

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 1515

96TH GENERAL ASSEMBLY

5415L.04P

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal sections 160.261, 210.115, 210.1014, 306.130, 455.020, 455.035, 455.040, 455.060, 455.085, 455.505, 455.513, 455.523, 455.538, 488.5050, 513.653, 527.290, 558.019, 565.074, 565.182, 570.145, 574.085, 575.060, 575.070, 575.080, 610.021, 650.055, 650.100, and 650.120, RSMo, and to enact in lieu thereof thirty-two new sections relating to crimes and criminal procedure, with penalty provisions.

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

Section A. Sections 160.261, 210.115, 210.1014, 306.130, 455.020, 455.035, 455.040, 2 455.060, 455.085, 455.505, 455.513, 455.523, 455.538, 488.5050, 513.653, 527.290, 558.019, 3 565.074, 565.182, 570.145, 574.085, 575.060, 575.070, 575.080, 610.021, 650.055, 650.100, 4 and 650.120, RSMo, are repealed and thirty-two new sections enacted in lieu thereof, to be 5 known as sections 160.261, 210.115, 210.1014, 306.130, 455.020, 455.035, 455.040, 455.060, 6 455.085, 455.505, 455.513, 455.523, 455.538, 488.5050, 513.653, 527.290, 544.456, 558.019, 7 565.074, 565.182, 570.145, 574.035, 574.085, 575.045, 575.060, 575.070, 575.080, 610.021, 8 610.205, 650.055, 650.100, and 650.120, to read as follows:

160.261. 1. The local board of education of each school district shall clearly establish 2 a written policy of discipline, including the district's determination on the use of corporal 3 punishment and the procedures in which punishment will be applied. A written copy of the 4 district's discipline policy and corporal punishment procedures, if applicable, shall be provided 5 to the pupil and parent or legal guardian of every pupil enrolled in the district at the beginning 6 of each school year and also made available in the office of the superintendent of such district, 7 during normal business hours, for public inspection. All employees of the district shall annually 8 receive instruction related to the specific contents of the policy of discipline and any

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.

9 interpretations necessary to implement the provisions of the policy in the course of their duties,  
10 including but not limited to approved methods of dealing with acts of school violence,  
11 disciplining students with disabilities and instruction in the necessity and requirements for  
12 confidentiality.

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

- 25         (1) First degree murder under section 565.020;
- 26         (2) Second degree murder under section 565.021;
- 27         (3) Kidnapping under section 565.110;
- 28         (4) First degree assault under section 565.050;
- 29         (5) Forcible rape under section 566.030;
- 30         (6) Forcible sodomy under section 566.060;
- 31         (7) Burglary in the first degree under section 569.160;
- 32         (8) Burglary in the second degree under section 569.170;
- 33         (9) Robbery in the first degree under section 569.020;
- 34         (10) Distribution of drugs under section 195.211;
- 35         (11) Distribution of drugs to a minor under section 195.212;
- 36         (12) Arson in the first degree under section 569.040;
- 37         (13) Voluntary manslaughter under section 565.023;
- 38         (14) Involuntary manslaughter under section 565.024;
- 39         (15) Second degree assault under section 565.060;
- 40         (16) Sexual assault under section 566.040;
- 41         (17) Felonious restraint under section 565.120;
- 42         (18) Property damage in the first degree under section 569.100;
- 43         (19) The possession of a weapon under chapter 571;
- 44         (20) Child molestation in the first degree pursuant to section 566.067;
- 45         (21) Deviate sexual assault pursuant to section 566.070;

46 (22) Sexual misconduct involving a child pursuant to section 566.083;  
47 (23) Sexual abuse pursuant to section 566.100;  
48 (24) Harassment under section 565.090; or  
49 (25) Stalking under section 565.225; committed on school property, including but not  
50 limited to actions on any school bus in service on behalf of the district or while involved in  
51 school activities. The policy shall require that any portion of a student's individualized education  
52 program that is related to demonstrated or potentially violent behavior shall be provided to any  
53 teacher and other school district employees who are directly responsible for the student's  
54 education or who otherwise interact with the student on an educational basis while acting within  
55 the scope of their assigned duties. The policy shall also contain the consequences of failure to  
56 obey standards of conduct set by the local board of education, and the importance of the  
57 standards to the maintenance of an atmosphere where orderly learning is possible and  
58 encouraged.

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

66 (1) Such student is under the direct supervision of the student's parent, legal guardian,  
67 or custodian and the superintendent or the superintendent's designee has authorized the student  
68 to be on school property;

69 (2) Such student is under the direct supervision of another adult designated by the  
70 student's parent, legal guardian, or custodian, in advance, in writing, to the principal of the school  
71 which suspended the student and the superintendent or the superintendent's designee has  
72 authorized the student to be on school property;

73 (3) Such student is enrolled in and attending an alternative school that is located within  
74 one thousand feet of a public school in the school district where such student attended school;  
75 or

76 (4) Such student resides within one thousand feet of any public school in the school  
77 district where such student attended school in which case such student may be on the property  
78 of his or her residence without direct adult supervision.

79 4. Any student who violates the condition of suspension required pursuant to subsection  
80 3 of this section may be subject to expulsion or further suspension pursuant to the provisions of  
81 sections 167.161, 167.164, and 167.171. In making this determination consideration shall be  
82 given to whether the student poses a threat to the safety of any child or school employee and

83 whether such student's unsupervised presence within one thousand feet of the school is disruptive  
84 to the educational process or undermines the effectiveness of the school's disciplinary policy.  
85 Removal of any pupil who is a student with a disability is subject to state and federal procedural  
86 rights. This section shall not limit a school district's ability to:

87 (1) Prohibit all students who are suspended from being on school property or attending  
88 an activity while on suspension;

89 (2) Discipline students for off-campus conduct that negatively affects the educational  
90 environment to the extent allowed by law.

91 5. The policy shall provide for a suspension for a period of not less than one year, or  
92 expulsion, for a student who is determined to have brought a weapon to school, including but  
93 not limited to the school playground or the school parking lot, brought a weapon on a school bus  
94 or brought a weapon to a school activity whether on or off of the school property in violation of  
95 district policy, except that:

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

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

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

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

113 8. Teachers and other authorized district personnel in public schools responsible for the  
114 care, supervision, and discipline of schoolchildren, including volunteers selected with reasonable  
115 care by the school district, shall not be civilly liable when acting in conformity with the  
116 established policies developed by each board, including but not limited to policies of student  
117 discipline or when reporting to his or her supervisor or other person as mandated by state law  
118 acts of school violence or threatened acts of school violence, within the course and scope of the  
119 duties of the teacher, authorized district personnel or volunteer, when such individual is acting

120 in conformity with the established policies developed by the board. Nothing in this section shall  
121 be construed to create a new cause of action against such school district, or to relieve the school  
122 district from liability for the negligent acts of such persons.

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

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

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

155 12. Upon receipt of any reports of child abuse by the children's division other than  
156 reports provided under subsection 11 of this section, pursuant to sections 210.110 to 210.165

157 which allegedly involve personnel of a school district, the children's division shall notify the  
158 superintendent of schools of the district or, if the person named in the alleged incident is the  
159 superintendent of schools, the president of the school board of the school district where the  
160 alleged incident occurred.

161 13. If, after an initial investigation, the superintendent of schools or the president of the  
162 school board finds that the report involves an alleged incident of child abuse other than the  
163 administration of a spanking by certificated school personnel or the use of reasonable force to  
164 protect persons or property when administered by school personnel pursuant to a written policy  
165 of discipline or that the report was made for the sole purpose of harassing a public school  
166 employee, the superintendent of schools or the president of the school board shall immediately  
167 refer the matter back to the children's division and take no further action. In all matters referred  
168 back to the children's division, the division shall treat the report in the same manner as other  
169 reports of alleged child abuse received by the division.

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

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

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

187 17. The juvenile officer or a law enforcement officer designated by the juvenile officer  
188 and the investigating school district personnel shall issue separate reports of their findings and  
189 recommendations after the conclusion of the investigation to the school board of the school  
190 district within seven days after receiving notice from the children's division.

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

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

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

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

205           (3) The issue involved in the alleged incident of child abuse is unresolved. The juvenile  
206 officer or a law enforcement officer designated by the juvenile officer and the investigating  
207 school personnel are unable to agree on their findings and conclusions on the alleged incident.

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

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

226           22. In order to ensure the safety of all students, should a student be expelled for bringing  
227 a weapon to school, violent behavior, or for an act of school violence, that student shall not, for  
228 the purposes of the accreditation process of the Missouri school improvement plan, be

229 considered a dropout or be included in the calculation of that district's educational persistence  
230 ratio.

210.115. 1. When any physician, medical examiner, coroner, dentist, chiropractor,  
2 optometrist, podiatrist, resident, intern, nurse, hospital or clinic personnel that are engaged in the  
3 examination, care, treatment or research of persons, and any other health practitioner,  
4 psychologist, mental health professional, social worker, day care center worker or other  
5 child-care worker, juvenile officer, probation or parole officer, jail or detention center personnel,  
6 teacher, principal or other school official, minister as provided by section 352.400, peace officer  
7 or law enforcement official, or other person with responsibility for the care of children has  
8 reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or  
9 observes a child being subjected to conditions or circumstances which would reasonably result  
10 in abuse or neglect, that person shall immediately report [or cause a report to be made] to the  
11 division in accordance with the provisions of sections 210.109 to 210.183. As used in this  
12 section, the term "abuse" is not limited to abuse inflicted by a person responsible for the child's  
13 care, custody and control as specified in section 210.110, but shall also include abuse inflicted  
14 by any other person.

15 2. [Whenever such person is required to report pursuant to sections 210.109 to 210.183  
16 in an official capacity as a staff member of a medical institution, school facility, or other agency,  
17 whether public or private, the person in charge or a designated agent shall be notified  
18 immediately. The person in charge or a designated agent shall then become responsible for  
19 immediately making or causing such report to be made to the division. Nothing in this section,  
20 however, is meant to preclude any person from reporting abuse or neglect] **When two or more**  
21 **persons who are required to report jointly have knowledge of a known or suspected**  
22 **instance of child abuse or neglect, a single report may be made by a member of the team.**  
23 **Any member who has knowledge that the member designated to report has failed to do so**  
24 **shall thereafter make the report.**

25 3. **The reporting requirements under this section are individual, and no supervisor**  
26 **or administrator may impede or inhibit any reporting under this section. No person**  
27 **making a report under this section shall be subject to any sanction for making such report.**  
28 **However, internal procedures to facilitate reporting and apprise supervisors and**  
29 **administrators of reports may be established provided such internal procedures are not**  
30 **inconsistent with this section.**

31 4. Notwithstanding any other provision of sections 210.109 to 210.183, any child who  
32 does not receive specified medical treatment by reason of the legitimate practice of the religious  
33 belief of the child's parents, guardian, or others legally responsible for the child, for that reason  
34 alone, shall not be found to be an abused or neglected child, and such parents, guardian or other



35 persons legally responsible for the child shall not be entered into the central registry. However,  
36 the division may accept reports concerning such a child and may subsequently investigate or  
37 conduct a family assessment as a result of that report. Such an exception shall not limit the  
38 administrative or judicial authority of the state to ensure that medical services are provided to  
39 the child when the child's health requires it.

40 [4.] 5. In addition to those persons and officials required to report actual or suspected  
41 abuse or neglect, any other person may report in accordance with sections 210.109 to 210.183  
42 if such person has reasonable cause to suspect that a child has been or may be subjected to abuse  
43 or neglect or observes a child being subjected to conditions or circumstances which would  
44 reasonably result in abuse or neglect.

45 [5.] 6. Any person or official required to report pursuant to this section, including  
46 employees of the division, who has probable cause to suspect that a child who is or may be under  
47 the age of eighteen, who is eligible to receive a certificate of live birth, has died shall report that  
48 fact to the appropriate medical examiner or coroner. If, upon review of the circumstances and  
49 medical information, the medical examiner or coroner determines that the child died of natural  
50 causes while under medical care for an established natural disease, the coroner, medical  
51 examiner or physician shall notify the division of the child's death and that the child's attending  
52 physician shall be signing the death certificate. In all other cases, the medical examiner or  
53 coroner shall accept the report for investigation, shall immediately notify the division of the  
54 child's death as required in section 58.452 and shall report the findings to the child fatality review  
55 panel established pursuant to section 210.192.

56 [6.] 7. Any person or individual required to report may also report the suspicion of abuse  
57 or neglect to any law enforcement agency or juvenile office. Such report shall not, however, take  
58 the place of reporting [or causing a report to be made] to the division.

59 [7.] 8. If an individual required to report suspected instances of abuse or neglect pursuant  
60 to this section has reason to believe that the victim of such abuse or neglect is a resident of  
61 another state or was injured as a result of an act which occurred in another state, the person  
62 required to report such abuse or neglect may, in lieu of reporting to the Missouri division of  
63 family services, make such a report to the child protection agency of the other state with the  
64 authority to receive such reports pursuant to the laws of such other state. If such agency accepts  
65 the report, no report is required to be made, but may be made, to the [Missouri] division [of  
66 family services].

67 210.1014. 1. There is hereby created the "Amber Alert System Oversight Committee",  
68 whose primary duty shall be to develop criteria and procedures for the Amber alert system and  
69 shall be housed within the department of public safety. The committee shall regularly review  
70 the function of the Amber alert system and revise its criteria and procedures in cooperation with

71 the department of public safety to provide for efficient and effective public notification. As soon  
72 as practicable, the committee shall adopt criteria and procedures to expand the Amber alert  
73 system to provide urgent public alerts related to homeland security, criminal acts, health  
74 emergencies, and other imminent dangers to the public health and welfare.

75 **2. The committee shall, prior to January 1, 2013, adopt the criteria and procedures**  
76 **necessary to expand the Amber alert system to provide peace officer safety alerts for the**  
77 **location and identification of any person who has assaulted or otherwise injured a licensed**  
78 **peace officer and who has fled the scene.**

79 **3.** The Amber alert system oversight committee shall consist of ten members of which  
80 seven members shall be appointed by the governor with the advice and consent of the senate.  
81 Such members shall represent the following entities: two representatives of the Missouri Sheriffs'  
82 Association; two representatives of the Missouri Police Chiefs Association; one representative  
83 of small market radio broadcasters; one representative of large market radio broadcasters; one  
84 representative of television broadcasters. The director of the department of public safety shall  
85 also be a member of the committee and shall serve as chair of the committee. Additional  
86 members shall include one representative of the highway patrol and one representative of the  
87 department of health and senior services.

88 [3.] **4.** Members of the oversight committee shall serve a term of four years, except that  
89 members first appointed to the committee shall have staggered terms of two, three, and four years  
90 and shall serve until their successor is duly appointed and qualified.

91 [4.] **5.** Members of the oversight committee shall serve without compensation, except  
92 that members shall be reimbursed for their actual and necessary expenses required for the  
93 discharge of their duties.

94 [5.] **6.** The Amber alert system oversight committee shall promulgate rules for the  
95 implementation of the Amber alert system. Any rule or portion of a rule, as that term is defined  
96 in section 536.010, that is created under the authority delegated in this section shall become  
97 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if  
98 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the  
99 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective  
100 date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of  
101 rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid  
102 and void.

306.130. 1. The **Missouri state highway patrol**, water patrol division, shall authorize  
2 the holding of regattas, motorboat or other watercraft races, marine parades, tournaments,  
3 parasail operations or exhibitions on any waters of this state when it has determined that said  
4 event will not create conditions of excessive danger for the participants, observers or operators

5 of other watercraft nor unduly disrupt navigation. It shall adopt and may, from time to time,  
6 amend regulations concerning the safety of motorboats and other watercraft and persons thereon,  
7 either observers or participants. Whenever a regatta, motorboat or other watercraft race, marine  
8 parade, tournament, parasail operation or exhibition is proposed to be held, the person in charge  
9 thereof shall, at least fifteen days prior thereto, file an application with the **Missouri state** water  
10 patrol division for permission to hold the regatta, motorboat or other watercraft race, marine  
11 parade, tournament, parasail operation or exhibition, and it shall not be conducted without  
12 authorization of the **Missouri state** water patrol division in writing.

13       2. **A person who holds a permit issued by the Missouri state water patrol division**  
14 **to host a regatta, motorboat or other watercraft race, marine parade, tournament, parasail**  
15 **operation or exhibition on any waters of the state shall not knowingly violate any term of**  
16 **the permit.**

17       3. The provisions of this section shall not exempt any person from compliance with  
18 applicable federal law or regulation, but nothing contained herein shall be construed to require  
19 the securing of a state permit pursuant to this section if a permit therefor has been obtained from  
20 an authorized agency of the United States.

455.020. 1. Any [adult] **person** who has been subject to domestic violence by a present  
2 or former family or household member, or who has been the victim of stalking, may seek relief  
3 under sections 455.010 to 455.085 by filing a verified petition alleging such domestic violence  
4 or stalking by the respondent.

5       2. [An adult's] **A person's** right to relief under sections 455.010 to 455.085 shall not be  
6 affected by his leaving the residence or household to avoid domestic violence.

7       3. Any protection order issued pursuant to sections 455.010 to 455.085 shall be effective  
8 throughout the state in all cities and counties.

455.035. 1. Upon the filing of a verified petition pursuant to sections 455.010 to  
2 455.085 and for good cause shown in the petition, the court may immediately issue an ex parte  
3 order of protection. An immediate and present danger of [abuse] **domestic violence** to the  
4 petitioner **or the child on whose behalf the petition is filed** shall constitute good cause for  
5 purposes of this section. An ex parte order of protection entered by the court shall take effect  
6 when entered and shall remain in effect until there is valid service of process and a hearing is  
7 held on the motion. **The court shall deny the ex parte and dismiss the petition if the**  
8 **petitioner is not authorized to seek relief under section 455.020.**

9       2. Failure to serve an ex parte order of protection on the respondent shall not affect the  
10 validity or enforceability of such order. If the respondent is less than seventeen years of age,  
11 unless otherwise emancipated, service of process shall be made upon a **custodial** parent or  
12 guardian of the respondent, or upon a guardian ad litem appointed by the court, **requiring that**

13 **the person appear and bring the respondent before the court at the time and place stated.**

14 3. If an ex parte order is entered and [the allegations in the petition would give rise to  
15 jurisdiction under section 211.031 because] the respondent is less than seventeen years of age,  
16 the court shall transfer the case to juvenile court for a hearing on a full order of protection. The  
17 court shall appoint a guardian ad litem for any such respondent not represented by a parent or  
18 guardian.

455.040. 1. Not later than fifteen days after the filing of a petition [pursuant to sections  
2 455.010 to 455.085] **that meets the requirements of section 455.020**, a hearing shall be held  
3 unless the court deems, for good cause shown, that a continuance should be granted. At the  
4 hearing, if the petitioner has proved the allegation of abuse or stalking by a preponderance of the  
5 evidence, the court shall issue a full order of protection for a period of time the court deems  
6 appropriate, except that the protective order shall be valid for at least one hundred eighty days  
7 and not more than one year. Upon motion by the petitioner, and after a hearing by the court, the  
8 full order of protection may be renewed for a period of time the court deems appropriate, except  
9 that the protective order shall be valid for at least one hundred eighty days and not more than one  
10 year from the expiration date of the originally issued full order of protection. The court may,  
11 upon finding that it is in the best interest of the parties, include a provision that any full order of  
12 protection for one year shall automatically renew unless the respondent requests a hearing by  
13 thirty days prior to the expiration of the order. If for good cause a hearing cannot be held on the  
14 motion to renew or the objection to an automatic renewal of the full order of protection prior to  
15 the expiration date of the originally issued full order of protection, an ex parte order of protection  
16 may be issued until a hearing is held on the motion. When an automatic renewal is not  
17 authorized, upon motion by the petitioner, and after a hearing by the court, the second full order  
18 of protection may be renewed for an additional period of time the court deems appropriate,  
19 except that the protective order shall be valid for at least one hundred eighty days and not more  
20 than one year. For purposes of this subsection, a finding by the court of a subsequent act of  
21 abuse is not required for a renewal order of protection.

22 2. The court shall cause a copy of the petition and notice of the date set for the hearing  
23 on such petition and any ex parte order of protection to be served upon the respondent as  
24 provided by law or by any sheriff or police officer at least three days prior to such hearing. [Such  
25 notice shall be served at the earliest time, and service of such notice shall take priority over  
26 service in other actions, except those of a similar emergency nature.] The court shall cause a  
27 copy of any full order of protection to be served upon or mailed by certified mail to the  
28 respondent at the respondent's last known address. **Notice of an ex parte or full order of**  
29 **protection shall be served at the earliest time and service of such notice shall take priority**  
30 **over service in other actions, except those of a similar emergency nature.** Failure to serve

31 or mail a copy of the full order of protection to the respondent shall not affect the validity or  
32 enforceability of a full order of protection.

33 3. A copy of any order of protection granted pursuant to sections 455.010 to 455.085  
34 shall be issued to the petitioner and to the local law enforcement agency in the jurisdiction where  
35 the petitioner resides. The clerk shall also issue a copy of any order of protection to the local law  
36 enforcement agency responsible for maintaining the Missouri uniform law enforcement system  
37 or any other comparable law enforcement system the same day the order is granted. The law  
38 enforcement agency responsible for maintaining MULES shall, for purposes of verification,  
39 within twenty-four hours from the time the order is granted, enter information contained in the  
40 order including but not limited to any orders regarding child custody or visitation and all  
41 specifics as to times and dates of custody or visitation that are provided in the order. A notice  
42 of expiration or of termination of any order of protection or any change in child custody or  
43 visitation within that order shall be issued to the local law enforcement agency and to the law  
44 enforcement agency responsible for maintaining MULES or any other comparable law  
45 enforcement system. The law enforcement agency responsible for maintaining the applicable  
46 law enforcement system shall enter such information in the system within twenty-four hours of  
47 receipt of information evidencing such expiration or termination. The information contained in  
48 an order of protection may be entered in the Missouri uniform law enforcement system or  
49 comparable law enforcement system using a direct automated data transfer from the court  
50 automated system to the law enforcement system.

51 4. The court shall cause a copy of any objection filed by the respondent and notice of the  
52 date set for the hearing on such objection to an automatic renewal of a full order of protection  
53 for a period of one year to be personally served upon the petitioner by personal process server  
54 as provided by law or by a sheriff or police officer at least three days prior to such hearing. Such  
55 service of process shall be served at the earliest time and shall take priority over service in other  
56 actions except those of a similar emergency nature.

455.060. 1. After notice and hearing, the court may modify an order of protection at any  
2 time, upon subsequent motion filed by the guardian ad litem, the court-appointed special  
3 advocate or by either party together with an affidavit showing a change in circumstances  
4 sufficient to warrant the modification. All full orders of protection shall be final orders and  
5 appealable and shall be for a fixed period of time as provided in section 455.040.

6 2. Any order for child support, custody, temporary custody, visitation or maintenance  
7 entered under sections 455.010 to 455.085 shall terminate prior to the time fixed in the order  
8 upon the issuance of a subsequent order pursuant to chapter 452 or any other Missouri statute.

9 3. No order entered pursuant to sections 455.010 to 455.085 shall be res judicata to any  
10 subsequent proceeding, including, but not limited to, any action brought under chapter 452[,  
11 RSMo 1978, as amended].

12           4. All provisions of an order of protection shall terminate upon entry of a decree of  
13 dissolution of marriage or legal separation except as to those provisions which require the  
14 respondent to participate in a court-approved counseling program or enjoin the respondent from  
15 abusing, molesting, stalking or disturbing the peace of the petitioner and which enjoin the  
16 respondent from entering the premises of the dwelling unit of the petitioner as described in the  
17 order of protection when the petitioner continues to reside in that dwelling unit unless the  
18 respondent is awarded possession of the dwelling unit pursuant to a decree of dissolution of  
19 marriage or legal separation.

20           5. Any order of protection or order for child support, custody, temporary custody,  
21 visitation or maintenance entered under sections 455.010 to 455.085 shall terminate upon the  
22 order of the court granting a motion to terminate the order of protection by the petitioner. [The  
23 court shall set the motion to dismiss for hearing and both parties shall have an opportunity to be  
24 heard.] Prior to terminating any order of protection, the court may [examine the circumstances  
25 of the motion to dismiss and may] inquire of the petitioner or others **in camera** in order to [assist  
26 the court in determining if] **determine whether the** dismissal is voluntary.

27           6. The order of protection may not change the custody of children when an action for  
28 dissolution of marriage has been filed or the custody has previously been awarded by a court of  
29 competent jurisdiction.

          455.085. 1. When a law enforcement officer has probable cause to believe a party has  
2 committed a violation of law amounting to abuse or assault, as defined in section 455.010,  
3 against a family or household member, the officer may arrest the offending party whether or not  
4 the violation occurred in the presence of the arresting officer. When the officer declines to make  
5 arrest pursuant to this subsection, the officer shall make a written report of the incident  
6 completely describing the offending party, giving the victim's name, time, address, reason why  
7 no arrest was made and any other pertinent information. Any law enforcement officer  
8 subsequently called to the same address within a twelve-hour period, who shall find probable  
9 cause to believe the same offender has again committed a violation as stated in this subsection  
10 against the same or any other family or household member, shall arrest the offending party for  
11 this subsequent offense. The primary report of nonarrest in the preceding twelve-hour period  
12 may be considered as evidence of the defendant's intent in the violation for which arrest  
13 occurred. The refusal of the victim to sign an official complaint against the violator shall not  
14 prevent an arrest under this subsection.

15           2. When a law enforcement officer has probable cause to believe that a party, against  
16 whom a protective order has been entered and who has notice of such order entered, has  
17 committed an act [of abuse] in violation of such order, the officer shall arrest the offending  
18 party-respondent whether or not the violation occurred in the presence of the arresting officer.

19 Refusal of the victim to sign an official complaint against the violator shall not prevent an arrest  
20 under this subsection.

21 3. When an officer makes an arrest he is not required to arrest two parties involved in  
22 an assault when both parties claim to have been assaulted. The arresting officer shall attempt to  
23 identify and shall arrest the party he believes is the primary physical aggressor. The term  
24 "primary physical aggressor" is defined as the most significant, rather than the first, aggressor.  
25 The law enforcement officer shall consider any or all of the following in determining the primary  
26 physical aggressor:

27 (1) The intent of the law to protect victims [of domestic violence] from continuing  
28 [abuse] **domestic violence**;

29 (2) The comparative extent of injuries inflicted or serious threats creating fear of physical  
30 injury;

31 (3) The history of domestic violence between the persons involved.

32

33 No law enforcement officer investigating an incident of [family] **domestic** violence shall threaten  
34 the arrest of all parties for the purpose of discouraging requests or law enforcement intervention  
35 by any party. Where complaints are received from two or more opposing parties, the officer shall  
36 evaluate each complaint separately to determine whether he should seek a warrant for an arrest.

37 4. In an arrest in which a law enforcement officer acted in good faith reliance on this  
38 section, the arresting and assisting law enforcement officers and their employing entities and  
39 superiors shall be immune from liability in any civil action alleging false arrest, false  
40 imprisonment or malicious prosecution.

41 5. When a person against whom an order of protection has been entered fails to surrender  
42 custody of minor children to the person to whom custody was awarded in an order of protection,  
43 the law enforcement officer shall arrest the respondent, and shall turn the minor children over  
44 to the care and custody of the party to whom such care and custody was awarded.

45 6. The same procedures, including those designed to protect constitutional rights, shall  
46 be applied to the respondent as those applied to any individual detained in police custody.

47 7. A violation of the terms and conditions, with regard to [abuse] **domestic violence**,  
48 stalking, child custody, communication initiated by the respondent or entrance upon the premises  
49 of the petitioner's dwelling unit or place of employment or school, or being within a certain  
50 distance of the petitioner or a child of the petitioner, of an ex parte order of protection of which  
51 the respondent has notice, shall be a class A misdemeanor unless the respondent has previously  
52 pleaded guilty to or has been found guilty in any division of the circuit court of violating an ex  
53 parte order of protection or a full order of protection within five years of the date of the  
54 subsequent violation, in which case the subsequent violation shall be a class D felony. Evidence

55 of prior pleas of guilty or findings of guilt shall be heard by the court out of the presence of the  
56 jury prior to submission of the case to the jury. If the court finds the existence of such prior pleas  
57 of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or  
58 duration of sentence or other disposition and shall not instruct the jury as to the range of  
59 punishment or allow the jury to assess and declare the punishment as a part of its verdict.

60 8. A violation of the terms and conditions, with regard to [abuse] **domestic violence**,  
61 stalking, child custody, communication initiated by the respondent or entrance upon the premises  
62 of the petitioner's dwelling unit or place of employment or school, or being within a certain  
63 distance of the petitioner or a child of the petitioner, of a full order of protection shall be a class  
64 A misdemeanor, unless the respondent has previously pleaded guilty to or has been found guilty  
65 in any division of the circuit court of violating an ex parte order of protection or a full order of  
66 protection within five years of the date of the subsequent violation, in which case the subsequent  
67 violation shall be a class D felony. Evidence of prior pleas of guilty or findings of guilt shall be  
68 heard by the court out of the presence of the jury prior to submission of the case to the jury. If  
69 the court finds the existence of such prior plea of guilty or finding of guilt beyond a reasonable  
70 doubt, the court shall decide the extent or duration of the sentence or other disposition and shall  
71 not instruct the jury as to the range of punishment or allow the jury to assess and declare the  
72 punishment as a part of its verdict. For the purposes of this subsection, in addition to the notice  
73 provided by actual service of the order, a party is deemed to have notice of an order of protection  
74 if the law enforcement officer responding to a call of a reported incident of abuse or violation  
75 of an order of protection presented a copy of the order of protection to the respondent.

76 9. Good faith attempts to effect a reconciliation of a marriage shall not be deemed  
77 tampering with a witness or victim tampering under section 575.270.

78 10. Nothing in this section shall be interpreted as creating a private cause of action for  
79 damages to enforce the provisions set forth herein.

455.505. 1. An order of protection for a child who has been subject to domestic violence  
2 by a present or former [adult] household member or person stalking the child may be sought  
3 under sections 455.500 to 455.538 by the filing of a verified petition alleging such domestic  
4 violence by the respondent.

5 2. A child's right to relief under sections 455.500 to 455.538 shall not be affected by his  
6 leaving the residence or household to avoid domestic violence.

7 3. Any protection order issued pursuant to sections 455.500 to 455.538 shall be effective  
8 throughout the state in all cities and counties.

455.513. 1. Upon the filing of a verified petition under sections 455.500 to 455.538, for  
2 good cause shown in the petition, and upon finding that no prior order regarding custody is  
3 pending or has been made or that the respondent is less than seventeen years of age, the court  
4 may immediately issue an ex parte order of protection. An immediate and present danger of



5 [abuse] **domestic violence** to a child shall constitute good cause for purposes of this section. An  
6 ex parte order of protection entered by the court shall be in effect until the time of the hearing.  
7 **The court shall deny the ex parte and dismiss the petition if the petitioner is not authorized**  
8 **to seek relief under section 455.505.**

9         2. Upon the entry of the ex parte order of protection, the court shall enter its order  
10 appointing a guardian ad litem or court-appointed special advocate to represent the child victim.

11         3. If the allegations in the petition would give rise to jurisdiction under section 211.031,  
12 the court may direct the children's division to conduct an investigation and to provide appropriate  
13 services. The division shall submit a written investigative report to the court and to the juvenile  
14 officer within thirty days of being ordered to do so. The report shall be made available to the  
15 parties and the guardian ad litem or court-appointed special advocate.

16         4. If [an ex parte order is entered and] the allegations in the petition would give rise to  
17 jurisdiction under section 211.031 because the respondent is less than seventeen years of age, the  
18 court **may issue an ex parte order and** shall transfer the case to juvenile court for a hearing on  
19 a full order of protection. Service of process shall be made pursuant to section 455.035.

455.523. 1. Any full order of protection granted under sections 455.500 to 455.538 shall  
2 be to protect the victim from domestic violence and may include such terms as the court  
3 reasonably deems necessary to ensure the petitioner's safety, including but not limited to:

4         (1) Temporarily enjoining the respondent from abusing, threatening to abuse, molesting  
5 or disturbing the peace of the victim;

6         (2) Temporarily enjoining the respondent from entering the family home of the victim,  
7 except as specifically authorized by the court;

8         (3) Temporarily enjoining the respondent from communicating with the victim in any  
9 manner or through any medium, except as specifically authorized by the court.

10         2. When the court has, after hearing for any full order of protection, issued an order of  
11 protection, it may, in addition:

12         (1) Award custody of any minor child born to or adopted by the parties when the court  
13 has jurisdiction over such child and no prior order regarding custody is pending or has been  
14 made, and the best interests of the child require such order be issued;

15         (2) Award visitation;

16         (3) Award child support in accordance with supreme court rule 88.01 and chapter 452;

17         (4) Award maintenance to petitioner when petitioner and respondent are lawfully married  
18 in accordance with chapter 452;

19         (5) Order respondent to make or to continue to make rent or mortgage payments on a  
20 residence occupied by the victim if the respondent is found to have a duty to support the victim  
21 or other dependent household members;

22 (6) Order the respondent to participate in a court-approved counseling program designed  
23 to help [child abusers] stop violent behavior or to treat substance abuse;

24 (7) Order the respondent to pay, to the extent that he or she is able, the costs of his or her  
25 treatment, together with the treatment costs incurred by the victim;

26 (8) Order the respondent to pay a reasonable fee for housing and other services that have  
27 been provided or that are being provided to the victim by a shelter for victims of domestic  
28 violence.

29 455.538. 1. When a law enforcement officer has probable cause to believe that a party,  
30 against whom a protective order for a child has been entered, has committed an act of [abuse]  
31 **domestic violence** in violation of that order, he shall have the authority to arrest the respondent  
32 whether or not the violation occurred in the presence of the arresting officer.

33 2. When a person, against whom an order of protection for a child has been entered, fails  
34 to surrender custody of minor children to the person to whom custody was awarded in an order  
35 of protection, the law enforcement officer shall arrest the respondent, and shall turn the minor  
36 children over to the care and custody of the party to whom such care and custody was awarded.

37 3. The same procedures, including those designed to protect constitutional rights, shall  
38 be applied to the respondent as those applied to any individual detained in police custody.

39 4. (1) Violation of the terms and conditions of an ex parte or full order of protection  
40 with regard to abuse, child custody, communication initiated by the respondent, or entrance upon  
41 the premises of the victim's dwelling unit or place of employment or school, or being within a  
42 certain distance of the petitioner or a child of the petitioner, of which the respondent has notice,  
43 shall be a class A misdemeanor, unless the respondent has previously pleaded guilty to or has  
44 been found guilty in any division of the circuit court of violating an ex parte order of protection  
45 or a full order of protection within five years of the date of the subsequent violation, in which  
46 case the subsequent violation shall be a class D felony. Evidence of a prior plea of guilty or  
47 finding of guilt shall be heard by the court out of the presence of the jury prior to submission of  
48 the case to the jury. If the court finds the existence of a prior plea of guilty or finding of guilt  
49 beyond a reasonable doubt, the court shall decide the extent or duration of sentence or other  
50 disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess  
51 and declare the punishment as a part of its verdict.

52 (2) For purposes of this subsection, in addition to the notice provided by actual service  
53 of the order, a party is deemed to have notice of an order of protection for a child if the law  
54 enforcement officer responding to a call of a reported incident of abuse or violation of an order  
55 of protection for a child presents a copy of the order of protection to the respondent.

56 5. The fact that an act by a respondent is a violation of a valid order of protection for a  
57 child shall not preclude prosecution of the respondent for other crimes arising out of the incident  
58 in which the protection order is alleged to have been violated.

488.5050. 1. In addition to any other surcharges authorized by statute, the clerk of each court of this state shall collect the surcharges provided for in subsection 2 of this section.

2. A surcharge of thirty dollars shall be assessed as costs in each circuit court proceeding filed within this state in all criminal cases in which the defendant pleads guilty [or nolo contendere to] , **is found guilty** or is convicted of a felony, except when the defendant pleads guilty or is found guilty of a class B felony, class A felony, or an unclassified felony, under chapter 195, in which case, the surcharge shall be sixty dollars. A surcharge of fifteen dollars shall be assessed as costs in each court proceeding filed within this state in all **other** criminal cases, except for traffic violations cases in which the defendant pleads guilty [or nolo contendere to] , **is found guilty** or is convicted of a misdemeanor.

3. Notwithstanding any other provisions of law, the moneys collected by clerks of the courts pursuant to the provisions of subsection 1 of this section shall be collected and disbursed in accordance with sections 488.010 to 488.020, and shall be payable to the state treasurer.

4. [If in the immediate previous fiscal year, the state's general revenue did not increase by two percent or more, the state treasurer shall deposit such moneys or other gifts, grants, or moneys received on a monthly basis into the state general revenue fund. Otherwise the state treasurer shall deposit such moneys in accordance with the provisions of subsection 5 of this section.

5.] The state treasurer shall deposit such moneys or other gifts, grants, or moneys received on a monthly basis into the "DNA Profiling Analysis Fund", which is hereby created in the state treasury. The fund shall be administered by the department of public safety. The moneys deposited into the DNA profiling analysis fund shall be used only [for DNA profiling analysis of convicted offender samples performed] **by the highway patrol crime lab** to fulfill the purposes of the DNA profiling system pursuant to section 650.052. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

[6. The provisions of subsections 1 and 2 of this section shall expire on August 28, 2013.]

513.653. 1. Law enforcement agencies involved in using the federal forfeiture system under federal law shall [be required at the end of their respective fiscal year to acquire an independent audit of the federal seizures and the proceeds received therefrom and provide this audit to their respective governing body and to the department of public safety. A copy of such audit shall be provided to the state auditor's office. This audit shall be paid for out of the proceeds of such federal forfeitures] **file a report regarding federal seizures and the proceeds therefrom. Such report shall be filed annually by January thirty-first for the previous calendar year with the department of public safety and the state auditor's office. The**

9 **report for the calendar year shall include the type and value of items seized and turned**  
10 **over to the federal forfeiture system, the beginning balance as of January first of federal**  
11 **forfeiture funds or assets previously received and not expended or used, the proceeds**  
12 **received from the federal government (the equitable sharing amount), the expenditures**  
13 **resulting from the proceeds received, and the ending balance as of December thirty-first**  
14 **of federal forfeiture funds or assets on hand.** The department of public safety shall not issue  
15 funds to any law enforcement agency that fails to comply with the provisions of this section.

16 2. Intentional or knowing failure to comply with the [audit] **reporting** requirement  
17 contained in this section shall be a class A misdemeanor, punishable by a fine of up to one  
18 thousand dollars.

527.290. 1. Public notice of such a change of name shall be given at least three times  
2 in a newspaper published in the county where such person is residing, within twenty days after  
3 the order of court is made, and if no newspaper is published in his or any adjacent county, then  
4 such notice shall be given in a newspaper published in the City of St. Louis, or at the seat of  
5 government.

6 2. Public notice of such name change through publication as required in subsection 1 of  
7 this section shall not be required **and any system operated by the judiciary that is designed**  
8 **to provide public case information electronically shall not post the name change** if the  
9 petitioner is:

10 (1) The victim of a crime, the underlying factual basis of which is found by the court on  
11 the record to include an act of domestic violence, as defined in section 455.010;

12 (2) The victim of child abuse, as defined in section 210.110; or

13 (3) The victim of [abuse] **domestic violence** by a family or household member, as  
14 defined in section 455.010.

**544.456. 1. This section shall be known and may be cited as "Sam Pratt's Law".**

2 **2. In any case involving abuse, neglect, or death of a child, any court with**  
3 **competent jurisdiction may impose as a condition of release of a defendant under section**  
4 **544.455 that such defendant be prohibited from providing child care services for**  
5 **compensation pending final disposition of the case.**

558.019. 1. This section shall not be construed to affect the powers of the governor  
2 under article IV, section 7, of the Missouri Constitution. This statute shall not affect those  
3 provisions of section 565.020, section 558.018 or section 571.015, which set minimum terms of  
4 sentences, or the provisions of section 559.115, relating to probation.

5 2. The provisions of subsections 2 to 5 of this section shall be applicable to all classes  
6 of felonies except those set forth in chapter 195, and those otherwise excluded in subsection 1  
7 of this section. For the purposes of this section, "prison commitment" means and is the receipt

8 by the department of corrections of an offender after sentencing. For purposes of this section,  
9 prior prison commitments to the department of corrections shall not include commitment to a  
10 regimented discipline program established pursuant to section 217.378. Other provisions of the  
11 law to the contrary notwithstanding, any offender who has pleaded guilty to or has been found  
12 guilty of a felony other than a dangerous felony as defined in section 556.061 and is committed  
13 to the department of corrections shall be required to serve the following minimum prison terms:

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

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

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

27 3. Other provisions of the law to the contrary notwithstanding, any offender who has  
28 pleaded guilty to or has been found guilty of a dangerous felony as defined in section 556.061  
29 and is committed to the department of corrections shall be required to serve a minimum prison  
30 term of eighty-five percent of the sentence imposed by the court or until the offender attains  
31 seventy years of age, and has served at least forty percent of the sentence imposed, whichever  
32 occurs first.

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

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

36 (2) Any sentence either alone or in the aggregate with other consecutive sentences for  
37 crimes committed at or near the same time which is over seventy-five years shall be calculated  
38 to be seventy-five years.

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

42 6. (1) A sentencing advisory commission is hereby created to consist of eleven  
43 members. One member shall be appointed by the speaker of the house. One member shall be  
44 appointed by the president pro tem of the senate. One member shall be the director of the

45 department of corrections. Six members shall be appointed by and serve at the pleasure of the  
46 governor from among the following: the public defender commission; private citizens; a private  
47 member of the Missouri Bar; the board of probation and parole; and a prosecutor. Two members  
48 shall be appointed by the supreme court, one from a metropolitan area and one from a rural area.  
49 All members shall be appointed to a four-year term. All members of the sentencing commission  
50 appointed prior to August 28, 1994, shall continue to serve on the sentencing advisory  
51 commission at the pleasure of the governor.

52 (2) The commission shall study sentencing practices in the circuit courts throughout the  
53 state for the purpose of determining whether and to what extent disparities exist among the  
54 various circuit courts with respect to the length of sentences imposed and the use of probation  
55 for offenders convicted of the same or similar crimes and with similar criminal histories. The  
56 commission shall also study and examine whether and to what extent sentencing disparity among  
57 economic and social classes exists in relation to the sentence of death and if so, the reasons  
58 therefor sentences are comparable to other states, if the length of the sentence is appropriate, and  
59 the rate of rehabilitation based on sentence. It shall compile statistics, examine cases, draw  
60 conclusions, and perform other duties relevant to the research and investigation of disparities in  
61 death penalty sentencing among economic and social classes.

62 (3) [The commission shall establish a system of recommended sentences, within the  
63 statutory minimum and maximum sentences provided by law for each felony committed under  
64 the laws of this state. This system of recommended sentences shall be distributed to all  
65 sentencing courts within the state of Missouri. The recommended sentence for each crime shall  
66 take into account, but not be limited to, the following factors:

- 67 (a) The nature and severity of each offense;  
68 (b) The record of prior offenses by the offender;  
69 (c) The data gathered by the commission showing the duration and nature of sentences  
70 imposed for each crime; and  
71 (d) The resources of the department of corrections and other authorities to carry out the  
72 punishments that are imposed.

73 (4) [The commission shall study alternative sentences, prison work programs, work  
74 release, home-based incarceration, probation and parole options, and any other programs and  
75 report the feasibility of these options in Missouri.

76 [(5) The commission shall publish and distribute its recommendations on or before July  
77 1, 2004. The commission shall study the implementation and use of the recommendations until  
78 July 1, 2005, and return a report to the governor, the speaker of the house of representatives, and  
79 the president pro tem of the senate. Following the July 1, 2005, report, the commission shall  
80 revise the recommended sentences every two years.

81           (6)] (4) The governor shall select a chairperson who shall call meetings of the  
82 commission as required or permitted pursuant to the purpose of the sentencing commission.

83           [(7)] (5) The members of the commission shall not receive compensation for their duties  
84 on the commission, but shall be reimbursed for actual and necessary expenses incurred in the  
85 performance of these duties and for which they are not reimbursed by reason of their other paid  
86 positions.

87           [(8)] (6) The circuit and associate circuit courts of this state, the office of the state courts  
88 administrator, the department of public safety, and the department of corrections shall cooperate  
89 with the commission by providing information or access to information needed by the  
90 commission. The office of the state courts administrator will provide needed staffing resources.

91           7. Courts shall retain discretion to lower or exceed the sentence recommended by the  
92 commission as otherwise allowable by law, and to order restorative justice methods, when  
93 applicable.

94           8. If the imposition or execution of a sentence is suspended, the court may order any or  
95 all of the following restorative justice methods, or any other method that the court finds just or  
96 appropriate:

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

99           (2) Offender treatment programs;

100           (3) Mandatory community service;

101           (4) Work release programs in local facilities; and

102           (5) Community-based residential and nonresidential programs.

103           9. The provisions of this section shall apply only to offenses occurring on or after August  
104 28, 2003.

105           10. Pursuant to subdivision (1) of subsection 8 of this section, the court may order the  
106 assessment and payment of a designated amount of restitution to a county law enforcement  
107 restitution fund established by the county commission pursuant to section 50.565. Such  
108 contribution shall not exceed three hundred dollars for any charged offense. Any restitution  
109 moneys deposited into the county law enforcement restitution fund pursuant to this section shall  
110 only be expended pursuant to the provisions of section 50.565.

111           11. A judge may order payment to a restitution fund only if such fund had been created  
112 by ordinance or resolution of a county of the state of Missouri prior to sentencing. A judge shall  
113 not have any direct supervisory authority or administrative control over any fund to which the  
114 judge is ordering a defendant to make payment.

115           12. A defendant who fails to make a payment to a county law enforcement restitution  
116 fund may not have his or her probation revoked solely for failing to make such payment unless  
117 the judge, after evidentiary hearing, makes a finding supported by a preponderance of the

118 evidence that the defendant either willfully refused to make the payment or that the defendant  
119 willfully, intentionally, and purposefully failed to make sufficient bona fide efforts to acquire the  
120 resources to pay.

121 **13. Nothing in this section shall be construed to allow the sentencing advisory**  
122 **commission to issue recommended sentences in specific cases pending in the courts of this**  
123 **state.**

565.074. 1. A person commits the crime of domestic assault in the third degree if the  
2 act involves a family or household member [or an adult who is or has been in a continuing social  
3 relationship of a romantic or intimate nature with the actor], as defined in section 455.010 and:

4 (1) The person attempts to cause or recklessly causes physical injury to such family or  
5 household member; or

6 (2) With criminal negligence the person causes physical injury to such family or  
7 household member by means of a deadly weapon or dangerous instrument; or

8 (3) The person purposely places such family or household member in apprehension of  
9 immediate physical injury by any means; or

10 (4) The person recklessly engages in conduct which creates a grave risk of death or  
11 serious physical injury to such family or household member; or

12 (5) The person knowingly causes physical contact with such family or household  
13 member knowing the other person will regard the contact as offensive; or

14 (6) The person knowingly attempts to cause or causes the isolation of such family or  
15 household member by unreasonably and substantially restricting or limiting such family or  
16 household member's access to other persons, telecommunication devices or transportation for  
17 the purpose of isolation.

18 2. Except as provided in subsection 3 of this section, domestic assault in the third degree  
19 is a class A misdemeanor.

20 3. A person who has pleaded guilty to or been found guilty of the crime of domestic  
21 assault in the third degree more than two times against any family or household member as  
22 defined in section 455.010, or of any offense committed in violation of any county or municipal  
23 ordinance in any state, any state law, any federal law, or any military law which, if committed  
24 in this state, would be a violation of this section, is guilty of a class D felony for the third or any  
25 subsequent commission of the crime of domestic assault. The offenses described in this  
26 subsection may be against the same family or household member or against different family or  
27 household members.

565.182. 1. A person commits the crime of elder abuse in the second degree if he:

2 (1) Knowingly causes, attempts to cause physical injury to any person sixty years of age  
3 or older or an eligible adult, as defined in section 660.250, by means of a deadly weapon or  
4 dangerous instrument; or



5 (2) Recklessly [and] **or** purposely causes serious physical injury, as defined in section  
6 565.002, to a person sixty years of age or older or an eligible adult as defined in section 660.250.

7 2. Elder abuse in the second degree is a class B felony.

570.145. 1. A person commits the crime of financial exploitation of an elderly or  
2 disabled person if such person knowingly [and] by deception, intimidation, **undue influence**,  
3 or force obtains control over the elderly or disabled person's property with the intent to  
4 permanently deprive the elderly or disabled person of the use, benefit or possession of his or her  
5 property thereby benefitting such person or detrimentally affecting the elderly or disabled person.  
6 Financial exploitation of an elderly or disabled person is a class A misdemeanor if the value of  
7 the property is less than fifty dollars, a class D felony if the value of the property is fifty dollars  
8 but less than five hundred dollars, a class C felony if the value of the property is five hundred  
9 dollars but less than one thousand dollars, a class B felony if the value of the property is one  
10 thousand dollars but less than fifty thousand dollars, and a class A felony if the value of the  
11 property is fifty thousand dollars or more.

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

13 (1) "Deception", a misrepresentation or concealment of material fact relating to the terms  
14 of a contract or agreement entered into with the elderly or disabled person or to the existing or  
15 preexisting condition of any of the property involved in such contract or agreement, or the use  
16 or employment of any misrepresentation, false pretense or false promise in order to induce,  
17 encourage or solicit the elderly or disabled person to enter into a contract or agreement.  
18 Deception includes:

19 (a) Creating or confirming another person's impression which is false and which the  
20 offender does not believe to be true; or

21 (b) Failure to correct a false impression which the offender previously has created or  
22 confirmed; or

23 (c) Preventing another person from acquiring information pertinent to the disposition of  
24 the property involved; or

25 (d) Selling or otherwise transferring or encumbering property, failing to disclose a lien,  
26 adverse claim or other legal impediment to the enjoyment of the property, whether such  
27 impediment is or is not valid, or is or is not a matter of official record; or

28 (e) Promising performance which the offender does not intend to perform or knows will  
29 not be performed. Failure to perform standing alone is not sufficient evidence to prove that the  
30 offender did not intend to perform;

31 (2) "Disabled person", a person with a mental, physical, or developmental disability that  
32 substantially impairs the person's ability to provide adequately for the person's care or protection;

33 (3) "Elderly person", a person sixty years of age or older;

34 (4) "Intimidation", a threat of physical or emotional harm to an elderly or disabled  
35 person, or the communication to an elderly or disabled person that he or she will be deprived of  
36 food and nutrition, shelter, prescribed medication, or medical care and treatment;

37 (5) **"Undue influence", use of influence by an individual who exercises authority**  
38 **over an elderly person or disabled person in order to take unfair advantage of such**  
39 **person's vulnerable state of mind, neediness, pain, or agony. Undue influence includes, but**  
40 **is not limited to, the improper or fraudulent use of a power of attorney, guardianship,**  
41 **conservatorship, or other fiduciary authority.**

42 3. Nothing in this section shall be construed to limit the remedies available to the victim  
43 pursuant to any state law relating to domestic violence.

44 4. Nothing in this section shall be construed to impose criminal liability on a person who  
45 has made a good faith effort to assist the elderly or disabled person in the management of his or  
46 her property, but through no fault of his or her own has been unable to provide such assistance.

47 5. Nothing in this section shall limit the ability to engage in bona fide estate planning,  
48 to transfer property and to otherwise seek to reduce estate and inheritance taxes; provided that  
49 such actions do not adversely impact the standard of living to which the elderly or disabled  
50 person has become accustomed at the time of such actions.

51 6. It shall not be a defense to financial exploitation of an elderly or disabled person that  
52 the accused reasonably believed that the victim was not an elderly or disabled person.

53 7. (1) **It shall be a violation of section 570.145 for any person receiving or in the**  
54 **possession of funds of a MO HealthNet-eligible elderly or disabled person residing in a**  
55 **facility licensed under chapter 198 to fail to remit to the facility in which the MO**  
56 **HealthNet-eligible person resides all money owing the facility resident from any source,**  
57 **including but not limited to Social Security, railroad retirement, or payments from any**  
58 **other source disclosed as resident income contained in the records of the family support**  
59 **division of the department of social services, or its successor agency. The family support**  
60 **division or its successor agency is authorized to release information from its records**  
61 **containing the resident's income or assets to any prosecuting or circuit attorney in the state**  
62 **of Missouri for purposes of investigating or prosecuting any suspected violation of this**  
63 **section.**

64 (2) **The prosecuting or circuit attorney of any county containing a facility licensed**  
65 **under chapter 198 who successfully prosecutes a violation of the provisions of subsection**  
66 **1 of this section may request the circuit court of the county in which the offender pleads**  
67 **guilty to or is found guilty of a violation, as a condition of sentence or probation, to order**  
68 **restitution of all amounts unlawfully withheld from a facility in his or her county. Any**  
69 **order of restitution entered by the court or by agreement shall provide that ten percent of**  
70 **any restitution installment or payment paid by or on behalf of the defendant or defendants**

71 shall be paid to the prosecuting or circuit attorney of the county successfully prosecuting  
72 the violation to compensate for the costs of prosecution with the remaining amount to be  
73 paid to the facility.

574.035. 1. This section shall be known and may be cited as the "House of Worship  
2 Protection Act".

3 2. For purposes of this section, "house of worship" means any church, synagogue,  
4 other building or structure, or public or private place used for religious worship, religious  
5 instruction, or other religious purpose.

6 3. A person commits the crime of disrupting a house of worship if such person:

7 (1) Intentionally and unreasonably disturbs, interrupts, or disquiets any house of  
8 worship by using profane discourse, rude or indecent behavior, or making noise either  
9 within the house of worship or so near it as to disturb the order and solemnity of the  
10 worship services; or

11 (2) Intentionally injures, intimidates, or interferes with or attempts to injure,  
12 intimidate, or interfere with any person lawfully exercising the right of religious freedom  
13 in or outside of a house of worship or seeking access to a house of worship, whether by  
14 force, threat, or physical obstruction.

15 4. Disrupting a house of worship is a class B misdemeanor. Any second offense is  
16 a class A misdemeanor. Any third or subsequent offense is a class D felony.

17 5. In addition to any criminal penalty for violating the provisions of this section,  
18 any person aggrieved by conduct prohibited under this section may commence a civil  
19 action for appropriate relief, including but not limited to temporary, preliminary, or  
20 permanent injunctive relief, and compensatory and punitive damages, as well as costs and  
21 reasonable attorney's fees.

574.085. 1. A person commits the crime of institutional vandalism by knowingly  
2 vandalizing, defacing or otherwise damaging:

3 (1) Any church, synagogue or other building, structure or place used for religious  
4 worship or other religious purpose;

5 (2) Any cemetery, mortuary, military monument or other facility used for the purpose  
6 of burial or memorializing the dead;

7 (3) Any school, educational facility, community center, hospital or medical clinic owned  
8 and operated by a religious or sectarian group;

9 (4) The grounds adjacent to, and owned or rented by, any institution, facility, building,  
10 structure or place described in subdivision (1), (2), or (3) of this subsection;

11 (5) Any personal property contained in any institution, facility, building, structure or  
12 place described in subdivision (1), (2), or (3) of this subsection; or

13 (6) Any motor vehicle which is owned, operated, leased or under contract by a school  
14 district or a private school for the transportation of school children.

15 2. Institutional vandalism is punishable as follows:

16 (1) Institutional vandalism is a class A misdemeanor, except as provided in subdivisions  
17 (2) and (3) of this subsection;

18 (2) Institutional vandalism is a class D felony if the offender commits any act described  
19 in subsection 1 of this section which causes damage to, or loss of, the property of another in an  
20 amount in excess of one thousand dollars;

21 (3) Institutional vandalism is a class C felony if the offender commits any act described  
22 in subsection 1 of this section which causes damage to, or loss of, the property of another in an  
23 amount in excess of five thousand dollars.

24 3. In determining the amount of damage to property or loss of property, for purposes of  
25 this section, damage includes the cost of repair or, where necessary, replacement of the property  
26 that was damaged or lost.

27 **4. In addition to any criminal penalty for violating the provisions of this section,**  
28 **any person aggrieved by conduct prohibited under this section may commence a civil**  
29 **action for appropriate relief, including but not limited to temporary, preliminary, or**  
30 **permanent injunctive relief, and compensatory and punitive damages, as well as costs and**  
31 **reasonable attorney's fees.**

**575.045. 1. A person commits the crime of false identification to a law enforcement**  
2 **officer if such person falsely represents or identifies himself or herself as another person**  
3 **or as a fictitious person to a law enforcement officer upon a lawful stop or a lawful**  
4 **detention, or an arrest of the person, either for the purpose of evading the process of the**  
5 **court, or for the purpose of evading the proper identification of the person by the law**  
6 **enforcement officer if:**

7 (1) **The false information is given while the law enforcement officer is engaged in**  
8 **the performance of his or her duties as a law enforcement officer; and**

9 (2) **The person providing the false information knows or should have known that**  
10 **the person receiving the information is a law enforcement officer.**

11 **2. It is a defense to a prosecution under subsection 1 of this section that the actor**  
12 **retracted the false statement or report before the law enforcement officer or any other**  
13 **person took substantial action in reliance thereon.**

14 **3. The defendant shall have the burden of injecting the issue of retraction under**  
15 **subsection 2 of this section.**

16 **4. False identification to a law enforcement officer is a class B misdemeanor.**

**575.060. 1. A person commits the crime of making a false declaration if, with the**  
2 **purpose to mislead a public servant in the performance of his or her duty, [he] such person:**

- 3 (1) Submits any written false statement, which he **or she** does not believe to be true  
4 (a) In an application for any pecuniary benefit or other consideration; or  
5 (b) On a form bearing notice, authorized by law, that false statements made therein are  
6 punishable; or  
7 (2) Submits or invites reliance on:  
8 (a) Any writing which he **or she** knows to be forged, altered or otherwise lacking in  
9 authenticity; or  
10 (b) Any sample, specimen, map, boundary mark, or other object which he **or she** knows  
11 to be false; **or**  
12 **(3) Provides any verbal false statement regarding their identity, which he or she**  
13 **believes or knows not to be true.**
- 14 2. The falsity of the statement or the item under subsection 1 of this section must be as  
15 to a fact which is material to the purposes for which the statement is made or the item submitted;  
16 and the provisions of subsections 2 and 3 of section 575.040 shall apply to prosecutions under  
17 subsection 1 of this section.
- 18 3. It is a defense to a prosecution under subsection 1 of this section that the actor  
19 retracted the false statement or item but this defense shall not apply if the retraction was made  
20 after:
- 21 (1) The falsity of the statement or item was exposed; or  
22 (2) The public servant took substantial action in reliance on the statement or item.
- 23 4. The defendant shall have the burden of injecting the issue of retraction under  
24 subsection 3 of this section.
- 25 5. For the purpose of this section, "written" shall include filings submitted in an  
26 electronic or other format or medium approved or prescribed by the secretary of state.
- 27 6. Making a false declaration is a class B misdemeanor.
- 575.070. No person shall be convicted of a violation of sections 575.040, **575.045**,  
2 575.050 or 575.060 based upon the making of a false statement except upon proof of the falsity  
3 of the statement by:
- 4 (1) The direct evidence of two witnesses; or  
5 (2) The direct evidence of one witness together with strongly corroborating  
6 circumstances; or  
7 (3) Demonstrative evidence which conclusively proves the falsity of the statement; or  
8 (4) A directly contradictory statement by the defendant under oath together with  
9 (a) The direct evidence of one witness; or  
10 (b) Strongly corroborating circumstances; or

11 (5) A judicial admission by the defendant that he made the statement knowing it was  
12 false. An admission, which is not a judicial admission, by the defendant that he made the  
13 statement knowing it was false may constitute strongly corroborating circumstances.

575.080. 1. A person commits the crime of making a false report if [he] **such person**  
2 knowingly:

3 (1) Gives false information to any person for the purpose of implicating another person  
4 in a crime; or

5 (2) Makes a false report to a law enforcement officer, **with an intent to deceive**, that a  
6 crime has occurred or is about to occur; or

7 (3) Makes a false report or causes a false report to be made to a law enforcement officer,  
8 security officer, fire department or other organization, official or volunteer, which deals with  
9 emergencies involving danger to life or property that a fire or other incident calling for an  
10 emergency response has occurred or is about to occur.

11 2. It is a defense to a prosecution under subsection 1 of this section that the actor  
12 retracted the false statement or report before the law enforcement officer or any other person took  
13 substantial action in reliance thereon.

14 3. The defendant shall have the burden of injecting the issue of retraction under  
15 subsection 2 of this section.

16 4. Making a false report is a class B misdemeanor **unless committed under subdivision**  
17 **(2) of subsection 1 of this section when the crime which was falsely reported was a felony,**  
18 **in which case it is a class D felony.**

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

4 (1) Legal actions, causes of action or litigation involving a public governmental body  
5 and any confidential or privileged communications between a public governmental body or its  
6 representatives and its attorneys. However, any minutes, vote or settlement agreement relating  
7 to legal actions, causes of action or litigation involving a public governmental body or any agent  
8 or entity representing its interests or acting on its behalf or with its authority, including any  
9 insurance company acting on behalf of a public government body as its insured, shall be made  
10 public upon final disposition of the matter voted upon or upon the signing by the parties of the  
11 settlement agreement, unless, prior to final disposition, the settlement agreement is ordered  
12 closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the  
13 action clearly outweighs the public policy considerations of section 610.011, however, the  
14 amount of any moneys paid by, or on behalf of, the public governmental body shall be disclosed;  
15 provided, however, in matters involving the exercise of the power of eminent domain, the vote

16 shall be announced or become public immediately following the action on the motion to  
17 authorize institution of such a legal action. Legal work product shall be considered a closed  
18 record;

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

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

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

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

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

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

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

45 (8) Welfare cases of identifiable individuals;

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

48 (10) Software codes for electronic data processing and documentation thereof;

49 (11) Specifications for competitive bidding, until either the specifications are officially  
50 approved by the public governmental body or the specifications are published for bid;

51 (12) Sealed bids and related documents, until the bids are opened; and sealed proposals  
52 and related documents or any documents related to a negotiated contract until a contract is  
53 executed, or all proposals are rejected;

54 (13) Individually identifiable personnel records, performance ratings or records  
55 pertaining to employees or applicants for employment, except that this exemption shall not apply  
56 to the names, positions, salaries and lengths of service of officers and employees of public  
57 agencies once they are employed as such, and the names of private sources donating or  
58 contributing money to the salary of a chancellor or president at all public colleges and  
59 universities in the state of Missouri and the amount of money contributed by the source;

60 (14) Records which are protected from disclosure by law;

61 (15) Meetings and public records relating to scientific and technological innovations in  
62 which the owner has a proprietary interest;

63 (16) Records relating to municipal hotlines established for the reporting of abuse and  
64 wrongdoing;

65 (17) Confidential or privileged communications between a public governmental body  
66 and its auditor, including all auditor work product; however, all final audit reports issued by the  
67 auditor are to be considered open records pursuant to this chapter;

68 (18) Operational guidelines and policies developed, adopted, or maintained by any public  
69 agency responsible for law enforcement, public safety, first response, or public health for use in  
70 responding to or preventing any critical incident which is or appears to be terrorist in nature and  
71 which has the potential to endanger individual or public safety or health. Nothing in this  
72 exception shall be deemed to close information regarding expenditures, purchases, or contracts  
73 made by an agency in implementing these guidelines or policies. When seeking to close  
74 information pursuant to this exception, the agency shall affirmatively state in writing that  
75 disclosure would impair its ability to protect the safety or health of persons, and shall in the same  
76 writing state that the public interest in nondisclosure outweighs the public interest in disclosure  
77 of the records. This exception shall sunset on December 31, [2012] **2016**;

78 (19) Existing or proposed security systems and structural plans of real property owned  
79 or leased by a public governmental body, and information that is voluntarily submitted by a  
80 nonpublic entity owning or operating an infrastructure to any public governmental body for use  
81 by that body to devise plans for protection of that infrastructure, the public disclosure of which  
82 would threaten public safety:

83 (a) Records related to the procurement of or expenditures relating to security systems  
84 purchased with public funds shall be open;

85 (b) When seeking to close information pursuant to this exception, the public  
86 governmental body shall affirmatively state in writing that disclosure would impair the public  
87 governmental body's ability to protect the security or safety of persons or real property, and shall



88 in the same writing state that the public interest in nondisclosure outweighs the public interest  
89 in disclosure of the records;

90 (c) Records that are voluntarily submitted by a nonpublic entity shall be reviewed by the  
91 receiving agency within ninety days of submission to determine if retention of the document is  
92 necessary in furtherance of a state security interest. If retention is not necessary, the documents  
93 shall be returned to the nonpublic governmental body or destroyed;

94 (d) This exception shall sunset on December 31, [2012] **2016**;

95 (20) Records that identify the configuration of components or the operation of a  
96 computer, computer system, computer network, or telecommunications network, and would  
97 allow unauthorized access to or unlawful disruption of a computer, computer system, computer  
98 network, or telecommunications network of a public governmental body. This exception shall  
99 not be used to limit or deny access to otherwise public records in a file, document, data file or  
100 database containing public records. Records related to the procurement of or expenditures  
101 relating to such computer, computer system, computer network, or telecommunications network,  
102 including the amount of moneys paid by, or on behalf of, a public governmental body for such  
103 computer, computer system, computer network, or telecommunications network shall be open;

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

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

**610.205. 1. After an investigation is inactive, crime scene or death scene  
2 photographs and video recordings, including photographs and video recordings created  
3 or produced by a state or local agency or by a perpetrator or suspect at a crime scene,  
4 which depict or describe a deceased person in a state of dismemberment, decapitation, or  
5 similar mutilation including, without limitation, where the deceased person's genitalia are  
6 exposed, shall be considered open records for inspection, but closed records for purposes  
7 of copying under the provisions of this chapter; provided, however, that this section shall  
8 not prohibit disclosure of such material to the deceased's next of kin or to an individual  
9 who has secured a written release from the next of kin. It shall be the responsibility of the**

10 **next of kin to show proof of the familial relationship. For purposes of such access, the**  
11 **deceased's next of kin shall be:**

12 **(1) The spouse of the deceased if living;**

13 **(2) If there is no living spouse of the deceased, an adult child of the deceased; or**

14 **(3) If there is no living spouse or adult child, a parent of the deceased.**

15 **2. Subject to the provisions of subsection 3 of this section, in the case of closed**  
16 **criminal investigations a circuit court judge may order the disclosure of such photographs**  
17 **or video recordings upon findings in writing that disclosure is in the public interest and**  
18 **outweighs any privacy interest that may be asserted by the deceased person's next of kin.**  
19 **In making such determination, the court shall consider whether such disclosure is**  
20 **necessary for public evaluation of governmental performance, the seriousness of the**  
21 **intrusion into the family's right to privacy, and whether such disclosure is the least**  
22 **intrusive means available considering the availability of similar information in other public**  
23 **records. In any such action, the court shall review the photographs or video recordings in**  
24 **question in camera with the custodian of the crime scene materials present and may**  
25 **condition any disclosure on such condition as the court may deem necessary to**  
26 **accommodate the interests of the parties.**

27 **3. Prior to releasing any crime scene material described in subsection 1 of this**  
28 **section, the custodian of such material shall give the deceased person's next of kin at least**  
29 **two weeks' notice. No court shall order a disclosure under subsection 2 of this section**  
30 **which would disregard or shorten the duration of such notice requirement.**

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

34 **5. The provisions of this section shall not apply to disclosure of crime scene material**  
35 **to counsel representing a defendant. Counsel may disclose such materials to his or her**  
36 **client and any expert or investigator assisting counsel but shall not otherwise disseminate**  
37 **such materials, except to the extent they may be necessary exhibits in court proceedings.**  
38 **A request under this subsection shall clearly state that such request is being made for the**  
39 **purpose of preparing to file and litigate proceedings enumerated in this subsection.**

650.055. 1. Every individual, in a Missouri circuit court, who:

2 **(1) Pleads guilty to or is found guilty of a felony or any offense under chapter 566[,] ;**  
3 **or [who]**

4 **(2) Is seventeen years of age or older and [who is] arrested for burglary in the first degree**  
5 **under section 569.160, or burglary in the second degree under section 569.170, or a felony**  
6 **offense under [chapters] chapter 565, 566, 567, 568, or 573[,] ; or**

7           **(3)** Has been determined to be a sexually violent predator pursuant to sections 632.480  
8 to 632.513[,] ; or

9           **(4)** Is an individual required to register as a sexual offender under sections 589.400 to  
10 589.425[,] ;

11

12 shall have a fingerprint and blood or scientifically accepted biological sample collected for  
13 purposes of DNA profiling analysis[:] .

14           **2. Any individual subject to DNA collection and profiling analysis under this**  
15 **section shall provide a DNA sample:**

16           (1) Upon booking at a county jail or detention facility; or

17           (2) Upon entering or before release from the department of corrections reception and  
18 diagnostic centers; or

19           (3) Upon entering or before release from a county jail or detention facility, state  
20 correctional facility, or any other detention facility or institution, whether operated by a private,  
21 local, or state agency, or any mental health facility if committed as a sexually violent predator  
22 pursuant to sections 632.480 to 632.513; or

23           (4) When the state accepts a person from another state under any interstate compact, or  
24 under any other reciprocal agreement with any county, state, or federal agency, or any other  
25 provision of law, whether or not the person is confined or released, the acceptance is conditional  
26 on the person providing a DNA sample if the person was convicted of, **found guilty of or**  
27 **pleaded guilty to**[, or pleaded nolo contendere to an] **a felony** offense [in any other jurisdiction  
28 which would be considered a qualifying offense as defined in this section if committed in this  
29 state, or if the person was convicted of, pleaded guilty to, or pleaded nolo contendere to any  
30 equivalent offense] in any other jurisdiction; or

31           (5) If such individual is under the jurisdiction of the department of corrections. Such  
32 jurisdiction includes persons currently incarcerated, persons on probation, as defined in section  
33 217.650, and on parole, as also defined in section 217.650; **or**

34           **(6) At the time of registering as a sex offender under sections 589.400 to 589.425.**

35           [2.] **3.** The Missouri state highway patrol and department of corrections shall be  
36 responsible for ensuring adherence to the law. Any person required to provide a DNA sample  
37 pursuant to this section shall be required to provide such sample, without the right of refusal, at  
38 a collection site designated by the Missouri state highway patrol and the department of  
39 corrections. Authorized personnel collecting or assisting in the collection of samples shall not  
40 be liable in any civil or criminal action when the act is performed in a reasonable manner. Such  
41 force may be used as necessary to the effectual carrying out and application of such processes  
42 and operations. The enforcement of these provisions by the authorities in charge of state

43 correctional institutions and others having custody or jurisdiction over [those who have been  
44 arrested for, convicted of, pleaded guilty to, or pleaded nolo contendere to felony offenses]  
45 **individuals included in subsection 1 of this section** which shall not be set aside or reversed is  
46 hereby made mandatory. The board of probation or parole shall recommend that an individual  
47 **on probation or parole** who refuses to provide a DNA sample have his or her probation or  
48 parole revoked. In the event that a person's DNA sample is not adequate for any reason, the  
49 person shall provide another sample for analysis.

50 [3.] 4. The procedure and rules for the collection, analysis, storage, expungement, use  
51 of DNA database records and privacy concerns shall not conflict with procedures and rules  
52 applicable to the Missouri DNA profiling system and the Federal Bureau of Investigation's DNA  
53 databank system.

54 [4.] 5. Unauthorized [uses] use or dissemination of individually identifiable DNA  
55 information in a database for purposes other than criminal justice or law enforcement is a class  
56 A misdemeanor.

57 [5.] 6. Implementation of sections 650.050 to 650.100 shall be subject to future  
58 appropriations to keep Missouri's DNA system compatible with the Federal Bureau of  
59 Investigation's DNA databank system.

60 [6.] 7. All DNA records and biological materials retained in the DNA profiling system  
61 are considered closed records pursuant to chapter 610. All records containing any information  
62 held or maintained by any person or by any agency, department, or political subdivision of the  
63 state concerning an individual's DNA profile shall be strictly confidential and shall not be  
64 disclosed, except to:

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

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

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

71 (4) The individual whose DNA sample has been collected, or his or her attorney; or

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

74 [7.] 8. Any person who obtains records pursuant to the provisions of this section shall  
75 use such records only for investigative and prosecutorial purposes, including but not limited to  
76 use at any criminal trial, hearing, or proceeding; or for law enforcement identification purposes,  
77 including identification of human remains. Such records shall be considered strictly confidential  
78 and shall only be released as authorized by this section.

79 [8. Within ninety days of warrant refusal, the arresting agency shall notify the Missouri  
80 state highway patrol crime laboratory which shall expunge all DNA records taken at the arrest  
81 for which the warrant was refused in the database pertaining to the person and destroy the DNA  
82 sample of the person, unless the Missouri state highway patrol determines that the person is  
83 otherwise obligated to submit a DNA sample.]

84 9. An individual may request expungement of his or her DNA sample and DNA profile  
85 through the court issuing the reversal or dismissal. A certified copy of the court order  
86 establishing that such conviction has been reversed or guilty plea [or plea of nolo contendere]  
87 has been set aside shall be sent to the Missouri state highway patrol crime laboratory. Upon  
88 receipt of the court order, the laboratory will determine that the requesting individual has no  
89 other qualifying offense as a result of any separate plea or conviction **and no other qualifying**  
90 **arrest** prior to expungement.

91 (1) A person whose DNA record or DNA profile has been included in the state DNA  
92 database in accordance with this section[, section 488.5050,] and sections 650.050, 650.052, and  
93 650.100 may request expungement on the grounds that the conviction has been reversed, or the  
94 guilty plea [or plea of nolo contendere] on which the authority for including that person's DNA  
95 record or DNA profile was based has been set aside.

96 (2) Upon receipt of a written request for expungement, a certified copy of the final court  
97 order reversing the conviction or setting aside the plea and any other information necessary to  
98 ascertain the validity of the request, the Missouri state highway patrol crime laboratory shall  
99 expunge all DNA records and identifiable information in the **state DNA** database pertaining to  
100 the person and destroy the DNA sample of the person, unless the Missouri state highway patrol  
101 determines that the person is otherwise obligated to submit a DNA sample. Within thirty days  
102 after the receipt of the court order, the Missouri state highway patrol shall notify the individual  
103 that it has expunged his or her DNA sample and DNA profile, or the basis for its determination  
104 that the person is otherwise obligated to submit a DNA sample.

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

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

112 [9.] **10. When a DNA sample is taken of an arrestee for any offense listed under**  
113 **subsection 1 of this section and the warrant is refused, the arresting agency shall notify the**  
114 **Missouri state highway patrol crime laboratory within sixty days of warrant refusal and**

115 **the crime laboratory shall expunge all DNA records taken at the arrest for which the**  
116 **warrant was refused in the database pertaining to the person and destroy the DNA sample**  
117 **of the person, unless the Missouri state highway patrol crime laboratory determines that**  
118 **the person is otherwise obligated to submit a DNA sample. Prior to expungement, the**  
119 **Missouri state highway patrol crime laboratory shall determine whether the individual has**  
120 **any other qualifying offenses or arrests that would require a DNA sample to be taken and**  
121 **retained prior to expungement under this subsection. The Missouri state highway patrol**  
122 **crime laboratory shall have ninety days from the date it receives notice to determine**  
123 **whether the DNA sample shall be expunged.**

124 **11.** When a DNA sample is taken of an arrestee for any offense listed under subsection  
125 1 of this section and charges are filed:

126 (1) If the charges are later withdrawn, the prosecutor shall notify the state highway patrol  
127 crime laboratory that such charges have been withdrawn;

128 (2) If the case is dismissed, the court shall notify the state highway patrol crime  
129 laboratory of such dismissal;

130 (3) If the court finds at the preliminary hearing that there is no probable cause that the  
131 defendant committed the offense, the court shall notify the state highway patrol crime laboratory  
132 of such finding;

133 (4) If the defendant is found not guilty, the court shall notify the state highway patrol  
134 crime laboratory of such verdict.

135

136 If the state highway patrol crime laboratory receives a notice of **expungement** under this  
137 subsection [that the charges have been withdrawn, the case has been dismissed, there is a finding  
138 that the necessary probable cause does not exist, or the defendant is found not guilty] **or**  
139 **subsection 10 of this section**, such crime laboratory shall expunge the DNA sample and DNA  
140 profile of the arrestee within [thirty] **ninety** days. Prior to such expungement, the state highway  
141 patrol crime laboratory shall determine whether the individual has any other qualifying offenses  
142 or arrests that would require a DNA sample to be taken and retained prior to expungement under  
143 this subsection.

650.100. As used in this chapter, the following words shall have the following meanings  
2 unless a different meaning clearly appears from the context:

3 (1) "Central repository", [is] the location where all DNA samples collected from  
4 individuals [defined in] **under** section 650.055 will be maintained and analyzed; where all  
5 authorized DNA profiles uploaded to the state's database will be maintained; and from where all  
6 authorized DNA profiles will be uploaded to the national DNA database;

7 (2) "CODIS", the Federal Bureau of Investigation's Combined DNA Index System that  
8 allows the storage and exchange of DNA records submitted by federal, state, and local DNA  
9 crime laboratories. The term "CODIS" includes the National DNA Index System administered  
10 and operated by the Federal Bureau of Investigation;

11 (3) "Crime laboratory", a laboratory operated or supported financially by the state or any  
12 unit of city, county, or other local Missouri government that employs at least one scientist, who  
13 examines physical evidence in criminal matters and provides expert or opinion testimony with  
14 respect to such physical evidence in a state court of law;

15 (4) "Department", the Missouri department of public safety;

16 (5) "DNA", deoxyribonucleic acid. DNA is located in the cells and provides an  
17 individual's personal genetic blueprint. DNA encodes genetic information that is the basis of  
18 human heredity and forensic identification;

19 (6) "DNA profile" refers to the collective results of all DNA identification analyses on  
20 an individual's DNA sample;

21 (7) "DNA record", the DNA identification information stored in the state DNA database  
22 or CODIS. The DNA record is the result obtained from the DNA analysis. The DNA record is  
23 comprised of the characteristics of a DNA sample, which are of value in establishing the identity  
24 of individuals, the DNA profile as well as data required to manage and operate the state's DNA  
25 database, to include the specimen identification number;

26 (8) "DNA sample", a biological sample provided by any person with respect to offenses  
27 covered by section 650.055 or submitted to the Missouri state highway patrol crime laboratory  
28 pursuant to sections 650.050 to 650.100 for analysis or storage or both;

29 (9) **"Expungement", the destruction of an individual's DNA sample and the**  
30 **removal of the DNA record from the state DNA database;**

31 (10) "Forensic DNA analysis", the identification and evaluation of biological evidence  
32 in criminal matters using DNA technologies;

33 [(10)] (11) "Local funds", any funds not provided by the federal government.

650.120. 1. There is hereby created in the state treasury the "Cyber Crime Investigation  
2 Fund". The treasurer shall be custodian of the fund and may approve disbursements from the  
3 fund in accordance with sections 30.170 and 30.180. Beginning with the 2010 fiscal year and in  
4 each subsequent fiscal year, the general assembly shall appropriate three million dollars to the  
5 cyber crime investigation fund. The department of public safety shall be the administrator of the  
6 fund. Moneys in the fund shall be used solely for the administration of the grant program  
7 established under this section. Notwithstanding the provisions of section 33.080 to the contrary,  
8 any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the  
9 general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as

10 other funds are invested. Any interest and moneys earned on such investments shall be credited  
11 to the fund.

12         2. The department of public safety shall create a program to distribute grants to  
13 multijurisdictional Internet cyber crime law enforcement task forces, multijurisdictional  
14 enforcement groups, as defined in section 195.503, that are investigating Internet sex crimes  
15 against children, and other law enforcement agencies. The program shall be funded by the cyber  
16 crime investigation fund created under subsection 1 of this section. Not more than three percent  
17 of the money in the fund may be used by the department to pay the administrative costs of the  
18 grant program. The grants shall be awarded and used to pay the salaries of detectives and  
19 computer forensic personnel whose focus is investigating Internet sex crimes against children,  
20 including but not limited to enticement of a child, possession or promotion of child pornography,  
21 provide funding for the training of law enforcement personnel and prosecuting and circuit  
22 attorneys as well as their assistant prosecuting and circuit attorneys, and purchase necessary  
23 equipment, supplies, and services. The funding for such training may be used to cover the travel  
24 expenses of those persons participating.

25         3. A panel is hereby established in the department of public safety to award grants under  
26 this program and shall be comprised of the following members:

27         (1) The director of the department of public safety, or his or her designee;

28         (2) Two members [shall be] appointed by the director of the department of public safety  
29 from a list of six nominees submitted by the Missouri Police Chiefs Association;

30         (3) Two members [shall be] appointed by the director of the department of public safety  
31 from a list of six nominees submitted by the Missouri Sheriffs' Association;

32         (4) Two members of the state highway patrol [shall be] appointed by the director of the  
33 department of public safety from a list of six nominees submitted by the Missouri State Troopers  
34 Association;

35         (5) One member of the house of representatives [who shall be] appointed by the speaker  
36 of the house of representatives; and

37         (6) One member of the senate [who shall be] appointed by the president pro tem.

38

39 The panel members who are appointed under subdivisions (2), (3), and (4) of this subsection  
40 shall serve a four-year term ending four years from the date of expiration of the term for which  
41 his or her predecessor was appointed. However, a person appointed to fill a vacancy prior to the  
42 expiration of such a term shall be appointed for the remainder of the term. Such members shall  
43 hold office for the term of his or her appointment and until a successor is appointed. The  
44 members of the panel shall receive no additional compensation but shall be eligible for  
45 reimbursement for mileage directly related to the performance of panel duties.



46           4. Local matching amounts, which may include new or existing funds or in-kind  
47 resources including but not limited to equipment or personnel, are required for  
48 multijurisdictional Internet cyber crime law enforcement task forces and other law enforcement  
49 agencies to receive grants awarded by the panel. Such amounts shall be determined by the state  
50 appropriations process or by the panel.

51           5. When awarding grants, priority should be given to newly hired detectives and  
52 computer forensic personnel.

53           6. The panel shall establish minimum training standards for detectives and computer  
54 forensic personnel participating in the grant program established in subsection 2 of this section.

55           7. Multijurisdictional Internet cyber crime law enforcement task forces and other law  
56 enforcement agencies participating in the grant program established in subsection 2 of this  
57 section shall share information and cooperate with the highway patrol and with existing Internet  
58 crimes against children task force programs.

59           8. The panel may make recommendations to the general assembly regarding the need for  
60 additional resources or appropriations.

61           9. The power of arrest of any peace officer who is duly authorized as a member of a  
62 multijurisdictional Internet cyber crime law enforcement task force shall only be exercised during  
63 the time such peace officer is an active member of such task force and only within the scope of  
64 the investigation on which the task force is working. Notwithstanding other provisions of law  
65 to the contrary, such task force officer shall have the power of arrest, as limited in this  
66 subsection, anywhere in the state and shall provide prior notification to the chief of police of a  
67 municipality or the sheriff of the county in which the arrest is to take place. If exigent  
68 circumstances exist, such arrest may be made and notification shall be made to the chief of police  
69 or sheriff as appropriate and as soon as practical. The chief of police or sheriff may elect to work  
70 with the multijurisdictional Internet cyber crime law enforcement task force at his or her option  
71 when such task force is operating within the jurisdiction of such chief of police or sheriff.

72           10. [Under section 23.253 of the Missouri sunset act:

73           (1) The provisions of the new program authorized under this section shall sunset  
74 automatically six years after June 5, 2006, unless reauthorized by an act of the general assembly;  
75 and

76           (2) If such program is reauthorized, the program authorized under this section shall  
77 sunset automatically twelve years after the effective date of the reauthorization of this section;  
78 and

79           (3) This section shall terminate on September first of the calendar year immediately  
80 following the calendar year in which the program authorized under this section is sunset] **This**  
81 **section shall expire on August 28, 2022.**

✓