

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 662

AN ACT

To repeal sections 89.080, 211.435, 435.415, 485.060,  
 523.262, 537.065, 537.115, 565.002, 575.040, 575.050,  
 575.160, 575.270, 575.280, and 576.030, RSMo, and  
 sections 211.031, 211.061, 211.073, and 211.181 as  
 enacted by senate bill no. 793 merged with senate bill  
 no. 800, ninety-ninth general assembly, second regular  
 session, and to enact in lieu thereof twenty-five new  
 sections relating to judicial proceedings, with penalty  
 provisions and a delayed effective date for certain  
 sections.

---

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
 AS FOLLOWS:

Section A. Sections 89.080, 211.435, 435.415, 485.060,  
 523.262, 537.065, 537.115, 565.002, 575.040, 575.050, 575.160,  
 575.270, 575.280, and 576.030, RSMo, and sections 211.031,  
 211.061, 211.073, and 211.181 as enacted by senate bill no. 793  
 merged with senate bill no. 800, ninety-ninth general assembly,  
 second regular session, are repealed and twenty-five new sections  
 enacted in lieu thereof, to be known as sections 21.403, 21.405,  
 89.080, 196.1170, 211.031, 211.061, 211.073, 211.181, 211.435,  
 301.576, 435.415, 485.060, 516.099, 523.262, 537.065, 537.115,  
 550.125, 565.002, 575.040, 575.050, 575.160, 575.270, 575.280,  
 575.330, and 576.030, to read as follows:

1           21.403. 1. If an individual who has been subpoenaed to  
2 testify or provide other information at a proceeding before a  
3 body of the general assembly has refused to give or provide such  
4 testimony or other information on the basis of his or her  
5 privilege against self-incrimination, the president pro tempore  
6 or speaker of the originating body of the general assembly may  
7 request the court to issue an order requiring such individual to  
8 testify or provide other information, and if the court finds that  
9 such request has been approved by an affirmative vote of a three-  
10 fifths majority of the members of such body of the general  
11 assembly, the court shall issue an order requiring such  
12 individual to give such testimony or provide other information  
13 requested or subpoenaed by such body of the general assembly,  
14 which shall become effective as provided under this section.

15           2. After being provided written notice that an order has  
16 been issued under this section, the witness shall not refuse to  
17 comply with the order on the basis of his or her privilege  
18 against self-incrimination. However, no testimony or other  
19 information compelled under such order, or any information  
20 directly or indirectly derived from such testimony or other  
21 information, shall be used against the witness in any criminal  
22 proceeding except for perjury, giving false statement, or  
23 otherwise failing to comply with such order.

24           21.405. 1. If a witness is summoned by a body of the  
25 general assembly and such witness:

26           (1) Willfully fails to appear to testify;

27           (2) After having appeared, refuses to answer any question

1 pertinent to the question under inquiry; or

2 (3) Fails to produce required documents,

3  
4 a statement of facts constituting such failure or refusal may be  
5 reported to and filed with the president pro tempore or speaker  
6 of the originating body of the general assembly. Upon receipt of  
7 such statement of facts, the president pro tempore or the speaker  
8 may certify such statement of facts to the prosecuting attorney  
9 or such other attorney having jurisdiction for prosecution under  
10 section 575.330. The state attorney general shall have  
11 concurrent original jurisdiction to commence such criminal action  
12 throughout the state where such violation has occurred.

13 2. Upon request by the president pro tempore or speaker of  
14 the originating body of the general assembly who has certified a  
15 statement of facts under this section, the court shall within  
16 fifteen days of the request appoint independent counsel, who  
17 shall have jurisdiction to prosecute under section 575.330. In  
18 the event independent counsel is appointed under this section,  
19 such independent counsel shall have sole jurisdiction to  
20 prosecute under section 575.330.

21 89.080. Such local legislative body shall provide for the  
22 appointment of a board of adjustment [7] and, in the regulations  
23 and restrictions adopted pursuant to the authority of sections  
24 89.010 to 89.140, may provide that the board of adjustment may  
25 determine and vary their application in harmony with their  
26 general purpose and intent and in accordance with general or  
27 specific rules therein contained. The board of adjustment shall

1 consist of five members, who shall be residents of the  
2 municipality except as provided in section 305.410. The  
3 membership of the first board appointed shall serve respectively,  
4 one for one year, one for two years, one for three years, one for  
5 four years, and one for five years. Thereafter members shall be  
6 appointed for terms of five years each. Three alternate members  
7 may be appointed to serve in the absence of or the  
8 disqualification of the regular members. All members and  
9 alternates shall be removable for cause by the appointing  
10 authority upon written charges and after public hearing.  
11 Vacancies shall be filled for the unexpired term of any member  
12 whose term becomes vacant. The board shall elect its own  
13 ~~[chairman]~~ chair who shall serve for one year. The board shall  
14 adopt rules in accordance with the provisions of any ordinance  
15 adopted pursuant to sections 89.010 to 89.140. Meetings of the  
16 board shall be held at the call of the ~~[chairman]~~ chair and at  
17 such other times as the board may determine. Such ~~[chairman]~~  
18 chair, or in his or her absence the acting ~~[chairman]~~ chair, may  
19 administer oaths and compel the attendance of witnesses. All  
20 meetings of the board shall be open to the public. The board  
21 shall keep minutes of its proceedings, showing the vote of each  
22 member upon question, or, if absent or failing to vote,  
23 indicating such fact, and shall keep records of its examinations  
24 and other official actions, all of which shall be immediately  
25 filed in the office of the board and shall be a public record. A  
26 record of all testimony, objections thereto, and rulings  
27 thereon ~~[7]~~ held in board of adjustment hearings only shall be:

1       (1) Taken down by a certified court reporter employed by  
2 the board for that purpose;

3       (2) Made by a certified electronic recorder who has basic  
4 knowledge of court proceedings and related legal terminology and  
5 who may utilize any form of audio, video, or digital recording;  
6 or

7       (3) By an officer of the court as provided by supreme court  
8 rule 57.

9       196.1170. 1. The provisions of this section shall be known  
10 and may be cited as the "Kratom Consumer Protection Act".

11       2. As used in this section, the following terms mean:

12       (1) "Dealer", a person who sells, prepares, or maintains  
13 kratom products or advertises, represents, or holds himself or  
14 herself out as selling, preparing, or maintaining kratom  
15 products. Such person may include, but not be limited to, a  
16 manufacturer, wholesaler, store, restaurant, hotel, catering  
17 facility, camp, bakery, delicatessen, supermarket, grocery store,  
18 convenience store, nursing home, or food or drink company;

19       (2) "Department", the department of health and senior  
20 services;

21       (3) "Director", the director of the department or the  
22 director's designee;

23       (4) "Food", a food, food product, food ingredient, dietary  
24 ingredient, dietary supplement, or beverage for human  
25 consumption;

26       (5) "Kratom product", a food product or dietary ingredient  
27 containing any part of the leaf of the plant Mitragyna speciosa.

1           3. The general assembly hereby occupies and preempts the  
2 entire field of regulating kratom products as provided in this  
3 section to the complete exclusion of any order, ordinance, or  
4 regulation by any political subdivision of this state. Any  
5 existing or future orders, ordinances, or regulations relating to  
6 kratom products as provided in this section are hereby void.

7           4. (1) A dealer who prepares, distributes, sells, or  
8 exposes for sale a food that is represented to be a kratom  
9 product shall disclose on the product label the factual basis  
10 upon which that representation is made.

11           (2) A dealer shall not prepare, distribute, sell, or expose  
12 for sale a food represented to be a kratom product that does not  
13 conform to the disclosure requirement under subdivision (1) of  
14 this subsection.

15           5. A dealer shall not prepare, distribute, sell, or expose  
16 for sale any of the following:

17           (1) A kratom product that is adulterated with a dangerous  
18 non-kratom substance. A kratom product shall be considered to be  
19 adulterated with a dangerous non-kratom substance if the kratom  
20 product is mixed or packed with a non-kratom substance and that  
21 substance affects the quality or strength of the kratom product  
22 to such a degree as to render the kratom product injurious to a  
23 consumer;

24           (2) A kratom product that is contaminated with a dangerous  
25 non-kratom substance. A kratom product shall be considered to be  
26 contaminated with a dangerous non-kratom substance if the kratom  
27 product contains a poisonous or otherwise deleterious non-kratom

1 ingredient including, but not limited to, any substance listed in  
2 section 195.017;

3 (3) A kratom product containing a level of 7-  
4 hydroxymitragynine in the alkaloid fraction that is greater than  
5 two percent of the alkaloid composition of the product;

6 (4) A kratom product containing any synthetic alkaloids,  
7 including synthetic mitragynine, synthetic 7-hydroxymitragynine,  
8 or any other synthetically derived compounds of the plant  
9 Mitragyna speciosa; or

10 (5) A kratom product that does not include on its package  
11 or label the amount of mitragynine and 7-hydroxymitragynine  
12 contained in the product.

13 6. A dealer shall not distribute, sell, or expose for sale  
14 a kratom product to an individual under eighteen years of age.

15 7. (1) If a dealer violates subdivision (1) of subsection  
16 4 of this section, the director may, after notice and hearing,  
17 impose a fine on the dealer of not more than five hundred dollars  
18 for the first offense and not more than one thousand dollars for  
19 the second or subsequent offense.

20 (2) A dealer who violates subdivision (2) of subsection 4  
21 of this section, subsection 5 of this section, or subsection 6 of  
22 this section is guilty of a class D misdemeanor.

23 (3) A person aggrieved by a violation of subdivision (2) of  
24 subsection 4 of this section or subsection 5 of this section may,  
25 in addition to and distinct from any other remedy at law or in  
26 equity, bring a private cause of action in a court of competent  
27 jurisdiction for damages resulting from that violation including,

1 but not limited to, economic, noneconomic, and consequential  
2 damages.

3 (4) A dealer does not violate subdivision (2) of subsection  
4 4 of this section or subsection 5 of this section if a  
5 preponderance of the evidence shows that the dealer relied in  
6 good faith upon the representations of a manufacturer, processor,  
7 packer, or distributor of food represented to be a kratom  
8 product.

9 8. The department shall promulgate rules to implement the  
10 provisions of this section including, but not limited to, the  
11 requirements for the format, size, and placement of the  
12 disclosure label required under subdivision (1) of subsection 4  
13 of this section and for the information to be included in the  
14 disclosure label. Any rule or portion of a rule, as that term is  
15 defined in section 536.010, that is created under the authority  
16 delegated in this section shall become effective only if it  
17 complies with and is subject to all of the provisions of chapter  
18 536 and, if applicable, section 536.028. This section and  
19 chapter 536 are nonseverable, and if any of the powers vested  
20 with the general assembly pursuant to chapter 536 to review, to  
21 delay the effective date, or to disapprove and annul a rule are  
22 subsequently held unconstitutional, then the grant of rulemaking  
23 authority and any rule proposed or adopted after August 28, 2020,  
24 shall be invalid and void.

25 211.031. 1. Except as otherwise provided in this chapter,  
26 the juvenile court or the family court in circuits that have a  
27 family court as provided in ~~[sections 487.010 to 487.190]~~ chapter



1 487 shall have exclusive original jurisdiction in proceedings:

2 (1) Involving any child who may be a resident of or found  
3 within the county and who is alleged to be in need of care and  
4 treatment because:

5 (a) The parents, or other persons legally responsible for  
6 the care and support of the child, neglect or refuse to provide  
7 proper support, education which is required by law, medical,  
8 surgical or other care necessary for his or her well-being;  
9 except that reliance by a parent, guardian or custodian upon  
10 remedial treatment other than medical or surgical treatment for a  
11 child shall not be construed as neglect when the treatment is  
12 recognized or permitted pursuant to the laws of this state;

13 (b) The child is otherwise without proper care, custody or  
14 support;

15 (c) The child was living in a room, building or other  
16 structure at the time such dwelling was found by a court of  
17 competent jurisdiction to be a public nuisance pursuant to  
18 section 195.130; or

19 (d) The child is in need of mental health services and the  
20 parent, guardian or custodian is unable to afford or access  
21 appropriate mental health treatment or care for the child;

22 (2) Involving any child who may be a resident of or found  
23 within the county and who is alleged to be in need of care and  
24 treatment because:

25 (a) The child while subject to compulsory school attendance  
26 is repeatedly and without justification absent from school;

27 (b) The child disobeys the reasonable and lawful directions

1 of his or her parents or other custodian and is beyond their  
2 control;

3 (c) The child is habitually absent from his or her home  
4 without sufficient cause, permission, or justification;

5 (d) The behavior or associations of the child are otherwise  
6 injurious to his or her welfare or to the welfare of others; or

7 (e) The child is charged with an offense not classified as  
8 criminal, or with an offense applicable only to children; except  
9 that, the juvenile court shall not have jurisdiction over any  
10 child fifteen years of age who is alleged to have violated a  
11 state or municipal traffic ordinance or regulation, the violation  
12 of which does not constitute a felony, or any child who is  
13 alleged to have violated a state or municipal ordinance or  
14 regulation prohibiting possession or use of any tobacco product;

15 (3) Involving any child who is alleged to have violated a  
16 state law or municipal ordinance on or after January 1, 2021, or  
17 any person who is alleged to have violated a state law or  
18 municipal ordinance on or after January 1, 2021, but prior to  
19 attaining the age of eighteen years, in which cases jurisdiction  
20 may be taken by the court of the circuit in which the child or  
21 person resides or may be found or in which the violation is  
22 alleged to have occurred; except that, the juvenile court shall  
23 not have jurisdiction over any child fifteen years of age who is  
24 alleged to have violated a state or municipal traffic ordinance  
25 or regulation, the violation of which does not constitute a  
26 felony, and except that the juvenile court shall have concurrent  
27 jurisdiction with the municipal court over any child who is

1 alleged to have violated a municipal curfew ordinance, and except  
2 that the juvenile court shall have concurrent jurisdiction with  
3 the circuit court on any child who is alleged to have violated a  
4 state or municipal ordinance or regulation prohibiting possession  
5 or use of any tobacco product;

6 (4) For the adoption of a person;

7 (5) For the commitment of a child to the guardianship of  
8 the department of social services as provided by law; and

9 (6) Involving an order of protection pursuant to chapter  
10 455 when the respondent is less than eighteen years of age.

11 2. Transfer of a matter, proceeding, jurisdiction or  
12 supervision for a child who resides in a county of this state  
13 shall be made as follows:

14 (1) Prior to the filing of a petition and upon request of  
15 any party or at the discretion of the juvenile officer, the  
16 matter in the interest of a child may be transferred by the  
17 juvenile officer, with the prior consent of the juvenile officer  
18 of the receiving court, to the county of the child's residence or  
19 the residence of the person eighteen years of age for future  
20 action;

21 (2) Upon the motion of any party or on its own motion prior  
22 to final disposition on the pending matter, the court in which a  
23 proceeding is commenced may transfer the proceeding of a child to  
24 the court located in the county of the child's residence, or the  
25 county in which the offense pursuant to subdivision (3) of  
26 subsection 1 of this section is alleged to have occurred for  
27 further action;

1           (3) Upon motion of any party or on its own motion, the  
2 court in which jurisdiction has been taken pursuant to subsection  
3 1 of this section may at any time thereafter transfer  
4 jurisdiction of a child to the court located in the county of the  
5 child's residence for further action with the prior consent of  
6 the receiving court;

7           (4) Upon motion of any party or upon its own motion at any  
8 time following a judgment of disposition or treatment pursuant to  
9 section 211.181, the court having jurisdiction of the cause may  
10 place the child under the supervision of another juvenile court  
11 within or without the state pursuant to section 210.570 with the  
12 consent of the receiving court;

13           (5) Upon motion of any child or his or her parent, the  
14 court having jurisdiction shall grant one change of judge  
15 pursuant to Missouri supreme court rules;

16           (6) Upon the transfer of any matter, proceeding,  
17 jurisdiction or supervision of a child, certified copies of all  
18 legal and social documents and records pertaining to the case on  
19 file with the clerk of the transferring juvenile court shall  
20 accompany the transfer.

21           3. In any proceeding involving any child taken into custody  
22 in a county other than the county of the child's residence, the  
23 juvenile court of the county of the child's residence shall be  
24 notified of such taking into custody within seventy-two hours.

25           4. When an investigation by a juvenile officer pursuant to  
26 this section reveals that the only basis for action involves an  
27 alleged violation of section 167.031 involving a child who

1 alleges to be home schooled, the juvenile officer shall contact a  
2 parent or parents of such child to verify that the child is being  
3 home schooled and not in violation of section 167.031 before  
4 making a report of such a violation. Any report of a violation  
5 of section 167.031 made by a juvenile officer regarding a child  
6 who is being home schooled shall be made to the prosecuting  
7 attorney of the county where the child legally resides.

8 5. The disability or disease of a parent shall not  
9 constitute a basis for a determination that a child is a child in  
10 need of care or for the removal of custody of a child from the  
11 parent without a specific showing that there is a causal relation  
12 between the disability or disease and harm to the child.

13 211.061. 1. When a child is taken into custody with or  
14 without warrant for an offense, the child, together with any  
15 information concerning the child and the personal property found  
16 in the child's possession, shall be taken immediately and  
17 directly before the juvenile court or delivered to the juvenile  
18 officer or person acting for the child.

19 2. If any person is taken before a circuit or associate  
20 circuit judge not assigned to juvenile court or a municipal  
21 judge, and it is then, or at any time thereafter, ascertained  
22 that he or she was under the age of eighteen years at the time he  
23 or she is alleged to have committed the offense, or that he or  
24 she is subject to the jurisdiction of the juvenile court as  
25 provided by this chapter, it is the duty of the judge forthwith  
26 to transfer the case or refer the matter to the juvenile court,  
27 and direct the delivery of such person, together with information

1 concerning him or her and the personal property found in his or  
2 her possession, to the juvenile officer or person acting as such.

3 3. When the juvenile court is informed that a child is in  
4 detention, it shall examine the reasons therefor and shall  
5 immediately:

6 (1) Except if the child is also being detained under the  
7 general laws in criminal court, order the child released; or

8 (2) Order the child continued in detention until a  
9 detention hearing is held. Unless the child is also being  
10 detained under the general laws in criminal court, an order to  
11 continue the child in detention shall only be entered upon the  
12 filing of a petition or motion to modify and a determination by  
13 the court that probable cause exists to believe that the child  
14 has committed acts specified in the petition or motion that bring  
15 the child within the jurisdiction of the court under subdivision  
16 (2) or (3) of subsection 1 of section 211.031.

17 4. A juvenile shall not remain in detention for a period  
18 greater than twenty-four hours unless the court orders a  
19 detention hearing. If such hearing is not held within three  
20 days, excluding Saturdays, Sundays and legal holidays, the  
21 juvenile shall be released from detention unless the court for  
22 good cause orders the hearing continued. The detention hearing  
23 shall be held within the judicial circuit at a date, time and  
24 place convenient to the court. Notice of the date, time and  
25 place of a detention hearing, and of the right to counsel, shall  
26 be given to the juvenile and his or her custodian in person, by  
27 telephone, or by such other expeditious method as is available.

1           211.073. 1. ~~【The court shall, in a case when】~~ If the  
2 offender is under eighteen years of age and has been transferred  
3 to a court of general jurisdiction pursuant to section 211.071,  
4 if the offender is alleged to have violated a state law prior to  
5 January 1, 2021, or if the offender is alleged to have violated  
6 state law prior to January 1, 2021, and prior to attaining  
7 eighteen years of age, and ~~【whose】~~ the offender's prosecution  
8 results in a conviction or a plea of guilty, the court shall  
9 consider dual jurisdiction of both the criminal and juvenile  
10 codes, as set forth in this section. The court is authorized to  
11 impose a juvenile disposition under this chapter and  
12 simultaneously impose an adult criminal sentence, the execution  
13 of which shall be suspended pursuant to the provisions of this  
14 section. Successful completion of the juvenile disposition  
15 ordered shall be a condition of the suspended adult criminal  
16 sentence. The court may order an offender into the custody of  
17 the division of youth services pursuant to this section:

18           (1) Upon agreement of the division of youth services; and

19           (2) If the division of youth services determines that there  
20 is space available in a facility designed to serve offenders  
21 sentenced under this section.

22  
23 If the division of youth services agrees to accept a youth and  
24 the court does not impose a juvenile disposition, the court shall  
25 make findings on the record as to why the division of youth  
26 services was not appropriate for the offender prior to imposing  
27 the adult criminal sentence.

1           2. If there is probable cause to believe that the offender  
2 has violated a condition of the suspended sentence or committed a  
3 new offense, the court shall conduct a hearing on the violation  
4 charged, unless the offender waives such hearing. If the  
5 violation is established and found the court may continue or  
6 revoke the juvenile disposition, impose the adult criminal  
7 sentence, or enter such other order as it may see fit.

8           3. When an offender has received a suspended sentence  
9 pursuant to this section and the division determines the child is  
10 beyond the scope of its treatment programs, the division of youth  
11 services may petition the court for a transfer of custody of the  
12 offender. The court shall hold a hearing and shall:

13           (1) Revoke the suspension and direct that the offender be  
14 taken into immediate custody of the department of corrections; or

15           (2) Direct that the offender be placed on probation.

16           4. When an offender who has received a suspended sentence  
17 reaches the age of eighteen, the court shall hold a hearing. The  
18 court shall:

19           (1) Revoke the suspension and direct that the offender be  
20 taken into immediate custody of the department of corrections;

21           (2) Direct that the offender be placed on probation; or

22           (3) Direct that the offender remain in the custody of the  
23 division of youth services if the division agrees to such  
24 placement.

25           5. The division of youth services shall petition the court  
26 for a hearing before it releases an offender who comes within  
27 subsection 1 of this section at any time before the offender



1 reaches the age of twenty-one years. The court shall:

2 (1) Revoke the suspension and direct that the offender be  
3 taken into immediate custody of the department of corrections; or

4 (2) Direct that the offender be placed on probation.

5 6. If the suspension of the adult criminal sentence is  
6 revoked, all time served by the offender under the juvenile  
7 disposition shall be credited toward the adult criminal sentence  
8 imposed.

9 211.181. 1. When a child is found by the court to come  
10 within the applicable provisions of subdivision (1) of subsection  
11 1 of section 211.031, the court shall so decree and make a  
12 finding of fact upon which it exercises its jurisdiction over the  
13 child, and the court may, by order duly entered, proceed as  
14 follows:

15 (1) Place the child under supervision in his or her own  
16 home or in the custody of a relative or other suitable person  
17 after the court or a public agency or institution designated by  
18 the court conducts an investigation of the home, relative or  
19 person and finds such home, relative or person to be suitable and  
20 upon such conditions as the court may require;

21 (2) Commit the child to the custody of:

22 (a) A public agency or institution authorized by law to  
23 care for children or to place them in family homes; except that,  
24 such child may not be committed to the department of social  
25 services, division of youth services;

26 (b) Any other institution or agency which is authorized or  
27 licensed by law to care for children or to place them in family

1 homes;

2 (c) An association, school or institution willing to  
3 receive the child in another state if the approval of the agency  
4 in that state which administers the laws relating to importation  
5 of children into the state has been secured; or

6 (d) The juvenile officer;

7 (3) Place the child in a family home;

8 (4) Cause the child to be examined and treated by a  
9 physician, psychiatrist or psychologist and when the health or  
10 condition of the child requires it, cause the child to be placed  
11 in a public or private hospital, clinic or institution for  
12 treatment and care; except that, nothing contained herein  
13 authorizes any form of compulsory medical, surgical, or  
14 psychiatric treatment of a child whose parents or guardian in  
15 good faith are providing other remedial treatment recognized or  
16 permitted under the laws of this state;

17 (5) The court may order, pursuant to subsection 2 of  
18 section 211.081, that the child receive the necessary services in  
19 the least restrictive appropriate environment including home and  
20 community-based services, treatment and support, based on a  
21 coordinated, individualized treatment plan. The individualized  
22 treatment plan shall be approved by the court and developed by  
23 the applicable state agencies responsible for providing or paying  
24 for any and all appropriate and necessary services, subject to  
25 appropriation, and shall include which agencies are going to pay  
26 for and provide such services. Such plan must be submitted to  
27 the court within thirty days and the child's family shall

1 actively participate in designing the service plan for the child;

2 (6) The department of social services, in conjunction with  
3 the department of mental health, shall apply to the United States  
4 Department of Health and Human Services for such federal waivers  
5 as required to provide services for such children, including the  
6 acquisition of community-based services waivers.

7 2. When a child is found by the court to come within the  
8 provisions of subdivision (2) of subsection 1 of section 211.031,  
9 the court shall so decree and upon making a finding of fact upon  
10 which it exercises its jurisdiction over the child, the court  
11 may, by order duly entered, proceed as follows:

12 (1) Place the child under supervision in his or her own  
13 home or in custody of a relative or other suitable person after  
14 the court or a public agency or institution designated by the  
15 court conducts an investigation of the home, relative or person  
16 and finds such home, relative or person to be suitable and upon  
17 such conditions as the court may require;

18 (2) Commit the child to the custody of:

19 (a) A public agency or institution authorized by law to  
20 care for children or place them in family homes; except that, a  
21 child may be committed to the department of social services,  
22 division of youth services, only if he or she is presently under  
23 the court's supervision after an adjudication under the  
24 provisions of subdivision (2) or (3) of subsection 1 of section  
25 211.031;

26 (b) Any other institution or agency which is authorized or  
27 licensed by law to care for children or to place them in family

1 homes;

2 (c) An association, school or institution willing to  
3 receive it in another state if the approval of the agency in that  
4 state which administers the laws relating to importation of  
5 children into the state has been secured; or

6 (d) The juvenile officer;

7 (3) Place the child in a family home;

8 (4) Cause the child to be examined and treated by a  
9 physician, psychiatrist or psychologist and when the health or  
10 condition of the child requires it, cause the child to be placed  
11 in a public or private hospital, clinic or institution for  
12 treatment and care; except that, nothing contained herein  
13 authorizes any form of compulsory medical, surgical, or  
14 psychiatric treatment of a child whose parents or guardian in  
15 good faith are providing other remedial treatment recognized or  
16 permitted under the laws of this state;

17 (5) Assess an amount of up to ten dollars to be paid by the  
18 child to the clerk of the court.

19

20 Execution of any order entered by the court pursuant to this  
21 subsection, including a commitment to any state agency, may be  
22 suspended and the child placed on probation subject to such  
23 conditions as the court deems reasonable. After a hearing,  
24 probation may be revoked and the suspended order executed.

25 3. When a child is found by the court to come within the  
26 provisions of subdivision (3) of subsection 1 of section 211.031,  
27 the court shall so decree and make a finding of fact upon which

1 it exercises its jurisdiction over the child, and the court may,  
2 by order duly entered, proceed as follows:

3 (1) Place the child under supervision in his or her own  
4 home or in custody of a relative or other suitable person after  
5 the court or a public agency or institution designated by the  
6 court conducts an investigation of the home, relative or person  
7 and finds such home, relative or person to be suitable and upon  
8 such conditions as the court may require; provided that, no child  
9 who has been adjudicated a delinquent by a juvenile court for  
10 committing or attempting to commit a sex-related offense which if  
11 committed by an adult would be considered a felony offense  
12 pursuant to chapter 566, including but not limited to rape,  
13 forcible sodomy, child molestation, and sexual abuse, and in  
14 which the victim was a child, shall be placed in any residence  
15 within one thousand feet of the residence of the abused child of  
16 that offense until the abused child reaches the age of eighteen,  
17 and provided further that the provisions of this subdivision  
18 regarding placement within one thousand feet of the abused child  
19 shall not apply when the abusing child and the abused child are  
20 siblings or children living in the same home;

21 (2) Commit the child to the custody of:

22 (a) A public agency or institution authorized by law to  
23 care for children or to place them in family homes;

24 (b) Any other institution or agency which is authorized or  
25 licensed by law to care for children or to place them in family  
26 homes;

27 (c) An association, school or institution willing to

1 receive it in another state if the approval of the agency in that  
2 state which administers the laws relating to importation of  
3 children into the state has been secured; or

4 (d) The juvenile officer;

5 (3) Beginning January 1, 1996, the court may make further  
6 directions as to placement with the division of youth services  
7 concerning the child's length of stay. The length of stay order  
8 may set forth a minimum review date;

9 (4) Place the child in a family home;

10 (5) Cause the child to be examined and treated by a  
11 physician, psychiatrist or psychologist and when the health or  
12 condition of the child requires it, cause the child to be placed  
13 in a public or private hospital, clinic or institution for  
14 treatment and care; except that, nothing contained herein  
15 authorizes any form of compulsory medical, surgical, or  
16 psychiatric treatment of a child whose parents or guardian in  
17 good faith are providing other remedial treatment recognized or  
18 permitted under the laws of this state;

19 (6) Suspend or revoke a state or local license or authority  
20 of a child to operate a motor vehicle;

21 (7) Order the child to make restitution or reparation for  
22 the damage or loss caused by his or her offense. In determining  
23 the amount or extent of the damage, the court may order the  
24 juvenile officer to prepare a report and may receive other  
25 evidence necessary for such determination. The child and his or  
26 her attorney shall have access to any reports which may be  
27 prepared, and shall have the right to present evidence at any

1 hearing held to ascertain the amount of damages. Any restitution  
2 or reparation ordered shall be reasonable in view of the child's  
3 ability to make payment or to perform the reparation. The court  
4 may require the clerk of the circuit court to act as receiving  
5 and disbursing agent for any payment ordered;

6 (8) Order the child to a term of community service under  
7 the supervision of the court or of an organization selected by  
8 the court. Every person, organization, and agency, and each  
9 employee thereof, charged with the supervision of a child under  
10 this subdivision, or who benefits from any services performed as  
11 a result of an order issued under this subdivision, shall be  
12 immune from any suit by the child ordered to perform services  
13 under this subdivision, or any person deriving a cause of action  
14 from such child, if such cause of action arises from the  
15 supervision of the child's performance of services under this  
16 subdivision and if such cause of action does not arise from an  
17 intentional tort. A child ordered to perform services under this  
18 subdivision shall not be deemed an employee within the meaning of  
19 the provisions of chapter 287, nor shall the services of such  
20 child be deemed employment within the meaning of the provisions  
21 of chapter 288. Execution of any order entered by the court,  
22 including a commitment to any state agency, may be suspended and  
23 the child placed on probation subject to such conditions as the  
24 court deems reasonable. After a hearing, probation may be  
25 revoked and the suspended order executed;

26 (9) When a child has been adjudicated to have violated a  
27 municipal ordinance or to have committed an act that would be a

1 misdemeanor if committed by an adult, assess an amount of up to  
2 twenty-five dollars to be paid by the child to the clerk of the  
3 court; when a child has been adjudicated to have committed an act  
4 that would be a felony if committed by an adult, assess an amount  
5 of up to fifty dollars to be paid by the child to the clerk of  
6 the court.

7 4. Beginning January 1, 1996, the court may set forth in  
8 the order of commitment the minimum period during which the child  
9 shall remain in the custody of the division of youth services.  
10 No court order shall require a child to remain in the custody of  
11 the division of youth services for a period which exceeds the  
12 child's ~~[eighteenth]~~ nineteenth birth date except upon petition  
13 filed by the division of youth services pursuant to subsection 1  
14 of section 219.021. In any order of commitment of a child to the  
15 custody of the division of youth services, the division shall  
16 determine the appropriate program or placement pursuant to  
17 subsection 3 of section 219.021. Beginning January 1, 1996, the  
18 department shall not discharge a child from the custody of the  
19 division of youth services before the child completes the length  
20 of stay determined by the court in the commitment order unless  
21 the committing court orders otherwise. The director of the  
22 division of youth services may at any time petition the court for  
23 a review of a child's length of stay commitment order, and the  
24 court may, upon a showing of good cause, order the early  
25 discharge of the child from the custody of the division of youth  
26 services. The division may discharge the child from the division  
27 of youth services without a further court order after the child



1 completes the length of stay determined by the court or may  
2 retain the child for any period after the completion of the  
3 length of stay in accordance with the law.

4 5. When an assessment has been imposed under the provisions  
5 of subsection 2 or 3 of this section, the assessment shall be  
6 paid to the clerk of the court in the circuit where the  
7 assessment is imposed by court order, to be deposited in a fund  
8 established for the sole purpose of payment of judgments entered  
9 against children in accordance with section 211.185.

10 211.435. 1. There is hereby created in the state treasury  
11 the "Juvenile Justice Preservation Fund", which shall consist of  
12 moneys collected under subsection 2 of this section and sections  
13 488.315 and 558.003, any gifts, bequests, and donations, and any  
14 other moneys appropriated by the general assembly. The state  
15 treasurer shall be custodian of the fund. In accordance with  
16 sections 30.170 and 30.180, the state treasurer may approve  
17 disbursements. The fund shall be a dedicated fund and, upon  
18 appropriation, moneys in the fund shall be distributed to the  
19 judicial circuits of the state based upon the increased workload  
20 created by sections 211.021 to 211.425 solely for the  
21 administration of the juvenile justice system. Notwithstanding  
22 the provisions of section 33.080 to the contrary, any moneys  
23 remaining in the fund at the end of the biennium shall not revert  
24 to the credit of the general revenue fund. Such funds shall be  
25 reverted back to the juvenile office in the county of origination  
26 and shall not reduce or offset any funds that are distributed to  
27 the juvenile office for the administration of any duty assigned

1 to the juvenile department. The state treasurer shall invest  
2 moneys in the fund in the same manner as other funds are  
3 invested. Any interest and moneys earned on such investments  
4 shall be credited to the fund. The provisions of this subsection  
5 shall expire on August 28, 2024.

6 2. For all traffic violations of any county ordinance or  
7 any violation of traffic laws of this state, including an  
8 infraction, in which a person has pled guilty, there shall be  
9 assessed as costs a surcharge in the amount of two dollars. No  
10 such surcharge shall be collected in any proceeding involving a  
11 violation of an ordinance or state law when the proceeding or  
12 defendant has been dismissed by the court or when costs are to be  
13 paid by the state, county, or municipality. Such surcharge shall  
14 be collected and disbursed by the clerk of the court as provided  
15 by sections 488.010 to 488.020. The surcharge collected under  
16 this section shall be paid into the state treasury to the credit  
17 of the juvenile justice preservation fund created in this  
18 section. The provisions of this subsection shall expire if the  
19 provisions of subsection 1 of this section expire.

20 301.576. A motor vehicle dealer, as defined in section  
21 301.550, and the dealer's owners, shareholders, officers,  
22 employees, and agents who, in conjunction with the actual or  
23 potential sale or lease of a motor vehicle, arrange to provide,  
24 actually provide, or otherwise make available to a vehicle  
25 purchaser, lessee, or other person any third-party motor vehicle  
26 history report shall not be liable to the vehicle purchaser,  
27 lessee, or other person for any errors, omissions, or other

1 inaccuracies contained in the third-party motor vehicle history  
2 report that are not based on information provided directly to the  
3 preparer of the third-party motor vehicle history report by that  
4 dealer. For purposes of this section, a "third-party motor  
5 vehicle report" means any information prepared by a party other  
6 than the dealer relating to any one or more of the following:  
7 vehicle ownership or titling history; liens on the vehicle;  
8 vehicle service, maintenance, or repair history; vehicle  
9 condition; or vehicle accident or collision history. This  
10 section shall not apply in the case of any dealer having actual  
11 knowledge about a vehicle's accident, salvage, or service history  
12 which is different from, or not disclosed on, any third-party  
13 motor vehicle report.

14 435.415. 1. Except as provided in subsection 2 of this  
15 section, upon the granting of an order confirming, modifying or  
16 correcting an award, judgment or decree shall be entered in  
17 conformity therewith and be enforced as any other judgment or  
18 decree. Costs of the application and of the proceedings  
19 subsequent thereto, and disbursements may be awarded by the  
20 court.

21 2. Any arbitration award or any judgment or decree entered  
22 on an arbitration award shall not be binding on any liability  
23 insurer, shall not be admissible in evidence in any lawsuit  
24 against any liability insurer for any party to an arbitration  
25 award, and shall not provide the basis for any judgment or  
26 decree, including any garnishment, against any liability insurer,  
27 unless the liability insurer has agreed in writing to the

1 arbitration proceeding. Any arbitration award or any judgment or  
2 decree confirming, modifying, or correcting any arbitration award  
3 shall not be subject to garnishment, enforcement, or collection  
4 from any liability insurer unless the liability insurer has  
5 agreed in writing to the written arbitration agreement. Unless  
6 otherwise required by its insurance contract, a liability  
7 insurer's election not to participate in an arbitration  
8 proceeding shall not constitute, nor be construed to be, bad  
9 faith. This section shall not apply to any arbitration required  
10 by statute or arising out of an arbitration agreement preceding  
11 the date of the injury or loss which is the subject of the  
12 arbitration.

13 3. As used in this section, the term "insurer" shall  
14 include any entity authorized to transact liability insurance  
15 business in this state including, but not limited to, any  
16 liability insurance company organized, incorporated, or doing  
17 business under the provisions of chapter 379, any entity formed  
18 under section 537.620, any entity that is subject to sections  
19 537.700 to 537.756, or any entity that provides risk management  
20 services to any public or private entity.

21 485.060. 1. Each court reporter for a circuit judge shall  
22 receive an annual salary of twenty-six thousand nine hundred  
23 dollars beginning January 1, 1985, until December 31, 1985, and  
24 beginning January 1, 1986, an annual salary of thirty thousand  
25 dollars.

26 2. Such annual salary shall be modified by any salary  
27 adjustment provided by section 476.405[7].

1           3. Beginning January 1, 2021, the annual salary, as  
2 modified under section 476.405, shall be adjusted as follows:

3           (1) Increased by five and one-quarter percent for any court  
4 reporter with six to ten years of service;

5           (2) Increased by eight and one-quarter percent for any  
6 court reporter with eleven to fifteen years of service;

7           (3) Increased by eight and one-half percent for any court  
8 reporter with sixteen to twenty years of service; and

9           (4) Increased by eight and one-quarter percent for any  
10 court reporter with twenty-one years or more of service.

11  
12 A court reporter may receive multiple modifications under this  
13 subsection as his or her years of service increase, but only one  
14 modification under this subsection shall apply to the annual  
15 salary at a time.

16           4. Salaries shall be payable in equal monthly installments  
17 on the certification of the judge of the court or division in  
18 whose court the reporter is employed. ~~When~~ If paid by the  
19 state, the salaries of such court reporters shall be paid in  
20 semimonthly or monthly installments, as designated by the  
21 commissioner of administration.

22           516.099. 1. Any action to recover damages for economic  
23 loss, personal injury, property damage, or wrongful death arising  
24 out of a defective or unsafe condition of any product that is  
25 sold, leased, or otherwise placed in the stream of commerce, or  
26 arising out of the negligent design, manufacture, sale, or  
27 distribution of any such product shall be commenced within

1 fifteen years of the date on which such product is first sold or  
2 leased to any person or otherwise placed into the stream of  
3 commerce.

4 2. This section shall apply to all actions falling within  
5 it, whether arising under the common law or by operation of  
6 statute; except that, if an action within this section is barred  
7 by another provision of law, such other provision of law shall  
8 govern.

9 3. This section shall not apply:

10 (1) To any action brought with respect to a product that is  
11 real property or an improvement to real property;

12 (2) If the person against whom an action is brought has  
13 knowingly concealed any defective or unsafe condition in the  
14 product that is the subject of the action, or has knowingly  
15 concealed any negligence in the product's construction,  
16 manufacture, sale, distribution, or placing into the stream of  
17 commerce, and if any matter so concealed directly resulted in the  
18 economic loss, personal injury, property damage, or wrongful  
19 death for which the action is brought;

20 (3) If a manufacturer, lessor, seller, or person who first  
21 placed a product in the stream of commerce against whom an action  
22 within this section is brought brings an action for indemnity or  
23 contribution against a person who is or may be liable to such  
24 person for all or any portion of any judgment rendered against  
25 such person, in which event such action for indemnity or  
26 contribution shall not be barred by this section;

27 (4) If a manufacturer, lessor, seller, or person who first

1 placed a product in the stream of commerce has stated in a  
2 written warranty or an advertisement to the public that the  
3 product has an expected useful life for a period certain that is  
4 greater than fifteen years, in which event any action that is  
5 otherwise within this section and is not barred by any other  
6 provision of law shall be brought no later than two years  
7 following the expiration of that period certain;

8 (5) To any action regarding negligent service or negligent  
9 maintenance of a product;

10 (6) To any action regarding a defective or unsafe condition  
11 of a product if the product is subject to a government mandated  
12 product recall related to consumer safety, provided that the  
13 action shall be limited to the extent that the subject of the  
14 action and the underlying reason for the recall are the same;

15 (7) To any action regarding a defective or unsafe condition  
16 of a product causing a respiratory or malignant disease with a  
17 latency of more than fifteen years. No action shall be commenced  
18 under this subdivision based upon strict product liability, or  
19 negligence against a seller of a product, in which the product is  
20 alleged to contain or possess a defective condition unreasonably  
21 dangerous to the buyer, user, or consumer, unless such seller is  
22 also the manufacturer of the product claimed to be defective; or

23 (8) Notwithstanding subdivision (4) of this subsection, to  
24 any action against a manufacturer where the harm occurred during  
25 the useful safe life of the product. In determining whether a  
26 product's useful safe life has expired, the trier of fact may  
27 consider:

1       (a) The amount of wear and tear to which the product had  
2 been subject;

3       (b) The effect of deterioration from natural causes, and  
4 from climate and other conditions under which the product was  
5 used or stored;

6       (c) The normal practices of the user, similar users, and  
7 the product seller with respect to the circumstances, frequency,  
8 and purposes of the product's use, and with respect to repairs,  
9 renewals, and replacements;

10       (d) Any representations, instructions, or warnings made by  
11 the product manufacturer concerning proper maintenance, storage,  
12 and use of the product or the expected useful safe life of the  
13 product; and

14       (e) Any modification or alteration of the product by a user  
15 or third party.

16       4. This section shall apply to all civil actions commenced  
17 on or after August 28, 2020, or any new causes of action asserted  
18 in civil actions pending on that date; except that, any cause of  
19 action falling within this section that accrued on or before  
20 August 28, 2020, may, in any event, be brought no later than  
21 August 28, 2021, unless barred by another provision of law.

22       523.262. 1. Except as set forth in subsection 2 of this  
23 section, the power of eminent domain shall only be vested in  
24 governmental bodies or agencies whose governing body is elected  
25 or whose governing body is appointed by elected officials or in  
26 an urban redevelopment corporation operating pursuant to a  
27 redevelopment agreement with the municipality for a particular



1 redevelopment area, which agreement was executed prior to or on  
2 December 31, 2006.

3 2. A private utility company, public utility, rural  
4 electric cooperative, municipally owned utility, pipeline,  
5 railroad or common carrier shall have the power of eminent domain  
6 as may be granted pursuant to the provisions of other sections of  
7 the revised statutes of Missouri. For the purposes of this  
8 section, the term "common carrier" shall not include motor  
9 carriers, contract carriers, or express companies. Where a  
10 condemnation by such an entity results in a displaced person, as  
11 defined in section 523.200, the provisions of subsections 3 and 6  
12 to 10 of section 523.205 shall apply unless the condemning entity  
13 is subject to the relocation assistance provisions of the federal  
14 Uniform Relocation Assistance Act.

15 3. Any entity with the power of eminent domain and pursuing  
16 the acquisition of property for the purpose of constructing a  
17 power generation facility after December 31, 2006, after  
18 providing notice in a newspaper of general circulation in the  
19 county where the facility is to be constructed, shall conduct a  
20 public meeting disclosing the purpose of the proposed facility  
21 prior to making any offer to purchase property in pursuit thereof  
22 or, alternatively, shall provide the property owner with  
23 notification of the identity of the condemning authority and the  
24 proposed purpose for which the condemned property shall be used  
25 at the time of making the initial offer.

26 4. (1) Notwithstanding the provisions of subsection 2 of  
27 this section, no entity shall have the power of eminent domain

1 under the provisions of this section for the purpose of  
2 constructing above-ground merchant lines.

3 (2) For the purpose of this subsection, the following terms  
4 mean:

5 (a) "Merchant line", a high-voltage direct current electric  
6 transmission line that does not provide for the erection of  
7 electric substations at intervals of less than fifty miles, which  
8 substations are necessary to accommodate both the purchase and  
9 sale to persons located in this state of electricity generated or  
10 transmitted by such entity; and

11 (b) "Entity", a utility company that does not provide  
12 service to end-use customers or provide retail service in  
13 Missouri, or does not collect its costs to provide service under  
14 a regional transmission organization tariff, regardless of  
15 whether it has received a certificate of convenience and  
16 necessity from the public service commission under section  
17 393.170.

18 (3) This subsection shall not apply to any rural electric  
19 cooperative organized or operating under the provisions of  
20 chapter 394, or to any corporation organized on a nonprofit or a  
21 cooperative basis as described in subsection 1 of section  
22 394.200, or to any electrical corporation operating under a  
23 cooperative business plan as described in subsection 2 of section  
24 393.110.

25 537.065. 1. Any person having an unliquidated claim for  
26 damages against a tort-feasor, on account of personal injuries,  
27 bodily injuries, or death [~~provided that, such tort-feasor's~~

1 ~~insurer or indemnitor has the opportunity to defend the~~  
2 ~~tort-feasor without reservation but refuses to do so,~~] may enter  
3 into a contract with such tort-feasor or any insurer on his or  
4 her behalf or both if the insurer has refused to withdraw a  
5 reservation of rights or declined coverage for such unliquidated  
6 claim, whereby, in consideration of the payment of a specified  
7 amount, the person asserting the claim agrees that in the event  
8 of a judgment against the tort-feasor, neither such person nor  
9 any other person, firm, or corporation claiming by or through him  
10 or her will levy execution, by garnishment or as otherwise  
11 provided by law, except against the specific assets listed in the  
12 contract and except against any insurer which insures the legal  
13 liability of the tort-feasor for such damage and which insurer is  
14 not excepted from execution, garnishment or other legal procedure  
15 by such contract. Execution or garnishment proceedings in aid  
16 thereof shall lie only as to assets of the tort-feasor  
17 specifically mentioned in the contract or the insurer or insurers  
18 not excluded in such contract. Such contract, when properly  
19 acknowledged by the parties thereto, may be recorded in the  
20 office of the recorder of deeds in any county where a judgment  
21 may be rendered, or in the county of the residence of the  
22 tort-feasor, or in both such counties, and if the same is so  
23 recorded then such tort-feasor's property, except as to the  
24 assets specifically listed in the contract, shall not be subject  
25 to any judgment lien as the result of any judgment rendered  
26 against the tort-feasor, arising out of the transaction for which  
27 the contract is entered into.

1           2.  ~~[Before a judgment may be entered against any~~  
2  ~~tort-feasor after such tort-feasor has entered into a contract~~  
3  ~~under this section, the insurer or insurers shall be provided~~  
4  ~~with written notice of the execution of the contract and shall~~  
5  ~~have thirty days after receipt of such notice to intervene as a~~  
6  ~~matter of right in any pending lawsuit involving the claim for~~  
7  ~~damages.]~~ If any action seeking a judgment on the claim against  
8 the tort-feasor is pending at the time of the execution of any  
9 contract entered into under this section, then, within thirty  
10 days after such execution, the tort-feasor shall provide his or  
11 her insurer or insurers with a copy of the executed contract and  
12 a copy of any such action. If any action seeking a judgment on  
13 the claim against the tort-feasor is pending at the time of the  
14 execution of any contract entered into under this section but is  
15 thereafter dismissed, then, within thirty days after the refileing  
16 of that action or the filing of any subsequent action arising out  
17 of the claim for damages against the tort-feasor, the tort-feasor  
18 shall provide his or her insurer or insurers with a copy of the  
19 executed contract and a copy of the refiled or subsequently filed  
20 action seeking a judgment on the claim against the tort-feasor.  
21 If no action seeking a judgment on the claim against the  
22 tort-feasor is pending at the time of the execution of any  
23 contract entered into under this section, then, within thirty  
24 days after the tort-feasor receives notice of any subsequent  
25 action, by service of process or otherwise, the tort-feasor shall  
26 provide his or her insurer or insurers with a copy of the  
27 executed contract and a copy of any action seeking a judgment on

1 the claim against the tort-feasor.

2 3. No judgment shall be entered against any tort-feasor  
3 after such tort-feasor has entered into a contract under this  
4 section for at least thirty days after the insurer or insurers  
5 have received written notice as provided in subsection 2 of this  
6 section.

7 4. Any insurer or insurers who receive notice under this  
8 section shall have the unconditional right to intervene in any  
9 pending civil action involving the claim for damages within  
10 thirty days after receipt of such notice. Upon intervention  
11 under this section, the intervenor shall have all rights afforded  
12 to defendants under the Missouri rules of civil procedure  
13 including, but not limited to, the right to conduct discovery,  
14 the right to engage in motion practice, and the right to a trial  
15 by jury. The intervenor shall also have the right to assert any  
16 rights or raise any defenses available to the tort-feasor and to  
17 assert any rights or raise any defenses that would have been  
18 available to the tort-feasor in the absence of the contract  
19 entered into under this section or other agreement between the  
20 parties to that contract. However, nothing in this section shall  
21 alter or reduce the intervening insurer's obligations to any  
22 insureds other than the tort-feasor, including any coinsureds of  
23 the defendant tort-feasor.

24 5. The provisions of this section shall apply to any  
25 covenant not to execute or any contract to limit recovery to  
26 specified assets, regardless of whether it is referred to as a  
27 contract under this section.

1           6. All terms of any covenant not to execute or of any  
2 contract to limit recovery to specified assets, regardless of  
3 whether it is referred to as a contract under this section, shall  
4 be in writing and signed by the parties to the covenant or  
5 contract. No unwritten term of any covenant not to execute or of  
6 any contract to limit recovery to specified assets, regardless of  
7 whether it is referred to as a contract under this section, shall  
8 be enforceable against any party to the covenant or contract, the  
9 liability insurer of any party to the covenant or contract, or  
10 any other person or entity.

11           ~~[4.]~~ 7. Nothing in this section shall be construed to  
12 prohibit an insured from bringing a separate action asserting  
13 that the insurer acted in bad faith. In any such action for bad  
14 faith, any agreement between the tort-feasor and insured,  
15 including any contract under this section, shall be admissible in  
16 evidence. The exercise of any rights under this section shall  
17 not constitute, nor be construed to be bad faith.

18           8. As used in this section, the term "insurer" shall  
19 include any entity authorized to transact liability insurance  
20 business in this state including, but not limited to, any  
21 liability insurance company organized, incorporated, or doing  
22 business under the provisions of chapter 379, any entity formed  
23 under section 537.620, any entity that is subject to sections  
24 537.700 to 537.756, or any entity that provides risk management  
25 services to any public or private entity.

26           537.115. 1. As used in this section, the following terms  
27 mean:

1 (1) "Canned food", any food commercially processed and  
2 prepared for human consumption;

3 (2) "Perishable food", any food which may spoil or  
4 otherwise become unfit for human consumption because of its  
5 nature, type or physical condition. This term includes, but is  
6 not limited to, fresh and processed meats, poultry, seafood,  
7 dairy products, bakery products, eggs in the shell, fresh fruits  
8 and vegetables, and foods which have been packaged, refrigerated,  
9 or frozen;

10 (3) "Shelf stable", any food that can be safely stored in a  
11 sealed package at room or ambient temperature for a usefully long  
12 shelf life. The term includes foods that would normally be  
13 stored refrigerated, but that have been processed or treated by  
14 heat or dried to destroy food-borne microorganisms that can cause  
15 illness or spoil food.

16 2. All other provisions of law notwithstanding, a good  
17 faith donor of canned ~~[or]~~ , perishable, or shelf stable food,  
18 which complies with chapter 196 at the time it was donated and  
19 which is fit for human consumption at the time it is donated, to  
20 a bona fide charitable or not-for-profit organization for free  
21 distribution, shall not be subject to criminal or civil liability  
22 arising from an injury or death due to the condition of such food  
23 unless such injury or death is a direct result of the negligence,  
24 recklessness or intentional misconduct of such donor.

25 3. All other provisions of law notwithstanding, a bona fide  
26 charitable or not-for-profit organization which in good faith  
27 receives and distributes food, which complies with chapter 196 at

1 the time it was donated and which is fit for human consumption at  
2 the time it is distributed, without charge, shall not be subject  
3 to criminal or civil liability arising from an injury or death  
4 due to the condition of such food unless such injury or death is  
5 a direct result of the negligence, recklessness, or intentional  
6 misconduct of such organization.

7 4. (1) Notwithstanding any other provision of law to the  
8 contrary, a good faith donor or a charitable or not-for-profit  
9 organization, who in good faith receives or distributes frozen  
10 ~~[and]~~ or shelf stable packaged venison without charge, shall not  
11 be subject to criminal or civil liability arising from an injury  
12 or death due to the condition of such food, except as provided in  
13 this subsection.

14 (2) The venison must:

15 ~~[(1)]~~ (a) Come from a whitetail deer harvested in  
16 accordance with the rules and regulations of the department of  
17 conservation;

18 ~~[(2)]~~ (b) Be field dressed and handled in a sanitary manner  
19 and the carcass of which remains in sound condition;

20 ~~[(3)]~~ (c) Be processed in a licensed facility that is  
21 subject to the United States Department of Agriculture's mandated  
22 inspections during domesticated animal operations or is approved  
23 by the Missouri department of agriculture meat inspection  
24 program.

25 ~~[Except that,]~~ (3) The provisions of this subsection shall  
26 not apply if the injury or death is a direct result of the  
27 negligence, recklessness, or intentional misconduct of such donor



1 or the deer was harvested during a season that the deer in  
2 Missouri were found to have diseases communicable to humans.  
3 Venison handled and processed in accordance with the provisions  
4 of this section and protected by all reasonable means from  
5 foreign or injurious contamination is exempt from the provisions  
6 of chapter 196.

7 5. The provisions of this section shall govern all good  
8 faith donations of canned ~~[or]~~ perishable, or shelf stable food  
9 which is not readily marketable due to appearance, freshness,  
10 grade, surplus, or other conditions, but nothing in this section  
11 shall restrict the authority of any appropriate agency to  
12 regulate or ban the use of such food for human consumption.

13 550.125. 1. There is hereby created in the state treasury  
14 the "Change of Venue for Capital Cases Fund", which shall consist  
15 of moneys appropriated to the fund by the general assembly. The  
16 office of state courts administrator shall administer and  
17 disburse moneys in the fund in accordance with subsection 2 of  
18 this section. The fund shall be a dedicated fund and, upon  
19 appropriation, moneys in the fund shall be used solely for the  
20 administration of this section. Notwithstanding the provisions  
21 of section 33.080, any moneys remaining in the fund at the end of  
22 the biennium shall not revert to the credit of the general  
23 revenue fund. The state treasurer shall invest moneys in the  
24 fund in the same manner as other funds are invested. Any  
25 interest and moneys earned on such investments shall be credited  
26 to the fund.

27 2. In a capital case in which a change of venue is taken

1 from one county to any other county, at the conclusion of such  
2 case the county to which the case was transferred may apply to  
3 the office of state courts administrator for reimbursement from  
4 the change of venue for capital cases fund any costs associated  
5 with the sequestering of jurors. The costs of reimbursement  
6 shall not exceed the then approved state rates for travel  
7 reimbursement for lodging and meals.

8 3. The office of state courts administrator shall develop  
9 an application process and other procedures to determine if a  
10 county is eligible for reimbursement under this section. If a  
11 county is eligible for reimbursement, the office of state courts  
12 administrator shall disburse such moneys to the county. If the  
13 office of state courts administrator determines a county is not  
14 eligible for reimbursement under this section, the county in  
15 which the capital case originated shall be responsible for  
16 reimbursement.

17 4. Any rule or portion of a rule, as that term is defined  
18 in section 536.010, that is created under the authority delegated  
19 in this section shall become effective only if it complies with  
20 and is subject to all of the provisions of chapter 536 and, if  
21 applicable, section 536.028. This section and chapter 536 are  
22 nonseverable, and if any of the powers vested with the general  
23 assembly pursuant to chapter 536 to review, to delay the  
24 effective date, or to disapprove and annul a rule are  
25 subsequently held unconstitutional, then the grant of rulemaking  
26 authority and any rule proposed or adopted after August 28, 2020,  
27 shall be invalid and void.

1           565.002. As used in this chapter, unless a different  
2 meaning is otherwise plainly required the following terms mean:

3           (1) "Adequate cause", cause that would reasonably produce a  
4 degree of passion in a person of ordinary temperament sufficient  
5 to substantially impair an ordinary person's capacity for  
6 self-control;

7           (2) "Child", a person under seventeen years of age;

8           (3) "Conduct", includes any act or omission;

9           (4) "Course of conduct", a pattern of conduct composed of  
10 two or more acts, which may include communication by any means,  
11 over a period of time, however short, evidencing a continuity of  
12 purpose. Constitutionally protected activity is not included  
13 within the meaning of course of conduct. Such constitutionally  
14 protected activity includes picketing or other organized  
15 protests;

16           (5) "Deliberation", cool reflection for any length of time  
17 no matter how brief;

18           (6) "Domestic victim", a household or family member as the  
19 term "family" or "household member" is defined in section  
20 455.010, including any child who is a member of the household or  
21 family;

22           (7) "Emotional distress", something markedly greater than  
23 the level of uneasiness, nervousness, unhappiness, or the like  
24 which are commonly experienced in day-to-day living;

25           (8) "Full or partial nudity", the showing of all or any  
26 part of the human genitals, pubic area, buttock, or any part of  
27 the nipple of the breast of any female person, with less than a

1 fully opaque covering;

2 (9) "Legal custody", the right to the care, custody and  
3 control of a child;

4 (10) "Parent", either a biological parent or a parent by  
5 adoption;

6 (11) "Person having a right of custody", a parent or legal  
7 guardian of the child;

8 (12) "Photographs" or "films", the making of any  
9 photograph, motion picture film, videotape, or any other  
10 recording or transmission of the image of a person;

11 (13) "Place where a person would have a reasonable  
12 expectation of privacy", any place where a reasonable person  
13 would believe that a person could disrobe in privacy, without  
14 being concerned that the person's undressing was being viewed,  
15 photographed or filmed by another;

16 (14) "Special victim", any of the following:

17 (a) A law enforcement officer assaulted in the performance  
18 of his or her official duties or as a direct result of such  
19 official duties;

20 (b) Emergency personnel, any paid or volunteer firefighter,  
21 emergency room, hospital, or trauma center personnel, or  
22 emergency medical technician, assaulted in the performance of his  
23 or her official duties or as a direct result of such official  
24 duties;

25 (c) A probation and parole officer assaulted in the  
26 performance of his or her official duties or as a direct result  
27 of such official duties;

1 (d) An elderly person;  
2 (e) A person with a disability;  
3 (f) A vulnerable person;  
4 (g) Any jailer or corrections officer of the state or one  
5 of its political subdivisions assaulted in the performance of his  
6 or her official duties or as a direct result of such official  
7 duties;

8 (h) A highway worker in a construction or work zone as the  
9 terms "highway worker", "construction zone", and "work zone" are  
10 defined under section 304.580;

11 (i) Any utility worker, meaning any employee of a utility  
12 that provides gas, heat, electricity, water, steam,  
13 telecommunications services, or sewer services, whether  
14 privately, municipally, or cooperatively owned, while in the  
15 performance of his or her job duties, including any person  
16 employed under a contract;

17 (j) Any cable worker, meaning any employee of a cable  
18 operator, as such term is defined in section 67.2677, including  
19 any person employed under contract, while in the performance of  
20 his or her job duties; ~~and~~

21 (k) Any employee of a mass transit system, including any  
22 employee of public bus or light rail companies, while in the  
23 performance of his or her job duties; and

24 (l) Any employee of a public school or charter school while  
25 in the performance of his or her job duties for the public school  
26 district or charter school;

27 (15) "Sudden passion", passion directly caused by and

1 arising out of provocation by the victim or another acting with  
2 the victim which passion arises at the time of the offense and is  
3 not solely the result of former provocation;

4 (16) "Trier", the judge or jurors to whom issues of fact,  
5 guilt or innocence, or the assessment and declaration of  
6 punishment are submitted for decision;

7 (17) "Views", the looking upon of another person, with the  
8 unaided eye or with any device designed or intended to improve  
9 visual acuity, for the purpose of arousing or gratifying the  
10 sexual desire of any person.

11 575.040. 1. A person commits the offense of perjury if,  
12 with the purpose to deceive, he or she knowingly testifies  
13 falsely to any material fact upon oath or affirmation legally  
14 administered, in any official proceeding before any court, public  
15 body, notary public or other officer authorized to administer  
16 oaths.

17 2. A fact is material, regardless of its admissibility  
18 under rules of evidence, if it could substantially affect, or did  
19 substantially affect, the course or outcome of the cause, matter  
20 or proceeding.

21 3. Knowledge of the materiality of the statement is not an  
22 element of this crime, and it is no defense that:

23 (1) The person mistakenly believed the fact to be  
24 immaterial; or

25 (2) The person was not competent, for reasons other than  
26 mental disability or immaturity, to make the statement.

27 4. It is a defense to a prosecution under subsection 1 of

1 this section that the person retracted the false statement in the  
2 course of the official proceeding in which it was made provided  
3 he or she did so before the falsity of the statement was exposed.  
4 Statements made in separate hearings at separate stages of the  
5 same proceeding, including but not limited to statements made  
6 before a grand jury, at a preliminary hearing, at a deposition or  
7 at previous trial, are made in the course of the same proceeding.

8 5. The defendant shall have the burden of injecting the  
9 issue of retraction under subsection 4 of this section.

10 6. The offense of perjury committed in any proceeding not  
11 involving a felony charge is a class E felony.

12 7. The offense of perjury committed in any proceeding  
13 involving a felony charge is a class D felony unless:

14 (1) It is committed during a criminal trial for the purpose  
15 of securing the conviction of an accused for any felony except  
16 murder, in which case it is a class B felony; or

17 (2) It is committed during a criminal trial for the purpose  
18 of securing the conviction of an accused for murder, in which  
19 case it is a class A felony.

20 8. The offense of perjury committed in any proceeding  
21 before a body of the general assembly is a class D felony.

22 575.050. 1. A person commits the offense of making a false  
23 affidavit if, with purpose to mislead any person, he or she, in  
24 any affidavit, swears falsely to a fact which is material to the  
25 purpose for which said affidavit is made.

26 2. The provisions of subsections 2 and 3 of section 575.040  
27 shall apply to prosecutions under subsection 1 of this section.

1           3. It is a defense to a prosecution under subsection 1 of  
2 this section that the person retracted the false statement by  
3 affidavit or testimony but this defense shall not apply if the  
4 retraction was made after:

5           (1) The falsity of the statement was exposed; or

6           (2) Any person took substantial action in reliance on the  
7 statement.

8           4. The defendant shall have the burden of injecting the  
9 issue of retraction under subsection 3 of this section.

10          5. The offense of making a false affidavit is a class C  
11 misdemeanor, unless done for the purpose of misleading a public  
12 servant in the performance of his or her duty, in which case it  
13 is a class A misdemeanor.

14          6. The offense of making a false affidavit when done in any  
15 proceeding before a body of the general assembly is a class A  
16 misdemeanor.

17          575.160. 1. A person commits the offense of interference  
18 with legal process if, knowing another person is authorized by  
19 law to serve process, he or she interferes with or obstructs such  
20 person for the purpose of preventing such person from effecting  
21 the service of any process.

22          2. "Process" includes any writ, summons, subpoena, warrant  
23 other than an arrest warrant, or other process or order of a  
24 court or body of the general assembly.

25          3. The offense of interference with legal process is a  
26 class B misdemeanor.

27          575.270. 1. A person commits the offense of tampering with



1 a witness or victim if:

2 (1) With the purpose to induce a witness or a prospective  
3 witness to disobey a subpoena or other legal process, absent  
4 himself or herself, avoid subpoena or other legal process,  
5 withhold evidence, information, or documents, or testify falsely,  
6 he or she:

7 (a) Threatens or causes harm to any person or property; or

8 (b) Uses force, threats or deception; or

9 (c) Offers, confers or agrees to confer any benefit, direct  
10 or indirect, upon such witness; or

11 (d) Conveys any of the foregoing to another in furtherance  
12 of a conspiracy; or

13 (2) He or she purposely prevents or dissuades or attempts  
14 to prevent or dissuade any person who has been a victim of any  
15 crime or a person who is acting on behalf of any such victim  
16 from:

17 (a) Making any report of such victimization to any peace  
18 officer, state, local or federal law enforcement officer,  
19 prosecuting agency, or judge;

20 (b) Causing a complaint, indictment or information to be  
21 sought and prosecuted or assisting in the prosecution thereof;

22 (c) Arresting or causing or seeking the arrest of any  
23 person in connection with such victimization.

24 2. The offense of tampering with a witness or victim is a  
25 class A misdemeanor, unless the original charge is a felony, in  
26 which case tampering with a witness or victim is a class D  
27 felony. Persons convicted under this section shall not be

1 eligible for parole.

2 3. The offense of tampering with a witness subpoenaed in a  
3 proceeding before a body of the general assembly is a class E  
4 felony.

5 575.280. 1. A person commits the offense of acceding to  
6 corruption if he or she:

7 (1) Is a judge, juror, special master, referee or  
8 arbitrator and knowingly solicits, accepts, or agrees to accept  
9 any benefit, direct or indirect, on the representation or  
10 understanding that it will influence his or her official action  
11 in a judicial proceeding pending in any court or before such  
12 official or juror;

13 (2) Is a witness or prospective witness in any official  
14 proceeding and knowingly solicits, accepts, or agrees to accept  
15 any benefit, direct or indirect, on the representation or  
16 understanding that he or she will disobey a subpoena or other  
17 legal process, absent himself or herself, avoid subpoena or other  
18 legal process, withhold evidence, information or documents, or  
19 testify falsely.

20 2. The offense of acceding to corruption under subdivision  
21 (1) of subsection 1 of this section is a class C felony. The  
22 offense of acceding to corruption under subdivision (2) of  
23 subsection 1 of this section in a felony prosecution ~~[or]~~, on the  
24 representation or understanding of testifying falsely, or in a  
25 proceeding before a body of the general assembly is a class D  
26 felony. Otherwise acceding to corruption is a class A  
27 misdemeanor.

1           575.330. 1. A person commits the offense of contempt of a  
2 body of the general assembly if he or she was subpoenaed as a  
3 witness by a body of the general assembly to give testimony or to  
4 produce documents or provide other information upon any matter  
5 under inquiry before the body of the general assembly and he or  
6 she willfully:

7           (1) Fails to appear to testify;

8           (2) After having appeared, refuses to answer any question  
9 pertinent to the question under inquiry; or

10          (3) Fails to produce required documents.

11          2. The offense of contempt of a body of the general  
12 assembly is a class A misdemeanor.

13          3. The offense of contempt of a body of the general  
14 assembly after an order has been issued under section 21.403 is a  
15 class E felony.

16           576.030. 1. A person commits the offense of obstructing  
17 government operations if he or she purposely obstructs, impairs,  
18 hinders or perverts the performance of a governmental function by  
19 the use or threat of harm, intimidation, coercion, violence,  
20 force, or other physical interference or obstacle.

21           2. The offense of obstructing government operations is a  
22 class ~~[B]~~ A misdemeanor, unless committed against a body of the  
23 general assembly, in which case it is a class E felony.

24           Section B. The repeal and reenactment of sections 211.031,  
25 211.061, 211.073, 211.181, and 211.435 of this act shall become  
26 effective on January 1, 2021.