

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 62

95TH GENERAL ASSEMBLY

0468S.14T

2009

AN ACT

To repeal sections 43.500, 43.503, 43.506, 174.700, 192.925, 217.450, 217.460, 217.665, 229.110, 303.024, 311.325, 311.326, 409.5-508, 409.6-604, 544.665, 545.050, 550.040, 550.050, 550.070, 550.080, 550.090, 556.036, 561.031, 565.063, 565.081, 565.082, 565.083, 565.084, 566.147, 566.149, 568.045, 570.030, 570.040, 570.080, 573.020, 573.023, 573.025, 573.030, 573.035, 573.037, 573.040, 573.060, 573.065, 575.150, 575.260, 576.050, 577.029, 578.250, 578.255, 578.260, 578.265, 589.400, 589.425, 595.027, 650.052, and 650.055, RSMo, section 302.060 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session and section 302.060 as enacted by house committee substitute for senate committee substitute for senate bills nos. 37, 322, 78, 351 & 424, ninety-third general assembly, first regular session, and section 577.023 as enacted by senate committee substitute for house committee substitute for house bill no. 1715 merged with conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session, and section 577.023 as enacted by senate committee substitute for house committee substitute for house bill no. 1715, ninety-fourth general assembly, second regular session, and to enact in lieu thereof seventy-four new sections relating to crime, with penalty provisions and an emergency clause for certain sections.

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

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

Section A. Sections 43.500, 43.503, 43.506, 174.700, 192.925, 217.450, 217.460, 217.665, 229.110, 303.024, 311.325, 311.326, 409.5-508, 409.6-604, 544.665, 545.050, 550.040, 550.050, 550.070, 550.080, 550.090, 556.036, 561.031, 565.063, 565.081, 565.082, 565.083, 565.084, 566.147, 566.149, 568.045, 570.030, 570.040, 570.080, 573.020, 573.023, 573.025, 573.030, 573.035, 573.037, 573.040, 573.060, 573.065, 575.150, 575.260, 576.050, 577.029, 578.250, 578.255, 578.260, 578.265, 589.400, 589.425, 595.027, 650.052, and 650.055, RSMo, section 302.060 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session and section 302.060 as enacted by house committee substitute for senate committee substitute for senate bills nos. 37, 322, 78, 351 & 424, ninety-third general assembly, first regular session, and section 577.023 as enacted by senate committee substitute for house committee substitute for house bill no. 1715 merged with conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session, and section 577.023 as enacted by senate committee substitute for house committee substitute for house bill no. 1715, ninety-fourth general assembly, second regular session, are repealed and seventy-four new sections enacted in lieu thereof, to be known as sections 43.500, 43.503, 43.506, 173.754, 174.700, 192.925, 217.439, 217.450, 217.460, 217.665, 273.033, 273.036, 302.060, 303.024, 304.820, 306.109, 311.325, 311.326, 407.1500, 409.5-508, 409.6-604, 544.665, 545.050, 550.040, 556.036, 561.031, 565.063, 565.081, 565.082, 565.083, 565.084, 566.013, 566.147, 566.148, 566.149, 566.150, 566.155, 568.045, 570.030, 570.040, 570.080, 573.013, 573.020, 573.023, 573.025, 573.030, 573.035, 573.037, 573.040, 573.060, 573.065, 575.150, 575.153, 575.260, 576.050, 577.023, 577.029, 578.022, 578.024, 578.028, 578.250, 578.255, 578.260, 578.265, 589.400, 589.425, 590.701, 595.027, 650.052, 650.055, 650.059, 1, 2, and 3, to read as follows:

43.500. As used in sections 43.500 to 43.543, the following terms mean:

(1) "Administration of criminal justice", performance of any of the following activities: detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The administration of criminal justice shall include criminal identification activities and the collection, storage, and dissemination of criminal history information, including fingerprint searches, photographs, and other [indicia of] **unique biometric** identification;

(2) "Central repository", the **division within the** Missouri state highway patrol [criminal records and identification division] **responsible** for compiling and disseminating complete and

10 accurate criminal history records and for compiling, maintaining, and disseminating criminal
11 incident and arrest reports and statistics;

12 (3) "Committee", criminal records and justice information advisory committee;

13 (4) **"Comparable ordinance violation", a violation of an ordinance having all the**
14 **essential elements of a statutory felony or a class A misdemeanor;**

15 (5) "Criminal history record information", information collected by criminal justice
16 agencies on individuals consisting of identifiable descriptions and notations of arrests,
17 detentions, indictments, informations, or other formal criminal charges, and any disposition
18 arising therefrom, sentencing, correctional supervision, and release;

19 [(5)] (6) "Final disposition", the formal conclusion of a criminal proceeding at whatever
20 stage it occurs in the criminal justice system;

21 [(6)] (7) "Missouri charge code", a unique number assigned by the office of state courts
22 administrator to an offense for tracking and grouping offenses. Beginning January 1, 2005, the
23 complete charge code shall consist of digits assigned by the office of state courts administrator,
24 the two-digit national crime information center modifiers and a single digit designating attempt,
25 accessory, or conspiracy. The only exception to the January 1, 2005, date shall be the courts that
26 are not using the statewide court automation case management pursuant to section 476.055,
27 RSMo; the effective date will be as soon thereafter as economically feasible for all other courts;

28 [(7)] (8) "State offense cycle number", a unique number, supplied by or approved by the
29 Missouri state highway patrol, on the state criminal fingerprint card. The offense cycle number,
30 OCN, is used to link the identity of a person, through [fingerprints] **unique biometric**
31 **identification**, to one or many offenses for which the person is arrested or charged. The OCN
32 will be used to track an offense incident from the date of arrest to the final disposition when the
33 offender exits from the criminal justice system[.] ;

34 (9) **"Unique biometric identification", automated methods of recognizing and**
35 **identifying an individual based on a physiological characteristic. Biometric identification**
36 **methods may include but are not limited to facial recognition, fingerprints, palm prints,**
37 **hand geometry, iris recognition, and retinal scan.**

43.503. 1. For the purpose of maintaining complete and accurate criminal history record
2 information, all police officers of this state, the clerk of each court, the department of corrections,
3 the sheriff of each county, the chief law enforcement official of a city not within a county and
4 the prosecuting attorney of each county or the circuit attorney of a city not within a county shall
5 submit certain criminal arrest, charge, and disposition information to the central repository for
6 filing without undue delay in the form and manner required by sections 43.500 to 43.543.

7 2. All law enforcement agencies making misdemeanor and felony arrests as determined
8 by section 43.506 shall furnish without undue delay, to the central repository, fingerprints,

9 **photograph, and if available, any other unique biometric identification collected**, charges,
10 appropriate charge codes, and descriptions of all persons who are arrested for such offenses on
11 standard fingerprint forms supplied or approved by the highway patrol or electronically in a
12 format and manner approved by the highway patrol **and in compliance with the standards set**
13 **by the Federal Bureau of Investigation in its Automated Fingerprint Identification System**
14 **or its successor program.** All such agencies shall also notify the central repository of all
15 decisions not to refer such arrests for prosecution. An agency making such arrests may enter into
16 arrangements with other law enforcement agencies for the purpose of furnishing without undue
17 delay such fingerprints, **photograph, and if available, any other unique biometric**
18 **identification collected**, charges, appropriate charge codes, and descriptions to the central
19 repository upon its behalf.

20 3. In instances where an individual less than seventeen years of age and not currently
21 certified as an adult is taken into custody for an offense which would be a felony if committed
22 by an adult, the arresting officer shall take fingerprints for the central repository. These
23 fingerprints shall be taken on fingerprint cards supplied by or approved by the highway patrol
24 or transmitted electronically in a format and manner approved by the highway patrol **and in**
25 **compliance with the standards set by the Federal Bureau of Investigation in its Automated**
26 **Fingerprint Identification System or its successor program.** The fingerprint cards shall be
27 so constructed that the name of the juvenile should not be made available to the central
28 repository. The individual's name and the unique number associated with the fingerprints and
29 other pertinent information shall be provided to the court of jurisdiction by the agency taking the
30 juvenile into custody. The juvenile's fingerprints and other information shall be forwarded to the
31 central repository and the courts without undue delay. The fingerprint information from the card
32 shall be captured and stored in the automated fingerprint identification system operated by the
33 central repository. In the event the fingerprints are found to match other tenprints or unsolved
34 latent prints, the central repository shall notify the submitting agency who shall notify the court
35 of jurisdiction as per local agreement. **Under section 211.031, RSMo, in instances where a**
36 **juvenile over fifteen and one-half years of age is alleged to have violated a state or**
37 **municipal traffic ordinance or regulation, which does not constitute a felony, and the**
38 **juvenile court does not have jurisdiction, the juvenile shall not be fingerprinted unless**
39 **certified as an adult.**

40 4. Upon certification of the individual as an adult, the certifying court shall order a law
41 enforcement agency to immediately fingerprint **and photograph** the individual **and certification**
42 **papers will be forwarded to the appropriate law enforcement agency with the order for**
43 **fingerprinting.** The law enforcement agency shall submit such fingerprints, **photograph, and**
44 **certification papers** to the central repository within fifteen days and shall furnish the offense

45 cycle number associated with the fingerprints to the prosecuting attorney or the circuit attorney
46 of a city not within a county and to the clerk of the court ordering the subject fingerprinted. If
47 the juvenile is acquitted of the crime and is no longer certified as an adult, the prosecuting
48 attorney shall notify within fifteen days the central repository of the change of status of the
49 juvenile. Records of a child who has been fingerprinted and photographed after being taken into
50 custody shall be closed records as provided under section 610.100, RSMo, if a petition has not
51 been filed within thirty days of the date that the child was taken into custody; and if a petition
52 for the child has not been filed within one year of the date the child was taken into custody, any
53 records relating to the child concerning the alleged offense may be expunged under the
54 procedures in sections 610.122 to 610.126, RSMo.

55 5. The prosecuting attorney of each county or the circuit attorney of a city not within a
56 county **or the municipal prosecuting attorney** shall notify the central repository on standard
57 forms supplied by the highway patrol or in a manner approved by the highway patrol [of all
58 charges filed, including all those added subsequent to the filing of a criminal court case, and
59 whether charges were not filed in criminal cases for which the central repository has a record of
60 an arrest] **of his or her decision to not file a criminal charge on any charge referred to such**
61 **prosecuting attorney or circuit attorney for criminal charges.** All records forwarded to the
62 central repository **and the courts** by prosecutors or circuit attorneys as required by sections
63 43.500 to 43.530 shall include the state offense cycle number of the offense, the charge code for
64 the offense, and the originating agency identifier number of the reporting prosecutor, using such
65 numbers as assigned by the highway patrol.

66 6. The clerk of the courts of each county or city not within a county **or municipal court**
67 **clerk** shall furnish the central repository, on standard forms supplied by the highway patrol or
68 in a manner approved by the highway patrol, with **a record of all charges filed, including all**
69 **those added subsequent to the filing of a criminal court case, amended charges, and** all final
70 dispositions of cases for which the central repository has a record of an arrest or a record of
71 fingerprints reported pursuant to sections 43.500 to 43.506. Such information shall include, for
72 each charge:

73 (1) All judgments of not guilty, acquittals on the ground of mental disease or defect
74 excluding responsibility, judgments or pleas of guilty including the sentence, if any, or probation,
75 if any, pronounced by the court, nolle pros, discharges, releases and dismissals in the trial court;

76 (2) Court orders filed with the clerk of the courts which reverse a reported conviction
77 or vacate or modify a sentence;

78 (3) Judgments terminating or revoking a sentence to probation, supervision or
79 conditional release and any resentencing after such revocation; and

80 (4) The offense cycle number of the offense, and the originating agency identifier
81 number of the sentencing court, using such numbers as assigned by the highway patrol.

82 7. The clerk of the courts of each county or city not within a county shall furnish, to the
83 department of corrections or department of mental health, court judgment and sentence
84 documents and the state offense cycle number and the charge code of the offense which resulted
85 in the commitment or assignment of an offender to the jurisdiction of the department of
86 corrections or the department of mental health if the person is committed pursuant to chapter
87 552, RSMo. This information shall be reported to the department of corrections or the
88 department of mental health at the time of commitment or assignment. If the offender was
89 already in the custody of the department of corrections or the department of mental health at the
90 time of such subsequent conviction, the clerk shall furnish notice of such subsequent conviction
91 to the appropriate department by certified mail, return receipt requested, or in a manner and
92 format mutually agreed to, within fifteen days of such disposition.

93 8. Information and fingerprints, [and other indicia] **photograph and if available, and**
94 **any other unique biometric identification collected**, forwarded to the central repository,
95 normally obtained from a person at the time of the arrest, may be obtained at any time the subject
96 is in the criminal justice system or committed to the department of mental health. A law
97 enforcement agency or the department of corrections may fingerprint, **photograph, and capture**
98 **any other unique biometric identification of the person unless collecting other unique**
99 **biometric identification of the person is not financially feasible for the law enforcement**
100 **agency**, and obtain the necessary information at any time the subject is in custody. If at the time
101 of [disposition] **any court appearance**, the defendant has not been fingerprinted **and**
102 **photographed** for an offense in which a fingerprint **and photograph** is required by statute to
103 be collected, maintained, or disseminated by the central repository, the court shall order a law
104 enforcement agency **or court marshal** to fingerprint **and photograph** immediately the
105 defendant. **The order for fingerprints shall contain the offense, charge code, date of offense,**
106 **and any other information necessary to complete the fingerprint card.** The law enforcement
107 agency **or court marshal** shall submit such fingerprints, **photograph, and if available, any**
108 **other unique biometric identification collected**, to the central repository without undue delay
109 and within thirty days and shall furnish the offense cycle number associated with the fingerprints
110 to the prosecuting attorney or the circuit attorney of a city not within a county and to the court
111 clerk of the court ordering the subject fingerprinted.

112 9. The department of corrections and the department of mental health shall furnish the
113 central repository with all information concerning the receipt, escape, execution, death, release,
114 pardon, parole, commutation of sentence, granting of executive clemency, legal name change,
115 or discharge of an individual who has been sentenced to that department's custody for any

116 offenses which are mandated by law to be collected, maintained or disseminated by the central
117 repository. All records forwarded to the central repository by the department as required by
118 sections 43.500 to 43.543 shall include the offense cycle number of the offense, and the
119 originating agency identifier number of the department using such numbers as assigned by the
120 highway patrol.

43.506. 1. Those offenses considered reportable for the purposes of sections 43.500 to
2 43.543 include all felonies [and serious or aggravated] ; **class A misdemeanors; all violations**
3 **for driving under the influence of drugs or alcohol; any offense that can be enhanced to a**
4 **class A misdemeanor or higher for subsequent violations; and comparable ordinance**
5 **violations** consistent with the reporting standards established by the National Crime Information
6 Center, Federal Bureau of Investigation, for the Federal Interstate Identification Index System[.
7 In addition,] ; **and** all cases arising [pursuant to sections 566.010 to 566.141, RSMo, where the
8 defendant pleads guilty to an offense involving a child under seventeen years of age and the court
9 imposes a suspended imposition of sentence shall be reported] **under chapter 566, RSMo.** The
10 following types of offenses shall not be considered reportable for the purposes of sections
11 57.403, RSMo, 43.500 to 43.543, and 595.200 to 595.218, RSMo: [disturbing the peace, curfew
12 violation, loitering, false fire alarm, disorderly conduct,] nonspecific charges of suspicion or
13 investigation, [and] general traffic violations and all misdemeanor violations of the state wildlife
14 code. [All violations for driving under the influence of drugs or alcohol are reportable.] All
15 offenses considered reportable shall be reviewed annually and noted in the Missouri charge code
16 manual established in section 43.512. All information collected pursuant to sections 43.500 to
17 43.543 shall be available only as set forth in section 610.120, RSMo.

18 2. Law enforcement agencies, court clerks, prosecutors and custody agencies may report
19 required information by electronic medium either directly to the central repository or indirectly
20 to the central repository via other criminal justice agency computer systems in the state with the
21 approval of the highway patrol, based upon standards established by the advisory committee.

22 3. In addition to the repository of fingerprint records for individual offenders and
23 applicants, the central repository of criminal history and identification records for the state shall
24 maintain a repository of latent prints, palm prints and other [prints] **unique biometric**
25 **identification** submitted to the repository.

173.754. 1. It is unlawful for a person to knowingly use or attempt to use, in
2 **connection with admission to any institution of higher education or in connection with any**
3 **business, employment, occupation, profession, trade, or public office:**

4 **(1) A false or misleading degree from any institution of higher education, regardless**
5 **of whether that institution is located in Missouri and regardless of whether the institution**

6 **has been issued a certificate of approval or temporary certificate of approval by the board;**
7 **or**

8 **(2) A degree from any institution of higher education in a false or misleading**
9 **manner, regardless of whether that institution is located in Missouri and regardless of**
10 **whether the institution has been issued a certificate of approval or temporary certificate**
11 **of approval by the board.**

12 **2. For the purposes of this section, a degree is false or misleading or is used in a**
13 **false or misleading manner if it:**

14 **(1) States or suggests that the person named in the degree has completed the**
15 **requirements of an academic or professional program of study in a particular field of**
16 **endeavor beyond the secondary school level and the person has not, in fact, completed the**
17 **requirements of the program of study;**

18 **(2) Is offered as his or her own by a person other than the person who completed**
19 **the requirements of the program of study; or**

20 **(3) Is awarded, bestowed, conferred, given, granted, conveyed, or sold in violation**
21 **of this chapter.**

22 **3. The penalty for a violation of this section shall be a class C misdemeanor.**

23 **4. For purposes of this section, the term "board" shall mean the coordinating board**
24 **for higher education.**

174.700. The board of regents or board of governors of any state college or university
2 may appoint and employ as many college or university police officers as it may deem necessary
3 to protect persons, property, and to preserve peace and good order only in the public buildings,
4 properties, grounds, and other facilities and locations over which it has charge or control **and to**
5 **respond to emergencies or natural disasters outside of the boundaries of university**
6 **property and provide services if requested by the law enforcement agency with**
7 **jurisdiction.**

192.925. 1. To increase public awareness of the problem of elder abuse and neglect **and**
2 **financial exploitation of the elderly**, the department of health and senior services shall
3 implement an education and awareness program. Such program shall have the goal of reducing
4 the incidences of elder abuse and neglect **and financial exploitation of the elderly**, and may
5 focus on:

6 **(1) The education and awareness of mandatory reporters on their responsibility to report**
7 **elder abuse and neglect and financial exploitation of the elderly;**

8 **(2) Targeted education and awareness for the public on the problem, identification and**
9 **reporting of elder abuse and neglect and financial exploitation of the elderly;**

10 **(3) Publicizing the elder abuse and neglect hot line telephone number;**

11 (4) Education and awareness for law enforcement agencies and prosecutors on the
12 problem and identification of elder abuse and neglect **and financial exploitation of the elderly**,
13 and the importance of prosecuting cases pursuant to chapter 565, RSMo; and

14 (5) Publicizing the availability of background checks prior to hiring an individual for
15 caregiving purposes.

16 2. The department of social services and facilities licensed pursuant to chapters 197 and
17 198, RSMo, shall cooperate fully with the department of health and senior services in the
18 distribution of information pursuant to this program.

**217.439. Upon the victim's request, a photograph shall be taken of the incarcerated
2 individual prior to release from incarceration and a copy of the photograph shall be
3 provided to the crime victim.**

217.450. 1. Any person confined in a department correctional facility may request a
2 final disposition of any untried indictment, information or complaint pending in this state on the
3 basis of which a **law enforcement agency, prosecuting attorney's office, or circuit attorney's
4 office has delivered a certified copy of a warrant and has requested that a** detainer [has
5 been] **be** lodged against him [while so imprisoned] **with the facility where the offender is
6 confined**. The request shall be in writing addressed to the court in which the indictment,
7 information or complaint is pending and to the prosecuting attorney charged with the duty of
8 prosecuting it, and shall set forth the place of imprisonment.

9 2. **When the director receives a certified copy of a warrant and a written request
10 by the issuing agency to place a detainer, the director shall lodge a detainer in favor of the
11 requesting agency**. The director shall promptly inform each offender in writing of the source
12 and nature of any untried indictment, information or complaint for which a detainer has been
13 lodged against him of which the director has knowledge, and of his right to make a request for
14 final disposition of such indictment, information or complaint on which the detainer is based.

15 3. Failure of the director to [inform an offender, as required by this section, within one
16 year after a detainer has been filed at the facility shall entitle him to a final dismissal of the
17 indictment, information or complaint with prejudice] **comply with this section shall not be the
18 basis for dismissing the indictment, information, or complaint unless the court also finds
19 that the offender has been denied his or her constitutional right to a speedy trial.**

217.460. Within one hundred eighty days after the receipt of the request and certificate,
2 pursuant to sections 217.450 and 217.455, by the court and the prosecuting attorney or within
3 such additional necessary or reasonable time as the court may grant, for good cause shown in
4 open court, the offender or his counsel being present, the indictment, information or complaint
5 shall be brought to trial. The parties may stipulate for a continuance or a continuance may be
6 granted if notice is given to the attorney of record with an opportunity for him to be heard. If the

7 indictment, information or complaint is not brought to trial within the period **and if the court**
8 **finds that the offender's constitutional right to a speedy trial has been denied**, no court of
9 this state shall have jurisdiction of such indictment, information or complaint, nor shall the
10 untried indictment, information or complaint be of any further force or effect; and the court shall
11 issue an order dismissing the same with prejudice.

217.665. 1. Beginning August 28, 1996, the board of probation and parole shall consist
2 of seven members appointed by the governor by and with the advice and consent of the senate.

3 2. Beginning August 28, 1996, members of the board shall be persons of recognized
4 integrity and honor, known to possess education and ability in decision making through career
5 experience and other qualifications for the successful performance of their official duties. Not
6 more than four members of the board shall be of the same political party.

7 3. At the expiration of the term of each member and of each succeeding member, the
8 governor shall appoint a successor who shall hold office for a term of six years and until his
9 successor has been appointed and qualified. Members may be appointed to succeed themselves.

10 4. Vacancies occurring in the office of any member shall be filled by appointment by the
11 governor for the unexpired term.

12 5. The governor shall designate one member of the board as chairman **and one member**
13 **as vice-chairman**. The chairman shall be the director of the division and shall have charge of
14 the division's operations, funds and expenditures. **In the event of the chairman's removal,**
15 **death, resignation, or inability to serve, the vice-chairman shall act as chairman upon**
16 **written order of the governor or chairman.** [The chairman shall designate by order of record
17 another member to act as chairman in the event of absence or sickness of the chairman, and
18 during such time the member so appointed by the chairman shall possess all powers of the
19 chairman.]

20 6. Members of the board shall devote full time to the duties of their office and before
21 taking office shall subscribe to an oath or affirmation to support the Constitution of the United
22 States and the Constitution of the State of Missouri. The oath shall be signed in the office of the
23 secretary of state.

24 7. The annual compensation for each member of the board whose term commenced
25 before August 28, 1999, shall be forty-five thousand dollars plus any salary adjustment, including
26 prior salary adjustments, provided pursuant to section 105.005, RSMo. Salaries for board
27 members whose terms commence after August 27, 1999, shall be set as provided in section
28 105.950, RSMo; provided, however, that the compensation of a board member shall not be
29 increased during the member's term of office, except as provided in section 105.005, RSMo. In
30 addition to compensation provided by law, the members shall be entitled to reimbursement for
31 necessary travel and other expenses incurred pursuant to section 33.090, RSMo.

32 8. Any person who served as a member of the board of probation and parole prior to July
33 1, 2000, shall be made, constituted, appointed and employed by the board of trustees of the state
34 employees' retirement system as a special consultant on the problems of retirement, aging and
35 other state matters. As compensation for such services, such consultant shall not be denied use
36 of any unused sick leave, or the ability to receive credit for unused sick leave pursuant to chapter
37 104, RSMo, provided such sick leave was maintained by the board of probation and parole in
38 the regular course of business prior to July 1, 2000, but only to the extent of such sick leave
39 records are consistent with the rules promulgated pursuant to section 36.350, RSMo. Nothing
40 in this section shall authorize the use of any other form of leave that may have been maintained
41 by the board prior to July 1, 2000.

**273.033. 1. In any action for damages or a criminal prosecution against any person
2 for killing or injuring a dog, a showing by a preponderance of the evidence that such
3 person was in reasonable apprehension of imminent harmful contact by the dog or was
4 acting to prevent such imminent harmful contact against another person by the dog shall
5 constitute an absolute defense to criminal prosecution or civil liability for the killing or
6 injuring of such animal.**

7 **2. If a person has, on at least two occasions, complained to the county sheriff or to
8 the appropriate animal control authority in his or her jurisdiction that a dog, not on a
9 leash, has trespassed on property that such person owns, rents, or leases or on any
10 property that constitutes such person's residence, and when at least one of the prior two
11 complaints was motivated by reasonable apprehension for such person's safety or the
12 safety of another person or apprehension of substantial damage to livestock or property,
13 then any subsequent trespass by such dog shall constitute prima facie evidence that such
14 person was in reasonable apprehension of imminent harmful contact. The county sheriff
15 or animal control authority to which any complaint under this section is made shall notify
16 the owner of the alleged trespassing dog of such complaint. Failure by a county sheriff or
17 animal control authority to notify a dog owner under this subsection shall not invalidate
18 or be construed in any way to limit any other provision of this subsection.**

19 **3. The court shall award attorney's fees, court costs, and all reasonable expenses
20 incurred by the defendant in defense of any criminal prosecution or in any civil action
21 brought by a plaintiff if the court finds that the defendant has an absolute defense as
22 provided in subsection 1 of this section.**

23 **4. This section shall not be construed to provide an absolute defense to a person
24 who is engaged in or attempting to engage in a criminal activity at the time of the
25 apprehension of imminent harmful contact, or to a person for any damage or injury to any**

26 **person or property other than the dog itself that may result from actions taken in an**
27 **attempt to injure or kill such dog.**

273.036. 1. The owner or possessor of any dog that bites, without provocation, any
2 **person while such person is on public property, or lawfully on private property, including**
3 **the property of the owner or possessor of the dog, is strictly liable for damages suffered by**
4 **persons bitten, regardless of the former viciousness of the dog or the owner's or possessor's**
5 **knowledge of such viciousness. Owners and possessors of dogs shall also be strictly liable**
6 **for any damage to property or livestock proximately caused by their dogs. If it is**
7 **determined that the damaged party had fault in the incident, any damages owed by the**
8 **owner or possessor of the biting dog shall be reduced by the same percentage that the**
9 **damaged party's fault contributed to the incident. The provisions of this section shall not**
10 **apply to dogs killing or maiming sheep or other domestic animals under section 273.020.**

11 **2. Any person who is held liable under the provisions of subsection 1 of this section**
12 **shall pay a fine not exceeding one thousand dollars. The remedies provided by this section**
13 **are in addition to and cumulative with any other remedy provided by statute or common**
14 **law.**

302.060. 1. The director shall not issue any license and shall immediately deny any
2 driving privilege:

3 (1) To any person who is under the age of eighteen years, if such person operates a motor
4 vehicle in the transportation of persons or property as classified in section 302.015;

5 (2) To any person who is under the age of sixteen years, except as hereinafter provided;

6 (3) To any person whose license has been suspended, during such suspension, or to any
7 person whose license has been revoked, until the expiration of one year after such license was
8 revoked;

9 (4) To any person who is an habitual drunkard or is addicted to the use of narcotic drugs;

10 (5) To any person who has previously been adjudged to be incapacitated and who at the
11 time of application has not been restored to partial capacity;

12 (6) To any person who, when required by this law to take an examination, has failed to
13 pass such examination;

14 (7) To any person who has an unsatisfied judgment against such person, as defined in
15 chapter 303, RSMo, until such judgment has been satisfied or the financial responsibility of such
16 person, as defined in section 303.120, RSMo, has been established;

17 (8) To any person whose application shows that the person has been convicted within
18 one year prior to such application of violating the laws of this state relating to failure to stop after
19 an accident and to disclose the person's identity or driving a motor vehicle without the owner's
20 consent;

21 (9) To any person who has been convicted more than twice of violating state law, or a
22 county or municipal ordinance where the defendant was represented by or waived the right to an
23 attorney in writing, relating to driving while intoxicated; except that, after the expiration of ten
24 years from the date of conviction of the last offense of violating such law or ordinance relating
25 to driving while intoxicated, a person who was so convicted may petition the circuit court of the
26 county in which such last conviction was rendered and the court shall review the person's habits
27 and conduct since such conviction. If the court finds that the petitioner has not been convicted
28 of any offense related to alcohol, controlled substances or drugs during the preceding ten years
29 and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the
30 public safety of this state, the court may order the director to issue a license to the petitioner if
31 the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540.
32 No person may obtain a license pursuant to the provisions of this subdivision through court
33 action more than one time;

34 (10) To any person who has been convicted twice within a five-year period of violating
35 state law, or a county or municipal ordinance [where the defendant was represented by or waived
36 the right to an attorney in writing], of driving while intoxicated, **or any other intoxication-**
37 **related traffic offense as defined in subdivision (3) of subsection 1 of section 577.023,**
38 **RSMo**, or who has been convicted of the crime of involuntary manslaughter while operating a
39 motor vehicle in an intoxicated condition. The director shall not issue a license to such person
40 for five years from the date such person was convicted **or pled guilty** for involuntary
41 manslaughter while operating a motor vehicle in an intoxicated condition or for driving while
42 intoxicated **or any other intoxication-related traffic offense as defined in subdivision (3) of**
43 **subsection 1 of section 577.023, RSMo**, for the second time[. Any person who has been denied
44 a license for two convictions of driving while intoxicated prior to July 27, 1989, shall have the
45 person's license issued, upon application, unless the two convictions occurred within a five-year
46 period, in which case, no license shall be issued to the person for five years from the date of the
47 second conviction];

48 (11) To any person who is otherwise disqualified pursuant to the provisions of sections
49 302.010 to 302.780, chapter 303, RSMo, or section 544.046, RSMo;

50 (12) To any person who is under the age of eighteen years, if such person's parents or
51 legal guardians file a certified document with the department of revenue stating that the director
52 shall not issue such person a driver's license. Each document filed by the person's parents or
53 legal guardians shall be made upon a form furnished by the director and shall include identifying
54 information of the person for whom the parents or legal guardians are denying the driver's
55 license. The document shall also contain identifying information of the person's parents or legal
56 guardians. The document shall be certified by the parents or legal guardians to be true and

57 correct. This provision shall not apply to any person who is legally emancipated. The parents
58 or legal guardians may later file an additional document with the department of revenue which
59 reinstates the person's ability to receive a driver's license.

60 2. Any person whose license is reinstated under the provisions of subdivisions (9) and
61 (10) of subsection 1 of this section shall be required to file proof with the director of revenue that
62 any motor vehicle operated by the person is equipped with a functioning, certified ignition
63 interlock device as a required condition of reinstatement. The ignition interlock device shall
64 further be required to be maintained on all motor vehicles operated by the person for a period of
65 not less than six months immediately following the date of reinstatement. If the person fails to
66 maintain such proof with the director, the license shall be suspended for the remainder of the
67 six-month period or until proof as required by this section is filed with the director. Upon the
68 completion of the six-month period, the license shall be shown as reinstated, if the person is
69 otherwise eligible.

[302.060. The director shall not issue any license and shall immediately
2 deny any driving privilege:

3 (1) To any person who is under the age of eighteen years, if such person
4 operates a motor vehicle in the transportation of persons or property as classified
5 in section 302.015;

6 (2) To any person who is under the age of sixteen years, except as
7 hereinafter provided;

8 (3) To any person whose license has been suspended, during such
9 suspension, or to any person whose license has been revoked, until the expiration
10 of one year after such license was revoked;

11 (4) To any person who is an habitual drunkard or is addicted to the use
12 of narcotic drugs;

13 (5) To any person who has previously been adjudged to be incapacitated
14 and who at the time of application has not been restored to partial capacity;

15 (6) To any person who, when required by this law to take an examination,
16 has failed to pass such examination;

17 (7) To any person who has an unsatisfied judgment against such person,
18 as defined in chapter 303, RSMo, until such judgment has been satisfied or the
19 financial responsibility of such person, as defined in section 303.120, RSMo, has
20 been established;

21 (8) To any person whose application shows that the person has been
22 convicted within one year prior to such application of violating the laws of this
23 state relating to failure to stop after an accident and to disclose the person's
24 identity or driving a motor vehicle without the owner's consent;

25 (9) To any person who has been convicted more than twice of violating
26 state law, or a county or municipal ordinance where the defendant was
27 represented by or waived the right to an attorney in writing, relating to driving
28 while intoxicated; except that, after the expiration of ten years from the date of

29 conviction of the last offense of violating such law or ordinance relating to
30 driving while intoxicated, a person who was so convicted may petition the circuit
31 court of the county in which such last conviction was rendered and the court shall
32 review the person's habits and conduct since such conviction. If the court finds
33 that the petitioner has not been convicted of any offense related to alcohol,
34 controlled substances or drugs during the preceding ten years and that the
35 petitioner's habits and conduct show such petitioner to no longer pose a threat to
36 the public safety of this state, the court may order the director to issue a license
37 to the petitioner if the petitioner is otherwise qualified pursuant to the provisions
38 of sections 302.010 to 302.540. No person may obtain a license pursuant to the
39 provisions of this subdivision through court action more than one time;

40 (10) To any person who has been convicted twice within a five-year
41 period of violating state law, or a county or municipal ordinance where the
42 defendant was represented by or waived the right to an attorney in writing, of
43 driving while intoxicated, or who has been convicted of the crime of involuntary
44 manslaughter while operating a motor vehicle in an intoxicated condition. The
45 director shall not issue a license to such person for five years from the date such
46 person was convicted for involuntary manslaughter while operating a motor
47 vehicle in an intoxicated condition or for driving while intoxicated for the second
48 time. Any person who has been denied a license for two convictions of driving
49 while intoxicated prior to July 27, 1989, shall have the person's license issued,
50 upon application, unless the two convictions occurred within a five-year period,
51 in which case, no license shall be issued to the person for five years from the date
52 of the second conviction;

53 (11) To any person who is otherwise disqualified pursuant to the
54 provisions of sections 302.010 to 302.780, chapter 303, RSMo, or section
55 544.046, RSMo;

56 (12) To any person who is under the age of eighteen years, if such
57 person's parents or legal guardians file a certified document with the department
58 of revenue stating that the director shall not issue such person a driver's license.
59 Each document filed by the person's parents or legal guardians shall be made
60 upon a form furnished by the director and shall include identifying information
61 of the person for whom the parents or legal guardians are denying the driver's
62 license. The document shall also contain identifying information of the person's
63 parents or legal guardians. The document shall be certified by the parents or legal
64 guardians to be true and correct. This provision shall not apply to any person
65 who is legally emancipated. The parents or legal guardians may later file an
66 additional document with the department of revenue which reinstates the person's
67 ability to receive a driver's license.]

68

303.024. 1. Each insurer issuing motor vehicle liability policies in this state, or an agent
2 of the insurer, shall furnish an insurance identification card to the named insured for each motor

3 vehicle insured by a motor vehicle liability policy that complies with the requirements of sections
4 303.010 to 303.050, 303.060, 303.140, 303.220, 303.290, 303.330 and 303.370.

5 2. The insurance identification card shall include all of the following information:

6 (1) The name and address of the insurer;

7 (2) The name of the named insured;

8 (3) The policy number;

9 (4) The effective dates of the policy, including month, day and year;

10 (5) A description of the insured motor vehicle, including year and make or at least five
11 digits of the vehicle identification number or the word "Fleet" if the insurance policy covers five
12 or more motor vehicles; and

13 (6) The statement "THIS CARD MUST BE CARRIED IN THE INSURED MOTOR
14 VEHICLE FOR PRODUCTION UPON DEMAND" prominently displayed on the card.

15 3. A new insurance identification card shall be issued when the insured motor vehicle
16 is changed, when an additional motor vehicle is insured, and when a new policy number is
17 assigned. A replacement insurance identification card shall be issued at the request of the
18 insured in the event of loss of the original insurance identification card.

19 4. The director shall furnish each self-insurer, as provided for in section 303.220, an
20 insurance identification card for each motor vehicle so insured. The insurance identification card
21 shall include all of the following information:

22 (1) Name of the self-insurer;

23 (2) The word "self-insured"; and

24 (3) The statement "THIS CARD MUST BE CARRIED IN THE SELF-INSURED
25 MOTOR VEHICLE FOR PRODUCTION UPON DEMAND" prominently displayed on the
26 card.

27 5. An insurance identification card shall be carried in the insured motor vehicle at all
28 times. The operator of an insured motor vehicle shall exhibit the insurance identification card
29 on the demand of any peace officer, commercial vehicle enforcement officer or commercial
30 vehicle inspector who lawfully stops such operator or investigates an accident while that officer
31 or inspector is engaged in the performance of the officer's or inspector's duties. If the operator
32 fails to exhibit an insurance identification card, the officer or inspector shall issue a citation to
33 the operator for a violation of section 303.025. A motor vehicle liability insurance policy, a
34 motor vehicle liability insurance binder, or receipt which contains the policy information
35 required in subsection 2 of this section, shall be satisfactory evidence of insurance in lieu of an
36 insurance identification card.

37 **6. Any person who knowingly or intentionally produces, manufactures, sells, or**
38 **otherwise distributes a fraudulent document intended to serve as an insurance**

39 identification card is guilty of a class D felony. Any person who knowingly or intentionally
40 possesses a fraudulent document intended to serve as an insurance identification card is
41 guilty of a class B misdemeanor.

304.820. 1. Except as otherwise provided in this section, no person twenty-one
2 years of age or younger operating a moving motor vehicle upon the highways of this state
3 shall, by means of a hand-held electronic wireless communications device, send, read, or
4 write a text message or electronic message.

5 2. The provisions of subsection 1 of this section shall not apply to a person
6 operating:

7 (1) An authorized emergency vehicle; or

8 (2) A moving motor vehicle while using a hand-held electronic wireless
9 communications device to:

10 (a) Report illegal activity;

11 (b) Summon medical or other emergency help;

12 (c) Prevent injury to a person or property; or

13 (d) Relay information between a transit or for-hire operator and that operator's
14 dispatcher, in which the device is permanently affixed to the vehicle.

15 3. Nothing in this section shall be construed or interpreted as prohibiting a person
16 from making or taking part in a telephone call, by means of a hand-held electronic wireless
17 communications device, while operating a motor vehicle upon the highways of this state.

18 4. As used in this section, "electronic message" means a self-contained piece of
19 digital communication that is designed or intended to be transmitted between hand-held
20 electronic wireless communication devices. "Electronic message" includes, but is not
21 limited to, electronic mail, a text message, an instant message, or a command or request to
22 access an Internet site.

23 5. As used in this section, "hand-held electronic wireless communications device"
24 includes any hand-held cellular phone, palm pilot, blackberry, or other mobile electronic
25 device used to communicate verbally or by text or electronic messaging, but shall not apply
26 to any device that is permanently embedded into the architecture and design of the motor
27 vehicle.

28 6. As used in this section, "making or taking part in a telephone call" means
29 listening to or engaging in verbal communication through a hand-held electronic wireless
30 communication device.

31 7. As used in this section, "send, read, or write a text message or electronic
32 message" means using a hand-held electronic wireless telecommunications device to
33 manually communicate with any person by using an electronic message. Sending, reading,

34 or writing a text message or electronic message does not include reading, selecting, or
35 entering a phone number or name into a hand-held electronic wireless communications
36 device for the purpose of making a telephone call.

37 **8. A violation of this section shall be deemed an infraction and shall be deemed a**
38 **moving violation for purposes of point assessment under section 302.302, RSMo.**

39 **9. The state preempts the field of regulating the use of hand-held electronic wireless**
40 **communications devices in motor vehicles, and the provisions of this section shall**
41 **supercede any local laws, ordinances, orders, rules, or regulations enacted by a county,**
42 **municipality, or other political subdivision to regulate the use of hand-held electronic**
43 **wireless communication devices by the operator of a motor vehicle.**

44 **10. The provisions of this section shall not apply to:**

45 **(1) The operator of a vehicle that is lawfully parked or stopped;**

46 **(2) Any of the following while in the performance of their official duties: a law**
47 **enforcement officer; a member of a fire department; or the operator of a public or private**
48 **ambulance;**

49 **(3) The use of factory-installed or aftermarket global positioning systems (GPS) or**
50 **wireless communications devices used to transmit or receive data as part of a digital**
51 **dispatch system;**

52 **(4) The use of voice operated technology;**

53 **(5) The use of two-way radio transmitters or receivers by a licensee of the Federal**
54 **Communications Commission in the Amateur Radio Service.**

306.109. 1. No person shall possess or use beer bong or other drinking devices
2 **used to consume similar amounts of alcohol on the rivers of this state. As used in this**
3 **section, the term "beer bong" includes any device that is intended and designed for the**
4 **rapid consumption or intake of an alcoholic beverage, including but not limited to funnels,**
5 **tubes, hoses, and modified containers with additional vents.**

6 **2. No person shall possess or use any large volume alcohol containers that hold**
7 **more than four gallons of an alcoholic beverage on the rivers of this state.**

8 **3. No person shall possess expanded polypropylene coolers on or within fifty feet**
9 **of any river of this state, except in developed campgrounds, picnic areas, landings, roads**
10 **and parking lots located within fifty feet of such rivers. This subsection shall not apply to**
11 **high density bait containers used solely for such purpose.**

12 **4. Any person who violates the provisions of this section is guilty of a class A**
13 **misdemeanor.**

14 **5. The provisions of this section shall not apply to persons on the Mississippi River,**
15 **Missouri River, or Osage River.**

311.325. 1. Any person under the age of twenty-one years, who purchases or attempts
2 to purchase, or has in his or her possession, any intoxicating liquor as defined in section 311.020
3 or who is visibly **in an intoxicated condition** as defined in section 577.001, RSMo, or has a
4 detectable blood alcohol content of more than two-hundredths of one percent or more by weight
5 of alcohol in such person's blood is guilty of a misdemeanor. For purposes of prosecution under
6 this section or any other provision of this chapter involving an alleged illegal sale or transfer of
7 intoxicating liquor to a person under twenty-one years of age, a manufacturer-sealed container
8 describing that there is intoxicating liquor therein need not be opened or the contents therein
9 tested to verify that there is intoxicating liquor in such container. The alleged violator may allege
10 that there was not intoxicating liquor in such container, but the burden of proof of such allegation
11 is on such person, as it shall be presumed that such a sealed container describing that there is
12 intoxicating liquor therein contains intoxicating liquor.

13 2. For purposes of determining violations of any provision of this chapter, or of any rule
14 or regulation of the supervisor of alcohol and tobacco control, a manufacturer-sealed container
15 describing that there is intoxicating liquor therein need not be opened or the contents therein
16 tested to verify that there is intoxicating liquor in such container. The alleged violator may allege
17 that there was not intoxicating liquor in such container, but the burden of proof of such allegation
18 is on such person, as it shall be presumed that such a sealed container describing that there is
19 intoxicating liquor therein contains intoxicating liquor.

20 3. **Any person under the age of twenty-one years who purchases or attempts to**
21 **purchase, or has in his or her possession, any intoxicating liquor, or who is visibly in an**
22 **intoxicated condition as defined in section 577.001, RSMo, shall be deemed to have given**
23 **consent to a chemical test or tests of the person's breath, blood, saliva, or urine for the**
24 **purpose of determining the alcohol or drug content of the person's blood. The implied**
25 **consent to submit to the chemical tests listed in this subsection shall be limited to not more**
26 **than two such tests arising from the same arrest, incident, or charge. Chemical analysis**
27 **of the person's breath, blood, saliva, or urine shall be performed according to methods**
28 **approved by the state department of health and senior services by licensed medical**
29 **personnel or by a person possessing a valid permit issued by the state department of health**
30 **and senior services for this purpose. The state department of health and senior services**
31 **shall approve satisfactory techniques, devices, equipment, or methods to be considered**
32 **valid and shall establish standards to ascertain the qualifications and competence of**
33 **individuals to conduct analyses and to issue permits which shall be subject to termination**
34 **or revocation by the state department of health and senior services. The person tested may**
35 **have a physician, or a qualified technician, chemist, registered nurse, or other qualified**
36 **person at the choosing and expense of the person to be tested, administer a test in addition**

37 to any administered at the direction of a law enforcement officer. The failure or inability
38 to obtain an additional test by a person shall not preclude the admission of evidence
39 relating to the test taken at the direction of a law enforcement officer. Upon the request
40 of the person who is tested, full information concerning the test shall be made available to
41 such person. "Full information" is limited to the following:

42 (1) The type of test administered and the procedures followed;

43 (2) The time of the collection of the blood or breath sample or urine analyzed;

44 (3) The numerical results of the test indicating the alcohol content of the blood and
45 breath and urine;

46 (4) The type and status of any permit which was held by the person who performed
47 the test;

48 (5) If the test was administered by means of a breath-testing instrument, the date
49 of performance of the most recent required maintenance of such instrument.

50

51 "Full information" does not include manuals, schematics, or software of the instrument
52 used to test the person or any other material that is not in the actual possession of the state.

53 Additionally, "full information" does not include information in the possession of the
54 manufacturer of the test instrument.

55 4. The provisions of this section shall not apply to a student who:

56 (1) Is eighteen years of age or older;

57 (2) Is enrolled in an accredited college or university and is a student in a culinary course;

58 (3) Is required to taste, but not consume or imbibe, any beer, ale, porter, wine, or other
59 similar malt or fermented beverage as part of the required curriculum; and

60 (4) Tastes a beverage under subdivision (3) of this subsection only for instructional
61 purposes during classes that are part of the curriculum of the accredited college or university.

62

63 The beverage must at all times remain in the possession and control of an authorized instructor
64 of the college or university, who must be twenty-one years of age or older. Nothing in this
65 subsection may be construed to allow a student under the age of twenty-one to receive any beer,
66 ale, porter, wine, or other similar malt or fermented beverage unless the beverage is delivered
67 as part of the student's required curriculum and the beverage is used only for instructional
68 purposes during classes conducted as part of the curriculum.

311.326. After a period of not less than one year[, or upon] **after** reaching the age of
2 twenty-one[, whichever occurs first,] a person who has pleaded guilty to or has been found guilty
3 of violating section 311.325 for the first time, and who since such conviction has not been
4 convicted of any other alcohol-related offense, may apply to the court in which he or she was

5 sentenced for an order to expunge all official records of his or her arrest, plea, trial and
6 conviction. If the court determines, upon review, that such person has not been convicted of any
7 other alcohol-related offense at the time of the application for expungement, and the person has
8 had no other alcohol-related enforcement contacts, as defined in section 302.525, RSMo, the
9 court shall enter an order of expungement. The effect of such an order shall be to restore such
10 person to the status he or she occupied prior to such arrest, plea or conviction, as if such event
11 had never happened. No person as to whom such order has been entered shall be held thereafter
12 under any provision of any law to be guilty of perjury or otherwise giving a false statement by
13 reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction or
14 expungement in response to any inquiry made of him or her for any purpose whatsoever. A
15 person shall be entitled to only one expungement pursuant to this section. Nothing contained in
16 this section shall prevent courts or other state officials from maintaining such records as are
17 necessary to ensure that an individual receives only one expungement pursuant to this section.

407.1500. 1. As used in this section, the following terms mean:

- 2 (1) **"Breach of security" or "breach", unauthorized access to and unauthorized**
3 **acquisition of personal information maintained in computerized form by a person that**
4 **compromises the security, confidentiality, or integrity of the personal information. Good**
5 **faith acquisition of personal information by a person or that person's employee or agent**
6 **for a legitimate purpose of that person is not a breach of security, provided that the**
7 **personal information is not used in violation of applicable law or in a manner that harms**
8 **or poses an actual threat to the security, confidentiality, or integrity of the personal**
9 **information;**
- 10 (2) **"Consumer", an individual who is a resident of this state;**
- 11 (3) **"Consumer reporting agency", the same as defined by the federal Fair Credit**
12 **Reporting Act, 15 U.S.C. Section 1681a;**
- 13 (4) **"Encryption", the use of an algorithmic process to transform data into a form**
14 **in which the data is rendered unreadable or unusable without the use of a confidential**
15 **process or key;**
- 16 (5) **"Health insurance information", an individual's health insurance policy**
17 **number or subscriber identification number, any unique identifier used by a health insurer**
18 **to identify the individual;**
- 19 (6) **"Medical information", any information regarding an individual's medical**
20 **history, mental or physical condition, or medical treatment or diagnosis by a health care**
21 **professional;**

22 (7) "Owns or licenses" includes, but is not limited to, personal information that a
23 business retains as part of the internal customer account of the business or for the purpose
24 of using the information in transactions with the person to whom the information relates;

25 (8) "Person", any individual, corporation, business trust, estate, trust, partnership,
26 limited liability company, association, joint venture, government, governmental
27 subdivision, governmental agency, governmental instrumentality, public corporation, or
28 any other legal or commercial entity;

29 (9) "Personal information", an individual's first name or first initial and last name
30 in combination with any one or more of the following data elements that relate to the
31 individual if any of the data elements are not encrypted, redacted, or otherwise altered by
32 any method or technology in such a manner that the name or data elements are unreadable
33 or unusable:

34 (a) Social Security number;

35 (b) Driver's license number or other unique identification number created or
36 collected by a government body;

37 (c) Financial account number, credit card number, or debit card number in
38 combination with any required security code, access code, or password that would permit
39 access to an individual's financial account;

40 (d) Unique electronic identifier or routing code, in combination with any required
41 security code, access code, or password that would permit access to an individual's
42 financial account;

43 (e) Medical information; or

44 (f) Health insurance information.

45

46 "Personal information" does not include information that is lawfully obtained from
47 publicly available sources, or from federal, state, or local government records lawfully
48 made available to the general public;

49 (10) "Redacted", altered or truncated such that no more than five digits of a social
50 security number or the last four digits of a driver's license number, state identification card
51 number, or account number is accessible as part of the personal information.

52 2. (1) Any person that owns or licenses personal information of residents of
53 Missouri or any person that conducts business in Missouri that owns or licenses personal
54 information in any form of a resident of Missouri shall provide notice to the affected
55 consumer that there has been a breach of security following discovery or notification of the
56 breach. The disclosure notification shall be:

57 (a) Made without unreasonable delay;

58 (b) Consistent with the legitimate needs of law enforcement, as provided in this
59 section; and

60 (c) Consistent with any measures necessary to determine sufficient contact
61 information and to determine the scope of the breach and restore the reasonable integrity,
62 security, and confidentiality of the data system.

63 (2) Any person that maintains or possesses records or data containing personal
64 information of residents of Missouri that the person does not own or license, or any person
65 that conducts business in Missouri that maintains or possesses records or data containing
66 personal information of a resident of Missouri that the person does not own or license,
67 shall notify the owner or licensee of the information of any breach of security immediately
68 following discovery of the breach, consistent with the legitimate needs of law enforcement
69 as provided in this section.

70 (3) The notice required by this section may be delayed if a law enforcement agency
71 informs the person that notification may impede a criminal investigation or jeopardize
72 national or homeland security, provided that such request by law enforcement is made in
73 writing or the person documents such request contemporaneously in writing, including the
74 name of the law enforcement officer making the request and the officer's law enforcement
75 agency engaged in the investigation. The notice required by this section shall be provided
76 without unreasonable delay after the law enforcement agency communicates to the person
77 its determination that notice will no longer impede the investigation or jeopardize national
78 or homeland security.

79 (4) The notice shall at minimum include a description of the following:

80 (a) The incident in general terms;

81 (b) The type of personal information that was obtained as a result of the breach of
82 security;

83 (c) A telephone number that the affected consumer may call for further
84 information and assistance, if one exists;

85 (d) Contact information for consumer reporting agencies;

86 (e) Advice that directs the affected consumer to remain vigilant by reviewing
87 account statements and monitoring free credit reports.

88 (5) Notwithstanding subdivisions (1) and (2) of this subsection, notification is not
89 required if, after an appropriate investigation by the person or after consultation with the
90 relevant federal, state, or local agencies responsible for law enforcement, the person
91 determines that a risk of identity theft or other fraud to any consumer is not reasonably
92 likely to occur as a result of the breach. Such a determination shall be documented in
93 writing and the documentation shall be maintained for five years.

94 **(6) For purposes of this section, notice to affected consumers shall be provided by**
95 **one of the following methods:**

96 **(a) Written notice;**

97 **(b) Electronic notice for those consumers for whom the person has a valid e-mail**
98 **address and who have agreed to receive communications electronically, if the notice**
99 **provided is consistent with the provisions of 15 U.S.C. Section 7001 regarding electronic**
100 **records and signatures for notices legally required to be in writing;**

101 **(c) Telephonic notice, if such contact is made directly with the affected consumers;**
102 **or**

103 **(d) Substitute notice, if:**

104 **a. The person demonstrates that the cost of providing notice would exceed one**
105 **hundred thousand dollars; or**

106 **b. The class of affected consumers to be notified exceeds one hundred fifty**
107 **thousand; or**

108 **c. The person does not have sufficient contact information or consent to satisfy**
109 **paragraphs (a), (b), or (c) of this subdivision, for only those affected consumers without**
110 **sufficient contact information or consent; or**

111 **d. The person is unable to identify particular affected consumers, for only those**
112 **unidentifiable consumers.**

113 **(7) Substitute notice under paragraph (d) of subdivision (6) of this subsection shall**
114 **consist of all the following:**

115 **a. E-mail notice when the person has an electronic mail address for the affected**
116 **consumer;**

117 **b. Conspicuous posting of the notice or a link to the notice on the Internet web site**
118 **of the person if the person maintains an Internet web site; and**

119 **c. Notification to major statewide media.**

120 **(8) In the event a person provides notice to more than one thousand consumers at**
121 **one time pursuant to this section, the person shall notify, without unreasonable delay, the**
122 **attorney general's office and all consumer reporting agencies that compile and maintain**
123 **files on consumers on a nationwide basis, as defined in 15 U.S.C. Section 1681a(p), of the**
124 **timing, distribution, and content of the notice.**

125 **3. (1) A person that maintains its own notice procedures as part of an information**
126 **security policy for the treatment of personal information, and whose procedures are**
127 **otherwise consistent with the timing requirements of this section, is deemed to be in**
128 **compliance with the notice requirements of this section if the person notifies affected**
129 **consumers in accordance with its policies in the event of a breach of security of the system.**

130 (2) A person that is regulated by state or federal law and that maintains procedures
131 for a breach of the security of the system pursuant to the laws, rules, regulations,
132 guidances, or guidelines established by its primary or functional state or federal regulator
133 is deemed to be in compliance with this section if the person notifies affected consumers in
134 accordance with the maintained procedures when a breach occurs.

135 (3) A financial institution that is:

136 (a) Subject to and in compliance with the Federal Interagency Guidance Response
137 Programs for Unauthorized Access to Customer Information and Customer Notice, issued
138 on March 29, 2005, by the board of governors of the Federal Reserve System, the Federal
139 Deposit Insurance Corporation, the Office of the Comptroller of the Currency, and the
140 Office of Thrift Supervision, and any revisions, additions, or substitutions relating to said
141 interagency guidance; or

142 (b) Subject to and in compliance with the National Credit Union Administration
143 regulations in 12 CFR Part 748; or

144 (c) Subject to and in compliance with the provisions of Title V of the Gramm-
145 Leach-Bliley Financial Modernization Act of 1999, 15 U.S.C. Sections 6801 to 6809;

146

147 shall be deemed to be in compliance with this section.

148 4. The attorney general shall have exclusive authority to bring an action to obtain
149 actual damages for a willful and knowing violation of this section and may seek a civil
150 penalty not to exceed one hundred fifty thousand dollars per breach of the security of the
151 system or series of breaches of a similar nature that are discovered in a single investigation.

409.5-508. (a) A person [that] commits the crime of criminal securities fraud when
2 such person willfully violates section 409.5-501.

3 (b) A person commits a criminal securities violation when such person willfully
4 violates any other provision of this act, or a rule adopted or order issued under this act, except
5 Section 409.5-504 or the notice filing requirements of section 409.3-302 or 409.4-405, or that
6 willfully violates section 409.5-505 knowing the statement made to be false or misleading in a
7 material respect[, upon conviction, shall be fined not more than one million dollars or imprisoned
8 not more than ten years, or both].

9 (c) A person convicted of criminal securities fraud or any other criminal securities
10 violation shall be fined not more than one million dollars or imprisoned not more than ten
11 years, or both, and if the violation was committed against an elderly or disabled person,
12 then the fine shall be not less than fifty thousand dollars. For purposes of this section, the
13 following terms mean:

14 (1) **"Disabled person", a person with a physical or mental impairment that**
15 **substantially limits one or more of the major life activities of such individual, a record of**
16 **such impairment, or being regarded as having such an impairment;**

17 (2) **"Elderly person", a person sixty years of age or older.**

18 (d) An individual convicted of violating a rule or order under this act may be fined, but
19 may not be imprisoned, if the individual did not have knowledge of the rule or order.

20 [(b)] (e) The attorney general or the proper prosecuting attorney with or without a
21 reference from the commissioner may institute criminal proceedings under this act.

22 [(c)] (f) This act does not limit the power of this state to punish a person for conduct that
23 constitutes a crime under other laws of this state.

 409.6-604. (a) If the commissioner determines that a person has engaged, is engaging,
2 or is about to engage in an act, practice, or course of business constituting a violation of this act
3 or a rule adopted or order issued under this act or that a person has materially aided, is materially
4 aiding, or is about to materially aid an act, practice, or course of business constituting a violation
5 of this act or a rule adopted or order issued under this act, the commissioner may:

6 (1) Issue an order directing the person to cease and desist from engaging in the act,
7 practice, or course of business or to take other action necessary or appropriate to comply with
8 this act;

9 (2) Issue an order denying, suspending, revoking, or conditioning the exemptions for a
10 broker-dealer under section 409.4-401(b)(1)(D) or (F) or an investment adviser under section
11 409.4-403(b)(1)(C); or

12 (3) Issue an order under section 409.2-204.

13 (b) An order under subsection (a) is effective on the date of issuance. Upon issuance of
14 the order, the commissioner shall promptly serve each person subject to the order with a copy
15 of the order and a notice that the order has been entered. The order must include a statement
16 whether the commissioner will seek a civil penalty or costs of the investigation, a statement of
17 the reasons for the order, and notice that, within fifteen days after receipt of a request in a record
18 from the person, the matter will be scheduled for a hearing. If a person subject to the order does
19 not request a hearing and none is ordered by the commissioner within thirty days after the date
20 of service of the order, the order becomes final as to that person by operation of law. If a hearing
21 is requested or ordered, the commissioner, after notice of and opportunity for hearing to each
22 person subject to the order, may modify or vacate the order or extend it until final determination.

23 (c) If a hearing is requested or ordered pursuant to subsection (b), a hearing before the
24 commissioner must be provided. A final order may not be issued unless the commissioner
25 makes findings of fact and conclusions of law in a record in accordance with the provisions of

26 chapter 536, RSMo, and procedural rules promulgated by the commissioner. The final order may
27 make final, vacate, or modify the order issued under subsection (a).

28 (d) In a final order under subsection (c), the commissioner may:

29 (1) Impose a civil penalty up to one thousand dollars for a single violation or up to ten
30 thousand dollars for more than one violation;

31 (2) **Order a person subject to the order to pay restitution for any loss, including the**
32 **amount of any actual damages that may have been caused by the conduct and interest at**
33 **the rate of eight percent per year from the date of the violation causing the loss or disgorge**
34 **any profits arising from the violation;**

35 (3) **In addition to any civil penalty otherwise provided by law, impose an additional**
36 **civil penalty not to exceed five thousand dollars for each such violation if the commissioner**
37 **finds that a person subject to the order has violated any provision of this act and that such**
38 **violation was committed against an elderly or disabled person. For purposes of this**
39 **section, the following terms mean:**

40 (A) **"Disabled person", a person with a physical or mental impairment that**
41 **substantially limits one or more of the major life activities of such individual, a record of**
42 **such impairment, or being regarded as having such an impairment;**

43 (B) **"Elderly person", a person sixty years of age or older.**

44 (e) In a final order, the commissioner may charge the actual cost of an investigation or
45 proceeding for a violation of this act or a rule adopted or order issued under this act. These funds
46 may be paid into the investor education and protection fund.

47 (f) If a petition for judicial review of a final order is not filed in accordance with section
48 409.6-609, the commissioner may file a certified copy of the final order with the clerk of a court
49 of competent jurisdiction. The order so filed has the same effect as a judgment of the court and
50 may be recorded, enforced, or satisfied in the same manner as a judgment of the court.

51 (g) If a person does not comply with an order under this section, the commissioner may
52 petition a court of competent jurisdiction to enforce the order. The court may not require the
53 commissioner to post a bond in an action or proceeding under this section. If the court finds,
54 after service and opportunity for hearing, that the person was not in compliance with the order,
55 the court may adjudge the person in civil contempt of the order. The court may impose a further
56 civil penalty against the person for contempt in an amount not less than five thousand dollars but
57 not greater than one hundred thousand dollars for each violation and may grant any other relief
58 the court determines is just and proper in the circumstances.

59 (h) The commissioner is authorized to issue administrative consent orders in the
60 settlement of any proceeding in the public interest under this act.

544.665. 1. In addition to the forfeiture of any security which was given or pledged for a person's release, any person who, having been released [pursuant to sections 544.040 to 544.665, or] upon a recognizance or bond pursuant to any other provisions of law **while pending preliminary hearing, trial, sentencing, appeal, probation or parole revocation, or any other stage of a criminal matter against him or her**, [willfully] **knowingly** fails to appear before any court or judicial officer as required shall be guilty of [an offense and punished as follows:] **the crime of failure to appear.**

[(1)] **2. Failure to appear is:**

(1) **A class D felony** if [arrested for or charged with] **the criminal matter for which the person was released included** a felony[, by a fine of not more than five thousand dollars or imprisoned for not more than five years];

(2) **A class A misdemeanor** if [arrested for or charged with] **the criminal matter for which the person was released includes** a misdemeanor[, by a fine of not more than one thousand dollars or confinement in the county jail for not more than one year] **or misdemeanors but no felony or felonies;**

(3) **An infraction** if [arrested for or charged with] **the criminal matter for which the person was released includes only** an infraction[, by a fine of not more than five hundred dollars] **or infractions;**

(4) **An infraction** if [arrested for] **the criminal matter for which the person was released includes only** the violation of a municipal ordinance, [by a fine not to exceed five hundred dollars;] provided that the sentence imposed shall not exceed the maximum fine [or maximum period of imprisonment] which could be imposed for the [offense] **municipal ordinance** for which the accused was arrested.

[2.] **3.** Nothing in sections 544.040 to 544.665 shall prevent the exercise by any court of its power to punish for contempt.

545.050. [1.] No indictment for any trespass against the person or property of another, not amounting to a felony, except for petit larceny, and no indictment for the disturbance of the peace of a person, or for libel or slander, shall be preferred unless the name of a prosecutor is affixed thereto, thus: "A B, prosecutor", except where the same is preferred upon the information and testimony of one or more grand jurors, or of some public officer in the necessary discharge of his **or her** duty.

[2. If the defendant be acquitted or the prosecution fails, judgment shall be entered against such prosecutor for the costs.]

550.040. In all capital cases, and those in which imprisonment in the penitentiary is the sole punishment for the offense, if the defendant is acquitted, the costs shall be paid by the state; and in all other trials on indictments or information, if the defendant is acquitted, the costs shall

4 be paid by the county in which the indictment was found or information filed[, except when the
5 prosecutor shall be adjudged to pay them or it shall be otherwise provided by law].

556.036. 1. A prosecution for murder, forcible rape, attempted forcible rape, forcible
2 sodomy, attempted forcible sodomy, or any class A felony may be commenced at any time.

3 2. Except as otherwise provided in this section, prosecutions for other offenses must be
4 commenced within the following periods of limitation:

5 (1) For any felony, three years, **except as provided in subdivision (4) of this**
6 **subsection;**

7 (2) For any misdemeanor, one year;

8 (3) For any infraction, six months;

9 **(4) For any violation of section 569.040, RSMo, when classified as a class B felony,**
10 **or any violation of section 569.050 or 569.055, RSMo, five years.**

11 3. If the period prescribed in subsection 2 of this section has expired, a prosecution may
12 nevertheless be commenced for:

13 (1) Any offense a material element of which is either fraud or a breach of fiduciary
14 obligation within one year after discovery of the offense by an aggrieved party or by a person
15 who has a legal duty to represent an aggrieved party and who is himself or herself not a party to
16 the offense, but in no case shall this provision extend the period of limitation by more than three
17 years. As used in this subdivision, the term "person who has a legal duty to represent an
18 aggrieved party" shall mean the attorney general or the prosecuting or circuit attorney having
19 jurisdiction pursuant to section 407.553, RSMo, for purposes of offenses committed pursuant
20 to sections 407.511 to 407.556, RSMo; and

21 (2) Any offense based upon misconduct in office by a public officer or employee at any
22 time when the defendant is in public office or employment or within two years thereafter, but in
23 no case shall this provision extend the period of limitation by more than three years; and

24 (3) Any offense based upon an intentional and willful fraudulent claim of child support
25 arrearage to a public servant in the performance of his or her duties within one year after
26 discovery of the offense, but in no case shall this provision extend the period of limitation by
27 more than three years.

28 4. An offense is committed either when every element occurs, or, if a legislative purpose
29 to prohibit a continuing course of conduct plainly appears, at the time when the course of
30 conduct or the defendant's complicity therein is terminated. Time starts to run on the day after
31 the offense is committed.

32 5. A prosecution is commenced for a misdemeanor or infraction when the information
33 is filed and for a felony when the complaint or indictment is filed.

34 6. The period of limitation does not run:

35 (1) During any time when the accused is absent from the state, but in no case shall this
36 provision extend the period of limitation otherwise applicable by more than three years; or

37 (2) During any time when the accused is concealing himself from justice either within
38 or without this state; or

39 (3) During any time when a prosecution against the accused for the offense is pending
40 in this state; or

41 (4) During any time when the accused is found to lack mental fitness to proceed pursuant
42 to section 552.020, RSMo.

561.031. 1. In the following proceedings, the provisions of section 544.250, 544.270,
2 544.275, RSMo, 546.030, RSMo, or of any other statute, or the provisions of supreme court rules
3 21.10, 22.07, 24.01, 24.02, 27.01, 29.07, 31.02, 31.03, 36.01, 37.16, 37.47, 37.48, 37.50, 37.57,
4 37.58, 37.59, and 37.64 to the contrary notwithstanding, when the physical appearance in person
5 in court is required of any person held in a place of custody or confinement, such personal
6 appearance may be made by means of two-way audio-visual communication, including but not
7 limited to, closed circuit television or computerized video conferencing; provided that such
8 audio-visual communication facilities provide two-way audio-visual communication between
9 the court and the place of custody or confinement [and that a full record of such proceedings be
10 made by split-screen imaging and recording of the proceedings in the courtroom and the place
11 of confinement or custody in addition to such other record as may be required]:

12 (1) First appearance before an associate circuit judge on a criminal complaint;

13 (2) Waiver of preliminary hearing;

14 (3) Arraignment on an information or indictment where a plea of not guilty is entered;

15 (4) Arraignment on an information or indictment where a plea of guilty is entered upon
16 waiver of any right such person might have to be physically present;

17 (5) Any pretrial or posttrial criminal proceeding not allowing the cross-examination of
18 witnesses;

19 (6) Sentencing after conviction at trial upon waiver of any right such person might have
20 to be physically present;

21 (7) Sentencing after entry of a plea of guilty; and

22 (8) Any civil proceeding other than trial by jury.

23 2. This section shall not prohibit other appearances via closed circuit television upon
24 waiver of any right such person held in custody or confinement might have to be physically
25 present.

26 3. Nothing contained in this section shall be construed as establishing a right for any
27 person held in custody to appear on television or as requiring that any governmental entity or
28 place of custody or confinement provide a two-way audio-visual communication system.

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

2 (1) "Domestic assault offense":

3 (a) The commission of the crime of domestic assault in the first degree [pursuant to
4 section 565.072] or domestic assault in the second degree [pursuant to section 565.073]; or

5 (b) The commission of the crime of assault in the first degree [pursuant to the provisions
6 of section 565.050] or assault in the second degree [pursuant to the provisions of section
7 565.060,] if the victim of the assault was a family or household member;

8 (c) **The commission of a crime in another state, or any federal, tribal, or military**
9 **offense which, if committed in this state, would be a violation of any offense listed in**
10 **paragraph (a) or (b) of this subdivision;**

11 (2) "Family" or "household member", spouses, former spouses, adults related by blood
12 or marriage, adults who are presently residing together or have resided together in the past and
13 adults who have a child in common regardless of whether they have been married or have resided
14 together at any time;

15 (3) "Persistent domestic violence offender", a person who has pleaded guilty to or has
16 been found guilty of two or more domestic assault offenses, where such two or more offenses
17 occurred within ten years of the occurrence of the domestic assault offense for which the person
18 is charged; and

19 (4) "Prior domestic violence offender", a person who has pleaded guilty to or has been
20 found guilty of one domestic assault offense, where such prior offense occurred within five years
21 of the occurrence of the domestic assault offense for which the person is charged.

22 2. No court shall suspend the imposition of sentence as to a prior or persistent domestic
23 violence offender pursuant to this section nor sentence such person to pay a fine in lieu of a term
24 of imprisonment, section 557.011, RSMo, to the contrary notwithstanding, nor shall such person
25 be eligible for parole or probation until such person has served a minimum of six months'
26 imprisonment.

27 3. The court shall find the defendant to be a prior domestic violence offender or
28 persistent domestic violence offender, if:

29 (1) The indictment or information, original or amended, or the information in lieu of an
30 indictment pleads all essential facts warranting a finding that the defendant is a prior domestic
31 violence offender or persistent domestic violence offender; and

32 (2) Evidence is introduced that establishes sufficient facts pleaded to warrant a finding
33 beyond a reasonable doubt the defendant is a prior domestic violence offender or persistent
34 domestic violence offender; and

35 (3) The court makes findings of fact that warrant a finding beyond a reasonable doubt
36 by the court that the defendant is a prior domestic violence offender or persistent domestic
37 violence offender.

38 4. In a jury trial, such facts shall be pleaded, established and found prior to submission
39 to the jury outside of its hearing.

40 5. In a trial without a jury or upon a plea of guilty, the court may defer the proof in
41 findings of such facts to a later time, but prior to sentencing.

42 6. The defendant shall be accorded full rights of confrontation and cross-examination,
43 with the opportunity to present evidence, at such hearings.

44 7. The defendant may waive proof of the facts alleged.

45 8. Nothing in this section shall prevent the use of presentence investigations or
46 commitments.

47 9. At the sentencing hearing both the state and the defendant shall be permitted to present
48 additional information bearing on the issue of sentence.

49 10. The pleas or findings of guilty shall be prior to the date of commission of the present
50 offense.

51 11. The court shall not instruct the jury as to the range of punishment or allow the jury,
52 upon a finding of guilty, to assess and declare the punishment as part of its verdict in cases of
53 prior domestic violence offenders or persistent domestic violence offenders.

54 12. Evidence of prior convictions shall be heard and determined by the trial court out of
55 the hearing of the jury prior to the submission of the case to the jury, and shall include but not
56 be limited to evidence of convictions received by a search of the records of the Missouri uniform
57 law enforcement system maintained by the Missouri state highway patrol. After hearing the
58 evidence, the court shall enter its findings thereon.

59 13. Evidence of similar criminal convictions of domestic violence pursuant to this
60 chapter, chapter 566, RSMo, or chapter 568, RSMo, within five years of the offense at issue,
61 shall be admissible for the purposes of showing a past history of domestic violence.

62 14. Any person who has pleaded guilty to or been found guilty of a violation of section
63 565.072 shall be sentenced to the authorized term of imprisonment for a class A felony if the
64 court finds the offender is a prior domestic violence offender. The offender shall be sentenced
65 to the authorized term of imprisonment for a class A felony which term shall be served without
66 probation or parole if the court finds the offender is a persistent domestic violence offender or
67 the prior domestic violence offender inflicts serious physical injury on the victim.

68 15. Any person who has pleaded guilty to or been found guilty of a violation of section
69 565.073 shall be sentenced:

70 (a) To the authorized term of imprisonment for a class B felony if the court finds the
71 offender is a prior domestic violence offender; or

72 (b) To the authorized term of imprisonment for a class A felony if the court finds the
73 offender is a persistent domestic violence offender.

565.081. 1. A person commits the crime of assault of a law enforcement officer,
2 **corrections officer**, emergency personnel, or probation and parole officer in the first degree if
3 such person attempts to kill or knowingly causes or attempts to cause serious physical injury to
4 a law enforcement officer [or] , **corrections officer**, emergency personnel, **or probation and**
5 **parole officer**.

6 2. As used in this section, "emergency personnel" means any paid or volunteer
7 firefighter, emergency room or trauma center personnel, or emergency medical technician as
8 defined in subdivisions (15), (16), [and] (17), **and (18)** of section 190.100, RSMo.

9 3. **As used in this section the term "corrections officer" includes any jailer or**
10 **corrections officer of the state or any political subdivision of the state.**

11 4. Assault of a law enforcement officer, **corrections officer**, emergency personnel, or
12 probation and parole officer in the first degree is a class A felony.

565.082. 1. A person commits the crime of assault of a law enforcement officer,
2 **corrections officer**, emergency personnel, or probation and parole officer in the second degree
3 if such person:

4 (1) Knowingly causes or attempts to cause physical injury to a law enforcement officer,
5 **corrections officer**, emergency personnel, or probation and parole officer by means of a deadly
6 weapon or dangerous instrument;

7 (2) Knowingly causes or attempts to cause physical injury to a law enforcement officer,
8 **corrections officer**, emergency personnel, highway worker in a construction zone or work zone,
9 or probation and parole officer by means other than a deadly weapon or dangerous instrument;

10 (3) Recklessly causes serious physical injury to a law enforcement officer, **corrections**
11 **officer**, emergency personnel, or probation and parole officer; or

12 (4) While in an intoxicated condition or under the influence of controlled substances or
13 drugs, operates a motor vehicle or vessel in this state and when so operating, acts with criminal
14 negligence to cause physical injury to a law enforcement officer, **corrections officer**, emergency
15 personnel, or probation and parole officer;

16 (5) Acts with criminal negligence to cause physical injury to a law enforcement officer,
17 **corrections officer**, emergency personnel, or probation and parole officer by means of a deadly
18 weapon or dangerous instrument;

19 (6) Purposely or recklessly places a law enforcement officer, **corrections officer**,
20 emergency personnel, or probation and parole officer in apprehension of immediate serious
21 physical injury; or

22 (7) Acts with criminal negligence to create a substantial risk of death or serious physical
23 injury to a law enforcement officer, **corrections officer**, emergency personnel, or probation and
24 parole officer.

25 2. As used in this section, "emergency personnel" means any paid or volunteer
26 firefighter, emergency room or trauma center personnel, or emergency medical technician as
27 defined in subdivisions (15), (16), [and] (17), **and (18)** of section 190.100, RSMo.

28 3. **As used in this section the term "corrections officer" includes any jailer or**
29 **corrections officer of the state or any political subdivision of the state.**

30 4. Assault of a law enforcement officer, **corrections officer**, emergency personnel, or
31 probation and parole officer in the second degree is a class B felony unless committed pursuant
32 to subdivision (2), (5), (6), or (7) of subsection 1 of this section in which case it is a class C
33 felony.

565.083. 1. A person commits the crime of assault of a law enforcement officer,
2 **corrections officer**, emergency personnel, or probation and parole officer in the third degree if:

3 (1) Such person recklessly causes physical injury to a law enforcement officer,
4 **corrections officer**, emergency personnel, or probation and parole officer;

5 (2) Such person purposely places a law enforcement officer, **corrections officer**,
6 emergency personnel, or probation and parole officer in apprehension of immediate physical
7 injury;

8 (3) Such person knowingly causes or attempts to cause physical contact with a law
9 enforcement officer, **corrections officer**, emergency personnel, or probation and parole officer
10 without the consent of the law enforcement officer [or] , **corrections officer**, emergency
11 personnel, **or probation and parole officer.**

12 2. As used in this section, "emergency personnel" means any paid or volunteer
13 firefighter, emergency room or trauma center personnel, or emergency medical technician as
14 defined in subdivisions (15), (16), [and] (17), **and (18)** of section 190.100, RSMo.

15 3. **As used in this section the term "corrections officer" includes any jailer or**
16 **corrections officer of the state or any political subdivision of the state.**

17 4. Assault of a law enforcement officer, **corrections officer**, emergency personnel, or
18 probation and parole officer in the third degree is a class A misdemeanor.

565.084. 1. A person commits the crime of tampering with a judicial officer if, with the
2 purpose to harass, intimidate or influence a judicial officer in the performance of such officer's
3 official duties, [he] **such person:**

4 (1) Threatens or causes harm to such judicial officer or members of such judicial officer's
5 family;

6 (2) Uses force, threats, or deception against or toward such judicial officer or members
7 of such judicial officer's family;

8 (3) Offers, conveys or agrees to convey any benefit direct or indirect upon such judicial
9 officer or such judicial officer's family;

10 (4) Engages in conduct reasonably calculated to harass or alarm such judicial officer or
11 such judicial officer's family, including stalking pursuant to section 565.225.

12 2. A judicial officer for purposes of this section shall be a judge, arbitrator, special
13 master, **juvenile officer, deputy juvenile officer, state prosecuting or circuit attorney, state**
14 **assistant prosecuting or circuit attorney**, juvenile court commissioner, state probation or
15 parole officer, or referee.

16 3. A judicial officer's family for purposes of this section shall be:

17 (1) [His] **Such officer's** spouse; or

18 (2) [His] **Such officer** or [his] **such officer's** spouse's ancestor or descendant by blood
19 or adoption; or

20 (3) [His] **Such officer's** stepchild, while the marriage creating that relationship exists.

21 4. Tampering with a judicial officer is a class C felony.

566.013. In the course of a criminal investigation under this chapter, when the
2 **venue of the alleged criminal conduct cannot be readily determined without further**
3 **investigation, the attorney general may request the prosecuting attorney of Cole County**
4 **to request a circuit or associate circuit judge of Cole County to issue a subpoena to any**
5 **witness who may have information for the purpose of oral examination under oath or to**
6 **require access to data or the production of books, papers, records, or other material of**
7 **evidentiary nature at the office of the attorney general. If, upon review of the evidence**
8 **produced pursuant to the subpoenas, it appears that a violation of this chapter may have**
9 **been committed, the attorney general shall provide the evidence produced pursuant to**
10 **subpoena to an appropriate county prosecuting attorney or circuit attorney having venue**
11 **over the criminal offense.**

566.147. 1. Any person who, since July 1, 1979, has been or hereafter has pleaded guilty
2 or nolo contendere to, or been convicted of, or been found guilty of:

3 (1) Violating any of the provisions of this chapter or the provisions of subsection 2 of
4 section 568.020, RSMo, incest; section 568.045, RSMo, endangering the welfare of a child in
5 the first degree; subsection 2 of section 568.080, RSMo, use of a child in a sexual performance;
6 section 568.090, RSMo, promoting a sexual performance by a child; section 573.023, RSMo,
7 sexual exploitation of a minor; section 573.025, RSMo, promoting child pornography in the first

8 degree; section 573.035, RSMo, promoting child pornography in the second degree; section
9 573.037, RSMo, possession of child pornography, or section 573.040, RSMo, furnishing
10 pornographic material to minors; or [for an]

11 (2) Any offense in any other state or foreign country, or under federal, tribal, or military
12 jurisdiction which, if committed in this state, would be a violation listed in this section;

13

14 shall not reside within one thousand feet of any public school as defined in section 160.011,
15 RSMo, or any private school giving instruction in a grade or grades not higher than the twelfth
16 grade, or child-care facility as defined in section 210.201, RSMo, which is in existence at the
17 time the individual begins to reside at the location.

18 2. If such person has already established a residence and a public school, a private
19 school, or child-care facility is subsequently built or placed within one thousand feet of such
20 person's residence, then such person shall, within one week of the opening of such public school,
21 private school, or child-care facility, notify the county sheriff where such public school, private
22 school, or child-care facility is located that he or she is now residing within one thousand feet
23 of such public school, private school, or child-care facility and shall provide verifiable proof to
24 the sheriff that he or she resided there prior to the opening of such public school, private school,
25 or child-care facility.

26 3. For purposes of this section, "resides" means sleeps in a residence, which may include
27 more than one location and may be mobile or transitory.

28 4. Violation of the provisions of subsection 1 of this section is a class D felony except
29 that the second or any subsequent violation is a class B felony. Violation of the provisions of
30 subsection 2 of this section is a class A misdemeanor except that the second or subsequent
31 violation is a class D felony.

**566.148. 1. Any person who has pleaded guilty or nolo contendere to, or been
2 convicted of, or been found guilty of:**

3 (1) Violating any of the provisions of this chapter or the provisions of subsection
4 2 of section 568.020, RSMo, incest; section 568.045, RSMo, endangering the welfare of a
5 child in the first degree; subsection 2 of section 568.080, RSMo, use of a child in a sexual
6 performance; section 568.090, RSMo, promoting a sexual performance by a child; section
7 573.023, RSMo, sexual exploitation of a minor; section 573.025, RSMo, promoting child
8 pornography in the first degree; section 573.035, RSMo, promoting child pornography in
9 the second degree; section 573.037, RSMo, possession of child pornography, or section
10 573.040, RSMo, furnishing pornographic material to minors; or

11 **(2) Any offense in any other state or foreign country, or under federal, tribal, or**
12 **military jurisdiction which, if committed in this state, would be a violation listed in this**
13 **section;**

14
15 **shall not knowingly be physically present in or loiter within five hundred feet of or to**
16 **approach, contact, or communicate with any child under eighteen years of age in any child**
17 **care facility building, on the real property comprising any child care facility when persons**
18 **under the age of eighteen are present in the building, on the grounds, or in the conveyance,**
19 **unless the offender is a parent, legal guardian, or custodian of a student present in the**
20 **building or on the grounds.**

21 **2. For purposes of this section, "child care facility" shall have the same meaning**
22 **as such term is defined in section 210.201, RSMo.**

23 **3. Any person who violates the provisions of this section is guilty of a class A**
24 **misdemeanor.**

566.149. 1. Any person who has pleaded guilty or nolo contendere to, or been convicted
2 of, or been found guilty of:

3 **(1)** Violating any of the provisions of this chapter or the provisions of subsection 2 of
4 section 568.020, RSMo, incest; section 568.045, RSMo, endangering the welfare of a child in
5 the first degree; subsection 2 of section 568.080, RSMo, use of a child in a sexual performance;
6 section 568.090, RSMo, promoting a sexual performance by a child; section 573.023, RSMo,
7 sexual exploitation of a minor; section 573.025, RSMo, promoting child pornography; or section
8 573.040, RSMo, furnishing pornographic material to minors; or [for an]

9 **(2) Any offense in any other state or foreign country, or under tribal, federal, or military**
10 **jurisdiction which, if committed in this state, would be a violation listed in this section;**

11
12 **shall not be present in or loiter within five hundred feet of any school building, on real property**
13 **comprising any school, or in any conveyance owned, leased, or contracted by a school to**
14 **transport students to or from school or a school-related activity when persons under the age of**
15 **eighteen are present in the building, on the grounds, or in the conveyance, unless the offender**
16 **is a parent, legal guardian, or custodian of a student present in the building and has met the**
17 **conditions set forth in subsection 2 of this section.**

18 **2. No parent, legal guardian, or custodian who has pleaded guilty or nolo contendere to,**
19 **or been convicted of, or been found guilty of violating any of the offenses listed in subsection**
20 **1 of this section shall be present in any school building, on real property comprising any school,**
21 **or in any conveyance owned, leased, or contracted by a school to transport students to or from**
22 **school or a school-related activity when persons under the age of eighteen are present in the**

23 building, on the grounds or in the conveyance unless the parent, legal guardian, or custodian has
 24 permission to be present from the superintendent or school board or in the case of a private
 25 school from the principal. In the case of a public school, if permission is granted, the
 26 superintendent or school board president must inform the principal of the school where the sex
 27 offender will be present. Permission may be granted by the superintendent, school board, or in
 28 the case of a private school from the principal for more than one event at a time, such as a series
 29 of events, however, the parent, legal guardian, or custodian must obtain permission for any other
 30 event he or she wishes to attend for which he or she has not yet had permission granted.

31 **3. Regardless of the person's knowledge of his or her proximity to school property**
 32 **or a school-related activity**, violation of the provisions of this section shall be a class A
 33 misdemeanor.

566.150. 1. Any person who has pleaded guilty to, or been convicted of, or been
 2 **found guilty of:**

3 (1) **Violating any of the provisions of this chapter or the provisions of subsection**
 4 **2 of section 568.020, RSMo, incest; section 568.045, RSMo, endangering the welfare of a**
 5 **child in the first degree; subsection 2 of section 568.080, RSMo, use of a child in a sexual**
 6 **performance; section 568.090, RSMo, promoting a sexual performance by a child; section**
 7 **573.023, RSMo, sexual exploitation of a minor; section 573.025, RSMo, promoting child**
 8 **pornography; or section 573.040, RSMo, furnishing pornographic material to minors; or**

9 (2) **Any offense in any other state or foreign country, or under federal, tribal, or**
 10 **military jurisdiction which, if committed in this state, would be a violation listed in this**
 11 **section;**

12

13 **shall not knowingly be present in or loiter within five hundred feet of any real property**
 14 **comprising any public park with playground equipment or a public swimming pool.**

15 **2. The first violation of the provisions of this section shall be a class D felony.**

16 **3. A second or subsequent violation of this section shall be a class C felony.**

566.155. 1. Any person who has pleaded guilty to, or been convicted of, or been
 2 **found guilty of:**

3 (1) **Violating any of the provisions of this chapter or the provisions of subsection**
 4 **2 of section 568.020, RSMo, incest; section 568.045, RSMo, endangering the welfare of a**
 5 **child in the first degree; subsection 2 of section 568.080, RSMo, use of a child in a sexual**
 6 **performance; section 568.090, RSMo, promoting a sexual performance by a child; section**
 7 **573.023, RSMo, sexual exploitation of a minor; section 573.025, RSMo, promoting child**
 8 **pornography; or section 573.040, RSMo, furnishing pornographic material to minors; or**

9 **(2) Any offense in any other state or foreign country, or under federal, tribal, or**
10 **military jurisdiction which, if committed in this state, would be a violation listed in this**
11 **section;**

12
13 **shall not serve as an athletic coach, manager, or athletic trainer for any sports team in**
14 **which a child less than seventeen years of age is a member.**

15 **2. The first violation of the provisions of this section shall be a class D felony.**

16 **3. A second or subsequent violation of this section shall be a class C felony.**

568.045. 1. A person commits the crime of endangering the welfare of a child in the first
2 degree if:

3 (1) The person knowingly acts in a manner that creates a substantial risk to the life, body,
4 or health of a child less than seventeen years old; or

5 (2) The person knowingly engages in sexual conduct with a person under the age of
6 seventeen years over whom the person is a parent, guardian, or otherwise charged with the care
7 and custody;

8 (3) The person knowingly encourages, aids or causes a child less than seventeen years
9 of age to engage in any conduct which violates the provisions of chapter 195, RSMo;

10 (4) Such person enlists the aid, either through payment or coercion, of a person less than
11 seventeen years of age to unlawfully manufacture, compound, produce, prepare, sell, transport,
12 test or analyze amphetamine or methamphetamine or any of their analogues, or to obtain any
13 material used to manufacture, compound, produce, prepare, test or analyze amphetamine or
14 methamphetamine or any of their analogues; or

15 (5) Such person, in the presence of a person less than seventeen years of age or in a
16 residence where a person less than seventeen years of age resides, unlawfully manufactures, or
17 attempts to manufacture compounds, **possesses**, produces, prepares, sells, transports, tests or
18 analyzes amphetamine or methamphetamine or any of their analogues.

19 2. Endangering the welfare of a child in the first degree is a class C felony unless the
20 offense is committed as part of a ritual or ceremony, or except on a second or subsequent
21 offense, in which case the crime is a class B felony.

22 **3. This section shall be known as "Hope's Law".**

570.030. 1. A person commits the crime of stealing if he or she appropriates property
2 or services of another with the purpose to deprive him or her thereof, either without his or her
3 consent or by means of deceit or coercion.

4 2. Evidence of the following is admissible in any criminal prosecution pursuant to this
5 section on the issue of the requisite knowledge or belief of the alleged stealer:

6 (1) That he or she failed or refused to pay for property or services of a hotel, restaurant,
7 inn or boardinghouse;

8 (2) That he or she gave in payment for property or services of a hotel, restaurant, inn or
9 boardinghouse a check or negotiable paper on which payment was refused;

10 (3) That he or she left the hotel, restaurant, inn or boardinghouse with the intent to not
11 pay for property or services;

12 (4) That he or she surreptitiously removed or attempted to remove his or her baggage
13 from a hotel, inn or boardinghouse;

14 (5) That he or she, with intent to cheat or defraud a retailer, possesses, uses, utters,
15 transfers, makes, alters, counterfeits, or reproduces a retail sales receipt, price tag, or universal
16 price code label, or possesses with intent to cheat or defraud, the device that manufactures
17 fraudulent receipts or universal price code labels.

18 3. Notwithstanding any other provision of law, any offense in which the value of
19 property or services is an element is a class C felony if:

20 (1) The value of the property or services appropriated is five hundred dollars or more but
21 less than twenty-five thousand dollars; or

22 (2) The actor physically takes the property appropriated from the person of the victim;
23 or

24 (3) The property appropriated consists of:

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

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

27 (c) Any credit card or letter of credit; or

28 (d) Any firearms; or

29 (e) **Any explosive weapon as defined in section 571.010, RSMo; or**

30 (f) **A United States national flag designed, intended and used for display on buildings**
31 **or stationary flagstaffs in the open; or**

32 [(f)] (g) Any original copy of an act, bill or resolution, introduced or acted upon by the
33 legislature of the state of Missouri; or

34 [(g)] (h) Any pleading, notice, judgment or any other record or entry of any court of this
35 state, any other state or of the United States; or

36 [(h)] (i) Any book of registration or list of voters required by chapter 115, RSMo; or

37 [(i)] (j) Any animal [of the species of horse, mule, ass, cattle, swine, sheep, or goat]
38 **considered livestock as that term is defined in section 144.010, RSMo; or**

39 [(j)] (k) Live fish raised for commercial sale with a value of seventy-five dollars; or

40 (l) **Captive wildlife held under permit issued by the conservation commission; or**

41 [(k)] (m) Any controlled substance as defined by section 195.010, RSMo; or

42 [(1)] **(n)** Anhydrous ammonia;

43 [(m)] **(o)** Ammonium nitrate; or

44 [(n)] **(p)** Any document of historical significance which has fair market value of five
45 hundred dollars or more.

46 4. If an actor appropriates any material with a value less than five hundred dollars in
47 violation of this section with the intent to use such material to manufacture, compound, produce,
48 prepare, test or analyze amphetamine or methamphetamine or any of their analogues, then such
49 violation is a class C felony. The theft of any amount of anhydrous ammonia or liquid nitrogen,
50 or any attempt to steal any amount of anhydrous ammonia or liquid nitrogen, is a class B felony.
51 The theft of any amount of anhydrous ammonia by appropriation of a tank truck, tank trailer, rail
52 tank car, bulk storage tank, field (nurse) tank or field applicator is a class A felony.

53 5. The theft of any item of property or services pursuant to subsection 3 of this section
54 which exceeds five hundred dollars may be considered a separate felony and may be charged in
55 separate counts.

56 6. Any person with a prior conviction of [paragraph (i)] **paragraphs (j) or (l)** of
57 subdivision (3) of subsection 3 of this section and who violates the provisions of [paragraph (i)]
58 **paragraphs (j) or (l)** of subdivision (3) of subsection 3 of this section when the value of the
59 animal or animals stolen exceeds three thousand dollars is guilty of a class B felony.
60 **Notwithstanding any provision of law to the contrary, such person shall serve a minimum**
61 **prison term of not less than eighty percent of his or her sentence before he or she is eligible**
62 **for probation, parole, conditional release, or other early release by the department of**
63 **corrections.**

64 7. Any offense in which the value of property or services is an element is a class B felony
65 if the value of the property or services equals or exceeds twenty-five thousand dollars.

66 8. Any violation of this section for which no other penalty is specified in this section is
67 a class A misdemeanor.

570.040. 1. Every person who has previously pled guilty **to** or been found guilty [on two
2 separate occasions] of [a] **two** stealing-related [offense] **offenses committed on two separate**
3 **occasions** where such offenses occurred within ten years of the date of occurrence of the present
4 offense [and where the person received a sentence of ten days or more on such previous offense]
5 and who subsequently pleads guilty or is found guilty of a stealing-related offense is guilty of a
6 class D felony, unless the subsequent plea or guilty verdict is pursuant to paragraph (a) of
7 subdivision (3) of subsection 3 of section 570.030, in which case the person shall be guilty of
8 a class B felony, and shall be punished accordingly.

9 2. As used in this section, the term "stealing-related offense" shall include federal and
10 state violations of criminal statutes against stealing, **robbery**, or buying or receiving stolen

11 property and shall also include municipal ordinances against same if the defendant was either
12 represented by counsel or knowingly waived counsel in writing and the judge accepting the plea
13 or making the findings was a licensed attorney at the time of the court proceedings.

14 3. Evidence of prior guilty pleas or findings of guilt shall be heard by the court, out of
15 the hearing of the jury, prior to the submission of the case to the jury, and the court shall
16 determine the existence of the prior guilty pleas or findings of guilt.

570.080. 1. A person commits the crime of receiving stolen property if for the purpose
2 of depriving the owner of a lawful interest therein, he or she receives, retains or disposes of
3 property of another knowing that it has been stolen, or believing that it has been stolen.

4 2. Evidence of the following is admissible in any criminal prosecution pursuant to this
5 section to prove the requisite knowledge or belief of the alleged receiver:

6 (1) That he or she was found in possession or control of other property stolen on separate
7 occasions from two or more persons;

8 (2) That he or she received other stolen property in another transaction within the year
9 preceding the transaction charged;

10 (3) That he or she acquired the stolen property for a consideration which he or she knew
11 was far below its reasonable value;

12 (4) That he or she obtained control over stolen property knowing the property to have
13 been stolen or under such circumstances as would reasonably induce a person to believe the
14 property was stolen.

15 3. Receiving stolen property is a class A misdemeanor unless the property involved has
16 a value of five hundred dollars or more, or the person receiving the property is a dealer in goods
17 of the type in question, **or the property involved is an explosive weapon as that term is**
18 **defined in section 571.010, RSMo**, in which cases receiving stolen property is a class C felony.

573.013. In the course of a criminal investigation under this chapter, when the
2 **venue of the alleged criminal conduct cannot be readily determined without further**
3 **investigation, the attorney general may request the prosecuting attorney of Cole County**
4 **to request a circuit or associate circuit judge of Cole County to issue a subpoena to any**
5 **witness who may have information for the purpose of oral examination under oath or to**
6 **require access to data or the production of books, papers, records, or other material of**
7 **evidentiary nature at the office of the attorney general. If, upon review of the evidence**
8 **produced pursuant to the subpoenas, it appears that a violation of this chapter may have**
9 **been committed, the attorney general shall provide the evidence produced pursuant to**
10 **subpoena to an appropriate county prosecuting attorney or circuit attorney having venue**
11 **over the criminal offense.**

573.020. 1. A person commits the crime of promoting obscenity in the first degree if[,
2 knowing its content and character]:
3 (1) He or she wholesale promotes or possesses with the purpose to wholesale promote
4 any obscene material; or
5 (2) He or she wholesale promotes for minors or possesses with the purpose to wholesale
6 promote for minors any material pornographic for minors; or
7 (3) He or she promotes, wholesale promotes or possesses with the purpose to wholesale
8 promote for minors material that is pornographic for minors via computer, Internet or computer
9 network if the person made the matter available to a specific individual known by the defendant
10 to be a minor.
11 2. Promoting obscenity in the first degree is a class D felony.

573.023. 1. A person commits the crime of sexual exploitation of a minor if[, knowing
2 of its content and character,] such person **knowingly or recklessly** photographs, films,
3 videotapes, produces or otherwise creates obscene material with a minor or child pornography.
4 2. Sexual exploitation of a minor is a class B felony unless the minor is a child, in which
5 case it is a class A felony.

573.025. 1. A person commits the crime of promoting child pornography in the first
2 degree if[, knowing of its content and character,] such person possesses with the intent to
3 promote or promotes child pornography of a child less than fourteen years of age or obscene
4 material portraying what appears to be a child less than fourteen years of age.
5 2. Promoting child pornography in the first degree is a class B felony unless the person
6 knowingly promotes such material to a minor, in which case it is a class A felony. No person
7 who pleads guilty to or is found guilty of, or is convicted of, promoting child pornography in the
8 first degree shall be eligible for probation, parole, or conditional release for a period of three
9 calendar years.
10 3. Nothing in this section shall be construed to require a provider of electronic
11 communication services or remote computing services to monitor any user, subscriber or
12 customer of the provider, or the content of any communication of any user, subscriber or
13 customer of the provider.

573.030. 1. A person commits the crime of promoting pornography for minors or
2 obscenity in the second degree if[, knowing its content or character,] he or she:
3 (1) Promotes or possesses with the purpose to promote any obscene material for
4 pecuniary gain; or
5 (2) Produces, presents, directs or participates in any obscene performance for pecuniary
6 gain; or

7 (3) Promotes or possesses with the purpose to promote any material pornographic for
8 minors for pecuniary gain; or

9 (4) Produces, presents, directs or participates in any performance pornographic for
10 minors for pecuniary gain; or

11 (5) Promotes, possesses with the purpose to promote, produces, presents, directs or
12 participates in any performance that is pornographic for minors via computer, electronic transfer,
13 Internet or computer network if the person made the matter available to a specific individual
14 known by the defendant to be a minor.

15 2. Promoting pornography for minors or obscenity in the second degree is a class A
16 misdemeanor unless the person has pleaded guilty to or has been found guilty of an offense
17 pursuant to this section committed at a different time, in which case it is a class D felony.

573.035. 1. A person commits the crime of promoting child pornography in the second
2 degree if [knowing of its content and character] such person possesses with the intent to promote
3 or promotes child pornography of a minor under the age of eighteen or obscene material
4 portraying what appears to be a minor under the age of eighteen.

5 2. Promoting child pornography in the second degree is a class C felony unless the
6 person knowingly promotes such material to a minor, in which case it is a class B felony. No
7 person who is found guilty of, pleads guilty to, or is convicted of promoting child pornography
8 in the second degree shall be eligible for probation.

573.037. 1. A person commits the crime of possession of child pornography if[,
2 knowing of its content and character,] such person **knowingly or recklessly** possesses any child
3 pornography of a minor under the age of eighteen or obscene material portraying what appears
4 to be a minor under the age of eighteen.

5 2. Possession of child pornography is a class C felony unless the person possesses more
6 than twenty still images of child pornography, possesses one motion picture, film, videotape,
7 videotape production, or other moving image of child pornography, or has pleaded guilty to or
8 has been found guilty of an offense under this section, in which case it is a class B felony.

573.040. 1. A person commits the crime of furnishing pornographic material to minors
2 if[, knowing its content and character,] he or she:

3 (1) Furnishes any material pornographic for minors, knowing that the person to whom
4 it is furnished is a minor or acting in reckless disregard of the likelihood that such person is a
5 minor; or

6 (2) Produces, presents, directs or participates in any performance pornographic for
7 minors that is furnished to a minor knowing that any person viewing such performance is a minor
8 or acting in reckless disregard of the likelihood that a minor is viewing the performance; or

9 (3) Furnishes, produces, presents, directs, participates in any performance or otherwise
10 makes available material that is pornographic for minors via computer, electronic transfer,
11 Internet or computer network if the person made the matter available to a specific individual
12 known by the defendant to be a minor.

13 2. It is not an affirmative defense to a prosecution for a violation of this section that the
14 person being furnished the pornographic material is a peace officer masquerading as a minor.

15 3. Furnishing pornographic material to minors or attempting to furnish pornographic
16 material to minors is a class A misdemeanor unless the person has pleaded guilty to or has been
17 found guilty of an offense committed at a different time pursuant to this chapter, chapter 566 or
18 chapter 568, RSMo, in which case it is a class D felony.

573.060. 1. A person commits the crime of public display of explicit sexual material if
2 he knowingly **or recklessly**:

3 (1) Displays publicly explicit sexual material; or

4 (2) Fails to take prompt action to remove such a display from property in his possession
5 after learning of its existence.

6 2. Public display of explicit sexual material is a class A misdemeanor unless the person
7 has pleaded guilty to or has been found guilty of an offense under this section committed at a
8 different time, in which case it is a class D felony.

9 3. For purposes of this section, each day there is a violation of this section shall
10 constitute a separate offense.

573.065. 1. A person commits the crime of coercing acceptance of obscene material if[,
2 knowing its content and character]:

3 (1) He requires acceptance of obscene material as a condition to any sale, allocation,
4 consignment or delivery of any other material; or

5 (2) He denies any franchise or imposes any penalty, financial or otherwise, by reason of
6 the failure or refusal of any person to accept any material obscene or pornographic for minors.

7 2. Coercing acceptance of obscene material is a class D felony.

575.150. 1. A person commits the crime of resisting or interfering with arrest, detention,
2 or stop if, knowing that a law enforcement officer is making an arrest, or attempting to lawfully
3 detain or stop an individual or vehicle, or the person reasonably should know that a law
4 enforcement officer is making an arrest or attempting to lawfully detain or lawfully stop an
5 individual or vehicle, for the purpose of preventing the officer from effecting the arrest, stop or
6 detention, the person:

7 (1) Resists the arrest, stop or detention of such person by using or threatening the use of
8 violence or physical force or by fleeing from such officer; or

9 (2) Interferes with the arrest, stop or detention of another person by using or threatening
10 the use of violence, physical force or physical interference.

11 2. This section applies to:

12 (1) Arrests, stops, or detentions, with or without warrants [and to] ;

13 (2) Arrests, stops, or detentions, for any crime, infraction, or ordinance violation; **and**

14 (3) **Arrests for warrants issued by a court or a probation and parole officer.**

15 3. A person is presumed to be fleeing a vehicle stop if that person continues to operate
16 a motor vehicle after that person has seen or should have seen clearly visible emergency lights
17 or has heard or should have heard an audible signal emanating from the law enforcement vehicle
18 pursuing that person.

19 4. It is no defense to a prosecution pursuant to subsection 1 of this section that the law
20 enforcement officer was acting unlawfully in making the arrest. However, nothing in this section
21 shall be construed to bar civil suits for unlawful arrest.

22 5. Resisting or interfering with an arrest **is a class D felony for an arrest for a** [felony
23 is a class D felony] :

24 (1) **Felony;**

25 (2) **Warrant issued for failure to appear on a felony case; or**

26 (3) **Warrant issued for a probation violation on a felony case.**

27

28 Resisting an arrest, detention or stop by fleeing in such a manner that the person fleeing creates
29 a substantial risk of serious physical injury or death to any person is a class D felony; otherwise,
30 resisting or interfering with an arrest, detention or stop in violation of subdivision (1) or (2) of
31 subsection 1 of this section is a class A misdemeanor.

575.153. 1. A person commits the crime of disarming a peace officer, as defined in
2 **section 590.100, RSMo, or a correctional officer if such person intentionally:**

3 (1) **Removes a firearm or other deadly weapon from the person of a peace officer**
4 **or correctional officer while such officer is acting within the scope of his or her official**
5 **duties; or**

6 (2) **Deprives a peace officer or correctional officer of such officer's use of a firearm**
7 **or deadly weapon while the officer is acting within the scope of his or her official duties.**

8 2. **The provisions of this section shall not apply when:**

9 (1) **The defendant does not know or could not reasonably have known that the**
10 **person he or she disarmed was a peace officer or correctional officer; or**

11 (2) **The peace officer or correctional officer was engaged in an incident involving**
12 **felonious conduct by the peace officer or correctional officer at the time the defendant**
13 **disarmed such officer.**

14 **3. Disarming a peace officer or correctional officer is a class C felony.**

 575.260. 1. A person commits the crime of tampering with a judicial proceeding if, with
2 purpose to influence the official action of a judge, juror, special master, referee [or], arbitrator,
3 **state prosecuting or circuit attorney, state assistant prosecuting or circuit attorney, or**
4 **attorney general** in a judicial proceeding, he **or she**:

5 (1) Threatens or causes harm to any person or property; or

6 (2) Engages in conduct reasonably calculated to harass or alarm such official or juror;
7 or

8 (3) Offers, confers or agrees to confer any benefit, direct or indirect, upon such official
9 or juror.

10 2. Tampering with a judicial proceeding is a class C felony.

 576.050. 1. A public servant commits the crime of misuse of official information if, in
2 contemplation of official action by himself or herself or by a governmental unit with which he
3 or she is associated, or in reliance on information to which he or she has access in his or her
4 official capacity and which has not been made public, he or she knowingly:

5 (1) Acquires a pecuniary interest in any property, transaction, or enterprise which may
6 be affected by such information or official action; or

7 (2) Speculates or wagers on the basis of such information or official action; or

8 (3) Aids, advises or encourages another to do any of the foregoing with purpose of
9 conferring a pecuniary benefit on any person.

10 2. A person commits [this] **the crime of misuse of official information** if he or she
11 knowingly **or recklessly** obtains or [recklessly] discloses information from the Missouri uniform
12 law enforcement system (MULES) or the National Crime Information Center System (NCIC),
13 **or any other criminal justice information sharing system that contains individually**
14 **identifiable information** for private or personal use, or for a purpose other than in connection
15 with their official duties and performance of their job.

16 3. Misuse of official information is a class A misdemeanor.

 [577.023. 1. For purposes of this section, unless the context clearly
2 indicates otherwise:

3 (1) An "aggravated offender" is a person who:

4 (a) Has pleaded guilty to or has been found guilty of three or more
5 intoxication-related traffic offenses; or

6 (b) Has pleaded guilty to or has been found guilty of one or more
7 intoxication-related traffic offense and, in addition, any of the following:
8 involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section
9 565.024, RSMo; murder in the second degree under section 565.021, RSMo,
10 where the underlying felony is an intoxication-related traffic offense; or assault
11 in the second degree under subdivision (4) of subsection 1 of section 565.060,

12 RSMo; or assault of a law enforcement officer in the second degree under
13 subdivision (4) of subsection 1 of section 565.082, RSMo;

14 (2) A "chronic offender" is:

15 (a) A person who has pleaded guilty to or has been found guilty of four
16 or more intoxication-related traffic offenses; or

17 (b) A person who has pleaded guilty to or has been found guilty of, on
18 two or more separate occasions, any combination of the following: involuntary
19 manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024,
20 RSMo; murder in the second degree under section 565.021, RSMo, where the
21 underlying felony is an intoxication-related traffic offense; assault in the second
22 degree under subdivision (4) of subsection 1 of section 565.060, RSMo; or
23 assault of a law enforcement officer in the second degree under subdivision (4)
24 of subsection 1 of section 565.082, RSMo; or

25 (c) A person who has pleaded guilty to or has been found guilty of two
26 or more intoxication-related traffic offenses and, in addition, any of the
27 following: involuntary manslaughter under subdivision (2) or (3) of subsection
28 1 of section 565.024, RSMo; murder in the second degree under section 565.021,
29 RSMo, where the underlying felony is an intoxication-related traffic offense;
30 assault in the second degree under subdivision (4) of subsection 1 of section
31 565.060, RSMo; or assault of a law enforcement officer in the second degree
32 under subdivision (4) of subsection 1 of section 565.082, RSMo;

33 (3) An "intoxication-related traffic offense" is driving while intoxicated,
34 driving with excessive blood alcohol content, involuntary manslaughter pursuant
35 to subdivision (2) or (3) of subsection 1 of section 565.024, RSMo, murder in the
36 second degree under section 565.021, RSMo, where the underlying felony is an
37 intoxication-related traffic offense, assault in the second degree pursuant to
38 subdivision (4) of subsection 1 of section 565.060, RSMo, assault of a law
39 enforcement officer in the second degree pursuant to subdivision (4) of
40 subsection 1 of section 565.082, RSMo, or driving under the influence of alcohol
41 or drugs in violation of state law or a county or municipal ordinance, where the
42 defendant was represented by or waived the right to an attorney in writing;

43 (4) A "persistent offender" is one of the following:

44 (a) A person who has pleaded guilty to or has been found guilty of two
45 or more intoxication-related traffic offenses;

46 (b) A person who has pleaded guilty to or has been found guilty of
47 involuntary manslaughter pursuant to subdivision (2) or (3) of subsection 1 of
48 section 565.024, RSMo, assault in the second degree pursuant to subdivision (4)
49 of subsection 1 of section 565.060, RSMo, assault of a law enforcement officer
50 in the second degree pursuant to subdivision (4) of subsection 1 of section
51 565.082, RSMo; and

52 (5) A "prior offender" is a person who has pleaded guilty to or has been
53 found guilty of one intoxication-related traffic offense, where such prior offense

54 occurred within five years of the occurrence of the intoxication-related traffic
55 offense for which the person is charged.

56 2. Any person who pleads guilty to or is found guilty of a violation of
57 section 577.010 or 577.012 who is alleged and proved to be a prior offender shall
58 be guilty of a class A misdemeanor.

59 3. Any person who pleads guilty to or is found guilty of a violation of
60 section 577.010 or 577.012 who is alleged and proved to be a persistent offender
61 shall be guilty of a class D felony.

62 4. Any person who pleads guilty to or is found guilty of a violation of
63 section 577.010 or section 577.012 who is alleged and proved to be an aggravated
64 offender shall be guilty of a class C felony.

65 5. Any person who pleads guilty to or is found guilty of a violation of
66 section 577.010 or section 577.012 who is alleged and proved to be a chronic
67 offender shall be guilty of a class B felony.

68 6. No state, county, or municipal court shall suspend the imposition of
69 sentence as to a prior offender, persistent offender, aggravated offender, or
70 chronic offender under this section nor sentence such person to pay a fine in lieu
71 of a term of imprisonment, section 557.011, RSMo, to the contrary
72 notwithstanding. No prior offender shall be eligible for parole or probation until
73 he or she has served a minimum of five days imprisonment, unless as a condition
74 of such parole or probation such person performs at least thirty days of
75 community service under the supervision of the court in those jurisdictions which
76 have a recognized program for community service. No persistent offender shall
77 be eligible for parole or probation until he or she has served a minimum of ten
78 days imprisonment, unless as a condition of such parole or probation such person
79 performs at least sixty days of community service under the supervision of the
80 court. No aggravated offender shall be eligible for parole or probation until he
81 or she has served a minimum of sixty days imprisonment. No chronic offender
82 shall be eligible for parole or probation until he or she has served a minimum of
83 two years imprisonment.

84 7. The state, county, or municipal court shall find the defendant to be a
85 prior offender, persistent offender, aggravated offender, or chronic offender if:

86 (1) The indictment or information, original or amended, or the
87 information in lieu of an indictment pleads all essential facts warranting a finding
88 that the defendant is a prior offender or persistent offender; and

89 (2) Evidence is introduced that establishes sufficient facts pleaded to
90 warrant a finding beyond a reasonable doubt the defendant is a prior offender,
91 persistent offender, aggravated offender, or chronic offender; and

92 (3) The court makes findings of fact that warrant a finding beyond a
93 reasonable doubt by the court that the defendant is a prior offender, persistent
94 offender, aggravated offender, or chronic offender.

95 8. In a jury trial, the facts shall be pleaded, established and found prior
96 to submission to the jury outside of its hearing.

97 9. In a trial without a jury or upon a plea of guilty, the court may defer the
98 proof in findings of such facts to a later time, but prior to sentencing.

99 10. The defendant shall be accorded full rights of confrontation and
100 cross-examination, with the opportunity to present evidence, at such hearings.

101 11. The defendant may waive proof of the facts alleged.

102 12. Nothing in this section shall prevent the use of presentence
103 investigations or commitments.

104 13. At the sentencing hearing both the state, county, or municipality and
105 the defendant shall be permitted to present additional information bearing on the
106 issue of sentence.

107 14. The pleas or findings of guilt shall be prior to the date of commission
108 of the present offense.

109 15. The court shall not instruct the jury as to the range of punishment or
110 allow the jury, upon a finding of guilt, to assess and declare the punishment as
111 part of its verdict in cases of prior offenders, persistent offenders, aggravated
112 offenders, or chronic offenders.

113 16. Evidence of a prior conviction, plea of guilty, or finding of guilt in
114 an intoxication-related traffic offense shall be heard and determined by the trial
115 court out of the hearing of the jury prior to the submission of the case to the jury,
116 and shall include but not be limited to evidence of convictions received by a
117 search of the records of the Missouri uniform law enforcement system maintained
118 by the Missouri state highway patrol. After hearing the evidence, the court shall
119 enter its findings thereon. A plea of guilty or a finding of guilt followed by
120 incarceration, a fine, a suspended imposition of sentence, suspended execution
121 of sentence, probation or parole or any combination thereof in any
122 intoxication-related traffic offense in a state, county, or municipal court, or any
123 combination thereof, shall be treated as a prior plea of guilty or finding of guilt
124 for purposes of this section.]

577.023. 1. For purposes of this section, unless the context clearly indicates otherwise:

2 (1) An "aggravated offender" is a person who:

3 (a) Has pleaded guilty to or has been found guilty of three or more intoxication-related
4 traffic offenses; or

5 (b) Has pleaded guilty to or has been found guilty of one or more intoxication-related
6 traffic offense and, in addition, any of the following: involuntary manslaughter under subdivision

7 (2) or (3) of subsection 1 of section 565.024, RSMo; murder in the second degree under section
8 565.021, RSMo, where the underlying felony is an intoxication-related traffic offense; or assault
9 in the second degree under subdivision (4) of subsection 1 of section 565.060, RSMo; or assault
10 of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of
11 section 565.082, RSMo;

12 (2) A "chronic offender" is:

13 (a) A person who has pleaded guilty to or has been found guilty of four or more
14 intoxication-related traffic offenses; or

15 (b) A person who has pleaded guilty to or has been found guilty of, on two or more
16 separate occasions, any combination of the following: involuntary manslaughter under
17 subdivision (2) or (3) of subsection 1 of section 565.024, RSMo; murder in the second degree
18 under section 565.021, RSMo, where the underlying felony is an intoxication-related traffic
19 offense; assault in the second degree under subdivision (4) of subsection 1 of section 565.060,
20 RSMo; or assault of a law enforcement officer in the second degree under subdivision (4) of
21 subsection 1 of section 565.082, RSMo; or

22 (c) A person who has pleaded guilty to or has been found guilty of two or more
23 intoxication-related traffic offenses and, in addition, any of the following: involuntary
24 manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024, RSMo; murder in
25 the second degree under section 565.021, RSMo, where the underlying felony is an
26 intoxication-related traffic offense; assault in the second degree under subdivision (4) of
27 subsection 1 of section 565.060, RSMo; or assault of a law enforcement officer in the second
28 degree under subdivision (4) of subsection 1 of section 565.082, RSMo;

29 (3) **"Continuous alcohol monitoring", automatically testing breath, blood, or**
30 **transdermal alcohol concentration levels and tampering attempts at least once every hour,**
31 **regardless of the location of the person who is being monitored, and regularly transmitting**
32 **the data. Continuous alcohol monitoring shall be considered an electronic monitoring**
33 **service under subsection 3 of section 217.690, RSMo;**

34 (4) An "intoxication-related traffic offense" is driving while intoxicated, driving with
35 excessive blood alcohol content, involuntary manslaughter pursuant to subdivision (2) or (3) of
36 subsection 1 of section 565.024, RSMo, murder in the second degree under section 565.021,
37 RSMo, where the underlying felony is an intoxication-related traffic offense, assault in the
38 second degree pursuant to subdivision (4) of subsection 1 of section 565.060, RSMo, assault of
39 a law enforcement officer in the second degree pursuant to subdivision (4) of subsection 1 of
40 section 565.082, RSMo, or driving under the influence of alcohol or drugs in violation of state
41 law or a county or municipal ordinance[, where the defendant was represented by or waived the
42 right to an attorney in writing];

43 [(4)] (5) A "persistent offender" is one of the following:

44 (a) A person who has pleaded guilty to or has been found guilty of two or more
45 intoxication-related traffic offenses;

46 (b) A person who has pleaded guilty to or has been found guilty of involuntary
47 manslaughter pursuant to subdivision (2) or (3) of subsection 1 of section 565.024, RSMo,
48 assault in the second degree pursuant to subdivision (4) of subsection 1 of section 565.060,

49 RSMo, assault of a law enforcement officer in the second degree pursuant to subdivision (4) of
50 subsection 1 of section 565.082, RSMo; and

51 [(5)] (6) A "prior offender" is a person who has pleaded guilty to or has been found
52 guilty of one intoxication-related traffic offense, where such prior offense occurred within five
53 years of the occurrence of the intoxication-related traffic offense for which the person is charged.

54 2. Any person who pleads guilty to or is found guilty of a violation of section 577.010
55 or 577.012 who is alleged and proved to be a prior offender shall be guilty of a class A
56 misdemeanor.

57 3. Any person who pleads guilty to or is found guilty of a violation of section 577.010
58 or 577.012 who is alleged and proved to be a persistent offender shall be guilty of a class D
59 felony.

60 4. Any person who pleads guilty to or is found guilty of a violation of section 577.010
61 or section 577.012 who is alleged and proved to be an aggravated offender shall be guilty of a
62 class C felony.

63 5. Any person who pleads guilty to or is found guilty of a violation of section 577.010
64 or section 577.012 who is alleged and proved to be a chronic offender shall be guilty of a class
65 B felony.

66 6. No state, county, or municipal court shall suspend the imposition of sentence as to a
67 prior offender, persistent offender, aggravated offender, or chronic offender under this section
68 nor sentence such person to pay a fine in lieu of a term of imprisonment, section 557.011, RSMo,
69 to the contrary notwithstanding. No prior offender shall be eligible for parole or probation until
70 he or she has served a minimum of five days imprisonment, unless as a condition of such parole
71 or probation such person performs at least thirty days of community service under the
72 supervision of the court in those jurisdictions which have a recognized program for community
73 service. No persistent offender shall be eligible for parole or probation until he or she has served
74 a minimum of ten days imprisonment, unless as a condition of such parole or probation such
75 person performs at least sixty days of community service under the supervision of the court. No
76 aggravated offender shall be eligible for parole or probation until he or she has served a
77 minimum of sixty days imprisonment. No chronic offender shall be eligible for parole or
78 probation until he or she has served a minimum of two years imprisonment. **In addition to any
79 other terms or conditions of probation, the court shall consider, as a condition of probation
80 for any person who pleads guilty to or is found guilty of an intoxication-related traffic
81 offense, requiring the offender to abstain from consuming or using alcohol or any products
82 containing alcohol as demonstrated by continuous alcohol monitoring or by verifiable
83 breath alcohol testing performed a minimum of four times per day as scheduled by the
84 court for such duration as determined by the court, but not less than ninety days. The**

85 **court may, in addition to imposing any other fine, costs, or assessments provided by law,**
86 **require the offender to bear any costs associated with continuous alcohol monitoring or**
87 **verifiable breath alcohol testing.**

88 7. The state, county, or municipal court shall find the defendant to be a prior offender,
89 persistent offender, aggravated offender, or chronic offender if:

90 (1) The indictment or information, original or amended, or the information in lieu of an
91 indictment pleads all essential facts warranting a finding that the defendant is a prior offender
92 or persistent offender; and

93 (2) Evidence is introduced that establishes sufficient facts pleaded to warrant a finding
94 beyond a reasonable doubt the defendant is a prior offender, persistent offender, aggravated
95 offender, or chronic offender; and

96 (3) The court makes findings of fact that warrant a finding beyond a reasonable doubt
97 by the court that the defendant is a prior offender, persistent offender, aggravated offender, or
98 chronic offender.

99 8. In a jury trial, the facts shall be pleaded, established and found prior to submission to
100 the jury outside of its hearing.

101 9. In a trial without a jury or upon a plea of guilty, the court may defer the proof in
102 findings of such facts to a later time, but prior to sentencing.

103 10. The defendant shall be accorded full rights of confrontation and cross-examination,
104 with the opportunity to present evidence, at such hearings.

105 11. The defendant may waive proof of the facts alleged.

106 12. Nothing in this section shall prevent the use of presentence investigations or
107 commitments.

108 13. At the sentencing hearing both the state, county, or municipality and the defendant
109 shall be permitted to present additional information bearing on the issue of sentence.

110 14. The pleas or findings of guilt shall be prior to the date of commission of the present
111 offense.

112 15. The court shall not instruct the jury as to the range of punishment or allow the jury,
113 upon a finding of guilt, to assess and declare the punishment as part of its verdict in cases of
114 prior offenders, persistent offenders, aggravated offenders, or chronic offenders.

115 16. Evidence of a prior **conviction**, plea of guilty, or finding of guilt in an
116 intoxication-related traffic offense shall be heard and determined by the trial court out of the
117 hearing of the jury prior to the submission of the case to the jury, and shall include but not be
118 limited to evidence of convictions received by a search of the records of the Missouri uniform
119 law enforcement system maintained by the Missouri state highway patrol. After hearing the
120 evidence, the court shall enter its findings thereon. A plea of guilty or a finding of guilt followed

121 by incarceration, **a fine**, a suspended imposition of sentence, suspended execution of sentence,
122 probation or parole or any combination thereof in any intoxication-related traffic offense in a
123 state, county or municipal court or any combination thereof, shall be treated as a prior plea of
124 guilty or finding of guilt for purposes of this section.

577.029. A licensed physician, registered nurse, or trained medical technician,
2 **acting at the request and direction of the law enforcement officer, shall withdraw blood for**
3 **the purpose of determining the alcohol content of the blood, unless such medical personnel,**
4 **in his or her good faith medical judgment, believes such procedure would endanger the life**
5 **or health of the person in custody. Blood may be withdrawn only by such medical**
6 **personnel, but such restriction shall not apply to the taking of a breath test, a saliva**
7 **specimen, or a urine specimen. In withdrawing blood for the purpose of determining the**
8 **alcohol content thereof, only a previously unused and sterile needle and sterile vessel shall**
9 **be utilized and the withdrawal shall otherwise be in strict accord with accepted medical**
10 **practices. Upon the request of the person who is tested, full information concerning the**
11 **test taken at the direction of the law enforcement officer shall be made available to him or**
12 **her.**

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

578.024. 1. If a dog that has previously bitten a person or a domestic animal
2 **without provocation bites any person on a subsequent occasion, the owner or possessor is**
3 **guilty of a class B misdemeanor unless such attack:**

4 (1) **Results in serious injury to any person, in which case, the owner or possessor**
5 **is guilty of a class A misdemeanor; or**

6 (2) **Results in serious injury to any person and any previous attack also resulted in**
7 **serious injury to any person, in which case, the owner or possessor is guilty of a class D**
8 **felony; or**

9 (3) **Results in the death of any person, in which case, the owner or possessor shall**
10 **be guilty of a class C felony.**

11 **2. In addition to the penalty included in subsection 1 of this section, if any dog that**
12 **has previously bitten a person or a domestic animal without provocation bites any person**
13 **on a subsequent occasion or if a dog that has not previously bitten a person attacks and**
14 **causes serious injury to or the death of any human, the dog shall be seized immediately by**
15 **an animal control authority or by the county sheriff. The dog shall be impounded and held**

16 for ten business days after the owner or possessor is given written notification and
17 thereafter destroyed.

18 **3. The owner or possessor of the dog that has been impounded may file a written**
19 **appeal to the circuit court to contest the impoundment and destruction of such dog. The**
20 **owner or possessor shall provide notice of the filing of the appeal to the animal control**
21 **authority or county sheriff who seized the dog. If the owner or possessor files such an**
22 **appeal and provides proper notice, the dog shall remain impounded and shall not be**
23 **destroyed while such appeal is pending and until the court issues an order for the**
24 **destruction of the dog. The court shall hold a disposition hearing within thirty days of the**
25 **filing of the appeal to determine whether such dog shall be humanely destroyed. The court**
26 **may order the owner or possessor of the dog to pay the costs associated with the animal's**
27 **keeping and care during the pending appeal.**

28 **4. Notwithstanding any provision of sections 273.033 and 273.036, RSMo, section**
29 **578.022 and this section to the contrary, if a dog attacks or bites a person who is engaged**
30 **in or attempting to engage in a criminal activity at the time of the attack, the owner or**
31 **possessor is not guilty of any crime specified under this section or section 273.036, RSMo,**
32 **and is not civilly liable under this section or section 273.036, RSMo, nor shall such dog be**
33 **destroyed as provided in subsection 2 of this section, nor shall such person engaged in or**
34 **attempting to engage in a criminal activity at the time of the attack be entitled to the**
35 **defenses set forth in section 273.033, RSMo. For purposes of this section "criminal**
36 **activity" shall not include the act of trespass upon private property under section 569.150,**
37 **RSMo, as long as the trespasser does not otherwise engage in, attempt to engage in, or have**
38 **intent to engage in other criminal activity nor shall it include any trespass upon private**
39 **property by a person under the age of twelve under section 569.140, RSMo.**

578.028. Any person who removes an electronic or radio transmitting collar from
2 **a dog without the permission of the owner of the dog with the intent to prevent or hinder**
3 **the owner from locating the dog, is guilty of a class A misdemeanor. Upon a plea or finding**
4 **of guilt, the court shall order that the defendant pay as restitution the actual value of any**
5 **dog lost or killed as a result of such removal. The court may also order restitution to the**
6 **owner for any lost breeding revenues.**

578.250. No person shall intentionally smell or inhale the fumes of any solvent,
2 **particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite,**
3 **and propyl nitrite and their iso-analogues or induce any other person to do so, for the purpose**
4 **of causing a condition of, or inducing symptoms of, intoxication, elation, euphoria, dizziness,**
5 **excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of senses or**
6 **nervous system, or for the purpose of, in any manner, changing, distorting, or disturbing the**

7 audio, visual, or mental processes; except that this section shall not apply to the inhalation of any
8 anesthesia for medical or dental purposes.

578.255. 1. **As used in this section "alcohol beverage vaporizer" means any device
2 which, by means of heat, a vibrating element, or any method, is capable of producing a
3 breathable mixture containing one or more alcoholic beverages to be dispensed for
4 inhalation into the lungs via the nose or mouth or both.**

5 **2. No person shall intentionally or willfully induce the symptoms of intoxication, elation,
6 euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or
7 dulling of the senses or nervous system, distortion of audio, visual or mental processes by the
8 use or abuse of any [solvent, particularly toluol.] of the following substances:**

- 9 **(1) Solvents, particularly toluol;**
- 10 **(2) Ethyl alcohol;**
- 11 **(3) Amyl nitrite and its iso-analogues;**
- 12 **(4) Butyl nitrite and its iso-analogues;**
- 13 **(5) Cyclohexyl nitrite and its iso-analogues;**
- 14 **(6) Ethyl nitrite and its iso-analogues;**
- 15 **(7) Pentyl nitrite and its iso-analogues; and**
- 16 **(8) Propyl nitrite and its iso-analogues.**

17 **3. This section shall not apply to substances that have been approved by the United
18 States Food and Drug Administration as therapeutic drug products or are contained in
19 approved over-the-counter drug products or administered lawfully pursuant to the order
20 of an authorized medical practitioner.**

21 [2.]**4. No person shall intentionally possess any solvent, particularly toluol, amyl nitrite,
22 butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and propyl nitrite and their iso-
23 analogues for the purpose of using it in the manner prohibited by section 578.250 and this
24 section.**

25 **5. No person shall possess or use an alcoholic beverage vaporizer.**

26 **6. Nothing in this section shall be construed to prohibit the legal consumption of
27 intoxicating liquor, as defined by section 311.020, RSMo, or nonintoxicating beer, as
28 defined by section 312.010, RSMo.**

578.260. 1. No person shall intentionally possess or buy any solvent, particularly toluol,
2 **amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and propyl nitrite
3 and their iso-analogues for the purpose of inducing or aiding any other person to violate the
4 provisions of sections 578.250 and 578.255.**

5 2. Any person who violates any provision of sections 578.250 to 578.260 is guilty of a
6 class B misdemeanor **for the first violation and a class D felony for any subsequent**
7 **violations.**

 578.265. 1. No person shall knowingly and intentionally sell or otherwise transfer
2 possession of any solvent, particularly toluol, **amyl nitrite, butyl nitrite, cyclohexyl nitrite,**
3 **ethyl nitrite, pentyl nitrite, and propyl nitrite and their iso-analogues** to any person for the
4 purpose of causing a condition of, or inducing symptoms of, intoxication, elation, euphoria,
5 dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of
6 senses or nervous system, or for the purpose of, in any manner, changing, distorting, or
7 disturbing the audio, visual, or mental processes.

8 2. No person who owns or operates any business which receives over fifty percent of its
9 gross annual income from the sale of alcoholic beverages or beer shall sell or offer for sale
10 toluol, **amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and propyl**
11 **nitrite and their iso-analogues,** or any toxic glue.

12 3. **No person who owns or operates any business which operates as a venue for live**
13 **entertainment performance or receives over fifty percent of its gross annual income from**
14 **the sale of recorded video entertainment shall sell or offer for sale toluol, amyl nitrite, butyl**
15 **nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, propyl nitrite or their iso-analogues.**

16 4. Any person who violates the provisions of subsection 1 or 2 of this section is guilty
17 of a class C felony.

 589.400. 1. Sections 589.400 to 589.425 shall apply to:

2 (1) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found
3 guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring
4 to commit a felony offense of chapter 566, RSMo, including sexual trafficking of a child and
5 sexual trafficking of a child under the age of twelve, or any offense of chapter 566, RSMo, where
6 the victim is a minor, **unless such person is exempted from registering under subsection 8**
7 **of this section;** or

8 (2) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found
9 guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring
10 to commit one or more of the following offenses: kidnapping when the victim was a child and
11 the defendant was not a parent or guardian of the child; abuse of a child under section 568.060,
12 RSMo, when such abuse is sexual in nature; felonious restraint when the victim was a child and
13 the defendant is not a parent or guardian of the child; sexual contact or sexual intercourse with
14 a resident of a nursing home, under section 565.200, RSMo; endangering the welfare of a child
15 under section 568.045, RSMo, when the endangerment is sexual in nature; genital mutilation of
16 a female child, under section 568.065, RSMo; promoting prostitution in the first degree;

17 promoting prostitution in the second degree; promoting prostitution in the third degree; sexual
18 exploitation of a minor; promoting child pornography in the first degree; promoting child
19 pornography in the second degree; possession of child pornography; furnishing pornographic
20 material to minors; public display of explicit sexual material; coercing acceptance of obscene
21 material; promoting obscenity in the first degree; promoting pornography for minors or obscenity
22 in the second degree; incest; use of a child in a sexual performance; or promoting sexual
23 performance by a child; [and committed or attempted to commit the offense against a victim who
24 is a minor, defined for the purposes of sections 589.400 to 589.425 as a person under eighteen
25 years of age;] or

26 (3) Any person who, since July 1, 1979, has been committed to the department of mental
27 health as a criminal sexual psychopath; or

28 (4) Any person who, since July 1, 1979, has been found not guilty as a result of mental
29 disease or defect of any offense listed in subdivision (1) or (2) of this subsection; or

30 (5) Any juvenile certified as an adult and transferred to a court of general jurisdiction
31 who has been convicted of, found guilty of, or has pleaded guilty or nolo contendere to
32 committing, attempting to commit, or conspiring to commit a felony under chapter 566, RSMo,
33 which is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241,
34 which shall include any attempt or conspiracy to commit such offense;

35 (6) Any juvenile fourteen years of age or older at the time of the offense who has been
36 adjudicated for an offense which is equal to or more severe than aggravated sexual abuse under
37 18 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such offense;

38 (7) Any person who is a resident of this state who has, since July 1, 1979, or is hereafter
39 convicted of, been found guilty of, or pled guilty to or nolo contendere in any other state, or
40 foreign country, or under federal, tribal, or military jurisdiction to committing, attempting to
41 commit, or conspiring to commit an offense which, if committed in this state, would be a
42 violation of chapter 566, RSMo, or a felony violation of any offense listed in subdivision (2) of
43 this subsection or has been or is required to register in another state or has been or is required to
44 register under tribal, federal, or military law; or

45 (8) Any person who has been or is required to register in another state or has been or is
46 required to register under tribal, federal, or military law and who works or attends an educational
47 institution, whether public or private in nature, including any secondary school, trade school,
48 professional school, or institution of higher education on a full-time or on a part-time basis or
49 has a temporary residence in Missouri. "Part-time" in this subdivision means for more than
50 seven days in any twelve-month period.

51 2. Any person to whom sections 589.400 to 589.425 apply shall, within three days of
52 conviction, release from incarceration, or placement upon probation, register with the chief law

53 enforcement official of the county or city not within a county in which such person resides unless
54 such person has already registered in that county for the same offense. Any person to whom
55 sections 589.400 to 589.425 apply if not currently registered in their county of residence shall
56 register with the chief law enforcement official of such county or city not within a county within
57 three days. The chief law enforcement official shall forward a copy of the registration form
58 required by section 589.407 to a city, town, village, or campus law enforcement agency located
59 within the county of the chief law enforcement official, if so requested. Such request may ask
60 the chief law enforcement official to forward copies of all registration forms filed with such
61 official. The chief law enforcement official may forward a copy of such registration form to any
62 city, town, village, or campus law enforcement agency, if so requested.

63 3. The registration requirements of sections 589.400 through 589.425 are lifetime
64 registration requirements unless:

65 (1) All offenses requiring registration are reversed, vacated or set aside;

66 (2) The registrant is pardoned of the offenses requiring registration;

67 (3) The registrant is no longer required to register and his or her name shall be removed
68 from the registry under the provisions of subsection 6 of this section; or

69 (4) The registrant may petition the court for removal **or exemption** from the registry
70 under subsection 7 or 8 of this section and the court orders the removal **or exemption** of such
71 person from the registry.

72 4. For processing an initial sex offender registration the chief law enforcement officer
73 of the county or city not within a county may charge the offender registering a fee of up to ten
74 dollars.

75 5. For processing any change in registration required pursuant to section 589.414 the
76 chief law enforcement official of the county or city not within a county may charge the person
77 changing their registration a fee of five dollars for each change made after the initial registration.

78 6. Any person currently on the sexual offender registry for being convicted of, found
79 guilty of, or pleading guilty or nolo contendere to committing, attempting to commit, or
80 conspiring to commit, felonious restraint when the victim was a child and he or she was the
81 parent or guardian of the child, nonsexual child abuse that was committed under section 568.060,
82 RSMo, or kidnapping when the victim was a child and he or she was the parent or guardian of
83 the child shall be removed from the registry. However, such person shall remain on the sexual
84 offender registry for any other offense for which he or she is required to register under sections
85 589.400 to 589.425.

86 7. Any person currently on the sexual offender registry for having been convicted of,
87 found guilty of, or having pleaded guilty or nolo contendere to committing, attempting to
88 commit, or conspiring to commit promoting prostitution in the second degree, promoting

89 prostitution in the third degree, public display of explicit sexual material, statutory rape in the
90 second degree, and no physical force or threat of physical force was used in the commission of
91 the crime may file a petition in the civil division of the circuit court in the county in which the
92 offender was convicted or found guilty of or pled guilty or nolo contendere to committing,
93 attempting to commit, or conspiring to commit the offense or offenses for the removal of his or
94 her name from the sexual offender registry after ten years have passed from the date he or she
95 was required to register.

96 8. Effective August 28, [2006] **2009**, any person on the sexual offender registry for
97 having been convicted of, found guilty of, or having pled guilty or nolo contendere to an offense
98 included under subsection 1 of this section may file a petition after two years have passed from
99 the date the offender was convicted or found guilty of or pled guilty or nolo contendere to the
100 offense or offenses in the civil division of the circuit court in the county in which the offender
101 was convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses for
102 removal of his or her name from the registry if such person was nineteen years of age or younger
103 and the victim was thirteen years of age or older at the time of the offense and no physical force
104 or threat of physical force was used in the commission of the offense, **unless such person meets**
105 **the qualifications of this subsection, and such person was eighteen years of age or younger**
106 **at the time of the offense, and is convicted or found guilty of or pleads guilty or nolo**
107 **contendere to a violation of sections 566.068, 566.090, 566.093, or 566.095, RSMo, when**
108 **such offense is a misdemeanor, in which case, such person may immediately file a petition**
109 **to remove or exempt his or her name from the registry upon his or her conviction or**
110 **finding or pleading of guilty or nolo contendere to such offense.**

111 9. (1) The court may grant such relief under subsection 7 or 8 of this section if such
112 person demonstrates to the court that he or she has complied with the provisions of this section
113 and is not a current or potential threat to public safety. The prosecuting attorney in the circuit
114 court in which the petition is filed must be given notice, by the person seeking removal **or**
115 **exemption** from the registry, of the petition to present evidence in opposition to the requested
116 relief or may otherwise demonstrate the reasons why the petition should be denied. Failure of
117 the person seeking removal **or exemption** from the registry to notify the prosecuting attorney of
118 the petition shall result in an automatic denial of such person's petition. If the prosecuting
119 attorney is notified of the petition he or she shall make reasonable efforts to notify the victim of
120 the crime for which the person was required to register of the petition and the dates and times
121 of any hearings or other proceedings in connection with that petition.

122 (2) If the petition is denied, such person shall wait at least twelve months before
123 petitioning the court again. If the court finds that the petitioner is entitled to relief, which
124 removes **or exempts** such person's name from the registry, a certified copy of the written

125 findings or order shall be forwarded by the court to the chief law enforcement official having
126 jurisdiction over the offender and to the Missouri state highway patrol in order to have such
127 person's name removed **or exempted** from the registry.

128 10. Any nonresident worker or nonresident student shall register for the duration of such
129 person's employment or attendance at any school of higher education and is not entitled to relief
130 under the provisions of subsection 9 of this section. Any registered offender from another state
131 who has a temporary residence in this state and resides more than seven days in a twelve-month
132 period shall register for the duration of such person's temporary residency and is not entitled to
133 the provisions of subsection 9 of this section.

134 11. Any person whose name is removed **or exempted** from the sexual offender registry
135 under subsection 7 or 8 of this section shall no longer be required to fulfill the registration
136 requirements of sections 589.400 to 589.425, unless such person is required to register for
137 committing another offense after being removed from the registry.

589.425. 1. A person commits the crime of failing to register as a sex offender when the
2 person is required to register under sections 589.400 to 589.425 and fails to comply with any
3 requirement of sections 589.400 to 589.425. Failing to register as a sex offender is a class D
4 felony unless the person is required to register based on having committed an offense in chapter
5 566, RSMo, which was an unclassified felony, a class A or B felony, or a felony involving a
6 child under the age of fourteen, in which case it is a class C felony.

7 2. A person commits the crime of failing to register as a sex offender as a second offense
8 by failing to comply with any requirement of sections 589.400 to 589.425 and he or she has
9 previously pled guilty to or has previously been found guilty of failing to register as a sex
10 offender. Failing to register as a sex offender as a second offense is a class D felony unless the
11 person is required to register based on having committed an offense in chapter 566, RSMo, **or**
12 **an offense in any other state or foreign country, or under federal, tribal, or military**
13 **jurisdiction, which if committed in this state would be an offense under chapter 566,**
14 **RSMo**, which was an unclassified felony, a class A or B felony, or a felony involving a child
15 under the age of fourteen, in which case it is a class C felony.

16 3. **(1)** A person commits the crime of failing to register as a sex offender as a third
17 offense by failing to meet the requirements of sections 589.400 to 589.425 and he or she has, on
18 two or more occasions, previously pled guilty to or has previously been found guilty of failing
19 to register as a sex offender. Failing to register as a sex offender as a third offense is a felony
20 which shall be punished by a term of imprisonment of not less than ten years and not more than
21 thirty years.

22 [(1)] (2) No court may suspend the imposition or execution of sentence of a person who
23 pleads guilty to or is found guilty of failing to register as a sex offender as a third offense. No
24 court may sentence such person to pay a fine in lieu of a term of imprisonment.

25 [(2)] (3) A person sentenced under this subsection shall not be eligible for conditional
26 release or parole until he or she has served at least two years of imprisonment.

27 [(3)] (4) Upon release, an offender who has committed failing to register as a sex
28 offender as a third offense shall be electronically monitored as a mandatory condition of
29 supervision. Electronic monitoring may be based on a global positioning system or any other
30 technology which identifies and records the offender's location at all times.

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

2 (1) "Custodial interrogation", the questioning of a person under arrest, who is no
3 longer at the scene of the crime, by a member of a law enforcement agency along with the
4 answers and other statements of the person questioned. "Custodial interrogation" shall
5 not include:

6 (a) A situation in which a person voluntarily agrees to meet with a member of a law
7 enforcement agency;

8 (b) A detention by a law enforcement agency that has not risen to the level of an
9 arrest;

10 (c) Questioning that is routinely asked during the processing of the arrest of the
11 suspect;

12 (d) Questioning pursuant to an alcohol influence report;

13 (e) Questioning during the transportation of a suspect;

14 (2) "Recorded" and "recording", any form of audiotape, videotape, motion picture,
15 or digital recording.

16 2. All custodial interrogations of persons suspected of committing or attempting to
17 commit murder in the first degree, murder in the second degree, assault in the first degree,
18 assault of a law enforcement officer in the first degree, domestic assault in the first degree,
19 elder abuse in the first degree, robbery in the first degree, arson in the first degree, forcible
20 rape, forcible sodomy, kidnapping, statutory rape in the first degree, statutory sodomy in
21 the first degree, child abuse, or child kidnapping shall be recorded when feasible.

22 3. Law enforcement agencies may record an interrogation in any circumstance with
23 or without the knowledge or consent of a suspect, but they shall not be required to record
24 an interrogation under subsection 2 of this section:

25 (1) If the suspect requests that the interrogation not be recorded;

26 (2) If the interrogation occurs outside the state of Missouri;

27 (3) If exigent public safety circumstances prevent recording;

- 28 **(4) To the extent the suspect makes spontaneous statements;**
- 29 **(5) If the recording equipment fails; or**
- 30 **(6) If recording equipment is not available at the location where the interrogation**
- 31 **takes place.**

32 **4. Each law enforcement agency shall adopt a written policy to record custodial**

33 **interrogations of persons suspected of committing or attempting to commit the felony**

34 **crimes described in subsection 2 of this section.**

35 **5. If a law enforcement agency fails to comply with the provisions of this section,**

36 **the governor may withhold any state funds appropriated to the noncompliant law**

37 **enforcement agency if the governor finds that the agency did not act in good faith in**

38 **attempting to comply with the provisions of this section.**

39 **6. Nothing in this section shall be construed as a ground to exclude evidence, and**

40 **a violation of this section shall not have impact other than that provided for in subsection**

41 **5 of this section. Compliance or noncompliance with this section shall not be admitted as**

42 **evidence, argued, referenced, considered or questioned during a criminal trial.**

43 **7. Nothing contained in this section shall be construed to authorize, create, or imply**

44 **a private cause of action.**

595.027. 1. Upon request by the [division] **department** for verification of injuries of

2 victims, medical providers shall submit the information requested by the [division] **department**

3 within twenty working days of the request at no cost to the fund.

4 2. For purposes of this section, "medical providers" means physicians, dentists, clinical

5 psychologists, optometrists, podiatrists, registered nurses, physician's assistants, chiropractors,

6 physical therapists, hospitals, ambulatory surgical centers, and nursing homes.

7 3. Failure to submit the information as required by this section shall be an infraction.

650.052. 1. The state's DNA profiling system shall:

2 (1) Assist federal, state and local criminal justice and law enforcement agencies in the

3 identification, detection or exclusion of individuals who are subjects of the investigation or

4 prosecution of criminal offenses in which biological evidence is recovered or obtained; and

5 (2) If personally identifiable information is removed, support development of forensic

6 validation studies, forensic protocols, and the establishment and maintenance of a population

7 statistics database for federal, state, or local crime laboratories of law enforcement agencies; and

8 (3) Assist in the recovery or identification of human remains from mass disasters, or for

9 other humanitarian purposes, including identification of missing persons.

10 2. The Missouri state highway patrol shall act as the central repository for the DNA

11 profiling system and shall collaborate with the Federal Bureau of Investigation and other criminal

12 justice agencies relating to the state's participation in CODIS and the National DNA Index
13 System or in any DNA database.

14 3. The Missouri state highway patrol may promulgate rules and regulations to implement
15 the provisions of sections 650.050 to 650.100 in accordance with Federal Bureau of Investigation
16 recommendations for the form and manner of collection of blood or other scientifically accepted
17 biological samples and other procedures for the operation of sections 650.050 to 650.100. No
18 rule or portion of a rule promulgated pursuant to the authority of this section shall become
19 effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

20 4. The Missouri state highway patrol shall provide the necessary components for
21 collection of the [convicted offender's] biological samples **from qualified individuals as**
22 **defined in section 650.055 for the DNA profiling system.**

23 (1) For qualified offenders as defined by section 650.055 who are under custody and
24 control of the department of corrections, the **fingerprint and** DNA sample collection shall be
25 performed by the department of corrections and the division of probation and parole, or their
26 authorized designee or contracted third party.

27 (2) For qualified offenders as defined by section 650.055 who are under custody and
28 control of a **city or** county jail, the **fingerprint and** DNA sample collections shall be performed
29 by the **city or** county jail or its authorized designee or contracted third party.

30 (3) For qualified offenders as defined by section 650.055 who are under the custody and
31 control of companies contracted by the county or court to perform supervision and/or treatment
32 of the offender, the sheriff's department of the [county assigned to the offender] **sentencing**
33 **court** shall perform the DNA sample collection **and obtain a fingerprint.**

34 (4) **For a person who is required to register as a sexual offender under sections**
35 **589.400 to 589.425, RSMo, the registering agency shall obtain the DNA sample and**
36 **fingerprint.**

37 5. The specimens shall thereafter be forwarded to the Missouri state highway patrol
38 crime laboratory. Any DNA profiling analysis or collection of DNA samples by the state or any
39 county performed pursuant to sections 650.050 to 650.100 shall be subject to appropriations.

40 [5.] 6. The state's participating forensic DNA laboratories shall meet quality assurance
41 standards specified by the Missouri state highway patrol crime laboratory and the Federal Bureau
42 of Investigation to ensure quality DNA identification records submitted to the central repository.

43 [6.] 7. The state's participating forensic DNA laboratories may provide the system for
44 identification purposes to criminal justice, law enforcement officials and prosecutors in the
45 preparation and utilization of DNA evidence for presentation in court and provide expert
46 testimony in court on DNA evidentiary issues.

47 [7.] 8. The department of public safety shall have the authority to promulgate rules and
48 regulations to carry out the provisions of sections 650.050 to 650.100. Any rule or portion of
49 a rule, as that term is defined in section 536.010, RSMo, that is created under the authority
50 delegated in this section shall become effective only if it complies with and is subject to all of
51 the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section
52 and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general
53 assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove
54 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority
55 and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

650.055. 1. Every individual, in a Missouri circuit court, who pleads guilty to or is
2 found guilty of a felony or any offense under chapter 566, RSMo, or has been determined
3 [beyond a reasonable doubt] to be a sexually violent predator pursuant to sections 632.480 to
4 632.513, RSMo, **or is an individual required to register as a sexual offender under sections**
5 **589.400 to 589.425, RSMo**, shall have a **fingerprint and** blood or scientifically accepted
6 biological sample collected for purposes of DNA profiling analysis:

7 (1) Upon entering or before release from the department of corrections reception and
8 diagnostic centers; or

9 (2) Upon entering or before release from a county jail or detention facility, state
10 correctional facility, or any other detention facility or institution, whether operated by private,
11 local, or state agency, or any mental health facility if committed as a sexually violent predator
12 pursuant to sections 632.480 to 632.513, RSMo; or

13 (3) When the state accepts a person from another state under any interstate compact, or
14 under any other reciprocal agreement with any county, state, or federal agency, or any other
15 provision of law, whether or not the person is confined or released, the acceptance is conditional
16 on the person providing a DNA sample if the person was convicted of, pleaded guilty to, or
17 pleaded nolo contendere to an offense in any other jurisdiction which would be considered a
18 qualifying offense as defined in this section if committed in this state, or if the person was
19 convicted of, pleaded guilty to, or pleaded nolo contendere to any equivalent offense in any other
20 jurisdiction; or

21 (4) If such individual is under the jurisdiction of the department of corrections. Such
22 jurisdiction includes persons currently incarcerated, persons on probation, as defined in section
23 217.650, RSMo, and on parole, as also defined in section 217.650, RSMo.

24 2. The Missouri state highway patrol and department of corrections shall be responsible
25 for ensuring adherence to the law. Any person required to provide a DNA sample pursuant to
26 this section shall be required to provide such sample, without the right of refusal, at a collection
27 site designated by the Missouri state highway patrol and the department of corrections.

28 Authorized personnel collecting or assisting in the collection of samples shall not be liable in any
29 civil or criminal action when the act is performed in a reasonable manner. Such force may be
30 used as necessary to the effectual carrying out and application of such processes and operations.
31 The enforcement of these provisions by the authorities in charge of state correctional institutions
32 and others having custody or jurisdiction over those who have been convicted of, pleaded guilty
33 to, or pleaded nolo contendere to felony offenses which shall not be set aside or reversed is
34 hereby made mandatory. The board of probation or parole shall recommend that an individual
35 who refuses to provide a DNA sample have his or her probation or parole revoked. In the event
36 that a person's DNA sample is not adequate for any reason, the person shall provide another
37 sample for analysis.

38 3. The procedure and rules for the collection, analysis, storage, expungement, use of
39 DNA database records and privacy concerns shall not conflict with procedures and rules
40 applicable to the Missouri DNA profiling system and the Federal Bureau of Investigation's DNA
41 databank system.

42 4. Unauthorized uses or dissemination of individually identifiable DNA information in
43 a database for purposes other than criminal justice or law enforcement is a class A misdemeanor.

44 5. Implementation of sections 650.050 to 650.100 shall be subject to future
45 appropriations to keep Missouri's DNA system compatible with the Federal Bureau of
46 Investigation's DNA databank system.

47 6. All DNA records and biological materials retained in the DNA profiling system are
48 considered closed records pursuant to chapter 610, RSMo. All records containing any
49 information held or maintained by any person or by any agency, department, or political
50 subdivision of the state concerning an individual's DNA profile shall be strictly confidential and
51 shall not be disclosed, except to:

52 (1) Peace officers, as defined in section 590.010, RSMo, and other employees of law
53 enforcement agencies who need to obtain such records to perform their public duties;

54 (2) The attorney general or any assistant attorneys general acting on his or her behalf, as
55 defined in chapter 27, RSMo;

56 (3) Prosecuting attorneys or circuit attorneys as defined in chapter 56, RSMo, and their
57 employees who need to obtain such records to perform their public duties; or

58 (4) Associate circuit judges, circuit judges, judges of the courts of appeals, supreme court
59 judges, and their employees who need to obtain such records to perform their public duties.

60 7. Any person who obtains records pursuant to the provisions of this section shall use
61 such records only for investigative and prosecutorial purposes, including but not limited to use
62 at any criminal trial, hearing, or proceeding; or for law enforcement identification purposes,

63 including identification of human remains. Such records shall be considered strictly confidential
64 and shall only be released as authorized by this section.

65 8. An individual may request expungement of his or her DNA sample and DNA profile
66 through the court issuing the reversal or dismissal. A certified copy of the court order
67 establishing that such conviction has been reversed or guilty plea or plea of nolo contendere has
68 been set aside shall be sent to the Missouri state highway patrol crime laboratory. Upon receipt
69 of the court order, the laboratory will determine that the requesting individual has no other
70 qualifying offense as a result of any separate plea or conviction prior to expungement.

71 (1) A person whose DNA record or DNA profile has been included in the state DNA
72 database in accordance with this section, section 488.5050, RSMo, and sections 650.050,
73 650.052, and 650.100 may request expungement on the grounds that the conviction has been
74 reversed, or the guilty plea or plea of nolo contendere on which the authority for including that
75 person's DNA record or DNA profile was based has been set aside.

76 (2) Upon receipt of a written request for expungement, a certified copy of the final court
77 order reversing the conviction or setting aside the plea and any other information necessary to
78 ascertain the validity of the request, the Missouri state highway patrol crime laboratory shall
79 expunge all DNA records and identifiable information in the database pertaining to the person
80 and destroy the DNA sample of the person, unless the Missouri state highway patrol determines
81 that the person is otherwise obligated to submit a DNA sample. Within thirty days after the
82 receipt of the court order, the Missouri state highway patrol shall notify the individual that it has
83 expunged his or her DNA sample and DNA profile, or the basis for its determination that the
84 person is otherwise obligated to submit a DNA sample.

85 (3) The Missouri state highway patrol is not required to destroy any item of physical
86 evidence obtained from a DNA sample if evidence relating to another person would thereby be
87 destroyed.

88 (4) Any identification, warrant, arrest, or evidentiary use of a DNA match derived from
89 the database shall not be excluded or suppressed from evidence, nor shall any conviction be
90 invalidated or reversed or plea set aside due to the failure to expunge or a delay in expunging
91 DNA records.

**650.059. 1. There is hereby established within the department of public safety a
2 "Crime Laboratory Review Commission" to provide independent review of any state or
3 local Missouri crime laboratory receiving state-administered funding.**

**4 2. The commission shall consist of five members who shall be citizens of this state,
5 including one senior manager from a crime laboratory within the state that is accredited
6 by a body approved by the department of public safety, one licensed law enforcement
7 officer employed by a county or municipality in a management position, one prosecuting**

8 attorney, one criminal defense attorney, and the director of the department of public safety
9 or his or her designee.

10 **3. Except for the director of the department of public safety or his or her designee,**
11 **the members shall be appointed by the governor with the advice and consent of the senate.**
12 **For the initial term, the prosecuting attorney and criminal defense attorney shall serve a**
13 **term of two years. The law enforcement officer and the crime laboratory senior manager**
14 **shall serve an initial term of four years. Thereafter, all appointments shall be for terms of**
15 **four years. Except for the director of the department of public safety or his or her**
16 **designee, the governor shall fill any vacancy by appointment for the unexpired term and**
17 **each member of the board shall hold office until such member's successor is appointed and**
18 **qualified.**

19 **4. If a member no longer meets the qualifications for which he or she was**
20 **appointed, the member's seat shall be deemed vacant.**

21 **5. The members of the commission shall not receive compensation for their services**
22 **other than to receive reimbursement costs directly associated with the execution of their**
23 **commission duties.**

24 **6. The director of the department of public safety or his or her designee shall serve**
25 **as chairman of the commission. The commission shall meet at least annually to review the**
26 **current status of crime laboratories in this state. Three members of the commission shall**
27 **constitute a quorum.**

28 **7. For the purposes of this section, the term "crime laboratory" shall mean any**
29 **forensic science laboratory operated or supported financially by the state or any unit of**
30 **city, county, or other local Missouri government receiving state-administered funding, and**
31 **employs at least one scientist who examines physical evidence in criminal matters and**
32 **provides expert or opinion testimony with respect to such physical evidence in a state court**
33 **of law.**

34 **8. The commission shall have the power to:**

35 **(1) Assess the capabilities and needs of Missouri crime laboratories, as well as their**
36 **ability to deliver quality forensic services in a timely manner to law enforcement agencies**
37 **in the state of Missouri;**

38 **(2) Authorize independent external investigations into allegations of serious**
39 **negligence or misconduct committed by employees or contractors of a crime laboratory**
40 **substantially affecting the integrity of forensic results. The commission shall solicit input**
41 **and guidance from any appropriate expert as it deems necessary in the investigation**
42 **process;**

43 **(3) Appoint members to inspection or investigative teams to assist in carrying out**
44 **the duties described in subdivisions (1) and (2) of this subsection;**

45 **(4) Issue reprimands to crime laboratories and to employees or contractors of**
46 **crime laboratories found to be negligent or engaging in misconduct in the execution of their**
47 **responsibilities;**

48 **(5) Make recommendations for changes in procedure of crime laboratories found**
49 **to be negligent in the execution of their responsibilities; and**

50 **(6) Issue reports to the director of the department of public safety summarizing any**
51 **findings of negligence or misconduct of a crime laboratory or an employee or contractor**
52 **of a crime laboratory and making recommendations regarding revocation or suspension**
53 **of grant funding that the commission deems warranted.**

54 **9. The commission shall submit an annual report to the governor summarizing its**
55 **activities and any suggestions to improve the quality management systems within the crime**
56 **laboratories in the state, but shall not make recommendations related to relocation or**
57 **consolidation of these crime laboratories.**

58 **10. The department of public safety shall have the authority to revoke any grant**
59 **money from a crime laboratory if the laboratory does not cooperate with the commission**
60 **or if allegations of serious misconduct or negligence are substantiated by the commission.**

61 **11. In the event the commission takes a vote concerning only a particular crime**
62 **laboratory, the appointee serving as a senior manager of a crime laboratory or licensed law**
63 **enforcement officer shall recuse himself or herself from such vote if it involves the crime**
64 **laboratory employing such senior manager or a crime laboratory operated by the**
65 **municipality employing such officer.**

Section 1. 1. Notwithstanding any provision of law to the contrary, upon request
2 **of a law enforcement officer to inspect any record open to inspection by the state**
3 **veterinarian under section 277.120, RSMo, or any record open to inspection by the**
4 **department of agriculture, of any livestock sales or market licensee to determine the origin**
5 **and destination of any livestock handled by the licensee, the law enforcement officer shall**
6 **be entitled to inspect such records of the licensee without prior notice or the necessity of**
7 **obtaining a search warrant during regular business hours in a manner so as to minimize**
8 **interference with or delay to the licensee's business operation. When a law enforcement**
9 **officer has probable cause to believe that livestock in the possession of a licensee is**
10 **misappropriated, the officer may place a hold order on the livestock. The hold order shall**
11 **contain the following information:**

12 **(1) The name of the licensee;**

13 **(2) The name and mailing address of the licensee where the livestock is held;**

14 **(3) The name, title, and identification number of the law enforcement officer**
15 **placing the hold order;**

16 **(4) The name and address of the agency to which the law enforcement officer is**
17 **attached and the claim or case number, if any, assigned by the agency to the claim**
18 **regarding the livestock;**

19 **(5) A description of the livestock; and**

20 **(6) The time of expiration of the holding period.**

21

22 **The hold order shall be signed and dated by the issuing officer and signed and dated by the**
23 **licensee or the licensee's designee as evidence of the hold order's issuance by the officer,**
24 **receipt by the licensee and the beginning time of the holding period. The officer issuing the**
25 **hold order shall provide an executed copy of the hold order to the licensee for the licensee's**
26 **record-keeping purposes at no cost to the licensee.**

27 **2. For the purposes of this section, the term "hold order" shall mean a written legal**
28 **instrument issued to a licensee by a law enforcement officer ordering the licensee to retain**
29 **physical possession of livestock in the possession of a licensee or livestock purchased by and**
30 **in the possession of a licensee and not to return, sell or otherwise dispose of such livestock**
31 **that is believed to be misappropriated for up to twenty-four hours.**

32 **3. Upon receiving the hold order, the licensee shall retain physical possession of the**
33 **livestock subject to the order in a secured area.**

34 **4. A violation of, or noncompliance with, this section shall be a class A**
35 **misdemeanor. Gross negligence or willful noncompliance with the provisions of this**
36 **section by a licensee shall be cause for the licensing authority to suspend or revoke the**
37 **licensee's license. Any imposed suspensions or revocation provided for by this subsection**
38 **may be appealed by the licensee to the licensing authority or to a court of competent**
39 **jurisdiction.**

40 **5. All records and information that relate to a licensee's purchases or transactions**
41 **and that are delivered to or otherwise obtained by an appropriate law enforcement officer**
42 **under this section are confidential and may be used only by such appropriate law**
43 **enforcement officer and only for the following official law enforcement purposes:**

44 **(1) The investigation of a crime specifically involving the livestock delivered to the**
45 **licensee in a purchase or transaction; or**

46 **(2) The notification of property crime victims of where livestock that has been**
47 **reported misappropriated can be located.**

Section 2. The revisor of statutes shall change all references in statute from
2 **"criminal records and identification division" or "criminal records division" to "central**
3 **repository".**

Section 3. 1. A person or entity commits the offense of promoting online sexual solicitation if such person or entity knowingly permits a web-based classified service owned or operated by such person or entity to be used by individuals to post advertisements promoting prostitution, enticing a child to engage in sexual conduct, or promoting sexual trafficking of a child after receiving notice under this section.

2. As used in this section, the term "web-based classified service" means a person or entity in whose name a specific URL or internet domain name is registered which has advertisements for goods and services or personal advertisements.

3. An advertisement may be deemed to promote prostitution, entice a child to engage in sexual conduct, or promote sexual trafficking of a child, if the content of such advertisement would be interpreted by a reasonable person as offering to exchange sexual conduct for goods or services in violation of chapter 567, RSMo, as seeking a child for the purpose of sexual conduct or commercial sex act, or as offering a child as a participant in sexual conduct or commercial sex act in violation of section 566.151, RSMo or sections 566.212 or 566.213, RSMo.

4. It shall be prima facie evidence that a person or entity acts knowingly if an advertisement is not removed from the web-based classified service within seventy-two hours of that person or entity being notified that an advertisement has been posted on that service which is prohibited under this section.

5. Notice under this section may be provided by certified mail or facsimile transmission by the attorney general or any prosecuting attorney or circuit attorney.

6. A violation of this section shall be a felony, punishable by a fine in the amount of five thousand dollars per day that the advertisement remains posted on the web-based classified service after seventy-two hours of when notice has been provided pursuant to this section.

7. Original jurisdiction for prosecution of a violation of this section shall be with the local prosecuting attorney or circuit attorney.

[229.110. 1. Every person owning a hedge fence situated along or near the right-of-way of any public road shall between the first days of May and August of each year cut the same down to a height of not more than five feet, and any owner of such fence failing to comply with this section shall forfeit and pay to the capital school fund of the county wherein such fence is situated not less than fifty nor more than five hundred dollars, to be recovered in a civil action in the name of the county upon the relation of the prosecuting attorney, and any judgment of forfeiture obtained shall be a lien upon the real estate of the owner of such fence upon which same is situated, and a special execution shall issue against said real estate and no exemption shall be allowed.

11 2. Any prosecuting attorney who shall fail or refuse to institute suit as
12 herein provided within thirty days after being notified by any road overseer,
13 county or state highway engineer, that any hedge fence has not been cut down to
14 the height herein required within the time required, shall be removed from office
15 by the governor and some other person appointed to fill the vacancy thus created.
16 The cutting of any such fence after the time herein required shall not be a defense
17 to the action herein provided for.]
18

2 [550.050. 1. Every person who shall institute any prosecution to recover
3 a fine, penalty or forfeiture shall be adjudged to pay all costs if the defendant is
4 acquitted although he may not be entitled to any part of the same.

5 2. When such prosecutions are commenced by a public officer whose
6 duty it is to institute the same, and the defendant is acquitted, the county shall pay
7 the costs; if he is convicted, and unable to pay the costs, the county shall pay all
8 the costs, except such as were incurred on the part of the defendant.]

2 [550.070. If a person, charged with a felony, shall be discharged by the
3 officer taking his examination, the costs shall be paid by the prosecutor or person
4 on whose oath the prosecution was instituted, and the officer taking such
5 examination shall enter judgment against such person for the same, and issue
6 execution therefor immediately; and in no such case shall the state or county pay
7 the costs.]

2 [550.080. If, upon the trial of any indictment or information, the
3 defendant shall be acquitted or discharged, and the prosecutor or prosecuting
4 witness shall be liable to pay the costs according to law, judgment shall be
5 rendered against such prosecutor for the costs in the case, and in no such case
6 shall the same be paid by either the county or state.]

2 [550.090. When the proceedings are prosecuted before any associate
3 circuit judge, at the instance of the injured party, for the disturbance of the peace
4 of a person, or for libel or slander, or for any trespass against the person or
5 property of another, not amounting to a felony, except for petit larceny, the name
6 of such injured party shall be entered by the associate circuit judge on his record
7 as a prosecutor; and if the defendant shall be discharged or acquitted, such
8 prosecutor shall be adjudged to pay the costs not otherwise adjudged; and in
9 every other case of acquittal, if the associate circuit judge or jury trying the case
10 shall state in the finding that the prosecution was malicious or without probable
11 cause, the associate circuit judge shall enter judgment for costs against the
12 prosecution or party at whose instance the information was filed, and shall issue
13 execution therefor; but in no case shall the prosecuting attorney be liable for
14 costs. In other cases of discharge or acquittal the costs shall be paid by the
county, except when the prosecution is commenced by complaint and the

15 prosecuting attorney declines to file information thereon, in which case the
16 proceedings shall be dismissed at the cost of the party filing the complaint.]
17

2 [577.029. A licensed physician, registered nurse, or trained medical
3 technician at the place of his employment, acting at the request and direction of
4 the law enforcement officer, shall withdraw blood for the purpose of determining
5 the alcohol content of the blood, unless such medical personnel, in his good faith
6 medical judgment, believes such procedure would endanger the life or health of
7 the person in custody. Blood may be withdrawn only by such medical personnel,
8 but such restriction shall not apply to the taking of a breath test, a saliva
9 specimen, or a urine specimen. In withdrawing blood for the purpose of
10 determining the alcohol content thereof, only a previously unused and sterile
11 needle and sterile vessel shall be utilized and the withdrawal shall otherwise be
12 in strict accord with accepted medical practices. Upon the request of the person
13 who is tested, full information concerning the test taken at the direction of the
law enforcement officer shall be made available to him.]

Section B. Because immediate action is necessary to ensure for the safe operation of
2 motor vehicles on Missouri's highways, the repeal and reenactment of sections 577.023 and
3 577.029 of this act is deemed necessary for the immediate preservation of the public health,
4 welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of
5 the constitution, and the repeal and reenactment of sections 577.023 and 577.029 of this act shall
6 be in full force and effect upon its passage and approval.

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