

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2350
99TH GENERAL ASSEMBLY

6091H.02C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 195.003, 210.117, 211.038, 303.025, 452.375, 452.400, 488.029, 556.061, 577.001, 577.010, 577.013, 577.014, 579.065, 579.068, 595.030, and 595.045, RSMo, and to enact in lieu thereof seventeen new sections relating to criminal offenses, with penalty provisions.

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

Section A. Sections 195.003, 210.117, 211.038, 303.025, 452.375, 452.400, 488.029, 556.061, 577.001, 577.010, 577.013, 577.014, 579.065, 579.068, 595.030, and 595.045, RSMo, are repealed and seventeen new sections enacted in lieu thereof, to be known as sections 195.003, 210.117, 211.038, 303.025, 452.375, 452.400, 488.029, 556.061, 566.146, 577.001, 577.010, 577.013, 577.014, 579.065, 579.068, 595.030, and 595.045, to read as follows:

195.003. In any case where there is a violation of this chapter **or chapter 579**, a judge may, upon a finding of guilt, order a defendant to pay for costs for testing of the substance or substances at a private laboratory.

210.117. 1. A child taken into the custody of the state shall not be reunited with a parent or placed in a home in which the parent or any person residing in the home has been found guilty of any of the following offenses when a child was the victim:

(1) A felony violation of section 566.030, 566.031, 566.032, 566.060, 566.061, 566.062, 566.064, 566.067, 566.068, 566.069, 566.071, 566.083, 566.100, 566.101, 566.111, 566.151, 566.203, 566.206, 566.209, **566.210**, 566.211, or 566.215;

(2) A violation of section 568.020;

(3) Abuse of a child under section 568.060 when such abuse is sexual in nature;

(4) A violation of section 568.065;

(5) A violation of section 573.200;

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.

11 (6) A violation of section 573.205; or

12 (7) A violation of section 568.175;

13 (8) A violation of section 566.040, 566.070, or 566.090 as such sections existed prior
14 to August 28, 2013; or

15 (9) A violation of section 566.212, 568.080, or 568.090 as such sections existed prior
16 to January 1, 2017.

17 2. For all other violations of offenses in chapters 566 and 568 not specifically listed in
18 subsection 1 of this section or for a violation of an offense committed in another state when a
19 child is the victim that would be a violation of chapter 566 or 568, if committed in Missouri, the
20 division may exercise its discretion regarding the placement of a child taken into the custody of
21 the state in which a parent or any person residing in the home has been found guilty of any such
22 offense.

23 3. In any case where the children's division determines based on a substantiated report
24 of child abuse that a child has abused another child, the abusing child shall be prohibited from
25 returning to or residing in any residence, facility, or school within one thousand feet of the
26 residence of the abused child or any child care facility or school that the abused child attends,
27 unless and until a court of competent jurisdiction determines that the alleged abuse did not occur
28 or the abused child reaches the age of eighteen, whichever earlier occurs. The provisions of this
29 subsection shall not apply when the abusing child and the abused child are siblings or children
30 living in the same home.

211.038. 1. A child under the jurisdiction of the juvenile court shall not be reunited with
2 a parent or placed in a home in which the parent or any person residing in the home has been
3 found guilty of any of the following offenses when a child was the victim:

4 (1) A felony violation of section 566.030, 566.031, 566.032, 566.060, 566.061, 566.062,
5 566.064, 566.067, 566.068, 566.069, 566.071, 566.083, 566.100, 566.101, 566.111, 566.151,
6 566.203, 566.206, 566.209, **566.210**, 566.211, or 566.215;

7 (2) A violation of section 568.020;

8 (3) Abuse of a child under section 568.060 when such abuse is sexual in nature;

9 (4) A violation of section 568.065;

10 (5) A violation of section 573.200;

11 (6) A violation of section 573.205; or

12 (7) A violation of section 568.175;

13 (8) A violation of section 566.040, 566.070, or 566.090 as such sections existed prior
14 to August 28, 2013; or

15 (9) A violation of section 566.212, 568.080, or 568.090 as such sections existed prior
16 to January 1, 2017.

17 2. For all other violations of offenses in chapters 566 and 568 not specifically listed in
18 subsection 1 of this section or for a violation of an offense committed in another state when a
19 child is the victim that would be a violation of chapter 566 or 568 if committed in Missouri, the
20 juvenile court may exercise its discretion regarding the placement of a child under the
21 jurisdiction of the juvenile court in a home in which a parent or any person residing in the home
22 has been found guilty of, or pled guilty to, any such offense.

23 3. If the juvenile court determines that a child has abused another child, such abusing
24 child shall be prohibited from returning to or residing in any residence located within one
25 thousand feet of the residence of the abused child, or any child care facility or school that the
26 abused child attends, until the abused child reaches eighteen years of age. The prohibitions of
27 this subsection shall not apply where the alleged abuse occurred between siblings or children
28 living in the same home.

 303.025. 1. No owner of a motor vehicle registered in this state, or required to be
2 registered in this state, shall operate, register or maintain registration of a motor vehicle, or
3 permit another person to operate such vehicle, unless the owner maintains the financial
4 responsibility which conforms to the requirements of the laws of this state. No nonresident shall
5 operate or permit another person to operate in this state a motor vehicle registered to such
6 nonresident unless the nonresident maintains the financial responsibility which conforms to the
7 requirements of the laws of the nonresident's state of residence. Furthermore, no person shall
8 operate a motor vehicle owned by another with the knowledge that the owner has not maintained
9 financial responsibility unless such person has financial responsibility which covers the person's
10 operation of the other's vehicle; however, no owner or nonresident shall be in violation of this
11 subsection if he or she fails to maintain financial responsibility on a motor vehicle which is
12 inoperable or being stored and not in operation. The director may prescribe rules and regulations
13 for the implementation of this section.

14 2. A motor vehicle owner shall maintain the owner's financial responsibility in a manner
15 provided for in section 303.160, or with a motor vehicle liability policy which conforms to the
16 requirements of the laws of this state. A nonresident motor vehicle owner shall maintain the
17 owner's financial responsibility which conforms to the requirements of the laws of the
18 nonresident's state of residence.

19 3. Any person who violates this section is guilty of a misdemeanor. A first violation of
20 this section shall be punishable as a class D misdemeanor. A second or subsequent violation of
21 this section shall be punishable ~~[by imprisonment in the county jail for a term not to exceed~~
22 ~~fifteen days and/or a fine not to exceed five hundred dollars]~~ **as a class C misdemeanor.** Prior
23 pleas of guilty and prior findings of guilty shall be pleaded and proven in the same manner as
24 required by section 558.021. However, no person shall be found guilty of violating this section

25 if the operator demonstrates to the court that he or she met the financial responsibility
26 requirements of this section at the time the peace officer, commercial vehicle enforcement officer
27 or commercial vehicle inspector wrote the citation. In addition to any other authorized
28 punishment, the court shall notify the director of revenue of any person convicted pursuant to this
29 section and shall do one of the following:

30 (1) Enter an order suspending the driving privilege as of the date of the court order. If
31 the court orders the suspension of the driving privilege, the court shall require the defendant to
32 surrender to it any driver's license then held by such person. The length of the suspension shall
33 be as prescribed in subsection 2 of section 303.042. The court shall forward to the director of
34 revenue the order of suspension of driving privilege and any license surrendered within ten days;

35 (2) Forward the record of the conviction for an assessment of four points;

36 (3) In lieu of an assessment of points, render an order of supervision as provided in
37 section 302.303. An order of supervision shall not be used in lieu of points more than one time
38 in any thirty-six-month period. Every court having jurisdiction pursuant to the provisions of this
39 section shall forward a record of conviction to the Missouri state highway patrol, or at the written
40 direction of the Missouri state highway patrol, to the department of revenue, in a manner
41 approved by the director of the department of public safety. The director shall establish
42 procedures for the record keeping and administration of this section; or

43 (4) For a nonresident, suspend the nonresident's driving privileges in this state in
44 accordance with section 303.030 and notify the official in charge of the issuance of licenses and
45 registration certificates in the state in which such nonresident resides in accordance with section
46 303.080.

47 4. Nothing in sections 303.010 to 303.050, 303.060, 303.140, 303.220, 303.290, 303.330
48 and 303.370 shall be construed as prohibiting the department of insurance, financial institutions
49 and professional registration from approving or authorizing those exclusions and limitations
50 which are contained in automobile liability insurance policies and the uninsured motorist
51 provisions of automobile liability insurance policies.

52 5. If a court enters an order of suspension, the offender may appeal such order directly
53 pursuant to chapter 512 and the provisions of section 302.311 shall not apply.

452.375. 1. As used in this chapter, unless the context clearly indicates otherwise:

2 (1) "Custody" means joint legal custody, sole legal custody, joint physical custody or
3 sole physical custody or any combination thereof;

4 (2) "Joint legal custody" means that the parents share the decision-making rights,
5 responsibilities, and authority relating to the health, education and welfare of the child, and,
6 unless allocated, apportioned, or decreed, the parents shall confer with one another in the
7 exercise of decision-making rights, responsibilities, and authority;

8 (3) “Joint physical custody” means an order awarding each of the parents significant, but
9 not necessarily equal, periods of time during which a child resides with or is under the care and
10 supervision of each of the parents. Joint physical custody shall be shared by the parents in such
11 a way as to assure the child of frequent, continuing and meaningful contact with both parents;

12 (4) “Third-party custody” means a third party designated as a legal and physical
13 custodian pursuant to subdivision (5) of subsection 5 of this section.

14 2. The court shall determine custody in accordance with the best interests of the child.
15 When the parties have not reached an agreement on all issues related to custody, the court shall
16 consider all relevant factors and enter written findings of fact and conclusions of law, including,
17 but not limited to, the following:

18 (1) The wishes of the child’s parents as to custody and the proposed parenting plan
19 submitted by both parties;

20 (2) The needs of the child for a frequent, continuing and meaningful relationship with
21 both parents and the ability and willingness of parents to actively perform their functions as
22 mother and father for the needs of the child;

23 (3) The interaction and interrelationship of the child with parents, siblings, and any other
24 person who may significantly affect the child’s best interests;

25 (4) Which parent is more likely to allow the child frequent, continuing and meaningful
26 contact with the other parent;

27 (5) The child’s adjustment to the child’s home, school, and community;

28 (6) The mental and physical health of all individuals involved, including any history of
29 abuse of any individuals involved. If the court finds that a pattern of domestic violence as
30 defined in section 455.010 has occurred, and, if the court also finds that awarding custody to the
31 abusive parent is in the best interest of the child, then the court shall enter written findings of fact
32 and conclusions of law. Custody and visitation rights shall be ordered in a manner that best
33 protects the child and any other child or children for whom the parent has custodial or visitation
34 rights, and the parent or other family or household member who is the victim of domestic
35 violence from any further harm;

36 (7) The intention of either parent to relocate the principal residence of the child; and

37 (8) The wishes of a child as to the child’s custodian. The fact that a parent sends his or
38 her child or children to a home school, as defined in section 167.031, shall not be the sole factor
39 that a court considers in determining custody of such child or children.

40 3. (1) In any court proceedings relating to custody of a child, the court shall not award
41 custody or unsupervised visitation of a child to a parent if such parent or any person residing with
42 such parent has been found guilty of, or pled guilty to, any of the following offenses when a child
43 was the victim:

44 (a) A felony violation of section 566.030, 566.032, 566.031, 566.060, 566.062, 566.064,
45 566.067, 566.068, 566.061, 566.083, 566.101, 566.100, 566.111, 566.151, 566.203, 566.206,
46 566.209, **566.210**, 566.211, or 566.215;

47 (b) A violation of section 568.020;

48 (c) A violation of subdivision (2) of subsection 1 of section 568.060;

49 (d) A violation of section 568.065;

50 (e) A violation of section 573.200;

51 (f) A violation of section 573.205; or

52 (g) A violation of section 568.175.

53 (2) For all other violations of offenses in chapters 566 and 568 not specifically listed in
54 subdivision (1) of this subsection or for a violation of an offense committed in another state
55 when a child is the victim that would be a violation of chapter 566 or 568 if committed in
56 Missouri, the court may exercise its discretion in awarding custody or visitation of a child to a
57 parent if such parent or any person residing with such parent has been found guilty of, or pled
58 guilty to, any such offense.

59 4. The general assembly finds and declares that it is the public policy of this state that
60 frequent, continuing and meaningful contact with both parents after the parents have separated
61 or dissolved their marriage is in the best interest of the child, except for cases where the court
62 specifically finds that such contact is not in the best interest of the child, and that it is the public
63 policy of this state to encourage parents to participate in decisions affecting the health, education
64 and welfare of their children, and to resolve disputes involving their children amicably through
65 alternative dispute resolution. In order to effectuate these policies, the court shall determine the
66 custody arrangement which will best assure both parents participate in such decisions and have
67 frequent, continuing and meaningful contact with their children so long as it is in the best
68 interests of the child.

69 5. Prior to awarding the appropriate custody arrangement in the best interest of the child,
70 the court shall consider each of the following as follows:

71 (1) Joint physical and joint legal custody to both parents, which shall not be denied
72 solely for the reason that one parent opposes a joint physical and joint legal custody award. The
73 residence of one of the parents shall be designated as the address of the child for mailing and
74 educational purposes;

75 (2) Joint physical custody with one party granted sole legal custody. The residence of
76 one of the parents shall be designated as the address of the child for mailing and educational
77 purposes;

78 (3) Joint legal custody with one party granted sole physical custody;

79 (4) Sole custody to either parent; or

80 (5) Third-party custody or visitation:

81 (a) When the court finds that each parent is unfit, unsuitable, or unable to be a custodian,
82 or the welfare of the child requires, and it is in the best interests of the child, then custody,
83 temporary custody or visitation may be awarded to any other person or persons deemed by the
84 court to be suitable and able to provide an adequate and stable environment for the child. Before
85 the court awards custody, temporary custody or visitation to a third person under this
86 subdivision, the court shall make that person a party to the action;

87 (b) Under the provisions of this subsection, any person may petition the court to
88 intervene as a party in interest at any time as provided by supreme court rule.

89 6. If the parties have not agreed to a custodial arrangement, or the court determines such
90 arrangement is not in the best interest of the child, the court shall include a written finding in the
91 judgment or order based on the public policy in subsection 4 of this section and each of the
92 factors listed in subdivisions (1) to (8) of subsection 2 of this section detailing the specific
93 relevant factors that made a particular arrangement in the best interest of the child. If a proposed
94 custodial arrangement is rejected by the court, the court shall include a written finding in the
95 judgment or order detailing the specific relevant factors resulting in the rejection of such
96 arrangement.

97 7. Upon a finding by the court that either parent has refused to exchange information
98 with the other parent, which shall include but not be limited to information concerning the
99 health, education and welfare of the child, the court shall order the parent to comply immediately
100 and to pay the prevailing party a sum equal to the prevailing party's cost associated with
101 obtaining the requested information, which shall include but not be limited to reasonable
102 attorney's fees and court costs.

103 8. As between the parents of a child, no preference may be given to either parent in the
104 awarding of custody because of that parent's age, sex, or financial status, nor because of the age
105 or sex of the child. The court shall not presume that a parent, solely because of his or her sex,
106 is more qualified than the other parent to act as a joint or sole legal or physical custodian for the
107 child.

108 9. Any judgment providing for custody shall include a specific written parenting plan
109 setting forth the terms of such parenting plan arrangements specified in subsection 8 of section
110 452.310. Such plan may be a parenting plan submitted by the parties pursuant to section 452.310
111 or, in the absence thereof, a plan determined by the court, but in all cases, the custody plan
112 approved and ordered by the court shall be in the court's discretion and shall be in the best
113 interest of the child.

114 10. After August 28, 2016, every court order establishing or modifying custody or
115 visitation shall include the following language: "In the event of noncompliance with this order,

116 the aggrieved party may file a verified motion for contempt. If custody, visitation, or third-party
117 custody is denied or interfered with by a parent or third party without good cause, the aggrieved
118 person may file a family access motion with the court stating the specific facts that constitute a
119 violation of the custody provisions of the judgment of dissolution, legal separation, or judgment
120 of paternity. The circuit clerk will provide the aggrieved party with an explanation of the
121 procedures for filing a family access motion and a simple form for use in filing the family access
122 motion. A family access motion does not require the assistance of legal counsel to prepare and
123 file.”.

124 11. No court shall adopt any local rule, form, or practice requiring a standardized or
125 default parenting plan for interim, temporary, or permanent orders or judgments.
126 Notwithstanding any other provision **of law** to the contrary, a court may enter an interim order
127 in a proceeding under this chapter, provided that the interim order shall not contain any
128 provisions about child custody or a parenting schedule or plan without first providing the parties
129 with notice and a hearing, unless the parties otherwise agree.

130 12. Unless a parent has been denied custody rights pursuant to this section or visitation
131 rights under section 452.400, both parents shall have access to records and information
132 pertaining to a minor child including, but not limited to, medical, dental, and school records. If
133 the parent without custody has been granted restricted or supervised visitation because the court
134 has found that the parent with custody or any child has been the victim of domestic violence, as
135 defined in section 455.010, by the parent without custody, the court may order that the reports
136 and records made available pursuant to this subsection not include the address of the parent with
137 custody or the child. Unless a parent has been denied custody rights pursuant to this section or
138 visitation rights under section 452.400, any judgment of dissolution or other applicable court
139 order shall specifically allow both parents access to such records and reports.

140 13. Except as otherwise precluded by state or federal law, if any individual, professional,
141 public or private institution or organization denies access or fails to provide or disclose any and
142 all records and information, including, but not limited to, past and present dental, medical and
143 school records pertaining to a minor child, to either parent upon the written request of such
144 parent, the court shall, upon its finding that the individual, professional, public or private
145 institution or organization denied such request without good cause, order that party to comply
146 immediately with such request and to pay to the prevailing party all costs incurred, including, but
147 not limited to, attorney’s fees and court costs associated with obtaining the requested
148 information.

149 14. An award of joint custody does not preclude an award of child support pursuant to
150 section 452.340 and applicable supreme court rules. The court shall consider the factors

151 contained in section 452.340 and applicable supreme court rules in determining an amount
152 reasonable or necessary for the support of the child.

153 15. If the court finds that domestic violence or abuse as defined in section 455.010 has
154 occurred, the court shall make specific findings of fact to show that the custody or visitation
155 arrangement ordered by the court best protects the child and the parent or other family or
156 household member who is the victim of domestic violence, as defined in section 455.010, and
157 any other children for whom such parent has custodial or visitation rights from any further harm.

452.400. 1. (1) A parent not granted custody of the child is entitled to reasonable
2 visitation rights unless the court finds, after a hearing, that visitation would endanger the child's
3 physical health or impair his or her emotional development. The court shall enter an order
4 specifically detailing the visitation rights of the parent without physical custody rights to the
5 child and any other children for whom such parent has custodial or visitation rights. In
6 determining the granting of visitation rights, the court shall consider evidence of domestic
7 violence. If the court finds that domestic violence has occurred, the court may find that granting
8 visitation to the abusive party is in the best interests of the child.

9 (2) (a) The court shall not grant visitation to the parent not granted custody if such
10 parent or any person residing with such parent has been found guilty of or pled guilty to any of
11 the following offenses when a child was the victim:

12 a. A felony violation of section 566.030, 566.032, 566.031, 566.060, 566.062, 566.064,
13 566.067, 566.068, 566.061, 566.083, 566.101, 566.100, 566.111, 566.151, 566.203, 566.206,
14 566.209, **566.210**, 566.211, or 566.215;

15 b. A violation of section 568.020;

16 c. A violation of subdivision (2) of subsection 1 of section 568.060;

17 d. A violation of section 568.065;

18 e. A violation of section 573.200;

19 f. A violation of section 573.205; or

20 g. A violation of section 568.175.

21 (b) For all other violations of offenses in chapters 566 and 568 not specifically listed in
22 paragraph (a) of this subdivision or for a violation of an offense committed in another state when
23 a child is the victim that would be a violation of chapter 566 or 568 if committed in Missouri,
24 the court may exercise its discretion in granting visitation to a parent not granted custody if such
25 parent or any person residing with such parent has been found guilty of, or pled guilty to, any
26 such offense.

27 (3) The court shall consider the parent's history of inflicting, or tendency to inflict,
28 physical harm, bodily injury, assault, or the fear of physical harm, bodily injury, or assault on
29 other persons and shall grant visitation in a manner that best protects the child and the parent or

30 other family or household member who is the victim of domestic violence, and any other
31 children for whom the parent has custodial or visitation rights from any further harm.

32 (4) The court, if requested by a party, shall make specific findings of fact to show that
33 the visitation arrangements made by the court best protect the child or the parent or other family
34 or household member who is the victim of domestic violence, or any other child for whom the
35 parent has custodial or visitation rights from any further harm.

36 2. (1) The court may modify an order granting or denying visitation rights whenever
37 modification would serve the best interests of the child, but the court shall not restrict a parent's
38 visitation rights unless it finds that the visitation would endanger the child's physical health or
39 impair his or her emotional development.

40 (2) (a) In any proceeding modifying visitation rights, the court shall not grant
41 unsupervised visitation to a parent if the parent or any person residing with such parent has been
42 found guilty of or pled guilty to any of the following offenses when a child was the victim:

43 a. A felony violation of section 566.030, 566.032, 566.031, 566.060, 566.062, 566.064,
44 566.067, 566.068, 566.061, 566.083, 566.101, 566.100, 566.111, 566.151, 566.203, 566.206,
45 566.209, **566.210**, 566.211, or 566.215;

46 b. A violation of section 568.020;

47 c. A violation of subdivision (2) of subsection 1 of section 568.060;

48 d. A violation of section 568.065;

49 e. A violation of section 573.200;

50 f. A violation of section 573.205; or

51 g. A violation of section 568.175.

52 (b) For all other violations of offenses in chapters 566 and 568 not specifically listed in
53 paragraph (a) of this subdivision or for a violation of an offense committed in another state when
54 a child is the victim that would be a violation of chapter 566 or 568 if committed in Missouri,
55 the division may exercise its discretion regarding the placement of a child taken into the custody
56 of the state in which a parent or any person residing in the home has been found guilty of, or pled
57 guilty to, any such offense.

58 (3) When a court restricts a parent's visitation rights or when a court orders supervised
59 visitation because of allegations of abuse or domestic violence, a showing of proof of treatment
60 and rehabilitation shall be made to the court before unsupervised visitation may be ordered.

61

62 "Supervised visitation", as used in this section, is visitation which takes place in the presence of
63 a responsible adult appointed by the court for the protection of the child.

64 3. The court shall mandate compliance with its order by all parties to the action,
65 including parents, children and third parties. In the event of noncompliance, the aggrieved

66 person may file a verified motion for contempt. If custody, visitation or third-party custody is
67 denied or interfered with by a parent or third party without good cause, the aggrieved person may
68 file a family access motion with the court stating the specific facts which constitute a violation
69 of the judgment of dissolution, legal separation or judgment of paternity. The state courts
70 administrator shall develop a simple form for pro se motions to the aggrieved person, which shall
71 be provided to the person by the circuit clerk. Clerks, under the supervision of a circuit clerk,
72 shall explain to aggrieved parties the procedures for filing the form. Notice of the fact that clerks
73 will provide such assistance shall be conspicuously posted in the clerk's offices. The location
74 of the office where the family access motion may be filed shall be conspicuously posted in the
75 court building. The performance of duties described in this section shall not constitute the
76 practice of law as defined in section 484.010. Such form for pro se motions shall not require the
77 assistance of legal counsel to prepare and file. The cost of filing the motion shall be the standard
78 court costs otherwise due for instituting a civil action in the circuit court.

79 4. Within five court days after the filing of the family access motion pursuant to
80 subsection 3 of this section, the clerk of the court shall issue a summons pursuant to applicable
81 state law, and applicable local or supreme court rules. A copy of the motion shall be personally
82 served upon the respondent by personal process server as provided by law or by any sheriff.
83 Such service shall be served at the earliest time and shall take priority over service in other civil
84 actions, except those of an emergency nature or those filed pursuant to chapter 455. The motion
85 shall contain the following statement in boldface type:

86 "PURSUANT TO SECTION 452.400, RSMO, YOU ARE REQUIRED TO RESPOND
87 TO THE CIRCUIT CLERK WITHIN TEN DAYS OF THE DATE OF SERVICE. FAILURE
88 TO RESPOND TO THE CIRCUIT CLERK MAY RESULT IN THE FOLLOWING:

89 (1) AN ORDER FOR A COMPENSATORY PERIOD OF CUSTODY,
90 VISITATION OR THIRD-PARTY CUSTODY AT A TIME CONVENIENT FOR THE
91 AGGRIEVED PARTY NOT LESS THAN THE PERIOD OF TIME DENIED;

92 (2) PARTICIPATION BY THE VIOLATOR IN COUNSELING TO EDUCATE
93 THE VIOLATOR ABOUT THE IMPORTANCE OF PROVIDING THE CHILD WITH A
94 CONTINUING AND MEANINGFUL RELATIONSHIP WITH BOTH PARENTS;

95 (3) ASSESSMENT OF A FINE OF UP TO FIVE HUNDRED DOLLARS AGAINST
96 THE VIOLATOR;

97 (4) REQUIRING THE VIOLATOR TO POST BOND OR SECURITY TO ENSURE
98 FUTURE COMPLIANCE WITH THE COURT'S ORDERS;

99 (5) ORDERING THE VIOLATOR TO PAY THE COST OF COUNSELING TO
100 REESTABLISH THE PARENT-CHILD RELATIONSHIP BETWEEN THE AGGRIEVED
101 PARTY AND THE CHILD; AND

102 (6) A JUDGMENT IN AN AMOUNT NOT LESS THAN THE REASONABLE
103 EXPENSES, INCLUDING ATTORNEY'S FEES AND COURT COSTS ACTUALLY
104 INCURRED BY THE AGGRIEVED PARTY AS A RESULT OF THE DENIAL OF
105 CUSTODY, VISITATION OR THIRD-PARTY CUSTODY."

106 5. If an alternative dispute resolution program is available pursuant to section 452.372,
107 the clerk shall also provide information to all parties on the availability of any such services, and
108 within fourteen days of the date of service, the court may schedule alternative dispute resolution.

109 6. Upon a finding by the court pursuant to a motion for a family access order or a motion
110 for contempt that its order for custody, visitation or third-party custody has not been complied
111 with, without good cause, the court shall order a remedy, which may include, but not be limited
112 to:

113 (1) A compensatory period of visitation, custody or third-party custody at a time
114 convenient for the aggrieved party not less than the period of time denied;

115 (2) Participation by the violator in counseling to educate the violator about the
116 importance of providing the child with a continuing and meaningful relationship with both
117 parents;

118 (3) Assessment of a fine of up to five hundred dollars against the violator payable to the
119 aggrieved party;

120 (4) Requiring the violator to post bond or security to ensure future compliance with the
121 court's access orders; and

122 (5) Ordering the violator to pay the cost of counseling to reestablish the parent-child
123 relationship between the aggrieved party and the child.

124 7. The court shall consider, in a proceeding to enforce or modify a permanent custody
125 or visitation order or judgment, a party's violation, without good cause, of a provision of the
126 parenting plan, for the purpose of determining that party's ability and willingness to allow the
127 child frequent and meaningful contact with the other party.

128 8. The reasonable expenses incurred as a result of denial or interference with custody or
129 visitation, including attorney's fees and costs of a proceeding to enforce visitation rights, custody
130 or third-party custody, shall be assessed, if requested and for good cause, against the parent or
131 party who unreasonably denies or interferes with visitation, custody or third-party custody. In
132 addition, the court may utilize any and all powers relating to contempt conferred on it by law or
133 rule of the Missouri supreme court.

134 9. Final disposition of a motion for a family access order filed pursuant to this section
135 shall take place not more than sixty days after the service of such motion, unless waived by the
136 parties or determined to be in the best interest of the child. Final disposition shall not include
137 appellate review.

138 10. Motions filed pursuant to this section shall not be deemed an independent civil action
139 from the original action pursuant to which the judgment or order sought to be enforced was
140 entered.

 488.029. There shall be assessed and collected a surcharge of one hundred fifty dollars
2 in all criminal cases for any violation of chapter 195 **or chapter 579** in which a crime laboratory
3 makes analysis of a controlled substance, but no such surcharge shall be assessed when the costs
4 are waived or are to be paid by the state or when a criminal proceeding or the defendant has been
5 dismissed by the court. The moneys collected by clerks of the courts pursuant to the provisions
6 of this section shall be collected and disbursed as provided by sections 488.010 to 488.020. All
7 such moneys shall be payable to the director of revenue, who shall deposit all amounts collected
8 pursuant to this section to the credit of the state forensic laboratory account to be administered
9 by the department of public safety pursuant to section 650.105.

 556.061. In this code, unless the context requires a different definition, the following
2 terms shall mean:

3 (1) "Access", to instruct, communicate with, store data in, retrieve or extract data from,
4 or otherwise make any use of any resources of, a computer, computer system, or computer
5 network;

6 (2) "Affirmative defense":

7 (a) The defense referred to is not submitted to the trier of fact unless supported by
8 evidence; and

9 (b) If the defense is submitted to the trier of fact the defendant has the burden of
10 persuasion that the defense is more probably true than not;

11 (3) "Burden of injecting the issue":

12 (a) The issue referred to is not submitted to the trier of fact unless supported by evidence;
13 and

14 (b) If the issue is submitted to the trier of fact any reasonable doubt on the issue requires
15 a finding for the defendant on that issue;

16 (4) "Commercial film and photographic print processor", any person who develops
17 exposed photographic film into negatives, slides or prints, or who makes prints from negatives
18 or slides, for compensation. The term commercial film and photographic print processor shall
19 include all employees of such persons but shall not include a person who develops film or makes
20 prints for a public agency;

21 (5) "Computer", the box that houses the central processing unit (CPU), along with any
22 internal storage devices, such as internal hard drives, and internal communication devices, such
23 as internal modems capable of sending or receiving electronic mail or fax cards, along with any
24 other hardware stored or housed internally. Thus, computer refers to hardware, software and data

25 contained in the main unit. Printers, external modems attached by cable to the main unit,
26 monitors, and other external attachments will be referred to collectively as peripherals and
27 discussed individually when appropriate. When the computer and all peripherals are referred to
28 as a package, the term "computer system" is used. Information refers to all the information on
29 a computer system including both software applications and data;

30 (6) "Computer equipment", computers, terminals, data storage devices, and all other
31 computer hardware associated with a computer system or network;

32 (7) "Computer hardware", all equipment which can collect, analyze, create, display,
33 convert, store, conceal or transmit electronic, magnetic, optical or similar computer impulses or
34 data. Hardware includes, but is not limited to, any data processing devices, such as central
35 processing units, memory typewriters and self-contained laptop or notebook computers; internal
36 and peripheral storage devices, transistor-like binary devices and other memory storage devices,
37 such as floppy disks, removable disks, compact disks, digital video disks, magnetic tape, hard
38 drive, optical disks and digital memory; local area networks, such as two or more computers
39 connected together to a central computer server via cable or modem; peripheral input or output
40 devices, such as keyboards, printers, scanners, plotters, video display monitors and optical
41 readers; and related communication devices, such as modems, cables and connections, recording
42 equipment, RAM or ROM units, acoustic couplers, automatic dialers, speed dialers,
43 programmable telephone dialing or signaling devices and electronic tone-generating devices; as
44 well as any devices, mechanisms or parts that can be used to restrict access to computer
45 hardware, such as physical keys and locks;

46 (8) "Computer network", two or more interconnected computers or computer systems;

47 (9) "Computer program", a set of instructions, statements, or related data that directs or
48 is intended to direct a computer to perform certain functions;

49 (10) "Computer software", digital information which can be interpreted by a computer
50 and any of its related components to direct the way they work. Software is stored in electronic,
51 magnetic, optical or other digital form. The term commonly includes programs to run operating
52 systems and applications, such as word processing, graphic, or spreadsheet programs, utilities,
53 compilers, interpreters and communications programs;

54 (11) "Computer-related documentation", written, recorded, printed or electronically
55 stored material which explains or illustrates how to configure or use computer hardware,
56 software or other related items;

57 (12) "Computer system", a set of related, connected or unconnected, computer
58 equipment, data, or software;

59 (13) "Confinement":

60 (a) A person is in confinement when such person is held in a place of confinement
61 pursuant to arrest or order of a court, and remains in confinement until:

62 a. A court orders the person's release; or

63 b. The person is released on bail, bond, or recognizance, personal or otherwise; or

64 c. A public servant having the legal power and duty to confine the person authorizes his
65 release without guard and without condition that he return to confinement;

66 (b) A person is not in confinement if:

67 a. The person is on probation or parole, temporary or otherwise; or

68 b. The person is under sentence to serve a term of confinement which is not continuous,
69 or is serving a sentence under a work-release program, and in either such case is not being held
70 in a place of confinement or is not being held under guard by a person having the legal power
71 and duty to transport the person to or from a place of confinement;

72 (14) "Consent": consent or lack of consent may be expressed or implied. Assent does
73 not constitute consent if:

74 (a) It is given by a person who lacks the mental capacity to authorize the conduct charged
75 to constitute the offense and such mental incapacity is manifest or known to the actor; or

76 (b) It is given by a person who by reason of youth, mental disease or defect, intoxication,
77 a drug-induced state, or any other reason is manifestly unable or known by the actor to be unable
78 to make a reasonable judgment as to the nature or harmfulness of the conduct charged to
79 constitute the offense; or

80 (c) It is induced by force, duress or deception;

81 (15) "Controlled substance", a drug, substance, or immediate precursor in schedules I
82 through V as defined in chapter 195;

83 (16) "Criminal negligence", failure to be aware of a substantial and unjustifiable risk that
84 circumstances exist or a result will follow, and such failure constitutes a gross deviation from
85 the standard of care which a reasonable person would exercise in the situation;

86 (17) "Custody", a person is in custody when he or she has been arrested but has not been
87 delivered to a place of confinement;

88 (18) "Damage", when used in relation to a computer system or network, means any
89 alteration, deletion, or destruction of any part of the computer system or network;

90 (19) "Dangerous felony", the felonies of arson in the first degree, assault in the first
91 degree, attempted rape in the first degree if physical injury results, attempted forcible rape if
92 physical injury results, attempted sodomy in the first degree if physical injury results, attempted
93 forcible sodomy if physical injury results, rape in the first degree, forcible rape, sodomy in the
94 first degree, forcible sodomy, assault in the second degree if the victim of such assault is a
95 special victim as defined in subdivision (14) of section 565.002, kidnapping in the first degree,

96 kidnapping, murder in the second degree, assault of a law enforcement officer in the first degree,
97 domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree,
98 statutory rape in the first degree ~~[when]~~ if the victim is a child less than twelve years of age at
99 the time of the commission of the act giving rise to the offense, statutory sodomy in the first
100 degree ~~[when]~~ if the victim is a child less than twelve years of age at the time of the commission
101 of the act giving rise to the offense, child molestation in the first or second degree, abuse of a
102 child if the child dies as a result of injuries sustained from conduct chargeable under section
103 568.060, child kidnapping, or parental kidnapping committed by detaining or concealing the
104 whereabouts of the child for not less than one hundred twenty days under section 565.153~~], and~~
105 ~~an]~~ . A **"dangerous felony"** shall also include any "intoxication-related traffic offense" or
106 "intoxication-related boating offense" if:

107 (a) The ~~[person]~~ **offender** is found to be a "habitual offender" or "habitual boating
108 offender" as such terms are defined in section 577.001; or

109 (b) **The offender causes the death of any person while the offender had a blood**
110 **alcohol content of at least eighteen-hundredths of one percent by weight of alcohol such**
111 **offender's blood;**

112 (20) "Dangerous instrument", any instrument, article or substance, which, under the
113 circumstances in which it is used, is readily capable of causing death or other serious physical
114 injury;

115 (21) "Data", a representation of information, facts, knowledge, concepts, or instructions
116 prepared in a formalized or other manner and intended for use in a computer or computer
117 network. Data may be in any form including, but not limited to, printouts, microfiche, magnetic
118 storage media, punched cards and as may be stored in the memory of a computer;

119 (22) "Deadly weapon", any firearm, loaded or unloaded, or any weapon from which a
120 shot, readily capable of producing death or serious physical injury, may be discharged, or a
121 switchblade knife, dagger, billy club, blackjack or metal knuckles;

122 (23) "Digital camera", a camera that records images in a format which enables the
123 images to be downloaded into a computer;

124 (24) "Disability", a mental, physical, or developmental impairment that substantially
125 limits one or more major life activities or the ability to provide adequately for one's care or
126 protection, whether the impairment is congenital or acquired by accident, injury or disease, where
127 such impairment is verified by medical findings;

128 (25) "Elderly person", a person sixty years of age or older;

129 (26) "Felony", an offense so designated or an offense for which persons found guilty
130 thereof may be sentenced to death or imprisonment for a term of more than one year;

131 (27) "Forcible compulsion" either:

- 132 (a) Physical force that overcomes reasonable resistance; or
133 (b) A threat, express or implied, that places a person in reasonable fear of death, serious
134 physical injury or kidnapping of such person or another person;
- 135 (28) "Incapacitated", a temporary or permanent physical or mental condition in which
136 a person is unconscious, unable to appraise the nature of his or her conduct, or unable to
137 communicate unwillingness to an act;
- 138 (29) "Infraction", a violation defined by this code or by any other statute of this state if
139 it is so designated or if no sentence other than a fine, or fine and forfeiture or other civil penalty,
140 is authorized upon conviction;
- 141 (30) "Inhabitable structure", a vehicle, vessel or structure:
142 (a) Where any person lives or carries on business or other calling; or
143 (b) Where people assemble for purposes of business, government, education, religion,
144 entertainment, or public transportation; or
145 (c) Which is used for overnight accommodation of persons.
146
- 147 Any such vehicle, vessel, or structure is inhabitable regardless of whether a person is actually
148 present. If a building or structure is divided into separately occupied units, any unit not occupied
149 by the actor is an inhabitable structure of another;
- 150 (31) "Knowingly", when used with respect to:
151 (a) Conduct or attendant circumstances, means a person is aware of the nature of his or
152 her conduct or that those circumstances exist; or
153 (b) A result of conduct, means a person is aware that his or her conduct is practically
154 certain to cause that result;
- 155 (32) "Law enforcement officer", any public servant having both the power and duty to
156 make arrests for violations of the laws of this state, and federal law enforcement officers
157 authorized to carry firearms and to make arrests for violations of the laws of the United States;
- 158 (33) "Misdemeanor", an offense so designated or an offense for which persons found
159 guilty thereof may be sentenced to imprisonment for a term of which the maximum is one year
160 or less;
- 161 (34) "Of another", property that any entity, including but not limited to any natural
162 person, corporation, limited liability company, partnership, association, governmental
163 subdivision or instrumentality, other than the actor, has a possessory or proprietary interest
164 therein, except that property shall not be deemed property of another who has only a security
165 interest therein, even if legal title is in the creditor pursuant to a conditional sales contract or
166 other security arrangement;
- 167 (35) "Offense", any felony or misdemeanor;

168 (36) "Physical injury", slight impairment of any function of the body or temporary loss
169 of use of any part of the body;

170 (37) "Place of confinement", any building or facility and the grounds thereof wherein a
171 court is legally authorized to order that a person charged with or convicted of a crime be held;

172 (38) "Possess" or "possessed", having actual or constructive possession of an object with
173 knowledge of its presence. A person has actual possession if such person has the object on his
174 or her person or within easy reach and convenient control. A person has constructive possession
175 if such person has the power and the intention at a given time to exercise dominion or control
176 over the object either directly or through another person or persons. Possession may also be sole
177 or joint. If one person alone has possession of an object, possession is sole. If two or more
178 persons share possession of an object, possession is joint;

179 (39) "Property", anything of value, whether real or personal, tangible or intangible, in
180 possession or in action;

181 (40) "Public servant", any person employed in any way by a government of this state who
182 is compensated by the government by reason of such person's employment, any person appointed
183 to a position with any government of this state, or any person elected to a position with any
184 government of this state. It includes, but is not limited to, legislators, jurors, members of the
185 judiciary and law enforcement officers. It does not include witnesses;

186 (41) "Purposely", when used with respect to a person's conduct or to a result thereof,
187 means when it is his or her conscious object to engage in that conduct or to cause that result;

188 (42) "Recklessly", consciously disregarding a substantial and unjustifiable risk that
189 circumstances exist or that a result will follow, and such disregard constitutes a gross deviation
190 from the standard of care which a reasonable person would exercise in the situation;

191 (43) "Serious emotional injury", an injury that creates a substantial risk of temporary or
192 permanent medical or psychological damage, manifested by impairment of a behavioral,
193 cognitive or physical condition. Serious emotional injury shall be established by testimony of
194 qualified experts upon the reasonable expectation of probable harm to a reasonable degree of
195 medical or psychological certainty;

196 (44) "Serious physical injury", physical injury that creates a substantial risk of death or
197 that causes serious disfigurement or protracted loss or impairment of the function of any part of
198 the body;

199 (45) "Services", when used in relation to a computer system or network, means use of
200 a computer, computer system, or computer network and includes, but is not limited to, computer
201 time, data processing, and storage or retrieval functions;

202 (46) "Sexual orientation", male or female heterosexuality, homosexuality or bisexuality
 203 by inclination, practice, identity or expression, or having a self-image or identity not traditionally
 204 associated with one's gender;

205 (47) "Vehicle", a self-propelled mechanical device designed to carry a person or persons,
 206 excluding vessels or aircraft;

207 (48) "Vessel", any boat or craft propelled by a motor or by machinery, whether or not
 208 such motor or machinery is a principal source of propulsion used or capable of being used as a
 209 means of transportation on water, or any boat or craft more than twelve feet in length which is
 210 powered by sail alone or by a combination of sail and machinery, and used or capable of being
 211 used as a means of transportation on water, but not any boat or craft having, as the only means
 212 of propulsion, a paddle or oars;

213 (49) "Voluntary act":

214 (a) A bodily movement performed while conscious as a result of effort or determination.
 215 Possession is a voluntary act if the possessor knowingly procures or receives the thing possessed,
 216 or having acquired control of it was aware of his or her control for a sufficient time to have
 217 enabled him or her to dispose of it or terminate his or her control; or

218 (b) An omission to perform an act of which the actor is physically capable. A person is
 219 not guilty of an offense based solely upon an omission to perform an act unless the law defining
 220 the offense expressly so provides, or a duty to perform the omitted act is otherwise imposed by
 221 law;

222 (50) "Vulnerable person", any person in the custody, care, or control of the department
 223 of mental health who is receiving services from an operated, funded, licensed, or certified
 224 program.

**566.146. 1. A person commits the offense of sexual conduct in the course of public
 2 duty if he or she:**

3 **(1) Is a probation or parole officer, a police officer, or an employee of, or assigned**
 4 **to work in, any jail, prison, or correctional facility; and**

5 **(2) Engages in sexual conduct while on duty with a witness or with a person who**
 6 **is detained, arrested, or imprisoned.**

7 **2. The offense of sexual conduct in the course of public duty is a class D felony.**

577.001. As used in this chapter, the following terms mean:

2 (1) "Aggravated offender", a person who has been found guilty of:

3 (a) Three or more intoxication-related traffic offenses committed on separate occasions;

4 or

5 (b) Two or more intoxication-related traffic offenses committed on separate occasions
 6 where at least one of the intoxication-related traffic offenses is an offense committed in violation

7 of any state law, county or municipal ordinance, any federal offense, or any military offense in
8 which the defendant was operating a vehicle while intoxicated and another person was injured
9 or killed;

10 (2) “Aggravated boating offender”, a person who has been found guilty of:

11 (a) Three or more intoxication-related boating offenses; or

12 (b) Two or more intoxication-related boating offenses committed on separate occasions
13 where at least one of the intoxication-related boating offenses is an offense committed in
14 violation of any state law, county or municipal ordinance, any federal offense, or any military
15 offense in which the defendant was operating a vessel while intoxicated and another person was
16 injured or killed;

17 (3) “All-terrain vehicle”, any motorized vehicle manufactured and used exclusively for
18 off-highway use which is fifty inches or less in width, with an unladen dry weight of one
19 thousand pounds or less, traveling on three, four or more low pressure tires, with a seat designed
20 to be straddled by the operator, or with a seat designed to carry more than one person, and
21 handlebars for steering control;

22 (4) “Court”, any circuit, associate circuit, or municipal court, including traffic court, but
23 not any juvenile court or drug court;

24 (5) “Chronic offender”, a person who has been found guilty of:

25 (a) Four or more intoxication-related traffic offenses committed on separate occasions;
26 or

27 (b) Three or more intoxication-related traffic offenses committed on separate occasions
28 where at least one of the intoxication-related traffic offenses is an offense committed in violation
29 of any state law, county or municipal ordinance, any federal offense, or any military offense in
30 which the defendant was operating a vehicle while intoxicated and another person was injured
31 or killed; or

32 (c) Two or more intoxication-related traffic offenses committed on separate occasions
33 where both intoxication-related traffic offenses were offenses committed in violation of any state
34 law, county or municipal ordinance, any federal offense, or any military offense in which the
35 defendant was operating a vehicle while intoxicated and another person was injured or killed;

36 (6) “Chronic boating offender”, a person who has been found guilty of:

37 (a) Four or more intoxication-related boating offenses; or

38 (b) Three or more intoxication-related boating offenses committed on separate occasions
39 where at least one of the intoxication-related boating offenses is an offense committed in
40 violation of any state law, county or municipal ordinance, any federal offense, or any military
41 offense in which the defendant was operating a vessel while intoxicated and another person was
42 injured or killed; or

43 (c) Two or more intoxication-related boating offenses committed on separate occasions
44 where both intoxication-related boating offenses were offenses committed in violation of any
45 state law, county or municipal ordinance, any federal offense, or any military offense in which
46 the defendant was operating a vessel while intoxicated and another person was injured or killed;

47 (7) “Continuous alcohol monitoring”, automatically testing breath, blood, or transdermal
48 alcohol concentration levels and tampering attempts at least once every hour, regardless of the
49 location of the person who is being monitored, and regularly transmitting the data. Continuous
50 alcohol monitoring shall be considered an electronic monitoring service under subsection 3 of
51 section 217.690;

52 (8) “Controlled substance”, a drug, substance, or immediate precursor in schedules I to
53 V listed in section 195.017;

54 (9) “Drive”, “driving”, “operates” or “operating”, physically driving or operating a
55 vehicle or vessel;

56 (10) “Flight crew member”, the pilot in command, copilots, flight engineers, and flight
57 navigators;

58 (11) “Habitual offender”, a person who has been found guilty of:

59 (a) Five or more intoxication-related traffic offenses committed on separate occasions;
60 or

61 (b) Four or more intoxication-related traffic offenses committed on separate occasions
62 where at least one of the intoxication-related traffic offenses is an offense committed in violation
63 of any state law, county or municipal ordinance, any federal offense, or any military offense in
64 which the defendant was operating a vehicle while intoxicated and another person was injured
65 or killed; or

66 (c) Three or more intoxication-related traffic offenses committed on separate occasions
67 where at least two of the intoxication-related traffic offenses were offenses committed in
68 violation of any state law, county or municipal ordinance, any federal offense, or any military
69 offense in which the defendant was operating a vehicle while intoxicated and another person was
70 injured or killed;

71 (12) “Habitual boating offender”, a person who has been found guilty of:

72 (a) Five or more intoxication-related boating offenses; ~~[or]~~

73 (b) Four or more intoxication-related boating offenses committed on separate occasions
74 where at least one of the intoxication-related boating offenses is an offense committed in
75 violation of any state law, county or municipal ordinance, any federal offense, or any military
76 offense in which the defendant was operating a vessel while intoxicated and another person was
77 injured or killed; or

78 (c) Three or more intoxication-related boating offenses committed on separate occasions
79 where at least two of the intoxication-related boating offenses were offenses committed in
80 violation of any state law, county or municipal ordinance, any federal offense, or any military
81 offense in which the defendant was operating a vessel while intoxicated and another person was
82 injured or killed; ~~or~~

83 ~~— (d) While boating while intoxicated, the defendant acted with criminal negligence to:~~

84 ~~— a. Cause the death of any person not a passenger in the vessel operated by the defendant,~~
85 ~~including the death of an individual that results from the defendant's vessel leaving the water;~~

86 ~~or~~

87 ~~— b. Cause the death of two or more persons; or~~

88 ~~— c. Cause the death of any person while he or she has a blood alcohol content of at least~~
89 ~~eighteen-hundredths of one percent by weight of alcohol in such person's blood;]~~

90 (13) "Intoxicated" or "intoxicated condition", when a person is under the influence of
91 alcohol, a controlled substance, or drug, or any combination thereof;

92 (14) "Intoxication-related boating offense", operating a vessel while intoxicated; boating
93 while intoxicated; operating a vessel with excessive blood alcohol content or an offense in which
94 the defendant was operating a vessel while intoxicated and another person was injured or killed
95 in violation of any state law, county or municipal ordinance, any federal offense, or any military
96 offense;

97 (15) "Intoxication-related traffic offense", driving while intoxicated, driving with
98 excessive blood alcohol content, driving under the influence of alcohol or drugs in violation of
99 a state law, county or municipal ordinance, any federal offense, or any military offense, or an
100 offense in which the defendant was operating a vehicle while intoxicated and another person was
101 injured or killed in violation of any state law, county or municipal ordinance, any federal offense,
102 or any military offense;

103 (16) "Law enforcement officer" or "arresting officer", includes the definition of law
104 enforcement officer in section 556.061 and military policemen conducting traffic enforcement
105 operations on a federal military installation under military jurisdiction in the state of Missouri;

106 (17) "Operate a vessel", to physically control the movement of a vessel in motion under
107 mechanical or sail power in water;

108 (18) "Persistent offender", a person who has been found guilty of:

109 (a) Two or more intoxication-related traffic offenses committed on separate occasions;

110 or

111 (b) One intoxication-related traffic offense committed in violation of any state law,
112 county or municipal ordinance, federal offense, or military offense in which the defendant was
113 operating a vehicle while intoxicated and another person was injured or killed;

- 114 (19) “Persistent boating offender”, a person who has been found guilty of:
115 (a) Two or more intoxication-related boating offenses committed on separate occasions;
116 or
117 (b) One intoxication-related boating offense committed in violation of any state law,
118 county or municipal ordinance, federal offense, or military offense in which the defendant was
119 operating a vessel while intoxicated and another person was injured or killed;
120 (20) “Prior offender”, a person who has been found guilty of one intoxication-related
121 traffic offense, where such prior offense occurred within five years of the occurrence of the
122 intoxication-related traffic offense for which the person is charged;
123 (21) “Prior boating offender”, a person who has been found guilty of one
124 intoxication-related boating offense, where such prior offense occurred within five years of the
125 occurrence of the intoxication-related boating offense for which the person is charged.

- 577.010. 1. A person commits the offense of driving while intoxicated if he or she
2 operates a vehicle while in an intoxicated condition.
3 2. The offense of driving while intoxicated is:
4 (1) A class B misdemeanor;
5 (2) A class A misdemeanor if:
6 (a) The defendant is a prior offender; or
7 (b) A person less than seventeen years of age is present in the vehicle;
8 (3) A class E felony if:
9 (a) The defendant is a persistent offender; or
10 (b) While driving while intoxicated, the defendant acts with criminal negligence to cause
11 physical injury to another person;
12 (4) A class D felony if:
13 (a) The defendant is an aggravated offender;
14 (b) While driving while intoxicated, the defendant acts with criminal negligence to cause
15 physical injury to a law enforcement officer or emergency personnel; or
16 (c) While driving while intoxicated, the defendant acts with criminal negligence to cause
17 serious physical injury to another person;
18 (5) A class C felony if:
19 (a) The defendant is a chronic offender;
20 (b) While driving while intoxicated, the defendant acts with criminal negligence to cause
21 serious physical injury to a law enforcement officer or emergency personnel; or
22 (c) While driving while intoxicated, the defendant acts with criminal negligence to cause
23 the death of another person;
24 (6) A class B felony if:

- 25 (a) The defendant is a habitual offender;
- 26 (b) While driving while intoxicated, the defendant acts with criminal negligence to cause
27 the death of a law enforcement officer or emergency personnel;
- 28 (c) While driving while intoxicated, the defendant acts with criminal negligence to cause
29 the death of any person not a passenger in the vehicle operated by the defendant, including the
30 death of an individual that results from the defendant's vehicle leaving a highway, as defined in
31 section 301.010, or the highway's right-of-way;
- 32 (d) While driving while intoxicated, the defendant acts with criminal negligence to cause
33 the death of two or more persons; or
- 34 (e) While driving while intoxicated, the defendant acts with criminal negligence to cause
35 the death of any person while he or she has a blood alcohol content of at least
36 eighteen-hundredths of one percent by weight of alcohol in such person's blood;
- 37 (7) A class A felony if the defendant has previously been found guilty of an offense
38 under paragraphs (a) to (e) of subdivision (6) of this subsection and is found guilty of a
39 subsequent violation of such paragraphs.
- 40 3. Notwithstanding the provisions of subsection 2 of this section, a person found guilty
41 of the offense of driving while intoxicated as a first offense shall not be granted a suspended
42 imposition of sentence:
- 43 (1) Unless such person shall be placed on probation for a minimum of two years; or
- 44 (2) In a circuit where a DWI court or docket created under section 478.007 or other
45 court-ordered treatment program is available, and where the offense was committed with
46 fifteen-hundredths of one percent or more by weight of alcohol in such person's blood, unless
47 the individual participates and successfully completes a program under such DWI court or docket
48 or other court-ordered treatment program.
- 49 4. If a person is found guilty of a second or subsequent offense of driving while
50 intoxicated, the court may order the person to submit to a period of continuous alcohol
51 monitoring or verifiable breath alcohol testing performed a minimum of four times per day as
52 a condition of probation.
- 53 5. If a person is not granted a suspended imposition of sentence for the reasons described
54 in subsection 3 of this section:
- 55 (1) If the individual operated the vehicle with fifteen-hundredths to twenty-hundredths
56 of one percent by weight of alcohol in such person's blood, the required term of imprisonment
57 shall be not less than forty-eight hours;
- 58 (2) If the individual operated the vehicle with greater than twenty-hundredths of one
59 percent by weight of alcohol in such person's blood, the required term of imprisonment shall be
60 not less than five days.

61 6. A person found guilty of the offense of driving while intoxicated:

62 (1) ~~[As a prior offender, persistent offender, aggravated offender, chronic offender, or~~
63 ~~habitual offender]~~ Shall not be granted a suspended imposition of sentence or be sentenced to
64 pay a fine in lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding, **if:**

65 **(a) The offender is a prior offender, persistent offender, aggravated offender,**
66 **chronic offender, or habitual offender; or**

67 **(b) The offender causes the death of any person while the offender has a blood**
68 **alcohol content of at least eighteen-hundredths of one percent by weight of alcohol in such**
69 **offender's blood;**

70 (2) As a prior offender shall not be granted parole or probation until he or she has served
71 a minimum of ten days imprisonment:

72 (a) Unless as a condition of such parole or probation such person performs at least thirty
73 days of community service under the supervision of the court in those jurisdictions which have
74 a recognized program for community service; or

75 (b) The offender participates in and successfully completes a program established under
76 section 478.007 or other court-ordered treatment program, if available, and as part of either
77 program, the offender performs at least thirty days of community service under the supervision
78 of the court;

79 (3) As a persistent offender shall not be eligible for parole or probation until he or she
80 has served a minimum of thirty days imprisonment:

81 (a) Unless as a condition of such parole or probation such person performs at least sixty
82 days of community service under the supervision of the court in those jurisdictions which have
83 a recognized program for community service; or

84 (b) The offender participates in and successfully completes a program established under
85 section 478.007 or other court-ordered treatment program, if available, and as part of either
86 program, the offender performs at least sixty days of community service under the supervision
87 of the court;

88 (4) As an aggravated offender shall not be eligible for parole or probation until he or she
89 has served a minimum of sixty days imprisonment;

90 (5) As a chronic or habitual offender shall not be eligible for parole or probation until
91 he or she has served a minimum of two years imprisonment; and

92 (6) Any probation or parole granted under this subsection may include a period of
93 continuous alcohol monitoring or verifiable breath alcohol testing performed a minimum of four
94 times per day.

577.013. 1. A person commits the offense of boating while intoxicated if he or she
2 operates a vessel while in an intoxicated condition.

- 3 2. The offense of boating while intoxicated is:
- 4 (1) A class B misdemeanor;
- 5 (2) A class A misdemeanor if:
- 6 (a) The defendant is a prior boating offender; or
- 7 (b) A person less than seventeen years of age is present in the vessel;
- 8 (3) A class E felony if:
- 9 (a) The defendant is a persistent boating offender; or
- 10 (b) While boating while intoxicated, the defendant acts with criminal negligence to cause
- 11 physical injury to another person;
- 12 (4) A class D felony if:
- 13 (a) The defendant is an aggravated boating offender;
- 14 (b) While boating while intoxicated, the defendant acts with criminal negligence to cause
- 15 physical injury to a law enforcement officer or emergency personnel; or
- 16 (c) While boating while intoxicated, the defendant acts with criminal negligence to cause
- 17 serious physical injury to another person;
- 18 (5) A class C felony if:
- 19 (a) The defendant is a chronic boating offender;
- 20 (b) While boating while intoxicated, the defendant acts with criminal negligence to cause
- 21 serious physical injury to a law enforcement officer or emergency personnel; or
- 22 (c) While boating while intoxicated, the defendant acts with criminal negligence to cause
- 23 the death of another person;
- 24 (6) A class B felony if:
- 25 (a) The defendant is a habitual boating offender; or
- 26 (b) While boating while intoxicated, the defendant acts with criminal negligence to cause
- 27 the death of:
- 28 a. A law enforcement officer or emergency personnel; or
- 29 b. **Any person while the defendant has a blood alcohol content of at least**
- 30 **eighteen-hundredths of one percent by weight of alcohol in such defendant's blood;**
- 31 (7) A class A felony if the defendant is a habitual offender as a result of being found
- 32 guilty of an act described under paragraph (d) of subdivision (12) of section 577.001 and is found
- 33 guilty of a subsequent violation of such paragraph.
- 34 3. Notwithstanding the provisions of subsection 2 of this section, a person found guilty
- 35 of the offense of boating while intoxicated as a first offense shall not be granted a suspended
- 36 imposition of sentence:
- 37 (1) Unless such person shall be placed on probation for a minimum of two years; or

38 (2) In a circuit where a DWI court or docket created under section 478.007 or other
39 court-ordered treatment program is available, and where the offense was committed with
40 fifteen-hundredths of one percent or more by weight of alcohol in such person's blood, unless
41 the individual participates in and successfully completes a program under such DWI court or
42 docket or other court-ordered treatment program.

43 4. If a person is found guilty of a second or subsequent offense of boating while
44 intoxicated, the court may order the person to submit to a period of continuous alcohol
45 monitoring or verifiable breath alcohol testing performed a minimum of four times per day as
46 a condition of probation.

47 5. If a person is not granted a suspended imposition of sentence for the reasons described
48 in subsection 3 of this section:

49 (1) If the individual operated the vessel with fifteen-hundredths to twenty-hundredths
50 of one percent by weight of alcohol in such person's blood, the required term of imprisonment
51 shall be not less than forty-eight hours;

52 (2) If the individual operated the vessel with greater than twenty-hundredths of one
53 percent by weight of alcohol in such person's blood, the required term of imprisonment shall be
54 not less than five days.

55 6. A person found guilty of the offense of boating while intoxicated:

56 (1) As a prior boating offender, persistent boating offender, aggravated boating offender,
57 chronic boating offender or habitual boating offender shall not be granted a suspended
58 imposition of sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section
59 557.011 to the contrary notwithstanding;

60 (2) As a prior boating offender shall not be granted parole or probation until he or she
61 has served a minimum of ten days imprisonment:

62 (a) Unless as a condition of such parole or probation such person performs at least two
63 hundred forty hours of community service under the supervision of the court in those
64 jurisdictions which have a recognized program for community service; or

65 (b) The offender participates in and successfully completes a program established under
66 section 478.007 or other court-ordered treatment program, if available;

67 (3) As a persistent offender shall not be eligible for parole or probation until he or she
68 has served a minimum of thirty days imprisonment:

69 (a) Unless as a condition of such parole or probation such person performs at least four
70 hundred eighty hours of community service under the supervision of the court in those
71 jurisdictions which have a recognized program for community service; or

72 (b) The offender participates in and successfully completes a program established under
73 section 478.007 or other court-ordered treatment program, if available;

74 (4) As an aggravated boating offender shall not be eligible for parole or probation until
75 he or she has served a minimum of sixty days imprisonment;

76 (5) As a chronic or habitual boating offender shall not be eligible for parole or probation
77 until he or she has served a minimum of two years imprisonment; and

78 (6) Any probation or parole granted under this subsection may include a period of
79 continuous alcohol monitoring or verifiable breath alcohol testing performed a minimum of four
80 times per day.

577.014. 1. A person commits the offense of boating with excessive blood alcohol
2 content if he or she operates a vessel while having eight-hundredths of one percent or more by
3 weight of alcohol in his or her blood.

4 2. As used in this section, percent by weight of alcohol in the blood shall be based upon
5 grams of alcohol per one hundred milliliters of blood or two hundred ten liters of breath and may
6 be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes
7 of determining the alcoholic content of a person's blood under this section, the test shall be
8 conducted in accordance with the provisions of sections 577.020 to 577.041.

9 3. The offense of boating with excessive blood alcohol content is:

10 (1) A class B misdemeanor;

11 (2) A class A misdemeanor if the defendant is alleged and proved to be a prior boating
12 offender;

13 (3) A class E felony if the defendant is alleged and proved to be a persistent boating
14 offender;

15 (4) A class D felony if the defendant is alleged and proved to be an aggravated boating
16 offender;

17 (5) A class C felony if the defendant is alleged and proved to be a chronic boating
18 offender;

19 (6) A class B felony if the defendant is alleged and proved to be a habitual boating
20 offender **or, at the time of the offense, the defendant acted with criminal negligence to cause**
21 **the death of any person while the defendant has a blood alcohol content of at least**
22 **eighteen-hundredths of one percent by weight of alcohol in the defendant's blood.**

23 4. A person found guilty of the offense of boating with excessive blood alcohol content
24 as a first offense shall not be granted a suspended imposition of sentence:

25 (1) Unless such person shall be placed on probation for a minimum of two years; or

26 (2) In a circuit where a DWI court or docket created under section 478.007 or other
27 court-ordered treatment program is available, and where the offense was committed with
28 fifteen-hundredths of one percent or more by weight of alcohol in such person's blood unless the

29 individual participates in and successfully completes a program under such DWI court or docket
30 or other court-ordered treatment program.

31 5. When a person is not granted a suspended imposition of sentence for the reasons
32 described in subsection 4 of this section:

33 (1) If the individual operated the vessel with fifteen-hundredths to twenty-hundredths
34 of one percent by weight of alcohol in such person's blood, the required term of imprisonment
35 shall be not less than forty-eight hours;

36 (2) If the individual operated the vessel with greater than twenty-hundredths of one
37 percent by weight of alcohol in such person's blood, the required term of imprisonment shall be
38 not less than five days.

39 6. If a person is found guilty of a second or subsequent offense of boating with an
40 excessive blood alcohol content, the court may order the person to submit to a period of
41 continuous alcohol monitoring or verifiable breath alcohol testing performed a minimum of four
42 times per day as a condition of probation.

43 7. A person found guilty of the offense of boating with excessive blood alcohol content:

44 (1) As a prior boating offender, persistent boating offender, aggravated boating offender,
45 chronic boating offender or habitual boating offender shall not be granted a suspended
46 imposition of sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section
47 557.011 to the contrary notwithstanding;

48 (2) As a prior boating offender, shall not be granted parole or probation until he or she
49 has served a minimum of ten days imprisonment:

50 (a) Unless as a condition of such parole or probation such person performs at least two
51 hundred forty hours of community service under the supervision of the court in those
52 jurisdictions which have a recognized program for community service; or

53 (b) The offender participates in and successfully completes a program established under
54 section 478.007 or other court-ordered treatment program, if available;

55 (3) As a persistent boating offender, shall not be granted parole or probation until he or
56 she has served a minimum of thirty days imprisonment:

57 (a) Unless as a condition of such parole or probation such person performs at least four
58 hundred eighty hours of community service under the supervision of the court in those
59 jurisdictions which have a recognized program for community service; or

60 (b) The offender participates in and successfully completes a program established under
61 section 478.007 or other court-ordered treatment program, if available;

62 (4) As an aggravated boating offender, shall not be eligible for parole or probation until
63 he or she has served a minimum of sixty days imprisonment;

64 (5) As a chronic or habitual boating offender, shall not be eligible for parole or probation
65 until he or she has served a minimum of two years imprisonment; and

66 (6) Any probation or parole granted under this subsection may include a period of
67 continuous alcohol monitoring or verifiable breath alcohol testing performed a minimum of four
68 times per day.

579.065. 1. A person commits the offense of trafficking drugs in the first degree if,
2 except as authorized by this chapter or chapter 195, such person knowingly distributes, delivers,
3 manufactures, produces or attempts to distribute, deliver, manufacture or produce:

4 (1) More than thirty grams [~~but less than ninety grams~~] of a mixture or substance
5 containing a detectable amount of heroin;

6 (2) More than one hundred fifty grams [~~but less than four hundred fifty grams~~] of a
7 mixture or substance containing a detectable amount of coca leaves, except coca leaves and
8 extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts
9 have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers;
10 ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture,
11 or preparation which contains any quantity of any of the foregoing substances;

12 (3) More than eight grams [~~but less than twenty-four grams~~] of a mixture or substance
13 described in subdivision (2) of this subsection which contains cocaine base;

14 (4) More than five hundred milligrams [~~but less than one gram~~] of a mixture or substance
15 containing a detectable amount of lysergic acid diethylamide (LSD);

16 (5) More than thirty grams [~~but less than ninety grams~~] of a mixture or substance
17 containing a detectable amount of phencyclidine (PCP);

18 (6) More than four grams [~~but less than twelve grams~~] of phencyclidine;

19 (7) More than thirty kilograms [~~but less than one hundred kilograms~~] of a mixture or
20 substance containing marijuana;

21 (8) More than thirty grams [~~but less than ninety grams~~] of any material, compound,
22 mixture, or preparation containing any quantity of the following substances having a stimulant
23 effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its
24 optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers;
25 phenmetrazine and its salts; or methylphenidate; or

26 (9) More than thirty grams [~~but less than ninety grams~~] of any material, compound,
27 mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine.

28 2. The offense of trafficking drugs in the first degree is a class B felony.

29 3. The offense of trafficking drugs in the first degree is a class A felony if the quantity
30 involved is:

- 31 (1) Ninety grams or more of a mixture or substance containing a detectable amount of
32 heroin; or
- 33 (2) Four hundred fifty grams or more of a mixture or substance containing a detectable
34 amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine,
35 ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their
36 optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers,
37 and salts of isomers; or any compound, mixture, or preparation which contains any quantity of
38 any of the foregoing substances; or
- 39 (3) Twenty-four grams or more of a mixture or substance described in subdivision (2)
40 of this subsection which contains cocaine base; or
- 41 (4) One gram or more of a mixture or substance containing a detectable amount of
42 lysergic acid diethylamide (LSD); or
- 43 (5) Ninety grams or more of a mixture or substance containing a detectable amount of
44 phencyclidine (PCP); or
- 45 (6) Twelve grams or more of phencyclidine; or
- 46 (7) One hundred kilograms or more of a mixture or substance containing marijuana; or
- 47 (8) Ninety grams or more of any material, compound, mixture, or preparation containing
48 any quantity of the following substances having a stimulant effect on the central nervous system:
49 amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its
50 salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or
51 methylphenidate; or
- 52 (9) More than thirty grams of any material, compound, mixture, or preparation
53 containing any quantity of the following substances having a stimulant effect on the central
54 nervous system: amphetamine, its salts, optical isomers, and salts of its optical isomers;
55 methamphetamine, its salts, optical isomers, and salts of its optical isomers; phenmetrazine and
56 its salts; or methylphenidate, and the location of the offense was within two thousand feet of real
57 property comprising a public or private elementary, vocational, or secondary school, college,
58 community college, university, or any school bus, in or on the real property comprising public
59 housing or any other governmental assisted housing, or within a motor vehicle, or in any
60 structure or building which contains rooms furnished for the accommodation or lodging of
61 guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping
62 accommodations are sought for pay or compensation to transient guests or permanent guests; or
- 63 (10) Ninety grams or more of any material, compound, mixture or preparation which
64 contains any quantity of 3,4-methylenedioxymethamphetamine; or
- 65 (11) More than thirty grams of any material, compound, mixture, or preparation which
66 contains any quantity of 3,4-methylenedioxymethamphetamine and the location of the offense

67 was within two thousand feet of real property comprising a public or private elementary,
68 vocational, or secondary school, college, community college, university, or any school bus, in
69 or on the real property comprising public housing or any other governmental assisted housing,
70 within a motor vehicle, or in any structure or building which contains rooms furnished for the
71 accommodation or lodging of guests, and kept, used, maintained, advertised, or held out to the
72 public as a place where sleeping accommodations are sought for pay or compensation to transient
73 guests or permanent guests.

579.068. 1. A person commits the offense of trafficking drugs in the second degree if,
2 except as authorized by this chapter or chapter 195, such person knowingly possesses or has
3 under his or her control, purchases or attempts to purchase, or brings into this state:

4 (1) More than thirty grams [~~but less than ninety grams~~] of a mixture or substance
5 containing a detectable amount of heroin;

6 (2) More than one hundred fifty grams [~~but less than four hundred fifty grams~~] of a
7 mixture or substance containing a detectable amount of coca leaves, except coca leaves and
8 extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts
9 have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers;
10 ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture,
11 or preparation which contains any quantity of any of the foregoing substances;

12 (3) More than eight grams [~~but less than twenty-four grams~~] of a mixture or substance
13 described in subdivision (2) of this subsection which contains cocaine base;

14 (4) More than five hundred milligrams [~~but less than one gram~~] of a mixture or substance
15 containing a detectable amount of lysergic acid diethylamide (LSD);

16 (5) More than thirty grams [~~but less than ninety grams~~] of a mixture or substance
17 containing a detectable amount of phencyclidine (PCP);

18 (6) More than four grams [~~but less than twelve grams~~] of phencyclidine;

19 (7) More than thirty kilograms [~~but less than one hundred kilograms~~] of a mixture or
20 substance containing marijuana;

21 (8) More than thirty grams [~~but less than ninety grams~~] of any material, compound,
22 mixture, or preparation containing any quantity of the following substances having a stimulant
23 effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its
24 optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers;
25 phenmetrazine and its salts; or methylphenidate; or

26 (9) More than thirty grams [~~but less than ninety grams~~] of any material, compound,
27 mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine.

28 2. The offense of trafficking drugs in the second degree is a class C felony.

29 3. The offense of trafficking drugs in the second degree is a class B felony if the quantity
30 involved is:

31 (1) Ninety grams or more of a mixture or substance containing a detectable amount of
32 heroin; or

33 (2) Four hundred fifty grams or more of a mixture or substance containing a detectable
34 amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine,
35 ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their
36 optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers,
37 and salts of isomers; or any compound, mixture, or preparation which contains any quantity of
38 any of the foregoing substances; or

39 (3) Twenty-four grams or more of a mixture or substance described in subdivision (2)
40 of this subsection which contains cocaine base; or

41 (4) One gram or more of a mixture or substance containing a detectable amount of
42 lysergic acid diethylamide (LSD); or

43 (5) Ninety grams or more of a mixture or substance containing a detectable amount of
44 phencyclidine (PCP); or

45 (6) Twelve grams or more of phencyclidine; or

46 (7) One hundred kilograms or more of a mixture or substance containing marijuana; or

47 (8) More than five hundred marijuana plants; or

48 (9) Ninety grams or more but less than four hundred fifty grams of any material,
49 compound, mixture, or preparation containing any quantity of the following substances having
50 a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts
51 of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers;
52 phenmetrazine and its salts; or methylphenidate; or

53 (10) Ninety grams or more but less than four hundred fifty grams of any material,
54 compound, mixture, or preparation which contains any quantity of
55 3,4-methylenedioxymethamphetamine.

56 4. The offense of trafficking drugs in the second degree is a class A felony if the quantity
57 involved is four hundred fifty grams or more of any material, compound, mixture or preparation
58 which contains:

59 (1) Any quantity of the following substances having a stimulant effect on the central
60 nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers;
61 methamphetamine, its salts, isomers and salts of its isomers; phenmetrazine and its salts; or
62 methylphenidate; or

63 (2) Any quantity of 3,4-methylenedioxymethamphetamine.

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

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

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

2. No compensation shall be paid unless the department of public safety finds that a crime was committed, that such crime directly resulted in personal [physical] injury to, or the death of, the victim, and that police, **court, or other official** records show that such crime was [promptly] reported to the proper authorities. ~~[In no case may compensation be paid if the police records show that such report was made more than forty-eight hours after the occurrence of such crime, unless the department of public safety finds that the report to the police was delayed for good cause.]~~ **In lieu of other records, the claimant may provide a sworn statement by the claimant under paragraph (c) of subdivision (1) of section 589.663 that the claimant has good reason to believe that he or she is a victim of domestic violence, rape, sexual assault, human trafficking, or stalking, and fears further violent acts from his or her assailant.** If the victim is under eighteen years of age such report may be made by the victim's parent, guardian or custodian; by a physician, a nurse, or hospital emergency room personnel; by the children's division personnel; or by any other member of the victim's family. In the case of a sexual offense, filing a report of the offense to the proper authorities may include, but not be limited to, the filing of the report of the forensic examination by the appropriate medical provider, as defined in section 595.220, with the prosecuting attorney of the county in which the alleged incident occurred, **receiving a forensic examination, or securing an order of protection.**

~~[3.]~~ 2. No compensation shall be paid for medical care if the service provider is not a medical provider as that term is defined in section 595.027, and the individual providing the medical care is not licensed by the state of Missouri or the state in which the medical care is provided.

~~[4.]~~ 3. No compensation shall be paid for psychiatric treatment or other counseling services, including psychotherapy, unless the service provider is a:

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

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

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

41 (4) Professional counselor licensed pursuant to chapter 337; or

42 (5) Board-certified psychiatric-mental health clinical nurse specialist or board certified
43 psychiatric-mental health nurse practitioner licensed under chapter 335 or licensed in the state
44 in which the service is provided.

45 ~~[5-]~~ 4. Any compensation paid pursuant to sections 595.010 to 595.075 for death or
46 personal injury shall be in an amount not exceeding out-of-pocket loss, together with loss of
47 earnings or support from gainful employment, not to exceed four hundred dollars per week,
48 resulting from such injury or death. In the event of death of the victim, **a claim for** an award
49 may be made for reasonable and necessary expenses actually incurred for preparation and burial
50 not to exceed five thousand dollars **by the funeral home or a relative of the victim.**

51 ~~[6-]~~ 5. Any compensation for loss of earnings or support from gainful employment shall
52 be in an amount equal to the actual loss sustained not to exceed four hundred dollars per week;
53 provided, however, that no award pursuant to sections 595.010 to 595.075 shall exceed twenty-
54 five thousand dollars. If two or more persons are entitled to compensation as a result of the death
55 of a person which is the direct result of a crime or in the case of a sexual assault, the
56 compensation shall be apportioned by the department of public safety among the claimants in
57 proportion to their loss.

58 ~~[7-]~~ 6. The method and timing of the payment of any compensation pursuant to sections
59 595.010 to 595.075 shall be determined by the department.

60 ~~[8-]~~ 7. The department shall have the authority to negotiate the costs of medical care or
61 other services directly with the providers of the care or services on behalf of any victim receiving
62 compensation pursuant to sections 595.010 to 595.075.

595.045. 1. There is established in the state treasury the "Crime Victims' Compensation
2 Fund". A surcharge of seven dollars and fifty cents shall be assessed as costs in each court
3 proceeding filed in any court in the state in all criminal cases including violations of any county
4 ordinance or any violation of criminal or traffic laws of the state, including an infraction and
5 violation of a municipal ordinance; except that no such fee shall be collected in any proceeding
6 in any court when the proceeding or the defendant has been dismissed by the court or when costs
7 are to be paid by the state, county, or municipality. A surcharge of seven dollars and fifty cents
8 shall be assessed as costs in a juvenile court proceeding in which a child is found by the court
9 to come within the applicable provisions of subdivision (3) of subsection 1 of section 211.031.

10 2. Notwithstanding any other provision of law to the contrary, the moneys collected by
11 clerks of the courts pursuant to the provisions of subsection 1 of this section shall be collected
12 and disbursed in accordance with sections 488.010 to 488.020 and shall be payable to the
13 director of the department of revenue.

14 3. The director of revenue shall deposit annually the amount of **at least** two hundred fifty
15 thousand **dollars but no more than one million** dollars to the state forensic laboratory account
16 administered by the department of public safety to provide financial assistance to defray
17 expenses of crime laboratories if such analytical laboratories are registered with the federal Drug
18 Enforcement Agency or the Missouri department of health and senior services. Subject to
19 appropriations made therefor, such funds shall be distributed by the department of public safety
20 to the crime laboratories serving the courts of this state making analysis of a controlled substance
21 or analysis of blood, breath or urine in relation to a court proceeding.

22 4. The remaining funds collected under subsection 1 of this section shall be denoted to
23 the payment of an annual appropriation for the administrative and operational costs of the office
24 for victims of crime and, if a statewide automated crime victim notification system is established
25 pursuant to section 650.310, to the monthly payment of expenditures actually incurred in the
26 operation of such system. Additional remaining funds shall be subject to the following
27 provisions:

28 (1) On the first of every month, the director of revenue or the director's designee shall
29 determine the balance of the funds in the crime victims' compensation fund available to satisfy
30 the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections
31 595.050 and 595.055;

32 (2) Beginning on September 1, 2004, and on the first of each month, the director of
33 revenue or the director's designee shall deposit fifty percent of the balance of funds available to
34 the credit of the crime victims' compensation fund and fifty percent to the services to victims'
35 fund established in section 595.100.

36 5. The director of revenue or such director's designee shall at least monthly report the
37 moneys paid pursuant to this section into the crime victims' compensation fund and the services
38 to victims fund to the department of public safety.

39 6. The moneys collected by clerks of municipal courts pursuant to subsection 1 of this
40 section shall be collected and disbursed as provided by sections 488.010 to 488.020. Five percent
41 of such moneys shall be payable to the city treasury of the city from which such funds were
42 collected. The remaining ninety-five percent of such moneys shall be payable to the director of
43 revenue. The funds received by the director of revenue pursuant to this subsection shall be
44 distributed as follows:

45 (1) On the first of every month, the director of revenue or the director's designee shall
46 determine the balance of the funds in the crime victims' compensation fund available to satisfy
47 the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections
48 595.050 and 595.055;

49 (2) Beginning on September 1, 2004, and on the first of each month the director of
50 revenue or the director's designee shall deposit fifty percent of the balance of funds available to
51 the credit of the crime victims' compensation fund and fifty percent to the services to victims'
52 fund established in section 595.100.

53 7. These funds shall be subject to a biennial audit by the Missouri state auditor. Such
54 audit shall include all records associated with crime victims' compensation funds collected, held
55 or disbursed by any state agency.

56 8. In addition to the moneys collected pursuant to subsection 1 of this section, the court
57 shall enter a judgment in favor of the state of Missouri, payable to the crime victims'
58 compensation fund, of sixty-eight dollars upon a plea of guilty or a finding of guilt for a class
59 A or B felony; forty-six dollars upon a plea of guilty or finding of guilt for a class C ~~[or]~~ , D, or
60 E felony; and ten dollars upon a plea of guilty or a finding of guilt for any misdemeanor under
61 Missouri law except for those in chapter 252 relating to fish and game, chapter 302 relating to
62 drivers' and commercial drivers' license, chapter 303 relating to motor vehicle financial
63 responsibility, chapter 304 relating to traffic regulations, chapter 306 relating to watercraft
64 regulation and licensing, and chapter 307 relating to vehicle equipment regulations. Any clerk
65 of the court receiving moneys pursuant to such judgments shall collect and disburse such crime
66 victims' compensation judgments in the manner provided by sections 488.010 to 488.020. Such
67 funds shall be payable to the state treasury and deposited to the credit of the crime victims'
68 compensation fund.

69 9. The clerk of the court processing such funds shall maintain records of all dispositions
70 described in subsection 1 of this section and all dispositions where a judgment has been entered
71 against a defendant in favor of the state of Missouri in accordance with this section; all payments
72 made on judgments for alcohol-related traffic offenses; and any judgment or portion of a
73 judgment entered but not collected. These records shall be subject to audit by the state auditor.
74 The clerk of each court transmitting such funds shall report separately the amount of dollars
75 collected on judgments entered for alcohol-related traffic offenses from other crime victims'
76 compensation collections or services to victims collections.

77 10. The department of revenue shall maintain records of funds transmitted to the crime
78 victims' compensation fund by each reporting court and collections pursuant to subsection 16 of
79 this section and shall maintain separate records of collection for alcohol-related offenses.

80 11. The state courts administrator shall include in the annual report **form** required by
81 section ~~[476.350]~~ **476.412** the circuit court caseloads and the number of crime victims'
82 compensation judgments entered.

83 12. All awards made to injured victims under sections 595.010 to 595.105 and all
84 appropriations for administration of sections 595.010 to 595.105, except sections 595.050 and
85 595.055, shall be made from the crime victims' compensation fund. Any unexpended balance
86 remaining in the crime victims' compensation fund at the end of each biennium shall not be
87 subject to the provision of section 33.080 requiring the transfer of such unexpended balance to
88 the ordinary revenue fund of the state, but shall remain in the crime victims' compensation fund.
89 In the event that there are insufficient funds in the crime victims' compensation fund to pay all
90 claims in full, all claims shall be paid on a pro rata basis. If there are no funds in the crime
91 victims' compensation fund, then no claim shall be paid until funds have again accumulated in
92 the crime victims' compensation fund. When sufficient funds become available from the fund,
93 awards which have not been paid shall be paid in chronological order with the oldest paid first.
94 In the event an award was to be paid in installments and some remaining installments have not
95 been paid due to a lack of funds, then when funds do become available that award shall be paid
96 in full. All such awards on which installments remain due shall be paid in full in chronological
97 order before any other postdated award shall be paid. Any award pursuant to this subsection is
98 specifically not a claim against the state, if it cannot be paid due to a lack of funds in the crime
99 victims' compensation fund.

100 13. When judgment is entered against a defendant as provided in this section and such
101 sum, or any part thereof, remains unpaid, there shall be withheld from any disbursement,
102 payment, benefit, compensation, salary, or other transfer of money from the state of Missouri to
103 such defendant an amount equal to the unpaid amount of such judgment. Such amount shall be
104 paid forthwith to the crime victims' compensation fund and satisfaction of such judgment shall
105 be entered on the court record. Under no circumstances shall the general revenue fund be used
106 to reimburse court costs or pay for such judgment. The director of the department of corrections
107 shall have the authority to pay into the crime victims' compensation fund from an offender's
108 compensation or account the amount owed by the offender to the crime victims' compensation
109 fund, provided that the offender has failed to pay the amount owed to the fund prior to entering
110 a correctional facility of the department of corrections.

111 14. All interest earned as a result of investing funds in the crime victims' compensation
112 fund shall be paid into the crime victims' compensation fund and not into the general revenue of
113 this state.

114 15. Any person who knowingly makes a fraudulent claim or false statement in
115 connection with any claim hereunder is guilty of a class A misdemeanor.

116 16. The department may receive gifts and contributions for the benefit of crime victims.
117 Such gifts and contributions shall be credited to the crime victims' compensation fund as used
118 solely for compensating victims under the provisions of sections 595.010 to 595.075.

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