applicable;

(7) There is compliance with the Interstate Compact on the Placement of Children pursuant to section 210.620; and

(8) It is fit and proper that such adoption should be made.

2. If a petition for adoption has been filed pursuant to section 453.010 and a transfer of custody has occurred pursuant to section 453.110, the court may authorize the filing for finalization in another state if the adoptive parents are domiciled in that state.

3. If the court determines the adoption should be finalized, a decree shall be issued setting forth the facts and ordering that from the date of the decree the adoptee shall be for all legal intents and purposes the child of the petitioner or petitioners. The court may decree that the name of the person sought to be adopted be changed, according to the prayer of the petition.

4. Before the completion of an adoption, the exchange of information among the parties shall be at the discretion of the parties. Upon completion of an adoption, further contact among the parties shall be at the discretion of the adoptive parents. The court shall not have jurisdiction to deny continuing contact between the adopted person and the birth parent, or an adoptive parent and a birth parent. Additionally, the court shall not have jurisdiction to deny an exchange of identifying information between an adoptive parent and a birth parent.

5. By January 1, 2014, the Missouri supreme court shall develop a standardized form to be used in all adoption cases which includes a checklist to verify all of the documents and procedures required under this section have been submitted, followed, and reviewed by the judge prior to entering a final order. Such form shall include, but not be limited to, attachment of any written reports or assessments required under this section and the signature of the judge attesting to the submission and review of such form and attachments prior to entering a final order. Such form and attachments shall be included as part of the adoption record."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative White, **House Amendment No. 1** was adopted.

Representative Ellington offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 290, Page 1, Section A, Line 2, by inserting after all of said section and line the following:

"453.030. 1. In all cases the approval of the court of the adoption shall be required and such approval shall be given or withheld as the welfare of the person sought to be adopted may, in the opinion of the court, demand.

2. The written consent of the person to be adopted shall be required in all cases where the person sought to be adopted is fourteen years of age or older, except where the court finds that such child has not sufficient mental capacity to give the same. In a case involving a child under fourteen years of age, the guardian ad litem shall ascertain the child's wishes and feelings about his or her adoption by conducting an interview or interviews with the child, if appropriate based on the child's age and maturity level, which shall be considered by the court as a factor in determining if the adoption is in the child's best interests.

3. With the exceptions specifically enumerated in section 453.040, when the person sought to be adopted is under the age of eighteen years, the written consent of the following persons shall be required and filed in and made a part of the files and record of the proceeding:

(1) The mother of the child; and

(2) Only the man who:

(a) Is presumed to be the father pursuant to the subdivision (1), (2), or (3) of subsection 1 of section 210.822; or

(b) Has filed an action to establish his paternity in a court of competent jurisdiction no later than [fifteen] **sixty** days after the birth of the child and has served a copy of the petition on the mother in accordance with section 506.100; or

(c) Filed with the putative father registry pursuant to section 192.016 a notice of intent to claim paternity or an acknowledgment of paternity either prior to or within [fifteen] **sixty** days after the child's birth, and has filed an action to establish his paternity in a court of competent jurisdiction no later than [fifteen] **sixty** days after the birth of the child; or

(3) The child's current adoptive parents or other legally recognized mother and father. Upon request by the petitioner and within one business day of such request, the clerk of the local court shall verify whether such written consents have been filed with the court.

4. The written consent required in subdivisions (2) and (3) of subsection 3 of this section may be executed before or after the commencement of the adoption proceedings, and shall be acknowledged before a notary public. In lieu of such acknowledgment, the signature of the person giving such written consent shall be witnessed by the signatures of at least two adult persons whose signatures and addresses shall be plainly written thereon. The two adult witnesses shall not be the prospective adoptive parents or any attorney representing a party to the adoption proceeding. The notary public or witnesses shall verify the identity of the party signing the consent.

5. The written consent required in subdivision (1) of subsection 3 of this section by the birth parent shall not be executed anytime before the child is forty-eight hours old. Such written consent shall be executed in front of a judge or a notary public. In lieu of such acknowledgment, the signature of the person giving such written consent shall be witnessed by the signatures of at least two adult persons who are present at the execution whose signatures and addresses shall be plainly written thereon and who determine and certify that the consent is knowingly and freely given. The two adult witnesses shall not be the prospective adoptive parents or any attorney representing a party to the adoption proceeding. The notary public or witnesses shall verify the identity of the party signing the consent.

6. The written consents shall be reviewed and, if found to be in compliance with this section, approved by the court within three business days of such consents being presented to the court. Upon review, in lieu of approving the consent within three business days, the court may set a date for a prompt evidentiary hearing upon notice to the parties. Failure to review and approve the written consent within three business days shall not void the consent, but a party may seek a writ of mandamus from the appropriate court, unless an evidentiary hearing has been set by the court pursuant to this subsection.

7. The written consent required in subsection 3 of this section may be withdrawn anytime until it has been reviewed and accepted by a judge.

8. A consent form shall be developed through rules and regulations promulgated by the department of social services. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. If a written consent is obtained after August 28, 1997, but prior to the development of a consent form by the department and the written consent complies with the provisions of subsection 9 of this section, such written consent shall be deemed valid.

9. However, the consent form must specify that:

(1) The birth parent understands the importance of identifying all possible fathers of the child and may provide the names of all such persons; and

(2) The birth parent understands that if he denies paternity, but consents to the adoption, he waives any future interest in the child.

10. The written consent to adoption required by subsection 3 and executed through procedures set forth in subsection 5 of this section shall be valid and effective even though the parent consenting was under eighteen years of age, if such parent was represented by a guardian ad litem, at the time of the execution thereof.

11. Where the person sought to be adopted is eighteen years of age or older, his written consent alone to his adoption shall be sufficient.

12. A birth parent, including a birth parent less than eighteen years of age, shall have the right to legal representation and payment of any reasonable legal fees incurred throughout the adoption process. In addition, the court may appoint an attorney to represent a birth parent if:

(1) A birth parent requests representation;

(2) The court finds that hiring an attorney to represent such birth parent would cause a financial hardship for the birth parent; and

(3) The birth parent is not already represented by counsel.

13. Except in cases where the court determines that the adoptive parents are unable to pay reasonable attorney fees and appoints pro bono counsel for the birth parents, the court shall order the costs of the attorney fees incurred pursuant to subsection 12 of this section to be paid by the prospective adoptive parents or the child-placing agency.";

and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Ellington moved that **House Amendment No. 2** be adopted.

Which motion was defeated.

On motion of Representative Lichtenegger, **HCS HB 290, as amended**, was adopted.

On motion of Representative Lichtenegger, **HCS HB 290, as amended**, was ordered perfected and printed.

HB 756, relating to a prisoner re-entry program, was taken up by Representative Hubbard.

On motion of Representative Hubbard, **HB 756** was ordered perfected and printed.

HB 510, relating to limited liability companies, was taken up by Representative Torpey.

Representative Torpey offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Bill No. 510, Page 7, Section 347.186, Line 154, by inserting after all of said line the following:

"7. Nothing in sections 347.039, 347.153, or 347.186 shall be construed to alter existing Missouri statute or common law providing any cause of action for fraudulent conveyance, including but not limited to Chapter 428, or any relief available under existing law that permits a challenge to limited liability."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Torpey, **House Amendment No. 1** was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 105

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross

Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr

NOES: 053

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Pierson	Rizzo	Roorda	Runions
Schieffer	Schupp	Smith 85	Swearingen	Walton Gray
Webb	Webber	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 004

Elmer	Rehder	Smith 120	Mr Speaker
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VACANCIES: 001

On motion of Representative Torpey, **HB 510, as amended**, was ordered perfected and printed.

Representative Diehl assumed the Chair.

HB 503, relating to the Paperless Documents and Forms Act, was taken up by Representative McCaherty.

Representative McCaherty offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Bill No. 503, Page 2, Section 32.400, Line 25, by inserting after all of said section the following:

"34.040. 1. All purchases in excess of three thousand dollars shall be based on competitive bids, except as otherwise provided in this chapter.

2. On any purchase where the estimated expenditure shall be twenty-five thousand dollars or over, except as provided in subsection 5 of this section, the commissioner of administration shall:

(1) Advertise for bids in at least two daily newspapers of general circulation in such places as are most likely to reach prospective bidders and may advertise in at least two weekly minority newspapers and may provide such information through an electronic medium available to the general public at least five days before bids for such purchases are to be opened. Other methods of advertisement, which may include minority business purchase councils, however, may be adopted by the commissioner of administration when such other methods are deemed more advantageous for the supplies to be purchased;

(2) Post a notice of the proposed purchase in his or her office; and

(3) Solicit bids by mail or other reasonable method generally available to the public from prospective suppliers.

All bids for such supplies shall be mailed or delivered to the office of the commissioner of administration so as to reach such office before the time set for opening bids.

3. The contract shall be let to the lowest and best bidder. The commissioner of administration shall have the right to reject any or all bids and advertise for new bids, or purchase the required supplies on the open market if they can be so purchased at a better price. When bids received pursuant to this section are unreasonable or unacceptable as to terms and conditions, noncompetitive, or the low bid exceeds available funds and it is determined in writing by the commissioner of administration that time or other circumstances will not permit the delay required to resolicit competitive bids, a contract may be negotiated pursuant to this section, provided that each responsible bidder who submitted such bid under the original solicitation is notified of the determination and is given a reasonable opportunity to modify their bid and submit a best and final bid to the state. In cases where the bids received are noncompetitive or the low bid exceeds available funds, the negotiated price shall be lower than the lowest rejected bid of any responsible bidder under the original solicitation.

4. The director of the department of revenue shall follow bidding procedures pursuant to this section and may promulgate rules necessary to establish such procedures. No points shall be awarded on a request for proposal for a contract license office to a bidder for a return-to-the-state provision offer.

5. All bids shall be based on standard specifications wherever such specifications have been approved by the commissioner of administration. The commissioner of administration shall make rules governing the delivery, inspection, storage and distribution of all supplies so purchased and governing the manner in which all claims for supplies delivered shall be submitted, examined, approved and paid. The commissioner shall determine the amount of bond or deposit and the character thereof which shall accompany bids or contracts.

[5] 6. The department of natural resources may, without the approval of the commissioner of administration required pursuant to this section, enter into contracts of up to five hundred thousand dollars to abate illegal waste tire sites pursuant to section 260.276 when the director of the department determines that urgent action is needed to protect public health, safety, natural resources or the environment. The department shall follow bidding procedures pursuant to this section and may promulgate rules necessary to establish such procedures. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

[6] 7. The commissioner of administration and other agencies to which the state purchasing law applies shall not contract for goods or services with a vendor if the vendor or an affiliate of the vendor makes sales at retail of tangible personal property or for the purpose of storage, use, or consumption in this state but fails to collect and properly pay the tax as provided in chapter 144. For the purposes of this section, "affiliate of the vendor" shall mean any person or entity that is controlled by or is under common control with the vendor, whether through stock ownership or otherwise."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative McCaherty, **House Amendment No. 1** was adopted.

Representative Hoskins offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Bill No. 503, Page 2, Section 32.029, Line 17, by inserting after all of said section and line the following:

"32.390. 1. All state agencies and departments authorized to issue a tax credit permitted under title X, RSMo, shall compile and deliver to the department of revenue an annual report detailing all credits issued, outstanding, or redeemed in the preceding fiscal year ending June thirtieth, by no later than September thirtieth of each year.

2. The director of the department of revenue shall aggregate the submitted reports and deliver to the speaker of the house and the president pro tem of the senate a comprehensive list of all tax credits issued, outstanding, or redeemed in the state for the preceding fiscal year by no later than December thirty-first of each year and post the list on the department's web page."; and

Further amend said bill, Page 2, Section 32.400, Line 25, by inserting after all of said section and line the following:

"620.035. For all fiscal years beginning on or after July 1, 2014, the department of economic development shall prepare a report for delivery to the speaker of the house of representatives, the president pro tem of the senate, the chairman of the house budget committee, and the chairman of the senate appropriations committee containing the names of all taxpayers receiving a tax credit administered through the department of economic development, including the Missouri housing development corporation, in that year, their address, the type of business if applicable to the credit, the amount of credit received per type of credit, and the senate district in which they are located. The report shall be delivered on or before December thirty-first each year and posted on the department's web page."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Hoskins, **House Amendment No. 2** was adopted.

Representative Kelly (45) offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Bill No. 503, Page 1, Lines 2-3 in the Title, by deleting the words "paperless communications" and inserting in lieu thereof the words "department of revenue records"; and

Further amend said bill and page, Section 32.029, Line 15, by inserting after all of said section and line the following:

"32.403. 1. Notwithstanding the provisions of chapter 610 or any other provision of law, the department of revenue shall not sell or otherwise disclose any information consisting of a person's name, address, date of birth, sex, height, weight, eye color, driver license number, driving history showing speeding tickets or other violations, Social Security number, photograph, telephone number, electronic mail address, or medical or disability information including restrictions.

2. Information restricted under subsection 1 of this section may be disclosed if allowed under 18 U.S.C. Sections 2721 to 2725 as amended, however, such information shall not be disclosed to a business entity except for the purpose of verifying information voluntarily provided to the business.

3. Any person may bring a claim against the department of revenue in a court of proper jurisdiction alleging a violation of this section and asking for civil damages in an amount not to exceed ten thousand dollars, attorney fees and costs, and such injunctive relief as a court deems proper. A violation shall consist of the unauthorized release of information with regard to a particular person, without regard to the type or quantity of information released.

4. If the department of revenue chooses to release information in accordance with subsection 2 of this section, the department shall charge only such actual fees as necessary to process the request for information, but in no case shall the fees charged exceed the amount that is charged for a substantially similar information request under chapter 610."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Wieland raised a point of order that **House Amendment No. 3** goes beyond the scope of the bill.

Representative Diehl requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

Representative Barnes offered **House Amendment No. 1 to House Amendment No. 3**.

House Amendment No. 1
to
House Amendment No. 3

AMEND House Amendment No. 3 to House Bill No. 503, Page 1, Line 23, by inserting after the number "610." the following:

"5. Notwithstanding any other state law to the contrary, the department of revenue shall not disclose to the federal government any information pertaining to an individual's driver's license information, driving record, or concealed carry endorsement."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HB 503, as amended, with House Amendment No. 1 to House Amendment No. 3 and House Amendment No. 3, pending, was laid over.

On motion of Representative Cierpiot, the House recessed until 2:30 p.m.

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Representative Barnes.

PERFECTION OF HOUSE BILLS

HB 400, relating to abortion-inducing drugs, was taken up by Representative Riddle.

Representative Kirkton offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Bill No. 400, Page 1, Section 188.021, Line 2, by inserting immediately before the word "drug" the following "**initial**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 099

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Franklin	Frederick
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch

Marshall	McCaherty	McGaugh	Messenger	Miller
Molendorp	Morris	Muntzel	Neely	Neth
Pfautsch	Phillips	Pike	Pogue	Redmon
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Schieber	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Mr Speaker	

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith 85	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 012

Brattin	Fraker	Funderburk	Hodges	Kelley 127
Mitten	Parkinson	Rehder	Scharnhorst	Schatz
Smith 120	Zerr			

VACANCIES: 001

Representative Kirkton moved that **House Amendment No. 1** be adopted.

Which motion was defeated.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 102

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Entlicher	Fitzpatrick
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	McCaherty	McGaugh	Messenger	Miller

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Molendorp	Morris	Muntzel	Neely	Neth
Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Reiboldt	Remole	Rhoads	Richardson
Riddle	Ross	Rowden	Rowland	Scharnhorst
Schatz	Schieber	Shull	Shumake	Solon
Sommer	Spencer	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Mr Speaker			

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schupp
Smith 85	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 009

Colona	Engler	Fitzwater	Hoskins	Hough
Rehder	Schieffer	Smith 120	Zerr	

VACANCIES: 001

On motion of Representative Riddle, **HB 400** was ordered perfected and printed by the following vote:

AYES: 119

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Cierpiot	Conway 10	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	English	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hodges
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Kratky	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	Mayfield	McCaherty	McGaugh	McKenna
McManus	Messenger	Miller	Molendorp	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Reiboldt
Remole	Rhoads	Richardson	Riddle	Roorda
Ross	Rowden	Rowland	Runions	Scharnhorst

Schatz	Schieber	Schieffer	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 041

Anders	Burns	Butler	Carpenter	Colona
Curtis	Dunn	Ellinger	Ellington	Englund
Frame	Gardner	Hubbard	Hummel	Kelly 45
Kirkton	LaFaver	May	McCann Beatty	McDonald
McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Peters	Pierson	Rizzo	Schupp
Smith 85	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 002

Rehder Smith 120

VACANCIES: 001

HCS HB 351, relating to hospital licensure and inspection, was taken up by Representative Frederick.

Representative Frederick offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 351, Page 2, Section 197.080, Line 28, by deleting the words, "**when possible**,"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Frederick, **House Amendment No. 1** was adopted.

Representative Hoskins resumed the Chair.

On motion of Representative Frederick, **HCS HB 351, as amended**, was adopted.

On motion of Representative Frederick, **HCS HB 351, as amended**, was ordered perfected and printed.

HB 274, with House Amendment No. 1, pending, relating to newborn screenings, was taken up by Representative Brattin.

Representative Frederick offered **House Amendment No. 1 to House Amendment No. 1**.

House Amendment No. 1
to
House Amendment No. 1

AMEND House Amendment No. 1 to House Bill No. 274, Page 1, Section 191.334, Lines 1 to 14, by deleting all of said section and lines and inserting in lieu thereof the following:

"191.334. 1. This section shall be known and may be cited as "Chloe's Law".

2. Effective January 1, 2014, every newborn infant born in this state shall be screened for critical congenital heart disease in accordance with the provisions of this section.

3. Every newborn delivered on or after January 1, 2014, in an ambulatory surgical center, birthing center, or hospital shall be screened for critical congenital heart disease with pulse oximetry or other manner as directed by the department of health and senior services in accordance with the American Academy of Pediatrics and American Heart Association guidelines prior to discharge of the newborn from the facility. Such facilities shall report the screening results on all newborns to the parents or guardians of the newborn and the department of health and senior services in a manner prescribed by the department for surveillance purposes. Such facilities shall develop and implement plans to ensure that newborns with positive screens receive appropriate confirmatory procedures and referral for treatment as indicated.

4. If a newborn is delivered in a place other than the facilities listed in subsection 3 of this section, the physician or person who professionally undertakes the postpartum care of the newborn shall ensure that critical congenital heart disease newborn screening is performed. Such physicians and persons shall report the screening results on all newborns to the parents or guardians of the newborn and the department of health and senior services in a manner prescribed by the department for surveillance purposes.

5. The provisions of this section shall not apply if a parent or guardian of the newborn objects to such screening on the grounds that it conflicts with their religious tenets and practices. The parent or guardian of any newborn who refuses to have the critical congenital heart disease screening administered after notice of the requirement for such screening shall have such refusal documented in writing. Such physicians, persons, or administrators shall obtain the written refusal and make such refusal part of the medical record of the newborn, and shall report such refusal to the department of health and senior services in a manner prescribed by the department for the purposes of determining the number of newborns whose parent or guardian refused the screening.

6. Prior to administering the screening, the physician or person who professionally undertakes the postpartum care of the newborn, and administrators of ambulatory surgical centers, birthing centers, or hospitals may provide to the parents or guardians of newborns a written packet of educational information developed and supplied by the department of health and senior services describing the screening, how it is conducted, available options for confirmatory procedures and treatment, the nature of the critical congenital heart disease, and the possible consequences of treatment and nontreatment for critical congenital heart disease.

7. The department of health and senior services shall provide consultation and administrative technical support to facilities and persons implementing the requirements of this section including, but not limited to, assistance in:

(1) Developing and implementing critical congenital heart disease newborn screening protocols based on the American Academy of Pediatrics and American Heart Association guidelines;

(2) Developing and training facilities and persons on implementation of protocols;

(3) Developing and distributing educational materials for families; and

(4) Implementing reporting requirements.

8. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Frederick, **House Amendment No. 1 to House Amendment No. 1** was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 104

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Miller	Molendorp	Morris	Muntzel
Neely	Neth	Pfautsch	Phillips	Pike
Pogue	Redmon	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 053

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Pierson	Rizzo	Roorda	Runions
Schieffer	Schupp	Smith 85	Swearingen	Walton Gray
Webb	Webber	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 005

Justus	Lant	Parkinson	Rehder	Smith 120
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VACANCIES: 001

House Amendment No. 1, as amended, was withdrawn.

Representative Wright offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Bill No. 274, Page 1, Section A, Line 2, by inserting after all of said line the following:

"167.638. 1. The department of health and senior services shall develop an informational brochure relating to meningococcal disease that states that an immunization against meningococcal disease is available. The department shall make the brochure available on its website and shall notify every public institution of higher education in this state of the availability of the brochure. Each public institution of higher education shall provide a copy of the brochure to all students and if the student is under eighteen years of age, to the student's parent or guardian. Such information in the brochure shall include:

- (1) The risk factors for and symptoms of meningococcal disease, how it may be diagnosed, and its possible consequences if untreated;**
- (2) How meningococcal disease is transmitted;**
- (3) The latest scientific information on meningococcal disease immunization and its effectiveness; and**
- (4) A statement that any questions or concerns regarding immunization against meningococcal disease may be answered by contacting the individuals's health care provider.";** and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Wright, **House Amendment No. 2** was adopted.

On motion of Representative Brattin, **HB 274, as amended**, was ordered perfected and printed.

HB 733, relating to the Port Improvement District Act, was taken up by Representative Berry.

On motion of Representative Berry, **HB 733** was ordered perfected and printed.

HCS HB 335, relating to public safety, was taken up by Representative Hinson.

Representative Hinson offered **House Amendment No. 1.**

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 335, Page 4, Section 190.098, Lines 3-4, by deleting the phrase **"and have two years of full-time service as a paramedic or its part-time equivalent"** from said lines; and

Further amend said bill, page, and section, Line 5, by inserting after the word **"complete"** on said line, the phrase **"or have successfully completed"**; and

Further amend said bill, page, and section, Line 10, by deleting the word **"may"** on said line and inserting in lieu thereof the word **"shall"**; and

Further amend said bill, page, and section, Line 12, by deleting the word **"primary"** on said line; and

Further amend said bill, page, and section, Lines 14-16, by deleting all of said lines and inserting in lieu thereof, the following:

"3. Any ambulance service shall enter into a written contract to provide community paramedic services in another ambulance service area, as that term is defined in section 190.100. The contract that is agreed upon

may be for an indefinite period of time, as long as it includes at least a sixty-day cancellation notice by either ambulance service."; and

Further amend said bill, page, and section, Line 20, by deleting the word "licensed" on said line and inserting in lieu thereof the word "certified"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Hinson, **House Amendment No. 1** was adopted.

Representative Swearingen offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 335, Pages 1 through 4, Section 94.902, Lines 1 through 100, by removing all of said section from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Swearingen, **House Amendment No. 2** was adopted.

Representative Pace offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 335, Page 23, Section 321.210, Line 9, by inserting after all of said section and line the following:

"565.087. 1. A person commits the crime of assault of an employee of a mass transit system while in the scope of his or her duties in the first degree if such person attempts to kill or knowingly causes or attempts to cause serious physical injury to an employee of a mass transit system while in the scope of his or her duties.

2. As used in this section, "mass transit system", includes employees of public bus and light rail companies.

3. Assault of an employee of a mass transit system in the first degree is a class B felony.

565.088. 1. A person commits the crime of assault of an employee of a mass transit system while in the scope of his or her duties in the second degree if such person:

(1) Knowingly causes or attempts to cause physical injury to an employee of a mass transit system while in the scope of his or her duties by means of a deadly weapon or dangerous instrument;

(2) Knowingly causes or attempts to cause physical injury to an employee of a mass transit system while in the scope of his or her duties by means other than a deadly weapon or dangerous instrument;

(3) Recklessly causes serious physical injury to an employee of a mass transit system while in the scope of his or her duties;

(4) While in an intoxicated condition or under the influence of controlled substances or drugs, operates a motor vehicle in this state and when so operating, acts with criminal negligence to cause physical injury to an employee of a mass transit system while in the scope of his or her duties;

(5) Acts with criminal negligence to cause physical injury to an employee of a mass transit system while in the scope of his or her duties by means of a deadly weapon or dangerous instrument;

(6) Purposely or recklessly places an employee of a mass transit system while in the scope of his or her duties in apprehension of immediate serious physical injury; or

(7) Acts with criminal negligence to create a substantial risk of death or serious physical injury to an employee of a mass transit system while in the scope of his or her duties.

2. As used in this section, "mass transit system", includes employees of public bus and light rail companies.

3. Assault of an employee of a mass transit system while in the scope of his or her duties in the second degree is a class C felony unless committed under subdivision (2), (5), (6), or (7) of subsection 1 of this section in which case it is a class D felony.

565.089. 1. A person commits the crime of assault of an employee of a mass transit system while in the scope of his or her duties in the third degree if:

(1) Such person recklessly causes physical injury to an employee of a mass transit system while in the scope of his or her duties;

(2) Such person purposely places an employee of a mass transit system while in the scope of his or her duties in apprehension of immediate physical injury;

(3) Such person knowingly causes or attempts to cause physical contact with an employee of a mass transit system while in the scope of his or her duties without the consent of the employee of the mass transit system.

2. As used in this section, "mass transit system", includes employees of public bus and light rail companies.

3. Assault of an employee of a mass transit system while in the scope of his or her duties in the third degree is a class B misdemeanor."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Pace, **House Amendment No. 3** was adopted.

Representative Franklin offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Committee Substitute for House Bill No. 335, Page 21, Section 287.243, Line 128, by inserting after said line the following:

“320.151. 1. It is unlawful to attempt to sell or to sell at retail any fireworks to children under the age of fourteen years except when such child is in the presence of a parent or guardian.

2. It is unlawful for any person under the age of sixteen to sell fireworks or work in a facility where fireworks are stored, sold, or offered for sale unless supervised by an adult.

3. It is unlawful to explode or ignite consumer fireworks within six hundred feet of any church, hospital, mental health facility, school, or within one hundred feet of any location where fireworks are stored, sold, or offered for sale. **Any person who obtains approval from the church board of trustees of any affected church, in writing, to explode or ignite consumer fireworks within six hundred feet of the church at least twenty-four hours in advance of the time of the explosion or ignition shall not be in violation of this subsection so long as the person is not exploding or igniting those fireworks within six hundred feet of any other church, hospital, mental health facility or school or within one hundred feet of any location where fireworks are stored, sold, or offered for sale.**

4. No person shall ignite or discharge any permissible articles of consumer fireworks within or throw the same from a motorized vehicle including watercraft or any other means of transportation, except where display permit has been issued for a floating vessel or floating platform, nor shall any person place or throw any ignited article of fireworks into or at a motorized vehicle including watercraft or any other means of transportation, or at or near any person or group of people.

5. No person shall ignite or discharge consumer fireworks within three hundred feet of any permanent storage of ignitable liquid, gases, gasoline pump, gasoline filling station, or any nonpermanent structure where fireworks are stored, sold or offered for sale.

6. No items of explosive or pyrotechnic composition other than fireworks as defined by subdivisions (3), (5), and (17) of section 320.106 shall be displayed, sold, or offered for sale within the applicable permit location as identified on such permit granted by the state fire marshal.

7. Proximate fireworks shall not be allowed to be stored with consumer fireworks.

8. All storage and transportation of fireworks shall be in accordance with all federal and state rules and regulations.

9. Nothing in sections 320.106 to 320.161 shall be construed to prevent permittees from demonstrating or testing fireworks. Any such demonstration or test shall require the notification and approval of the local fire service or the state fire marshal.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Franklin, **House Amendment No. 4** was adopted.

Representative Riddle offered **House Amendment No. 5**.

House Amendment No. 5

AMEND House Committee Substitute for House Bill No. 335, Page 23, Section 321.210, Line 9, by inserting after all of said section and line, the following:

“Section 1. The Missouri state training center for the D.A.R.E. program shall develop the curriculum and certification requirements for school resource officers. At a minimum, school resource officers must complete forty hours of basic school resource officer training to include legal operations within an educational environment, intruder training and planning, juvenile law, and any other relevant topics relating to the job and functions of a school resource officer.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Riddle, **House Amendment No. 5** was adopted.

Representative Riddle offered **House Amendment No. 6**.

House Amendment No. 6

AMEND House Committee Substitute for House Bill No. 335, Page 1, Section A, Line 5, by inserting after all of said section and line, the following:

"77.046. **1.** Upon the adoption of a city administrator form of government, the governing body of the city may provide that all other officers and employees of the city, except elected officers, shall be appointed and discharged by the city administrator, but the governing body may make reasonable rules and regulations governing the same.

2. Nothing in this section shall be construed to authorize the city to remove or discharge any chief, as that term is defined in section 106.273.

78.340. **1.** Before entering upon the duties of their office each of said commissioners shall take and subscribe an oath, which shall be filed and kept in the office of the city clerk, to support the Constitution of the state of Missouri and to obey the laws and aim to secure and maintain an honest and efficient force free from partisan distinction or control, and to perform the duties of his office to the best of his ability.

2. Nothing in this section shall be construed to authorize the commissioners to remove or discharge any chief, as that term is defined in section 106.273.

79.240. **1.** The mayor may, with the consent of a majority of all the members elected to the board of aldermen, remove from office, for cause shown, any elective officer of the city, such officer being first given opportunity, together with his witnesses, to be heard before the board of aldermen sitting as a board of impeachment. Any elective officer, including the mayor, may in like manner, for cause shown, be removed from office by a two-thirds vote of all members elected to the board of aldermen, independently of the mayor's approval or recommendation. The mayor may, with the consent of a majority of all the members elected to the board of aldermen, remove from office any appointive officer of the city at will, and any such appointive officer may be so removed by a two-thirds vote of all the members elected to the board of aldermen, independently of the mayor's approval or recommendation. The board of aldermen may pass ordinances regulating the manner of impeachments and removals.

2. Nothing in this section shall be construed to authorize the mayor, with the consent of the majority of all the members elected to the board of aldermen, or the board of aldermen by a two-thirds vote of all its members, to remove or discharge any chief, as that term is defined in section 106.273.

80.420. 1. The policemen of the town, in the discharge of their duties, shall be subject to the orders of the marshal only as chief of police; but any marshal, assistant marshal or policeman may be instantly removed from his office by the board of trustees at a regular or called meeting, for any wanton neglect of duty.

2. Nothing in this section shall be construed to authorize the board of trustees to remove or discharge any chief, as that term is defined in section 106.273.

84.120. 1. No person shall be appointed or employed as policeman, turnkey, or officer of police who shall have been convicted of, or against whom any indictment may be pending, for any offense, the punishment of which may be confinement in the penitentiary; nor shall any person be so appointed who is not of good character, or who is not a citizen of the United States, or who is not able to read and write the English language, or who does not possess ordinary physical strength and courage. The patrolmen and turnkeys hereafter appointed shall serve while they shall faithfully perform their duties and possess mental and physical ability and be subject to removal only for cause after a hearing by the boards, who are hereby invested with the jurisdiction in the premises.

2. The board shall have the sole discretion whether to delegate portions of its jurisdiction to hearing officers. The board shall retain final and ultimate authority over such matters and over the person to whom the delegation may be made. In any hearing before the board under this section, the member involved may make application to the board to waive a hearing before the board and request that a hearing be held before a hearing officer.

3. Nothing in this section or chapter shall be construed to prohibit the board of police commissioners from delegating any task related to disciplinary matters, disciplinary hearings, or any other hearing or proceeding which could otherwise be heard by the board or concerning any determination related to whether an officer is able to perform the necessary functions of the position. Tasks related to the preceding matter may be delegated by the board to a hearing officer under the provisions of subsection 4 of this section.

4. (1) The hearing officer to whom a delegation has been made by the board may, at the sole discretion of the board, perform certain functions, including but not limited to the following:

- (a) Presiding over a disciplinary matter from its inception through to the final hearing;
- (b) Preparing a report to the board of police commissioners; and
- (c) Making recommendations to the board of police commissioners as to the allegations and the appropriateness of the recommended discipline.

(2) The board shall promulgate rules, which may be changed from time to time as determined by the board, and shall make such rules known to the hearing officer or others.

(3) The board shall at all times retain the authority to render the final decision after a review of the relevant documents, evidence, transcripts, videotaped testimony, or report prepared by the hearing officer.

5. Hearing officers shall be selected in the following manner:

(1) The board shall establish a panel of not less than five persons, all who are to be licensed attorneys in good standing with the Missouri Bar. The composition of the panel may change from time to time at the board's discretion;

(2) From the panel, the relevant member or officer and a police department representative shall alternatively and independently strike names from the list with the last remaining name being the designated hearing officer. The board shall establish a process to be utilized for each hearing which will determine which party makes the first strike and the process may change from time to time;

(3) After the hearing officer is chosen and presides over a matter, such hearing officer shall become ineligible until all hearing officers listed have been utilized, at which time the list shall renew, subject to officers' availability.

6. Nothing in this section shall be construed to authorize the board of police commissioners to remove or discharge any chief, as that term is defined in section 106.273.

84.430. 1. The board shall hear all complaints or charges filed against any member of the police department. All complaints or charges filed by persons other than the commissioners or police officers shall be verified by the oath of the person filing such complaints or charges. The board may at any time order the discharge of a specified number of police officers for the reason that in the opinion of the board, the police force is larger than the interests of the public demand or that there is insufficient money to pay the expenses of maintaining the police force as then organized; and in such cases it shall not be necessary to file any complaint or charges or to permit a hearing by the board of the policemen or police officers to be removed; but policemen and police officers so dismissed shall be placed at the top of the suitable eligible lists, and when vacancies so created shall be filled the policemen or police officers thus removed

shall, if they so desire, be reappointed to fill such vacancies in the order in which such policemen or police officers were removed.

2. Any member of the board shall have power to summon and compel the attendance of witnesses before the board and the production of books and papers before them whenever it may be necessary for the more effective discharge of the board's duties and responsibilities. Any member of the board or the secretary of the board shall have the power to administer oaths or affirmations to any person appearing or called before said board.

3. Nothing in this section shall be construed to authorize the board to remove or discharge any chief, as that term is defined in section 106.273.

84.830. 1. No person shall solicit orally, or by letter or otherwise, or shall be in any manner concerned in soliciting, any assessment, contribution, or payment for any political purpose whatsoever from any officer or employee in the service of the police department for such cities or from members of the said police board. No officer, agent, or employee of the police department of such cities shall permit any such solicitation in any building or room occupied for the discharge of the official duties of the said department. No officer or employee in the service of said police department shall directly or indirectly give, pay, lend, or contribute any part of his salary or compensation or any money or other valuable thing to any person on account of, or to be applied to, the promotion of any political party, political club, or any political purpose whatever.

2. No officer or employee of said department shall promote, remove, or reduce any other official or employee, or promise or threaten to do so, for withholding or refusing to make any contribution for any political party or purpose or club, or for refusal to render any political service, and shall not directly or indirectly attempt to coerce, command, or advise any other officer or employee to make any such contribution or render any such service. No officer or employee in the service of said department or member of the police board shall use his official authority or influence for the purpose of interfering with any election or any nomination for office, or affecting the result thereof. No officer or employee of such department shall be a member or official of any committee of any political party, or be a ward committeeman or committeewoman, nor shall any such officer or employee solicit any person to vote for or against any candidate for public office, or "poll precincts" or be connected with other political work of similar character on behalf of any political organization, party, or candidate. All such persons shall, however, retain the right to vote as they may choose and to express their opinions on all political subjects and candidates.

3. No person or officer or employee of said department shall affix any sign, bumper sticker or other device to any property or vehicle under the control of said department which either supports or opposes any ballot measure or political candidate.

4. No question in any examination shall relate to political or religious opinions or affiliations, and no appointment, transfer, layoff, promotion, reduction, suspension, or removal shall be affected by such opinions or affiliations.

5. No person shall make false statement, certification, mark, rating, or report with regard to any tests, certificate, or appointment made under any provision of sections 84.350 to 84.860 or in any manner commit or attempt to commit any fraud preventing the impartial execution of this section or any provision thereof.

6. No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for or on account of any appointment, proposed appointment, promotion to, or any advancement in, a position in the service of the police departments of such cities.

7. No person shall defeat, deceive, or obstruct any person in his right to examination, eligibility, certification, appointment or promotion under sections 84.350 to 84.860, or furnish to any person any such secret information for the purpose of affecting the right or prospects of any person with respect to employment in the police departments of such cities.

8. Any officer or any employee of the police department of such cities who shall be found by the board to have violated any of the provisions of this section shall be discharged forthwith from said service. It shall be the duty of the chief of police to prefer charges against any such offending person at once. Any member of the board or of the common council of such cities may bring suit to restrain payment of compensation to any such offending officer or employee and, as an additional remedy, any such member of the board or of the common council of such cities may also apply to the circuit court for a writ of mandamus to compel the dismissal of such offending officer or employee. Officers or employees discharged by such mandamus shall have no right of review before the police board. Any person dismissed or convicted under this section shall, for a period of five years, be ineligible for appointment to any position in the service of the police department of such cities or the municipal government of such cities. Any persons who shall willfully or through culpable negligence violate any of the provisions of this section may, upon conviction thereof, be punished by a fine of not less than fifty dollars and not exceeding five hundred dollars, or by imprisonment for a time not exceeding six months, or by both such fine and imprisonment.

9. Nothing in this section shall be construed to authorize the board to remove or discharge any chief, as that term is defined in section 106.273.

85.551. 1. In cities of the third class which shall not have adopted the merit system police department provided for in sections 85.541 to 85.571, the marshal shall be the chief of police, and there also may be one assistant marshal, who shall serve for a term of one year and who shall be deputy chief of police; such number of regular policemen as may be deemed necessary by the council for the good government of the city, who shall serve for terms of one year; and such number of special policemen as may be prescribed by ordinance, to serve for such time as may be prescribed by ordinance.

2. The manner of appointing the assistant marshal and all policemen of the city shall be prescribed by ordinance. The council shall also, by ordinance, provide for the removal of any marshal, assistant marshal or policeman guilty of misbehavior in office.

3. Nothing in this section shall be construed to authorize the council to remove or discharge any chief, as that term is defined in section 106.273."; and

Further amend said bill, Page 4, Section 94.902, Line 100, by inserting after all of said section and line, the following:

"106.010. 1. The governor shall have power and he is hereby authorized to remove from office, without assigning any other reason therefor, any appointive state official required by law to be appointed by the governor, whenever in his opinion such removal is necessary for the betterment of the public service, but the governor may, at his discretion, in any order of removal which he may make under authority of this section, assign additional and more specific reasons for such removal.

2. Nothing in this section shall be construed to authorize the governor to remove or discharge any chief, as that term is defined in section 106.273.

106.270. 1. If any official against whom a proceeding has been filed, as provided for in sections 106.220 to 106.290, shall be found guilty of failing personally to devote his time to the performance of the duties of such office, or of any willful, corrupt or fraudulent violation or neglect of official duty, or of knowingly or willfully failing or refusing to do or perform any official act or duty which by law it is made his duty to do or perform with respect to the execution or enforcement of the criminal laws of the state, the court shall render judgment removing him from such office, and he shall not be elected or appointed to fill the vacancy thereby created, but the same shall be filled as provided by law for filling vacancies in other cases. All actions and proceedings under sections 106.220 to 106.290 shall be in the nature of civil actions, and tried as such.

2. Nothing in this section shall be construed to authorize the removal or discharge of any chief, as that term is defined in section 106.273.

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

- (1) "Chief", any non-elected chief law enforcement officer of any political subdivision;
- (2) "Just cause", exists when a chief:
 - (a) Is unable to perform his or her duties with reasonable competence or reasonably safety as a result of a mental condition, including alcohol or substance abuse;
 - (b) Has committed any act, while engaged in the performance of his or her duties, that constitutes a reckless disregard for the safety of the public or another law enforcement officer;
 - (c) Has caused a material fact to be misrepresented for any improper or unlawful purpose;
 - (d) Acts in a manner for the sole purpose of furthering his or her self-interest, or in a manner inconsistent with the interests of the public of the chief's governing body;
 - (e) Has been found to have violated any law, statute, or ordinance which constitutes a felony; or
 - (f) Has been deemed insubordinate or found to be in violation of a written established policy, unless such claimed insubordination or violation of a written established policy was a violation of any federal or state law or local ordinance.

2. A chief shall be subject to removal from office or employment by the appointing authority or the governing body of the political subdivision employing the chief if:

- (1) The governing body of the political subdivision employing the chief issues a written notice to the chief whose removal is being sought no fewer than ten business days prior to the meeting at which his or her removal will be considered;

(2) The chief has been given written notice as to the governing body's intent to remove him or her. Such notice shall include:

- (a) Charges specifying just cause for which removal is sought;**
- (b) A statement of facts that are alleged to constitute just cause for the chief's removal; and**
- (c) The date, time, and location of the meeting at which the chief's removal will be considered.**

(3) The chief is given an opportunity to be heard before the board, together with any witnesses, evidence and counsel of his or her choosing; and

(4) The board, by two-thirds majority vote, finds just cause for removing the chief.

3. Upon the satisfaction of the removal procedure under subsection 2 of this section, the chief shall be immediately removed from his or her office, shall be relieved of all duties and responsibilities of said office, and shall be entitled to no further compensation or benefits not already earned, accrued, or agreed upon.

4. Any chief removed pursuant to subsection 3 of this section shall be issued a written notice of the grounds of his or her removal within fourteen calendar days of the removal."; and

Further amend said bill, Page 23, Section 321.210, Line 9, by inserting after all of said section and line, the following:

"590.080. 1. The director shall have cause to discipline any peace officer licensee who:

- (1) Is unable to perform the functions of a peace officer with reasonable competency or reasonable safety as a result of a mental condition, including alcohol or substance abuse;
- (2) Has committed any criminal offense, whether or not a criminal charge has been filed;
- (3) Has committed any act while on active duty or under color of law that involves moral turpitude or a reckless disregard for the safety of the public or any person;
- (4) Has caused a material fact to be misrepresented for the purpose of obtaining or retaining a peace officer commission or any license issued pursuant to this chapter;
- (5) Has violated a condition of any order of probation lawfully issued by the director; or
- (6) Has violated a provision of this chapter or a rule promulgated pursuant to this chapter.

2. When the director has knowledge of cause to discipline a peace officer license pursuant to this section, the director may cause a complaint to be filed with the administrative hearing commission, which shall conduct a hearing to determine whether the director has cause for discipline, and which shall issue findings of fact and conclusions of law on the matter. The administrative hearing commission shall not consider the relative severity of the cause for discipline or any rehabilitation of the licensee or otherwise impinge upon the discretion of the director to determine appropriate discipline when cause exists pursuant to this section.

3. Upon a finding by the administrative hearing commission that cause to discipline exists, the director shall, within thirty days, hold a hearing to determine the form of discipline to be imposed and thereafter shall probate, suspend, or permanently revoke the license at issue. If the licensee fails to appear at the director's hearing, this shall constitute a waiver of the right to such hearing.

4. Notice of any hearing pursuant to this chapter or section may be made by certified mail to the licensee's address of record pursuant to subdivision (2) of subsection 3 of section 590.130. Proof of refusal of the licensee to accept delivery or the inability of postal authorities to deliver such certified mail shall be evidence that required notice has been given. Notice may be given by publication.

5. Nothing contained in this section shall prevent a licensee from informally disposing of a cause for discipline with the consent of the director by voluntarily surrendering a license or by voluntarily submitting to discipline.

6. The provisions of chapter 621 and any amendments thereto, except those provisions or amendments that are in conflict with this chapter, shall apply to and govern the proceedings of the administrative hearing commission and pursuant to this section the rights and duties of the parties involved.

7. Nothing in this section shall be construed to authorize the director to remove or discharge any chief, as that term is defined in section 106.273.

[84.490. 1. The chief of police shall serve during the pleasure of the board. In case the board determines to remove or demote the chief of police, he shall be notified in writing. Within ten days after receipt of such notice, the chief may, in writing, file with the secretary of the board of police commissioners, demand and he shall receive a written statement of the reasons for such removal or demotion, and a hearing thereon at a public meeting of the board within ten days after the chief files such notice. The chief may be suspended from office pending such hearing. The action of the board

in suspending, removing or demoting the chief of police shall be final and not subject to review by any court.

2. The board may, in case of and during the absence or disability of the chief, designate a qualified police officer who shall serve as acting chief and perform the duties of the office. No man shall serve as acting chief who has not the qualifications required for the position of chief.]; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Riddle, **House Amendment No. 6** was adopted.

Representative Jones (50) offered **House Amendment No. 7**.

House Amendment No. 7

AMEND House Committee Substitute for House Bill No. 335, Page 23, Section 321.210, Line 9, by inserting after all of said section and line, the following:

"610.021. Except to the extent disclosure is otherwise required by law, a public governmental body is authorized to close meetings, records and votes, to the extent they relate to the following:

(1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of a public government body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of section 610.011, however, the amount of any moneys paid by, or on behalf of, the public governmental body shall be disclosed; provided, however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record;

(2) Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor. However, any minutes, vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public upon execution of the lease, purchase or sale of the real estate;

(3) Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body shall be made available with a record of how each member voted to the public within seventy-two hours of the close of the meeting where such action occurs; provided, however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two-hour period before such decision is made available to the public.

As used in this subdivision, the term "personal information" means information relating to the performance or merit of individual employees;

(4) The state militia or national guard or any part thereof;

(5) Nonjudicial mental or physical health proceedings involving identifiable persons, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment;

(6) Scholastic probation, expulsion, or graduation of identifiable individuals, including records of individual test or examination scores; however, personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen years;

(7) Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again;

(8) Welfare cases of identifiable individuals;

(9) Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups;

- (10) Software codes for electronic data processing and documentation thereof;
- (11) Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid;
- (12) Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected;
- (13) Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such, and the names of private sources donating or contributing money to the salary of a chancellor or president at all public colleges and universities in the state of Missouri and the amount of money contributed by the source;
- (14) Records which are protected from disclosure by law;
- (15) Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest;
- (16) Records relating to municipal hotlines established for the reporting of abuse and wrongdoing;
- (17) Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product; however, all final audit reports issued by the auditor are to be considered open records pursuant to this chapter;
- (18) Operational guidelines, [and] policies **and specific response plans** developed, adopted, or maintained by any public agency responsible for law enforcement, public safety, first response, or public health for use in responding to or preventing any critical incident which is or appears to be terrorist in nature and which has the potential to endanger individual or public safety or health. **Financial records related to the procurement of or expenditures relating to operational guidelines, policies or plans purchased with public funds shall be open. When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records** [Nothing in this exception shall be deemed to close information regarding expenditures, purchases, or contracts made by an agency in implementing these guidelines or policies. When seeking to close information pursuant to this exception, the agency shall affirmatively state in writing that disclosure would impair its ability to protect the safety or health of persons, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records. This exception shall sunset on December 31, 2012];
- (19) Existing or proposed security systems and structural plans of real property owned or leased by a public governmental body, and information that is voluntarily submitted by a nonpublic entity owning or operating an infrastructure to any public governmental body for use by that body to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety:
 - (a) Records related to the procurement of or expenditures relating to security systems purchased with public funds shall be open;
 - (b) When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records;
 - (c) Records that are voluntarily submitted by a nonpublic entity shall be reviewed by the receiving agency within ninety days of submission to determine if retention of the document is necessary in furtherance of a state security interest. If retention is not necessary, the documents shall be returned to the nonpublic governmental body or destroyed;
 - (d) **Nothing in this exception shall be deemed to include video from cameras outside the governor's office in the capitol building;**
 - [(d) This exception shall sunset on December 31, 2012;]
- (20) **The portion of a record that identifies security systems or access codes or authorization codes for security systems of real property;**
 - [(20)] (21) Records that identify the configuration of components or the operation of a computer, computer system, computer network, or telecommunications network, and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network, or telecommunications network of a public governmental body. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures relating to such computer, computer system, computer network, or telecommunications network, including the amount of moneys paid by, or on

behalf of, a public governmental body for such computer, computer system, computer network, or telecommunications network shall be open;

[(21)] (22) Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between a public governmental body and a person or entity doing business with a public governmental body. Nothing in this section shall be deemed to close the record of a person or entity using a credit card held in the name of a public governmental body or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by a public governmental body; and

[(22)] (23) Records submitted by an individual, corporation, or other business entity to a public institution of higher education in connection with a proposal to license intellectual property or perform sponsored research and which contains sales projections or other business plan information the disclosure of which may endanger the competitiveness of a business."; and

Further amend said bill, Page 25, Section 192.808, Line 10, by inserting after all of said section and line, the following:

"Section B. Because immediate action is necessary to protect sensitive public records relating to public agency plans to prevent and respond to possible terrorist incidents and to protect security system plans for certain critical public and private buildings and facilities, the repeal and reenactment of section 610.021 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 610.021 of section A of this act shall be in full force and effect upon its passage and approval."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Jones (50), **House Amendment No. 7** was adopted.

Representative Leara offered **House Amendment No. 8**.

House Amendment No. 8

AMEND House Committee Substitute for House Bill No. 335, Page 22, Section 321.015, Lines 1-29, by deleting all of said section and lines from the bill; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Leara, **House Amendment No. 8** was adopted.

Representative Gatschenberger offered **House Amendment No. 9**.

House Amendment No. 9

AMEND House Committee Substitute for House Bill No. 335, Page 4, Section 94.902, Line 100, by inserting after all of said line the following:

"143.789. The director of the department of revenue shall have the authority to impose an offset against a refund owed to any taxpayer for the following items and in the following order of priority:

- (1) Delinquent taxes owed by the taxpayer to the state of Missouri;**
- (2) Delinquent taxes owed by the taxpayer to the United States;**
- (3) Debts owed by such taxpayer to any state agency or support obligation owed by such taxpayer which is enforced by the family support division on behalf of a person who is receiving support enforcement services under section 454.425;**
- (4) Collection assistance fees authorized under section 143.790;**
- (5) Eligible claims under section 143.790; and**

(6) Debts owed by the taxpayer to any other state that has established a reciprocal offset agreement with the department of revenue, as provided under subsection 5 of section 143.784.

143.790. 1. [Any hospital or health care provider who has provided health care services to an individual who was not covered by a health insurance policy or was not eligible to receive benefits under the state's medical assistance program of needy persons, Title XIX, P.L. 89-97, 1965 amendments to the federal Social Security Act, 42 U.S.C. Section 301, et seq., under chapter 208, RSMo, and the health insurance for uninsured children under sections 208.631 to 208.657, RSMo, at the time such health care services were administered, and such person has failed to pay for such services for a period greater than ninety days, may submit a claim to the director of the department of health and senior services for the unpaid health care services. The director of the department of health and senior services shall review such claim. If the claim appears meritorious on its face, the claim for the unpaid medical services shall constitute a debt of the department of health and senior services for purposes of sections 143.782 to 143.788, and the director may certify the debt to the department of revenue in order to set off the debtor's income tax refund. Once the debt has been certified, the director of the department of health and senior services shall submit the debt to the department of revenue under the setoff procedure established under section 143.783.

2. At the time of certification, the director of the department of health and senior services shall supply any information necessary to identify each debtor whose refund is sought to be set off pursuant to section 143.784 and certify the amount of the debt or debts owed by each such debtor.

3. If a debtor identified by the director of the department of health and senior services is determined by the department of revenue to be entitled to a refund, the department of revenue shall notify the department of health and senior services that a refund has been set off on behalf of the department of health and senior services for purposes of this section and shall certify the amount of such setoff, which shall not exceed the amount of the claimed debt certified. When the refund owed exceeds the claimed debt, the department shall send the excess amount to the debtor within a reasonable time after such excess is determined.

4. The department of revenue shall notify the debtor by certified mail the taxpayer whose refund is sought to be set off that such setoff will be made. The notice shall contain the provisions contained in subsection 3 of section 143.794, including the opportunity for a hearing to contest the setoff provided therein, and shall otherwise substantially comply with the provisions of subsection 3 of section 143.784.

5. Once a debt has been set off and finally determined under the applicable provisions of sections 143.782 to 143.788, and the department of health and senior services has received the funds transferred from the department of revenue, the department of health and senior services shall settle with each hospital or health care provider for the amounts that the department of revenue set off for such party. At the time of each settlement, each hospital or health care provider shall be charged for administration expenses which shall not exceed twenty percent of the collected amount.

6. Lottery prize payouts made under section 313.321, RSMo, shall also be subject to the setoff procedures established in this section and any rules and regulations promulgated thereto.

7. The director of the department of revenue shall have priority to offset any delinquent tax owed to the state of Missouri. Any remaining refund shall be offset to pay a state agency debt or to meet a child support obligation that is enforced by the division of family services on behalf of a person who is receiving support enforcement services under section 454.425, RSMo.

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

(1) "Appeals committee", a committee consisting of at least three people appointed by a provider to hear patient appeals of review officer rulings:

(a) That the provider has a valid claim;

(b) Regarding the amount of the claim;

(c) That a claim qualifies as an eligible claim under this section;

(2) "Collection assistance fee", a fee in the amount of fourteen dollars payable to the general fund of this state for each debt setoff being processed, and an additional seventeen dollars payable to the claim clearinghouse for each debt being processed by the claim clearinghouse shall be recovered from each eligible claim to recover the costs incurred in collecting debts under this section;

(3) "Court", the supreme court, court of appeals, or any circuit court of the state, or any of their judicially or legislatively created subdivisions;

(4) "Department", the department of revenue;

(5) "Claim", a claim by a provider to receive payment of fifty dollars or more for health care services provided by such provider to a patient that has not been paid in whole or in part by the patient or third-party payer for more than one hundred sixty days after the date the provider has exhausted all available means of

collecting the payment from the patient or the third-party payer, provided that in order to exhaust its available means of collecting the payment, the provider will not be required to file a legal claim against the patient or third-party payer in state or federal court;

(6) "Claim clearinghouse", the entity selected by the providers to receive and submit eligible claims on behalf of a provider in accordance with this section;

(7) "Financial hardship policy", a policy maintained by a provider to establish the circumstances in which a patient will be relieved of the obligation to pay a claim as a result of his or her financial condition. The terms of the provider's financial hardship policy shall be consistent with applicable Medicare guidelines regarding financial hardship. Each provider utilizing the claim clearinghouse to collect a claim shall maintain and utilize a financial hardship policy;

(8) "Health care services", any services that a provider renders to a patient in the course of such provider's furnishing of ambulance services to the patient. Health care services shall include, but not be limited to, treatment of patients and transporting of patients incidental or pursuant to the delivery of ambulance services by a provider or in furtherance of the purposes for which such provider is organized and licensed. With respect to ground ambulance services provided by a provider that is not owned and operated by a city, county, municipality, political subdivision, governmental entity, or an entity that is exempt from federal and state income taxation, health care services shall include only those ground ambulance services provided by the provider that qualify, and emergency services as defined in section 190.100 that are provided under the terms of an agreement between the provider and a city, county, municipality, political subdivision, or a governmental entity under section 190.105;

(9) "Patient", an individual who has received health care services from a provider and who was not, at the time such health care services were provided:

(a) Eligible to receive benefits under the state's medical assistance program for needy persons under chapter 208 and the health insurance for uninsured children under sections 208.631 to 208.657; and

(b) Eligible for relief from the claim pursuant to the provider's financial hardship policy;

(10) "Provider", any provider of ambulance services licensed by the Missouri department of health and senior services in accordance with chapter 190, to include, but not be limited to, any provider of air ambulance services licensed under section 190.108 and any provider of ground ambulance services licensed under section 190.109;

(11) "Refund", a patient's Missouri income tax refund that the department determines to be due under the provisions of this chapter;

(12) "Review officer", a person designated by a provider to review claims, at the request of a patient, to determine whether such provider has a valid claim, the amount of such claim, and whether such claim qualifies as an eligible claim under this section.

2. Prior to submission of a claim to the claim clearinghouse, a provider shall send written notice to a patient that such provider intends to submit a claim to the claim clearinghouse for collection by setoff under this section. The notice shall:

(1) Provide the basis for the claim;

(2) State that the provider intends to request that the department apply the patient's refund against the claim;

(3) State that a collection assistance fee will be added to the claim if it is submitted for setoff;

(4) Inform the patient of the right to contest the validity or amount of such claim by filing a request for a review with the provider; and

(5) State the time limit and procedure for requesting such review, and that failure to request a review within thirty days following receipt of the notice required under this section shall result in submission of the claim to the claim clearinghouse for setoff of the debt by the department.

3. Upon receipt of the notice required under subsection 2 of this section, any patient seeking review of a claim shall file a written request with the provider for review within thirty days of receipt of such notice. A request for a review shall be deemed filed when properly addressed and delivered to the United States Postal Service for mailing with postage prepaid. A review officer shall be appointed by the provider to review such claim. In reviewing a claim, any issue that has previously been litigated in a court proceeding shall not be considered by the review officer. If the patient seeks a review of the claim and the review officer finds either that the claim is invalid or the claim does not qualify as an eligible claim under this section, the review officer's determination shall be final and binding on the provider and such provider shall have no right to appeal such determination. If all or part of the claim is found by the review officer to be valid and eligible for setoff under this section, the review officer shall notify the provider and the patient of such fact. Such notice shall:

(1) Inform the patient that he or she has the right to appeal the review officer's determination by filing an appeal with the appeals committee;

(2) State the time limit and procedure for requesting such an appeal; and

(3) State that failure to request the appeal within thirty days following receipt of the notice required under this subsection shall result in submission of the claim to the claim clearinghouse for setoff of the debt by the department.

4. Upon receipt of the notice required under subsection 3 of this section, any patient seeking an appeal of a determination of a review officer under this section shall file a written request with the appeals committee for such appeal within thirty days following receipt of such notice. An appeal shall be deemed filed when properly addressed and delivered to the United States Postal Service for mailing, with postage prepaid. An appeal of a review officer's determination shall be heard by an appeals committee. In an appeal under this section, any issue that has been previously litigated in a court proceeding shall not be considered. A decision made after an appeal under this section shall determine whether a claim is owed to the provider, the amount of the claim, and whether the claim is an eligible claim under this section.

5. If the appeals committee finds a claim to be invalid or otherwise ineligible under this section, the decision of the appeals committee shall be final and binding on the provider and may not be appealed by the provider. If all or part of the claim is found by the appeals committee to be valid and eligible for setoff under this section, the appeals committee shall notify the provider and the patient of such fact. Such notice shall:

(1) Inform the patient that he or she has the right to challenge the appeals committee determination by notifying the provider that he or she disagrees with the determination and advising the provider as to the basis of such disagreement;

(2) State that the patient must notify the provider of the challenge within ninety days of the patient's receipt of the notice from the appeals committee;

(3) Advise the patient that if he or she challenges the appeals committee's determination under this subsection, the provider will not be permitted to setoff the provider's claim against the patient's refund under this section, unless and until the provider files suit against the patient in court seeking a determination that the provider's claim is valid regarding the amount of the claim and that the claim is eligible for setoff under this section, and the court determines that the provider's claim is valid, the amount of the provider's claim, and that provider's claim is eligible for setoff under this section; and

(4) Advise the patient that if the patient does not challenge the appeals committee's determination under this subsection, the provider will submit the claim to the claim clearinghouse for setoff by the department under this subsection.

6. If the provider prevails in the lawsuit filed under subsection 5 of this section, the provider may submit the claim to the claim clearinghouse for setoff by the department under this section. If the patient prevails in the lawsuit filed by the provider under subsection 5 of this section, the provider shall be:

(1) Forever barred from submitting the claim to the claim clearinghouse for setoff by the department under this section;

(2) Forever barred from taking any other steps to collect the amount of the claim from the patient; and

(3) Obligated to reimburse the patient for court costs and attorney's fees associated with the lawsuit filed under subsection 5 of this section.

7. Any provider may submit a claim to the claim clearinghouse for review. In connection with its submission of a claim to the claim clearinghouse, the provider, whenever possible, shall provide the claim clearinghouse with the patient's full name, Social Security number, address, and any other identifying information that the department advises the claim clearinghouse is necessary for the department to setoff the claim under this section. The provider shall also provide the claim clearinghouse with information demonstrating the provider's compliance with the requirements of this section with respect to the claim.

8. If the claim clearinghouse receives sufficient evidence that a provider has fully complied with the requirements of this section and finds the claim valid, the claim shall be deemed eligible for setoff by the department under this section and shall be forwarded to the department. In connection with its submission of the claim to the department, the claim clearinghouse, whenever possible, shall provide the department with the patient's full name, Social Security number, address, and any other identifying information that the department advises the claim clearinghouse is necessary for the department to setoff the claim under this section.

9. If the claim clearinghouse determines that the provider has failed to comply with any applicable requirements in this section or that the claim is not valid, the claim clearinghouse shall return the claim to the provider.

10. If the department determines that a patient identified by a provider in an eligible claim filed with the department is entitled to a refund, the department shall notify the claim clearinghouse that a refund is available for setoff and the amount of such refund, and whether the refund results from a joint or combined return. Notwithstanding any provision of section 32.057 and any other confidentiality statute of this state to the contrary, the department may provide the claim clearinghouse with all information necessary to accomplish and carry out the provisions of this section and section 143.789, but shall not provide the claim clearinghouse with any information whose disclosure is prohibited by Section 6103(d) of the Internal Revenue Code of 1986, as amended. The information obtained by the claim clearinghouse from the department in accordance with this section and section 143.789 shall retain its confidentiality and shall only be used by the claim clearinghouse for the purpose described in this section and section 143.789.

11. (1) At that time, the department shall also notify the patient by regular mail that setoff against the patient's tax refund has been authorized under this section. The notice shall include the following information:

- (a) The amount of the eligible claim and the name of the provider seeking setoff;
- (b) That a setoff to the patient's refund against the eligible claim has been performed; and
- (c) Any amount of the refund remaining after the offset of the eligible claim.

(2) In the case of a joint or combined return, the notice shall also state the name of the nonobligated taxpayer named in the return, if any, against whom no claim is asserted, the fact that no claim is asserted against such taxpayer, and the fact that such taxpayer is entitled to receive a refund if it is due the taxpayer regardless of the claim asserted against the taxpayer's spouse. In order to obtain the refund due the taxpayer, the taxpayer shall apply in writing for an apportionment of the refund with the department within thirty days of the date of receipt of the notice unless, in anticipation of the setoff of the taxpayer's spouse's refund, such nonobligated taxpayer provided the department with a request for apportionment of the anticipated refund that was filed at the same time the original tax return was filed, in which case the department shall determine the apportionment of the refund and forward the determination of apportionment and the nonobligated taxpayer's portion of the refund to the nonobligated taxpayer within fifteen working days of the transfer of the obligated taxpayer's portion of the refund to the claim clearinghouse. Unless a request for apportionment of the anticipated refund was provided to the department as provided in this section, within ninety days after the filing of such taxpayer's application for apportionment of the refund with the department, a determination of apportionment shall be mailed to the nonobligated taxpayer by the department. The apportionment of the refund shall be final upon the expiration of thirty days from the date on which the determination of apportionment is mailed to the nonobligated taxpayer unless, within such thirty-day period, the nonobligated taxpayer applies in writing for a hearing with the department.

12. The department shall then pay to the claim clearinghouse the amount that the department has setoff for such provider, which shall include the collection assistance allocable to the claim clearinghouse. In the event the department is unable to setoff the entire eligible claim and collection assistance fee under this section, the setoff of the collection assistance fee shall have priority over the setoff of the eligible claim. If, after the department has paid to the claim clearinghouse the amount that the department has setoff for the provider, and the provider is found not to have complied with any applicable requirement of this section, the provider shall send to the patient the entire amount of the claim offset by the department for the provider plus an amount equal to the collection assistance fee.

13. In addition to refunds, lottery prize payouts made under section 313.321 shall be subject to the setoff procedures established in this section.

14. The director of the department of revenue and the director of the department of health and senior services shall promulgate rules and regulations necessary to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Schupp raised a point of order that **House Amendment No. 9** goes beyond the scope of the bill.

Representative Hoskins requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not timely.

Representative Engler offered **House Amendment No. 1 to House Amendment No. 9**.

House Amendment No. 1
to
House Amendment No. 9

AMEND House Amendment No. 9 to House Committee Substitute for House Bill No. 335, Page 3, Line 22, by inserting after all of said line the following:

"2. Any licensed ambulance service using the debt setoff procedure provided for by this section shall, prior to preparation of any bill, comply with all billing procedures and coding systems mandated by the Centers for Medicare and Medicaid Services, and in the collection of the bill shall not engage in abusive collection practice in violation of the Fair Debt Collection Practices Act, 15 U.S.C. 1692, et seq., the Fair Debt Reporting Act, 15 U.S.C. 1681, et seq., the Fair and Accurate Transactions Act, 15 U.S.C. 1681c, or the Credit Billing Error Act, 15 U.S.C. 1666b."; and

Further amend said amendment by renumbering the remaining subsections accordingly; and

Further amend said amendment, Page 4, Line 44, by deleting "review" and inserting in lieu thereof the following:

"review, provided that the claim accrued within one year prior to the effective date of this section"; and

Further amend said amendment, Page 5, Line 12, by inserting the following at the end of said line:

"If the provider claims a debt was legitimate and that claim is in error, and the debt was submitted to the debt setoff clearinghouse, and the alleged debtor proves the debt was not legitimate because the debt had been paid, or the service was not rendered, the entity claiming the debt setoff would be required to pay to the alleged debtor:

- (1) Twice the amount submitted to the debt setoff clearinghouse, if the alleged debtor has paid the bill in full and documentation to support the payment;**
- (2) The amount submitted to the debt setoff clearinghouse if the original charge was for a service not rendered.";** and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Engler, **House Amendment No. 1 to House Amendment No. 9** was adopted.

Representative Gatschenberger moved that **House Amendment No. 9, as amended**, be adopted.

Which motion was defeated by the following vote:

AYES: 033

Brown	Conway 10	Cross	Diehl	Engler
Fitzwater	Fraker	Gannon	Gatschenberger	Grisamore
Hicks	Hummel	Kelly 45	Korman	LaFaver
Lauer	McManus	Messenger	Miller	Neely
Otto	Pfautsch	Reiboldt	Rhoads	Richardson
Rizzo	Rowland	Schieffer	Schupp	Shull
Spencer	Wilson	Wood		

NOES: 114

Allen	Anders	Anderson	Austin	Bahr
Berry	Black	Brattin	Burlison	Burns
Butler	Carpenter	Cierpiot	Colona	Conway 104
Cookson	Cornejo	Cox	Crawford	Curtis
Curtman	Davis	Dohrman	Dugger	Dunn
Ellinger	Ellington	Elmer	English	Englund
Entlicher	Fitzpatrick	Fowler	Frame	Franklin
Frederick	Funderburk	Gardner	Gosen	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Hodges	Hoskins	Hough	Houghton	Hubbard
Hurst	Johnson	Jones 50	Keeney	Kelley 127
Kirkton	Koenig	Kolkmeier	Kratky	Lair
Leara	Lichtenegger	Love	Lynch	Marshall
May	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McNeil	Meredith	Mims	Mitten
Molendorp	Montecillo	Morgan	Morris	Muntzel
Neth	Newman	Nichols	Norr	Pace
Peters	Phillips	Pierson	Pike	Pogue
Redmon	Remole	Ross	Rowden	Runions
Scharnhorst	Schatz	Schieber	Smith 85	Solon
Sommer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Walton Gray	Webb	Webber
White	Wright	Zerr	Mr Speaker	

PRESENT: 005

Higdon	Hinson	Mayfield	Roorda	Wieland
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ABSENT WITH LEAVE: 010

Barnes	Bernskoetter	Flanigan	Justus	Lant
Parkinson	Rehder	Riddle	Shumake	Smith 120

VACANCIES: 001

Representative Neth offered **House Amendment No. 10.**

House Amendment No. 10

AMEND House Committee Substitute for House Bill No. 335, Page 1, Section A, Line 5, by inserting after all of said section and line, the following:

"94.841. 1. The governing body of any special charter city with more than twenty-nine thousand but fewer than thirty-two thousand inhabitants may impose, by order or ordinance, a tax on the charges for all sleeping rooms paid by the transient guests of hotels, motels, and bed and breakfast inns situated in the city or a portion thereof. The tax shall be not more than six percent per occupied room per night, and shall be imposed solely for the purpose of promoting tourism, cultural activities, business, and economic development, and for constructing related infrastructure and improvements. The tax authorized in this section shall be in addition to the charge for the sleeping room and all other taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. (1) No such order or ordinance shall become effective unless the governing body of the city submits to the voters of the city at a state general, primary, or special election a proposal to authorize the governing body of the city to impose a tax under this section. The ballot language shall be in substantially the following form:

"Shall the City of (insert city name) impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels, motels, and bed and breakfast inns in the city at a rate not to exceed six percent per occupied room per night for the sole purpose of promoting tourism, cultural activities, business, and economic development, and for constructing related infrastructure and improvements?"

(2) If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of the adoption of the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters of the city and such question is approved by a majority of the qualified voters voting on the question.

3. The governing body of any city that has adopted the tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city. If a majority of the votes cast on the proposal are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters of the city, and the repeal is approved by a majority of the qualified voters voting on the question.

4. Whenever the governing body of any city that has adopted the tax authorized in this section receives a petition, signed by a number of registered voters of the city equal to at least ten percent of the number of registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the tax imposed under this section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters of the city and the repeal is approved by a majority of the qualified voters voting on the question.

5. As used in this section, "transient guests" means a person or persons who occupy a room or rooms in a hotel or motel for thirty-one days or less during any calendar quarter."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 097

Allen	Anderson	Austin	Bahr	Barnes
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Fowler	Franklin	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Keeney	Kelley 127
Koenig	Kolkmeier	Korman	Lair	Lauer
Leara	Lichtenegger	Love	Lynch	McCaherty
McGaugh	Miller	Molendorp	Morris	Muntzel
Neely	Neth	Pfausch	Phillips	Pike
Pogue	Redmon	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharnhorst	Schieber	Shull	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 054

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hodges	Hubbard	Hummel	Kelly 45
Kirkton	Kratky	LaFaver	Marshall	May
Mayfield	McCann Beatty	McDonald	McKenna	McManus
McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Peters	Pierson	Rizzo	Roorda
Runions	Schieffer	Schupp	Smith 85	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 011

Bernskoetter	Flanigan	Fraker	Justus	Lant
Messenger	Parkinson	Rehder	Schatz	Shumake
Smith 120				

VACANCIES: 001

Speaker Jones resumed the Chair.

On motion of Representative Neth, **House Amendment No. 10** was adopted.

Representative Rowland offered **House Amendment No. 11**.

House Amendment No. 11

AMEND House Committee Substitute for House Bill No. 335, Page 23, Section 321.210, Line 9, by inserting after all of said line the following:

"595.020. 1. Except as hereinafter provided, the following persons shall be eligible for compensation pursuant to sections 595.010 to 595.075:

- (1) A victim of a crime;
- (2) In the case of a sexual assault victim:
 - (a) A relative of the victim requiring counseling in order to better assist the victim in his recovery; [and]
 - (3) In the case of the death of the victim as a direct result of the crime:

- (a) A dependent of the victim;
 - (b) Any member of the family who legally assumes the obligation, or who pays the medical or burial expenses incurred as a direct result thereof; and

- (c) A survivor of the victim requiring counseling as a direct result of the death of the victim; **and**

(4) The owner of property damaged by the arresting law enforcement agency during service of process, unless the damaged property is owned by the offender or an accomplice of an offender.

2. An offender or an accomplice of an offender shall in no case be eligible to receive compensation with respect to a crime committed by the offender. No victim or dependent shall be denied compensation solely because he is a relative of the offender or was living with the offender as a family or household member at the time of the injury or death. However, the department may award compensation to a victim or dependent who is a relative, family or household member of the offender only if the department can reasonably determine the offender will receive no substantial economic benefit or unjust enrichment from the compensation.

3. No compensation of any kind may be made to a victim or intervenor injured while confined in any federal, state, county, or municipal jail, prison or other correctional facility, including house arrest or electronic monitoring.

4. No compensation of any kind may be made to a victim who has been finally adjudicated and found guilty, in a criminal prosecution under the laws of this state, of two felonies within the past ten years, of which one or both involves illegal drugs or violence. The department may waive this restriction if it determines that the interest of justice would be served otherwise.

5. In the case of a claimant who is not otherwise ineligible pursuant to subsection 4 of this section, who is incarcerated as a result of a conviction of a crime not related to the incident upon which the claim is based at the time of application, or at any time following the filing of the application:

- (1) The department shall suspend all proceedings and payments until such time as the claimant is released from incarceration;

- (2) The department shall notify the applicant at the time the proceedings are suspended of the right to reactivate the claim within six months of release from incarceration. The notice shall be deemed sufficient if mailed to the applicant at the applicant's last known address;

- (3) The claimant shall file an application to request that the case be reactivated not later than six months after the date the claimant is released from incarceration. Failure to file such request within the six-month period shall serve as a bar to any recovery.

6. Victims of crime who are not residents of the state of Missouri may be compensated only when federal funds are available for that purpose. Compensation for nonresident victims shall terminate when federal funds for that purpose are no longer available.

7. A Missouri resident who suffers personal physical injury or, in the case of death, a dependent of the victim or any member of the family who legally assumes the obligation, or who pays the medical or burial expenses incurred as a direct result thereof, in another state, possession or territory of the United States may make application for compensation in Missouri if:

- (1) The victim of the crime would be compensated if the crime had occurred in the state of Missouri;

- (2) The place that the crime occurred is a state, possession or territory of the United States, or location outside of the United States that is covered and defined in 18 U.S.C. Section 2331, that does not have a crime victims' compensation program for which the victim is eligible and which provides at least the same compensation that the victim would have received if he had been injured in Missouri.

595.030. 1. No compensation shall be paid unless the claimant has incurred an out-of-pocket loss of at least fifty dollars or has lost two continuous weeks of earnings or support from gainful employment. "Out-of-pocket loss" shall mean unreimbursed or unreimbursable expenses or indebtedness reasonably incurred:

(1) For medical care or other services, including psychiatric, psychological or counseling expenses, necessary as a result of the crime upon which the claim is based, except that the amount paid for psychiatric, psychological or counseling expenses per eligible claim shall not exceed two thousand five hundred dollars; [or]

(2) As a result of personal property being seized in an investigation by law enforcement. Compensation paid for an out-of-pocket loss under this subdivision shall be in an amount equal to the loss sustained, but shall not exceed two hundred fifty dollars; **or**

(3) As a result of damages incurred during service of process. Compensation paid for an out-of-pocket loss under this subdivision shall be in an amount equal to half of the reasonable reimbursement costs of the property.

2. No compensation shall be paid unless the department of public safety finds that a crime was committed, that such crime directly resulted in personal physical injury to, or the death of, the victim, and that police records show that such crime was promptly reported to the proper authorities. In no case may compensation be paid if the police records show that such report was made more than forty-eight hours after the occurrence of such crime, unless the department of public safety finds that the report to the police was delayed for good cause. If the victim is under eighteen years of age such report may be made by the victim's parent, guardian or custodian; by a physician, a nurse, or hospital emergency room personnel; by the division of family services personnel; or by any other member of the victim's family. In the case of a sexual offense, filing a report of the offense to the proper authorities may include, but not be limited to, the filing of the report of the forensic examination by the appropriate medical provider, as defined in section 595.220, with the prosecuting attorney of the county in which the alleged incident occurred.

3. No compensation shall be paid for medical care if the service provider is not a medical provider as that term is defined in section 595.027, and the individual providing the medical care is not licensed by the state of Missouri or the state in which the medical care is provided.

4. No compensation shall be paid for psychiatric treatment or other counseling services, including psychotherapy, unless the service provider is a:

(1) Physician licensed pursuant to chapter 334 or licensed to practice medicine in the state in which the service is provided;

(2) Psychologist licensed pursuant to chapter 337 or licensed to practice psychology in the state in which the service is provided;

(3) Clinical social worker licensed pursuant to chapter 337; or

(4) Professional counselor licensed pursuant to chapter 337.

5. Any compensation paid pursuant to sections 595.010 to 595.075 for death or personal injury shall be in an amount not exceeding out-of-pocket loss, together with loss of earnings or support from gainful employment, not to exceed two hundred dollars per week, resulting from such injury or death. In the event of death of the victim, an award may be made for reasonable and necessary expenses actually incurred for preparation and burial not to exceed five thousand dollars.

6. Any compensation for loss of earnings or support from gainful employment shall be in an amount equal to the actual loss sustained not to exceed two hundred dollars per week; provided, however, that no award pursuant to sections 595.010 to 595.075 shall exceed twenty-five thousand dollars. If two or more persons are entitled to compensation as a result of the death of a person which is the direct result of a crime or in the case of a sexual assault, the compensation shall be apportioned by the department of public safety among the claimants in proportion to their loss.

7. The method and timing of the payment of any compensation pursuant to sections 595.010 to 595.075 shall be determined by the department."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Rowland, **House Amendment No. 11** was adopted.

Representative Brattin offered **House Amendment No. 12**.

House Amendment No. 12

AMEND House Committee Substitute for House Bill No. 335, Page 23, Section 321.210, Line 9, by inserting after all of said section and line, the following:

"Section 1. No law enforcement agency or organization representing law enforcement officers who are either members or nonmembers of a law enforcement agency shall require the payment of any dues or fees as a condition of employment or continued employment."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Roorda raised points of order that **House Amendment No. 12** is drafted as a substitute amendment and goes beyond the scope of the bill.

The Chair ruled the points of order not well taken.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 096

Allen	Anderson	Austin	Bahr	Bernskoetter
Brattin	Brown	Burlison	Cierpiot	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Elmer	Engler
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fowler
Fraker	Franklin	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Hicks	Hinson
Hough	Houghton	Hurst	Johnson	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Miller	Morris	Neely	Neth
Pfausch	Phillips	Pike	Pogue	Redmon
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Eglund	Frame	Gardner
Harris	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters

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Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith 85	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 015

Barnes	Berry	Conway 104	Dugger	Higdon
Hodges	Hoskins	Jones 50	Molendorp	Muntzel
Parkinson	Rehder	Shumake	Smith 120	Swearingen

VACANCIES: 001

On motion of Representative Brattin, **House Amendment No. 12** was adopted by the following vote:

AYES: 088

Allen	Anderson	Austin	Bahr	Bernskoetter
Brattin	Brown	Burlison	Cierpiot	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Franklin	Frederick	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Hoskins	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McGaugh	Messenger	Miller	Morris	Muntzel
Neely	Parkinson	Pfautsch	Phillips	Pike
Pogue	Redmon	Reiboldt	Remole	Rhoads
Richardson	Riddle	Ross	Rowden	Rowland
Scharnhorst	Schatz	Schieber	Shull	Spencer
Stream	Swan	Thomson	Walker	White
Wilson	Wood	Mr Speaker		

NOES: 064

Anders	Barnes	Black	Burns	Butler
Carpenter	Colona	Conway 10	Curtis	Dunn
Ellinger	Ellington	Engler	English	Englund
Frame	Funderburk	Gannon	Gardner	Harris
Hinson	Hough	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCaherty
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Neth	Newman	Nichols	Norr	Otto
Pace	Peters	Pierson	Rizzo	Roorda
Runions	Schieffer	Schupp	Smith 85	Solon
Sommer	Swearingen	Torpey	Walton Gray	Webb
Webber	Wieland	Wright	Zerr	

PRESENT: 000

ABSENT WITH LEAVE: 010

Berry	Gatschenberger	Higdon	Hodges	Hubbard
Korman	Molendorp	Rehder	Shumake	Smith 120

VACANCIES: 001

Representative Brown offered **House Amendment No. 13.**

House Amendment No. 13

AMEND House Committee Substitute for House Bill No. 335, Page 12, Section 190.165, Line 102, by inserting after all of said section and line the following:

"191.238. 1. No health care professional or health care facility licensed under chapter 197 shall intentionally enter any disclosed information concerning firearm ownership into a patient's medical record if the professional knows that such information is not directly related to the patient's immediate medical care or safety.

2. For purposes of this section, a "health care professional" shall mean a physician or other health care practitioner licensed, accredited, or certified by the state of Missouri to perform specified health services for the diagnosis, treatment, cure, or relief of a health condition, injury, or disease.

3. Any violation of this section shall constitute grounds for disciplinary action under sections 334.100 to 334.103, section 197.070, section 197.220 or any other applicable provisions of law concerning the licensing, accreditation, or certification of other health care professionals by the state of Missouri."; and

Further amend said bill, Page 23, Section 321.210, Line 9, by inserting after all of said section and line the following:

"571.068. 1. No employee of a school district, or private or charter school shall ask a student under the age of eighteen whether such student's parent or guardian, or anyone residing with the student, owns a firearm.

2. A violation of this section is punishable as an infraction."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Ross offered **House Amendment No. 1 to House Amendment No. 13.**

House Amendment No. 1

to

House Amendment No. 13

AMEND House Amendment No. 13 to House Committee Substitute for House Bill No. 335, Page 1, Line 23, by inserting after all of said line the following:

'Further amend House Committee Substitute for House Bill No. 335, Page 23, Section 321.210, Line 9, by inserting after all of said section and line the following:

"Section 1. An owner or operator of a business shall not restrict any person from lawfully possessing a firearm in a motor vehicle in possession of such person except a motor vehicle that is owned or leased by the owner or operator of such business."; and'; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Neth assumed the Chair.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 099

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frederick	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeyer	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Lynch
Marshall	McCaherty	McGaugh	Messenger	Miller
Molendorp	Morris	Muntzel	Neely	Neth
Parkinson	Pfausch	Phillips	Pike	Pogue
Redmon	Reiboldt	Remole	Rhoads	Richardson
Rowden	Rowland	Schatz	Schieber	Shull
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hubbard	Hummel	Kelly 45	Kirkton
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith 85	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 012

Cross	Curtman	Franklin	Hodges	Kratky
Love	Rehder	Riddle	Ross	Scharnhorst
Shumake	Smith 120			

VACANCIES: 001

On motion of Representative Ross, **House Amendment No. 1 to House Amendment No. 13** was adopted by the following vote:

AYES: 125

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Conway 10	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	English
Englund	Entlicher	Fitzpatrick	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Harris	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hubbard	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Kelly 45
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Lynch	Marshall
Mayfield	McCaherty	McGaugh	McKenna	Messenger
Miller	Molendorp	Morris	Muntzel	Neely
Neth	Nichols	Norr	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Reiboldt
Remole	Rhoads	Richardson	Riddle	Roorda
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Schieffer	Shull	Solon	Sommer
Spencer	Stream	Swan	Swearingen	Thomson
Torpey	Walker	Webber	White	Wieland
Wilson	Wood	Wright	Zerr	Mr Speaker

NOES: 031

Anders	Colona	Curtis	Dunn	Ellinger
Ellington	Gardner	Hummel	Kirkton	LaFaver
May	McCann Beatty	McDonald	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Otto	Pace	Peters	Pierson
Rizzo	Runions	Schupp	Smith 85	Walton Gray
Webb				

PRESENT: 000

ABSENT WITH LEAVE: 006

Hodges	Kratky	Love	Rehder	Shumake
Smith 120				

VACANCIES: 001

Representative Guernsey offered **House Amendment No. 2 to House Amendment No. 13.**

House Amendment No. 2
to
House Amendment No. 13

AMEND House Amendment No. 13 to House Committee Substitute for House Bill No. 335, Page 1, Line 22, by inserting after all of said line, the following:

Further amend said bill, page, and section, Line 9, by inserting after all of said section and line, the following:

"610.205. 1. After an investigation is inactive, as defined in section 610.100, crime scene or death scene photographs and video recordings, including photographs and video recordings created or produced by a state or local agency or by a perpetrator or suspect at a crime scene, which depict or describe a deceased person in a state of dismemberment, decapitation, or similar mutilation including, without limitation, where the deceased person's genitalia are exposed, shall be considered open records for inspection, but closed records for purposes of copying under the provisions of this chapter. Unless dissemination is prohibited by 18 U.S.C. Section 2252, this section shall not prohibit disclosure of such material to:

(1) State and local law enforcement agencies, prosecuting attorneys, juvenile officers, courts and court personnel, coroners, the state technical assistance team, child fatality review panels, the department of social services, or other state or local officials who need access to the photograph and video recordings in order to perform their duties; and

(2) The deceased's next of kin or to an individual who has secured a written release from the next of kin. It shall be the responsibility of the next of kin to show proof of the familial relationship. For purposes of such access, the deceased's next of kin shall:

(a) Be the spouse of the deceased if living;

(b) Be an adult child of the deceased if there is no living spouse of the deceased; or

(c) Be a parent of the deceased if there is no living spouse or adult child; and

(d) Not have pleaded guilty to or been found guilty of a crime that resulted in the deceased's death.

2. Subject to the provisions of subsection 3 of this section, in the case of closed criminal investigations a circuit court judge may order the disclosure of such photographs or video recordings, not otherwise prohibited by 18 U.S.C. Section 2252, upon findings in writing that disclosure is in the public interest and outweighs any privacy interest that may be asserted by the deceased person's next of kin. In making such determination, the court shall consider whether such disclosure is necessary for public evaluation of governmental performance, the seriousness of the intrusion into the family's right to privacy, and whether such disclosure is the least intrusive means available considering the availability of similar information in other public records. In any such action, the court shall review the photographs or video recordings in question in camera with the custodian of the crime scene materials present and may condition any disclosure on such condition as the court may deem necessary to accommodate the interests of the parties.

3. Prior to releasing any crime scene material described in subsection 1 of this section, the custodian of such material shall give the deceased person's next of kin at least two weeks' notice. No court shall order a disclosure under subsection 2 of this section which would disregard or shorten the duration of such notice requirement. No court order or notification to the next of kin shall be required for the release or disclosure of information to state and local law enforcement agencies, prosecuting attorneys, juvenile officers, courts and court personnel, coroners, the state technical assistance team, child fatality review panels, the department of social services, or other state or local officials who need access to the photograph and video recordings in order to perform their duties.

4. The provisions of this section shall apply to all undisclosed material which is in the custody of a state or local agency on the effective date of this section and to any such material which comes into the custody of a state or local agency after such date.

5. The provisions of this section shall not apply to disclosure of crime scene material to counsel representing a defendant. Unless otherwise prohibited by 18 U.S.C. Section 2252, counsel may disclose such materials to his or her client and any expert or investigator assisting counsel but shall not otherwise disseminate such materials, except to the extent they may be necessary exhibits in court proceedings. A request under this subsection shall clearly state that such request is being made for the purpose of preparing to file and litigate proceedings enumerated in this subsection."; and'; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Guernsey, **House Amendment No. 2 to House Amendment No. 13** was adopted.

On motion of Representative Brown, **House Amendment No. 13, as amended**, was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 100

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Hicks	Higdon	Hinson	Hoskins
Hough	Houghton	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Lynch	McCaherty	McGaugh	Messenger
Miller	Morris	Muntzel	Neely	Neth
Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Reiboldt	Remole	Rhoads	Richardson
Riddle	Rowden	Rowland	Schatz	Schieber
Shull	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 052

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hubbard	Hummel	Kelly 45	Kirkton
LaFaver	Marshall	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith 85	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 010

Flanigan	Hodges	Kratky	Love	Molendorp
Rehder	Ross	Scharnhorst	Shumake	Smith 120

VACANCIES: 001

On motion of Representative Hinson, **HCS HB 335, as amended**, was adopted.

On motion of Representative Hinson, **HCS HB 335, as amended**, was ordered perfected and printed.

HCS HB 589, relating to sexual offender registration, was taken up by Representative Hinson.

Representative Hinson offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 589, Page 3, Section 43.650, Line 53, by deleting the word "**subsection**" on said line and inserting in lieu thereof the word "**subdivision**"; and

Further amend said bill, Page 5, Section 589.400, Line 91, by deleting the phrase "**subsection 6**" on said line and inserting in lieu thereof the phrase "**subsection 4**"; and

Further amend said bill, Page 21, Section 589.418, Line 9, by inserting a comma, ",", immediately after the number "**589.446**" on said line; and

Further amend said bill, Page 24, Section 589.442, Line 2, by deleting the word "**departments**" on said line and inserting in lieu thereof the phrase "**department to**"; and

Further amend said bill, page, and section, Line 28, by inserting a comma, ",", immediately after the word "**requested**" on said line; and

Further amend said bill, Page 31, Section 589.448, Line 93, by deleting the phrase "**I or II**" on said line and inserting in lieu thereof the phrase "**II or I**"; and

Further amend said bill, Page 37, Section 589.456, Line 79, by deleting the phrase "**589.430 to 589.456**" and inserting in lieu thereof the phrase "**589.416, 589.418, 589.440, 589.446, and 589.448**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Hinson, **House Amendment No. 1** was adopted.

Representative Hinson offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 589, Page 18, Section 589.416, Line 23, by deleting all of said line and inserting in lieu thereof the following:

"receipt requested, to the department of mental health at the address designated by the"; and

Further amend said bill, Page 19, Section 589.416, Line 52, by deleting all of said line and inserting in lieu thereof the following:

"department of mental health and completed within the six months immediately preceding the"; and

Further amend said bill, Page 22, Section 589.440, Line 21, by deleting all of said line and inserting in lieu thereof the following:

"mental health. In addition the unclassified offender shall mail a file stamped copy of the"; and

Further amend said bill, Page 22, Section 589.440, Line 23, by deleting all of said line and inserting in lieu thereof the following:

"receipt requested, to the department of mental health at the address designated by the"; and

Further amend said bill, Page 22, Section 589.440, Lines 33 and 34, by deleting all of said lines and inserting in lieu thereof the following:

"department of mental health. In addition the Offender Pending Classification shall, within ten business days of the date of filing the petition, deliver to the department of mental health,"; and

Further amend said bill, Page 22, Section 589.440, Line 39, by deleting all of said line and inserting in lieu thereof the following:

"approved by the department of mental health with the court within the six-month time limit"; and

Further amend said bill, Page 22, Section 589.440, Lines 41 and 42, by deleting all of said lines and inserting in lieu thereof the following:

"assessment report to the department of mental health within the ten-day time limit, the department of mental health shall automatically classify the offender as a Tier III offender"; and

Further amend said bill, Page 22, Section 589.440, Line 44, by deleting all of said line and inserting in lieu thereof the following:

"Offender Classification Form to the offender at the"; and

Further amend said bill, Page 23, Section 589.440, Line 57, by deleting all of said line and inserting in lieu thereof the following:

"registry and on the public website and mail a Tier III Offender's Packet to the offender at the address listed on the sex offender registry."; and

Further amend said bill, Page 23, Section 589.440, Line 72, by deleting all of said line and inserting in lieu thereof the following:

"health provider approved by the department of mental health. In addition the offender shall,"; and

Further amend said bill, Page 23, Section 589.440, Line 75, by deleting all of said line and inserting in lieu thereof the following:

"of mental health by sending them registered mail, return receipt requested, to the department"; and

Further amend said bill, Page 23, Section 589.440, Line 83, by deleting all of said line and inserting in lieu thereof the following:

"department of mental health within the ten-day time limit, the court shall dismiss the petition"; and

Further amend said bill, Page 24, Section 589.442, Lines 1 and 2, by deleting all of said lines and inserting in lieu thereof the following:

"589.442. 1. The Missouri state highway patrol shall, prior to January 1, 2014, develop an Unclassified Offender Packet for the patrols use in notifying all offenders"; and

Further amend said bill, Page 24, Section 589.442, Line 8, by deleting all of said line and inserting in lieu thereof the following:

"Missouri state highway patrol but at a minimum shall include the following:"; and

Further amend said bill, Page 24, Section 589.442, Line 22, by deleting all of said line and inserting in lieu thereof the following:

"provider who has been approved by the department of mental health to provide sex offender"; and

Further amend said bill, Page 24, Section 589.442, Line 28, by deleting all of said line and inserting in lieu thereof the following:

"receipt requested to the department of mental health within ten days of filing the petition, to"; and

Further amend said bill, Page 25, Section 589.442, Line 37, by deleting all of said line and inserting in lieu thereof the following:

"3. The Missouri state highway patrol shall, prior to January 15, 2014, notify the"; and

Further amend said bill, Page 25, Section 589.444, Line 9, by deleting all of said line and inserting in lieu thereof the following:

"the department of mental health, and shall enter the offender's designation on their local sex"; and

Further amend said bill, Page 25, Section 589.446, Line 9, by deleting all of said line and inserting in lieu thereof the following:

"department of mental health automatically classifying the petitioner as a Tier III offender"; and

Further amend said bill, Page 29, Section 589.448, Line 10, by deleting all of said line and inserting in lieu thereof the following:

"return receipt requested, to the department of mental health at the address designated by the"; and

Further amend said bill, Page 32, Section 589.450, Lines 1 and 2, by deleting all of said lines and inserting in lieu thereof the following:

"589.450. 1. The Missouri state highway patrol shall, prior to January 1, 2014, develop a Sex Offender Classification Form to be used by the patrol, the department of mental health, and the courts to classify"; and

Further amend said bill, Page 32, Section 589.450, Lines 4 to 6, by deleting all of said lines and inserting in lieu thereof the following:

"an offender as an Offender Pending Classification. The Missouri state highway patrol shall, prior to January 1, 2014, provide the Sex Offender Classification Forms to the department of mental health, all registering law enforcement officials, and all circuit courts in this state."; and

Further amend said bill, Page 32, Section 589.450, Line 8, by deleting all of said line and inserting in lieu thereof the following:

"patrol but at a minimum shall include the following:"; and

Further amend said bill, Page 33, Section 589.450, Line 15, by deleting all of said line and inserting in lieu thereof the following:

"(4) A place for the department of mental health, the patrol, registering law enforcement official, or court to sign"; and

Further amend said bill, Page 33, Section 589.452, Lines 1 and 2, by deleting all of said lines and inserting in lieu thereof the following:

"589.452. 1. The Missouri state highway patrol shall, prior to January 1, 2014, develop a Tier III Offender's Packet to be used by the department of mental health when it automatically classifies"; and

Further amend said bill, Page 33, Section 589.452, Line 5, by deleting all of said line and inserting in lieu thereof the following:

"patrol but at a minimum shall include the following:"; and

Further amend said bill, Page 33, Section 589.452, Line 7, by deleting all of said line and inserting in lieu thereof the following:

"You have been automatically classified by The Department of Mental Health as a"; and

Further amend said bill, Page 33, Section 589.452, Line 17, by deleting all of said line and inserting in lieu thereof the following:

"provider who has been approved by the department of mental health to provide sex offender"; and

Further amend said bill, Page 33, Section 589.452, Line 23, by deleting all of said line and inserting in lieu thereof the following:

"mental health, within ten days of filing the petition, to the address designated by the"; and

Further amend said bill, Page 34, Section 589.454, Line 1, by deleting all of said line and inserting in lieu thereof the following:

"589.454. 1. The Missouri state highway patrol shall, prior to January 1, 2014, develop"; and

Further amend said bill, Page 34, Section 589.454, Line 3, by deleting all of said line and inserting in lieu thereof the following:

"officials. The patrol shall, prior to January 1, 2014, provide the Offender Pending"; and

Further amend said bill, Page 34, Section 589.454, Line 6, by deleting all of said line and inserting in lieu thereof the following:

"by the Missouri state highway patrol but at a minimum shall include the following:"; and

Further amend said bill, Page 34, Section 589.454, Line 16, by deleting all of said line and inserting in lieu thereof the following:

"department of mental health as a Tier III offender."; and

Further amend said bill, Page 34, Section 589.454, Line 24, by deleting all of said line and inserting in lieu thereof the following:

"provider who has been approved by the department of mental health to provide sex offender"; and

Further amend said bill, Page 34, Section 589.454, Line 30, by deleting all of said line and inserting in lieu thereof the following:

"mental health, within ten days of filing the petition, to the address designated by the"; and

Further amend said bill, Page 34, Section 589.454, Line 34, by deleting all of said line and inserting in lieu thereof the following:

"within the six-month time limit or if you fail to send to the department of mental health a file"; and

Further amend said bill, Page 35, Section 589.454, Line 36, by deleting all of said line and inserting in lieu thereof the following:

"department of mental health will automatically classify you as a Tier III offender and any"; and

Further amend said bill, Page 35, Section 589.456, Line 1, by deleting all of said line and inserting in lieu thereof the following:

"589.456. 1. The department of mental health shall, prior to January 1, 2014,"; and

Further amend said bill, Page 35, Section 589.456, Line 9, by deleting all of said line and inserting in lieu thereof the following:

"2. The department of mental health shall, prior to January 1, 2014, develop an"; and

Further amend said bill, Page 35, Section 589.456, Line 21, by deleting all of said line and inserting in lieu thereof the following:

"the list. The department of mental health shall review the sexual offender mental health providers list on"; and

Further amend said bill, Page 35, Section 589.456, Line 23, by deleting all of said line and inserting in lieu thereof the following:

"3. The department of mental health shall, prior to January 1, 2014, determine the"; and

Further amend said bill, Page 36, Section 589.456, Line 36, by deleting all of said line and inserting in lieu thereof the following:

"4. The department of mental health shall, prior to January 1, 2014, evaluate existing"; and

Further amend said bill, Page 36, Section 589.456, Line 61, by deleting all of said line and inserting in lieu thereof the following:

"7. The department of mental health shall, prior to January 1, 2014, determine the"; and

Further amend said bill, Page 37, Section 589.456, Line 76, by deleting all of said line and inserting in lieu thereof the following:

"8. The department of mental health shall, prior to January 1, 2014, publish on its"; and

Further amend said bill, Page 37, Section 589.456, Line 80, by deleting all of said line and inserting in lieu thereof the following:

"9. The department of mental health shall, prior to January 1, 2014, develop and"; and

Further amend said bill, Page 37, Section 589.456, Line 86, by deleting all of said line and inserting in lieu thereof the following:

"10. Beginning January 1, 2014, the department of mental health shall accept and file"; and

Further amend said bill, Page 37, Section 589.456, Line 91, by deleting all of said line and inserting in lieu thereof the following:

"11. Beginning January 1, 2014, the department of mental health shall review, on an"; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Hinson, **House Amendment No. 2** was adopted.

Representative Barnes offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 589, Page 3, Section 43.650, Line 55, by inserting after all of said section and line the following:

"160.261. 1. The local board of education of each school district shall clearly establish a written policy of discipline, including the district's determination on the use of corporal punishment and the procedures in which punishment will be applied. A written copy of the district's discipline policy and corporal punishment procedures, if applicable, shall be provided to the pupil and parent or legal guardian of every pupil enrolled in the district at the beginning of each school year and also made available in the office of the superintendent of such district, during normal business hours, for public inspection. All employees of the district shall annually receive instruction related to the specific contents of the policy of discipline and any interpretations necessary to implement the provisions of the policy in the course of their duties, including but not limited to approved methods of dealing with acts of school violence, disciplining students with disabilities and instruction in the necessity and requirements for confidentiality.

2. The policy shall require school administrators to report acts of school violence to all teachers at the attendance center and, in addition, to other school district employees with a need to know. For the purposes of this chapter or chapter 167, "need to know" is defined as school personnel who are directly responsible for the student's education or who otherwise interact with the student on a professional basis while acting within the scope of their assigned duties. As used in this section, the phrase "act of school violence" or "violent behavior" means the exertion of physical force by a student with the intent to do serious physical injury as defined in subdivision (6) of section 565.002 to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. The policy shall at a minimum require school administrators to report, as soon as reasonably practical, to the appropriate law enforcement agency any of the following crimes, or any act which if committed by an adult would be one of the following crimes:

- (1) First degree murder under section 565.020;
- (2) Second degree murder under section 565.021;
- (3) Kidnapping under section 565.110;
- (4) First degree assault under section 565.050;
- (5) [Forcible] Rape **in the first degree** under section 566.030;

- (6) [Forcible] Sodomy **in the first degree** under section 566.060;
- (7) Burglary in the first degree under section 569.160;
- (8) Burglary in the second degree under section 569.170;
- (9) Robbery in the first degree under section 569.020;
- (10) Distribution of drugs under section 195.211;
- (11) Distribution of drugs to a minor under section 195.212;
- (12) Arson in the first degree under section 569.040;
- (13) Voluntary manslaughter under section 565.023;
- (14) Involuntary manslaughter under section 565.024;
- (15) Second degree assault under section 565.060;
- (16) [Sexual assault] **Rape in the second degree** under section [566.040] **566.031**;
- (17) Felonious restraint under section 565.120;
- (18) Property damage in the first degree under section 569.100;
- (19) The possession of a weapon under chapter 571;
- (20) Child molestation in the first degree pursuant to section 566.067;
- (21) [Deviate sexual assault] **Sodomy in the second degree** pursuant to section [566.070] **566.061**;
- (22) Sexual misconduct involving a child pursuant to section 566.083;
- (23) Sexual abuse **in the first degree** pursuant to section 566.100;
- (24) Harassment under section 565.090; or
- (25) Stalking under section 565.225; committed on school property, including but not limited to actions on any

school bus in service on behalf of the district or while involved in school activities. The policy shall require that any portion of a student's individualized education program that is related to demonstrated or potentially violent behavior shall be provided to any teacher and other school district employees who are directly responsible for the student's education or who otherwise interact with the student on an educational basis while acting within the scope of their assigned duties. The policy shall also contain the consequences of failure to obey standards of conduct set by the local board of education, and the importance of the standards to the maintenance of an atmosphere where orderly learning is possible and encouraged.

3. The policy shall provide that any student who is on suspension for any of the offenses listed in subsection 2 of this section or any act of violence or drug-related activity defined by school district policy as a serious violation of school discipline pursuant to subsection 9 of this section shall have as a condition of his or her suspension the requirement that such student is not allowed, while on such suspension, to be within one thousand feet of any school property in the school district where such student attended school or any activity of that district, regardless of whether or not the activity takes place on district property unless:

- (1) Such student is under the direct supervision of the student's parent, legal guardian, or custodian and the superintendent or the superintendent's designee has authorized the student to be on school property;
- (2) Such student is under the direct supervision of another adult designated by the student's parent, legal guardian, or custodian, in advance, in writing, to the principal of the school which suspended the student and the superintendent or the superintendent's designee has authorized the student to be on school property;
- (3) Such student is enrolled in and attending an alternative school that is located within one thousand feet of a public school in the school district where such student attended school; or
- (4) Such student resides within one thousand feet of any public school in the school district where such student attended school in which case such student may be on the property of his or her residence without direct adult supervision.

4. Any student who violates the condition of suspension required pursuant to subsection 3 of this section may be subject to expulsion or further suspension pursuant to the provisions of sections 167.161, 167.164, and 167.171. In making this determination consideration shall be given to whether the student poses a threat to the safety of any child or school employee and whether such student's unsupervised presence within one thousand feet of the school is disruptive to the educational process or undermines the effectiveness of the school's disciplinary policy. Removal of any pupil who is a student with a disability is subject to state and federal procedural rights. This section shall not limit a school district's ability to:

- (1) Prohibit all students who are suspended from being on school property or attending an activity while on suspension;
- (2) Discipline students for off-campus conduct that negatively affects the educational environment to the extent allowed by law.

5. The policy shall provide for a suspension for a period of not less than one year, or expulsion, for a student who is determined to have brought a weapon to school, including but not limited to the school playground or the school

parking lot, brought a weapon on a school bus or brought a weapon to a school activity whether on or off of the school property in violation of district policy, except that:

(1) The superintendent or, in a school district with no high school, the principal of the school which such child attends may modify such suspension on a case-by-case basis; and

(2) This section shall not prevent the school district from providing educational services in an alternative setting to a student suspended under the provisions of this section.

6. For the purpose of this section, the term "weapon" shall mean a firearm as defined under 18 U.S.C. 921 and the following items, as defined in section 571.010: a blackjack, a concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun, a knife, knuckles, a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or a switchblade knife; except that this section shall not be construed to prohibit a school board from adopting a policy to allow a Civil War reenactor to carry a Civil War era weapon on school property for educational purposes so long as the firearm is unloaded. The local board of education shall define weapon in the discipline policy. Such definition shall include the weapons defined in this subsection but may also include other weapons.

7. All school district personnel responsible for the care and supervision of students are authorized to hold every pupil strictly accountable for any disorderly conduct in school or on any property of the school, on any school bus going to or returning from school, during school-sponsored activities, or during intermission or recess periods.

8. Teachers and other authorized district personnel in public schools responsible for the care, supervision, and discipline of schoolchildren, including volunteers selected with reasonable care by the school district, shall not be civilly liable when acting in conformity with the established policies developed by each board, including but not limited to policies of student discipline or when reporting to his or her supervisor or other person as mandated by state law acts of school violence or threatened acts of school violence, within the course and scope of the duties of the teacher, authorized district personnel or volunteer, when such individual is acting in conformity with the established policies developed by the board. Nothing in this section shall be construed to create a new cause of action against such school district, or to relieve the school district from liability for the negligent acts of such persons.

9. Each school board shall define in its discipline policy acts of violence and any other acts that constitute a serious violation of that policy. "Acts of violence" as defined by school boards shall include but not be limited to exertion of physical force by a student with the intent to do serious bodily harm to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. School districts shall for each student enrolled in the school district compile and maintain records of any serious violation of the district's discipline policy. Such records shall be made available to teachers and other school district employees with a need to know while acting within the scope of their assigned duties, and shall be provided as required in section 167.020 to any school district in which the student subsequently attempts to enroll.

10. Spanking, when administered by certificated personnel and in the presence of a witness who is an employee of the school district, or the use of reasonable force to protect persons or property, when administered by personnel of a school district in a reasonable manner in accordance with the local board of education's written policy of discipline, is not abuse within the meaning of chapter 210. The provisions of sections 210.110 to 210.165 notwithstanding, the children's division shall not have jurisdiction over or investigate any report of alleged child abuse arising out of or related to the use of reasonable force to protect persons or property when administered by personnel of a school district or any spanking administered in a reasonable manner by any certificated school personnel in the presence of a witness who is an employee of the school district pursuant to a written policy of discipline established by the board of education of the school district, as long as no allegation of sexual misconduct arises from the spanking or use of force.

11. If a student reports alleged sexual misconduct on the part of a teacher or other school employee to a person employed in a school facility who is required to report such misconduct to the children's division under section 210.115, such person and the superintendent of the school district shall forward the allegation to the children's division within twenty-four hours of receiving the information. Reports made to the children's division under this subsection shall be investigated by the division in accordance with the provisions of sections 210.145 to 210.153 and shall not be investigated by the school district under subsections 12 to 20 of this section for purposes of determining whether the allegations should or should not be substantiated. The district may investigate the allegations for the purpose of making any decision regarding the employment of the accused employee.

12. Upon receipt of any reports of child abuse by the children's division other than reports provided under subsection 11 of this section, pursuant to sections 210.110 to 210.165 which allegedly involve personnel of a school district, the children's division shall notify the superintendent of schools of the district or, if the person named in the alleged incident is the superintendent of schools, the president of the school board of the school district where the alleged incident occurred.

13. If, after an initial investigation, the superintendent of schools or the president of the school board finds that the report involves an alleged incident of child abuse other than the administration of a spanking by certificated school

personnel or the use of reasonable force to protect persons or property when administered by school personnel pursuant to a written policy of discipline or that the report was made for the sole purpose of harassing a public school employee, the superintendent of schools or the president of the school board shall immediately refer the matter back to the children's division and take no further action. In all matters referred back to the children's division, the division shall treat the report in the same manner as other reports of alleged child abuse received by the division.

14. If the report pertains to an alleged incident which arose out of or is related to a spanking administered by certificated personnel or the use of reasonable force to protect persons or property when administered by personnel of a school district pursuant to a written policy of discipline or a report made for the sole purpose of harassing a public school employee, a notification of the reported child abuse shall be sent by the superintendent of schools or the president of the school board to the law enforcement in the county in which the alleged incident occurred.

15. The report shall be jointly investigated by the law enforcement officer and the superintendent of schools or, if the subject of the report is the superintendent of schools, by a law enforcement officer and the president of the school board or such president's designee.

16. The investigation shall begin no later than forty-eight hours after notification from the children's division is received, and shall consist of, but need not be limited to, interviewing and recording statements of the child and the child's parents or guardian within two working days after the start of the investigation, of the school district personnel allegedly involved in the report, and of any witnesses to the alleged incident.

17. The law enforcement officer and the investigating school district personnel shall issue separate reports of their findings and recommendations after the conclusion of the investigation to the school board of the school district within seven days after receiving notice from the children's division.

18. The reports shall contain a statement of conclusion as to whether the report of alleged child abuse is substantiated or is unsubstantiated.

19. The school board shall consider the separate reports referred to in subsection 17 of this section and shall issue its findings and conclusions and the action to be taken, if any, within seven days after receiving the last of the two reports. The findings and conclusions shall be made in substantially the following form:

(1) The report of the alleged child abuse is unsubstantiated. The law enforcement officer and the investigating school board personnel agree that there was not a preponderance of evidence to substantiate that abuse occurred;

(2) The report of the alleged child abuse is substantiated. The law enforcement officer and the investigating school district personnel agree that the preponderance of evidence is sufficient to support a finding that the alleged incident of child abuse did occur;

(3) The issue involved in the alleged incident of child abuse is unresolved. The law enforcement officer and the investigating school personnel are unable to agree on their findings and conclusions on the alleged incident.

20. The findings and conclusions of the school board under subsection 19 of this section shall be sent to the children's division. If the findings and conclusions of the school board are that the report of the alleged child abuse is unsubstantiated, the investigation shall be terminated, the case closed, and no record shall be entered in the children's division central registry. If the findings and conclusions of the school board are that the report of the alleged child abuse is substantiated, the children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school district and shall include the information in the division's central registry. If the findings and conclusions of the school board are that the issue involved in the alleged incident of child abuse is unresolved, the children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school board, however, the incident and the names of the parties allegedly involved shall not be entered into the central registry of the children's division unless and until the alleged child abuse is substantiated by a court of competent jurisdiction.

21. Any superintendent of schools, president of a school board or such person's designee or law enforcement officer who knowingly falsifies any report of any matter pursuant to this section or who knowingly withholds any information relative to any investigation or report pursuant to this section is guilty of a class A misdemeanor.

22. In order to ensure the safety of all students, should a student be expelled for bringing a weapon to school, violent behavior, or for an act of school violence, that student shall not, for the purposes of the accreditation process of the Missouri school improvement plan, be considered a dropout or be included in the calculation of that district's educational persistence ratio."; and

"167.115. 1. Notwithstanding any provision of chapter 211 or chapter 610 to the contrary, the juvenile officer, sheriff, chief of police or other appropriate law enforcement authority shall, as soon as reasonably practical, notify the superintendent, or the superintendent's designee, of the school district in which the pupil is enrolled when a petition is filed pursuant to subsection 1 of section 211.031 alleging that the pupil has committed one of the following acts:

(1) First degree murder under section 565.020;

- (2) Second degree murder under section 565.021;
- (3) Kidnapping under section 565.110;
- (4) First degree assault under section 565.050;
- (5) [Forcible] Rape **in the first degree** under section 566.030;
- (6) [Forcible] Sodomy **in the first degree** under section 566.060;
- (7) Burglary in the first degree under section 569.160;
- (8) Robbery in the first degree under section 569.020;
- (9) Distribution of drugs under section 195.211;
- (10) Distribution of drugs to a minor under section 195.212;
- (11) Arson in the first degree under section 569.040;
- (12) Voluntary manslaughter under section 565.023;
- (13) Involuntary manslaughter under section 565.024;
- (14) Second degree assault under section 565.060;
- (15) [Sexual assault] **Rape in the second degree** under section [566.040] **566.031**;
- (16) Felonious restraint under section 565.120;
- (17) Property damage in the first degree under section 569.100;
- (18) The possession of a weapon under chapter 571;
- (19) Child molestation in the first degree pursuant to section 566.067;
- (20) [Deviate sexual assault] **Sodomy in the second degree** pursuant to section [566.070] **566.061**;
- (21) Sexual misconduct involving a child pursuant to section 566.083; or
- (22) Sexual abuse **in the first degree** pursuant to section 566.100.

2. The notification shall be made orally or in writing, in a timely manner, no later than five days following the filing of the petition. If the report is made orally, written notice shall follow in a timely manner. The notification shall include a complete description of the conduct the pupil is alleged to have committed and the dates the conduct occurred but shall not include the name of any victim. Upon the disposition of any such case, the juvenile office or prosecuting attorney or their designee shall send a second notification to the superintendent providing the disposition of the case, including a brief summary of the relevant finding of facts, no later than five days following the disposition of the case.

3. The superintendent or the designee of the superintendent shall report such information to teachers and other school district employees with a need to know while acting within the scope of their assigned duties. Any information received by school district officials pursuant to this section shall be received in confidence and used for the limited purpose of assuring that good order and discipline is maintained in the school. This information shall not be used as the sole basis for not providing educational services to a public school pupil.

4. The superintendent shall notify the appropriate division of the juvenile or family court upon any pupil's suspension for more than ten days or expulsion of any pupil that the school district is aware is under the jurisdiction of the court.

5. The superintendent or the superintendent's designee may be called to serve in a consultant capacity at any dispositional proceedings pursuant to section 211.031 which may involve reference to a pupil's academic treatment plan.

6. Upon the transfer of any pupil described in this section to any other school district in this state, the superintendent or the superintendent's designee shall forward the written notification given to the superintendent pursuant to subsection 2 of this section to the superintendent of the new school district in which the pupil has enrolled. Such written notification shall be required again in the event of any subsequent transfer by the pupil.

7. As used in this section, the terms "school" and "school district" shall include any charter, private or parochial school or school district, and the term "superintendent" shall include the principal or equivalent chief school officer in the cases of charter, private or parochial schools.

8. The superintendent or the designee of the superintendent or other school employee who, in good faith, reports information in accordance with the terms of this section and section 160.261 shall not be civilly liable for providing such information."; and

"167.171. 1. The school board in any district, by general rule and for the causes provided in section 167.161, may authorize the summary suspension of pupils by principals of schools for a period not to exceed ten school days and by the superintendent of schools for a period not to exceed one hundred and eighty school days. In case of a suspension by the superintendent for more than ten school days, the pupil, the pupil's parents or others having such pupil's custodial care may appeal the decision of the superintendent to the board or to a committee of board members appointed by the president of the board which shall have full authority to act in lieu of the board. Any suspension by a principal shall be immediately reported to the superintendent who may revoke the suspension at any time. In event of an appeal to the board, the superintendent shall promptly transmit to it a full report in writing of the facts relating to the suspension, the

action taken by the superintendent and the reasons therefor and the board, upon request, shall grant a hearing to the appealing party to be conducted as provided in section 167.161.

2. No pupil shall be suspended unless:

- (1) The pupil shall be given oral or written notice of the charges against such pupil;
- (2) If the pupil denies the charges, such pupil shall be given an oral or written explanation of the facts which form the basis of the proposed suspension;
- (3) The pupil shall be given an opportunity to present such pupil's version of the incident; and
- (4) In the event of a suspension for more than ten school days, where the pupil gives notice that such pupil wishes to appeal the suspension to the board, the suspension shall be stayed until the board renders its decision, unless in the judgment of the superintendent of schools, or of the district superintendent, the pupil's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, in which case the pupil may be immediately removed from school, and the notice and hearing shall follow as soon as practicable.

3. No school board shall readmit or enroll a pupil properly suspended for more than ten consecutive school days for an act of school violence as defined in subsection 2 of section 160.261 regardless of whether or not such act was committed at a public school or at a private school in this state, provided that such act shall have resulted in the suspension or expulsion of such pupil in the case of a private school, or otherwise permit such pupil to attend school without first holding a conference to review the conduct that resulted in the expulsion or suspension and any remedial actions needed to prevent any future occurrences of such or related conduct. The conference shall include the appropriate school officials including any teacher employed in that school or district directly involved with the conduct that resulted in the suspension or expulsion, the pupil, the parent or guardian of the pupil or any agency having legal jurisdiction, care, custody or control of the pupil. The school board shall notify in writing the parents or guardians and all other parties of the time, place, and agenda of any such conference. Failure of any party to attend this conference shall not preclude holding the conference. Notwithstanding any provision of this subsection to the contrary, no pupil shall be readmitted or enrolled to a regular program of instruction if:

- (1) Such pupil has been convicted of; or
- (2) An indictment or information has been filed alleging that the pupil has committed one of the acts enumerated in subdivision (4) of this subsection to which there has been no final judgment; or
- (3) A petition has been filed pursuant to section 211.091 alleging that the pupil has committed one of the acts enumerated in subdivision (4) of this subsection to which there has been no final judgment; or
- (4) The pupil has been adjudicated to have committed an act which if committed by an adult would be one of the following:

- (a) First degree murder under section 565.020;
- (b) Second degree murder under section 565.021;
- (c) First degree assault under section 565.050;
- (d) [Forcible] Rape **in the first degree** under section 566.030;
- (e) [Forcible] Sodomy **in the first degree** under section 566.060;
- (f) Statutory rape under section 566.032;
- (g) Statutory sodomy under section 566.062;
- (h) Robbery in the first degree under section 569.020;
- (i) Distribution of drugs to a minor under section 195.212;
- (j) Arson in the first degree under section 569.040;
- (k) Kidnapping, when classified as a class A felony under section 565.110. Nothing in this subsection shall prohibit the readmittance or enrollment of any pupil if a petition has been dismissed, or when a pupil has been acquitted or adjudicated not to have committed any of the above acts. This subsection shall not apply to a student with a disability, as identified under state eligibility criteria, who is convicted or adjudicated guilty as a result of an action related to the student's disability. Nothing in this subsection shall be construed to prohibit a school district which provides an alternative education program from enrolling a pupil in an alternative education program if the district determines such enrollment is appropriate.

4. If a pupil is attempting to enroll in a school district during a suspension or expulsion from another in-state or out-of-state school district including a private, charter or parochial school or school district, a conference with the superintendent or the superintendent's designee may be held at the request of the parent, court-appointed legal guardian, someone acting as a parent as defined by rule in the case of a special education student, or the pupil to consider if the conduct of the pupil would have resulted in a suspension or expulsion in the district in which the pupil is enrolling. Upon a determination by the superintendent or the superintendent's designee that such conduct would have resulted in a suspension or expulsion in the district in which the pupil is enrolling or attempting to enroll, the school district may make such suspension or expulsion from another school or district effective in the district in which the pupil is enrolling or

attempting to enroll. Upon a determination by the superintendent or the superintendent's designee that such conduct would not have resulted in a suspension or expulsion in the district in which the student is enrolling or attempting to enroll, the school district shall not make such suspension or expulsion effective in its district in which the student is enrolling or attempting to enroll."; and

"168.071. 1. The state board of education may refuse to issue or renew a certificate, or may, upon hearing, discipline the holder of a certificate of license to teach for the following causes:

(1) A certificate holder or applicant for a certificate has pleaded to or been found guilty of a felony or crime involving moral turpitude under the laws of this state, any other state, of the United States, or any other country, whether or not sentence is imposed;

(2) The certification was obtained through use of fraud, deception, misrepresentation or bribery;

(3) There is evidence of incompetence, immorality, or neglect of duty by the certificate holder;

(4) A certificate holder has been subject to disciplinary action relating to certification issued by another state, territory, federal agency, or country upon grounds for which discipline is authorized in this section; or

(5) If charges are filed by the local board of education, based upon the annulling of a written contract with the local board of education, for reasons other than election to the general assembly, without the consent of the majority of the members of the board that is a party to the contract.

2. A public school district may file charges seeking the discipline of a holder of a certificate of license to teach based upon any cause or combination of causes outlined in subsection 1 of this section, including annulment of a written contract. Charges shall be in writing, specify the basis for the charges, and be signed by the chief administrative officer of the district, or by the president of the board of education as authorized by a majority of the board of education. The board of education may also petition the office of the attorney general to file charges on behalf of the school district for any cause other than annulment of contract, with acceptance of the petition at the discretion of the attorney general.

3. The department of elementary and secondary education may file charges seeking the discipline of a holder of a certificate of license to teach based upon any cause or combination of causes outlined in subsection 1 of this section, other than annulment of contract. Charges shall be in writing, specify the basis for the charges, and be signed by legal counsel representing the department of elementary and secondary education.

4. If the underlying conduct or actions which are the basis for charges filed pursuant to this section are also the subject of a pending criminal charge against the person holding such certificate, the certificate holder may request, in writing, a delayed hearing on advice of counsel under the fifth amendment of the Constitution of the United States. Based upon such a request, no hearing shall be held until after a trial has been completed on this criminal charge.

5. The certificate holder shall be given not less than thirty days' notice of any hearing held pursuant to this section.

6. Other provisions of this section notwithstanding, the certificate of license to teach shall be revoked or, in the case of an applicant, a certificate shall not be issued, if the certificate holder or applicant has pleaded guilty to or been found guilty of any of the following offenses established pursuant to Missouri law or offenses of a similar nature established under the laws of any other state or of the United States, or any other country, whether or not the sentence is imposed:

(1) Any dangerous felony as defined in section 556.061, or murder in the first degree under section 565.020;

(2) Any of the following sexual offenses: rape **in the first degree** under section 566.030; statutory rape in the first degree under section 566.032; statutory rape in the second degree under section 566.034; [sexual assault] **rape in the second degree** under section [566.040] **566.031**; [forcible] sodomy **in the first degree** under section 566.060; statutory sodomy in the first degree under section 566.062; statutory sodomy in the second degree under section 566.064; child molestation in the first degree under section 566.067; child molestation in the second degree under section 566.068; [deviate sexual assault] **sodomy in the second degree** under section [566.070] **566.061**; sexual misconduct involving a child under section 566.083; sexual contact with a student while on public school property under section 566.086; [sexual misconduct in the first degree under section 566.090;] sexual misconduct in the [second] **first degree** under section 566.093; sexual misconduct in the [third] **second degree** under section 566.095; sexual abuse **in the first degree** under section 566.100; **sexual abuse in the second degree under section 566.101**; enticement of a child under section 566.151; or attempting to entice a child;

(3) Any of the following offenses against the family and related offenses: incest under section 568.020; abandonment of child in the first degree under section 568.030; abandonment of child in the second degree under section 568.032; endangering the welfare of a child in the first degree under section 568.045; abuse of a child under section 568.060; child used in a sexual performance under section 568.080; promoting sexual performance by a child under section 568.090; or trafficking in children under section 568.175; and

(4) Any of the following offenses involving child pornography and related offenses: promoting obscenity in the first degree under section 573.020; promoting obscenity in the second degree when the penalty is enhanced to a class D felony under section 573.030; promoting child pornography in the first degree under section 573.025; promoting child pornography in the second degree under section 573.035; possession of child pornography under section 573.037; furnishing pornographic materials to minors under section 573.040; or coercing acceptance of obscene material under section 573.065.

7. When a certificate holder pleads guilty or is found guilty of any offense that would authorize the state board of education to seek discipline against that holder's certificate of license to teach, the local board of education or the department of elementary and secondary education shall immediately provide written notice to the state board of education and the attorney general regarding the plea of guilty or finding of guilty.

8. The certificate holder whose certificate was revoked pursuant to subsection 6 of this section may appeal such revocation to the state board of education. Notice of this appeal must be received by the commissioner of education within ninety days of notice of revocation pursuant to this subsection. Failure of the certificate holder to notify the commissioner of the intent to appeal waives all rights to appeal the revocation. Upon notice of the certificate holder's intent to appeal, an appeal hearing shall be held by a hearing officer designated by the commissioner of education, with the final decision made by the state board of education, based upon the record of that hearing. The certificate holder shall be given not less than thirty days' notice of the hearing, and an opportunity to be heard by the hearing officer, together with witnesses.

9. In the case of any certificate holder who has surrendered or failed to renew his or her certificate of license to teach, the state board of education may refuse to issue or renew, or may suspend or revoke, such certificate for any of the reasons contained in this section.

10. In those cases where the charges filed pursuant to this section are based upon an allegation of misconduct involving a minor child, the hearing officer may accept into the record the sworn testimony of the minor child relating to the misconduct received in any court or administrative hearing.

11. Hearings, appeals or other matters involving certificate holders, licensees or applicants pursuant to this section may be informally resolved by consent agreement or agreed settlement or voluntary surrender of the certificate of license pursuant to the rules promulgated by the state board of education.

12. The final decision of the state board of education is subject to judicial review pursuant to sections 536.100 to 536.140.

13. A certificate of license to teach to an individual who has been convicted of a felony or crime involving moral turpitude, whether or not sentence is imposed, shall be issued only upon motion of the state board of education adopted by a unanimous affirmative vote of those members present and voting."; and

"188.023. Any licensed health care professional who delivers a baby or performs an abortion, who has prima facie evidence that a patient has been the victim of statutory rape in the first degree or statutory rape in the second degree, or if the patient is under the age of eighteen, that he or she has been a victim of sexual abuse, including [forcible rape, sexual assault] **rape in the first or second degree**, or incest, shall be required to report such offenses in the same manner as provided for by section 210.115."; and

"211.071. 1. If a petition alleges that a child between the ages of twelve and seventeen has committed an offense which would be considered a felony if committed by an adult, the court may, upon its own motion or upon motion by the juvenile officer, the child or the child's custodian, order a hearing and may, in its discretion, dismiss the petition and such child may be transferred to the court of general jurisdiction and prosecuted under the general law; except that if a petition alleges that any child has committed an offense which would be considered first degree murder under section 565.020, second degree murder under section 565.021, first degree assault under section 565.050, [forcible] **rape in the first degree** under section 566.030, [forcible] **sodomy in the first degree** under section 566.060, first degree robbery under section 569.020, or distribution of drugs under section 195.211, or has committed two or more prior unrelated offenses which would be felonies if committed by an adult, the court shall order a hearing, and may in its discretion, dismiss the petition and transfer the child to a court of general jurisdiction for prosecution under the general law.

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

3. Knowing and willful age misrepresentation by a juvenile subject shall not affect any action or proceeding which occurs based upon the misrepresentation. Any evidence obtained during the period of time in which a child

misrepresents his or her age may be used against the child and will be subject only to rules of evidence applicable in adult proceedings.

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

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

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

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

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

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

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

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

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

(7) The age of the child;

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

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

(10) Racial disparity in certification.

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

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

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

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

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

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

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

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

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

"211.447. 1. Any information that could justify the filing of a petition to terminate parental rights may be referred to the juvenile officer by any person. The juvenile officer shall make a preliminary inquiry and if it does not appear to the juvenile officer that a petition should be filed, such officer shall so notify the informant in writing within

thirty days of the referral. Such notification shall include the reasons that the petition will not be filed. Thereupon, the informant may bring the matter directly to the attention of the judge of the juvenile court by presenting the information in writing, and if it appears to the judge that the information could justify the filing of a petition, the judge may order the juvenile officer to take further action, including making a further preliminary inquiry or filing a petition.

2. Except as provided for in subsection 4 of this section, a petition to terminate the parental rights of the child's parent or parents shall be filed by the juvenile officer or the division, or if such a petition has been filed by another party, the juvenile officer or the division shall seek to be joined as a party to the petition, when:

(1) Information available to the juvenile officer or the division establishes that the child has been in foster care for at least fifteen of the most recent twenty-two months; or

(2) A court of competent jurisdiction has determined the child to be an abandoned infant. For purposes of this subdivision, an "infant" means any child one year of age or under at the time of filing of the petition. The court may find that an infant has been abandoned if:

(a) The parent has left the child under circumstances that the identity of the child was unknown and could not be ascertained, despite diligent searching, and the parent has not come forward to claim the child; or

(b) The parent has, without good cause, left the child without any provision for parental support and without making arrangements to visit or communicate with the child, although able to do so; or

(3) A court of competent jurisdiction has determined that the parent has:

(a) Committed murder of another child of the parent; or

(b) Committed voluntary manslaughter of another child of the parent; or

(c) Aided or abetted, attempted, conspired or solicited to commit such a murder or voluntary manslaughter;

or

(d) Committed a felony assault that resulted in serious bodily injury to the child or to another child of the parent.

3. A termination of parental rights petition shall be filed by the juvenile officer or the division, or if such a petition has been filed by another party, the juvenile officer or the division shall seek to be joined as a party to the petition, within sixty days of the judicial determinations required in subsection 2 of this section, except as provided in subsection 4 of this section. Failure to comply with this requirement shall not deprive the court of jurisdiction to adjudicate a petition for termination of parental rights which is filed outside of sixty days.

4. If grounds exist for termination of parental rights pursuant to subsection 2 of this section, the juvenile officer or the division may, but is not required to, file a petition to terminate the parental rights of the child's parent or parents if:

(1) The child is being cared for by a relative; or

(2) There exists a compelling reason for determining that filing such a petition would not be in the best interest of the child, as documented in the permanency plan which shall be made available for court review; or

(3) The family of the child has not been provided such services as provided for in section 211.183.

5. The juvenile officer or the division may file a petition to terminate the parental rights of the child's parent when it appears that one or more of the following grounds for termination exist:

(1) The child has been abandoned. For purposes of this subdivision a "child" means any child over one year of age at the time of filing of the petition. The court shall find that the child has been abandoned if, for a period of six months or longer:

(a) The parent has left the child under such circumstances that the identity of the child was unknown and could not be ascertained, despite diligent searching, and the parent has not come forward to claim the child; or

(b) The parent has, without good cause, left the child without any provision for parental support and without making arrangements to visit or communicate with the child, although able to do so;

(2) The child has been abused or neglected. In determining whether to terminate parental rights pursuant to this subdivision, the court shall consider and make findings on the following conditions or acts of the parent:

(a) A mental condition which is shown by competent evidence either to be permanent or such that there is no reasonable likelihood that the condition can be reversed and which renders the parent unable to knowingly provide the child the necessary care, custody and control;

(b) Chemical dependency which prevents the parent from consistently providing the necessary care, custody and control of the child and which cannot be treated so as to enable the parent to consistently provide such care, custody and control;

(c) A severe act or recurrent acts of physical, emotional or sexual abuse toward the child or any child in the family by the parent, including an act of incest, or by another under circumstances that indicate that the parent knew or should have known that such acts were being committed toward the child or any child in the family; or

(d) Repeated or continuous failure by the parent, although physically or financially able, to provide the child with adequate food, clothing, shelter, or education as defined by law, or other care and control necessary for the child's physical, mental, or emotional health and development. Nothing in this subdivision shall be construed to permit discrimination on the basis of disability or disease;

(3) The child has been under the jurisdiction of the juvenile court for a period of one year, and the court finds that the conditions which led to the assumption of jurisdiction still persist, or conditions of a potentially harmful nature continue to exist, that there is little likelihood that those conditions will be remedied at an early date so that the child can be returned to the parent in the near future, or the continuation of the parent-child relationship greatly diminishes the child's prospects for early integration into a stable and permanent home. In determining whether to terminate parental rights under this subdivision, the court shall consider and make findings on the following:

(a) The terms of a social service plan entered into by the parent and the division and the extent to which the parties have made progress in complying with those terms;

(b) The success or failure of the efforts of the juvenile officer, the division or other agency to aid the parent on a continuing basis in adjusting his circumstances or conduct to provide a proper home for the child;

(c) A mental condition which is shown by competent evidence either to be permanent or such that there is no reasonable likelihood that the condition can be reversed and which renders the parent unable to knowingly provide the child the necessary care, custody and control;

(d) Chemical dependency which prevents the parent from consistently providing the necessary care, custody and control over the child and which cannot be treated so as to enable the parent to consistently provide such care, custody and control; or

(4) The parent has been found guilty or pled guilty to a felony violation of chapter 566 when the child or any child in the family was a victim, or a violation of section 568.020 when the child or any child in the family was a victim. As used in this subdivision, a "child" means any person who was under eighteen years of age at the time of the crime and who resided with such parent or was related within the third degree of consanguinity or affinity to such parent; or

(5) The child was conceived and born as a result of an act of [forcible] rape **in the first degree**. When the biological father has pled guilty to, or is convicted of, the [forcible] rape **in the first degree** of the birth mother, such a plea or conviction shall be conclusive evidence supporting the termination of the biological father's parental rights; or

(6) The parent is unfit to be a party to the parent and child relationship because of a consistent pattern of committing a specific abuse, including but not limited to abuses as defined in section 455.010, child abuse or drug abuse before the child or of specific conditions directly relating to the parent and child relationship either of which are determined by the court to be of a duration or nature that renders the parent unable, for the reasonably foreseeable future, to care appropriately for the ongoing physical, mental or emotional needs of the child. It is presumed that a parent is unfit to be a party to the parent-child relationship upon a showing that within a three-year period immediately prior to the termination adjudication, the parent's parental rights to one or more other children were involuntarily terminated pursuant to subsection 2 or 4 of this section or subdivisions (1), (2), (3) or (4) of subsection 5 of this section or similar laws of other states.

6. The juvenile court may terminate the rights of a parent to a child upon a petition filed by the juvenile officer or the division, or in adoption cases, by a prospective parent, if the court finds that the termination is in the best interest of the child and when it appears by clear, cogent and convincing evidence that grounds exist for termination pursuant to subsection 2, 4 or 5 of this section.

7. When considering whether to terminate the parent-child relationship pursuant to subsection 2 or 4 of this section or subdivision (1), (2), (3) or (4) of subsection 5 of this section, the court shall evaluate and make findings on the following factors, when appropriate and applicable to the case:

(1) The emotional ties to the birth parent;

(2) The extent to which the parent has maintained regular visitation or other contact with the child;

(3) The extent of payment by the parent for the cost of care and maintenance of the child when financially able to do so including the time that the child is in the custody of the division or other child-placing agency;

(4) Whether additional services would be likely to bring about lasting parental adjustment enabling a return of the child to the parent within an ascertainable period of time;

(5) The parent's disinterest in or lack of commitment to the child;

(6) The conviction of the parent of a felony offense that the court finds is of such a nature that the child will be deprived of a stable home for a period of years; provided, however, that incarceration in and of itself shall not be grounds for termination of parental rights;

(7) Deliberate acts of the parent or acts of another of which the parent knew or should have known that subjects the child to a substantial risk of physical or mental harm.

8. The court may attach little or no weight to infrequent visitations, communications, or contributions. It is irrelevant in a termination proceeding that the maintenance of the parent-child relationship may serve as an inducement for the parent's rehabilitation.

9. In actions for adoption pursuant to chapter 453, the court may hear and determine the issues raised in a petition for adoption containing a prayer for termination of parental rights filed with the same effect as a petition permitted pursuant to subsection 2, 4, or 5 of this section.

10. The disability or disease of a parent shall not constitute a basis for a determination that a child is a child in need of care, for the removal of custody of a child from the parent, or for the termination of parental rights without a specific showing that there is a causal relation between the disability or disease and harm to the child."; and

"217.010. As used in this chapter and chapter 558, unless the context clearly indicates otherwise, the following terms shall mean:

(1) "Administrative segregation unit", a cell for the segregation of offenders from the general population of a facility for relatively extensive periods of time;

(2) "Board", the board of probation and parole;

(3) "Chief administrative officer", the institutional head of any correctional facility or his designee;

(4) "Correctional center", any premises or institution where incarceration, evaluation, care, treatment, or rehabilitation is provided to persons who are under the department's authority;

(5) "Department", the department of corrections of the state of Missouri;

(6) "Director", the director of the department of corrections or his designee;

(7) "Disciplinary segregation", a cell for the segregation of offenders from the general population of a correctional center because the offender has been found to have committed a violation of a division or facility rule and other available means are inadequate to regulate the offender's behavior;

(8) "Division", a statutorily created agency within the department or an agency created by the departmental organizational plan;

(9) "Division director", the director of a division of the department or his designee;

(10) "Local volunteer community board", a board of qualified local community volunteers selected by the court for the purpose of working in partnership with the court and the department of corrections in a reparative probation program;

(11) "Nonviolent offender", any offender who is convicted of a crime other than murder in the first or second degree, involuntary manslaughter, kidnapping, [forcible] rape **in the first degree**, [forcible] sodomy **in the first degree**, robbery in the first degree or assault in the first degree;

(12) "Offender", a person under supervision or an inmate in the custody of the department;

(13) "Probation", a procedure under which a defendant found guilty of a crime upon verdict or plea is released by the court without imprisonment, subject to conditions imposed by the court and subject to the supervision of the board;

(14) "Volunteer", any person who, of his own free will, performs any assigned duties for the department or its divisions with no monetary or material compensation."; and

"339.100. 1. The commission may, upon its own motion, and shall upon receipt of a written complaint filed by any person, investigate any real estate-related activity of a licensee licensed under sections 339.010 to 339.180 and sections 339.710 to 339.860 or an individual or entity acting as or representing themselves as a real estate licensee. In conducting such investigation, if the questioned activity or written complaint involves an affiliated licensee, the commission may forward a copy of the information received to the affiliated licensee's designated broker. The commission shall have the power to hold an investigatory hearing to determine whether there is a probability of a violation of sections 339.010 to 339.180 and sections 339.710 to 339.860. The commission shall have the power to issue a subpoena to compel the production of records and papers bearing on the complaint. The commission shall have the power to issue a subpoena and to compel any person in this state to come before the commission to offer testimony or any material specified in the subpoena. Subpoenas and subpoenas duces tecum issued pursuant to this section shall be served in the same manner as subpoenas in a criminal case. The fees and mileage of witnesses shall be the same as that allowed in the circuit court in civil cases.

2. The commission may cause a complaint to be filed with the administrative hearing commission as provided by the provisions of chapter 621 against any person or entity licensed under this chapter or any licensee who has failed to renew or has surrendered his or her individual or entity license for any one or any combination of the following acts:

(1) Failure to maintain and deposit in a special account, separate and apart from his or her personal or other business accounts, all moneys belonging to others entrusted to him or her while acting as a real estate broker or as the

temporary custodian of the funds of others, until the transaction involved is consummated or terminated, unless all parties having an interest in the funds have agreed otherwise in writing;

(2) Making substantial misrepresentations or false promises or suppression, concealment or omission of material facts in the conduct of his or her business or pursuing a flagrant and continued course of misrepresentation through agents, salespersons, advertising or otherwise in any transaction;

(3) Failing within a reasonable time to account for or to remit any moneys, valuable documents or other property, coming into his or her possession, which belongs to others;

(4) Representing to any lender, guaranteeing agency, or any other interested party, either verbally or through the preparation of false documents, an amount in excess of the true and actual sale price of the real estate or terms differing from those actually agreed upon;

(5) Failure to timely deliver a duplicate original of any and all instruments to any party or parties executing the same where the instruments have been prepared by the licensee or under his or her supervision or are within his or her control, including, but not limited to, the instruments relating to the employment of the licensee or to any matter pertaining to the consummation of a lease, listing agreement or the purchase, sale, exchange or lease of property, or any type of real estate transaction in which he or she may participate as a licensee;

(6) Acting for more than one party in a transaction without the knowledge of all parties for whom he or she acts, or accepting a commission or valuable consideration for services from more than one party in a real estate transaction without the knowledge of all parties to the transaction;

(7) Paying a commission or valuable consideration to any person for acts or services performed in violation of sections 339.010 to 339.180 and sections 339.710 to 339.860;

(8) Guaranteeing or having authorized or permitted any licensee to guarantee future profits which may result from the resale of real property;

(9) Having been finally adjudicated and been found guilty of the violation of any state or federal statute which governs the sale or rental of real property or the conduct of the real estate business as defined in subsection 1 of section 339.010;

(10) Obtaining a certificate or registration of authority, permit or license for himself or herself or anyone else by false or fraudulent representation, fraud or deceit;

(11) Representing a real estate broker other than the broker with whom associated without the express written consent of the broker with whom associated;

(12) Accepting a commission or valuable consideration for the performance of any of the acts referred to in section 339.010 from any person except the broker with whom associated at the time the commission or valuable consideration was earned;

(13) Using prizes, money, gifts or other valuable consideration as inducement to secure customers or clients to purchase, lease, sell or list property when the awarding of such prizes, money, gifts or other valuable consideration is conditioned upon the purchase, lease, sale or listing; or soliciting, selling or offering for sale real property by offering free lots, or conducting lotteries or contests, or offering prizes for the purpose of influencing a purchaser or prospective purchaser of real property;

(14) Placing a sign on or advertising any property offering it for sale or rent without the written consent of the owner or his or her duly authorized agent;

(15) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of sections 339.010 to 339.180 and sections 339.710 to 339.860, or of any lawful rule adopted pursuant to sections 339.010 to 339.180 and sections 339.710 to 339.860;

(16) Committing any act which would otherwise be grounds for the commission to refuse to issue a license under section 339.040;

(17) Failure to timely inform seller of all written offers unless otherwise instructed in writing by the seller;

(18) Been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of this state or any other state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(19) Any other conduct which constitutes untrustworthy, improper or fraudulent business dealings, demonstrates bad faith or incompetence, misconduct, or gross negligence;

(20) Disciplinary action against the holder of a license or other right to practice any profession regulated under sections 339.010 to 339.180 and sections 339.710 to 339.860 granted by another state, territory, federal agency, or country upon grounds for which revocation, suspension, or probation is authorized in this state;

(21) Been found by a court of competent jurisdiction of having used any controlled substance, as defined in chapter 195, to the extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by sections 339.010 to 339.180 and sections 339.710 to 339.860;

(22) Been finally adjudged insane or incompetent by a court of competent jurisdiction;

(23) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated under sections 339.010 to 339.180 and sections 339.710 to 339.860 who is not registered and currently eligible to practice under sections 339.010 to 339.180 and sections 339.710 to 339.860;

(24) Use of any advertisement or solicitation which is knowingly false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(25) Making any material misstatement, misrepresentation, or omission with regard to any application for licensure or license renewal. As used in this section, "material" means important information about which the commission should be informed and which may influence a licensing decision;

(26) Engaging in, committing, or assisting any person in engaging in or committing mortgage fraud, as defined in section 443.930.

3. After the filing of such complaint, the proceedings will be conducted in accordance with the provisions of law relating to the administrative hearing commission. A finding of the administrative hearing commissioner that the licensee has performed or attempted to perform one or more of the foregoing acts shall be grounds for the suspension or revocation of his license by the commission, or the placing of the licensee on probation on such terms and conditions as the real estate commission shall deem appropriate, or the imposition of a civil penalty by the commission not to exceed two thousand five hundred dollars for each offense. Each day of a continued violation shall constitute a separate offense.

4. The commission may prepare a digest of the decisions of the administrative hearing commission which concern complaints against licensed brokers or salespersons and cause such digests to be mailed to all licensees periodically. Such digests may also contain reports as to new or changed rules adopted by the commission and other information of significance to licensees.

5. Notwithstanding other provisions of this section, a broker or salesperson's license shall be revoked, or in the case of an applicant, shall not be issued, if the licensee or applicant has pleaded guilty to, entered a plea of nolo contendere to, or been found guilty of any of the following offenses or offenses of a similar nature established under the laws of this, any other state, the United States, or any other country, notwithstanding whether sentence is imposed:

(1) Any dangerous felony as defined under section 556.061 or murder in the first degree;

(2) Any of the following sexual offenses: rape **in the first degree**, statutory rape in the first degree, statutory rape in the second degree, [sexual assault, forcible] **rape in the second degree**, sodomy **in the first degree**, statutory sodomy in the first degree, statutory sodomy in the second degree, child molestation in the first degree, child molestation in the second degree, [deviate sexual assault] **sodomy in the second degree**, sexual misconduct involving a child, [sexual misconduct in the first degree,] sexual abuse **in the first or second degree**, enticement of a child, or attempting to entice a child;

(3) Any of the following offenses against the family and related offenses: incest, abandonment of a child in the first degree, abandonment of a child in the second degree, endangering the welfare of a child in the first degree, abuse of a child, using a child in a sexual performance, promoting sexual performance by a child, or trafficking in children;

(4) Any of the following offenses involving child pornography and related offenses: promoting obscenity in the first degree, promoting obscenity in the second degree when the penalty is enhanced to a class D felony, promoting child pornography in the first degree, promoting child pornography in the second degree, possession of child pornography in the first degree, possession of child pornography in the second degree, furnishing child pornography to a minor, furnishing pornographic materials to minors, or coercing acceptance of obscene material; and

(5) Mortgage fraud as defined in section 570.310.

6. A person whose license was revoked under subsection 5 of this section may appeal such revocation to the administrative hearing commission. Notice of such appeal must be received by the administrative hearing commission within ninety days of mailing, by certified mail, the notice of revocation. Failure of a person whose license was revoked to notify the administrative hearing commission of his or her intent to appeal waives all rights to appeal the revocation. Upon notice of such person's intent to appeal, a hearing shall be held before the administrative hearing commission."; and

"375.1312. 1. As used in this section, the following terms mean:

(1) "Domestic violence"[, the occurrence of stalking or one or more of the following acts between family or household members:

(a) Attempting to cause or intentionally or knowingly causing bodily injury or physical harm;

(b) Knowingly engaging in a course of conduct or repeatedly committing acts toward another person under circumstances that place the person in reasonable fear of bodily injury or physical harm; or

(c) Knowingly committing forcible rape, sexual assault or forcible sodomy, as defined in chapter 566;

(2) "Family or household member", spouses, former spouses, adults related by blood or marriage, adults who are presently residing together or have resided together in the past and adults who have a child in common regardless of whether they have been married or have resided together at any time] **and "family" or "household member", as such terms are defined in section 455.010;**

[(3)] (2) "Innocent coinsured", an insured who did not cooperate in or contribute to the creation of a property loss and the loss arose out of a pattern of domestic violence;

[(4)] (3) "Sole", a single act or a pattern of domestic violence which may include multiple acts[;

(5) "Stalking", when an adult purposely and repeatedly harasses or follows with the intent of harassing another adult. As used in this subdivision, "harasses" means to engage in a course of conduct directed at a specific adult that serves no legitimate purpose, that would cause a reasonable adult to suffer substantial emotional distress. As used in this subdivision, "course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct"].

2. No insurer shall do any of the following on the sole basis of the status of an insured or prospective insured as a victim of domestic violence:

(1) Deny, cancel or refuse to issue or renew an insurance policy;

(2) Require a greater premium, deductible or any other payment;

(3) Exclude or limit coverage for losses or deny a claim;

(4) Designate domestic violence as a preexisting condition for which coverage will be denied or reduced;

(5) Terminate group coverage solely because of claims relating to the fact that any individual in the group is or has been a victim of domestic violence; or

(6) Fix any lower rate or discriminate in the fees or commissions of an agent for writing or renewing a policy insuring an individual solely because an individual is or has been a victim of domestic violence.

3. The fact that an insured or prospective insured has been a victim of domestic violence shall not be considered a permitted underwriting or rating criterion.

4. Nothing in this section shall prohibit an insurer from taking an action described in subsection 2 of this section if the action is otherwise permissible by law and is taken in the same manner and to the same extent with respect to all insureds and prospective insureds without regard to whether the insured or prospective insured is a victim of domestic violence.

5. If an innocent coinsured files a police report and completes a sworn affidavit for the insurer that indicates both the cause of the loss and a pledge to cooperate in any criminal prosecution of the person committing the act causing the loss, then no insurer shall deny payment to an innocent coinsured on a property loss claim due to any policy provision that excludes coverage for intentional acts. Payment to the innocent coinsured may be limited to such innocent coinsured's ownership interest in the property as reduced by any payment to a mortgagor or other secured interest; however, insurers shall not be required to make any subsequent payment to any other insured for the part of any loss for which the innocent coinsured has received payment. An insurer making payment to an insured shall have all rights of subrogation to recover against the perpetrator of the loss.

6. A violation of this section shall be subject to the provisions of sections 375.930 to 375.948, relating to unfair trade practices."; and

"455.010. As used in this chapter, unless the context clearly indicates otherwise, the following terms shall mean:

(1) "Abuse" includes but is not limited to the occurrence of any of the following acts, attempts or threats against a person who may be protected pursuant to this chapter, except abuse shall not include abuse inflicted on a child by accidental means by an adult household member or discipline of a child, including spanking, in a reasonable manner:

(a) "Assault", purposely or knowingly placing or attempting to place another in fear of physical harm;

(b) "Battery", purposely or knowingly causing physical harm to another with or without a deadly weapon;

(c) "Coercion", compelling another by force or threat of force to engage in conduct from which the latter has a right to abstain or to abstain from conduct in which the person has a right to engage;

(d) "Harassment", engaging in a purposeful or knowing course of conduct involving more than one incident that alarms or causes distress to an adult or child and serves no legitimate purpose. The course of conduct must be such as would cause a reasonable adult or child to suffer substantial emotional distress and must actually cause substantial emotional distress to the petitioner or child. Such conduct might include, but is not limited to:

- a. Following another about in a public place or places;
- b. Peering in the window or lingering outside the residence of another; but does not include constitutionally protected activity;
- (e) "Sexual assault", causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, or duress;
- (f) "Unlawful imprisonment", holding, confining, detaining or abducting another person against that person's will;
- (2) "Adult", any person seventeen years of age or older or otherwise emancipated;
- (3) "Child", any person under seventeen years of age unless otherwise emancipated;
- (4) "Court", the circuit or associate circuit judge or a family court commissioner;
- (5) "Domestic violence", abuse or stalking **committed by a family or household member**, as [both] **such** terms are defined in this section;
- (6) "Ex parte order of protection", an order of protection issued by the court before the respondent has received notice of the petition or an opportunity to be heard on it;
- (7) "Family" or "household member", spouses, former spouses, any person related by blood or marriage, persons who are presently residing together or have resided together in the past, any person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, and anyone who has a child in common regardless of whether they have been married or have resided together at any time;
- (8) "Full order of protection", an order of protection issued after a hearing on the record where the respondent has received notice of the proceedings and has had an opportunity to be heard;
- (9) "Order of protection", either an ex parte order of protection or a full order of protection;
- (10) "Pending", exists or for which a hearing date has been set;
- (11) "Petitioner", a family or household member who has been a victim of domestic violence, or any person who has been the victim of stalking, or a person filing on behalf of a child pursuant to section 455.503 who has filed a verified petition pursuant to the provisions of section 455.020 or section 455.505;
- (12) "Respondent", the family or household member alleged to have committed an act of domestic violence, or person alleged to have committed an act of stalking, against whom a verified petition has been filed or a person served on behalf of a child pursuant to section 455.503;
- (13) "Stalking" is when any person purposely and repeatedly engages in an unwanted course of conduct that causes alarm to another person when it is reasonable in that person's situation to have been alarmed by the conduct. As used in this subdivision:
 - (a) "Alarm" means to cause fear of danger of physical harm;
 - (b) "Course of conduct" means a pattern of conduct composed of repeated acts over a period of time, however short, that serves no legitimate purpose. Such conduct may include, but is not limited to, following the other person or unwanted communication or unwanted contact; and
 - (c) "Repeated" means two or more incidents evidencing a continuity of purpose.

455.015. The petition shall be filed in the county where the petitioner resides, where the alleged incident of [abuse] **domestic violence** occurred, or where the respondent may be served.

455.020. 1. Any [adult] **person** who has been subject to domestic violence by a present or former family or household member, or who has been the victim of stalking, may seek relief under sections 455.010 to 455.085 by filing a verified petition alleging such domestic violence or stalking by the respondent.

2. [An adult's] **A person's** right to relief under sections 455.010 to 455.085 shall not be affected by [his] **the person** leaving the residence or household to avoid domestic violence.

3. Any protection order issued pursuant to sections 455.010 to 455.085 shall be effective throughout the state in all cities and counties."; and

"455.030. 1. When the court is unavailable after business hours or on holidays or weekends, a verified petition for protection from [abuse] **domestic violence** or a motion for hearing on violation of any order of protection under sections 455.010 to 455.085 may be filed before any available court in the city or county having jurisdiction to hear the petition pursuant to the guidelines developed pursuant to subsection 4 of this section. An ex parte order may be granted pursuant to section 455.035.

2. All papers in connection with the filing of a petition or the granting of an ex parte order of protection or a motion for a hearing on a violation of an order of protection under this section shall be certified by such court or the clerk within the next regular business day to the circuit court having jurisdiction to hear the petition.

3. A petitioner seeking a protection order shall not be required to reveal any current address or place of residence except to the court in camera for the purpose of determining jurisdiction and venue. The petitioner may be required to provide a mailing address unless the petitioner alleges that he or she would be endangered by such disclosure, or that other family or household members would be endangered by such disclosure. Effective January 1, 2004, a petitioner shall not be required to provide his or her Social Security number on any petition or document filed in connection with a protection order; except that, the court may require that a petitioner's Social Security number be retained on a confidential case sheet or other confidential record maintained in conjunction with the administration of the case.

4. The supreme court shall develop guidelines which ensure that a verified petition may be filed on holidays, evenings and weekends.

455.032. In addition to any other jurisdictional grounds provided by law, a court shall have jurisdiction to enter an order of protection restraining or enjoining the respondent from [abusing, threatening to abuse] **committing or threatening to commit domestic violence, stalking**, molesting or disturbing the peace of petitioner, pursuant to sections 455.010 to 455.085, if the petitioner is present, whether permanently or on a temporary basis within the state of Missouri and if the respondent's actions constituting [abuse] **domestic violence** have occurred, have been attempted or have been or are threatened within the state of Missouri. For purposes of this section, if the petitioner has been the subject of [abuse] **domestic violence** within or outside of the state of Missouri, such evidence shall be admissible to demonstrate the need for protection in Missouri.

455.035. 1. Upon the filing of a verified petition pursuant to sections 455.010 to 455.085 and for good cause shown in the petition, the court may immediately issue an ex parte order of protection. An immediate and present danger of [abuse] **domestic violence** to the petitioner **or the child on whose behalf the petition is filed** shall constitute good cause for purposes of this section. An ex parte order of protection entered by the court shall take effect when entered and shall remain in effect until there is valid service of process and a hearing is held on the motion. **The court shall deny the ex parte order and dismiss the petition if the petitioner is not authorized to seek relief pursuant to section 455.020.**

2. Failure to serve an ex parte order of protection on the respondent shall not affect the validity or enforceability of such order. If the respondent is less than seventeen years of age, unless otherwise emancipated, service of process shall be made upon a **custodial** parent or guardian of the respondent, or upon a guardian ad litem appointed by the court, **requiring that the person appear and bring the respondent before the court at the time and place stated.**

3. If an ex parte order is entered and [the allegations in the petition would give rise to jurisdiction under section 211.031 because] the respondent is less than seventeen years of age, the court shall transfer the case to juvenile court for a hearing on a full order of protection. The court shall appoint a guardian ad litem for any such respondent not represented by a parent or guardian."; and

"455.040. 1. Not later than fifteen days after the filing of a petition [pursuant to sections 455.010 to 455.085] **that meets the requirements of section 455.020**, a hearing shall be held unless the court deems, for good cause shown, that a continuance should be granted. At the hearing, if the petitioner has proved the allegation of [abuse] **domestic violence** or stalking by a preponderance of the evidence, the court shall issue a full order of protection for a period of time the court deems appropriate, except that the protective order shall be valid for at least one hundred eighty days and not more than one year. Upon motion by the petitioner, and after a hearing by the court, the full order of protection may be renewed for a period of time the court deems appropriate, except that the protective order shall be valid for at least one hundred eighty days and not more than one year from the expiration date of the originally issued full order of protection. The court may, upon finding that it is in the best interest of the parties, include a provision that any full order of protection for one year shall automatically renew unless the respondent requests a hearing by thirty days prior to the expiration of the order. If for good cause a hearing cannot be held on the motion to renew or the objection to an automatic renewal of the full order of protection prior to the expiration date of the originally issued full order of protection, an ex parte order of protection may be issued until a hearing is held on the motion. When an automatic renewal is not authorized, upon motion by the petitioner, and after a hearing by the court, the second full order of protection may be renewed for an additional period of time the court deems appropriate, except that the protective order shall be valid for at least one hundred eighty days and not more than one year. For purposes of this subsection, a finding by the court of a subsequent act of [abuse] **domestic violence or stalking** is not required for a renewal order of protection.

2. The court shall cause a copy of the petition and notice of the date set for the hearing on such petition and any ex parte order of protection to be served upon the respondent as provided by law or by any sheriff or police officer

at least three days prior to such hearing. [Such notice shall be served at the earliest time, and service of such notice shall take priority over service in other actions, except those of a similar emergency nature.] The court shall cause a copy of any full order of protection to be served upon or mailed by certified mail to the respondent at the respondent's last known address. **Notice of an ex parte or full order of protection shall be served at the earliest time, and service of such notice shall take priority over service in other actions, except those of a similar emergency nature.** Failure to serve or mail a copy of the full order of protection to the respondent shall not affect the validity or enforceability of a full order of protection.

3. A copy of any order of protection granted pursuant to sections 455.010 to 455.085 shall be issued to the petitioner and to the local law enforcement agency in the jurisdiction where the petitioner resides. The clerk shall also issue a copy of any order of protection to the local law enforcement agency responsible for maintaining the Missouri uniform law enforcement system or any other comparable law enforcement system the same day the order is granted. The law enforcement agency responsible for maintaining MULES shall, for purposes of verification, within twenty-four hours from the time the order is granted, enter information contained in the order including but not limited to any orders regarding child custody or visitation and all specifics as to times and dates of custody or visitation that are provided in the order. A notice of expiration or of termination of any order of protection or any change in child custody or visitation within that order shall be issued to the local law enforcement agency and to the law enforcement agency responsible for maintaining MULES or any other comparable law enforcement system. The law enforcement agency responsible for maintaining the applicable law enforcement system shall enter such information in the system within twenty-four hours of receipt of information evidencing such expiration or termination. The information contained in an order of protection may be entered in the Missouri uniform law enforcement system or comparable law enforcement system using a direct automated data transfer from the court automated system to the law enforcement system.

4. The court shall cause a copy of any objection filed by the respondent and notice of the date set for the hearing on such objection to an automatic renewal of a full order of protection for a period of one year to be personally served upon the petitioner by personal process server as provided by law or by a sheriff or police officer at least three days prior to such hearing. Such service of process shall be served at the earliest time and shall take priority over service in other actions except those of a similar emergency nature.

455.045. Any ex parte order of protection granted pursuant to sections 455.010 to 455.085 shall be to protect the petitioner from [abuse] **domestic violence** or stalking and may include:

(1) Restraining the respondent from [abusing, threatening to abuse] **committing or threatening to commit domestic violence**, molesting, stalking or disturbing the peace of the petitioner;

(2) Restraining the respondent from entering the premises of the dwelling unit of petitioner when the dwelling unit is:

(a) Jointly owned, leased or rented or jointly occupied by both parties; or

(b) Owned, leased, rented or occupied by petitioner individually; or

(c) Jointly owned, leased or rented by petitioner and a person other than respondent; provided, however, no spouse shall be denied relief pursuant to this section by reason of the absence of a property interest in the dwelling unit; or

(d) Jointly occupied by the petitioner and a person other than the respondent; provided that the respondent has no property interest in the dwelling unit;

(3) Restraining the respondent from communicating with the petitioner in any manner or through any medium;

(4) A temporary order of custody of minor children where appropriate.

455.050. 1. Any full or ex parte order of protection granted pursuant to sections 455.010 to 455.085 shall be to protect the petitioner from domestic violence and may include such terms as the court reasonably deems necessary to ensure the petitioner's safety, including but not limited to:

(1) Temporarily enjoining the respondent from [abusing, threatening to abuse] **committing or threatening to commit domestic violence**, molesting, stalking or disturbing the peace of the petitioner;

(2) Temporarily enjoining the respondent from entering the premises of the dwelling unit of the petitioner when the dwelling unit is:

(a) Jointly owned, leased or rented or jointly occupied by both parties; or

(b) Owned, leased, rented or occupied by petitioner individually; or

(c) Jointly owned, leased, rented or occupied by petitioner and a person other than respondent; provided, however, no spouse shall be denied relief pursuant to this section by reason of the absence of a property interest in the dwelling unit; or

(d) Jointly occupied by the petitioner and a person other than respondent; provided that the respondent has no property interest in the dwelling unit; or

(3) Temporarily enjoining the respondent from communicating with the petitioner in any manner or through any medium.

2. Mutual orders of protection are prohibited unless both parties have properly filed written petitions and proper service has been made in accordance with sections 455.010 to 455.085.

3. When the court has, after a hearing for any full order of protection, issued an order of protection, it may, in addition:

(1) Award custody of any minor child born to or adopted by the parties when the court has jurisdiction over such child and no prior order regarding custody is pending or has been made, and the best interests of the child require such order be issued;

(2) Establish a visitation schedule that is in the best interests of the child;

(3) Award child support in accordance with supreme court rule 88.01 and chapter 452;

(4) Award maintenance to petitioner when petitioner and respondent are lawfully married in accordance with chapter 452;

(5) Order respondent to make or to continue to make rent or mortgage payments on a residence occupied by the petitioner if the respondent is found to have a duty to support the petitioner or other dependent household members;

(6) Order the respondent to pay the petitioner's rent at a residence other than the one previously shared by the parties if the respondent is found to have a duty to support the petitioner and the petitioner requests alternative housing;

(7) Order that the petitioner be given temporary possession of specified personal property, such as automobiles, checkbooks, keys, and other personal effects;

(8) Prohibit the respondent from transferring, encumbering, or otherwise disposing of specified property mutually owned or leased by the parties;

(9) Order the respondent to participate in a court-approved counseling program designed to help batterers stop violent behavior or to participate in a substance abuse treatment program;

(10) Order the respondent to pay a reasonable fee for housing and other services that have been provided or that are being provided to the petitioner by a shelter for victims of domestic violence;

(11) Order the respondent to pay court costs;

(12) Order the respondent to pay the cost of medical treatment and services that have been provided or that are being provided to the petitioner as a result of injuries sustained to the petitioner by an act of domestic violence committed by the respondent.

4. A verified petition seeking orders for maintenance, support, custody, visitation, payment of rent, payment of monetary compensation, possession of personal property, prohibiting the transfer, encumbrance, or disposal of property, or payment for services of a shelter for victims of domestic violence, shall contain allegations relating to those orders and shall pray for the orders desired.

5. In making an award of custody, the court shall consider all relevant factors including the presumption that the best interests of the child will be served by placing the child in the custody and care of the nonabusive parent, unless there is evidence that both parents have engaged in abusive behavior, in which case the court shall not consider this presumption but may appoint a guardian ad litem or a court-appointed special advocate to represent the children in accordance with chapter 452 and shall consider all other factors in accordance with chapter 452.

6. The court shall grant to the noncustodial parent rights to visitation with any minor child born to or adopted by the parties, unless the court finds, after hearing, that visitation would endanger the child's physical health, impair the child's emotional development or would otherwise conflict with the best interests of the child, or that no visitation can be arranged which would sufficiently protect the custodial parent from further [abuse] **domestic violence**. The court may appoint a guardian ad litem or court-appointed special advocate to represent the minor child in accordance with chapter 452 whenever the custodial parent alleges that visitation with the noncustodial parent will damage the minor child.

7. The court shall make an order requiring the noncustodial party to pay an amount reasonable and necessary for the support of any child to whom the party owes a duty of support when no prior order of support is outstanding and after all relevant factors have been considered, in accordance with Missouri supreme court rule 88.01 and chapter 452.

8. The court may grant a maintenance order to a party for a period of time, not to exceed one hundred eighty days. Any maintenance ordered by the court shall be in accordance with chapter 452."; and

"455.060. 1. After notice and hearing, the court may modify an order of protection at any time, upon subsequent motion filed by the guardian ad litem, the court-appointed special advocate or by either party together with

an affidavit showing a change in circumstances sufficient to warrant the modification. All full orders of protection shall be final orders and appealable and shall be for a fixed period of time as provided in section 455.040.

2. Any order for child support, custody, temporary custody, visitation or maintenance entered under sections 455.010 to 455.085 shall terminate prior to the time fixed in the order upon the issuance of a subsequent order pursuant to chapter 452 or any other Missouri statute.

3. No order entered pursuant to sections 455.010 to 455.085 shall be res judicata to any subsequent proceeding, including, but not limited to, any action brought under chapter 452[, RSMo 1978, as amended].

4. All provisions of an order of protection shall terminate upon entry of a decree of dissolution of marriage or legal separation except as to those provisions which require the respondent to participate in a court-approved counseling program or enjoin the respondent from [abusing, molesting, stalking or disturbing the peace of] **committing an act of domestic violence against** the petitioner and which enjoin the respondent from entering the premises of the dwelling unit of the petitioner as described in the order of protection when the petitioner continues to reside in that dwelling unit unless the respondent is awarded possession of the dwelling unit pursuant to a decree of dissolution of marriage or legal separation.

5. Any order of protection or order for child support, custody, temporary custody, visitation or maintenance entered under sections 455.010 to 455.085 shall terminate upon the order of the court granting a motion to terminate the order of protection by the petitioner. [The court shall set the motion to dismiss for hearing and both parties shall have an opportunity to be heard.] Prior to terminating any order of protection, the court may [examine the circumstances of the motion to dismiss and may] inquire of the petitioner or others **in camera** in order to [assist the court in determining if] **determine whether the** dismissal is voluntary.

6. The order of protection may not change the custody of children when an action for dissolution of marriage has been filed or the custody has previously been awarded by a court of competent jurisdiction."; and

"455.080. 1. Law enforcement agencies may establish procedures to ensure that dispatchers and officers at the scene of an alleged incident of [abuse] **domestic violence or stalking** or violation of an order of protection can be informed of any recorded prior incident of [abuse] **domestic violence or stalking** involving the abused party and can verify the effective dates and terms of any recorded order of protection.

2. The law enforcement agency shall apply the same standard for response to an alleged incident of [abuse] **domestic violence or stalking** or a violation of any order of protection as applied to any like offense involving strangers, except as otherwise provided by law. Law enforcement agencies shall not assign lower priority to calls involving alleged incidents of [abuse] **domestic violence or stalking** or violation of protection orders than is assigned in responding to offenses involving strangers. Existence of any of the following factors shall be interpreted as indicating a need for immediate response:

(1) The caller indicates that violence is imminent or in progress; or

(2) A protection order is in effect; or

(3) The caller indicates that incidents of domestic violence have occurred previously between the parties.

3. Law enforcement agencies may establish domestic crisis teams or, if the agency has fewer than five officers whose responsibility it is to respond to calls of this nature, individual officers trained in methods of dealing with [family and household quarrels] **domestic violence**. Such teams or individuals may be supplemented by social workers, ministers or other persons trained in counseling or crisis intervention. When an alleged incident of [family or household abuse] **domestic violence** is reported, the agency may dispatch a crisis team or specially trained officer, if available, to the scene of the incident.

4. The officer at the scene of an alleged incident of [abuse] **domestic violence or stalking** shall inform the abused party of available judicial remedies for relief from [adult abuse] **domestic violence** and of available shelters for victims of domestic violence.

5. Law enforcement officials at the scene shall provide or arrange transportation for the abused party to a medical facility for treatment of injuries or to a place of shelter or safety."; and

"455.085. 1. When a law enforcement officer has probable cause to believe a party has committed a violation of law amounting to [abuse or assault] **domestic violence**, as defined in section 455.010, against a family or household member, the officer may arrest the offending party whether or not the violation occurred in the presence of the arresting officer. When the officer declines to make arrest pursuant to this subsection, the officer shall make a written report of the incident completely describing the offending party, giving the victim's name, time, address, reason why no arrest was made and any other pertinent information. Any law enforcement officer subsequently called to the same address within a twelve-hour period, who shall find probable cause to believe the same offender has again committed a violation as stated in this subsection against the same or any other family or household member, shall arrest the offending party for

this subsequent offense. The primary report of nonarrest in the preceding twelve-hour period may be considered as evidence of the defendant's intent in the violation for which arrest occurred. The refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this subsection.

2. When a law enforcement officer has probable cause to believe that a party, against whom a protective order has been entered and who has notice of such order entered, has committed an act of abuse in violation of such order, the officer shall arrest the offending party-respondent whether or not the violation occurred in the presence of the arresting officer. Refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this subsection.

3. When an officer makes an arrest [he], **the officer** is not required to arrest two parties involved in an assault when both parties claim to have been assaulted. The arresting officer shall attempt to identify and shall arrest the party [he] **the officer** believes is the primary physical aggressor. The term "primary physical aggressor" is defined as the most significant, rather than the first, aggressor. The law enforcement officer shall consider any or all of the following in determining the primary physical aggressor:

- (1) The intent of the law to protect victims [of domestic violence] from continuing [abuse] **domestic violence**;
- (2) The comparative extent of injuries inflicted or serious threats creating fear of physical injury;
- (3) The history of domestic violence between the persons involved.

No law enforcement officer investigating an incident of [family] **domestic violence** shall threaten the arrest of all parties for the purpose of discouraging requests or law enforcement intervention by any party. Where complaints are received from two or more opposing parties, the officer shall evaluate each complaint separately to determine whether [he] **the officer** should seek a warrant for an arrest.

4. In an arrest in which a law enforcement officer acted in good faith reliance on this section, the arresting and assisting law enforcement officers and their employing entities and superiors shall be immune from liability in any civil action alleging false arrest, false imprisonment or malicious prosecution.

5. When a person against whom an order of protection has been entered fails to surrender custody of minor children to the person to whom custody was awarded in an order of protection, the law enforcement officer shall arrest the respondent, and shall turn the minor children over to the care and custody of the party to whom such care and custody was awarded.

6. The same procedures, including those designed to protect constitutional rights, shall be applied to the respondent as those applied to any individual detained in police custody.

7. A violation of the terms and conditions, with regard to [abuse] **domestic violence**, stalking, child custody, communication initiated by the respondent or entrance upon the premises of the petitioner's dwelling unit or place of employment or school, or being within a certain distance of the petitioner or a child of the petitioner, of an ex parte order of protection of which the respondent has notice, shall be a class A misdemeanor unless the respondent has previously pleaded guilty to or has been found guilty in any division of the circuit court of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class D felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of such prior pleas of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict.

8. A violation of the terms and conditions, with regard to [abuse] **domestic violence**, stalking, child custody, communication initiated by the respondent or entrance upon the premises of the petitioner's dwelling unit or place of employment or school, or being within a certain distance of the petitioner or a child of the petitioner, of a full order of protection shall be a class A misdemeanor, unless the respondent has previously pleaded guilty to or has been found guilty in any division of the circuit court of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class D felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of such prior plea of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of the sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict. For the purposes of this subsection, in addition to the notice provided by actual service of the order, a party is deemed to have notice of an order of protection if the law enforcement officer responding to a call of a reported incident of [abuse] **domestic violence, stalking**, or violation of an order of protection presented a copy of the order of protection to the respondent.

9. Good faith attempts to effect a reconciliation of a marriage shall not be deemed tampering with a witness or victim tampering under section 575.270.

10. Nothing in this section shall be interpreted as creating a private cause of action for damages to enforce the provisions set forth herein."; and

"455.503. 1. A petition for an order of protection for a child shall be filed in the county where the child resides, where the alleged incident of [abuse] **domestic violence or stalking** occurred, or where the respondent may be served.

2. Such petition may be filed by any of the following:

- (1) A parent or guardian of the victim;
- (2) A guardian ad litem or court-appointed special advocate appointed for the victim; or
- (3) The juvenile officer."; and

"455.505. 1. An order of protection for a child who has been subject to domestic violence by a present or former [adult] household member or person stalking the child may be sought under sections 455.500 to 455.538 by the filing of a verified petition alleging such domestic violence **or stalking** by the respondent.

2. A child's right to relief under sections 455.500 to 455.538 shall not be affected by [his] **the child's** leaving the residence or household to avoid domestic violence.

3. Any protection order issued pursuant to sections 455.500 to 455.538 shall be effective throughout the state in all cities and counties."; and

"455.513. 1. Upon the filing of a verified petition under sections 455.500 to 455.538, for good cause shown in the petition, and upon finding that no prior order regarding custody is pending or has been made or that the respondent is less than seventeen years of age, the court may immediately issue an ex parte order of protection. An immediate and present danger of [abuse] **domestic violence or stalking** to a child shall constitute good cause for purposes of this section. An ex parte order of protection entered by the court shall be in effect until the time of the hearing. **The court shall deny the ex parte order and dismiss the petition if the petitioner is not authorized to seek relief pursuant to section 455.505.**

2. Upon the entry of the ex parte order of protection, the court shall enter its order appointing a guardian ad litem or court-appointed special advocate to represent the child victim.

3. If the allegations in the petition would give rise to jurisdiction under section 211.031, the court may direct the children's division to conduct an investigation and to provide appropriate services. The division shall submit a written investigative report to the court and to the juvenile officer within thirty days of being ordered to do so. The report shall be made available to the parties and the guardian ad litem or court-appointed special advocate.

4. If [an ex parte order is entered and] the allegations in the petition would give rise to jurisdiction under section 211.031 because the respondent is less than seventeen years of age, the court **may issue an ex parte order and** shall transfer the case to juvenile court for a hearing on a full order of protection. Service of process shall be made pursuant to section 455.035."; and

"455.520. 1. Any ex parte order of protection granted under sections 455.500 to 455.538 shall be to protect the victim from domestic violence **or stalking** and may include such terms as the court reasonably deems necessary to ensure the [petitioner's] **victim's** safety, including but not limited to:

(1) Restraining the respondent from [abusing, threatening to abuse] **committing or threatening to commit domestic violence, stalking**, molesting, or disturbing the peace of the victim;

(2) Restraining the respondent from entering the family home of the victim except as specifically authorized by the court;

(3) Restraining the respondent from communicating with the victim in any manner or through any medium, except as specifically authorized by the court;

(4) A temporary order of custody of minor children.

2. No ex parte order of protection excluding the respondent from the family home shall be issued unless the court finds that:

(1) The order is in the best interests of the child or children remaining in the home;

(2) The verified allegations of domestic violence present a substantial risk to the child or children unless the respondent is excluded; and

(3) A remaining adult family or household member is able to care adequately for the child or children in the absence of the excluded party.

455.523. 1. Any full order of protection granted under sections 455.500 to 455.538 shall be to protect the victim from domestic violence and **stalking** may include such terms as the court reasonably deems necessary to ensure the petitioner's safety, including but not limited to:

(1) Temporarily enjoining the respondent from [abusing] **committing domestic violence**, threatening to [abuse] **commit domestic violence, stalking**, molesting, or disturbing the peace of the victim;

(2) Temporarily enjoining the respondent from entering the family home of the victim, except as specifically authorized by the court;

(3) Temporarily enjoining the respondent from communicating with the victim in any manner or through any medium, except as specifically authorized by the court.

2. When the court has, after hearing for any full order of protection, issued an order of protection, it may, in addition:

(1) Award custody of any minor child born to or adopted by the parties when the court has jurisdiction over such child and no prior order regarding custody is pending or has been made, and the best interests of the child require such order be issued;

(2) Award visitation;

(3) Award child support in accordance with supreme court rule 88.01 and chapter 452;

(4) Award maintenance to petitioner when petitioner and respondent are lawfully married in accordance with chapter 452;

(5) Order respondent to make or to continue to make rent or mortgage payments on a residence occupied by the victim if the respondent is found to have a duty to support the victim or other dependent household members;

(6) Order the respondent to participate in a court-approved counseling program designed to help [child abusers] stop violent behavior or to treat substance abuse;

(7) Order the respondent to pay, to the extent that he or she is able, the costs of his or her treatment, together with the treatment costs incurred by the victim;

(8) Order the respondent to pay a reasonable fee for housing and other services that have been provided or that are being provided to the victim by a shelter for victims of domestic violence."; and

"455.538. 1. When a law enforcement officer has probable cause to believe that a party, against whom a protective order for a child has been entered, has committed an act [of abuse] in violation of that order, [he] **the officer** shall have the authority to arrest the respondent whether or not the violation occurred in the presence of the arresting officer.

2. When a person, against whom an order of protection for a child has been entered, fails to surrender custody of minor children to the person to whom custody was awarded in an order of protection, the law enforcement officer shall arrest the respondent, and shall turn the minor children over to the care and custody of the party to whom such care and custody was awarded.

3. The same procedures, including those designed to protect constitutional rights, shall be applied to the respondent as those applied to any individual detained in police custody.

4. (1) Violation of the terms and conditions of an ex parte or full order of protection with regard to [abuse] **domestic violence, stalking**, child custody, communication initiated by the respondent, or entrance upon the premises of the victim's dwelling unit or place of employment or school, or being within a certain distance of the petitioner or a child of the petitioner, of which the respondent has notice, shall be a class A misdemeanor, unless the respondent has previously pleaded guilty to or has been found guilty in any division of the circuit court of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class D felony. Evidence of a prior plea of guilty or finding of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of a prior plea of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict.

(2) For purposes of this subsection, in addition to the notice provided by actual service of the order, a party is deemed to have notice of an order of protection for a child if the law enforcement officer responding to a call of a reported incident of [abuse] **domestic violence or stalking** or violation of an order of protection for a child presents a copy of the order of protection to the respondent.

5. The fact that an act by a respondent is a violation of a valid order of protection for a child shall not preclude prosecution of the respondent for other crimes arising out of the incident in which the protection order is alleged to have been violated."; and

"527.290. 1. Public notice of such a change of name shall be given at least three times in a newspaper published in the county where such person is residing, within twenty days after the order of court is made, and if no newspaper is published in [his] **the person's** or any adjacent county, then such notice shall be given in a newspaper published in the City of St. Louis, or at the seat of government.

2. Public notice of such name change through publication as required in subsection 1 of this section shall not be required, **and any system operated by the judiciary that is designed to provide public case information electronically shall not post the name change**, if the petitioner is:

- (1) The victim of a crime, the underlying factual basis of which is found by the court on the record to include an act of domestic violence, as defined in section 455.010;
- (2) The victim of child abuse, as defined in section 210.110; or
- (3) The victim of [abuse] **domestic violence** by a family or household member, as defined in section 455.010."; and

"556.036. 1. A prosecution for murder, [forcible] rape **in the first degree**, attempted [forcible] rape **in the first degree**, [forcible] sodomy **in the first degree**, attempted [forcible] sodomy **in the first degree**, or any class A felony may be commenced at any time.

2. Except as otherwise provided in this section, prosecutions for other offenses must be commenced within the following periods of limitation:

- (1) For any felony, three years, except as provided in subdivision (4) of this subsection;
- (2) For any misdemeanor, one year;
- (3) For any infraction, six months;
- (4) For any violation of section 569.040, when classified as a class B felony, or any violation of section 569.050 or 569.055, five years.

3. If the period prescribed in subsection 2 of this section has expired, a prosecution may nevertheless be commenced for:

(1) Any offense a material element of which is either fraud or a breach of fiduciary obligation within one year after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is himself or herself not a party to the offense, but in no case shall this provision extend the period of limitation by more than three years. As used in this subdivision, the term "person who has a legal duty to represent an aggrieved party" shall mean the attorney general or the prosecuting or circuit attorney having jurisdiction pursuant to section 407.553, for purposes of offenses committed pursuant to sections 407.511 to 407.556; and

(2) Any offense based upon misconduct in office by a public officer or employee at any time when the defendant is in public office or employment or within two years thereafter, but in no case shall this provision extend the period of limitation by more than three years; and

(3) Any offense based upon an intentional and willful fraudulent claim of child support arrearage to a public servant in the performance of his or her duties within one year after discovery of the offense, but in no case shall this provision extend the period of limitation by more than three years.

4. An offense is committed either when every element occurs, or, if a legislative purpose to prohibit a continuing course of conduct plainly appears, at the time when the course of conduct or the defendant's complicity therein is terminated. Time starts to run on the day after the offense is committed.

5. A prosecution is commenced for a misdemeanor or infraction when the information is filed and for a felony when the complaint or indictment is filed.

6. The period of limitation does not run:

(1) During any time when the accused is absent from the state, but in no case shall this provision extend the period of limitation otherwise applicable by more than three years; or

(2) During any time when the accused is concealing himself from justice either within or without this state;

or

(3) During any time when a prosecution against the accused for the offense is pending in this state; or

(4) During any time when the accused is found to lack mental fitness to proceed pursuant to section 552.020.

556.037. Notwithstanding the provisions of section 556.036, prosecutions for unlawful sexual offenses involving a person eighteen years of age or under must be commenced within thirty years after the victim reaches the age of eighteen unless the prosecutions are for [forcible] rape **in the first degree**, attempted [forcible] rape **in the first degree**, [forcible] sodomy **in the first degree**, kidnapping, or attempted [forcible] sodomy **in the first degree** in which case such prosecutions may be commenced at any time."; and

- (1) "Affirmative defense" has the meaning specified in section 556.056;
- (2) "Burden of injecting the issue" has the meaning specified in section 556.051;
- (3) "Commercial film and photographic print processor", any person who develops exposed photographic film into negatives, slides or prints, or who makes prints from negatives or slides, for compensation. The term commercial film and photographic print processor shall include all employees of such persons but shall not include a person who develops film or makes prints for a public agency;
- (4) "Confinement":
 - (a) A person is in confinement when such person is held in a place of confinement pursuant to arrest or order of a court, and remains in confinement until:
 - a. A court orders the person's release; or
 - b. The person is released on bail, bond, or recognizance, personal or otherwise; or
 - c. A public servant having the legal power and duty to confine the person authorizes his release without guard and without condition that he return to confinement;
 - (b) A person is not in confinement if:
 - a. The person is on probation or parole, temporary or otherwise; or
 - b. The person is under sentence to serve a term of confinement which is not continuous, or is serving a sentence under a work-release program, and in either such case is not being held in a place of confinement or is not being held under guard by a person having the legal power and duty to transport the person to or from a place of confinement;
- (5) "Consent": consent or lack of consent may be expressed or implied. Assent does not constitute consent if:
 - (a) It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor; or
 - (b) It is given by a person who by reason of youth, mental disease or defect, [or] intoxication, **a drug-induced state, or any other reason** is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or
 - (c) It is induced by force, duress or deception;
- (6) "Criminal negligence" has the meaning specified in section 562.016;
- (7) "Custody", a person is in custody when the person has been arrested but has not been delivered to a place of confinement;
- (8) "Dangerous felony" means the felonies of arson in the first degree, assault in the first degree, attempted [forcible] rape **in the first degree** if physical injury results, attempted [forcible] sodomy **in the first degree** if physical injury results, [forcible] rape **in the first degree**, [forcible] sodomy **in the first degree**, kidnapping, murder in the second degree, assault of a law enforcement officer in the first degree, domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree, statutory rape in the first degree [when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense], statutory sodomy in the first degree [when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense], and, abuse of a child [pursuant to subdivision (2) of subsection 3 of] **if the child dies as a result of injuries sustained from conduct chargeable under** section 568.060, child kidnapping, and parental kidnapping committed by detaining or concealing the whereabouts of the child for not less than one hundred twenty days under section 565.153;
- (9) "Dangerous instrument" means any instrument, article or substance, which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury;
- (10) "Deadly weapon" means any firearm, loaded or unloaded, or any weapon from which a shot, readily capable of producing death or serious physical injury, may be discharged, or a switchblade knife, dagger, billy, blackjack or metal knuckles;
- (11) "Felony" has the meaning specified in section 556.016;
- (12) "Forcible compulsion" means either:
 - (a) Physical force that overcomes reasonable resistance; or
 - (b) A threat, express or implied, that places a person in reasonable fear of death, serious physical injury or kidnapping of such person or another person;
- (13) "Incapacitated" means that physical or mental condition, temporary or permanent, in which a person is unconscious, unable to appraise the nature of such person's conduct, or unable to communicate unwillingness to an act[. A person is not incapacitated with respect to an act committed upon such person if he or she became unconscious, unable to appraise the nature of such person's conduct or unable to communicate unwillingness to an act, after consenting to the act];
- (14) "Infraction" has the meaning specified in section 556.021;
- (15) "Inhabitable structure" has the meaning specified in section 569.010;
- (16) "Knowingly" has the meaning specified in section 562.016;

(17) "Law enforcement officer" means any public servant having both the power and duty to make arrests for violations of the laws of this state, and federal law enforcement officers authorized to carry firearms and to make arrests for violations of the laws of the United States;

(18) "Misdemeanor" has the meaning specified in section 556.016;

(19) "Offense" means any felony, misdemeanor or infraction;

(20) "Physical injury" means physical pain, illness, or any impairment of physical condition;

(21) "Place of confinement" means any building or facility and the grounds thereof wherein a court is legally authorized to order that a person charged with or convicted of a crime be held;

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

(23) "Public servant" means any person employed in any way by a government of this state who is compensated by the government by reason of such person's employment, any person appointed to a position with any government of this state, or any person elected to a position with any government of this state. It includes, but is not limited to, legislators, jurors, members of the judiciary and law enforcement officers. It does not include witnesses;

(24) "Purposely" has the meaning specified in section 562.016;

(25) "Recklessly" has the meaning specified in section 562.016;

(26) "Ritual" or "ceremony" means an act or series of acts performed by two or more persons as part of an established or prescribed pattern of activity;

(27) "Serious emotional injury", an injury that creates a substantial risk of temporary or permanent medical or psychological damage, manifested by impairment of a behavioral, cognitive or physical condition. Serious emotional injury shall be established by testimony of qualified experts upon the reasonable expectation of probable harm to a reasonable degree of medical or psychological certainty;

(28) "Serious physical injury" means physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body;

(29) "Sexual conduct" means acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification;

(30) "Sexual contact" means any touching of the genitals or anus of any person, or the breast of any female person, or any such touching through the clothing, for the purpose of arousing or gratifying sexual desire of any person;

(31) "Sexual performance", any performance, or part thereof, which includes sexual conduct by a child who is less than seventeen years of age;

(32) "Voluntary act" has the meaning specified in section 562.011.; and

"558.018. 1. The court shall sentence a person [who has pleaded guilty to or] **to an extended term of imprisonment if it finds the defendant is a persistent sexual offender and** has been found guilty of [the felony of forcible rape, statutory rape in the first degree, forcible sodomy, statutory sodomy in the first degree or an attempt to commit any of the crimes designated in this subsection to an extended term of imprisonment if it finds the defendant is a persistent sexual offender] **attempting to commit or committing the following offenses:**

(1) **Statutory rape in the first degree or statutory sodomy in the first degree;**

(2) **Rape in the first degree or sodomy in the first degree attempted or committed on or after August 28, 2013;**

(3) **Forcible rape committed or attempted any time during the period of August 13, 1980 to August 27, 2013;**

(4) **Forcible sodomy committed or attempted any time during the period of January 1, 1995 to August 27, 2013;**

(5) **Rape committed or attempted before August 13, 1980;**

(6) **Sodomy committed or attempted before January 1, 1995.**

2. A "persistent sexual offender" is one who has previously [pleaded guilty to or has been found guilty of the felony of forcible rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the first degree or an attempt to commit any of the crimes designated in this subsection] **been found guilty of attempting to commit or committing any of the offenses listed in subsection 1 of this section.**

3. The term of imprisonment for one found to be a persistent sexual offender shall be imprisonment for life without eligibility for probation or parole. Subsection 4 of section 558.019 shall not apply to any person imprisoned under this subsection, and "imprisonment for life" shall mean imprisonment for the duration of the person's natural life.

4. The court shall sentence a person [who has pleaded guilty to or has] **to an extended term of imprisonment as provided for in this section if it finds the defendant is a predatory sexual offender and has** been found guilty of [the felony of forcible rape, statutory rape in the first degree, forcible sodomy, statutory sodomy in the first degree, or an attempt to commit any of the preceding crimes or] **committing or attempting to commit any of the offenses listed in subsection 1 of this section or committing** child molestation in the first degree when classified as a class B felony or sexual abuse when classified as a class B felony to an extended term of imprisonment as provided for in this section if it finds the defendant is a predatory sexual offender.

5. For purposes of this section, a "predatory sexual offender" is a person who:

(1) Has previously [pleaded guilty to or has] been found guilty of [the felony of forcible rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the first degree, or an attempt to commit any of the preceding crimes or] **committing or attempting to commit any of the offenses listed in subsection 1 of this section, or committing** child molestation in the first degree when classified as a class B felony or sexual abuse when classified as a class B felony; or

(2) Has previously committed an act which would constitute an offense listed in subsection 4 of this section, whether or not the act resulted in a conviction; or

(3) Has committed an act or acts against more than one victim which would constitute an offense or offenses listed in subsection 4 of this section, whether or not the defendant was charged with an additional offense or offenses as a result of such act or acts.

6. A person found to be a predatory sexual offender shall be imprisoned for life with eligibility for parole, however subsection 4 of section 558.019 shall not apply to persons found to be predatory sexual offenders for the purposes of determining the minimum prison term or the length of sentence as defined or used in such subsection. Notwithstanding any other provision of law, in no event shall a person found to be a predatory sexual offender receive a final discharge from parole.

7. Notwithstanding any other provision of law, the court shall set the minimum time required to be served before a predatory sexual offender is eligible for parole, conditional release or other early release by the department of corrections. The minimum time to be served by a person found to be a predatory sexual offender who:

(1) Has previously [pleaded guilty to or has] been found guilty of [the felony of forcible rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the first degree, or an attempt to commit any of the preceding crimes and pleads guilty to or is found guilty of the felony of forcible rape, statutory rape in the first degree, forcible sodomy, statutory sodomy in the first degree or an attempt to commit any of the preceding crimes] **committing or attempting to commit any of the offenses listed in subsection 1 of this section and is found guilty of committing or attempting to commit any of the offenses listed in subsection 1 of this section** shall be any number of years but not less than thirty years;

(2) Has previously pleaded guilty to or has been found guilty of child molestation in the first degree when classified as a class B felony or sexual abuse when classified as a class B felony and [pleads guilty to or] is found guilty of attempting to commit or committing [forcible rape, statutory rape in the first degree, forcible sodomy or statutory sodomy in the first degree] **any of the offenses listed in subsection 1 of this section** shall be any number of years but not less than fifteen years;

(3) Has previously [pleaded guilty to or has] been found guilty of [the felony of forcible rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the first degree, or an attempt to commit any of the preceding crimes and pleads guilty to or is found guilty of] **committing or attempting to commit any of the offenses listed in subsection 1 of this section, or committing** child molestation in the first degree when classified as a class B felony or sexual abuse when classified as a class B felony shall be any number of years but not less than fifteen years;

(4) Has previously pleaded guilty to or has been found guilty of child molestation in the first degree when classified as a class B felony or sexual abuse when classified as a class B felony, and pleads guilty to or is found guilty of child molestation in the first degree when classified as a class B felony or sexual abuse when classified as a class B felony shall be any number of years but not less than fifteen years;

(5) Is found to be a predatory sexual offender pursuant to subdivision (2) or (3) of subsection 5 of this section shall be any number of years within the range to which the person could have been sentenced pursuant to the applicable law if the person was not found to be a predatory sexual offender.

8. Notwithstanding any provision of law to the contrary, the department of corrections, or any division thereof, may not furlough an individual found to be and sentenced as a persistent sexual offender or a predatory sexual offender."; and

"558.026. 1. Multiple sentences of imprisonment shall run concurrently unless the court specifies that they shall run consecutively; except [that,] in the case of multiple sentences of imprisonment imposed for [the felony of rape, forcible rape, sodomy, forcible sodomy or] **any offense committed during or at the same time as, or multiple offenses of, the following felonies:**

- (1) **Rape in the first degree;**
- (2) **Statutory rape in the first degree;**
- (3) **Sodomy in the first degree;**
- (4) **Statutory sodomy in the first degree; or**

(5) An attempt to commit any of the [aforesaid and for other offenses committed during or at the same time as that rape, forcible rape, sodomy, forcible sodomy or an attempt to commit any of the aforesaid, the sentences of imprisonment imposed for the other offenses may run concurrently, but] **felonies listed in this subsection. In such case,** the sentence of imprisonment imposed for [the felony of rape, forcible rape, sodomy, forcible sodomy] **any offense of rape in the first degree, statutory rape in the first degree, sodomy in the first degree, statutory sodomy in the first degree,** or an attempt to commit any of the aforesaid shall run consecutively to the other sentences. **The sentences imposed for any other offense may run concurrently.**

2. If a person who is on probation, parole or conditional release is sentenced to a term of imprisonment for an offense committed after the granting of probation or parole or after the start of his conditional release term, the court shall direct the manner in which the sentence or sentences imposed by the court shall run with respect to any resulting probation, parole or conditional release revocation term or terms. If the subsequent sentence to imprisonment is in another jurisdiction, the court shall specify how any resulting probation, parole or conditional release revocation term or terms shall run with respect to the foreign sentence of imprisonment.

3. A court may cause any sentence it imposes to run concurrently with a sentence an individual is serving or is to serve in another state or in a federal correctional center. If the Missouri sentence is served in another state or in a federal correctional center, subsection 4 of section 558.011 and section 217.690 shall apply as if the individual were serving his sentence within the department of corrections of the state of Missouri, except that a personal hearing before the board of probation and parole shall not be required for parole consideration."; and

"559.115. 1. Neither probation nor parole shall be granted by the circuit court between the time the transcript on appeal from the offender's conviction has been filed in appellate court and the disposition of the appeal by such court.

2. Unless otherwise prohibited by subsection 5 of this section, a circuit court only upon its own motion and not that of the state or the offender shall have the power to grant probation to an offender anytime up to one hundred twenty days after such offender has been delivered to the department of corrections but not thereafter. The court may request information and a recommendation from the department concerning the offender and such offender's behavior during the period of incarceration. Except as provided in this section, the court may place the offender on probation in a program created pursuant to section 217.777, or may place the offender on probation with any other conditions authorized by law.

3. The court may recommend placement of an offender in a department of corrections one hundred twenty-day program under this section or order such placement under subsection 4 of section 559.036. Upon the recommendation or order of the court, the department of corrections shall assess each offender to determine the appropriate program in which to place the offender, including shock incarceration or institutional treatment. When the court recommends and receives placement of an offender in a department of corrections one hundred twenty-day program, the offender shall be released on probation if the department of corrections determines that the offender has successfully completed the program except as follows. Upon successful completion of a treatment program, the board of probation and parole shall advise the sentencing court of an offender's probationary release date thirty days prior to release. The court shall release the offender unless such release constitutes an abuse of discretion. If the court determined that there is an abuse of discretion, the court may order the execution of the offender's sentence only after conducting a hearing on the matter within ninety to one hundred twenty days of the offender's sentence. If the court does not respond when an offender successfully completes the program, the offender shall be released on probation. Upon successful completion of a shock incarceration program, the board of probation and parole shall advise the sentencing court of an offender's probationary release date thirty days prior to release. The court shall follow the recommendation of the department unless the court determines that probation is not appropriate. If the court determines that probation is not appropriate, the court may order the execution of the offender's sentence only after conducting a hearing on the matter within ninety to one hundred

twenty days of the offender's sentence. If the department determines that an offender is not successful in a program, then after one hundred days of incarceration the circuit court shall receive from the department of corrections a report on the offender's participation in the program and department recommendations for terms and conditions of an offender's probation. The court shall then release the offender on probation or order the offender to remain in the department to serve the sentence imposed.

4. If the department of corrections one hundred twenty-day program is full, the court may place the offender in a private program approved by the department of corrections or the court, the expenses of such program to be paid by the offender, or in an available program offered by another organization. If the offender is convicted of a class C or class D nonviolent felony, the court may order probation while awaiting appointment to treatment.

5. Except when the offender has been found to be a predatory sexual offender pursuant to section 558.018, the court shall request that the offender be placed in the sexual offender assessment unit of the department of corrections if the defendant has pleaded guilty to or has been found guilty of sexual abuse when classified as a class B felony.

6. Unless the offender is being granted probation pursuant to successful completion of a one hundred twenty-day program the circuit court shall notify the state in writing when the court intends to grant probation to the offender pursuant to the provisions of this section. The state may, in writing, request a hearing within ten days of receipt of the court's notification that the court intends to grant probation. Upon the state's request for a hearing, the court shall grant a hearing as soon as reasonably possible. If the state does not respond to the court's notice in writing within ten days, the court may proceed upon its own motion to grant probation.

7. An offender's first incarceration for one hundred twenty days for participation in a department of corrections program prior to release on probation shall not be considered a previous prison commitment for the purpose of determining a minimum prison term under the provisions of section 558.019.

8. Notwithstanding any other provision of law, probation may not be granted pursuant to this section to offenders who have been convicted of murder in the second degree pursuant to section 565.021; [forcible] rape **in the first degree** pursuant to section 566.030; [forcible] sodomy **in the first degree** pursuant to section 566.060; statutory rape in the first degree pursuant to section 566.032; statutory sodomy in the first degree pursuant to section 566.062; child molestation in the first degree pursuant to section 566.067 when classified as a class A felony; abuse of a child pursuant to section 568.060 when classified as a class A felony; an offender who has been found to be a predatory sexual offender pursuant to section 558.018; or any offense in which there exists a statutory prohibition against either probation or parole.

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

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

3. Following this assessment and treatment period, an assessment report shall be sent to the sentencing court and the sentencing court may, if appropriate, release the offender on probation. The offender shall be supervised on probation by a state probation and parole officer, who shall work cooperatively with the department of mental health to enroll eligible offenders in community psychiatric rehabilitation (CPR) programs.

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

- (1) Have been found guilty of, or plead guilty to, murder in the second degree under section 565.021;
- (2) Have been found guilty of, or plead guilty to, [forcible] rape **in the first degree** under section 566.030;
- (3) Have been found guilty of, or plead guilty to, statutory rape in the first degree under section 566.032;
- (4) Have been found guilty of, or plead guilty to, [forcible] sodomy **in the first degree** under section 566.060;
- (5) Have been found guilty of, or plead guilty to, statutory sodomy in the first degree under section 566.062;
- (6) Have been found guilty of, or plead guilty to, child molestation in the first degree under section 566.067 when classified as a class A felony;
- (7) Have been found to be a predatory sexual offender under section 558.018; or
- (8) Have been found guilty of, or plead guilty to, any offense for which there exists a statutory prohibition against either probation or parole.

5. At the end of the three-year pilot, the director of the department of corrections and the director of the department of mental health shall jointly submit recommendations to the governor and to the general assembly by December 31, 2015, on whether to expand the process statewide."; and

"566.020. 1. [Whenever in this chapter the criminality of conduct depends upon a victim's being incapacitated, no crime is committed if the actor reasonably believed that the victim was not incapacitated and reasonably believed that the victim consented to the act. The defendant shall have the burden of injecting the issue of belief as to capacity and consent.

2.] Whenever in this chapter the criminality of conduct depends upon a child being thirteen years of age or younger, it is no defense that the defendant believed the child to be older.

[3.] 2. Whenever in this chapter the criminality of conduct depends upon a child being under seventeen years of age, it is an affirmative defense that the defendant reasonably believed that the child was seventeen years of age or older.

[4.] 3. Consent is not an affirmative defense to any offense under chapter 566 if the alleged victim is less than twelve years of age."; and

"566.030. 1. A person commits the [crime] **offense** of [forcible] **rape in the first degree** if [such person] **he or she** has sexual intercourse with another person **who is incapacitated, incapable of consent, or lacks the capacity to consent, or** by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse.

2. [Forcible] **The offense of rape in the first degree** or an attempt to commit [forcible] **rape in the first degree** is a felony for which the authorized term of imprisonment is life imprisonment or a term of years not less than five years, unless:

(1) In the course thereof the actor inflicts serious physical injury or displays a deadly weapon or dangerous instrument in a threatening manner or subjects the victim to sexual intercourse or deviate sexual intercourse with more than one person **or the victim is a child and the actor has pled guilty to or has been convicted of the crime of incest against the victim under section 568.020**, in which case the authorized term of imprisonment is life imprisonment or a term of years not less than fifteen years;

(2) The victim is a child less than twelve years of age, in which case the required term of imprisonment is life imprisonment without eligibility for probation or parole until the [defendant] **offender** has served not less than thirty years of such sentence or unless the [defendant] **offender** has reached the age of seventy-five years and has served at least fifteen years of such sentence, unless such [forcible] **rape in the first degree** is described under subdivision (3) of this subsection; or

(3) The victim is a child less than twelve years of age and such [forcible] **rape in the first degree or attempt to commit rape in the first degree** was outrageously or wantonly vile, horrible or inhumane, in that it involved torture or depravity of mind, in which case the required term of imprisonment is life imprisonment without eligibility for probation, parole or conditional release.

3. Subsection 4 of section 558.019 shall not apply to the sentence of a person who has [pleaded guilty to or has] been found guilty of [forcible] **rape in the first degree or attempt to commit rape in the first degree** when the victim is [under the age of] **less than twelve years of age**, and "life imprisonment" shall mean imprisonment for the duration of a person's natural life for the purposes of this section.

4. No person found guilty of [or pleading guilty to forcible] **rape in the first degree** or an attempt to commit [forcible] **rape in the first degree** shall be granted a suspended imposition of sentence or suspended execution of sentence.

[566.040.] **566.031.** 1. A person commits the [crime] **offense** of [sexual assault] **rape in the second degree** if he **or she** has sexual intercourse with another person knowing that he **or she** does so without that person's consent.

2. [Sexual assault] **The offense of rape in the second degree** is a class C felony.

566.032. 1. A person commits the crime of statutory rape in the first degree if he has sexual intercourse with another person who is less than fourteen years old.

2. Statutory rape in the first degree or an attempt to commit statutory rape in the first degree is a felony for which the authorized term of imprisonment is life imprisonment or a term of years not less than five years, unless in the course thereof the actor inflicts serious physical injury on any person, displays a deadly weapon or dangerous instrument in a threatening manner, subjects the victim to sexual intercourse or deviate sexual intercourse with more than one

person, **the actor has pled guilty to or has been convicted of the crime of incest against the victim under section 568.020**, or the victim is less than twelve years of age in which case the authorized term of imprisonment is life imprisonment or a term of years not less than ten years.

566.034. 1. A person commits the crime of statutory rape in the second degree if being twenty-one years of age or older, he has sexual intercourse with another person who is less than seventeen years of age.

2. Statutory rape in the second degree is a class C felony **unless the actor has pled guilty to or has been convicted of the crime of incest against the victim under section 568.020, in which case the crime is a class B felony.**"; and

"566.060. 1. A person commits the [crime] **offense of [forcible] sodomy in the first degree** if [such person] **he or she** has deviate sexual intercourse with another person **who is incapacitated, incapable of consent, or lacks the capacity to consent**, or by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse.

2. [Forcible] **The offense of sodomy in the first degree** or an attempt to commit [forcible] sodomy **in the first degree** is a felony for which the authorized term of imprisonment is life imprisonment or a term of years not less than five years, unless:

(1) In the course thereof the actor inflicts serious physical injury or displays a deadly weapon or dangerous instrument in a threatening manner or subjects the victim to sexual intercourse or deviate sexual intercourse with more than one person **or the victim is a child and the actor has pled guilty to or has been convicted of the crime of incest against the victim under section 568.020**, in which case the authorized term of imprisonment is life imprisonment or a term of years not less than ten years; or

(2) The victim is a child less than twelve years [of age] **old**, in which case the required term of imprisonment is life imprisonment without eligibility for probation or parole until the [defendant] **offender** has served not less than thirty years of such sentence or unless the [defendant] **offender** has reached the age of seventy-five years and has served at least fifteen years of such sentence, unless such [forcible] sodomy **in the first degree** is described under subdivision (3) of this subsection; or

(3) The victim is a child less than twelve years of age and such [forcible] sodomy **in the first degree or attempt to commit sodomy in the first degree** was outrageously or wantonly vile, horrible or inhumane, in that it involved torture or depravity of mind, in which case the required term of imprisonment is life imprisonment without eligibility for probation, parole or conditional release.

3. Subsection 4 of section 558.019 shall not apply to the sentence of a person who has [pleaded guilty to or has] been found guilty of [forcible] sodomy **in the first degree or an attempt to commit sodomy in the first degree** when the victim is [under the age of] **less than twelve years of age**, and "life imprisonment" shall mean imprisonment for the duration of a person's natural life for the purposes of this section.

4. No person found guilty of [or pleading guilty to forcible] sodomy **in the first degree** or an attempt to commit [forcible] sodomy **in the first degree** shall be granted a suspended imposition of sentence or suspended execution of sentence.

[566.070.] **566.061.** 1. A person commits the [crime of deviate sexual assault] **offense of sodomy in the second degree** if he **or she** has deviate sexual intercourse with another person knowing that he **or she** does so without that person's consent.

2. [Deviate sexual assault] **The offense of sodomy in the second degree** is a class C felony.

566.062. 1. A person commits the crime of statutory sodomy in the first degree if he has deviate sexual intercourse with another person who is less than fourteen years old.

2. Statutory sodomy in the first degree or an attempt to commit statutory sodomy in the first degree is a felony for which the authorized term of imprisonment is life imprisonment or a term of years not less than five years, unless in the course thereof the actor inflicts serious physical injury on any person, displays a deadly weapon or dangerous instrument in a threatening manner, subjects the victim to sexual intercourse or deviate sexual intercourse with more than one person, **the actor has pled guilty to or has been convicted of the crime of incest against the victim under section 568.020**, or the victim is less than twelve years of age, in which case the authorized term of imprisonment is life imprisonment or a term of years not less than ten years.

566.064. 1. A person commits the crime of statutory sodomy in the second degree if being twenty-one years of age or older, he has deviate sexual intercourse with another person who is less than seventeen years of age.

2. Statutory sodomy in the second degree is a class C felony **unless the actor has pled guilty to or has been convicted of the crime of incest against the victim under section 568.020, in which case the crime is a class B felony.**

566.067. 1. A person commits the crime of child molestation in the first degree if he or she subjects another person who is less than fourteen years of age to sexual contact.

2. Child molestation in the first degree is a class B felony unless:

(1) The actor has previously been convicted of an offense under this chapter or in the course thereof the actor inflicts serious physical injury, displays a deadly weapon or deadly instrument in a threatening manner, or the offense is committed as part of a ritual or ceremony, in which case the crime is a class A felony; [or]

(2) The victim is a child less than twelve years of age and:

(a) The actor has previously been convicted of an offense under this chapter; or

(b) In the course thereof the actor inflicts serious physical injury, displays a deadly weapon or deadly instrument in a threatening manner, or if the offense is committed as part of a ritual or ceremony, in which case, the crime is a class A felony and such person shall serve his or her term of imprisonment without eligibility for probation or parole[.] ; **or**

(3) The actor has pled guilty to or has been convicted of the crime of incest against the victim under section 568.020, in which case the crime is a class A felony.

566.068. 1. A person commits the crime of child molestation in the second degree if he or she subjects another person who is less than seventeen years of age to sexual contact.

2. Child molestation in the second degree is a class A misdemeanor unless the actor has previously been convicted of an offense under this chapter or in the course thereof the actor inflicts serious physical injury on any person, displays a deadly weapon or dangerous instrument in a threatening manner, **the actor has pled guilty to or has been convicted of the crime of incest against the victim under section 568.020**, or the offense is committed as part of a ritual or ceremony, in which case the crime is a class D felony."; and

"566.083. 1. A person commits the crime of sexual misconduct involving a child if such person:

(1) Knowingly exposes his or her genitals to a child less than fifteen years of age under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm to the child;

(2) Knowingly exposes his or her genitals to a child less than fifteen years of age for the purpose of arousing or gratifying the sexual desire of any person, including the child;

(3) Knowingly coerces or induces a child less than fifteen years of age to expose the child's genitals for the purpose of arousing or gratifying the sexual desire of any person, including the child; or

(4) Knowingly coerces or induces a child who is known by such person to be less than fifteen years of age to expose the breasts of a female child through the internet or other electronic means for the purpose of arousing or gratifying the sexual desire of any person, including the child.

2. The provisions of this section shall apply regardless of whether the person violates this section in person or via the internet or other electronic means.

3. It is not an affirmative defense to prosecution for a violation of this section that the other person was a peace officer masquerading as a minor.

4. Sexual misconduct involving a child or attempted sexual misconduct involving a child is a class D felony unless the actor has previously pleaded guilty to or been found guilty of an offense pursuant to this chapter, **the actor has pled guilty to or has been convicted of the crime of incest against the victim under section 568.020**, or the actor has previously pleaded guilty to or has been convicted of an offense against the laws of another state or jurisdiction which would constitute an offense under this chapter, in which case it is a class C felony."; and

"566.093. 1. A person commits the [crime] **offense** of sexual misconduct in the [second] **first** degree if such person:

(1) Exposes his or her genitals under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm;

(2) Has sexual contact in the presence of a third person or persons under circumstances in which he or she knows that such conduct is likely to cause affront or alarm; or

(3) Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third person.

2. **The offense of** sexual misconduct in the [second] **first degree** is a class B misdemeanor unless the [actor] **person** has previously been [convicted] **found guilty** of an offense under this chapter, in which case it is a class A misdemeanor.

566.095. 1. A person commits the [crime] **offense** of sexual misconduct in the [third] **second degree** if he **or she** solicits or requests another person to engage in sexual conduct under circumstances in which he **or she** knows that [his requests] **such request** or solicitation is likely to cause affront or alarm.

2. **The offense of** sexual misconduct in the [third] **second degree** is a class C misdemeanor.

566.100. 1. A person commits the [crime] **offense** of sexual abuse **in the first degree** if he **or she** subjects another person to sexual contact **when that person is incapacitated, incapable of consent, or lacks the capacity to consent, or** by the use of forcible compulsion.

2. **The offense of** sexual abuse **in the first degree** is a class C felony unless in the course thereof the actor inflicts serious physical injury or displays a deadly weapon or dangerous instrument in a threatening manner or subjects the victim to sexual contact with more than one person or the victim is less than fourteen years of age, in which case [the crime] **it** is a class B felony.

[566.090.] **566.101.** 1. A person commits the [crime] **offense** of sexual [misconduct] **abuse** in the [first] **second degree** if [such person] **he or she** purposely subjects another person to sexual contact without that person's consent.

2. **The offense of** sexual [misconduct] **abuse** in the [first] **second degree** is a class A misdemeanor, unless the actor has previously been convicted of an offense under this chapter or unless in the course thereof the actor displays a deadly weapon in a threatening manner or the offense is committed as a part of a ritual or ceremony, in which case it is a class D felony."; and

"566.212. 1. A person commits the crime of sexual trafficking of a child if the individual knowingly:

(1) Recruits, entices, harbors, transports, provides, or obtains by any means, including but not limited to through the use of force, abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial harm, a person under the age of eighteen to participate in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010, or benefits, financially or by receiving anything of value, from participation in such activities; or

(2) Causes a person under the age of eighteen to engage in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010.

2. It shall not be a defense that the defendant believed that the person was eighteen years of age or older.

3. Sexual trafficking of a child is a felony punishable by imprisonment for a term of years not less than ten years or life and a fine not to exceed two hundred fifty thousand dollars if the child is under the age of eighteen. If a violation of this section was effected by force, abduction, or coercion, **or the actor has pled guilty to or has been convicted of the crime of incest against the victim under section 568.020**, the crime of sexual trafficking of a child shall be a felony for which the authorized term of imprisonment is life imprisonment without eligibility for probation or parole until the defendant has served not less than twenty-five years of such sentence."; and

"566.224. No prosecuting or circuit attorney, peace officer, governmental official, or employee of a law enforcement agency shall request or require a victim of [sexual assault] **rape in the second degree** under section [566.040 or forcible] **566.031 or rape in the first degree** under section 566.030 to submit to any polygraph test or psychological stress evaluator exam as a condition for proceeding with a criminal investigation of such crime.

566.226. 1. After August 28, 2007, any information contained in any court record, whether written or published on the internet, that could be used to identify or locate any victim of [sexual assault,] domestic assault, stalking, or [forcible] **rape in the first or second degree** shall be closed and redacted from such record prior to disclosure to the public. Identifying information shall include the name, home or temporary address, telephone number, Social Security number or physical characteristics.

2. If the court determines that a person or entity who is requesting identifying information of a victim has a legitimate interest in obtaining such information, the court may allow access to the information, but only if the court determines that disclosure to the person or entity would not compromise the welfare or safety of such victim.

3. Notwithstanding the provisions of subsection 1 of this section, the judge presiding over a [sexual assault,] domestic assault, stalking, or [forcible] **rape in the first or second degree** case shall have the discretion to publicly

disclose identifying information regarding the defendant which could be used to identify or locate the victim of the crime. The victim may provide a statement to the court regarding whether he or she desires such information to remain closed. When making the decision to disclose such information, the judge shall consider the welfare and safety of the victim and any statement to the court received from the victim regarding the disclosure."; and

"568.060. 1. As used in this section, the following terms shall mean:

(1) "Abuse", the infliction of physical, sexual, or mental injury against a child by any person eighteen years of age or older. For purposes of this section, abuse shall not include injury inflicted on a child by accidental means by a person with care, custody, or control of the child, or discipline of a child by a person with care, custody, or control of the child, including spanking, in a reasonable manner;

(2) "Abusive head trauma", a serious physical injury to the head or brain caused by any means, including but not limited to shaking, jerking, pushing, pulling, slamming, hitting, or kicking;

(3) "Mental injury", an injury to the intellectual or psychological capacity or the emotional condition of a child as evidenced by an observable and substantial impairment of the ability of the child to function within his or her normal range of performance or behavior;

(4) "Neglect", the failure to provide, by those responsible for the care, custody, and control of a child under the age of eighteen years, the care reasonable and necessary to maintain the physical and mental health of the child, when such failure presents a substantial probability that death or physical injury or sexual injury would result;

(5) "Physical injury", physical pain, illness, or any impairment of physical condition, including but not limited to bruising, lacerations, hematomas, welts, or permanent or temporary disfigurement and impairment of any bodily function or organ;

(6) "Serious emotional injury", an injury that creates a substantial risk of temporary or permanent medical or psychological damage, manifested by impairment of a behavioral, cognitive, or physical condition. Serious emotional injury shall be established by testimony of qualified experts upon the reasonable expectation of probable harm to a reasonable degree of medical or psychological certainty;

(7) "Serious physical injury", a physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body.

2. A person commits the offense of abuse or neglect of a child if such person knowingly causes a child who is less than eighteen years of age:

(1) To suffer physical or mental injury as a result of abuse or neglect; or

(2) To be placed in a situation in which the child may suffer physical or mental injury as the result of abuse or neglect.

3. A person commits the offense of abuse or neglect of a child if such person recklessly causes a child who is less than eighteen years of age to suffer from abusive head trauma.

4. A person does not commit the offense of abuse or neglect of a child by virtue of the sole fact that the person delivers or allows the delivery of child to a provider of emergency services.

5. The offense of abuse or neglect of a child is:

(1) A class C felony, without eligibility for probation or parole until the defendant has served no less than one year of such sentence, unless the person has previously been found guilty of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct or the injury inflicted on the child is a serious emotional injury or a serious physical injury, in which case abuse or neglect of a child is a class B felony, without eligibility for probation or parole until the defendant has served not less than five years of such sentence; **or**

(2) **A class A felony if the child dies as a result of injuries sustained from conduct chargeable under the provisions of this section.**

6. Notwithstanding subsection 5 of this section to the contrary, the offense of abuse or neglect of a child is a class A felony, without eligibility for probation or parole until the defendant has served not less than fifteen years of such sentence, if:

(1) The injury is a serious emotional injury or a serious physical injury;

(2) The child is less than fourteen years of age; and

(3) The injury is the result of sexual abuse as defined under section 566.100 or sexual exploitation of a minor as defined under section 573.023.

7. The circuit or prosecuting attorney may refer a person who is suspected of abuse or neglect of a child to an appropriate public or private agency for treatment or counseling so long as the agency has consented to taking such referrals. Nothing in this subsection shall limit the discretion of the circuit or prosecuting attorney to prosecute a person who has been referred for treatment or counseling pursuant to this subsection.

8. Nothing in this section shall be construed to alter the requirement that every element of any crime referred to herein must be proven beyond a reasonable doubt.

9. Discipline, including spanking administered in a reasonable manner, shall not be construed to be abuse under this section."; and

"589.015. As used in sections 589.010 to 589.040:

(1) The term "center" shall mean the state center for the prevention and control of sexual assault established pursuant to section 589.030;

(2) The term "sexual assault" shall include:

(a) The acts of rape **in the first or second degree**, [forcible rape,] statutory rape in the first degree, statutory rape in the second degree, [sexual assault,] sodomy **in the first or second degree**, [forcible sodomy,] statutory sodomy in the first degree, statutory sodomy in the second degree, child molestation in the first degree, child molestation in the second degree, [deviate sexual assault,] sexual misconduct and sexual abuse, or attempts to commit any of the aforesaid, as these acts are defined in chapter 566;

(b) The act of incest, as this act is defined in section 568.020;

(c) The act of abuse of a child, as defined in subdivision (1) of subsection 1 of section 568.060, which involves sexual contact, and as defined in subdivision (2) of subsection 1 of section 568.060;

(d) The act of use of a child in a sexual performance as defined in section 568.080; and

(e) The act of enticement of a child, as defined in section 566.151, or any attempt to commit such act."; and

Further amend said bill, Page 38, Section 589.456, Line 101, by inserting after all of said section and line the following:

"590.700. 1. As used in this section, the following terms shall mean:

(1) "Custodial interrogation", the questioning of a person under arrest, who is no longer at the scene of the crime, by a member of a law enforcement agency along with the answers and other statements of the person questioned. "Custodial interrogation" shall not include:

(a) A situation in which a person voluntarily agrees to meet with a member of a law enforcement agency;

(b) A detention by a law enforcement agency that has not risen to the level of an arrest;

(c) Questioning that is routinely asked during the processing of the arrest of the suspect;

(d) Questioning pursuant to an alcohol influence report;

(e) Questioning during the transportation of a suspect;

(2) "Recorded" and "recording", any form of audiotape, videotape, motion picture, or digital recording.

2. All custodial interrogations of persons suspected of committing or attempting to commit murder in the first degree, murder in the second degree, assault in the first degree, assault of a law enforcement officer in the first degree, domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree, arson in the first degree, [forcible] rape **in the first degree**, [forcible] sodomy **in the first degree**, kidnapping, statutory rape in the first degree, statutory sodomy in the first degree, child abuse, or child kidnapping shall be recorded when feasible.

3. Law enforcement agencies may record an interrogation in any circumstance with or without the knowledge or consent of a suspect, but they shall not be required to record an interrogation under subsection 2 of this section:

(1) If the suspect requests that the interrogation not be recorded;

(2) If the interrogation occurs outside the state of Missouri;

(3) If exigent public safety circumstances prevent recording;

(4) To the extent the suspect makes spontaneous statements;

(5) If the recording equipment fails; or

(6) If recording equipment is not available at the location where the interrogation takes place.

4. Each law enforcement agency shall adopt a written policy to record custodial interrogations of persons suspected of committing or attempting to commit the felony crimes described in subsection 2 of this section.

5. If a law enforcement agency fails to comply with the provisions of this section, the governor may withhold any state funds appropriated to the noncompliant law enforcement agency if the governor finds that the agency did not act in good faith in attempting to comply with the provisions of this section.

6. Nothing in this section shall be construed as a ground to exclude evidence, and a violation of this section shall not have impact other than that provided for in subsection 5 of this section. Compliance or noncompliance with this section shall not be admitted as evidence, argued, referenced, considered or questioned during a criminal trial.

7. Nothing contained in this section shall be construed to authorize, create, or imply a private cause of action."; and

"632.480. As used in sections 632.480 to 632.513, the following terms mean:

- (1) "Agency with jurisdiction", the department of corrections or the department of mental health;
- (2) "Mental abnormality", a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to commit sexually violent offenses in a degree constituting such person a menace to the health and safety of others;
- (3) "Predatory", acts directed towards individuals, including family members, for the primary purpose of victimization;
- (4) "Sexually violent offense", the felonies of **rape in the first degree**, forcible rape, rape, statutory rape in the first degree, **sodomy in the first degree**, forcible sodomy, sodomy, statutory sodomy in the first degree, or an attempt to commit any of the preceding crimes, or child molestation in the first or second degree, sexual abuse **in the first degree**, sexual assault, deviate sexual assault, **rape in the second degree**, **sodomy in the second degree**, or the act of abuse of a child as defined in subdivision (1) of subsection 1 of section 568.060 which involves sexual contact, and as defined in subdivision (2) of subsection 1 of section 568.060;
- (5) "Sexually violent predator", any person who suffers from a mental abnormality which makes the person more likely than not to engage in predatory acts of sexual violence if not confined in a secure facility and who:
 - (a) Has pled guilty or been found guilty, or been found not guilty by reason of mental disease or defect pursuant to section 552.030 of a sexually violent offense; or
 - (b) Has been committed as a criminal sexual psychopath pursuant to section 632.475 and statutes in effect before August 13, 1980."; and

Further amend said bill, Page 38, Section B, Line 4, by inserting after all of said section and line the following:

"Section B. Because immediate action is necessary to protect children the repeal and reenactment of sections 556.061 and 568.060 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 556.061 and 568.060 of section A of this act shall be in full force and effect upon its passage and approval."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Colona raised a point of order that **House Amendment No. 3** is not germane to the bill.

Representative Neth requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 102

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Haahr	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman

Lair	Lant	Lauer	Leara	Lichtenegger
Lynch	McCaherty	McGaugh	Messenger	Miller
Molendorp	Morris	Muntzel	Neely	Neth
Parkinson	Pfautsch	Phillips	Pike	Pogue
Redmon	Reiboldt	Remole	Rhoads	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 052

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith 85	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 008

Fitzwater	Guernsey	Hodges	Love	Marshall
Rehder	Richardson	Smith 120		

VACANCIES: 001

On motion of Representative Barnes, **House Amendment No. 3** was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 099

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Burlison	Cierpiot
Conway 104	Cookson	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Haahr	Haefner	Hampton	Hansen	Hicks
Higdon	Hinson	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Lichtenegger	Lynch	Marshall	McCaherty
McGaugh	Messenger	Miller	Molendorp	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch

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Phillips	Pike	Pogue	Redmon	Reiboldt
Remole	Rhoads	Riddle	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Wood	Zerr	Mr Speaker	

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith 85	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 012

Brown	Cornejo	Guernsey	Hodges	Hoskins
Leara	Love	Mitten	Rehder	Richardson
Shumake	Smith 120			

VACANCIES: 001

On motion of Representative Hinson, **HCS HB 589, as amended**, was adopted.

On motion of Representative Hinson, **HCS HB 589, as amended**, was ordered perfected and printed.

HCS HB 252, relating to adoptions, was taken up by Representative Lauer.

Representative Cox offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 252, Page 8, Section 453.510, Lines 54-57, by deleting all of said lines; and

Further renumber said section accordingly; and

Further amend said bill, Page 9, Section 453.515, Lines 39-41, by deleting all of said lines; and

Further renumber said section accordingly; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 100

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Molendorp	Morris	Muntzel	Neely
Neth	Parkinson	Pfautsch	Phillips	Pike
Pogue	Redmon	Reiboldt	Remole	Rhoads
Riddle	Ross	Rowland	Scharnhorst	Schieber
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith 85	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 011

Guernsey	Haahr	Hodges	Miller	Mitten
Rehder	Richardson	Rowden	Schatz	Smith 120
Mr Speaker				

VACANCIES: 001

On motion of Representative Cox, **House Amendment No. 1** was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 098

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haefner	Hampton	Hicks
Higdon	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeyer	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	McCaherty	McGaugh	Messenger
Molendorp	Morris	Muntzel	Neely	Neth
Parkinson	Pfausch	Phillips	Pike	Pogue
Reiboldt	Remole	Rhoads	Riddle	Ross
Rowland	Scharnhorst	Schatz	Schieber	Shumake
Solon	Sommer	Spencer	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hummel	Kirkton	Kratky	LaFaver
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Peters	Pierson	Rizzo	Roorda
Runions	Schieffer	Schupp	Smith 85	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 015

Conway 104	Haahr	Hansen	Hodges	Hubbard
Kelly 45	Miller	Mitten	Redmon	Rehder
Richardson	Rowden	Shull	Smith 120	Stream

VACANCIES: 001

On motion of Representative Lauer, **HCS HB 252, as amended**, was adopted.

On motion of Representative Lauer, **HCS HB 252, as amended**, was ordered perfected and printed.

HB 339, relating to uninsured motorist cause of action, was taken up by Representative Wieland.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 098

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haefner	Hampton
Hansen	Hicks	Higdon	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	McCaherty	McGaugh	Messenger
Molendorp	Morris	Muntzel	Neely	Neth
Parkinson	Pfautsch	Phillips	Pike	Pogue
Reiboldt	Remole	Rhoads	Riddle	Ross
Rowland	Scharnhorst	Schieber	Shull	Shumake
Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wood	Zerr	Mr Speaker		

NOES: 052

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Curtis	Dunn	Ellinger
Ellington	English	Englund	Frame	Gardner
Harris	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	Marshall	May	Mayfield
McCann Beatty	McDonald	McKenna	McManus	McNeil
Meredith	Mims	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith 85	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 012

Haahr	Hinson	Hodges	Miller	Mitten
Redmon	Rehder	Richardson	Rowden	Schatz
Smith 120	Wilson			

VACANCIES: 001

On motion of Representative Wieland, **HB 339** was ordered perfected and printed by the following vote:

AYES: 101

Allen	Anderson	Austin	Bahr	Bernskoetter
Berry	Brattin	Brown	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haefner	Hampton	Hansen
Hicks	Higdon	Hinson	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	McCaherty	McGaugh	Messenger
Miller	Morris	Muntzel	Neely	Parkinson
Pfausch	Phillips	Pike	Pogue	Redmon
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Thomson	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 057

Anders	Barnes	Black	Burns	Butler
Carpenter	Colona	Conway 10	Curtis	Dunn
Ellinger	Ellington	English	Englund	Frame
Gardner	Haahr	Harris	Hubbard	Hummel
Kelly 45	Kirkton	Kratky	LaFaver	Marshall
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Neth	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith 85	Swearingen	Torpey	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 004

Hodges	Molendorp	Rehder	Smith 120
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VACANCIES: 001

HCS HB 340, relating to daylight saving time, was taken up by Representative Johnson.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 101

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hansen	Hicks	Higdon	Hoskins	Hough
Houghton	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	McCaherty	McGaugh
Messenger	Morris	Muntzel	Neth	Parkinson
Pfautsch	Phillips	Pike	Pogue	Redmon
Reiboldt	Remole	Rhoads	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Colona	Conway 10	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hubbard	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith 85	Swearingen	Walton Gray	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 011

Curtis	Hampton	Hinson	Hodges	Miller
Molendorp	Neely	Rehder	Richardson	Smith 120
Webb				

VACANCIES: 001

On motion of Representative Johnson, **HCS HB 340** was adopted by the following vote:

AYES: 093

Allen	Anders	Anderson	Austin	Berry
Black	Brattin	Burlison	Burns	Carpenter
Cierpiot	Conway 10	Cookson	Cox	Crawford
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	Entlicher	Fitzwater	Flanigan
Fowler	Fraker	Frame	Franklin	Funderburk
Gannon	Gatschenberger	Gosen	Grisamore	Guernsey
Haahr	Haefner	Hampton	Hansen	Harris
Higdon	Hough	Houghton	Hubbard	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeier	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Lynch	Mayfield
McCaherty	McGaugh	Messenger	Miller	Morris
Muntzel	Neely	Nichols	Otto	Pfautsch
Pike	Redmon	Reiboldt	Remole	Richardson
Roorda	Ross	Rowland	Scharnhorst	Schatz
Shumake	Solon	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 061

Bahr	Barnes	Bernskoetter	Butler	Colona
Conway 104	Cornejo	Cross	Curtis	Dunn
Ellinger	Ellington	English	Englund	Fitzpatrick
Frederick	Gardner	Hicks	Hoskins	Hummel
Kelly 45	Kirkton	Kratky	LaFaver	Love
Marshall	May	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Neth	Newman	Norr
Pace	Parkinson	Peters	Phillips	Pierson
Pogue	Rhoads	Rizzo	Rowden	Runions
Schieber	Schieffer	Schupp	Shull	Smith 85
Sommer	Spencer	Swearingen	Walton Gray	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 008

Brown	Hinson	Hodges	Molendorp	Rehder
Riddle	Smith 120	Webb		

VACANCIES: 001

On motion of Representative Johnson, **HCS HB 340** was ordered perfected and printed.

HB 747, relating to gaming establishment transactions, was taken up by Representative Scharnhorst.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 100

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haefner	Hampton	Hansen	Hicks
Higdon	Hoskins	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Morris
Muntzel	Neely	Neth	Parkinson	Pfausch
Phillips	Pike	Pogue	Redmon	Reiboldt
Remole	Rhoads	Riddle	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieber	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 051

Anders	Black	Burns	Butler	Carpenter
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hubbard	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Roorda	Runions	Schieffer	Schupp
Smith 85	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 011

Brown	Colona	Flanigan	Haahr	Hinson
Hodges	Hough	Molendorp	Rehder	Richardson
Smith 120				

VACANCIES: 001

On motion of Representative Scharnhorst, **HB 747** was ordered perfected and printed.

HCS HB 1035, relating to amended property tax rate filings, was taken up by Representative Kelley (127).

Representative Dohrman offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 1035, Page 10, Section 137.073, Line 317, by inserting after all of said section the following:

"137.720. 1. A percentage of all ad valorem property tax collections allocable to each taxing authority within the county and the county shall be deducted from the collections of taxes each year and shall be deposited into the assessment fund of the county as required pursuant to section 137.750. The percentage shall be one-half of one percent for all counties of the first and second classification and cities not within a county and one percent for counties of the third and fourth classification.

2. Prior to July 1, 2009, for counties of the first classification, counties with a charter form of government, and any city not within a county, an additional one-eighth of one percent of all ad valorem property tax collections shall be deducted from the collections of taxes each year and shall be deposited into the assessment fund of the county as required pursuant to section 137.750, and for counties of the second, third, and fourth classification, an additional one-quarter of one percent of all ad valorem property tax collections shall be deducted from the collections of taxes each year and shall be deposited into the assessment fund of the county as required pursuant to section 137.750, provided that such additional amounts shall not exceed one hundred thousand dollars in any year for any county of the first classification and any county with a charter form of government and fifty thousand dollars in any year for any county of the second, third, or fourth classification.

3. Effective July 1, 2009, for counties of the first classification, counties with a charter form of government, and any city not within a county, an additional one-eighth of one percent of all ad valorem property tax collections shall be deducted from the collections of taxes each year and shall be deposited into the assessment fund of the county as required pursuant to section 137.750, and for counties of the second, third, and fourth classification, an additional one-half of one percent of all ad valorem property tax collections shall be deducted from the collections of taxes each year and shall be deposited into the assessment fund of the county as required pursuant to section 137.750, provided that such additional amounts shall not exceed one hundred twenty-five thousand dollars in any year for any county of the first classification and any county with a charter form of government and seventy-five thousand dollars in any year for any county of the second, third, or fourth classification.

4. The county shall bill any taxing authority collecting its own taxes. The county may also provide additional moneys for the fund. To be eligible for state cost-share funds provided pursuant to section 137.750, every county shall provide from the county general revenue fund an amount equal to an average of the three most recent years of the amount provided from general revenue to the assessment fund; provided, however, that capital expenditures and equipment expenses identified in a memorandum of understanding signed by the county's governing body and the county assessor prior to transfer of county general revenue funds to the assessment fund shall be deducted from a year's contribution before computing the three-year average, except that a lesser amount shall be acceptable if unanimously agreed upon by the county assessor, the county governing body, and the state tax commission. The county shall deposit the county general revenue funds in the assessment fund as agreed to in its original or amended maintenance plan, state reimbursement funds shall be withheld until the amount due is properly deposited in such fund.

5. For all years beginning on or after January 1, 2010, any property tax collections deposited into the county assessment funds provided for in subsection 2 of this section shall be disallowed in any year in which the state tax commission notifies the county that state assessment reimbursement funds have been withheld from the county for three consecutive quarters due to noncompliance by the assessor or county commission with the county's assessment maintenance plan.

[6. The provisions of subsections 2, 3, and 5 of this section shall expire on December 31, 2015.]"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Dohrman, **House Amendment No. 1** was adopted.

On motion of Representative Kelley (127), **HCS HB 1035, as amended**, was adopted.

On motion of Representative Kelley (127), **HCS HB 1035, as amended**, was ordered perfected and printed.

HCS HB 170, relating to firearms, was taken up by Representative Guernsey.

Representative Elmer assumed the Chair.

Representative Wilson offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 170, Page 2, Section 571.048, Line 25, by inserting after all of said line the following:

"571.063. 1. As used in this section the following terms shall mean:

(1) "Ammunition", any cartridge, shell, or projectile designed for use in a firearm;
(2) "Licensed dealer", a person who is licensed under 18 U.S.C. Section 923 to engage in the business of dealing in firearms;

(3) "Materially false information", any information that portrays an illegal transaction as legal or a legal transaction as illegal;

(4) "Private seller", a person who sells or offers for sale any firearm, as defined in section 571.010, or ammunition;

(5) "Private transaction" a transaction to sell or transfer ownership of a firearm or ammunition between a person and his or her relative or friend.

2. A person commits the crime of fraudulent purchase of a firearm if such person:

(1) Knowingly solicits, persuades, encourages or entices a licensed dealer or private seller of firearms or ammunition to transfer a firearm or ammunition under circumstances which the person knows would violate the laws of this state or the United States; or

(2) Provides to a licensed dealer or private seller of firearms or ammunition what the person knows to be materially false information with intent to deceive the dealer or seller about the legality of a transfer of a firearm or ammunition; or

(3) Willfully procures another to violate the provisions of subdivision (1) or (2) of this subsection.

3. Any person, who is not a licensed dealer, engaged in a private transaction shall be exempt from the national instant criminal background check system requirements of federal law.

4. Fraudulent purchase of a firearm is a class D felony.

[4.] 5. This section shall not apply to criminal investigations conducted by the United States Bureau of Alcohol, Tobacco, Firearms and Explosives, authorized agents of such investigations, or to a peace officer, as defined in section 542.261, acting at the explicit direction of the United States Bureau of Alcohol, Tobacco, Firearms and Explosives."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 101

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Burlison	Cierpiot
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Guernsey
Haahr	Haefner	Hampton	Hansen	Hicks
Higdon	Hinson	Hoskins	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	McCaherty	McGaugh	Messenger	Miller
Morris	Muntzel	Neely	Neth	Parkinson
Pfausch	Phillips	Pike	Pogue	Redmon
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Thomson	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 050

Anders	Black	Burns	Butler	Carpenter
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Runions	Schieffer	Schupp	Smith 85
Swearingen	Walton Gray	Webb	Webber	Wright

PRESENT: 000

ABSENT WITH LEAVE: 011

Brown	Colona	Gosen	Grisamore	Hough
Hubbard	Molendorp	Rehrer	Roorda	Smith 120
Torpey				

VACANCIES: 001

On motion of Representative Wilson, **House Amendment No. 1** was adopted by the following vote:

AYES: 121

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Cierpiot	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	English	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hodges	Hoskins	Hough
Houghton	Hubbard	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Lair	Lant	Lauer	Leara
Lichtenegger	Love	Lynch	Marshall	May
Mayfield	McCaherty	McGaugh	McKenna	Messenger
Miller	Morris	Muntzel	Neely	Neth
Nichols	Parkinson	Peters	Pfautsch	Phillips
Pike	Pogue	Redmon	Reiboldt	Remole
Rhoads	Richardson	Riddle	Roorda	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Schieffer	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Thomson	Walker
White	Wieland	Wilson	Wood	Zerr

Mr Speaker

NOES: 037

Butler	Carpenter	Colona	Curtis	Dunn
Ellinger	Ellington	Englund	Gardner	Hummel
Kelly 45	Kirkton	Kratky	LaFaver	McCann Beatty
McDonald	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Norr
Otto	Pace	Pierson	Rizzo	Runions
Schupp	Smith 85	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 004

Molendorp	Rehder	Smith 120	Torpey
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VACANCIES: 001

Representative Gatschenberger offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 170, Page 1, Section A, Line 2, by inserting after all of said line the following:

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

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

(2) Sets a spring gun; or

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

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

(5) Has a firearm or projectile weapon readily capable of lethal use on his or her person, while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self-defense;

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

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

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

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

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

2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to the persons described in this subsection, regardless of whether such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties except as otherwise provided in this subsection. Subdivisions (3), (4), (6), (7), and (9) of subsection 1 of this section shall not apply to or affect any of the following persons, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties, except as otherwise provided in this subsection:

(1) All state, county and municipal peace officers who have completed the training required by the police officer standards and training commission pursuant to sections 590.030 to 590.050 and who possess the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, whether such officers are on or off duty, and whether such officers are within or outside of the law enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection 11 of this section, and who carry the identification defined in subsection 12 of this section, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

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

(3) Members of the Armed Forces or National Guard while performing their official duty;

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

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

(6) Any federal probation officer or federal flight deck officer as defined under the federal flight deck officer program, 49 U.S.C. Section 44921 regardless of whether such officers are on duty, or within the law enforcement agency's jurisdiction;

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

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

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

(10) Any prosecuting attorney or assistant prosecuting attorney or any circuit attorney or assistant circuit attorney who has completed the firearms safety training course required under subsection 2 of section 571.111; and

(11) Any member of a fire department or fire protection district who is employed on a full-time basis as a fire investigator and who has a valid concealed carry endorsement under section 571.111 when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.

3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply to any person [twenty-one] **nineteen** years of age or older or eighteen years of age or older and a member of the United States Armed Forces, or honorably discharged from the United States Armed Forces, transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event or club event.

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

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

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

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

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

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

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

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

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

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

10. Notwithstanding any other provision of law, no person who pleads guilty to or is found guilty of a felony violation of subsection 1 of this section shall receive a suspended imposition of sentence if such person has previously received a suspended imposition of sentence for any other firearms- or weapons-related felony offense.

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

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

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

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

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

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

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

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

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

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

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

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

Further amend said bill, Page 3, Section 571.048, Line 25, by inserting after all of said line the following:

"571.101. 1. All applicants for concealed carry endorsements issued pursuant to subsection 7 of this section must satisfy the requirements of sections 571.101 to 571.121. If the said applicant can show qualification as provided by sections 571.101 to 571.121, the county or city sheriff shall issue a certificate of qualification for a concealed carry endorsement. Upon receipt of such certificate, the certificate holder shall apply for a driver's license or nondriver's license with the director of revenue in order to obtain a concealed carry endorsement. Any person who has been issued a concealed carry endorsement on a driver's license or nondriver's license and such endorsement or license has not been suspended, revoked, cancelled, or denied may carry concealed firearms on or about his or her person or within a vehicle. A concealed carry endorsement shall be valid for a period of three years from the date of issuance or renewal. The concealed carry endorsement is valid throughout this state.

2. A certificate of qualification for a concealed carry endorsement issued pursuant to subsection 7 of this section shall be issued by the sheriff or his or her designee of the county or city in which the applicant resides, if the applicant:

(1) Is at least [twenty-one] **nineteen** years of age, is a citizen of the United States and either:

(a) Has assumed residency in this state; or

(b) Is a member of the Armed Forces stationed in Missouri, or the spouse of such member of the military;

(2) Is at least [twenty-one] **nineteen** years of age, or is at least eighteen years of age and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces, and is a citizen of the United States and either:

(a) Has assumed residency in this state;

(b) Is a member of the Armed Forces stationed in Missouri; or

(c) The spouse of such member of the military stationed in Missouri and [twenty-one] **nineteen** years of age;

(3) Has not pled guilty to or entered a plea of nolo contendere or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;

(4) Has not been convicted of, pled guilty to or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a certificate of qualification for a concealed carry endorsement or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a certificate of qualification for a concealed carry endorsement;

(5) Is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state of the United States other

than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;

- (6) Has not been discharged under dishonorable conditions from the United States Armed Forces;
- (7) Has not engaged in a pattern of behavior, documented in public records, that causes the sheriff to have a reasonable belief that the applicant presents a danger to himself or others;
- (8) Is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, or a similar institution located in another state following a hearing at which the defendant was represented by counsel or a representative;
- (9) Submits a completed application for a certificate of qualification as described in subsection 3 of this section;
- (10) Submits an affidavit attesting that the applicant complies with the concealed carry safety training requirement pursuant to subsections 1 and 2 of section 571.111;
- (11) Is not the respondent of a valid full order of protection which is still in effect.

3. The application for a certificate of qualification for a concealed carry endorsement issued by the sheriff of the county of the applicant's residence shall contain only the following information:

- (1) The applicant's name, address, telephone number, gender, and date and place of birth;
- (2) An affirmation that the applicant has assumed residency in Missouri or is a member of the Armed Forces stationed in Missouri or the spouse of such a member of the Armed Forces and is a citizen of the United States;
- (3) An affirmation that the applicant is at least [twenty-one] **nineteen** years of age or is eighteen years of age or older and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces;
- (4) An affirmation that the applicant has not pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;
- (5) An affirmation that the applicant has not been convicted of, pled guilty to, or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a certificate of qualification to obtain a concealed carry endorsement or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a certificate of qualification to obtain a concealed carry endorsement;
- (6) An affirmation that the applicant is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;
- (7) An affirmation that the applicant has not been discharged under dishonorable conditions from the United States Armed Forces;
- (8) An affirmation that the applicant is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, or a similar institution located in another state, except that a person whose release or discharge from a facility in this state pursuant to chapter 632, or a similar discharge from a facility in another state, occurred more than five years ago without subsequent recommitment may apply;
- (9) An affirmation that the applicant has received firearms safety training that meets the standards of applicant firearms safety training defined in subsection 1 or 2 of section 571.111;
- (10) An affirmation that the applicant, to the applicant's best knowledge and belief, is not the respondent of a valid full order of protection which is still in effect; and
- (11) A conspicuous warning that false statements made by the applicant will result in prosecution for perjury pursuant to the laws of the state of Missouri.

4. An application for a certificate of qualification for a concealed carry endorsement shall be made to the sheriff of the county or any city not within a county in which the applicant resides. An application shall be filed in writing, signed under oath and under the penalties of perjury, and shall state whether the applicant complies with each of the requirements specified in subsection 2 of this section. In addition to the completed application, the applicant for a certificate of qualification for a concealed carry endorsement must also submit the following:

- (1) A photocopy of a firearms safety training certificate of completion or other evidence of completion of a firearms safety training course that meets the standards established in subsection 1 or 2 of section 571.111; and
- (2) A nonrefundable certificate of qualification fee as provided by subsection 10 or 11 of this section.

5. Before an application for a certificate of qualification for a concealed carry endorsement is approved, the sheriff shall make only such inquiries as he or she deems necessary into the accuracy of the statements made in the application. The sheriff may require that the applicant display a Missouri driver's license or nondriver's license or military identification and orders showing the person being stationed in Missouri. In order to determine the applicant's suitability for a certificate of qualification for a concealed carry endorsement, the applicant shall be fingerprinted. The sheriff shall request a criminal background check through the appropriate law enforcement agency within three working days after submission of the properly completed application for a certificate of qualification for a concealed carry endorsement. If no disqualifying record is identified by the fingerprint check at the state level, the fingerprints shall be forwarded to the Federal Bureau of Investigation for a national criminal history record check. Upon receipt of the completed background check, the sheriff shall issue a certificate of qualification for a concealed carry endorsement within three working days. The sheriff shall issue the certificate within forty-five calendar days if the criminal background check has not been received, provided that the sheriff shall revoke any such certificate and endorsement within twenty-four hours of receipt of any background check that results in a disqualifying record, and shall notify the department of revenue.

6. The sheriff may refuse to approve an application for a certificate of qualification for a concealed carry endorsement if he or she determines that any of the requirements specified in subsection 2 of this section have not been met, or if he or she has a substantial and demonstrable reason to believe that the applicant has rendered a false statement regarding any of the provisions of sections 571.101 to 571.121. If the applicant is found to be ineligible, the sheriff is required to deny the application, and notify the applicant in writing, stating the grounds for denial and informing the applicant of the right to submit, within thirty days, any additional documentation relating to the grounds of the denial. Upon receiving any additional documentation, the sheriff shall reconsider his or her decision and inform the applicant within thirty days of the result of the reconsideration. The applicant shall further be informed in writing of the right to appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114. After two additional reviews and denials by the sheriff, the person submitting the application shall appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114.

7. If the application is approved, the sheriff shall issue a certificate of qualification for a concealed carry endorsement to the applicant within a period not to exceed three working days after his or her approval of the application. The applicant shall sign the certificate of qualification in the presence of the sheriff or his or her designee and shall within seven days of receipt of the certificate of qualification take the certificate of qualification to the department of revenue. Upon verification of the certificate of qualification and completion of a driver's license or nondriver's license application pursuant to chapter 302, the director of revenue shall issue a new driver's license or nondriver's license with an endorsement which identifies that the applicant has received a certificate of qualification to carry concealed weapons issued pursuant to sections 571.101 to 571.121 if the applicant is otherwise qualified to receive such driver's license or nondriver's license. Notwithstanding any other provision of chapter 302, a nondriver's license with a concealed carry endorsement shall expire three years from the date the certificate of qualification was issued pursuant to this section. The requirements for the director of revenue to issue a concealed carry endorsement pursuant to this subsection shall not be effective until July 1, 2004, and the certificate of qualification issued by a county sheriff pursuant to subsection 1 of this section shall allow the person issued such certificate to carry a concealed weapon pursuant to the requirements of subsection 1 of section 571.107 in lieu of the concealed carry endorsement issued by the director of revenue from October 11, 2003, until the concealed carry endorsement is issued by the director of revenue on or after July 1, 2004, unless such certificate of qualification has been suspended or revoked for cause.

8. The sheriff shall keep a record of all applications for a certificate of qualification for a concealed carry endorsement and his or her action thereon. The sheriff shall report the issuance of a certificate of qualification to the Missouri uniform law enforcement system. All information on any such certificate that is protected information on any driver's or nondriver's license shall have the same personal protection for purposes of sections 571.101 to 571.121. An applicant's status as a holder of a certificate of qualification or a concealed carry endorsement shall not be public information and shall be considered personal protected information. Any person who violates the provisions of this subsection by disclosing protected information shall be guilty of a class A misdemeanor.

9. Information regarding any holder of a certificate of qualification or a concealed carry endorsement is a closed record.

10. For processing an application for a certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed one hundred dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

11. For processing a renewal for a certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed fifty dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

12. For the purposes of sections 571.101 to 571.121, the term "sheriff" shall include the sheriff of any county or city not within a county or his or her designee and in counties of the first classification the sheriff may designate the chief of police of any city, town, or municipality within such county.

571.117. 1. Any person who has knowledge that another person, who was issued a certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to 571.121, never was or no longer is eligible for such endorsement under the criteria established in sections 571.101 to 571.121 may file a petition with the clerk of the small claims court to revoke that person's certificate of qualification for a concealed carry endorsement and such person's concealed carry endorsement. The petition shall be in a form substantially similar to the petition for revocation of concealed carry endorsement provided in this section. Appeal forms shall be provided by the clerk of the small claims court free of charge to any person:

SMALL CLAIMS COURT

In the Circuit Court of, Missouri
....., PLAINTIFF

)
)
vs.) Case Number
)

....., DEFENDANT,
Carry Endorsement Holder
....., DEFENDANT,
Sheriff of Issuance

PETITION FOR REVOCATION
OF CERTIFICATE OF QUALIFICATION
OR CONCEALED CARRY ENDORSEMENT

Plaintiff states to the court that the defendant,, has a certificate of qualification or a concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo, and that the defendant's certificate of qualification or concealed carry endorsement should now be revoked because the defendant either never was or no longer is eligible for such a certificate or endorsement pursuant to the provisions of sections 571.101 to 571.121, RSMo, specifically plaintiff states that defendant,, never was or no longer is eligible for such certificate or endorsement for one or more of the following reasons:

(CHECK BELOW EACH REASON
THAT APPLIES TO THIS DEFENDANT)

- Defendant is not at least [twenty-one] **nineteen** years of age or at least eighteen years of age and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces.
- Defendant is not a citizen of the United States.
- Defendant had not resided in this state prior to issuance of the permit and does not qualify as a military member or spouse of a military member stationed in Missouri.
- Defendant has pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun.
- Defendant has been convicted of, pled guilty to or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a certificate of qualification or concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo, or if the applicant has been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a certificate of qualification or a concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo.
- Defendant is a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun.
- Defendant has been discharged under dishonorable conditions from the United States Armed Forces.

- Defendant is reasonably believed by the sheriff to be a danger to self or others based on previous, documented pattern.
- Defendant is adjudged mentally incompetent at the time of application or for five years prior to application, or has been committed to a mental health facility, as defined in section 632.005, RSMo, or a similar institution located in another state, except that a person whose release or discharge from a facility in this state pursuant to chapter 632, RSMo, or a similar discharge from a facility in another state, occurred more than five years ago without subsequent recommitment may apply.
- Defendant failed to submit a completed application for a certificate of qualification or concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo.
- Defendant failed to submit to or failed to clear the required background check.
- Defendant failed to submit an affidavit attesting that the applicant complies with the concealed carry safety training requirement pursuant to subsection 1 of section 571.111, RSMo.

The plaintiff subject to penalty for perjury states that the information contained in this petition is true and correct to the best of the plaintiff's knowledge, is reasonably based upon the petitioner's personal knowledge and is not primarily intended to harass the defendant/respondent named herein.

....., PLAINTIFF

2. If at the hearing the plaintiff shows that the defendant was not eligible for the certificate of qualification or the concealed carry endorsement issued pursuant to sections 571.101 to 571.121 at the time of issuance or renewal or is no longer eligible for a certificate of qualification or the concealed carry endorsement issued pursuant to the provisions of sections 571.101 to 571.121, the court shall issue an appropriate order to cause the revocation of the certificate of qualification or concealed carry endorsement. Costs shall not be assessed against the sheriff.

3. The finder of fact, in any action brought against an endorsement holder pursuant to subsection 1 of this section, shall make findings of fact and the court shall make conclusions of law addressing the issues at dispute. If it is determined that the plaintiff in such an action acted without justification or with malice or primarily with an intent to harass the endorsement holder or that there was no reasonable basis to bring the action, the court shall order the plaintiff to pay the defendant/respondent all reasonable costs incurred in defending the action including, but not limited to, attorney's fees, deposition costs, and lost wages. Once the court determines that the plaintiff is liable to the defendant/respondent for costs and fees, the extent and type of fees and costs to be awarded should be liberally calculated in defendant/respondent's favor. Notwithstanding any other provision of law, reasonable attorney's fees shall be presumed to be at least one hundred fifty dollars per hour.

4. Any person aggrieved by any final judgment rendered by a small claims court in a petition for revocation of a certificate of qualification or concealed carry endorsement may have a right to trial de novo as provided in sections 512.180 to 512.320.

5. The office of the county sheriff or any employee or agent of the county sheriff shall not be liable for damages in any civil action arising from alleged wrongful or improper granting, renewing, or failure to revoke a certificate of qualification or a concealed carry endorsement issued pursuant to sections 571.101 to 571.121, so long as the sheriff acted in good faith."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Gatschenberger, **House Amendment No. 2** was adopted by the following vote:

AYES: 116

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Cierpiot	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	English	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton

Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	Mayfield	McCaherty	McGaugh	McKenna
Messenger	Miller	Morris	Muntzel	Neely
Neth	Parkinson	Pfautsch	Phillips	Pike
Pogue	Redmon	Reiboldt	Remole	Rhoads
Richardson	Riddle	Roorda	Ross	Rowden
Rowland	Scharnhorst	Schatz	Schieffer	Shull
Shumake	Solon	Sommer	Spencer	Swan
Thomson	Torpey	Walker	Webber	White
Wieland	Wilson	Wood	Wright	Zerr
Mr Speaker				

NOES: 040

Anders	Butler	Carpenter	Colona	Conway 10
Curtis	Dunn	Ellinger	Ellington	Englund
Gardner	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	McCann Beatty	McDonald	McManus
McNeil	Meredith	Mims	Mitten	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Peters	Pierson	Rizzo	Runions
Schupp	Smith 85	Swearingen	Walton Gray	Webb

PRESENT: 000

ABSENT WITH LEAVE: 006

Hubbard	Molendorp	Rehder	Schieber	Smith 120
Stream				

VACANCIES: 001

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 106

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch

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Phillips	Pike	Pogue	Redmon	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Scharnhorst	Schatz	Schieber
Shull	Shumake	Solon	Sommer	Spencer
Stream	Swan	Thomson	Torpey	Walker
White	Wieland	Wilson	Wood	Zerr
Mr Speaker				

NOES: 052

Anders	Black	Burns	Butler	Carpenter
Colona	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hubbard	Hummel	Kelly 45	Kirkton
Kratky	LaFaver	May	Mayfield	McCann Beatty
McDonald	McKenna	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Norr	Otto	Pace	Peters
Pierson	Rizzo	Roorda	Runions	Schieffer
Schupp	Smith 85	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 004

Conway 10	Molendorp	Rehder	Smith 120
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VACANCIES: 001

On motion of Representative Guernsey, **HCS HB 170, as amended**, was adopted.

On motion of Representative Guernsey, **HCS HB 170, as amended**, was ordered perfected and printed by the following vote:

AYES: 117

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Cierpiot	Conway 104	Cookson
Cornejo	Cox	Crawford	Cross	Curtman
Davis	Diehl	Dohrman	Dugger	Elmer
Engler	English	Entlicher	Fitzpatrick	Fitzwater
Flanigan	Fowler	Fraker	Frame	Franklin
Frederick	Funderburk	Gannon	Gatschenberger	Gosen
Grisamore	Guernsey	Haahr	Haefner	Hampton
Hansen	Harris	Hicks	Higdon	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeyer	Korman	Lair
Lant	Lauer	Leara	Lichtenegger	Love
Lynch	Marshall	Mayfield	McCaherty	McGaugh
McKenna	Messenger	Miller	Morris	Muntzel
Neely	Neth	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Reiboldt	Remole
Rhoads	Richardson	Riddle	Roorda	Ross

Rowden	Rowland	Scharnhorst	Schatz	Schieber
Schieffer	Shull	Shumake	Solon	Sommer
Spencer	Stream	Swan	Thomson	Torpey
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 041

Anders	Butler	Carpenter	Colona	Curtis
Dunn	Ellinger	Ellington	Englund	Gardner
Hummel	Kelly 45	Kirkton	Kratky	LaFaver
May	McCann Beatty	McDonald	McManus	McNeil
Meredith	Mims	Mitten	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Pierson	Rizzo	Runions	Schupp
Smith 85	Swearingen	Walton Gray	Webb	Webber
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 004

Conway 10	Molendorp	Rehder	Smith 120
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VACANCIES: 001

HCS HB 436, relating to firearms, was taken up by Representative Funderburk.

Representative Gatschenberger offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 436, Page 4, Section 1.320, Line 93, by inserting after all of said line the following:

- "571.030. 1. A person commits the crime of unlawful use of weapons if he or she knowingly:
- (1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; or
 - (2) Sets a spring gun; or
 - (3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, or any building or structure used for the assembling of people; or
 - (4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or
 - (5) Has a firearm or projectile weapon readily capable of lethal use on his or her person, while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self-defense;
 - (6) Discharges a firearm within one hundred yards of any occupied schoolhouse, courthouse, or church building; or
 - (7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or
 - (8) Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof; or
 - (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; or

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

2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to the persons described in this subsection, regardless of whether such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties except as otherwise provided in this subsection. Subdivisions (3), (4), (6), (7), and (9) of subsection 1 of this section shall not apply to or affect any of the following persons, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties, except as otherwise provided in this subsection:

(1) All state, county and municipal peace officers who have completed the training required by the police officer standards and training commission pursuant to sections 590.030 to 590.050 and who possess the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, whether such officers are on or off duty, and whether such officers are within or outside of the law enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection 11 of this section, and who carry the identification defined in subsection 12 of this section, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

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

(3) Members of the Armed Forces or National Guard while performing their official duty;

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

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

(6) Any federal probation officer or federal flight deck officer as defined under the federal flight deck officer program, 49 U.S.C. Section 44921 regardless of whether such officers are on duty, or within the law enforcement agency's jurisdiction;

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

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

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

(10) Any prosecuting attorney or assistant prosecuting attorney or any circuit attorney or assistant circuit attorney who has completed the firearms safety training course required under subsection 2 of section 571.111; and

(11) Any member of a fire department or fire protection district who is employed on a full-time basis as a fire investigator and who has a valid concealed carry endorsement under section 571.111 when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.

3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply to any person [twenty-one] **nineteen** years of age or older or eighteen years of age or older and a member of the United States Armed Forces, or honorably discharged from the United States Armed Forces, transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event or club event.

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

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

6. Nothing in this section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored or club-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any

school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

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

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

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

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

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

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

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

10. Notwithstanding any other provision of law, no person who pleads guilty to or is found guilty of a felony violation of subsection 1 of this section shall receive a suspended imposition of sentence if such person has previously received a suspended imposition of sentence for any other firearms- or weapons-related felony offense.

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

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

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

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

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

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

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

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

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

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

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

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

571.101. 1. All applicants for concealed carry endorsements issued pursuant to subsection 7 of this section must satisfy the requirements of sections 571.101 to 571.121. If the said applicant can show qualification as provided by sections 571.101 to 571.121, the county or city sheriff shall issue a certificate of qualification for a concealed carry endorsement. Upon receipt of such certificate, the certificate holder shall apply for a driver's license or nondriver's license with the director of revenue in order to obtain a concealed carry endorsement. Any person who has been issued a concealed carry endorsement on a driver's license or nondriver's license and such endorsement or license has not been

suspended, revoked, cancelled, or denied may carry concealed firearms on or about his or her person or within a vehicle. A concealed carry endorsement shall be valid for a period of three years from the date of issuance or renewal. The concealed carry endorsement is valid throughout this state.

2. A certificate of qualification for a concealed carry endorsement issued pursuant to subsection 7 of this section shall be issued by the sheriff or his or her designee of the county or city in which the applicant resides, if the applicant:

- (1) Is at least [twenty-one] **nineteen** years of age, is a citizen of the United States and either:
 - (a) Has assumed residency in this state; or
 - (b) Is a member of the Armed Forces stationed in Missouri, or the spouse of such member of the military;
- (2) Is at least [twenty-one] **nineteen** years of age, or is at least eighteen years of age and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces, and is a citizen of the United States and either:
 - (a) Has assumed residency in this state;
 - (b) Is a member of the Armed Forces stationed in Missouri; or
 - (c) The spouse of such member of the military stationed in Missouri and [twenty-one] **nineteen** years of age;
- (3) Has not pled guilty to or entered a plea of nolo contendere or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;
- (4) Has not been convicted of, pled guilty to or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a certificate of qualification for a concealed carry endorsement or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a certificate of qualification for a concealed carry endorsement;
- (5) Is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;
- (6) Has not been discharged under dishonorable conditions from the United States Armed Forces;
- (7) Has not engaged in a pattern of behavior, documented in public records, that causes the sheriff to have a reasonable belief that the applicant presents a danger to himself or others;
- (8) Is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, or a similar institution located in another state following a hearing at which the defendant was represented by counsel or a representative;
- (9) Submits a completed application for a certificate of qualification as described in subsection 3 of this section;
- (10) Submits an affidavit attesting that the applicant complies with the concealed carry safety training requirement pursuant to subsections 1 and 2 of section 571.111;
- (11) Is not the respondent of a valid full order of protection which is still in effect.

3. The application for a certificate of qualification for a concealed carry endorsement issued by the sheriff of the county of the applicant's residence shall contain only the following information:

- (1) The applicant's name, address, telephone number, gender, and date and place of birth;
- (2) An affirmation that the applicant has assumed residency in Missouri or is a member of the Armed Forces stationed in Missouri or the spouse of such a member of the Armed Forces and is a citizen of the United States;
- (3) An affirmation that the applicant is at least [twenty-one] **nineteen** years of age or is eighteen years of age or older and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces;
- (4) An affirmation that the applicant has not pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun;
- (5) An affirmation that the applicant has not been convicted of, pled guilty to, or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a certificate of qualification to obtain a concealed carry endorsement or if the applicant has not been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a certificate of qualification to obtain a concealed carry endorsement;

(6) An affirmation that the applicant is not a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;

(7) An affirmation that the applicant has not been discharged under dishonorable conditions from the United States Armed Forces;

(8) An affirmation that the applicant is not adjudged mentally incompetent at the time of application or for five years prior to application, or has not been committed to a mental health facility, as defined in section 632.005, or a similar institution located in another state, except that a person whose release or discharge from a facility in this state pursuant to chapter 632, or a similar discharge from a facility in another state, occurred more than five years ago without subsequent recommitment may apply;

(9) An affirmation that the applicant has received firearms safety training that meets the standards of applicant firearms safety training defined in subsection 1 or 2 of section 571.111;

(10) An affirmation that the applicant, to the applicant's best knowledge and belief, is not the respondent of a valid full order of protection which is still in effect; and

(11) A conspicuous warning that false statements made by the applicant will result in prosecution for perjury pursuant to the laws of the state of Missouri.

4. An application for a certificate of qualification for a concealed carry endorsement shall be made to the sheriff of the county or any city not within a county in which the applicant resides. An application shall be filed in writing, signed under oath and under the penalties of perjury, and shall state whether the applicant complies with each of the requirements specified in subsection 2 of this section. In addition to the completed application, the applicant for a certificate of qualification for a concealed carry endorsement must also submit the following:

(1) A photocopy of a firearms safety training certificate of completion or other evidence of completion of a firearms safety training course that meets the standards established in subsection 1 or 2 of section 571.111; and

(2) A nonrefundable certificate of qualification fee as provided by subsection 10 or 11 of this section.

5. Before an application for a certificate of qualification for a concealed carry endorsement is approved, the sheriff shall make only such inquiries as he or she deems necessary into the accuracy of the statements made in the application. The sheriff may require that the applicant display a Missouri driver's license or nondriver's license or military identification and orders showing the person being stationed in Missouri. In order to determine the applicant's suitability for a certificate of qualification for a concealed carry endorsement, the applicant shall be fingerprinted. The sheriff shall request a criminal background check through the appropriate law enforcement agency within three working days after submission of the properly completed application for a certificate of qualification for a concealed carry endorsement. If no disqualifying record is identified by the fingerprint check at the state level, the fingerprints shall be forwarded to the Federal Bureau of Investigation for a national criminal history record check. Upon receipt of the completed background check, the sheriff shall issue a certificate of qualification for a concealed carry endorsement within three working days. The sheriff shall issue the certificate within forty-five calendar days if the criminal background check has not been received, provided that the sheriff shall revoke any such certificate and endorsement within twenty-four hours of receipt of any background check that results in a disqualifying record, and shall notify the department of revenue.

6. The sheriff may refuse to approve an application for a certificate of qualification for a concealed carry endorsement if he or she determines that any of the requirements specified in subsection 2 of this section have not been met, or if he or she has a substantial and demonstrable reason to believe that the applicant has rendered a false statement regarding any of the provisions of sections 571.101 to 571.121. If the applicant is found to be ineligible, the sheriff is required to deny the application, and notify the applicant in writing, stating the grounds for denial and informing the applicant of the right to submit, within thirty days, any additional documentation relating to the grounds of the denial. Upon receiving any additional documentation, the sheriff shall reconsider his or her decision and inform the applicant within thirty days of the result of the reconsideration. The applicant shall further be informed in writing of the right to appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114. After two additional reviews and denials by the sheriff, the person submitting the application shall appeal the denial pursuant to subsections 2, 3, 4, and 5 of section 571.114.

7. If the application is approved, the sheriff shall issue a certificate of qualification for a concealed carry endorsement to the applicant within a period not to exceed three working days after his or her approval of the application. The applicant shall sign the certificate of qualification in the presence of the sheriff or his or her designee and shall within seven days of receipt of the certificate of qualification take the certificate of qualification to the department of revenue. Upon verification of the certificate of qualification and completion of a driver's license or nondriver's license

application pursuant to chapter 302, the director of revenue shall issue a new driver's license or nondriver's license with an endorsement which identifies that the applicant has received a certificate of qualification to carry concealed weapons issued pursuant to sections 571.101 to 571.121 if the applicant is otherwise qualified to receive such driver's license or nondriver's license. Notwithstanding any other provision of chapter 302, a nondriver's license with a concealed carry endorsement shall expire three years from the date the certificate of qualification was issued pursuant to this section. The requirements for the director of revenue to issue a concealed carry endorsement pursuant to this subsection shall not be effective until July 1, 2004, and the certificate of qualification issued by a county sheriff pursuant to subsection 1 of this section shall allow the person issued such certificate to carry a concealed weapon pursuant to the requirements of subsection 1 of section 571.107 in lieu of the concealed carry endorsement issued by the director of revenue from October 11, 2003, until the concealed carry endorsement is issued by the director of revenue on or after July 1, 2004, unless such certificate of qualification has been suspended or revoked for cause.

8. The sheriff shall keep a record of all applications for a certificate of qualification for a concealed carry endorsement and his or her action thereon. The sheriff shall report the issuance of a certificate of qualification to the Missouri uniform law enforcement system. All information on any such certificate that is protected information on any driver's or nondriver's license shall have the same personal protection for purposes of sections 571.101 to 571.121. An applicant's status as a holder of a certificate of qualification or a concealed carry endorsement shall not be public information and shall be considered personal protected information. Any person who violates the provisions of this subsection by disclosing protected information shall be guilty of a class A misdemeanor.

9. Information regarding any holder of a certificate of qualification or a concealed carry endorsement is a closed record.

10. For processing an application for a certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed one hundred dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

11. For processing a renewal for a certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to 571.121, the sheriff in each county shall charge a nonrefundable fee not to exceed fifty dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

12. For the purposes of sections 571.101 to 571.121, the term "sheriff" shall include the sheriff of any county or city not within a county or his or her designee and in counties of the first classification the sheriff may designate the chief of police of any city, town, or municipality within such county.

571.117. 1. Any person who has knowledge that another person, who was issued a certificate of qualification for a concealed carry endorsement pursuant to sections 571.101 to 571.121, never was or no longer is eligible for such endorsement under the criteria established in sections 571.101 to 571.121 may file a petition with the clerk of the small claims court to revoke that person's certificate of qualification for a concealed carry endorsement and such person's concealed carry endorsement. The petition shall be in a form substantially similar to the petition for revocation of concealed carry endorsement provided in this section. Appeal forms shall be provided by the clerk of the small claims court free of charge to any person:

SMALL CLAIMS COURT

In the Circuit Court of, Missouri

....., PLAINTIFF

)

)

vs.) Case Number

)

....., DEFENDANT,

Carry Endorsement Holder

....., DEFENDANT,

Sheriff of Issuance

PETITION FOR REVOCATION
OF CERTIFICATE OF QUALIFICATION
OR CONCEALED CARRY ENDORSEMENT

Plaintiff states to the court that the defendant,, has a certificate of qualification or a concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo, and that the defendant's certificate of qualification or concealed carry endorsement should now be revoked because the defendant either never was or no longer is eligible for such a certificate or endorsement pursuant to the provisions of sections 571.101 to 571.121, RSMo, specifically

plaintiff states that defendant,, never was or no longer is eligible for such certificate or endorsement for one or more of the following reasons:

(CHECK BELOW EACH REASON THAT APPLIES TO THIS DEFENDANT)

- Defendant is not at least [twenty-one] **nineteen** years of age or at least eighteen years of age and a member of the United States Armed Forces or honorably discharged from the United States Armed Forces.
- Defendant is not a citizen of the United States.
- Defendant had not resided in this state prior to issuance of the permit and does not qualify as a military member or spouse of a military member stationed in Missouri.
- Defendant has pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of any state or of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun.
- Defendant has been convicted of, pled guilty to or entered a plea of nolo contendere to one or more misdemeanor offenses involving crimes of violence within a five-year period immediately preceding application for a certificate of qualification or concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo, or if the applicant has been convicted of two or more misdemeanor offenses involving driving while under the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance within a five-year period immediately preceding application for a certificate of qualification or a concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo.
- Defendant is a fugitive from justice or currently charged in an information or indictment with the commission of a crime punishable by imprisonment for a term exceeding one year under the laws of any state of the United States other than a crime classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of one year or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun.
- Defendant has been discharged under dishonorable conditions from the United States Armed Forces.
- Defendant is reasonably believed by the sheriff to be a danger to self or others based on previous, documented pattern.
- Defendant is adjudged mentally incompetent at the time of application or for five years prior to application, or has been committed to a mental health facility, as defined in section 632.005, RSMo, or a similar institution located in another state, except that a person whose release or discharge from a facility in this state pursuant to chapter 632, RSMo, or a similar discharge from a facility in another state, occurred more than five years ago without subsequent recommitment may apply.
- Defendant failed to submit a completed application for a certificate of qualification or concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo.
- Defendant failed to submit to or failed to clear the required background check.
- Defendant failed to submit an affidavit attesting that the applicant complies with the concealed carry safety training requirement pursuant to subsection 1 of section 571.111, RSMo.

The plaintiff subject to penalty for perjury states that the information contained in this petition is true and correct to the best of the plaintiff's knowledge, is reasonably based upon the petitioner's personal knowledge and is not primarily intended to harass the defendant/respondent named herein.

....., PLAINTIFF

2. If at the hearing the plaintiff shows that the defendant was not eligible for the certificate of qualification or the concealed carry endorsement issued pursuant to sections 571.101 to 571.121 at the time of issuance or renewal or is no longer eligible for a certificate of qualification or the concealed carry endorsement issued pursuant to the provisions of sections 571.101 to 571.121, the court shall issue an appropriate order to cause the revocation of the certificate of qualification or concealed carry endorsement. Costs shall not be assessed against the sheriff.

3. The finder of fact, in any action brought against an endorsement holder pursuant to subsection 1 of this section, shall make findings of fact and the court shall make conclusions of law addressing the issues at dispute. If it is determined that the plaintiff in such an action acted without justification or with malice or primarily with an intent to harass the endorsement holder or that there was no reasonable basis to bring the action, the court shall order the plaintiff to pay the defendant/respondent all reasonable costs incurred in defending the action including, but not limited to, attorney's fees, deposition costs, and lost wages. Once the court determines that the plaintiff is liable to the defendant/respondent for costs and fees, the extent and type of fees and costs to be awarded should be liberally calculated

in defendant/respondent's favor. Notwithstanding any other provision of law, reasonable attorney's fees shall be presumed to be at least one hundred fifty dollars per hour.

4. Any person aggrieved by any final judgment rendered by a small claims court in a petition for revocation of a certificate of qualification or concealed carry endorsement may have a right to trial de novo as provided in sections 512.180 to 512.320.

5. The office of the county sheriff or any employee or agent of the county sheriff shall not be liable for damages in any civil action arising from alleged wrongful or improper granting, renewing, or failure to revoke a certificate of qualification or a concealed carry endorsement issued pursuant to sections 571.101 to 571.121, so long as the sheriff acted in good faith."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Gatschenberger, **House Amendment No. 1** was adopted.

Representative Curtman offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 436, Page 4, Section 1.320, Line 93, by inserting after all of said section and line, the following:

"21.750. 1. The general assembly hereby occupies and preempts the entire field of legislation touching in any way firearms, components, ammunition and supplies to the complete exclusion of any order, ordinance or regulation by any political subdivision of this state. Any existing or future orders, ordinances or regulations in this field are hereby and shall be null and void except as provided in subsection 3 of this section.

2. No county, city, town, village, municipality, or other political subdivision of this state shall adopt any order, ordinance or regulation concerning in any way the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permit, registration, taxation other than sales and compensating use taxes or other controls on firearms, components, ammunition, and supplies except as provided in subsection 3 of this section.

3. **(1) Except as provided in subdivision (2) of this subsection**, nothing contained in this section shall prohibit any ordinance of any political subdivision which conforms exactly with any of the provisions of sections 571.010 to 571.070, with appropriate penalty provisions, or which regulates the open carrying of firearms readily capable of lethal use or the discharge of firearms within a jurisdiction, provided such ordinance complies with the provisions of section 252.243.

(2) In any jurisdiction in which open carry of firearms is prohibited by ordinance, open carry of a firearm shall not be prohibited in accordance with the following:

(a) Any person with a valid concealed carry endorsement who is open carrying a firearm shall be required to have a valid concealed carry endorsement from this state or a permit from another state permit which is recognized by this state in his or her possession at all times;

(b) The open carrying of a firearm shall be limited to a firearm sixteen inches or less in overall length;

(c) Any person open carrying a firearm in such jurisdiction shall display his or her concealed carry endorsement upon demand of a law enforcement officer;

(d) In the absence of any reasonable and articulable suspicion of criminal activity, no person carrying a concealed or unconcealed handgun shall be disarmed or physically restrained by a law enforcement officer unless under arrest; and

(e) Any person who violates this subdivision shall be subject to the penalty provided in section 571.121.

4. The lawful design, marketing, manufacture, distribution, or sale of firearms or ammunition to the public is not an abnormally dangerous activity and does not constitute a public or private nuisance.

5. No county, city, town, village or any other political subdivision nor the state shall bring suit or have any right to recover against any firearms or ammunition manufacturer, trade association or dealer for damages, abatement or injunctive relief resulting from or relating to the lawful design, manufacture, marketing, distribution, or sale of firearms or ammunition to the public. This subsection shall apply to any suit pending as of October 12, 2003, as well as any suit which may be brought in the future. Provided, however, that nothing in this section shall restrict the rights of individual citizens to recover for injury or death caused by the negligent or defective design or manufacture of firearms or ammunition.

6. Nothing in this section shall prevent the state, a county, city, town, village or any other political subdivision from bringing an action against a firearms or ammunition manufacturer or dealer for breach of contract or warranty as to firearms or ammunition purchased by the state or such political subdivision."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Curtman, **House Amendment No. 2** was adopted.

Representative Frederick offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 436, Page 4, Section 1.320, Line 93, by inserting after all of said section and line, the following:

"571.011. 1. No person or entity shall publish the name, address, or other identifying information of any individual who owns a firearm or who is an applicant for or holder of any license, certificate, permit, or endorsement which allows such individual to own, acquire, possess, or carry a firearm.

2. For purposes of this section, "publish" means to issue information or material in printed or electronic form for distribution or sale to the public.

3. Any person or entity who violates the provisions of this section by publishing identifying information protected under this section is guilty of a class A misdemeanor.

571.012. 1. No health care professional licensed in this state shall be required by law to:

(1) Inquire as to whether a patient owns a firearm;

(2) Document or maintain in a patient's medical records whether such patient owns a firearm; or

(3) Notify any governmental entity of the identity of a patient based solely on the patient's status as an owner of a firearm.

2. Nothing in this section shall be construed as prohibiting or otherwise restricting a health care professional from inquiring, documenting, or otherwise disclosing a patient's status as an owner of a firearm if such inquiry, documentation, or disclosure is necessitated or medically indicated by the health care professional's scope of practice and such inquiry, documentation, or disclosure does not violate any other state or federal law."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Frederick, **House Amendment No. 3** was adopted.

Representative Brattin offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Committee Substitute for House Bill No. 436, Page 4, Section 1.320, Line 93, by inserting after all of said section and line, the following:

"160.665. 1. Any school district within the state may designate one or more elementary or secondary school teachers or administrators as a school protection officer. The responsibilities and duties of a school protection officer are voluntary and shall be in addition to the normal responsibilities and duties of the teacher or administrator. Any compensation for additional duties relating to service as a school protection officer shall be funded by the local school district, with no state funds used for such purpose.

2. Any person designated by a school district as a school protection officer shall be authorized to carry concealed firearms in any school in the district and shall be required to keep such firearm on his or her person at all times while on school property. Any school protection officer who violates this subsection shall be removed immediately from the classroom and subject to employment termination proceedings.

3. Any person designated as a school protection officer may detain, on view, any person the officer sees violating or who such officer has reasonable grounds to believe has violated any law of this state, including a misdemeanor or infraction, or any policy of the school.

4. Any person detained by a school protection officer for violation of any state law shall, as soon as practically possible, be turned over to a law enforcement officer. However, in no case shall a person detained under the provisions of this section be detained by a school protection officer for more than four hours.

5. Any person detained by a school protection officer for violation of any school policy shall, as soon as practically possible, be turned over to a school administrator. However, in no case shall a person detained under the provisions of this section be detained by a school protection officer for more than four hours.

6. Any teacher or administrator of an elementary or secondary school who seeks to be designated as a school protection officer shall request such designation, in writing, and submit it to the superintendent of the school district which employs him or her as a teacher or administrator. Along with this request the teacher or administrator shall also submit proof that he or she has a valid concealed carry endorsement and shall submit a certificate of school protection officer training program completion from a training program approved by the director of the department of public safety which demonstrates that such person has successfully completed the training requirements established by the POST commission under chapter 590 for school protection officers.

7. No school district may designate a teacher or administrator as a school protection officer unless such person has a valid concealed carry endorsement and has successfully completed a school protection officer training program which has been approved by the director of the department of public safety.

8. Any school district which designates a teacher or administrator as a school protection officer shall, within thirty days, notify, in writing, the director of the department of public safety of the designation which shall include the following:

- (1) The full name, date of birth, and address of the officer;
- (2) The name of the school district; and
- (3) The date such person was designated as a school protection officer.

Notwithstanding any other law, any identifying information collected under the authority of this subsection shall not be considered public information and shall not be subject to a sunshine request made under chapter 610.

9. A school district may revoke the designation of a person as a school protection officer for any reason and shall immediately notify the designated school protection officer, in writing, of the revocation. The school district shall also within thirty days of the revocation notify the director of the department of public safety, in writing, of the revocation of the designation of such person as a school protection officer.

10. The director of the department of public safety shall maintain a listing of all persons designated by school districts as school protection officers and shall make this list available to all law enforcement agencies.

571.107. 1. A concealed carry endorsement issued pursuant to sections 571.101 to 571.121 or a concealed carry endorsement or permit issued by another state or political subdivision of another state shall authorize the person in whose name the permit or endorsement is issued to carry concealed firearms on or about his or her person or vehicle throughout the state. No driver's license or nondriver's license containing a concealed carry endorsement issued pursuant to sections 571.101 to 571.121 or a concealed carry endorsement or permit issued by another state or political subdivision of another state shall authorize any person to carry concealed firearms into:

(1) Any police, sheriff, or highway patrol office or station without the consent of the chief law enforcement officer in charge of that office or station. Possession of a firearm in a vehicle on the premises of the office or station shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(2) Within twenty-five feet of any polling place on any election day. Possession of a firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(3) The facility of any adult or juvenile detention or correctional institution, prison or jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention, or correctional institution, prison or jail shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(4) Any courthouse solely occupied by the circuit, appellate or supreme court, or any courtrooms, administrative offices, libraries or other rooms of any such court whether or not such court solely occupies the building in question. This subdivision shall also include, but not be limited to, any juvenile, family, drug, or other court offices, any room or office wherein any of the courts or offices listed in this subdivision are temporarily conducting any business

within the jurisdiction of such courts or offices, and such other locations in such manner as may be specified by supreme court rule pursuant to subdivision (6) of this subsection. Nothing in this subdivision shall preclude those persons listed in subdivision (1) of subsection 2 of section 571.030 while within their jurisdiction and on duty, those persons listed in subdivisions (2), (4), and (10) of subsection 2 of section 571.030, or such other persons who serve in a law enforcement capacity for a court as may be specified by supreme court rule pursuant to subdivision (6) of this subsection from carrying a concealed firearm within any of the areas described in this subdivision. Possession of a firearm in a vehicle on the premises of any of the areas listed in this subdivision shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(5) Any meeting of the governing body of a unit of local government; or any meeting of the general assembly or a committee of the general assembly, except that nothing in this subdivision shall preclude a member of the body holding a valid concealed carry endorsement from carrying a concealed firearm at a meeting of the body which he or she is a member. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision shall preclude a member of the general assembly, a full-time employee of the general assembly employed under section 17, article III, Constitution of Missouri, legislative employees of the general assembly as determined under section 21.155, or statewide elected officials and their employees, holding a valid concealed carry endorsement, from carrying a concealed firearm in the state capitol building or at a meeting whether of the full body of a house of the general assembly or a committee thereof, that is held in the state capitol building;

(6) The general assembly, supreme court, county or municipality may by rule, administrative regulation, or ordinance prohibit or limit the carrying of concealed firearms by endorsement holders in that portion of a building owned, leased or controlled by that unit of government. Any portion of a building in which the carrying of concealed firearms is prohibited or limited shall be clearly identified by signs posted at the entrance to the restricted area. The statute, rule or ordinance shall exempt any building used for public housing by private persons, highways or rest areas, firing ranges, and private dwellings owned, leased, or controlled by that unit of government from any restriction on the carrying or possession of a firearm. The statute, rule or ordinance shall not specify any criminal penalty for its violation but may specify that persons violating the statute, rule or ordinance may be denied entrance to the building, ordered to leave the building and if employees of the unit of government, be subjected to disciplinary measures for violation of the provisions of the statute, rule or ordinance. The provisions of this subdivision shall not apply to any other unit of government;

(7) Any establishment licensed to dispense intoxicating liquor for consumption on the premises, which portion is primarily devoted to that purpose, without the consent of the owner or manager. The provisions of this subdivision shall not apply to the licensee of said establishment. The provisions of this subdivision shall not apply to any bona fide restaurant open to the general public having dining facilities for not less than fifty persons and that receives at least fifty-one percent of its gross annual income from the dining facilities by the sale of food. This subdivision does not prohibit the possession of a firearm in a vehicle on the premises of the establishment and shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision authorizes any individual who has been issued a concealed carry endorsement to possess any firearm while intoxicated;

(8) Any area of an airport to which access is controlled by the inspection of persons and property. Possession of a firearm in a vehicle on the premises of the airport shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(9) Any place where the carrying of a firearm is prohibited by federal law;

(10) Any higher education institution or elementary or secondary school facility without the consent of the governing body of the higher education institution or a school official or the district school board, **unless the person with the concealed carry endorsement or permit is a teacher or administrator of an elementary or secondary school who has been designated by his or her school district as a school protection officer and is carrying a firearm in a school within that district, in which case no consent is required.** Possession of a firearm in a vehicle on the premises of any higher education institution or elementary or secondary school facility shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(11) Any portion of a building used as a child care facility without the consent of the manager. Nothing in this subdivision shall prevent the operator of a child care facility in a family home from owning or possessing a firearm or a driver's license or nondriver's license containing a concealed carry endorsement;

(12) Any riverboat gambling operation accessible by the public without the consent of the owner or manager pursuant to rules promulgated by the gaming commission. Possession of a firearm in a vehicle on the premises of a riverboat gambling operation shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(13) Any gated area of an amusement park. Possession of a firearm in a vehicle on the premises of the amusement park shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(14) Any church or other place of religious worship without the consent of the minister or person or persons representing the religious organization that exercises control over the place of religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(15) Any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one or more signs displayed in a conspicuous place of a minimum size of eleven inches by fourteen inches with the writing thereon in letters of not less than one inch. The owner, business or commercial lessee, manager of a private business enterprise, or any other organization, entity, or person may prohibit persons holding a concealed carry endorsement from carrying concealed firearms on the premises and may prohibit employees, not authorized by the employer, holding a concealed carry endorsement from carrying concealed firearms on the property of the employer. If the building or the premises are open to the public, the employer of the business enterprise shall post signs on or about the premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees or other persons holding a concealed carry endorsement from carrying a concealed firearm in vehicles owned by the employer;

(16) Any sports arena or stadium with a seating capacity of five thousand or more. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(17) Any hospital accessible by the public. Possession of a firearm in a vehicle on the premises of a hospital shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

2. Carrying of a concealed firearm in a location specified in subdivisions (1) to (17) of subsection 1 of this section by any individual who holds a concealed carry endorsement issued pursuant to sections 571.101 to 571.121 shall not be a criminal act but may subject the person to denial to the premises or removal from the premises. If such person refuses to leave the premises and a peace officer is summoned, such person may be issued a citation for an amount not to exceed one hundred dollars for the first offense. If a second citation for a similar violation occurs within a six-month period, such person shall be fined an amount not to exceed two hundred dollars and his or her endorsement to carry concealed firearms shall be suspended for a period of one year. If a third citation for a similar violation is issued within one year of the first citation, such person shall be fined an amount not to exceed five hundred dollars and shall have his or her concealed carry endorsement revoked and such person shall not be eligible for a concealed carry endorsement for a period of three years. Upon conviction of charges arising from a citation issued pursuant to this subsection, the court shall notify the sheriff of the county which issued the certificate of qualification for a concealed carry endorsement and the department of revenue. The sheriff shall suspend or revoke the certificate of qualification for a concealed carry endorsement and the department of revenue shall issue a notice of such suspension or revocation of the concealed carry endorsement and take action to remove the concealed carry endorsement from the individual's driving record. The director of revenue shall notify the licensee that he or she must apply for a new license pursuant to chapter 302 which does not contain such endorsement. A concealed carry endorsement suspension pursuant to sections 571.101 to 571.121 shall be reinstated at the time of the renewal of his or her driver's license. The notice issued by the department of revenue shall be mailed to the last known address shown on the individual's driving record. The notice is deemed received three days after mailing.

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

(1) "Commission", when not obviously referring to the POST commission, means a grant of authority to act as a peace officer;

(2) "Director", the director of the Missouri department of public safety or his or her designated agent or representative;

(3) "Peace officer", a law enforcement officer of the state or any political subdivision of the state with the power of arrest for a violation of the criminal code or declared or deemed to be a peace officer by state statute;

(4) "POST commission", the peace officer standards and training commission;

(5) "Reserve peace officer", a peace officer who regularly works less than thirty hours per week;

(6) "School protection officer", an elementary or secondary school teacher or administrator who has been designated as a school protection officer by a school district.

590.200. 1. The POST commission shall:

- (1) Establish minimum standards for the training of school protection officers;
- (2) Set the minimum number of hours of training required for a school protection officer; and
- (3) Set the curriculum for school protection officer training programs.

2. At a minimum this training shall include:

- (1) Instruction specific to the prevention of incidents of violence in schools;
- (2) The handling of emergency or violent crisis situations in school settings;
- (3) A review of all state criminal laws;
- (4) Training involving the use of defensive force; and
- (5) Training involving the use of deadly force.

590.205. 1. The POST commission shall establish minimum standards for school protection officer training instructors, training centers, and training programs.

2. The director shall develop and maintain a list of approved school protection officer training instructors, training centers, and training programs. The director shall not place any instructor, training center, or training program on its approved list unless such instructor, training center, or training program meets all of the POST commission requirements under this section and section 590.200. The director shall make this approved list available to every school district in the state.

3. Each person seeking entrance into a school protection officer training center or training program shall submit a fingerprint card and authorization for a criminal history background check to include the records of the Federal Bureau of Investigation to the training center or training program where such person is seeking entrance. The training center or training program shall cause a criminal history background check to be made and shall cause the resulting report to be forwarded to the school district where the elementary school teacher or administrator is seeking to be designated as a school protection officer.

4. No person shall be admitted to a school protection officer training center or training program unless such person submits proof to the training center or training program that he or she has a valid concealed carry endorsement.

5. A certificate of school protection officer training program completion may be issued to any applicant by any approved school protection officer training instructor. On the certificate of program completion the approved school protection officer training instructor shall affirm that the individual receiving instruction has taken and passed a school protection officer training program that meets the requirements of this section and section 590.200 and that the individual has a valid concealed carry endorsement. The instructor shall also provide a copy of such certificate to the director of the department of public safety.

590.207. 1. Notwithstanding any other provision of law, any person designated as a school protection officer under the provisions of section 160.665 who fails to properly carry his or her concealed weapon on his or her person at all times while on school property as proscribed under subsection 2 of section 160.655 shall be guilty of a class A misdemeanor and shall be subject to employment termination proceedings within the school district.

2. Any school employee who discloses any information collected under subsection 8 of section 160.655 that contains identifying personal information about any person designated as a school protection officer to anyone other than those authorized to receive the information under subsection 8 of section 160.655 shall be guilty of a class B misdemeanor and shall be subject to employment termination proceedings within the school district."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Hummel raised a point of order that **House Amendment No. 4** goes beyond the scope of the bill.

Representative Elmer requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

Representative Hinson offered **House Amendment No. 1** to **House Amendment No. 4**.

House Amendment No. 1
to
House Amendment No. 4

AMEND House Amendment No. 4 to House Committee Substitute for House Bill No. 436, Page 7, Line 17, by inserting after said line the following:

'AMEND House Committee Substitute for House Bill No. 859, Page 3, Section 50.535, Line 41, by inserting after all of said section and line, the following:

"571.018. 1. Any person who has been found guilty or pleaded guilty or nolo contendere to a prior felony offense and who commits a subsequent felony offense, regardless of whether use of a firearm is an element of the subsequent felony offense, and during the commission of such felony offense the person possesses, displays, brandishes, threatens to use, attempts to use, or discharges any firearm is guilty of the offense of unlawful possession or use of a firearm during the commission of a felony. Such offense shall be in addition to and not in lieu of any underlying felony offense or any other offense for which such person may be charged and found guilty of or plead guilty or nolo contendere to.

2. Any person who violates the provisions of this section shall be subject to the following terms of imprisonment:

- (1) For possession of a firearm during the commission of a felony, a term of imprisonment of ten years;**
- (2) For displaying, brandishing, threatening to use, or attempting to use a firearm during the commission of a felony, a term of imprisonment of twenty years; and**
- (3) For discharging a firearm during the commission of a felony, a term of imprisonment of life.**

The terms of imprisonment in this subsection shall be imposed consecutively to any other terms of imprisonment imposed for any other felony offense.

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

- (1) "Firearm", any weapon that is designed or adapted to expel a projectile by the action of an explosion;**
- (2) "Possession", with respect to a firearm, carrying it on the person. Possession may also be established by demonstrating that the person had a firearm within immediate physical reach with ready access and the intent to use the firearm during the commission of a felony.**

4. This section shall not apply to law enforcement officers or United States military personnel who are performing their lawful duties or who are traveling to or from their places of employment or assignment to perform their lawful duties."; and'; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Hinson, **House Amendment No. 1 to House Amendment No. 4** was adopted.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 099

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Flanigan	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haefner	Hampton	Hansen	Hicks
Higdon	Hinson	Hoskins	Houghton	Hurst

Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	McCaherty	McGaugh	Messenger	Miller
Morris	Muntzel	Neely	Neth	Parkinson
Pfautsch	Phillips	Pike	Pogue	Redmon
Reiboldt	Remole	Richardson	Riddle	Ross
Rowden	Rowland	Schatz	Schieber	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Mr Speaker	

NOES: 047

Anders	Black	Burns	Butler	Carpenter
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Harris	Hodges
Hubbard	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	Mayfield	McCann Beatty	McDonald	McKenna
McNeil	Meredith	Mims	Montecillo	Morgan
Newman	Nichols	Norr	Otto	Pace
Peters	Pierson	Rizzo	Runions	Schieffer
Schupp	Smith 85	Swearingen	Walton Gray	Webb
Webber	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 016

Colona	Cornejo	Fitzwater	Gardner	Haahr
Hough	May	McManus	Mitten	Molendorp
Rehder	Rhoads	Roorda	Scharnhorst	Smith 120
Zerr				

VACANCIES: 001

On motion of Representative Brattin, **House Amendment No. 4, as amended**, was adopted by the following vote:

AYES: 120

Allen	Anders	Anderson	Austin	Bahr
Barnes	Bernskoetter	Berry	Black	Brattin
Brown	Burlison	Burns	Cierpiot	Conway 10
Conway 104	Cookson	Cornejo	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	English	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gatschenberger	Gosen	Grisamore	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hodges	Hoskins	Hough
Houghton	Hubbard	Hurst	Johnson	Jones 50
Justus	Keeney	Kelley 127	Koenig	Kolkmeyer
Korman	Kratky	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
Mayfield	McCaherty	McGaugh	McKenna	Messenger

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Miller	Morris	Muntzel	Neely	Neth
Norr	Otto	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Schatz	Schieber	Schieffer	Shull
Shumake	Solon	Sommer	Spencer	Swan
Swearingen	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 032

Butler	Curtis	Dunn	Ellinger	Ellington
Englund	Hummel	Kelly 45	Kirkton	LaFaver
May	McCann Beatty	McDonald	McManus	McNeil
Meredith	Mims	Montecillo	Morgan	Newman
Nichols	Pace	Peters	Pierson	Rizzo
Runions	Schupp	Smith 85	Walton Gray	Webb
Webber	Wright			

PRESENT: 001

Carpenter

ABSENT WITH LEAVE: 009

Colona	Gardner	Mitten	Molendorp	Rehder
Roorda	Scharnhorst	Smith 120	Stream	

VACANCIES: 001

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 103

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Cox
Crawford	Cross	Curtman	Davis	Diehl
Dohrman	Dugger	Elmer	Engler	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Hicks	Higdon	Hinson
Hoskins	Hough	Houghton	Hurst	Johnson
Jones 50	Justus	Keeney	Kelley 127	Koenig
Kolkmeyer	Korman	Lair	Lant	Lauer
Leara	Lichtenegger	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Reiboldt
Remole	Rhoads	Richardson	Ross	Rowden
Rowland	Schatz	Schieber	Shull	Shumake

Solon	Sommer	Spencer	Stream	Swan
Thomson	Torpey	Walker	White	Wieland
Wilson	Zerr	Mr Speaker		

NOES: 048

Anders	Black	Burns	Butler	Carpenter
Conway 10	Curtis	Dunn	Ellinger	Ellington
English	Englund	Frame	Gardner	Harris
Hodges	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Montecillo
Morgan	Newman	Nichols	Norr	Otto
Pace	Peters	Pierson	Rizzo	Runions
Schieffer	Schupp	Smith 85	Swearingen	Walton Gray
Webb	Webber	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 011

Colona	Hubbard	May	Mitten	Molendorp
Rehder	Riddle	Roorda	Scharnhorst	Smith 120
Wood				

VACANCIES: 001

On motion of Representative Funderburk, **HCS HB 436, as amended**, was adopted.

On motion of Representative Funderburk, **HCS HB 436, as amended**, was ordered perfected and printed by the following vote:

AYES: 117

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Cierpiot	Conway 10	Conway 104
Cookson	Cornejo	Cox	Crawford	Cross
Curtman	Davis	Diehl	Dohrman	Dugger
Elmer	Engler	English	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frame
Franklin	Frederick	Funderburk	Gannon	Gatschenberger
Gosen	Grisamore	Guernsey	Haahr	Haefner
Hampton	Hansen	Harris	Hicks	Higdon
Hinson	Hodges	Hoskins	Hough	Houghton
Hubbard	Hurst	Johnson	Jones 50	Justus
Keeney	Kelley 127	Koenig	Kolkmeyer	Korman
Lair	Lant	Lauer	Leara	Lichtenegger
Love	Lynch	Marshall	Mayfield	McCaherty
McGaugh	McKenna	Messenger	Miller	Morris
Muntzel	Neely	Neth	Norr	Parkinson
Pfautsch	Phillips	Pike	Pogue	Redmon
Reiboldt	Remole	Rhoads	Richardson	Riddle
Ross	Rowden	Rowland	Scharnhorst	Schatz
Schieber	Schieffer	Shull	Shumake	Solon

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Sommer	Spencer	Stream	Swan	Thomson
Walker	White	Wieland	Wilson	Wood
Zerr	Mr Speaker			

NOES: 039

Anders	Butler	Carpenter	Curtis	Dunn
Ellinger	Ellington	Englund	Gardner	Hummel
Kelly 45	Kirkton	Kratky	LaFaver	May
McCann Beatty	McDonald	McManus	McNeil	Meredith
Mims	Mitten	Montecillo	Morgan	Newman
Nichols	Otto	Pace	Peters	Pierson
Rizzo	Runions	Schupp	Smith 85	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 006

Colona	Molendorp	Rehder	Roorda	Smith 120
Torpey				

VACANCIES: 001

HB 808, relating to teaching certificates, was taken up by Representative Funderburk.

Representative Thomson offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Bill No. 808, Page 1, Line 3 of the Title, by deleting the words "teaching certificates" and inserting in lieu thereof the words "sunset provisions related to education"; and

Further amend said bill, Page 5, Section 168.021, Lines 146 through 148, by deleting all of said lines and inserting in lieu thereof the following:

"[8. The provisions of subdivision (5) of subsection 1 of this section, as well as any other provision of this section relating to the American Board for Certification of Teacher Excellence, shall terminate on August 28, 2014.]

169.070. 1. The retirement allowance of a member whose age at retirement is sixty years or more and whose creditable service is five years or more, or whose sum of age and creditable service equals eighty years or more, or who has attained age fifty-five and whose creditable service is twenty-five years or more or whose creditable service is thirty years or more regardless of age, may be the sum of the following items, not to exceed one hundred percent of the member's final average salary:

(1) Two and five-tenths percent of the member's final average salary for each year of membership service;

(2) Six-tenths of the amount payable for a year of membership service for each year of prior service not exceeding thirty years.

In lieu of the retirement allowance otherwise provided in subdivisions (1) and (2) of this subsection, a member may elect to receive a retirement allowance of:

(3) [Between July 1, 1998, and July 1, 2013,] Two and four-tenths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-nine years or more but less than thirty years, and the member has not attained age fifty-five;

(4) [Between July 1, 1998, and July 1, 2013,] Two and thirty-five-hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-eight years or more but less than twenty-nine years, and the member has not attained age fifty-five;

(5) [Between July 1, 1998, and July 1, 2013,] Two and three-tenths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-seven years or more but less than twenty-eight years, and the member has not attained age fifty-five;

(6) [Between July 1, 1998, and July 1, 2013,] Two and twenty-five-hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-six years or more but less than twenty-seven years, and the member has not attained age fifty-five;

(7) [Between July 1, 1998, and July 1, 2013,] Two and two-tenths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-five years or more but less than twenty-six years, and the member has not attained age fifty-five;

(8) [Between July 1, 2001, and July 1, 2013,] Two and fifty-five hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is thirty-one years or more regardless of age.

2. In lieu of the retirement allowance provided in subsection 1 of this section, a member whose age is sixty years or more on September 28, 1975, may elect to have the member's retirement allowance calculated as a sum of the following items:

(1) Sixty cents plus one and five-tenths percent of the member's final average salary for each year of membership service;

(2) Six-tenths of the amount payable for a year of membership service for each year of prior service not exceeding thirty years;

(3) Three-fourths of one percent of the sum of subdivisions (1) and (2) of this subsection for each month of attained age in excess of sixty years but not in excess of age sixty-five.

3. (1) In lieu of the retirement allowance provided either in subsection 1 or 2 of this section, collectively called "option 1", a member whose creditable service is twenty-five years or more or who has attained the age of fifty-five with five or more years of creditable service may elect in the member's application for retirement to receive the actuarial equivalent of the member's retirement allowance in reduced monthly payments for life during retirement with the provision that:

Option 2. Upon the member's death the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member as the member shall have nominated in the member's election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the retired member elected option 1; OR

Option 3. Upon the death of the member three-fourths of the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the member elected option 1; OR

Option 4. Upon the death of the member one-half of the reduced retirement allowance shall be continued throughout the life of, and paid to, such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance shall be increased to the amount the retired member would be receiving had the member elected option 1; OR

Option 5. Upon the death of the member prior to the member having received one hundred twenty monthly payments of the member's reduced allowance, the remainder of the one hundred twenty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated who survives the member for the remainder of the one hundred twenty monthly payments, the total of the remainder of such one hundred twenty monthly payments shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the last person, in that order of precedence, to receive a monthly allowance in a lump sum payment. If the total of the one hundred twenty payments paid to the retired individual and the beneficiary of the retired individual is less than the total of the member's accumulated contributions, the difference shall be paid to the beneficiary in a lump sum; OR

Option 6. Upon the death of the member prior to the member having received sixty monthly payments of the member's reduced allowance, the remainder of the sixty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated who survives the member for the remainder of the sixty monthly payments, the total of the remainder of such sixty monthly payments shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the last person, in that order of precedence, to receive a monthly

allowance in a lump sum payment. If the total of the sixty payments paid to the retired individual and the beneficiary of the retired individual is less than the total of the member's accumulated contributions, the difference shall be paid to the beneficiary in a lump sum.

(2) The election of an option may be made only in the application for retirement and such application must be filed prior to the date on which the retirement of the member is to be effective. If either the member or the person nominated to receive the survivorship payments dies before the effective date of retirement, the option shall not be effective, provided that:

(a) If the member or a person retired on disability retirement dies after acquiring twenty-five or more years of creditable service or after attaining the age of fifty-five years and acquiring five or more years of creditable service and before retirement, except retirement with disability benefits, and the person named by the member as the member's beneficiary has an insurable interest in the life of the deceased member, the designated beneficiary may elect to receive either survivorship benefits under option 2 or a payment of the accumulated contributions of the member. If survivorship benefits under option 2 are elected and the member at the time of death would have been eligible to receive an actuarial equivalent of the member's retirement allowance, the designated beneficiary may further elect to defer the option 2 payments until the date the member would have been eligible to receive the retirement allowance provided in subsection 1 or 2 of this section;

(b) If the member or a person retired on disability retirement dies before attaining age fifty-five but after acquiring five but fewer than twenty-five years of creditable service, and the person named as the member's beneficiary has an insurable interest in the life of the deceased member, the designated beneficiary may elect to receive either a payment of the member's accumulated contributions, or survivorship benefits under option 2 to begin on the date the member would first have been eligible to receive an actuarial equivalent of the member's retirement allowance, or to begin on the date the member would first have been eligible to receive the retirement allowance provided in subsection 1 or 2 of this section.

4. If the total of the retirement or disability allowance paid to an individual before the death of the individual is less than the accumulated contributions at the time of retirement, the difference shall be paid to the beneficiary of the individual, or to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the individual in that order of precedence. If an optional benefit as provided in option 2, 3 or 4 in subsection 3 of this section had been elected, and the beneficiary dies after receiving the optional benefit, and if the total retirement allowance paid to the retired individual and the beneficiary of the retired individual is less than the total of the contributions, the difference shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the beneficiary, in that order of precedence, unless the retired individual designates a different recipient with the board at or after retirement.

5. If a member dies and his or her financial institution is unable to accept the final payment or payments due to the member, the final payment or payments shall be paid to the beneficiary of the member or, if there is no beneficiary, to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the member, in that order of precedence, unless otherwise stated. If the beneficiary of a deceased member dies and his or her financial institution is unable to accept the final payment or payments, the final payment or payments shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the member, in that order of precedence, unless otherwise stated.

6. If a member dies before receiving a retirement allowance, the member's accumulated contributions at the time of the death of the member shall be paid to the beneficiary of the member or, if there is no beneficiary, to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or to the estate of the member, in that order of precedence; except that, no such payment shall be made if the beneficiary elects option 2 in subsection 3 of this section, unless the beneficiary dies before having received benefits pursuant to that subsection equal to the accumulated contributions of the member, in which case the amount of accumulated contributions in excess of the total benefits paid pursuant to that subsection shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the beneficiary, in that order of precedence.

7. If a member ceases to be a public school employee as herein defined and certifies to the board of trustees that such cessation is permanent, or if the membership of the person is otherwise terminated, the member shall be paid the member's accumulated contributions with interest.

8. Notwithstanding any provisions of sections 169.010 to 169.141 to the contrary, if a member ceases to be a public school employee after acquiring five or more years of membership service in Missouri, the member may at the option of the member leave the member's contributions with the retirement system and claim a retirement allowance any time after reaching the minimum age for voluntary retirement. When the member's claim is presented to the board, the member shall be granted an allowance as provided in sections 169.010 to 169.141 on the basis of the member's age, years

of service, and the provisions of the law in effect at the time the member requests the member's retirement to become effective.

9. The retirement allowance of a member retired because of disability shall be nine-tenths of the allowance to which the member's creditable service would entitle the member if the member's age were sixty, or fifty percent of one-twelfth of the annual salary rate used in determining the member's contributions during the last school year for which the member received a year of creditable service immediately prior to the member's disability, whichever is greater, except that no such allowance shall exceed the retirement allowance to which the member would have been entitled upon retirement at age sixty if the member had continued to teach from the date of disability until age sixty at the same salary rate.

10. Notwithstanding any provisions of sections 169.010 to 169.141 to the contrary, from October 13, 1961, the contribution rate pursuant to sections 169.010 to 169.141 shall be multiplied by the factor of two-thirds for any member of the system for whom federal Old Age and Survivors Insurance tax is paid from state or local tax funds on account of the member's employment entitling the person to membership in the system. The monetary benefits for a member who elected not to exercise an option to pay into the system a retroactive contribution of four percent on that part of the member's annual salary rate which was in excess of four thousand eight hundred dollars but not in excess of eight thousand four hundred dollars for each year of employment in a position covered by this system between July 1, 1957, and July 1, 1961, as provided in subsection 10 of this section as it appears in RSMo, 1969, shall be the sum of:

(1) For years of service prior to July 1, 1946, six-tenths of the full amount payable for years of membership service;

(2) For years of membership service after July 1, 1946, in which the full contribution rate was paid, full benefits under the formula in effect at the time of the member's retirement;

(3) For years of membership service after July 1, 1957, and prior to July 1, 1961, the benefits provided in this section as it appears in RSMo, 1959; except that if the member has at least thirty years of creditable service at retirement the member shall receive the benefit payable pursuant to that section as though the member's age were sixty-five at retirement;

(4) For years of membership service after July 1, 1961, in which the two-thirds contribution rate was paid, two-thirds of the benefits under the formula in effect at the time of the member's retirement.

11. The monetary benefits for each other member for whom federal Old Age and Survivors Insurance tax is or was paid at any time from state or local funds on account of the member's employment entitling the member to membership in the system shall be the sum of:

(1) For years of service prior to July 1, 1946, six-tenths of the full amount payable for years of membership service;

(2) For years of membership service after July 1, 1946, in which the full contribution rate was paid, full benefits under the formula in effect at the time of the member's retirement;

(3) For years of membership service after July 1, 1957, in which the two-thirds contribution rate was paid, two-thirds of the benefits under the formula in effect at the time of the member's retirement.

12. Any retired member of the system who was retired prior to September 1, 1972, or beneficiary receiving payments under option 1 or option 2 of subsection 3 of this section, as such option existed prior to September 1, 1972, will be eligible to receive an increase in the retirement allowance of the member of two percent for each year, or major fraction of more than one-half of a year, which the retired member has been retired prior to July 1, 1975. This increased amount shall be payable commencing with January, 1976, and shall thereafter be referred to as the member's retirement allowance. The increase provided for in this subsection shall not affect the retired member's eligibility for compensation provided for in section 169.580 or 169.585, nor shall the amount being paid pursuant to these sections be reduced because of any increases provided for in this section.

13. If the board of trustees determines that the cost of living, as measured by generally accepted standards, increases two percent or more in the preceding fiscal year, the board shall increase the retirement allowances which the retired members or beneficiaries are receiving by two percent of the amount being received by the retired member or the beneficiary at the time the annual increase is granted by the board with the provision that the increases provided for in this subsection shall not become effective until the fourth January first following the member's retirement or January 1, 1977, whichever later occurs, or in the case of any member retiring on or after July 1, 2000, the increase provided for in this subsection shall not become effective until the third January first following the member's retirement, or in the case of any member retiring on or after July 1, 2001, the increase provided for in this subsection shall not become effective until the second January first following the member's retirement. Commencing with January 1, 1992, if the board of trustees determines that the cost of living has increased five percent or more in the preceding fiscal year, the board shall increase the retirement allowances by five percent. The total of the increases granted to a retired member or the beneficiary after December 31, 1976, may not exceed eighty percent of the retirement allowance established at retirement

or as previously adjusted by other subsections. If the cost of living increases less than five percent, the board of trustees may determine the percentage of increase to be made in retirement allowances, but at no time can the increase exceed five percent per year. If the cost of living decreases in a fiscal year, there will be no increase in allowances for retired members on the following January first.

14. The board of trustees may reduce the amounts which have been granted as increases to a member pursuant to subsection 13 of this section if the cost of living, as determined by the board and as measured by generally accepted standards, is less than the cost of living was at the time of the first increase granted to the member; except that, the reductions shall not exceed the amount of increases which have been made to the member's allowance after December 31, 1976.

15. Any application for retirement shall include a sworn statement by the member certifying that the spouse of the member at the time the application was completed was aware of the application and the plan of retirement elected in the application.

16. Notwithstanding any other provision of law, any person retired prior to September 28, 1983, who is receiving a reduced retirement allowance under option 1 or option 2 of subsection 3 of this section, as such option existed prior to September 28, 1983, and whose beneficiary nominated to receive continued retirement allowance payments under the elected option dies or has died, shall upon application to the board of trustees have his or her retirement allowance increased to the amount he or she would have been receiving had the option not been elected, actuarially adjusted to recognize any excessive benefits which would have been paid to him or her up to the time of application.

17. Benefits paid pursuant to the provisions of the public school retirement system of Missouri shall not exceed the limitations of Section 415 of Title 26 of the United States Code except as provided pursuant to this subsection. Notwithstanding any other law to the contrary, the board of trustees may establish a benefit plan pursuant to Section 415(m) of Title 26 of the United States Code. Such plan shall be created solely for the purpose described in Section 415(m)(3)(A) of Title 26 of the United States Code. The board of trustees may promulgate regulations necessary to implement the provisions of this subsection and to create and administer such benefit plan.

18. Notwithstanding any other provision of law to the contrary, any person retired before, on, or after May 26, 1994, shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties the person shall receive an amount based on the person's years of service so that the total amount received pursuant to sections 169.010 to 169.141 shall be at least the minimum amounts specified in subdivisions (1) to (4) of this subsection. In determining the minimum amount to be received, the amounts in subdivisions (3) and (4) of this subsection shall be adjusted in accordance with the actuarial adjustment, if any, that was applied to the person's retirement allowance. In determining the minimum amount to be received, beginning September 1, 1996, the amounts in subdivisions (1) and (2) of this subsection shall be adjusted in accordance with the actuarial adjustment, if any, that was applied to the person's retirement allowance due to election of an optional form of retirement having a continued monthly payment after the person's death. Notwithstanding any other provision of law to the contrary, no person retired before, on, or after May 26, 1994, and no beneficiary of such a person, shall receive a retirement benefit pursuant to sections 169.010 to 169.141 based on the person's years of service less than the following amounts:

- (1) Thirty or more years of service, one thousand two hundred dollars;
- (2) At least twenty-five years but less than thirty years, one thousand dollars;
- (3) At least twenty years but less than twenty-five years, eight hundred dollars;
- (4) At least fifteen years but less than twenty years, six hundred dollars.

19. Notwithstanding any other provisions of law to the contrary, any person retired prior to May 26, 1994, and any designated beneficiary of such a retired member who was deceased prior to July 1, 1999, shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement or aging and upon request shall give written or oral opinions to the board in response to such requests. Beginning September 1, 1996, as compensation for such service, the member shall have added, pursuant to this subsection, to the member's monthly annuity as provided by this section a dollar amount equal to the lesser of sixty dollars or the product of two dollars multiplied by the member's number of years of creditable service. Beginning September 1, 1999, the designated beneficiary of the deceased member shall as compensation for such service have added, pursuant to this subsection, to the monthly annuity as provided by this section a dollar amount equal to the lesser of sixty dollars or the product of two dollars multiplied by the member's number of years of creditable service. The total compensation provided by this section including the compensation provided by this subsection shall be used in calculating any future cost-of-living adjustments provided by subsection 13 of this section.

20. Any member who has retired prior to July 1, 1998, and the designated beneficiary of a deceased retired member shall be made, constituted, appointed and employed by the board as a special consultant on the matters of

education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties the person shall receive a payment equivalent to eight and seven-tenths percent of the previous month's benefit, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 13 and 14 of this section for the purposes of the limit on the total amount of increases which may be received.

21. Any member who has retired shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such request. As compensation for such duties, the beneficiary of the retired member, or, if there is no beneficiary, the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the retired member, in that order of precedence, shall receive as a part of compensation for these duties a death benefit of five thousand dollars.

22. Any member who has retired prior to July 1, 1999, and the designated beneficiary of a retired member who was deceased prior to July 1, 1999, shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties, the person shall have added, pursuant to this subsection, to the monthly annuity as provided by this section a dollar amount equal to five dollars times the member's number of years of creditable service.

23. Any member who has retired prior to July 1, 2000, and the designated beneficiary of a deceased retired member shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties, the person shall receive a payment equivalent to three and five-tenths percent of the previous month's benefit, which shall be added to the member or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 13 and 14 of this section for the purposes of the limit on the total amount of increases which may be received.

24. Any member who has retired prior to July 1, 2001, and the designated beneficiary of a deceased retired member shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging, and upon request shall give written or oral opinions to the board in response to such requests. As compensation for such duties, the person shall receive a dollar amount equal to three dollars times the member's number of years of creditable service, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 13 and 14 of this section for the purposes of the limit on the total amount of increases which may be received.

169.670. 1. The retirement allowance of a member whose age at retirement is sixty years or more and whose creditable service is five years or more, or whose sum of age and creditable service equals eighty years or more, or whose creditable service is thirty years or more regardless of age, shall be the sum of the following items:

(1) For each year of membership service, one and sixty-one hundredths percent of the member's final average salary;

(2) Six-tenths of the amount payable for a year of membership service for each year of prior service;

(3) Eighty-five one-hundredths of one percent of any amount by which the member's average compensation for services rendered prior to July 1, 1973, exceeds the average monthly compensation on which federal Social Security taxes were paid during the period over which such average compensation was computed, for each year of membership service credit for services rendered prior to July 1, 1973, plus six-tenths of the amount payable for a year of membership service for each year of prior service credit;

(4) In lieu of the retirement allowance otherwise provided by subdivisions (1) to (3) of this subsection, [between July 1, 2001, and July 1, 2013,] a member may elect to receive a retirement allowance of:

(a) One and fifty-nine hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-nine years or more but less than thirty years and the member has not attained the age of fifty-five;

(b) One and fifty-seven hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-eight years or more but less than twenty-nine years, and the member has not attained the age of fifty-five;

(c) One and fifty-five hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-seven years or more but less than twenty-eight years and the member has not attained the age of fifty-five;

(d) One and fifty-three hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-six years or more but less than twenty-seven years and the member has not attained the age of fifty-five;

(e) One and fifty-one hundredths percent of the member's final average salary for each year of membership service, if the member's creditable service is twenty-five years or more but less than twenty-six years and the member has not attained the age of fifty-five; and

(5) In addition to the retirement allowance provided in subdivisions (1) to (3) of this subsection, a member retiring on or after July 1, 2001, whose creditable service is thirty years or more or whose sum of age and creditable service is eighty years or more, shall receive a temporary retirement allowance equivalent to eight-tenths of one percent of the member's final average salary multiplied by the member's years of service until such time as the member reaches the minimum age for Social Security retirement benefits.

2. If the board of trustees determines that the cost of living, as measured by generally accepted standards, increases five percent or more in the preceding fiscal year, the board shall increase the retirement allowances which the retired members or beneficiaries are receiving by five percent of the amount being received by the retired member or the beneficiary at the time the annual increase is granted by the board; provided that, the increase provided in this subsection shall not become effective until the fourth January first following a member's retirement or January 1, 1982, whichever occurs later, and the total of the increases granted to a retired member or the beneficiary after December 31, 1981, may not exceed eighty percent of the retirement allowance established at retirement or as previously adjusted by other provisions of law. If the cost of living increases less than five percent, the board of trustees may determine the percentage of increase to be made in retirement allowances, but at no time can the increase exceed five percent per year. If the cost of living decreases in a fiscal year, there will be no increase in allowances for retired members on the following January first.

3. The board of trustees may reduce the amounts which have been granted as increases to a member pursuant to subsection 2 of this section if the cost of living, as determined by the board and as measured by generally accepted standards, is less than the cost of living was at the time of the first increase granted to the member; provided that, the reductions shall not exceed the amount of increases which have been made to the member's allowance after December 31, 1981.

4. (1) In lieu of the retirement allowance provided in subsection 1 of this section, called option 1, a member whose creditable service is twenty-five years or more or who has attained age fifty-five with five or more years of creditable service may elect, in the application for retirement, to receive the actuarial equivalent of the member's retirement allowance in reduced monthly payments for life during retirement with the provision that:

Option 2. Upon the member's death, the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member as the member shall have nominated in the member's election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the member elected option 1; OR

Option 3. Upon the death of the member three-fourths of the reduced retirement allowance shall be continued throughout the life of and paid to such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance will be increased to the amount the retired member would be receiving had the member elected option 1; OR

Option 4. Upon the death of the member one-half of the reduced retirement allowance shall be continued throughout the life of, and paid to, such person as has an insurable interest in the life of the member and as the member shall have nominated in an election of the option, and provided further that if the person so nominated dies before the retired member, the retirement allowance shall be increased to the amount the retired member would be receiving had the member elected option 1; OR

Option 5. Upon the death of the member prior to the member having received one hundred twenty monthly payments of the member's reduced allowance, the remainder of the one hundred twenty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated who survives the member for the remainder of the one hundred twenty monthly payments, the reserve for the remainder of such one hundred twenty monthly payments shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the last person, in that order of precedence, to receive a monthly allowance in a lump sum payment. If the total of the one hundred twenty payments paid to the retired individual and the beneficiary of the retired individual is less than the total of the member's accumulated contributions, the difference shall be paid to the beneficiary in a lump sum; OR

Option 6. Upon the death of the member prior to the member having received sixty monthly payments of the member's reduced allowance, the remainder of the sixty monthly payments of the reduced allowance shall be paid to such beneficiary as the member shall have nominated in the member's election of the option or in a subsequent nomination. If there is no beneficiary so nominated who survives the member for the remainder of the sixty monthly payments, the reserve for the remainder of such sixty monthly payments shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the last person, in that order of precedence, to receive a monthly allowance in a lump sum payment. If the total of the sixty payments paid to the retired individual and the beneficiary of the retired individual is less than the total of the member's accumulated contributions, the difference shall be paid to the beneficiary in a lump sum; OR

Option 7. A plan of variable monthly benefit payments which provides, in conjunction with the member's retirement benefits under the federal Social Security laws, level or near-level retirement benefit payments to the member for life during retirement, and if authorized, to an appropriate beneficiary designated by the member. Such a plan shall be actuarially equivalent to the retirement allowance under option 1 and shall be available for election only if established by the board of trustees under duly adopted rules.

(2) The election of an option may be made only in the application for retirement and such application must be filed prior to the date on which the retirement of the member is to be effective. If either the member or the person nominated dies before the effective date of retirement, the option shall not be effective, provided that:

(a) If the member or a person retired on disability retirement dies after attaining age fifty-five and acquiring five or more years of creditable service or after acquiring twenty-five or more years of creditable service and before retirement, except retirement with disability benefits, and the person named by the member as the member's beneficiary has an insurable interest in the life of the deceased member, the designated beneficiary may elect to receive either survivorship payments under option 2 or a payment of the member's accumulated contributions. If survivorship benefits under option 2 are elected and the member at the time of death would have been eligible to receive an actuarial equivalent of the member's retirement allowance, the designated beneficiary may further elect to defer the option 2 payments until the date the member would have been eligible to receive the retirement allowance provided in subsection 1 of this section.

(b) If the member or a person retired on disability retirement dies before attaining age fifty-five but after acquiring five but fewer than twenty-five years of creditable service, and the person named as the beneficiary has an insurable interest in the life of the deceased member or disability retiree, the designated beneficiary may elect to receive either a payment of the person's accumulated contributions or survivorship benefits under option 2 to begin on the date the member would first have been eligible to receive an actuarial equivalent of the person's retirement allowance, or to begin on the date the member would first have been eligible to receive the retirement allowance provided in subsection 1 of this section.

5. If the total of the retirement or disability allowances paid to an individual before the person's death is less than the person's accumulated contributions at the time of the person's retirement, the difference shall be paid to the person's beneficiary or, if there is no beneficiary, to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or person's estate, in that order of precedence; provided, however, that if an optional benefit, as provided in option 2, 3 or 4 in subsection 4 of this section, had been elected and the beneficiary dies after receiving the optional benefit, then, if the total retirement allowances paid to the retired individual and the individual's beneficiary are less than the total of the contributions, the difference shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the beneficiary, in that order of precedence, unless the retired individual designates a different recipient with the board at or after retirement.

6. If a member dies and his or her financial institution is unable to accept the final payment or payments due to the member, the final payment or payments shall be paid to the beneficiary of the member or, if there is no beneficiary, to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the member, in that order of precedence, unless otherwise stated. If the beneficiary of a deceased member dies and his or her financial institution is unable to accept the final payment or payments, the final payment or payments shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the member, in that order of precedence, unless otherwise stated.

7. If a member dies before receiving a retirement allowance, the member's accumulated contributions at the time of the member's death shall be paid to the member's beneficiary or, if there is no beneficiary, to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or to the member's estate; provided, however, that no such payment shall be made if the beneficiary elects option 2 in subsection 4 of this section, unless the beneficiary dies before having received benefits pursuant to that subsection equal to the accumulated contributions of the member, in which case the amount of accumulated contributions in excess of the total benefits paid pursuant to that

subsection shall be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or estate of the beneficiary, in that order of precedence.

8. If a member ceases to be an employee as defined in section 169.600 and certifies to the board of trustees that such cessation is permanent or if the person's membership is otherwise terminated, the person shall be paid the person's accumulated contributions with interest.

9. Notwithstanding any provisions of sections 169.600 to 169.715 to the contrary, if a member ceases to be an employee as defined in section 169.600 after acquiring five or more years of creditable service, the member may, at the option of the member, leave the member's contributions with the retirement system and claim a retirement allowance any time after the member reaches the minimum age for voluntary retirement. When the member's claim is presented to the board, the member shall be granted an allowance as provided in sections 169.600 to 169.715 on the basis of the member's age and years of service.

10. The retirement allowance of a member retired because of disability shall be nine-tenths of the allowance to which the member's creditable service would entitle the member if the member's age were sixty.

11. Notwithstanding any provisions of sections 169.600 to 169.715 to the contrary, any member who is a member prior to October 13, 1969, may elect to have the member's retirement allowance computed in accordance with sections 169.600 to 169.715 as they existed prior to October 13, 1969.

12. Any application for retirement shall include a sworn statement by the member certifying that the spouse of the member at the time the application was completed was aware of the application and the plan of retirement elected in the application.

13. Notwithstanding any other provision of law, any person retired prior to August 14, 1984, who is receiving a reduced retirement allowance under option 1 or 2 of subsection 4 of this section, as the option existed prior to August 14, 1984, and whose beneficiary nominated to receive continued retirement allowance payments under the elected option dies or has died, shall upon application to the board of trustees have the person's retirement allowance increased to the amount the person would have been receiving had the person not elected the option actuarially adjusted to recognize any excessive benefits which would have been paid to the person up to the time of the application.

14. Benefits paid pursuant to the provisions of the public education employee retirement system of Missouri shall not exceed the limitations of Section 415 of Title 26 of the United States Code, except as provided under this subsection. Notwithstanding any other law, the board of trustees may establish a benefit plan under Section 415(m) of Title 26 of the United States Code. Such plan shall be credited solely for the purpose described in Section 415(m)(3)(A) of Title 26 of the United States Code. The board of trustees may promulgate regulations necessary to implement the provisions of this subsection and to create and administer such benefit plan.

15. Any member who has retired prior to July 1, 1999, and the designated beneficiary of a deceased retired member upon request shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging. As compensation for such duties the person shall receive a payment equivalent to seven and four-tenths percent of the previous month's benefit, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 2 and 3 of this section for the purposes of the limit on the total amount of increases which may be received.

16. Any member who has retired prior to July 1, 2000, and the designated beneficiary of a deceased retired member upon request shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging. As compensation for such duties the person shall receive a payment equivalent to three and four-tenths percent of the previous month's benefit, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 2 and 3 of this section for the purposes of the limit on the total amount of increases which may be received.

17. Any member who has retired prior to July 1, 2001, and the designated beneficiary of a deceased retired member upon request shall be made, constituted, appointed and employed by the board as a special consultant on the matters of education, retirement and aging. As compensation for such duties the person shall receive a payment equivalent to seven and one-tenth percent of the previous month's benefit, which shall be added to the member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 2 and 3 of this section for the purposes of the limit on the total amount of increases which may be received."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 100

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cox	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Fowler	Fraker	Franklin	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haefner	Hampton	Hansen	Hicks
Higdon	Hinson	Hough	Houghton	Hurst
Johnson	Jones 50	Justus	Keeney	Kelley 127
Koenig	Kolkmeyer	Korman	Lair	Lant
Lauer	Leara	Love	Lynch	Marshall
McCaherty	McGaugh	Messenger	Miller	Morris
Muntzel	Neely	Neth	Parkinson	Pfautsch
Phillips	Pike	Pogue	Redmon	Reiboldt
Remole	Rhoads	Richardson	Riddle	Ross
Rowden	Rowland	Schatz	Schieber	Shull
Shumake	Solon	Sommer	Spencer	Stream
Swan	Thomson	Torpey	Walker	White
Wieland	Wilson	Wood	Zerr	Mr Speaker

NOES: 049

Anders	Black	Burns	Butler	Carpenter
Conway 10	Dunn	Ellinger	Ellington	English
Englund	Frame	Gardner	Harris	Hodges
Hubbard	Hummel	Kelly 45	Kirkton	Kratky
LaFaver	May	Mayfield	McCann Beatty	McDonald
McKenna	McManus	McNeil	Meredith	Mims
Mitten	Montecillo	Morgan	Newman	Nichols
Norr	Otto	Pace	Peters	Pierson
Rizzo	Runions	Schieffer	Smith 85	Swearingen
Walton Gray	Webb	Webber	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 013

Colona	Cornejo	Curtis	Flanigan	Haahr
Hoskins	Lichtenegger	Molendorp	Rehder	Roorda
Scharnhorst	Schupp	Smith 120		

VACANCIES: 001

On motion of Representative Thomson, **House Amendment No. 1** was adopted.

On motion of Representative Funderburk, **HB 808, as amended**, was ordered perfected and printed.

HCS HBs 593 & 695, relating to cancer medications, was taken up by Representative Solon.

On motion of Representative Solon, **HCS HBs 593 & 695** was adopted.

On motion of Representative Solon, **HCS HBs 593 & 695** was ordered perfected and printed.

HCS#2 HB 698, relating to tax incentives, was taken up by Representative Zerr.

Speaker Jones resumed the Chair.

Representative Zerr offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute No. 2 for House Bill No. 698, Page 1, Section A, Line 8, by inserting after all of said line the following:

“32.115. 1. The department of revenue shall grant a tax credit, to be applied in the following order until used, against:

- (1) The annual tax on gross premium receipts of insurance companies in chapter 148;
- (2) The tax on banks determined pursuant to subdivision (2) of subsection 2 of section 148.030;
- (3) The tax on banks determined in subdivision (1) of subsection 2 of section 148.030;
- (4) The tax on other financial institutions in chapter 148;
- (5) The corporation franchise tax in chapter 147;
- (6) The state income tax in chapter 143; and
- (7) The annual tax on gross receipts of express companies in chapter 153.

2. For proposals approved pursuant to section 32.110:

(1) The amount of the tax credit shall not exceed fifty percent of the total amount contributed during the taxable year by the business firm or, in the case of a financial institution, where applicable, during the relevant income period in programs approved pursuant to section 32.110;

(2) Except as provided in subsection 2 or 5 of this section, a tax credit of up to seventy percent may be allowed for contributions to programs where activities fall within the scope of special program priorities as defined with the approval of the governor in regulations promulgated by the director of the department of economic development;

(3) Except as provided in subsection 2 or 5 of this section, the tax credit allowed for contributions to programs located in any community shall be equal to seventy percent of the total amount contributed where such community is a city, town or village which has fifteen thousand or less inhabitants as of the last decennial census and is located in a county which is either located in:

(a) An area that is not part of a standard metropolitan statistical area;

(b) A standard metropolitan statistical area but such county has only one city, town or village which has more than fifteen thousand inhabitants; or

(c) A standard metropolitan statistical area and a substantial number of persons in such county derive their income from agriculture. Such community may also be in an unincorporated area in such county as provided in subdivision (1), (2) or (3) of this subsection. Except in no case shall the total economic benefit of the combined federal and state tax savings to the taxpayer exceed the amount contributed by the taxpayer during the tax year;

(4) Such tax credit allocation, equal to seventy percent of the total amount contributed, shall not exceed four million dollars in fiscal year 1999 and six million dollars in fiscal year 2000 and any subsequent fiscal year. When the maximum dollar limit on the seventy percent tax credit allocation is committed, the tax credit allocation for such programs shall then be equal to fifty percent credit of the total amount contributed. Regulations establishing special program priorities are to be promulgated during the first month of each fiscal year and at such times during the year as the public interest dictates. Such credit shall not exceed two hundred and fifty thousand dollars annually except as provided in subdivision (5) of this subsection. No tax credit shall be approved for any bank, bank and trust company, insurance company, trust company, national bank, savings association, or building and loan association for activities that are a part of its normal course of business. Any tax credit not used in the period the contribution was made may be

carried over the next five succeeding calendar or fiscal years until the full credit has been claimed. Except as otherwise provided for proposals approved pursuant to section 32.111, 32.112 or 32.117, in no event shall the total amount of all other tax credits allowed pursuant to sections 32.100 to 32.125 exceed thirty-two million dollars in any one fiscal year, of which six million shall be credits allowed pursuant to section 135.460. If six million dollars in credits are not approved, then the remaining credits may be used for programs approved pursuant to sections 32.100 to 32.125;

(5) The credit may exceed two hundred fifty thousand dollars annually and shall not be limited if community services, crime prevention, education, job training, physical revitalization or economic development, as defined by section 32.105, is rendered in an area defined by federal or state law as an impoverished, economically distressed, or blighted area or as a neighborhood experiencing problems endangering its existence as a viable and stable neighborhood, or if the community services, crime prevention, education, job training, physical revitalization or economic development is limited to impoverished persons.

3. For proposals approved pursuant to section 32.111:

(1) The amount of the tax credit shall not exceed fifty-five percent of the total amount invested in affordable housing assistance activities or market rate housing in distressed communities as defined in section 135.530 by a business firm. Whenever such investment is made in the form of an equity investment or a loan, as opposed to a donation alone, tax credits may be claimed only where the loan or equity investment is accompanied by a donation which is eligible for federal income tax charitable deduction, and where the total value of the tax credits herein plus the value of the federal income tax charitable deduction is less than or equal to the value of the donation. Any tax credit not used in the period for which the credit was approved may be carried over the next ten succeeding calendar or fiscal years until the full credit has been allowed. If the affordable housing units or market rate housing units in distressed communities for which a tax is claimed are within a larger structure, parts of which are not the subject of a tax credit claim, then expenditures applicable to the entire structure shall be reduced on a prorated basis in proportion to the ratio of the number of square feet devoted to the affordable housing units or market rate housing units in distressed communities, for purposes of determining the amount of the tax credit. The total amount of tax credit granted for programs approved pursuant to section 32.111 for the fiscal year beginning July 1, 1991, shall not exceed two million dollars, to be increased by no more than two million dollars each succeeding fiscal year, until the total tax credits that may be approved reaches ten million dollars in any fiscal year. **Beginning August 28, 2013, no new tax credits shall be authorized for programs under section 32.111 as provided under section 620.2020. The provisions of this subdivision shall not be construed to limit or impair the ability of any administering agency to issue tax credits authorized prior to August 28, 2013, or the ability of any taxpayer to redeem any such tax credits;**

(2) For any year during the compliance period indicated in the land use restriction agreement, the owner of the affordable housing rental units for which a credit is being claimed shall certify to the commission that all tenants renting claimed units are income eligible for affordable housing units and that the rentals for each claimed unit are in compliance with the provisions of sections 32.100 to 32.125. The commission is authorized, in its discretion, to audit the records and accounts of the owner to verify such certification;

(3) In the case of owner-occupied affordable housing units, the qualifying owner occupant shall, before the end of the first year in which credits are claimed, certify to the commission that the occupant is income eligible during the preceding two years, and at the time of the initial purchase contract, but not thereafter. The qualifying owner occupant shall further certify to the commission, before the end of the first year in which credits are claimed, that during the compliance period indicated in the land use restriction agreement, the cost of the affordable housing unit to the occupant for the claimed unit can reasonably be projected to be in compliance with the provisions of sections 32.100 to 32.125. Any succeeding owner occupant acquiring the affordable housing unit during the compliance period indicated in the land use restriction agreement shall make the same certification;

(4) If at any time during the compliance period the commission determines a project for which a proposal has been approved is not in compliance with the applicable provisions of sections 32.100 to 32.125 or rules promulgated therefor, the commission may within one hundred fifty days of notice to the owner either seek injunctive enforcement action against the owner, or seek legal damages against the owner representing the value of the tax credits, or foreclose on the lien in the land use restriction agreement, selling the project at a public sale, and paying to the owner the proceeds of the sale, less the costs of the sale and less the value of all tax credits allowed herein. The commission shall remit to the director of revenue the portion of the legal damages collected or the sale proceeds representing the value of the tax credits. However, except in the event of intentional fraud by the taxpayer, the proposal's certificate of eligibility for tax credits shall not be revoked.

4. For proposals approved pursuant to section 32.112, the amount of the tax credit shall not exceed fifty-five percent of the total amount contributed to a neighborhood organization by business firms. Any tax credit not used in the period for which the credit was approved may be carried over the next ten succeeding calendar or fiscal years until

the full credit has been allowed. The total amount of tax credit granted for programs approved pursuant to section 32.112 shall not exceed one million dollars for each fiscal year.

5. The total amount of tax credits used for market rate housing in distressed communities pursuant to sections 32.100 to 32.125 shall not exceed thirty percent of the total amount of all tax credits authorized pursuant to sections 32.111 and 32.112.”; and

Further amend said substitute, Page 11, Section 100.850, Lines 21-25, by deleting all of said lines and inserting in lieu thereof the following:

“dollars annually. [Of such amount, nine hundred fifty thousand dollars shall be reserved for an approved project for a world headquarters of a business whose primary function is tax return preparation that is located in any home rule city with more than four hundred thousand inhabitants and located in more than one county, which amount reserved shall end in the year of the final maturity of the certificates issued for such approved project.]”;

Further amend said substitute, Pages 75-76, Section 620.1039, Lines 7-14, by deleting all of said lines and inserting in lieu thereof the following:

“limited to those incurred in the research and development of agricultural biotechnology, plant genomics products, diagnostic and therapeutic medical devices, or prescription pharmaceuticals consumed by animals or those incurred in the research, development, or manufacture of power system technology for aerospace, space, defense, or implantable or wearable medical devices.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Zerr, **House Amendment No. 1** was adopted.

Representative Messenger offered **House Amendment No. 2.**

House Amendment No. 2

AMEND House Committee Substitute No. 2 for House Bill No. 698, Page 17, Section 135.535, Line 23, by inserting after the word "claimed." the following:

"This section and all referenced sections herein are subject to the provisions of section 196.1127."; and

Further amend House Committee Substitute No. 2 for House Bill No. 698, Page 64, Section 348.273, Line 188, by placing opening and closing brackets around the period "." on said line and inserting in lieu thereof the following:

“;
(n) This section and all referenced sections herein are subject to the provisions of section 196.1127.”; and

Further amend House Committee Substitute No. 2 for House Bill No. 698, Page 76, Section 620.1039, Line 14, by placing opening and closing brackets around the period "." on said line and insert in lieu thereof a ";" and inserting after all of such line the following:

"(6) This section and all referenced sections herein are subject to the provisions of section 196.1127."; and

Further amend House Committee Substitute No. 2 for House Bill No. 698, Page 89, Section 620.2005, Line 172, by placing opening and closing brackets around the period "." on said line and insert in lieu thereof a ";" and inserting after all of such line the following:

"(31) This section and all referenced sections herein are subject to the provisions of section 196.1127."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Messenger, **House Amendment No. 2** was adopted.

Representative Zerr offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute No. 2 for House Bill No. 698, Page 3, Line 41, by inserting after the words, "**pharmaceuticals consumed by**" the words, "**humans or**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Zerr, **House Amendment No. 3** was adopted.

Representative Hough offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Committee Substitute No. 2 for House Bill No. 698, Page 10, Section 99.1205, Line 231, by inserting after the number "9." the following:

"Following its initial application for tax credits under this section for eligible costs incurred in 2013 or any following year, and during the period it continues to seek tax credits under this section, an applicant shall submit to the department on a quarterly basis at the end of each calendar quarter a report affirming such applicant's continued qualification as an applicant under this section, describing the applicant's progress toward meeting the deadlines for commencement of work and for project completion established under its redevelopment agreement with the applicable municipal authority, and including copies of any written notices from such municipal authority asserting or threatening a termination of such development agreement due to a breach or default in the performance of such applicant's obligations under such redevelopment agreement."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Hough, **House Amendment No. 4** was adopted.

Representative Jones (50) offered **House Amendment No. 5**.

House Amendment No. 5

AMEND House Committee Substitute No. 2 for House Bill No. 698, Page 54, Section 253.557, Lines 12-13, by deleting the phrase "**to any other taxpayer including, but not limited to, a not-for-profit entity**"; and

Further amend said bill, page, and section, Lines 15-16, by deleting the phrase "**including, but not limited to, any not-for-profit entity that is a partner, member, or owner**"; and

Further amend said bill, page, and section, Line 16, by deleting the phrase "[the] **such**" on said line and inserting in lieu thereof the word "the"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Jones (50), **House Amendment No. 5** was adopted.

Representative Barnes offered **House Amendment No. 6**.

House Amendment No. 6

AMEND House Committee Substitute No. 2 for House Bill No. 698, Page 6, Section 99.1205, Line 85, by deleting all of said line and inserting in lieu thereof the following:

"as of January 1, 2011; or

d. Any area including and within one quarter mile of property formerly utilized by the state of Missouri as a penitentiary located in any home rule city with more than forty-one thousand but fewer than forty-seven thousand inhabitants and partially located in any county of the first classification with more than seventy thousand but fewer than eighty-three thousand inhabitants."; and

Futher amend said bill, Section 208.770, Page 50, Line 28, by inserting after said line the following:

"217.905. 1. The commission shall have the following powers:

(1) To acquire title to the property historically utilized as the Missouri state penitentiary and to acquire by gift or bequest from public or private sources property adjacent thereto and necessary or appropriate to the successful redevelopment of the Missouri state penitentiary property;

(2) To lease or sell real property to developers who will utilize the property consistent with the master plan for the property and to hold proceeds from such transactions outside the state treasury;

(3) To adopt bylaws for the regulation of its affairs and the conduct of its business;

(4) To hire employees necessary to perform the commission's work;

(5) To contract and to be contracted with, including, but without limitation, the authority to enter into contracts with cities, counties and other political subdivisions, agencies of the state of Missouri and public agencies pursuant to sections 70.210 to 70.325 and otherwise, and to enter into contracts with other entities, in connection with the acquisition by gift or bequest and in connection with the planning, construction, financing, leasing, subleasing, operation and maintenance of any real property or facility and for any other lawful purpose, and to sue and to be sued;

(6) To receive for its lawful activities contributions or moneys appropriated or otherwise designated for payment to the authority by municipalities, counties, state or other political subdivisions or public agencies or by the federal government or any agency or officer thereof or from any other sources and to apply for grants and other funding and deposit those funds in the Missouri state penitentiary redevelopment fund;

(7) To disburse funds for its lawful activities and fix salaries and wages of its employees;

(8) To invest any of the commission's funds in such types of investments as shall be determined by a resolution adopted by the commission;

(9) To borrow money for the acquisition, construction, equipping, operation, maintenance, repair, remediation or improvement of any facility or real property to which the commission holds title and for any other proper purpose, and to issue negotiable notes, bonds and other instruments in writing as evidence of sums borrowed;

(10) To perform all other necessary and incidental functions, and to exercise such additional powers as shall be conferred by the general assembly; and

(11) To purchase insurance, including self-insurance, of any property or operations of the commission or its members, directors, officers and employees, against any risk or hazard, and to indemnify its members, agents, independent contractors, directors, officers and employees against any risk or hazard. The commission is specifically authorized to purchase insurance from the Missouri public entity risk management fund and is hereby determined to be a public entity as defined in section 537.700.

2. In no event shall the state be liable for any deficiency or indebtedness incurred by the commission.

3. The Missouri state penitentiary redevelopment commission is a state commission for purposes of section 105.711 and all members of the commission shall be entitled to coverage under the state legal expense fund.

4. The state of Missouri shall sell at least seventy percent of the property utilized as the Missouri state penitentiary by December 31, 2014"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Barnes, **House Amendment No. 6** was adopted.

Representative Guernsey offered **House Amendment No. 7**.

House Amendment No. 7

AMEND House Committee Substitute No. 2 for House Bill No. 698, Page 98, Section 620.2020, Line 185, by inserting after all of said section and line the following:

"Section 1. 1. The department of economic development through Missouri career centers shall partner with Missouri staffing agencies to accomplish their goals.

2. As used in this section, "Missouri staffing agencies" shall mean any person, firm, partnership, or corporation doing business within the state that supplies, on a temporary, temp-to hire or permanent basis, personnel to meet a client's staffing needs."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Guernsey, **House Amendment No. 7** was adopted.

Representative Guernsey offered **House Amendment No. 8.**

House Amendment No. 8

AMEND House Committee Substitute No. 2 for House Bill No. 698, Page 13, Section 135.352, Line 41, by inserting after all of said line the following:

"9. Any entity that receives a tax credit under sections 135.350 through 135.363 shall be deemed to have waived their right to present evidence to the state tax commission in any appeal of their real estate property assessment relating to the ability of property for which the credits were issued to generate income."; and

Further amend House Committee Substitute No. 2 for House Bill No. 698, Page 13, Section 135.352, by renumbering the subsections accordingly; and

Further amend House Committee Substitute No. 2 for House Bill No. 698, Page 59, Section 253.559, Line 177, by inserting after all of said line the following:

"11. Any entity that receives a tax credit under sections 253.545 through 253.559 shall be deemed to have waived their right to present evidence to the state tax commission in any appeal of their real estate property assessment relating to the ability of property for which the credits were issued to generate income."; and

Further amend House Committee Substitute No. 2 for House Bill No. 698, Page 59, Section 253.559, by renumbering the subsections accordingly; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Guernsey, **House Amendment No. 8** was adopted.

Representative Curtman offered **House Amendment No. 9.**

House Amendment No. 9

AMEND House Committee Substitute No. 2 for House Bill No. 698, Page 7, Section 99.1205, Line 144, by deleting all of said line and inserting in lieu thereof the following:

"entitled to receive such tax credits may transfer, sell, or assign the tax credits through December 31, 2013, but beginning January 1, 2014, no tax credit issued under this section shall in any manner be transferred, sold, assigned, exchanged, or otherwise conveyed. Tax credits"; and

Further amend said bill, Page 11, Section 100.850, Line 16, by inserting immediately after the word "made." the following:

"Beginning January 1, 2014, no tax credit issued under this section shall in any manner be transferred, sold, assigned, exchanged, or otherwise conveyed."; and

Further amend said bill, Page 11, Section 135.305, Line 9, by inserting after all of said line the following:

"135.309. **Through December 31, 2013**, the wood energy producer may elect to assign to a third party the approved tax credit. Certification of assignment and other appropriate forms must be filed with the Missouri department of revenue. **Beginning January 1, 2014, no tax credit issued under sections 135.300 to 135.311 shall in any manner be transferred, sold, assigned, exchanged, or otherwise conveyed.";** and

Further amend said bill, Page 13, Section 135.352, Line 45, by inserting after all of said line the following:

"135.363. 1. **Through December 31, 2013**, all or any portion of tax credits issued in accordance with the provisions of sections 135.350 to 135.363 may be transferred, sold or assigned to parties who are eligible under the provisions of subsection 1 of section 135.352. **Beginning January 1, 2014, no tax credit issued under sections 135.350 to 135.363 shall in any manner be transferred, sold, assigned, exchanged, or otherwise conveyed.**

2. Beginning January 1, 1995, for qualified projects which began on or after January 1, 1994, an owner or transferee desiring to make a transfer, sale or assignment as described in subsection 1 of this section shall submit to the director of the department of revenue a statement which describes the amount of credit for which such transfer, sale or assignment of credit is eligible. The owner shall provide to the director of revenue appropriate information so that the low-income housing tax credit can be properly allocated.

3. In the event that recapture of Missouri low-income housing tax credits is required pursuant to subsection 2 of section 135.355, any statement submitted to the director of the department of revenue as provided in this section shall include the proportion of the state credit required to be recaptured, the identity of each transferee subject to recapture and the amount of credit previously transferred to such transferee.

4. The director of the department of revenue may prescribe rules and regulations necessary for the administration of the provisions of this section."; and

Further amend said bill, Page 14, Section 135.460, Line 27, by inserting after all of said line the following:

"Beginning January 1, 2014, no tax credit issued under this section shall in any manner be transferred, sold, assigned, exchanged, or otherwise conveyed."; and

Further amend said bill, Page 16, Section 135.484, Line 11, by inserting immediately after the word "conveyed" the following:

"through December 31, 2013, but beginning January 1, 2014, no tax credit issued under this section shall in any manner be transferred, sold, assigned, exchanged, or otherwise conveyed"; and

Further amend said bill, Page 18, Section 135.535, Line 65, by inserting immediately after the word "transferee" the following:

"through December 31, 2013, but beginning January 1, 2014, no tax credit issued under this section shall in any manner be transferred, sold, assigned, exchanged, or otherwise conveyed"; and

Further amend said bill, Page 21, Section 135.679, Lines 78 to 81, by deleting all of said lines and inserting in lieu thereof the following:

"authority, the authority shall issue a tax credit certificate in the appropriate amount. **Through December 31, 2013**, tax credit certificates issued under this section may be assigned, transferred, sold, or otherwise conveyed, and the new owner of the tax credit certificate shall have the same rights in the tax credit as the original taxpayer, **but beginning January 1, 2014, no tax credit issued under this section shall in any manner be transferred, sold, assigned, exchanged, or otherwise conveyed.** Whenever a tax credit certificate is assigned, transferred, sold or otherwise"; and

Further amend said bill, Page 27, Section 135.680, Line 206, by inserting immediately after the word "**market**" the following:

", nor shall in any manner be transferred, sold, assigned, exchanged, or otherwise conveyed"; and

Further amend said bill, Page 31, Section 135.700, Line 11, by inserting at the end of said line the following:

"Beginning January 1, 2014, no tax credit issued under this section shall in any manner be transferred, sold, assigned, exchanged, or otherwise conveyed."; and

Further amend said bill, Page 33, Section 135.710, Line 58, by inserting immediately after the word "conveyed" the following:

"through December 31, 2013, but beginning January 1, 2014, no tax credit issued under this section shall in any manner be transferred, sold, assigned, exchanged, or otherwise conveyed"; and

Further amend said bill, Page 36, Section 135.750, Line 67, by inserting immediately after the word "section" the following:

"through December 31, 2013, but beginning January 1, 2014, no tax credit issued under this section shall in any manner be transferred, sold, assigned, exchanged, or otherwise conveyed"; and

Further amend said bill, Page 39, Section 135.967, Line 92, by deleting the word "Certificates" and inserting in lieu thereof the following:

"Through December 31, 2013, certificates"; and

Further amend said bill, Page 39, Section 135.967, Line 96, by inserting at the end of said line the following:

"Beginning January 1, 2014, no tax credit issued under this section shall in any manner be transferred, sold, assigned, exchanged, or otherwise conveyed."; and

Further amend said bill, Page 42, Section 135.1570, Line 7, by deleting all of said line and inserting in lieu thereof the following:

"to 135.1575 shall not in any manner be transferred, sold, assigned, exchanged, or otherwise conveyed. Tax credits granted to a"; and

Further amend said bill, Page 49, Section 208.770, Line 15, by inserting at the end of said line the following:

"Beginning January 1, 2014, no tax credit issued under this section shall in any manner be transferred, sold, assigned, exchanged, or otherwise conveyed."; and

Further amend said bill, Page 54, Section 253.557, Lines 11 to 13, by deleting all of said lines and inserting in lieu thereof the following:

"under sections 253.545 to 253.559 for the same project. Through December 31, 2013, taxpayers eligible for such tax credits may transfer, sell or assign the credits to any other taxpayer including, but not limited to, a not-for-profit entity, but beginning January 1, 2014, no tax credit issued under this section shall in any manner be transferred, sold, assigned, exchanged, or otherwise conveyed. Credits granted to a partnership, a limited liability company taxed"; and

Further amend said bill, Page 67, Section 348.274, Lines 76 to 84, by deleting all of said lines and inserting in lieu thereof the following:

"No tax credit issued under this section or section 348.273 shall in any manner be transferred, sold, assigned, exchanged, or otherwise conveyed."; and

Further amend said bill, Page 68, Section 348.274, Line 140, by inserting after all of said line the following:

"348.430. 1. The tax credit created in this section shall be known as the "Agricultural Product Utilization Contributor Tax Credit".

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

(1) "Authority", the agriculture and small business development authority as provided in this chapter;

(2) "Contributor", an individual, partnership, corporation, trust, limited liability company, entity or person that contributes cash funds to the authority;

(3) "Development facility", a facility producing either a good derived from an agricultural commodity or using a process to produce a good derived from an agricultural product;

(4) "Eligible new generation cooperative", a nonprofit cooperative association formed pursuant to chapter 274, or incorporated pursuant to chapter 357, for the purpose of operating within this state a development facility or a renewable fuel production facility;

(5) "Eligible new generation processing entity", a partnership, corporation, cooperative, or limited liability company organized or incorporated pursuant to the laws of this state consisting of not less than twelve members, approved by the authority, for the purpose of owning or operating within this state a development facility or a renewable fuel production facility in which producer members:

(a) Hold a majority of the governance or voting rights of the entity and any governing committee;

(b) Control the hiring and firing of management; and

(c) Deliver agricultural commodities or products to the entity for processing, unless processing is required by multiple entities;

(6) "Renewable fuel production facility", a facility producing an energy source which is derived from a renewable, domestically grown, organic compound capable of powering machinery, including an engine or power plant, and any by-product derived from such energy source.

3. For all tax years beginning on or after January 1, 1999, a contributor who contributes funds to the authority may receive a credit against the tax or estimated quarterly tax otherwise due pursuant to chapter 143, other than taxes withheld pursuant to sections 143.191 to 143.265, chapter [148 chapter] 147, **or chapter 148**, in an amount of up to one hundred percent of such contribution. Tax credits claimed in a taxable year may be done so on a quarterly basis and applied to the estimated quarterly tax pursuant to this subsection. If a quarterly tax credit claim or series of claims contributes to causing an overpayment of taxes for a taxable year, such overpayment shall not be refunded but shall be applied to the next taxable year. The awarding of such credit shall be at the approval of the authority, based on the least amount of credits necessary to provide incentive for the contributions. A contributor that receives tax credits for a contribution to the authority shall receive no other consideration or compensation for such contribution, other than a federal tax deduction, if applicable, and goodwill.

4. A contributor shall submit to the authority an application for the tax credit authorized by this section on a form provided by the authority. If the contributor meets all criteria prescribed by this section and the authority, the authority shall issue a tax credit certificate in the appropriate amount. Tax credits issued pursuant to this section may be claimed in the taxable year in which the contributor contributes funds to the authority. For all fiscal years beginning on or after July 1, 2004, tax credits allowed pursuant to this section may be carried back to any of the contributor's three prior tax years and may be carried forward to any of the contributor's five subsequent taxable years. **Through December 31, 2013**, tax credits issued pursuant to this section may be assigned, transferred or sold and the new owner of the tax credit shall have the same rights in the credit as the contributor, **but beginning January 1, 2014, no tax credit issued under this section shall in any manner be transferred, sold, assigned, exchanged, or otherwise conveyed.** Whenever a certificate of tax credit is assigned, transferred, sold or otherwise conveyed, a notarized endorsement shall be filed with the authority specifying the name and address of the new owner of the tax credit or the value of the credit.

5. The funds derived from contributions in this section shall be used for financial assistance or technical assistance for the purposes provided in section 348.407 to rural agricultural business concepts as approved by the authority. The authority may provide or facilitate loans, equity investments, or guaranteed loans for rural agricultural business concepts, but limited to two million dollars per project or the net state economic impact, whichever is less. Loans, equity investments or guaranteed loans may only be provided to feasible projects, and for an amount that is the

least amount necessary to cause the project to occur, as determined by the authority. The authority may structure the loans, equity investments or guaranteed loans in a way that facilitates the project, but also provides for a compensatory return on investment or loan payment to the authority, based on the risk of the project.

6. In any given year, at least ten percent of the funds granted to rural agricultural business concepts shall be awarded to grant requests of twenty-five thousand dollars or less. No single rural agricultural business concept shall receive more than two hundred thousand dollars in grant awards from the authority. Agricultural businesses owned by minority members or women shall be given consideration in the allocation of funds.

348.432. 1. The tax credit created in this section shall be known as the "New Generation Cooperative Incentive Tax Credit".

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

(1) "Authority", the agriculture and small business development authority as provided in this chapter;

(2) "Development facility", a facility producing either a good derived from an agricultural commodity or using a process to produce a good derived from an agricultural product;

(3) "Eligible new generation cooperative", a nonprofit cooperative association formed pursuant to chapter 274 or incorporated pursuant to chapter 357 for the purpose of operating within this state a development facility or a renewable fuel production facility and approved by the authority;

(4) "Eligible new generation processing entity", a partnership, corporation, cooperative, or limited liability company organized or incorporated pursuant to the laws of this state consisting of not less than twelve members, approved by the authority, for the purpose of owning or operating within this state a development facility or a renewable fuel production facility in which producer members:

(a) Hold a majority of the governance or voting rights of the entity and any governing committee;

(b) Control the hiring and firing of management; and

(c) Deliver agricultural commodities or products to the entity for processing, unless processing is required by multiple entities;

(5) "Employee-qualified capital project", an eligible new generation cooperative with capital costs greater than fifteen million dollars which will employ at least sixty employees;

(6) "Large capital project", an eligible new generation cooperative with capital costs greater than one million dollars;

(7) "Producer member", a person, partnership, corporation, trust or limited liability company whose main purpose is agricultural production that invests cash funds to an eligible new generation cooperative or eligible new generation processing entity;

(8) "Renewable fuel production facility", a facility producing an energy source which is derived from a renewable, domestically grown, organic compound capable of powering machinery, including an engine or power plant, and any by-product derived from such energy source;

(9) "Small capital project", an eligible new generation cooperative with capital costs of no more than one million dollars.

3. Beginning tax year 1999, and ending December 31, 2002, any producer member who invests cash funds in an eligible new generation cooperative or eligible new generation processing entity may receive a credit against the tax or estimated quarterly tax otherwise due pursuant to chapter 143, other than taxes withheld pursuant to sections 143.191 to 143.265 or chapter [148, chapter] 147, **or chapter 148**, in an amount equal to the lesser of fifty percent of such producer member's investment or fifteen thousand dollars.

4. For all tax years beginning on or after January 1, 2003, any producer member who invests cash funds in an eligible new generation cooperative or eligible new generation processing entity may receive a credit against the tax or estimated quarterly tax otherwise due pursuant to chapter 143, other than taxes withheld pursuant to sections 143.191 to 143.265, chapter 147 or chapter 148, in an amount equal to the lesser of fifty percent of such producer member's investment or fifteen thousand dollars. Tax credits claimed in a taxable year may be done so on a quarterly basis and applied to the estimated quarterly tax pursuant to subsection 3 of this section. If a quarterly tax credit claim or series of claims contributes to causing an overpayment of taxes for a taxable year, such overpayment shall not be refunded but shall be applied to the next taxable year.

5. A producer member shall submit to the authority an application for the tax credit authorized by this section on a form provided by the authority. If the producer member meets all criteria prescribed by this section and is approved by the authority, the authority shall issue a tax credit certificate in the appropriate amount. Tax credits issued pursuant to this section may be carried back to any of the producer member's three prior taxable years and carried forward to any of the producer member's five subsequent taxable years regardless of the type of tax liability to which such credits are applied as authorized pursuant to subsection 3 of this section. **Through December 31, 2013**, tax credits issued pursuant

to this section may be assigned, transferred, sold or otherwise conveyed and the new owner of the tax credit shall have the same rights in the credit as the producer member, **but beginning January 1, 2014, no tax credit issued under this section shall in any manner be transferred, sold, assigned, exchanged, or otherwise conveyed.** Whenever a certificate of tax credit is assigned, transferred, sold or otherwise conveyed, a notarized endorsement shall be filed with the authority specifying the name and address of the new owner of the tax credit or the value of the credit.

6. Ten percent of the tax credits authorized pursuant to this section initially shall be offered in any fiscal year to small capital projects. If any portion of the ten percent of tax credits offered to small capital costs projects is unused in any calendar year, then the unused portion of tax credits may be offered to employee-qualified capital projects and large capital projects. If the authority receives more applications for tax credits for small capital projects than tax credits are authorized therefor, then the authority, by rule, shall determine the method of distribution of tax credits authorized for small capital projects.

7. Ninety percent of the tax credits authorized pursuant to this section initially shall be offered in any fiscal year to employee-qualified capital projects and large capital projects. If any portion of the ninety percent of tax credits offered to employee-qualified capital projects and large capital costs projects is unused in any fiscal year, then the unused portion of tax credits may be offered to small capital projects. The maximum tax credit allowed per employee-qualified capital project is three million dollars and the maximum tax credit allowed per large capital project is one million five hundred thousand dollars. If the authority approves the maximum tax credit allowed for any employee-qualified capital project or any large capital project, then the authority, by rule, shall determine the method of distribution of such maximum tax credit. In addition, if the authority receives more tax credit applications for employee-qualified capital projects and large capital projects than the amount of tax credits authorized therefor, then the authority, by rule, shall determine the method of distribution of tax credits authorized for employee-qualified capital projects and large capital projects."; and

Further amend said bill, Page 74, Section 447.708, Line 199, by deleting all of said line and inserting in lieu thereof the following:

"9. **Through December 31, 2013**, the recipient of remediation tax credits, for the purpose of this subsection referred to"; and

Further amend said bill, Page 74, Section 447.708, Line 202, by inserting immediately after the word "assignee." the following:

"Beginning January 1, 2014, no tax credit issued under this section shall in any manner be transferred, sold, assigned, exchanged, or otherwise conveyed."; and

Further amend said bill, Page 76, Section 620.1039, Line 40, by deleting all of said line and inserting in lieu thereof the following:

"4. **Through December 31, 2013**, certificates of tax credit issued pursuant to this section may be transferred, sold or"; and

Further amend said bill, Page 76, Section 620.1039, Line 42, by inserting immediately after the word "transferred." the following:

"Beginning January 1, 2014, no tax credit issued under this section shall in any manner be transferred, sold, assigned, exchanged, or otherwise conveyed."; and

Further amend said bill, Page 83, Section 620.1881, Line 224, by deleting all of said line and inserting in lieu thereof the following:

"9. **Through December 31, 2013**, tax credits authorized by this section may be transferred, sold, or assigned by filing"; and

Further amend said bill, Page 84, Section 620.1881, Line 227, by inserting at the end of said line the following:

"Beginning January 1, 2014, no tax credit issued under this section shall in any manner be transferred, sold, assigned, exchanged, or otherwise conveyed."; and

Further amend said bill, Page 89, Section 620.2005, Line 168, by deleting the words **"sold or"**; and

Further amend said bill, Page 95, Section 620.2020, Lines 93 to 96, by deleting all of said lines and inserting in lieu thereof the following:

"provided under this program shall not in any manner be transferred, sold, assigned, exchanged, or otherwise conveyed. For a qualified company with flow-through tax"; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Curtman moved that **House Amendment No. 9** be adopted.

Which motion was defeated.

Representative Diehl moved the previous question.

Which motion was adopted by the following vote:

AYES: 098

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Brattin	Brown	Burlison
Cierpiot	Conway 104	Cookson	Cornejo	Crawford
Cross	Curtman	Davis	Diehl	Dohrman
Dugger	Elmer	Engler	Entlicher	Fitzpatrick
Fitzwater	Flanigan	Fowler	Fraker	Frederick
Funderburk	Gannon	Gatschenberger	Gosen	Grisamore
Guernsey	Haahr	Haefner	Hampton	Hansen
Hicks	Hinson	Hoskins	Hough	Houghton
Hurst	Johnson	Jones 50	Justus	Keeney
Kelley 127	Koenig	Kolkmeyer	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	McCaherty	McGaugh	Messenger	Miller
Morris	Neely	Parkinson	Pfautsch	Phillips
Pike	Pogue	Redmon	Reiboldt	Remole
Rhoads	Richardson	Riddle	Ross	Rowden
Rowland	Schatz	Schieber	Shull	Shumake
Solon	Sommer	Stream	Swan	Thomson
Torpey	Walker	White	Wieland	Wilson
Wood	Zerr	Mr Speaker		

NOES: 048

Anders	Black	Burns	Butler	Carpenter
Curtis	Dunn	Ellinger	Ellington	English
Englund	Gardner	Harris	Hodges	Hubbard
Hummel	Kelly 45	Kirkton	Kratky	LaFaver
May	Mayfield	McCann Beatty	McDonald	McKenna
McManus	McNeil	Meredith	Mims	Mitten
Montecillo	Morgan	Newman	Nichols	Norr

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Otto	Pace	Peters	Pierson	Rizzo
Runions	Schieffer	Smith 85	Swearingen	Walton Gray
Webb	Webber	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 016

Colona	Conway 10	Cox	Frame	Franklin
Higdon	Korman	Molendorp	Muntzel	Neth
Rehder	Roorda	Scharnhorst	Schupp	Smith 120
Spencer				

VACANCIES: 001

On motion of Representative Zerr, **HCS#2 HB 698, as amended**, was adopted.

On motion of Representative Zerr, **HCS#2 HB 698, as amended**, was ordered perfected and printed by the following vote:

AYES: 120

Allen	Anders	Austin	Barnes	Bernskoetter
Berry	Black	Brown	Burns	Butler
Carpenter	Cierpiot	Conway 10	Cookson	Cornejo
Crawford	Cross	Curtis	Curtman	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Ellington	Elmer	Engler	English	Englund
Entlicher	Fitzpatrick	Fitzwater	Flanigan	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gardner	Gatschenberger	Gosen	Grisamore	Guernsey
Haefner	Hansen	Harris	Hicks	Hinson
Hodges	Hoskins	Hough	Houghton	Hubbard
Johnson	Jones 50	Justus	Kelley 127	Kelly 45
Kolkmeyer	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Lichtenegger	Lynch	May
Mayfield	McCaherty	McCann Beatty	McDonald	McGaugh
McKenna	McManus	Messenger	Mims	Morris
Neely	Newman	Nichols	Norr	Otto
Pace	Peters	Pfautsch	Phillips	Pierson
Pike	Redmon	Reiboldt	Remole	Rhoads
Richardson	Riddle	Rizzo	Rowden	Rowland
Runions	Schatz	Schieffer	Shull	Shumake
Smith 85	Solon	Sommer	Spencer	Stream
Swan	Swearingen	Thomson	Torpey	Walker
Walton Gray	Webb	Wieland	Zerr	Mr Speaker

NOES: 031

Anderson	Bahr	Brattin	Burlison	Conway 104
Fowler	Haahr	Hampton	Hummel	Hurst
Keeney	Kirkton	Koenig	Korman	Love
Marshall	McNeil	Meredith	Miller	Mitten

Montecillo	Morgan	Parkinson	Pogue	Ross
Schieber	Webber	White	Wilson	Wood
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 011

Colona	Cox	Higdon	Molendorp	Muntzel
Neth	Rehder	Roorda	Scharnhorst	Schupp
Smith 120				

VACANCIES: 001

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HB 274 - Fiscal Review
HCS HBs 455 & 297 - Fiscal Review
HCS#2 HB 698 - Fiscal Review
HB 756 - Fiscal Review

COMMITTEE REPORTS

Committee on Agri-Business, Chairman Guernsey reporting:

Mr. Speaker: Your Committee on Agri-Business, to which was referred **SCS SB 9**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Agri-Business, to which was referred **SB 51**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Children, Families, and Persons with Disabilities, Chairman Grisamore reporting:

Mr. Speaker: Your Committee on Children, Families, and Persons with Disabilities, to which was referred **HB 717**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Children, Families, and Persons with Disabilities, to which was referred **HB 727**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Children, Families, and Persons with Disabilities, to which was referred **SCS SB 33**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Children, Families, and Persons with Disabilities, to which was referred **SCS SB 47**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Children, Families, and Persons with Disabilities, to which was referred **SB 77**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Children, Families, and Persons with Disabilities, to which was referred **SCS SB 229**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Elections, Chairman Entlicher reporting:

Mr. Speaker: Your Committee on Elections, to which was referred **SB 90**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Elections, to which was referred **SS SCS SB 116**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Elections, to which was referred **SCS SB 258**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Elementary and Secondary Education, Chairman Cookson reporting:

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **SS SCS SB 125**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Financial Institutions, Chairman Dugger reporting:

Mr. Speaker: Your Committee on Financial Institutions, to which was referred **SCS SB 254**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Insurance Policy, Chairman Gosen reporting:

Mr. Speaker: Your Committee on Insurance Policy, to which was referred **SCS SB 287**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Professional Registration and Licensing, Chairman Burlison reporting:

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **HB 685**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **SB 330**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Transportation, Chairman Schatz reporting:

Mr. Speaker: Your Committee on Transportation, to which was referred **HB 62**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Transportation, to which was referred **SB 43**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Transportation, to which was referred **SB 148**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Utilities, Chairman Funderburk reporting:

Mr. Speaker: Your Committee on Utilities, to which was referred **SS SCS SB 241**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Ways and Means, Chairman Koenig reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred **SS#2 SCS SBs 26, 11 & 31**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Committee on Workforce Development and Workplace Safety, Chairman Lant reporting:

Mr. Speaker: Your Committee on Workforce Development and Workplace Safety, to which was referred **HB 430**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Workforce Development and Workplace Safety, to which was referred **SS SB 28**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(34)(f) be referred to the Committee on Rules.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCR 5**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCR 19**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 13**.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 57**, entitled:

An act to repeal section 71.285, RSMo, and to enact in lieu thereof one new section relating to the removal of weeds or trash in certain cities.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 67**, entitled:

An act to repeal sections 30.750, 173.003, 173.051, 173.236, 173.239, 173.254, 173.260, 173.262, 173.778, 174.231, 174.700, 174.703, 174.706, 174.770, and 544.157, RSMo, and to enact in lieu thereof seventeen new sections relating to higher education.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 112**, entitled:

An act to repeal section 135.680, RSMo, and to enact in lieu thereof one new section relating to the new markets tax credit, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 118**, entitled:

An act to amend chapter 478, RSMo, by adding thereto one new section relating to veterans treatment courts.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SB 159**, entitled:

An act to amend chapter 376, RSMo, by adding thereto one new section relating to insurance coverage for physical therapy services.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 170**, entitled:

An act to repeal section 610.015, RSMo, and to enact in lieu thereof one new section relating to participation by members of public governmental bodies in roll call votes.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SB 245**, entitled:

An act to repeal section 514.040, RSMo, and to enact in lieu thereof one new section relating to waiver of court costs and expenses in civil cases.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SB 251**, entitled:

An act to repeal sections 578.375, 578.377, 578.379, 578.381, 578.383, 573.389, and 573.390, RSMo, and to enact in lieu thereof nine new sections relating to public assistance fraud and abuse, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SB 252**, entitled:

An act to repeal sections 50.535, 301.3031, 302.181, 302.183, 571.030, 571.037, 571.101, 571.102, 571.104, 571.107, 571.111, 571.114, 571.117, and 571.121, and to enact in lieu thereof sixteen new sections relating to licenses issued by the department of revenue, with an emergency clause for certain sections.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 303**, entitled:

An act to repeal section 338.220, RSMo, and to enact in lieu thereof one new section relating to pharmacy permits.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 304**, entitled:

An act to repeal section 334.715, RSMo, and to enact in lieu thereof one new section relating to the restriction of athletic trainers' licenses.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 327**, entitled:

An act to repeal sections 544.455 and 557.011, RSMo, and to enact in lieu thereof two new sections relating to the cost of electronic monitoring, with existing penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SB 373**, entitled:

An act to repeal sections 323.100 and 413.225, RSMo, and to enact in lieu thereof two new sections relating to agricultural weights and measures fees.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 381**, entitled:

An act to amend chapter 178, RSMo, by adding thereto one new section relating to the innovation education campus fund.

In which the concurrence of the House is respectfully requested.

The following member's presence was noted: Rehder.

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 10:00 a.m., Thursday, April 18, 2013.

CORRECTION TO THE HOUSE JOURNAL

Correct House Journal, Fifty-first Day, Monday, April 15, 2013, Page 1157, Lines 8-10, by deleting said lines.

COMMITTEE HEARINGS

AGRI-BUSINESS

Thursday, April 18, 2013, Upon Morning Adjournment, House Hearing Room 7.

Public hearing will be held: SB 342

Executive session may be held on any matter referred to the committee.

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Thursday, April 18, 2013, Upon Morning Adjournment, House Hearing Room 6.

Executive session may be held on any matter referred to the committee.

Discussion of DSS revenue maximization and cost avoidance services related contracts and policies.

DOWNSIZING STATE GOVERNMENT

Thursday, April 18, 2013, 8:00 AM, House Hearing Room 4.

Public hearing will be held: SB 265, SS SB 267, SCS SBs 289 & 314

Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Thursday, April 18, 2013, 8:30 AM, House Hearing Room 3.

Executive session will be held: HB 253, HCS HB 468, HCS HB 813, HCS HB 389

Executive session may be held on any matter referred to the committee.

AMENDED

GENERAL LAWS

Thursday, April 18, 2013, 8:00 AM, House Hearing Room 1.
Public hearing will be held: SB 24, SB 23, HB 92, HB 276, HB 732
Executive session will be held: HJR 15, HB 350, HB 931, HJR 35
Executive session may be held on any matter referred to the committee.

HEALTH INSURANCE

Thursday, April 18, 2013, Upon Morning Adjournment, House Hearing Room 5.
Executive session will be held: HB 750, SCS SB 147, SB 161, SS SB 262
Executive session may be held on any matter referred to the committee.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, May 2, 2013, 8:00 AM, House Hearing Room 1.
Second quarter meeting

JUDICIARY

Thursday, April 18, 2013, 8:30 AM - 10:00 AM, House Hearing Room 6.
Public hearing will be held: HB 849, HB 623, HB 606, HB 539, HB 220, SB 100
Executive session will be held: HB 552
Executive session may be held on any matter referred to the committee.

JUDICIARY

Monday, April 22, 2013, 6:00 PM, 1426 Southridge Drive, Jefferson City.

LEADERSHIP FOR MISSOURI ISSUE DEVELOPMENT COMMITTEE

Thursday, April 18, 2013, 9:00 AM, Room 308.
Executive session may be held on any matter referred to the committee.
Committee will discuss developments related to retention of source documents and privacy of citizens.

LOCAL GOVERNMENT

Thursday, April 18, 2013, 8:30 AM, House Hearing Room 5.
Public hearing will be held: HB 1021
Executive session may be held on any matter referred to the committee.

RETIREMENT

Thursday, April 25, 2013, 9:00 AM, House Hearing Room 1.
Public hearing will be held: HB 897
Executive session may be held on any matter referred to the committee.

RULES

Thursday, April 18, 2013, 12:45 PM, South Gallery.
Executive session will be held: HB 616, HCS HB 675, SCS SCR 5, SS SCS SB 29, SCS SB 106, HCS SCS SB 117, HCS SCS SB 157 & SB 102, HCS SCS SB 186, SB 197, SB 230, SB 350, HB 185, HCS SS#2 SCS SBs 26, 11 & 31, HCS HB 75, HCS HB 927, HCS SCS SB 224
Executive session may be held on any matter referred to the committee.
AMENDED #4

SPECIAL STANDING COMMITTEE ON EMERGING ISSUES IN HEALTH CARE
Thursday, April 18, 2013, Upon Morning Adjournment, House Hearing Room 1.
Executive session will be held: HB 936
Executive session may be held on any matter referred to the committee.

TOURISM AND NATURAL RESOURCES
Thursday, April 18, 2013, 8:00 AM, House Hearing Room 7.
Public hearing will be held: SB 72, SB 218, HB 944, HB 835
Executive session may be held on any matter referred to the committee.

HOUSE CALENDAR

FIFTY-FOURTH DAY, THURSDAY, APRIL 18, 2013

HOUSE JOINT RESOLUTIONS FOR PERFECTION

- 1 HCS HJR 26 - Richardson
- 2 HCS HJR 14 - Jones (110)
- 3 HJR 19 - Bahr

HOUSE BILLS FOR PERFECTION

- 1 HB 227 - Zerr
- 2 HB 423 - Zerr
- 3 HB 578, as amended - Funderburk
- 4 HCS HB 221 - Leara
- 5 HCS HB 701 - Molendorp
- 6 HB 255 - Torpey
- 7 HCS HB 458 - Scharnhorst
- 8 HB 242 - Ellington
- 9 HB 503, as amended, HA 1 HA 3, and HA 3, pending - McCaherty
- 10 HB 448 - Webb
- 11 HB 162 - Sommer
- 12 HCS HB 161 - Gatschenberger
- 13 HCS HB 285 - Pace
- 14 HCS HB 348 - Neth
- 15 HCS HB 372 - Cox
- 16 HCS HB 859 - Brattin
- 17 HCS HB 881 - Guernsey
- 18 HCS HB 275 - Brattin
- 19 HCS HB 76 - Rowland
- 20 HCS HB 78 - Johnson
- 21 HCS HB 344 - Molendorp
- 22 HCS HB 387 - Frederick
- 23 HCS HB 415 - Phillips
- 24 HCS HB 601 - Richardson
- 25 HCS HB 653 - Lauer

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- 26 HB 421 - Curtman
- 27 HCS HB 541 - Hicks
- 28 HCS HB 543 - Hoskins

HOUSE BILLS FOR PERFECTION - FEDERAL MANDATE

- 1 HB 635 - Fitzwater
- 2 HCS HB 771 - Schatz
- 3 HCS HB 611 - Lant

HOUSE BILLS FOR THIRD READING

- 1 HB 201 - Torpey
- 2 HCS HBs 521 & 579, (Fiscal Review 3/27/13) - Koenig
- 3 HB 443 - Hubbard
- 4 HCS HB 470 - Barnes
- 5 HCS HB 813, (Fiscal Review 4/10/13) - Torpey
- 6 HCS HB 468, (Fiscal Review 4/10/13), E.C. - Higdon
- 7 HCS#2 HB 178 - Koenig
- 8 HB 253, (Fiscal Review 4/10/13) - Berry
- 9 HCS HB 389, (Fiscal Review 4/16/13) - Engler
- 10 HCS HBs 455 & 297, (Fiscal Review 4/17/13) - English
- 11 HCS HB 175 - Crawford
- 12 HCS HB 290 - Lichtenegger
- 13 HB 756, (Fiscal Review 4/17/13) - Hubbard
- 14 HB 510 - Torpey
- 15 HB 400 - Riddle
- 16 HCS HB 351 - Frederick
- 17 HB 274, (Fiscal Review 4/17/13) - Brattin
- 18 HB 733 - Berry
- 19 HCS HB 252 - Lauer
- 20 HB 339 - Wieland
- 21 HCS HB 340 - Johnson
- 22 HB 747 - Scharnhorst
- 23 HCS HB 1035 - Kelley (127)
- 24 HCS HB 436 - Funderburk
- 25 HCS#2 HB 698, (Fiscal Review 4/17/13) - Zerr

SENATE BILLS FOR SECOND READING

- 1 SB 57
- 2 SB 67
- 3 SB 112
- 4 SCS SB 118
- 5 SS SCS SB 159
- 6 SB 170
- 7 SS SB 245

- 8 SS SB 251
- 9 SS SB 252
- 10 SB 303
- 11 SB 304
- 12 SB 327
- 13 SS SCS SB 373
- 14 SCS SB 381

HOUSE CONCURRENT RESOLUTIONS

- 1 HCR 11 - Walton Gray
- 2 HCR 21 - Black
- 3 HCS HCR 17 - Frederick

SENATE BILLS FOR THIRD READING - CONSENT

(4/15/2013)

- 1 SB 59 - Gosen
- 2 SB 60 - Gosen
- 3 SB 80 - Engler
- 4 HCS SB 188 - Engler
- 5 SB 234 - Burlison
- 6 SB 235 - Dugger
- 7 SB 306 - Elmer
- 8 SCS SB 324 - Hansen
- 9 SCS SB 376 - Frederick
- 10 SB 16 - Dugger
- 11 SCS SB 191 - McCaherty
- 12 SB 237 - Miller
- 13 SB 329 - Love

HOUSE BILLS WITH SENATE AMENDMENTS

SS HCS HJR 11 & 7 , as amended - Reiboldt