

SECOND REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 1637

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHWADRON.

3817H.01P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 43.650, 67.145, 70.631, 170.310, 190.091, 191.900, 191.905, 210.493, 285.575, 304.022, 374.702, 407.300, 556.046, 565.184, 566.010, 566.086, 566.151, 566.155, 567.030, 569.010, 569.100, 569.170, 570.010, 570.030, 575.095, 575.205, 610.120, 610.130, 610.140, 630.155, 650.320, and 650.340, RSMo, and to enact in lieu thereof forty new sections relating to crime prevention, with penalty provisions.

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

Section A. Sections 43.650, 67.145, 70.631, 170.310, 190.091, 191.900, 191.905, 210.493, 285.575, 304.022, 374.702, 407.300, 556.046, 565.184, 566.010, 566.086, 566.151, 566.155, 567.030, 569.010, 569.100, 569.170, 570.010, 570.030, 575.095, 575.205, 610.120, 610.130, 610.140, 630.155, 650.320, and 650.340, RSMo, are repealed and forty new sections enacted in lieu thereof, to be known as sections 43.650, 67.145, 70.631, 170.310, 190.091, 191.900, 191.905, 210.493, 285.575, 304.022, 374.702, 407.300, 544.453, 556.046, 565.184, 566.010, 566.086, 566.151, 566.155, 567.030, 569.010, 569.100, 569.170, 569.175, 569.190, 570.010, 570.030, 570.212, 571.031, 571.069, 575.095, 575.205, 589.437, 610.120, 610.130, 610.140, 630.155, 650.320, 650.340, and 1, to read as follows:

43.650. 1. The patrol shall, subject to appropriation, maintain a web page on the internet which shall be open to the public and shall include a registered sexual offender **and registered violent offender** search capability.

2. Except as provided in subsections 4 and 5 of this section, the registered sexual offender **and registered violent offender** search shall make it possible for any person using the internet to search for and find the information specified in subsection 4 of this section, if

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.

7 known, on offenders registered in this state pursuant to sections 589.400 to 589.425 or
8 **section 589.437.**

9 3. The registered sexual offender **and registered violent offender** search shall
10 include the capability to search for sexual offenders by name, **by** zip code, and by typing in an
11 address and specifying a search within a certain number of miles radius from that address.
12 **The search shall also have the capability to filter results by sexual offenders or violent**
13 **offenders.**

14 4. Only the information listed in this subsection shall be provided to the public in the
15 registered sexual offender **and registered violent offender** search:

16 (1) The name and any known aliases of the offender;

17 (2) The date of birth and any known alias dates of birth of the offender;

18 (3) A physical description of the offender;

19 (4) The residence, temporary, work, and school addresses of the offender, including
20 the street address, city, county, state, and zip code;

21 (5) Any photographs of the offender;

22 (6) A physical description of the offender's vehicles, including the year, make, model,
23 color, and license plate number;

24 (7) The nature and dates of all offenses qualifying the offender to register, including
25 the tier level assigned to the offender under sections 589.400 to 589.425;

26 (8) The date on which the offender was released from the department of mental
27 health, prison, or jail~~;~~ or placed on parole, supervised release, or probation for the offenses
28 qualifying the offender to register;

29 (9) Compliance status of the **sexual or violent** offender with the provisions of
30 ~~[section]~~ **sections** 589.400 to 589.425; and

31 (10) Any online identifiers, as defined in section 43.651, used by the person. Such
32 online identifiers shall not be included in the general profile of an offender on the web page
33 and shall only be available to a member of the public by a search using the specific online
34 identifier to determine if a match exists with a registered offender.

35 5. Juveniles required to register under subdivision (5) of subsection 1 of section
36 589.400 shall be exempt from public notification to include any adjudications from another
37 state, territory, the District of Columbia, or foreign country or any federal, tribal, or military
38 jurisdiction.

67.145. 1. No political subdivision of this state shall prohibit any first responder from
2 engaging in any political activity while off duty and not in uniform, being a candidate for
3 elected or appointed public office, or holding such office unless such political activity or
4 candidacy is otherwise prohibited by state or federal law.

5 2. As used in this section, "first responder" means any person trained and authorized
6 by law or rule to render emergency medical assistance or treatment. Such persons may
7 include, but shall not be limited to, emergency first responders, **telecommunicator first**
8 **responders**, police officers, sheriffs, deputy sheriffs, firefighters, ambulance attendants and
9 attendant drivers, emergency medical technicians, mobile emergency medical technicians,
10 emergency medical technician-paramedics, registered nurses, or physicians.

70.631. 1. Each political subdivision may, by majority vote of its governing body,
2 elect to cover [~~emergency telecommunicators~~] **telecommunicator first responders**, jailors,
3 and emergency medical service personnel as public safety personnel members of the system.
4 The clerk or secretary of the political subdivision shall certify an election concerning the
5 coverage of [~~emergency telecommunicators~~] **telecommunicator first responders**, jailors,
6 and emergency medical service personnel as public safety personnel members of the system
7 to the board within ten days after such vote. The date in which the political subdivision's
8 election becomes effective shall be the first day of the calendar month specified by such
9 governing body, the first day of the calendar month next following receipt by the board of the
10 certification of the election, or the effective date of the political subdivision's becoming an
11 employer, whichever is the latest date. Such election shall not be changed after the effective
12 date. If the election is made, the coverage provisions shall be applicable to all past and future
13 employment with the employer by present and future employees. If a political subdivision
14 makes no election under this section, no [~~emergency~~] telecommunicator **first responder**,
15 jailor, or emergency medical service personnel of the political subdivision shall be considered
16 public safety personnel for purposes determining a minimum service retirement age as
17 defined in section 70.600.

18 2. If an employer elects to cover [~~emergency telecommunicators~~] **telecommunicator**
19 **first responders**, jailors, and emergency medical service personnel as public safety personnel
20 members of the system, the employer's contributions shall be correspondingly changed
21 effective the same date as the effective date of the political subdivision's election.

22 3. The limitation on increases in an employer's contributions provided by subsection
23 6 of section 70.730 shall not apply to any contribution increase resulting from an employer
24 making an election under the provisions of this section.

25 4. The provisions of this section shall only apply to counties of the third classification
26 and any county of the first classification with more than seventy thousand but fewer than
27 eighty-three thousand inhabitants and with a city of the fourth classification with more than
28 thirteen thousand five hundred but fewer than sixteen thousand inhabitants as the county seat,
29 and any political subdivisions located, in whole or in part, within such counties.

170.310. 1. For school year 2017-18 and each school year thereafter, upon
2 graduation from high school, pupils in public schools and charter schools shall have received

3 thirty minutes of cardiopulmonary resuscitation instruction and training in the proper
4 performance of the Heimlich maneuver or other first aid for choking given any time during a
5 pupil's four years of high school.

6 2. Beginning in school year 2017-18, any public school or charter school serving
7 grades nine through twelve shall provide enrolled students instruction in cardiopulmonary
8 resuscitation. Students with disabilities may participate to the extent appropriate as
9 determined by the provisions of the Individuals with Disabilities Education Act or Section
10 504 of the Rehabilitation Act. Instruction shall be included in the district's existing health or
11 physical education curriculum. Instruction shall be based on a program established by the
12 American Heart Association or the American Red Cross, or through a nationally recognized
13 program based on the most current national evidence-based emergency cardiovascular care
14 guidelines, and psychomotor skills development shall be incorporated into the instruction.
15 For purposes of this section, "psychomotor skills" means the use of hands-on practicing and
16 skills testing to support cognitive learning.

17 3. The teacher of the cardiopulmonary resuscitation course or unit shall not be
18 required to be a certified trainer of cardiopulmonary resuscitation if the instruction is not
19 designed to result in certification of students. Instruction that is designed to result in
20 certification being earned shall be required to be taught by an authorized cardiopulmonary
21 instructor. Schools may develop agreements with any local chapter of a voluntary
22 organization of first responders to provide the required hands-on practice and skills testing.
23 **For purposes of this subsection, first responders shall include telecommunicator first**
24 **responders as defined in section 650.320.**

25 4. The department of elementary and secondary education may promulgate rules to
26 implement this section. Any rule or portion of a rule, as that term is defined in section
27 536.010, that is created under the authority delegated in this section shall become effective
28 only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable,
29 section 536.028. This section and chapter 536 are nonseverable and if any of the powers
30 vested with the general assembly pursuant to chapter 536 to review, to delay the effective
31 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant
32 of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be
33 invalid and void.

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

2 (1) "Bioterrorism", the intentional use of any microorganism, virus, infectious
3 substance, or biological product that may be engineered as a result of biotechnology or any
4 naturally occurring or bioengineered component of any microorganism, virus, infectious
5 substance, or biological product to cause death, disease, or other biological malfunction in a

6 human, an animal, a plant, or any other living organism to influence the conduct of
7 government or to intimidate or coerce a civilian population;

8 (2) "Department", the Missouri department of health and senior services;

9 (3) "Director", the director of the department of health and senior services;

10 (4) "Disaster locations", any geographical location where a bioterrorism attack,
11 terrorist attack, catastrophic or natural disaster, or emergency occurs;

12 (5) "First responders", state and local law enforcement personnel, **telecommunicator**
13 **first responders**, fire department personnel, and emergency medical personnel who will be
14 deployed to bioterrorism attacks, terrorist attacks, catastrophic or natural disasters, and
15 emergencies.

16 2. The department shall offer a vaccination program for first responders who may be
17 exposed to infectious diseases when deployed to disaster locations as a result of a
18 bioterrorism event or a suspected bioterrorism event. The vaccinations shall include, but are
19 not limited to, smallpox, anthrax, and other vaccinations when recommended by the federal
20 Centers for Disease Control and Prevention's Advisory Committee on Immunization
21 Practices.

22 3. Participation in the vaccination program shall be voluntary by the first responders,
23 except for first responders who, as determined by their employer, cannot safely perform
24 emergency responsibilities when responding to a bioterrorism event or suspected bioterrorism
25 event without being vaccinated. The recommendations of the Centers for Disease Control
26 and Prevention's Advisory Committee on Immunization Practices shall be followed when
27 providing appropriate screening for contraindications to vaccination for first responders. A
28 first responder shall be exempt from vaccinations when a written statement from a licensed
29 physician is presented to their employer indicating that a vaccine is medically contraindicated
30 for such person.

31 4. If a shortage of the vaccines referred to in subsection 2 of this section exists
32 following a bioterrorism event or suspected bioterrorism event, the director, in consultation
33 with the governor and the federal Centers for Disease Control and Prevention, shall give
34 priority for such vaccinations to persons exposed to the disease and to first responders who
35 are deployed to the disaster location.

36 5. The department shall notify first responders concerning the availability of the
37 vaccination program described in subsection 2 of this section and shall provide education to
38 such first responders and their employers concerning the vaccinations offered and the
39 associated diseases.

40 6. The department may contract for the administration of the vaccination program
41 described in subsection 2 of this section with health care providers, including but not limited
42 to local public health agencies, hospitals, federally qualified health centers, and physicians.

43 7. The provisions of this section shall become effective upon receipt of federal
44 funding or federal grants which designate that the funding is required to implement
45 vaccinations for first responders in accordance with the recommendations of the federal
46 Centers for Disease Control and Prevention's Advisory Committee on Immunization
47 Practices. Upon receipt of such funding, the department shall make available the vaccines to
48 first responders as provided in this section.

191.900. As used in sections 191.900 to 191.910, the following terms mean:

2 (1) "Abuse", the infliction of physical, sexual or emotional harm or injury. "Abuse"
3 includes the taking, obtaining, using, transferring, concealing, appropriating or taking
4 possession of property of another person without such person's consent;

5 (2) "Claim", any attempt to cause a health care payer to make a health care payment;

6 (3) "False", wholly or partially untrue. A false statement or false representation of a
7 material fact means the failure to reveal material facts in a manner which is intended to
8 deceive a health care payer with respect to a claim;

9 (4) "Health care", any service, assistance, care, product, device or thing provided
10 pursuant to a medical assistance program, or for which payment is requested or received, in
11 whole or part, pursuant to a medical assistance program;

12 (5) "Health care payer", a medical assistance program, or any person reviewing,
13 adjusting, approving or otherwise handling claims for health care on behalf of or in
14 connection with a medical assistance program;

15 (6) "Health care payment", a payment made, or the right under a medical assistance
16 program to have a payment made, by a health care payer for a health care service;

17 (7) "Health care provider", any person delivering, or purporting to deliver, any health
18 care, and including any employee, agent or other representative of such a person, and further
19 including any employee, representative, or subcontractor of the state of Missouri delivering,
20 purporting to deliver, or arranging for the delivery of any health care;

21 (8) "Knowing" and "knowingly", that a person, with respect to information:

22 (a) Has actual knowledge of the information;

23 (b) Acts in deliberate ignorance of the truth or falsity of the information; or

24 (c) Acts in reckless disregard of the truth or falsity of the information.
25

26 Use of the terms knowing or knowingly shall be construed to include the term "intentionally",
27 which means that a person, with respect to information, intended to act in violation of the law;

28 (9) "Medical assistance program", MO HealthNet, or any program to provide or
29 finance health care to participants which is established pursuant to title 42 of the United States
30 Code, any successor federal health insurance program, or a waiver granted thereunder. A
31 medical assistance program may be funded either solely by state funds or by state and federal

32 funds jointly. The term "medical assistance program" shall include the medical assistance
33 program provided by section 208.151, et seq., and any state agency or agencies administering
34 all or any part of such a program;

35 (10) **"Neglect", the failure to provide to a person receiving health care the care,**
36 **goods, or services, including visitations as allowed by law, that are reasonable and**
37 **necessary to maintain the physical and mental health of such person, when such failure**
38 **presents either an imminent danger to the health, safety, or welfare of the person or a**
39 **substantial probability that death or serious physical harm would result;**

40 (11) "Person", a natural person, corporation, partnership, association or any legal
41 entity.

191.905. 1. No health care provider shall knowingly make or cause to be made a
2 false statement or false representation of a material fact in order to receive a health care
3 payment, including but not limited to:

4 (1) Knowingly presenting to a health care payer a claim for a health care payment that
5 falsely represents that the health care for which the health care payment is claimed was
6 medically necessary, if in fact it was not;

7 (2) Knowingly concealing the occurrence of any event affecting an initial or
8 continued right under a medical assistance program to have a health care payment made by a
9 health care payer for providing health care;

10 (3) Knowingly concealing or failing to disclose any information with the intent to
11 obtain a health care payment to which the health care provider or any other health care
12 provider is not entitled, or to obtain a health care payment in an amount greater than that
13 which the health care provider or any other health care provider is entitled;

14 (4) Knowingly presenting a claim to a health care payer that falsely indicates that any
15 particular health care was provided to a person or persons, if in fact health care of lesser value
16 than that described in the claim was provided.

17 2. No person shall knowingly solicit or receive any remuneration, including any
18 kickback, bribe, or rebate, directly or indirectly, overtly or covertly, in cash or in kind in
19 return for:

20 (1) Referring another person to a health care provider for the furnishing or arranging
21 for the furnishing of any health care; or

22 (2) Purchasing, leasing, ordering or arranging for or recommending purchasing,
23 leasing or ordering any health care.

24 3. No person shall knowingly offer or pay any remuneration, including any kickback,
25 bribe, or rebate, directly or indirectly, overtly or covertly, in cash or in kind, to any person to
26 induce such person to refer another person to a health care provider for the furnishing or
27 arranging for the furnishing of any health care.

28 4. Subsections 2 and 3 of this section shall not apply to a discount or other reduction
29 in price obtained by a health care provider if the reduction in price is properly disclosed and
30 appropriately reflected in the claim made by the health care provider to the health care payer,
31 or any amount paid by an employer to an employee for employment in the provision of health
32 care.

33 5. Exceptions to the provisions of subsections 2 and 3 of this section shall be provided
34 for as authorized in 42 U.S.C. Section 1320a-7b(3)(E), as may be from time to time amended,
35 and regulations promulgated pursuant thereto.

36 6. No person shall knowingly abuse **or neglect** a person receiving health care.

37 7. A person who violates subsections 1 to 3 of this section is guilty of a class D felony
38 upon his or her first conviction, and shall be guilty of a class B felony upon his or her second
39 and subsequent convictions. Any person who has been convicted of such violations shall be
40 referred to the Office of Inspector General within the United States Department of Health and
41 Human Services. The person so referred shall be subject to the penalties provided for under
42 42 U.S.C. Chapter 7, Subchapter XI, Section 1320a-7. A prior conviction shall be pleaded
43 and proven as provided by section 558.021. A person who violates subsection 6 of this
44 section shall be guilty of a class D felony, unless the act involves no physical, sexual or
45 emotional harm or injury and the value of the property involved is less than five hundred
46 dollars, in which event a violation of subsection 6 of this section is a class A misdemeanor.

47 8. Any natural person who willfully prevents, obstructs, misleads, delays, or attempts
48 to prevent, obstruct, mislead, or delay the communication of information or records relating to
49 a violation of sections 191.900 to 191.910 is guilty of a class E felony.

50 9. Each separate false statement or false representation of a material fact proscribed
51 by subsection 1 of this section or act proscribed by subsection 2 or 3 of this section shall
52 constitute a separate offense and a separate violation of this section, whether or not made at
53 the same or different times, as part of the same or separate episodes, as part of the same
54 scheme or course of conduct, or as part of the same claim.

55 10. In a prosecution pursuant to subsection 1 of this section, circumstantial evidence
56 may be presented to demonstrate that a false statement or claim was knowingly made. Such
57 evidence of knowledge may include but shall not be limited to the following:

58 (1) A claim for a health care payment submitted with the health care provider's actual,
59 facsimile, stamped, typewritten or similar signature on the claim for health care payment;

60 (2) A claim for a health care payment submitted by means of computer billing tapes
61 or other electronic means;

62 (3) A course of conduct involving other false claims submitted to this or any other
63 health care payer.

64 11. Any person convicted of a violation of this section, in addition to any fines,
65 penalties or sentences imposed by law, shall be required to make restitution to the federal and
66 state governments, in an amount at least equal to that unlawfully paid to or by the person, and
67 shall be required to reimburse the reasonable costs attributable to the investigation and
68 prosecution pursuant to sections 191.900 to 191.910. All of such restitution shall be paid and
69 deposited to the credit of the "MO HealthNet Fraud Reimbursement Fund", which is hereby
70 established in the state treasury. Moneys in the MO HealthNet fraud reimbursement fund
71 shall be divided and appropriated to the federal government and affected state agencies in
72 order to refund moneys falsely obtained from the federal and state governments. All of such
73 cost reimbursements attributable to the investigation and prosecution shall be paid and
74 deposited to the credit of the "MO HealthNet Fraud Prosecution Revolving Fund", which is
75 hereby established in the state treasury. Moneys in the MO HealthNet fraud prosecution
76 revolving fund may be appropriated to the attorney general, or to any prosecuting or circuit
77 attorney who has successfully prosecuted an action for a violation of sections 191.900 to
78 191.910 and been awarded such costs of prosecution, in order to defray the costs of the
79 attorney general and any such prosecuting or circuit attorney in connection with their duties
80 provided by sections 191.900 to 191.910. No moneys shall be paid into the MO HealthNet
81 fraud protection revolving fund pursuant to this subsection unless the attorney general or
82 appropriate prosecuting or circuit attorney shall have commenced a prosecution pursuant to
83 this section, and the court finds in its discretion that payment of attorneys' fees and
84 investigative costs is appropriate under all the circumstances, and the attorney general and
85 prosecuting or circuit attorney shall prove to the court those expenses which were reasonable
86 and necessary to the investigation and prosecution of such case, and the court approves such
87 expenses as being reasonable and necessary. Any moneys remaining in the MO HealthNet
88 fraud reimbursement fund after division and appropriation to the federal government and
89 affected state agencies shall be used to increase MO HealthNet provider reimbursement until
90 it is at least one hundred percent of the Medicare provider reimbursement rate for comparable
91 services. The provisions of section 33.080 notwithstanding, moneys in the MO HealthNet
92 fraud prosecution revolving fund shall not lapse at the end of the biennium.

93 12. A person who violates subsections 1 to 3 of this section shall be liable for a civil
94 penalty of not less than five thousand dollars and not more than ten thousand dollars for each
95 separate act in violation of such subsections, plus three times the amount of damages which
96 the state and federal government sustained because of the act of that person, except that the
97 court may assess not more than two times the amount of damages which the state and federal
98 government sustained because of the act of the person, if the court finds:

99 (1) The person committing the violation of this section furnished personnel employed
100 by the attorney general and responsible for investigating violations of sections 191.900 to

101 191.910 with all information known to such person about the violation within thirty days after
102 the date on which the defendant first obtained the information;

103 (2) Such person fully cooperated with any government investigation of such
104 violation; and

105 (3) At the time such person furnished the personnel ~~[of]~~ **employed by** the attorney
106 general with the information about the violation, no criminal prosecution, civil action, or
107 administrative action had commenced with respect to such violation, and the person did not
108 have actual knowledge of the existence of an investigation into such violation.

109 13. Upon conviction pursuant to this section, the prosecution authority shall provide
110 written notification of the conviction to all regulatory or disciplinary agencies with authority
111 over the conduct of the defendant health care provider.

112 14. The attorney general may bring a civil action against any person who shall receive
113 a health care payment as a result of a false statement or false representation of a material fact
114 made or caused to be made by that person. The person shall be liable for up to double the
115 amount of all payments received by that person based upon the false statement or false
116 representation of a material fact, and the reasonable costs attributable to the prosecution of the
117 civil action. All such restitution shall be paid and deposited to the credit of the MO HealthNet
118 fraud reimbursement fund, and all such cost reimbursements shall be paid and deposited to
119 the credit of the MO HealthNet fraud prosecution revolving fund. No reimbursement of such
120 costs attributable to the prosecution of the civil action shall be made or allowed except with
121 the approval of the court having jurisdiction of the civil action. No civil action provided by
122 this subsection shall be brought if restitution and civil penalties provided by subsections 11
123 and 12 of this section have been previously ordered against the person for the same cause of
124 action.

125 15. Any person who discovers a violation by himself or herself or such person's
126 organization and who reports such information voluntarily before such information is public
127 or known to the attorney general shall not be prosecuted for a criminal violation.

210.493. 1. Officers, managers, contractors, volunteers with access to children, **and**
2 employees~~[-, and other support staff]~~ of licensed residential care facilities and licensed child
3 placing agencies in accordance with sections 210.481 to 210.536; owners of such residential
4 care facilities who will have access to the facilities; and owners of such child placing agencies
5 who will have access to children shall submit fingerprints and any information that the
6 department requires to complete the background checks, as specified in regulations
7 established by the department, to the Missouri state highway patrol for the purpose of
8 conducting state and federal fingerprint-based background checks.

9 2. Officers, managers, contractors, volunteers with access to children, **and** employees
10 ~~[-, and other support staff]~~ of residential care facilities subject to the notification requirements

11 under sections 210.1250 to 210.1286; any person eighteen years of age or older who resides at
12 or on the property of such residential care facility; any person who has unsupervised contact
13 with a resident of the residential care facility; and owners of such residential care facilities
14 who will have access to the facilities shall submit fingerprints and any information that the
15 department requires to complete the background checks, as specified in regulations
16 established by the department, to the Missouri state highway patrol for the purpose of
17 conducting state and federal fingerprint-based background checks.

18 3. A background check shall include:

19 (1) A **state and** Federal Bureau of Investigation fingerprint check; **and**

20 (2) ~~[A search of the National Crime Information Center's National Sex Offender~~
21 ~~Registry; and~~

22 ~~(3)]~~ A search of the following registries, repositories, or databases in Missouri, the
23 state where the applicant resides, and each state where such applicant resided during the
24 preceding five years:

25 (a) The state criminal registry or repository, with the use of fingerprints being
26 required in the state where the applicant resides and optional in other states;

27 (b) The state sex offender registry or repository;

28 (c) The state family care safety registry; and

29 (d) The state-based child abuse and neglect registry and database.

30 4. For the purposes this section and notwithstanding any other provision of law,
31 "department" means the department of social services.

32 5. The department shall be responsible for background checks as part of a residential
33 care facility or child placing agency application for licensure, renewal of licensure, or for
34 license monitoring.

35 6. The department shall be responsible for background checks for residential care
36 facilities subject to the notification requirements of sections 210.1250 to 210.1286.

37 7. Fingerprint cards and any required fees shall be sent to the Missouri state highway
38 patrol's central repository. The fingerprints shall be used for searching the state criminal
39 records repository and shall also be forwarded to the Federal Bureau of Investigation for a
40 federal criminal records search under section 43.540. The Missouri state highway patrol shall
41 notify the department of any criminal history record information or lack of criminal history
42 record information discovered on the individual. Notwithstanding the provisions of section
43 610.120, all records related to any criminal history information discovered shall be accessible
44 and available to the department.

45 8. Fingerprints submitted to the Missouri state highway patrol for the purpose of
46 conducting state and federal fingerprint-based background checks under this section shall be
47 valid for a period of five years.

48 9. The department shall provide the results of the background check to the applicant
49 in a statement that indicates whether the applicant is eligible or ineligible for employment or
50 presence at the licensed residential care facility or licensed child placing agency. The
51 department shall not reveal to the residential care facility or the child placing agency any
52 disqualifying offense or other related information regarding the applicant. The applicant shall
53 have the opportunity to appeal an ineligible finding.

54 10. The department shall provide the results of the background check to the applicant
55 in a statement that indicates whether the applicant is eligible or ineligible for employment or
56 presence at the residential care facility subject to the notification requirements of sections
57 210.1250 to 210.1286. The department shall not reveal to the residential care facility any
58 disqualifying offense or other related information regarding the applicant. The applicant shall
59 have the opportunity to appeal an ineligible finding.

60 11. An applicant shall be ineligible if the applicant:

61 (1) Refuses to consent to the background check as required by this section;

62 (2) Knowingly makes a materially false statement in connection with the background
63 check as required by this section;

64 (3) Is registered, or is required to be registered, on a state sex offender registry or
65 repository [~~or the National Sex Offender Registry~~];

66 (4) Is listed as a perpetrator of child abuse or neglect under sections 210.109 to
67 210.183 or any other finding of child abuse or neglect based on any other state's registry or
68 database; or

69 (5) Has pled guilty or nolo contendere to or been found guilty of:

70 (a) Any felony for an offense against the person as defined in chapter 565;

71 (b) Any other offense against the person involving the endangerment of a child as
72 prescribed by law;

73 (c) Any misdemeanor or felony for a sexual offense as defined in chapter 566;

74 (d) Any misdemeanor or felony for an offense against the family as defined in chapter
75 568;

76 (e) Burglary in the first degree as defined in section 569.160;

77 (f) Any misdemeanor or felony for robbery as defined in chapter 570;

78 (g) Any misdemeanor or felony for pornography or related offense as defined in
79 chapter 573;

80 (h) Any felony for arson as defined in chapter 569;

81 (i) Any felony for armed criminal action as defined in section 571.015, unlawful use
82 of a weapon as defined in section 571.030, unlawful possession of a firearm as defined in
83 section 571.070, or the unlawful possession of an explosive as defined in section 571.072;

84 (j) Any felony for making a terrorist threat as defined in section 574.115, 574.120, or
85 574.125;

86 (k) A felony drug-related offense committed during the preceding five years; or

87 (l) Any similar offense in any federal, state, or other court of similar jurisdiction of
88 which the department has knowledge.

89 12. Any person aggrieved by a decision of the department shall have the right to seek
90 an administrative review. The review shall be filed with the department within fourteen days
91 from the mailing of the notice of ineligibility. Any decision not timely appealed shall be final.

92 13. Any required fees shall be paid by the individual applicant, facility, or agency.

93 14. The department is authorized to promulgate rules, including emergency rules, to
94 implement the provisions of this section. Any rule or portion of a rule, as that term is defined
95 in section 536.010, that is created under the authority delegated in this section shall become
96 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
97 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the
98 powers vested with the general assembly pursuant to chapter 536 to review, to delay the
99 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then
100 the grant of rulemaking authority and any rule proposed or adopted after July 14, 2021, shall
101 be invalid and void.

285.575. 1. This section shall be known and may be cited as the "Whistleblower's
2 Protection Act".

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

4 (1) "Because" or "because of", as it relates to the adverse decision or action, the
5 person's status as a protected person was the motivating factor;

6 (2) "Employer", an entity that has six or more employees for each working day in
7 each of twenty or more calendar weeks in the current or preceding calendar year. "Employer"
8 shall not include the state of Missouri or its agencies, instrumentalities, or political
9 subdivisions, including but not limited to any public institution of higher education, a
10 corporation wholly owned by the state of Missouri, an individual employed by an employer,
11 or corporations and associations owned or operated by religious or sectarian organizations;
12 **except that, "employer" shall include law enforcement agencies;**

13 (3) "Proper authorities", a governmental or law enforcement agency, an officer of an
14 employee's employer, the employee's supervisor employed by the employer, or the
15 employee's human resources representative employed by the employer;

16 (4) "Protected person", an employee of an employer who has reported to the proper
17 authorities an unlawful act of his or her employer; an employee of an employer who reports to
18 his or her employer serious misconduct of the employer that violates a clear mandate of
19 public policy as articulated in a constitutional provision, statute, or regulation promulgated

20 under statute; or an employee of an employer who has refused to carry out a directive issued
21 by his or her employer that if completed would be a violation of the law[. ~~An employee of an~~
22 ~~employer is not a protected person if:~~

23 ~~(a) The employee is a supervisory, managerial, or executive employee or an officer of~~
24 ~~his or her employer and the unlawful act or serious misconduct reported concerns matters~~
25 ~~upon which the employee is employed to report or provide professional opinion; or~~

26 ~~(b) The proper authority or person to whom the employee makes his or her report is~~
27 ~~the person whom the employee claims to have committed the unlawful act or violation of a~~
28 ~~clear mandate of public policy];~~

29 (5) "The motivating factor", the employee's protected classification actually played a
30 role in the adverse decision or action and had a determinative influence on the adverse
31 decision or action.

32 3. This section is intended to codify the existing common law exceptions to the at-
33 will employment doctrine and to limit their future expansion by the courts. This section, in
34 addition to chapter 213 and chapter 287, shall provide the exclusive remedy for any and all
35 claims of unlawful employment practices.

36 4. It shall be an unlawful employment practice for an employer to discharge an
37 individual defined as a protected person in this section because of that person's status as a
38 protected person.

39 5. A protected person aggrieved by a violation of this section shall have a private
40 right of action for actual damages for violations of this section but not for punitive damages.
41 However, if a private right of action for damages exists under another statutory or regulatory
42 scheme, whether under state or federal law, no private right of action shall exist under this
43 ~~[statute]~~ **section.**

44 6. Any party to any action initiated under this section may demand a trial by jury.

45 7. A protected person aggrieved by a violation of this section shall have a private
46 right of action that may be filed in a court of competent jurisdiction. The only remedies
47 available in such an action shall be:

48 (1) Back pay;

49 (2) Reimbursement of medical bills directly related to a violation of this section; and

50 (3) Additionally, if a protected person proves, by clear and convincing evidence, that
51 the conduct of the employer was outrageous because of the employer's evil motive or reckless
52 indifference to the rights of others, then, such person may receive double the amount awarded
53 under subdivisions (1) and (2) of this subsection, as liquidated damages. In applying this
54 subdivision, the provisions of section 510.263 shall be applied as though liquidated damages
55 were punitive damages and as though the amounts referenced in subdivisions (1) and (2) of
56 this subsection were compensatory damages.

57 8. The court, in addition to the damages set forth in subsection 7 of this section, may
58 award the prevailing party court costs and reasonable attorney fees; except that a prevailing
59 respondent may be awarded reasonable attorney fees only upon a showing that the case was
60 without foundation.

304.022. 1. Upon the immediate approach of an emergency vehicle giving audible
2 signal by siren or while having at least one lighted lamp exhibiting red light visible under
3 normal atmospheric conditions from a distance of five hundred feet to the front of such
4 vehicle or a flashing blue light authorized by section 307.175, the driver of every other
5 vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and
6 as far as possible to the right of, the traveled portion of the highway and thereupon stop and
7 remain in such position until such emergency vehicle has passed, except when otherwise
8 directed by a police or traffic officer.

9 2. Upon approaching a stationary vehicle displaying lighted red or red and blue lights,
10 or a stationary vehicle displaying lighted amber or amber and white lights, the driver of every
11 motor vehicle shall:

12 (1) Proceed with caution and yield the right-of-way, if possible with due regard to
13 safety and traffic conditions, by making a lane change into a lane not adjacent to that of the
14 stationary vehicle, if on a roadway having at least four lanes with not less than two lanes
15 proceeding in the same direction as the approaching vehicle; or

16 (2) Proceed with due caution and reduce the speed of the vehicle, maintaining a safe
17 speed for road conditions, if changing lanes would be unsafe or impossible.

18 3. The motorman of every streetcar shall immediately stop such car clear of any
19 intersection and keep it in such position until the emergency vehicle has passed, except as
20 otherwise directed by a police or traffic officer.

21 4. An "emergency vehicle" is a vehicle of any of the following types:

22 (1) A vehicle operated by the state highway patrol, the state water patrol, the Missouri
23 capitol police, a conservation agent, or a state, **county, or municipal** park ranger, those
24 vehicles operated by enforcement personnel of the state highways and transportation
25 commission, police or fire department, sheriff, constable or deputy sheriff, federal law
26 enforcement officer authorized to carry firearms and to make arrests for violations of the laws
27 of the United States, traffic officer, coroner, medical examiner, or forensic investigator of the
28 county medical examiner's office, or by a privately owned emergency vehicle company;

29 (2) A vehicle operated as an ambulance or operated commercially for the purpose of
30 transporting emergency medical supplies or organs;

31 (3) Any vehicle qualifying as an emergency vehicle pursuant to section 307.175;

32 (4) Any wrecker, or tow truck or a vehicle owned and operated by a public utility or
33 public service corporation while performing emergency service;

34 (5) Any vehicle transporting equipment designed to extricate human beings from the
35 wreckage of a motor vehicle;

36 (6) Any vehicle designated to perform emergency functions for a civil defense or
37 emergency management agency established pursuant to the provisions of chapter 44;

38 (7) Any vehicle operated by an authorized employee of the department of corrections
39 who, as part of the employee's official duties, is responding to a riot, disturbance, hostage
40 incident, escape or other critical situation where there is the threat of serious physical injury
41 or death, responding to mutual aid call from another criminal justice agency, or in
42 accompanying an ambulance which is transporting an offender to a medical facility;

43 (8) Any vehicle designated to perform hazardous substance emergency functions
44 established pursuant to the provisions of sections 260.500 to 260.550;

45 (9) Any vehicle owned by the state highways and transportation commission and
46 operated by an authorized employee of the department of transportation that is marked as a
47 department of transportation emergency response or motorist assistance vehicle; or

48 (10) Any vehicle owned and operated by the civil support team of the Missouri
49 National Guard while in response to or during operations involving chemical, biological, or
50 radioactive materials or in support of official requests from the state of Missouri involving
51 unknown substances, hazardous materials, or as may be requested by the appropriate state
52 agency acting on behalf of the governor.

53 5. (1) The driver of any vehicle referred to in subsection 4 of this section shall not
54 sound the siren thereon or have the front red lights or blue lights on except when such vehicle
55 is responding to an emergency call or when in pursuit of an actual or suspected law violator,
56 or when responding to, but not upon returning from, a fire.

57 (2) The driver of an emergency vehicle may:

58 (a) Park or stand irrespective of the provisions of sections 304.014 to 304.025;

59 (b) Proceed past a red or stop signal or stop sign, but only after slowing down as may
60 be necessary for safe operation;

61 (c) Exceed the prima facie speed limit so long as the driver does not endanger life or
62 property;

63 (d) Disregard regulations governing direction of movement or turning in specified
64 directions.

65 (3) The exemptions granted to an emergency vehicle pursuant to subdivision (2) of
66 this subsection shall apply only when the driver of any such vehicle while in motion sounds
67 audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the
68 vehicle is equipped with at least one lighted lamp displaying a red light or blue light visible
69 under normal atmospheric conditions from a distance of five hundred feet to the front of such
70 vehicle.

71 6. No person shall purchase an emergency light as described in this section without
72 furnishing the seller of such light an affidavit stating that the light will be used exclusively for
73 emergency vehicle purposes.

74 7. Violation of this section shall be deemed a class A misdemeanor.

 374.702. 1. No person shall engage in the bail bond business as a bail bond agent or a
2 general bail bond agent without being licensed as provided in sections 374.695 to 374.775.

3 2. No judge, attorney, court official, **or** law enforcement officer~~[, state, county, or~~
4 ~~municipal employee who is either elected or appointed]~~ shall be licensed as a bail bond agent
5 or a general bail bond agent.

6 3. A licensed bail bond agent shall not execute or issue an appearance bond in this
7 state without holding a valid appointment from a general bail bond agent and without
8 attaching to the appearance bond an executed and prenumbered power of attorney referencing
9 the general bail bond agent or insurer.

10 4. A person licensed as an active bail bond agent shall hold the license for at least two
11 years prior to owning or being an officer of a licensed general bail bond agent.

12 5. A general bail bond agent shall not engage in the bail bond business:

13 (1) Without having been licensed as a general bail bond agent pursuant to sections
14 374.695 to 374.775; or

15 (2) Except through an agent licensed as a bail bond agent pursuant to sections
16 374.695 to 374.775.

17 6. A general bail bond agent shall not permit any unlicensed person to solicit or
18 engage in the bail bond business on the general bail bond agent's behalf, except for
19 individuals who are employed solely for the performance of clerical, stenographic,
20 investigative, or other administrative duties which do not require a license pursuant to
21 sections 374.695 to 374.789.

22 7. Any person who is convicted of a violation of this section is guilty of a class A
23 misdemeanor. For any subsequent convictions, a person who is convicted of a violation of
24 this section is guilty of a class E felony.

 407.300. 1. Every purchaser or collector of, or dealer in, junk, scrap metal, or any
2 secondhand property who obtains items for resale or profit shall keep a register containing a
3 written or electronic record for each purchase or ~~[trade-in which]~~ **trade-in of** each type of
4 material subject to the provisions of this section ~~[is]~~ obtained for value. There shall be a
5 separate record for each transaction involving any:

6 (1) Copper, brass, or bronze;

7 (2) Aluminum wire, cable, pipe, tubing, bar, ingot, rod, fitting, or fastener;

8 (3) Material containing copper or aluminum that is knowingly used for farming
9 purposes as farming is defined in section 350.010; whatever may be the condition or length of
10 such metal;

11 (4) Detached catalytic converter; ~~[or]~~

12 (5) Motor vehicle, heavy equipment, or tractor battery; **or**

13 **(6) If the transaction includes a catalytic converter, the vehicle identification**
14 **number of the vehicle from which the catalytic converter was removed.**

15 2. The record required by this section shall contain the following data:

16 (1) A copy of the driver's license, or **other** photo identification issued by the state or
17 by the United States government or agency thereof, of the person from whom the material is
18 obtained;

19 (2) The current address, gender, birth date, and a color photograph of the person from
20 whom the material is obtained if not included or are different from the identification required
21 in subdivision (1) of this subsection;

22 (3) The date, time, and place of the transaction;

23 (4) The license plate number of the vehicle used by the seller during the transaction;
24 ~~[and]~~

25 (5) A full description of the material, including the weight and purchase price; **and**

26 **(6) If the purchase or trade-in includes a detached catalytic converter;**

27 **(a) Either proof the seller is a bona fide automobile repair shop or an affidavit**
28 **that attests the detached catalytic converter was acquired lawfully; and**

29 **(b) The make, model, year, and vehicle identification number of the vehicle from**
30 **which the detached catalytic converter originated.**

31 3. **(1)** The records required under this section shall be maintained **in order of**
32 **transaction date** for a minimum of ~~[thirty-six months]~~ **four years** from when such material
33 is obtained and shall be available for inspection by any law enforcement officer.

34 **(2) The department of public safety shall create and make available on the**
35 **department website a standardized form for recording the records required under this**
36 **section.**

37 **(3) At least monthly, a purchaser or collector of, or dealer in, junk, scrap metal,**
38 **or any secondhand property shall submit to a local law enforcement agency with**
39 **jurisdiction over the purchaser's, collector's, or dealer's primary place of business the**
40 **records required under this section on the department of public safety's form, with**
41 **copies of the purchaser's, collector's, or dealer's other records, if any, attached. The**
42 **submission may be in either a paper or electronic format. A law enforcement agency**
43 **may prescribe the format of forms submitted electronically.**

44 4. No transaction that includes a detached catalytic converter shall occur at any
45 location other than the ~~[fixed]~~ **primary** place of business of the purchaser or collector of, or
46 dealer in, junk, scrap metal, or any secondhand property. No detached catalytic converter
47 shall be altered, modified, disassembled, or destroyed until it has been in the purchaser's,
48 collector's, or dealer's possession for five business days.

49 5. Anyone ~~[licensed under section 301.218 who knowingly purchases a stolen~~
50 ~~detached catalytic converter shall be subject to the following penalties:~~

51 (1) ~~For a first violation, a fine in the amount of five thousand dollars;~~

52 (2) ~~For a second violation, a fine in the amount of ten thousand dollars; and~~

53 (3) ~~For a third violation, revocation of the]~~ **convicted of violating this section shall**
54 **be guilty of a class B misdemeanor and shall be subject to having any** license for a
55 business described under section 301.218 **revoked.**

56 6. **A violation of subdivision (6) of subsection 1 of this section is an infraction.**

57 7. This section shall not apply to ~~[either of]~~ the following transactions:

58 (1) **Any transaction for which the total amount paid for all regulated material**
59 **purchased or sold does not exceed fifty dollars, unless the material is a detached**
60 **catalytic converter;**

61 (2) Any transaction for which the seller, **including a farm or farmer**, has an existing
62 business relationship with the scrap metal dealer and is known to the scrap metal dealer
63 making the purchase to be an established business or political subdivision that operates a
64 business with a fixed location that can be reasonably expected to generate regulated scrap
65 metal and can be reasonably identified as such a business, ~~[and for which the seller is paid by~~
66 ~~check or by electronic funds transfer, or the seller produces an acceptable identification,~~
67 ~~which shall be a copy of the driver's license or photo identification issued by the state or by~~
68 ~~the United States government or agency thereof, and a copy is retained by the purchaser]~~
69 **unless the material is a detached catalytic converter; or**

70 ~~[(2)]~~ (3) Any transaction for which the type of metal subject to subsection 1 of this
71 section is a minor part of a larger item, except for ~~[heating and cooling equipment or]~~
72 **equipment, including equipment with a detached catalytic converter** used in the
73 generation and transmission of electrical power or telecommunications.

544.453. Notwithstanding any provision of the law or court rule to the contrary,
2 **a judge or judicial officer, when setting bail or conditions of release in all courts in**
3 **Missouri for any offense charged, shall consider, in addition to any factor required by**
4 **law, whether:**

5 (1) **A defendant poses a danger to a victim of crime, the community, any witness**
6 **to the crime, or to any other person;**

7 (2) **A defendant is a flight risk;**

8 **(3) A defendant has committed a violent misdemeanor offense, sexual offense, or**
 9 **felony offense in this state or any other state in the last five years; and**

10 **(4) A defendant has failed to appear in court as a required condition of**
 11 **probation or parole for a violent misdemeanor or felony within the last three years.**

 556.046. 1. A person may be convicted of an offense included in an offense charged
 2 in the indictment or information. An offense is so included when:

3 (1) It is established by proof of the same or less than all the facts required to establish
 4 the commission of the offense charged; or

5 (2) It is specifically denominated by statute as a lesser degree of the offense charged;
 6 or

7 (3) It consists of an attempt to commit the offense charged or to commit an offense
 8 otherwise included therein.

9 2. The court shall not be obligated to charge the jury with respect to an included
 10 offense unless there is a **rational** basis for a verdict acquitting the person of the offense
 11 charged and convicting him **or her** of the included offense. An offense is charged for
 12 purposes of this section if:

13 (1) It is in an indictment or information; or

14 (2) It is an offense submitted to the jury because there is a **rational** basis for a verdict
 15 acquitting the person of the offense charged and convicting the person of the included
 16 offense.

17 3. The court shall be obligated to instruct the jury with respect to a particular included
 18 offense only if **the instruction is requested** and there is a **rational** basis in the evidence for
 19 acquitting the person of the immediately higher included offense and ~~[there is a basis in the~~
 20 ~~evidence for]~~ convicting the person of that particular included offense.

 565.184. 1. A person commits the offense of abuse of an elderly person, a person
 2 with a disability, or a vulnerable person if he or she:

3 (1) Purposely engages in conduct involving more than one incident that causes
 4 emotional distress to an elderly person, a person with a disability, or a vulnerable person. The
 5 course of conduct shall be such as would cause a reasonable elderly person, person with a
 6 disability, or vulnerable person to suffer substantial emotional distress; or

7 (2) Intentionally fails to provide care, goods ~~[or]~~, services, **or visitations allowable**
 8 **by law** to an elderly person, a person with a disability, or a vulnerable person. The result of
 9 the conduct shall be such as would cause a reasonable elderly person, person with a disability,
 10 or vulnerable person to suffer physical or emotional distress; or

11 (3) Knowingly acts or knowingly fails to act in a manner which results in a
 12 substantial risk to the life, body or health of an elderly person, a person with a disability, or a
 13 vulnerable person.

14 2. **Any person who commits** the offense of abuse of an elderly person, a person with
15 a disability, or a vulnerable person **under subdivision (1) or (2) of subsection 1 of this**
16 **section is guilty of a class D felony. Any person who commits the offense of abuse of an**
17 **elderly person, a person with a disability, or a vulnerable person under subdivision (3)**
18 **of subsection 1 of this section is guilty of** a class A misdemeanor. Nothing in this section
19 shall be construed to mean that an elderly person, a person with a disability, or a vulnerable
20 person is abused solely because such person chooses to rely on spiritual means through
21 prayer, in lieu of medical care, for his or her health care, as evidence by such person's explicit
22 consent, advance directive for health care, or practice.

566.010. As used in this chapter and chapter 568, the following terms mean:

- 2 (1) "Aggravated sexual offense", any sexual offense, in the course of which, the actor:
3 (a) Inflicts serious physical injury on the victim;
4 (b) Displays a deadly weapon or dangerous instrument in a threatening manner;
5 (c) Subjects the victim to sexual intercourse or deviate sexual intercourse with more
6 than one person;
7 (d) Had previously been found guilty of an offense under this chapter or under section
8 573.200, child used in sexual performance; section 573.205, promoting sexual performance
9 by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child
10 pornography in the first degree; section 573.035, promoting child pornography in the second
11 degree; section 573.037, possession of child pornography; or section 573.040, furnishing
12 pornographic materials to minors; or has previously been found guilty of an offense in
13 another jurisdiction which would constitute an offense under this chapter or said sections;
14 (e) Commits the offense as part of an act or series of acts performed by two or more
15 persons as part of an established or prescribed pattern of activity; or
16 (f) Engages in the act that constitutes the offense with a person the actor knows to be,
17 without regard to legitimacy, the actor's:
18 a. Ancestor or descendant by blood or adoption;
19 b. Stepchild while the marriage creating that relationship exists;
20 c. Brother or sister of the whole or half blood; or
21 d. Uncle, aunt, nephew, or niece of the whole blood;
22 (2) "Commercial sex act", any sex act on account of which anything of value is given
23 to or received by any person;
24 (3) "Deviate sexual intercourse", any act involving the genitals of one person and the
25 hand, mouth, tongue, or anus of another person or a sexual act involving the penetration,
26 however slight, of the penis, female genitalia, or the anus by a finger, instrument or object
27 done for the purpose of arousing or gratifying the sexual desire of any person or for the
28 purpose of terrorizing the victim;

- 29 (4) "Forced labor", a condition of servitude induced by means of:
 30 (a) Any scheme, plan, or pattern of behavior intended to cause a person to believe
 31 that, if the person does not enter into or continue the servitude, such person or another person
 32 will suffer substantial bodily harm or physical restraint; or
 33 (b) The abuse or threatened abuse of the legal process;
 34 (5) "Sexual conduct", sexual intercourse, deviate sexual intercourse or sexual contact;
 35 (6) "Sexual contact", any touching of another person with the genitals or any touching
 36 of the genitals or anus of another person, or the breast of a female person, or such touching
 37 through the clothing, **or causing semen, seminal fluid, or other ejaculate to come into**
 38 **contact with another person**, for the purpose of arousing or gratifying the sexual desire of
 39 any person or for the purpose of terrorizing the victim;
 40 (7) "Sexual intercourse", any penetration, however slight, of the female genitalia by
 41 the penis.

566.086. 1. A person commits the offense of sexual contact with a student if he or
 2 she has sexual contact with a student of the school and is:

- 3 (1) A teacher, as that term is defined in subdivisions (4), (5), and (7) of section
 4 168.104;
 5 (2) A student teacher; ~~or~~
 6 (3) An employee of the school; ~~or~~
 7 (4) A volunteer of the school or of an organization working with the school on a
 8 project or program who is not a student at the school; ~~or~~
 9 (5) An elected or appointed official of the school district; ~~or~~
 10 (6) A person employed by an entity that contracts with the school or school district to
 11 provide services; **or**
 12 (7) **A coach, assistant coach, director, or other adult with a school-aged team,**
 13 **club, or ensemble, regardless of whether such team, club, or ensemble is connected to a**
 14 **school or scholastic association. For purposes of this subdivision, "school-aged team,**
 15 **club, or ensemble" means any group organized for individual or group competition for**
 16 **the performance of sports activities or any group organized for individual or group**
 17 **presentation for fine or performing arts, by any child under eighteen years of age.**
 18 2. For the purposes of this section, "school" shall mean any public or private school in
 19 this state serving kindergarten through grade twelve or any school bus used by the school
 20 district.
 21 3. The offense of sexual contact with a student is a class E felony.
 22 4. It is not a defense to prosecution for a violation of this section that the student
 23 consented to the sexual contact.

566.151. 1. A person twenty-one years of age or older commits the offense of enticement of a child if he or she persuades, solicits, coaxes, entices, or lures whether by words, actions or through communication via the internet or any electronic communication, any person who is less than ~~[fifteen]~~ **seventeen** years of age for the purpose of engaging in sexual conduct.

2. It is not a defense to a prosecution for a violation of this section that the other person was a peace officer masquerading as a minor.

3. Enticement of a child or an attempt to commit enticement of a child is a felony for which the authorized term of imprisonment shall be not less than five years and not more than thirty years. No person convicted under this section shall be eligible for parole, probation, conditional release, or suspended imposition or execution of sentence for a period of five calendar years.

566.155. 1. Any person who has been found guilty of:

(1) Violating any of the provisions of this chapter or the provisions of section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree; section 573.200, use of a child in a sexual performance; section 573.205, promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography; or section 573.040, furnishing pornographic material to minors; ~~[or]~~

(2) Any offense in any other jurisdiction which, if committed in this state, would be a violation listed in this section; **or**

(3) Any tier III offense listed under section 589.414

11

shall not serve as an athletic coach, manager, or athletic trainer for any sports team in which a child less than ~~[seventeen]~~ **eighteen** years of age is a member **or shall not supervise or employ any child under eighteen years of age.**

2. The first violation of the provisions of this section is a class E felony.

3. A second or subsequent violation of this section is a class D felony.

567.030. 1. A person commits the offense of patronizing prostitution if he or she:

(1) Pursuant to a prior understanding, gives something of value to another person as compensation for having engaged in sexual conduct with any person; or

(2) Gives or agrees to give something of value to another person with the understanding that such person or another person will engage in sexual conduct with any person; or

(3) Solicits or requests another person to engage in sexual conduct with any person in return for something of value.

9 2. It shall not be a defense that the person believed that the individual he or she
10 patronized for prostitution was eighteen years of age or older.

11 3. The offense of patronizing prostitution is a class B misdemeanor, unless the
12 individual who the person patronizes is less than eighteen years of age but older than
13 ~~fourteen~~ **fifteen** years of age, in which case patronizing prostitution is a class E felony.

14 4. The offense of patronizing prostitution is a class ~~D~~ **B** felony if the individual who
15 the person patronizes is ~~fourteen~~ **fifteen** years of age or younger. Nothing in this section
16 shall preclude the prosecution of an individual for the offenses of:

- 17 (1) Statutory rape in the first degree pursuant to section 566.032;
18 (2) Statutory rape in the second degree pursuant to section 566.034;
19 (3) Statutory sodomy in the first degree pursuant to section 566.062; or
20 (4) Statutory sodomy in the second degree pursuant to section 566.064.

569.010. As used in this chapter the following terms mean:

2 (1) "Cave or cavern", any naturally occurring subterranean cavity enterable by a
3 person including, without limitation, a pit, pothole, natural well, grotto, and tunnel, whether
4 or not the opening has a natural entrance;

5 (2) "Enter unlawfully or remain unlawfully", a person enters or remains in or upon
6 premises when he or she is not licensed or privileged to do so. A person who, regardless of
7 his or her purpose, enters or remains in or upon premises which are at the time open to the
8 public does so with license and privilege unless he or she defies a lawful order not to enter or
9 remain, personally communicated to him or her by the owner of such premises or by other
10 authorized person. A license or privilege to enter or remain in a building which is only partly
11 open to the public is not a license or privilege to enter or remain in that part of the building
12 which is not open to the public;

13 (3) "Nuclear power plant", a power generating facility that produces electricity by
14 means of a nuclear reactor owned by a utility or a consortium utility. Nuclear power plant
15 shall be limited to property within the structure or fenced yard, as defined in section 563.011;

16 (4) "To tamper", to interfere with something improperly, to meddle with it, displace it,
17 make unwarranted alterations in its existing condition, or to deprive, temporarily, the owner
18 or possessor of that thing;

19 (5) **"Teller machine", an automated teller machine (ATM) or interactive teller**
20 **machine (ITM) is a remote computer terminal owned or controlled by a financial**
21 **institution or a private business that allows individuals to obtain financial services**
22 **including obtaining cash, transferring or transmitting money or digital currencies,**
23 **payment of bills, loading money or digital currency to a payment card or other device**
24 **without physical in-person assistance from another person. "Teller machine" does not**
25 **include personally owned electronic devices used to access financial services;**

26 (6) "Utility", an enterprise which provides gas, electric, steam, water, sewage
27 disposal, or communication, video, internet, or voice over internet protocol services, and any
28 common carrier. It may be either publicly or privately owned or operated.

569.100. 1. A person commits the offense of property damage in the first degree if
2 such person:

3 (1) Knowingly damages property of another to an extent exceeding seven hundred
4 fifty dollars; or

5 (2) Damages property to an extent exceeding seven hundred fifty dollars for the
6 purpose of defrauding an insurer; ~~or~~

7 (3) Knowingly damages a motor vehicle of another and the damage occurs while such
8 person is making entry into the motor vehicle for the purpose of committing the crime of
9 stealing therein or the damage occurs while such person is committing the crime of stealing
10 within the motor vehicle; **or**

11 **(4) Knowingly damages, modifies, or destroys a teller machine or otherwise**
12 **makes it inoperable.**

13 2. The offense of property damage in the first degree committed under subdivision (1)
14 or (2) of subsection 1 of this section is a class E felony, unless the offense of property damage
15 in the first degree was committed under subdivision (1) of subsection 1 of this section and the
16 victim was intentionally targeted as a law enforcement officer, as defined in section 556.061,
17 or the victim is targeted because he or she is a relative within the second degree of
18 consanguinity or affinity to a law enforcement officer, in which case it is a class D felony.
19 The offense of property damage in the first degree committed under subdivision (3) of
20 subsection 1 of this section is a class D felony unless committed as a second or subsequent
21 violation of subdivision (3) of subsection 1 of this section in which case it is a class B felony.
22 **The offense of property damage in the first degree committed under subdivision (4) of**
23 **subsection 1 of this section is a class D felony unless committed for the purpose of**
24 **executing any scheme or artifice to defraud or obtain any property, the value of which**
25 **exceeds seven hundred fifty dollars or the damage to the teller machine exceeds seven**
26 **hundred fifty dollars in which case it is a class C felony. If the offense of property**
27 **damage in the first degree committed under subdivision (4) of subsection 1 of this**
28 **section is committed to obtain the personal financial credentials of another person or**
29 **unless committed as a second or subsequent violation of subdivision (4) of subsection 1**
30 **of this section in which case it is a class B felony.**

569.170. 1. A person commits the offense of burglary in the second degree when he
2 or she knowingly:

3 **(1) Enters unlawfully or knowingly remains unlawfully in a building or inhabitable**
4 **structure for the purpose of committing a crime therein; **or****

5 **(2) Enters unlawfully into a motor vehicle or any part of a motor vehicle with the**
 6 **intent to commit any felony or theft. As used in this subdivision, "enters" means a**
 7 **person intrudes with:**

8 **(a) Any part of the body; or**

9 **(b) Any physical object connected with the body.**

10 **2. The offense of burglary in the second degree is a class D felony unless committed**
 11 **under subdivision (2) of subsection 1 of this section and the person was in possession of a**
 12 **firearm or stole a firearm from the motor vehicle in which case it is a class C felony.**

569.175. 1. A person commits the offense of unlawfully gaining entry into motor
 2 **vehicles if the person lifts the door handles or otherwise tries the doors and locks of**
 3 **successive motor vehicles to gain entry into the motor vehicles unless the person is the**
 4 **owner of the motor vehicles or has the owners' permission to enter the motor vehicles.**
 5 **For purposes of this section, "successive" means lifting the door handles or otherwise**
 6 **trying the doors and locks of one vehicle after another.**

7 **2. The offense of unlawfully gaining entry into motor vehicles is a class E felony.**

569.190. 1. A person commits the offense of tampering with a teller machine as
 2 **defined under section 570.010 if he or she knowingly and without authorization or**
 3 **reasonable grounds to believe that he or she has authorization:**

4 **(1) Modifies, destroys, damages, or takes a teller machine; or**

5 **(2) Otherwise renders a teller machine inoperable.**

6 **2. The offense of tampering with a teller machine is a class D felony unless:**

7 **(1) The offense is committed for the purpose of executing any scheme or artifice**
 8 **to defraud or obtain any property, the value of which is one thousand dollars or more,**
 9 **or to obtain the personal financial credentials of another person; or**

10 **(2) The damage to the teller machine is one thousand dollars or more, in which**
 11 **case it is a class C felony.**

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

2 **(1) "Adulterated", varying from the standard of composition or quality prescribed by**
 3 **statute or lawfully promulgated administrative regulations of this state lawfully filed, or if**
 4 **none, as set by commercial usage;**

5 **(2) "Appropriate", to take, obtain, use, transfer, conceal, retain or dispose;**

6 **(3) "Check", a check or other similar sight order or any other form of presentment**
 7 **involving the transmission of account information for the payment of money;**

8 **(4) "Coercion", a threat, however communicated:**

9 **(a) To commit any offense; or**

10 **(b) To inflict physical injury in the future on the person threatened or another; or**

11 **(c) To accuse any person of any offense; or**

- 12 (d) To expose any person to hatred, contempt or ridicule; or
13 (e) To harm the credit or business reputation of any person; or
14 (f) To take or withhold action as a public servant, or to cause a public servant to take
15 or withhold action; or
16 (g) To inflict any other harm which would not benefit the actor. A threat of
17 accusation, lawsuit or other invocation of official action is justified and not coercion if the
18 property sought to be obtained by virtue of such threat was honestly claimed as restitution or
19 indemnification for harm done in the circumstances to which the accusation, exposure,
20 lawsuit or other official action relates, or as compensation for property or lawful service. The
21 defendant shall have the burden of injecting the issue of justification as to any threat;
- 22 (5) "Credit device", a writing, card, code, number or other device purporting to
23 evidence an undertaking to pay for property or services delivered or rendered to or upon the
24 order of a designated person or bearer;
- 25 (6) "Dealer", a person in the business of buying and selling goods;
- 26 (7) "Debit device", a writing, card, code, number or other device, other than a check,
27 draft or similar paper instrument, by the use of which a person may initiate an electronic fund
28 transfer, including but not limited to devices that enable electronic transfers of benefits to
29 public assistance recipients;
- 30 (8) "Deceit or deceive", making a representation which is false and which the actor
31 does not believe to be true and upon which the victim relies, as to a matter of fact, law, value,
32 intention or other state of mind, or concealing a material fact as to the terms of a contract or
33 agreement. The term "deceit" does not, however, include falsity as to matters having no
34 pecuniary significance, or puffing by statements unlikely to deceive ordinary persons in the
35 group addressed. Deception as to the actor's intention to perform a promise shall not be
36 inferred from the fact alone that he did not subsequently perform the promise;
- 37 (9) "Deprive":
38 (a) To withhold property from the owner permanently; or
39 (b) To restore property only upon payment of reward or other compensation; or
40 (c) To use or dispose of property in a manner that makes recovery of the property by
41 the owner unlikely;
- 42 (10) "Electronic benefits card" or "EBT card", a debit card used to access food stamps
43 or cash benefits issued by the department of social services;
- 44 (11) "Financial institution", a bank, trust company, savings and loan association, or
45 credit union;
- 46 (12) "Food stamps", the nutrition assistance program in Missouri that provides food
47 and aid to low-income individuals who are in need of benefits to purchase food operated by

48 the United States Department of Agriculture (USDA) in conjunction with the department of
49 social services;

50 (13) "Forcibly steals", a person, in the course of stealing, uses or threatens the
51 immediate use of physical force upon another person for the purpose of:

52 (a) Preventing or overcoming resistance to the taking of the property or to the
53 retention thereof immediately after the taking; or

54 (b) Compelling the owner of such property or another person to deliver up the
55 property or to engage in other conduct which aids in the commission of the theft;

56 (14) "Internet service", an interactive computer service or system or an information
57 service, system, or access software provider that provides or enables computer access by
58 multiple users to a computer server, and includes, but is not limited to, an information service,
59 system, or access software provider that provides access to a network system commonly
60 known as the internet, or any comparable system or service and also includes, but is not
61 limited to, a world wide web page, newsgroup, message board, mailing list, or chat area on
62 any interactive computer service or system or other online service;

63 (15) "Means of identification", anything used by a person as a means to uniquely
64 distinguish himself or herself;

65 (16) "Merchant", a person who deals in goods of the kind or otherwise by his or her
66 occupation holds oneself out as having knowledge or skill peculiar to the practices or goods
67 involved in the transaction or to whom such knowledge or skill may be attributed by his or
68 her employment of an agent or broker or other intermediary who by his or her occupation
69 holds oneself out as having such knowledge or skill;

70 (17) "Mislabeled", varying from the standard of truth or disclosure in labeling
71 prescribed by statute or lawfully promulgated administrative regulations of this state lawfully
72 filed, or if none, as set by commercial usage; or represented as being another person's product,
73 though otherwise accurately labeled as to quality and quantity;

74 (18) "Pharmacy", any building, warehouse, physician's office, hospital,
75 pharmaceutical house or other structure used in whole or in part for the sale, storage, or
76 dispensing of any controlled substance as defined in chapter 195;

77 (19) "Property", anything of value, whether real or personal, tangible or intangible, in
78 possession or in action, and shall include but not be limited to the evidence of a debt actually
79 executed but not delivered or issued as a valid instrument;

80 (20) "Public assistance benefits", anything of value, including money, food, EBT
81 cards, food stamps, commodities, clothing, utilities, utilities payments, shelter, drugs and
82 medicine, materials, goods, and any service including institutional care, medical care, dental
83 care, child care, psychiatric and psychological service, rehabilitation instruction, training,
84 transitional assistance, or counseling, received by or paid on behalf of any person under

85 chapters 198, 205, 207, 208, 209, and 660, or benefits, programs, and services provided or
86 administered by the Missouri department of social services or any of its divisions;

87 (21) "Services" includes transportation, telephone, electricity, gas, water, or other
88 public service, cable television service, video service, voice over internet protocol service, or
89 internet service, accommodation in hotels, restaurants or elsewhere, admission to exhibitions
90 and use of vehicles;

91 (22) "Stealing-related offense", federal and state violations of criminal statutes
92 against stealing, robbery, or buying or receiving stolen property and shall also include
93 municipal ordinances against the same if the offender was either represented by counsel or
94 knowingly waived counsel in writing and the judge accepting the plea or making the findings
95 was a licensed attorney at the time of the court proceedings;

96 (23) **"Teller machine", an automated teller machine (ATM) or interactive teller**
97 **machine (ITM) that is a remote computer terminal or other device owned or controlled**
98 **by a financial institution or a private business that allows individuals to obtain financial**
99 **services, including obtaining cash, transferring or transmitting moneys or digital**
100 **currencies, payment of bills, or loading moneys or digital currency to a payment card,**
101 **without physical in-person assistance from another person. "Teller machine" does not**
102 **include personally owned electronic devices used to access financial services;**

103 (24) "Video service", the provision of video programming provided through wireline
104 facilities located at least in part in the public right-of-way without regard to delivery
105 technology, including internet protocol technology whether provided as part of a tier, on
106 demand, or a per-channel basis. This definition includes cable service as defined by 47
107 U.S.C. Section 522(6), but does not include any video programming provided by a
108 commercial mobile service provider as "commercial mobile service" is defined in 47 U.S.C.
109 Section 332(d), or any video programming provided solely as part of and via a service that
110 enables users to access content, information, electronic mail, or other services offered over
111 the public internet, and includes microwave television transmission, from a multipoint
112 distribution service not capable of reception by conventional television receivers without the
113 use of special equipment;

114 ~~(24)~~ (25) "Voice over internet protocol service", a service that:

115 (a) Enables real-time, two-way voice communication;

116 (b) Requires a broadband connection from the user's location;

117 (c) Requires internet protocol-compatible customer premises equipment; and

118 (d) Permits users generally to receive calls that originate on the public switched
119 telephone network and to terminate calls to the public switched telephone network;

120 ~~[(25)]~~ **(26)** "Writing" includes printing, any other method of recording information,
121 money, coins, negotiable instruments, tokens, stamps, seals, credit cards, badges, trademarks
122 and any other symbols of value, right, privilege or identification.

570.030. 1. A person commits the offense of stealing if he or she:

2 (1) Appropriates property or services of another with the purpose to deprive him or
3 her thereof, either without his or her consent or by means of deceit or coercion;

4 (2) Attempts to appropriate anhydrous ammonia or liquid nitrogen of another with the
5 purpose to deprive him or her thereof, either without his or her consent or by means of deceit
6 or coercion; or

7 (3) For the purpose of depriving the owner of a lawful interest therein, receives,
8 retains or disposes of property of another ~~[knowing]~~ **and knows** that it has been stolen, ~~[or~~
9 ~~believing]~~ **believes** that it has been stolen, **or reasonably should suspect that it has been**
10 **stolen.**

11 2. The offense of stealing is a class A felony if the property appropriated consists of
12 any of the following containing any amount of anhydrous ammonia: a tank truck, tank trailer,
13 rail tank car, bulk storage tank, field nurse, field tank or field applicator.

14 3. The offense of stealing is a class B felony if:

15 (1) The property appropriated or attempted to be appropriated consists of any amount
16 of anhydrous ammonia or liquid nitrogen;

17 (2) The property consists of any animal considered livestock as the term livestock is
18 defined in section 144.010, or any captive wildlife held under permit issued by the
19 conservation commission, and the value of the animal or animals appropriated exceeds three
20 thousand dollars and that person has previously been found guilty of appropriating any animal
21 considered livestock or captive wildlife held under permit issued by the conservation
22 commission. Notwithstanding any provision of law to the contrary, such person shall serve a
23 minimum prison term of not less than eighty percent of his or her sentence before he or she is
24 eligible for probation, parole, conditional release, or other early release by the department of
25 corrections;

26 (3) A person appropriates property consisting of a motor vehicle, watercraft, or
27 aircraft, and that person has previously been found guilty of two stealing-related offenses
28 committed on two separate occasions where such offenses occurred within ten years of the
29 date of occurrence of the present offense;

30 (4) The property appropriated or attempted to be appropriated consists of any animal
31 considered livestock as the term is defined in section 144.010 if the value of the livestock
32 exceeds ten thousand dollars; or

33 (5) The property appropriated or attempted to be appropriated is owned by or in the
34 custody of a financial institution and the property is taken or attempted to be taken physically
35 from an individual person to deprive the owner or custodian of the property.

36 4. The offense of stealing is a class C felony if the value of the property or services
37 appropriated is twenty-five thousand dollars or more **or the property is a teller machine or**
38 **the contents of a teller machine, including cash, regardless of the value or amount.**

39 5. The offense of stealing is a class D felony if:

40 (1) The value of the property or services appropriated is seven hundred fifty dollars or
41 more;

42 (2) The offender physically takes the property appropriated from the person of the
43 victim; or

44 (3) The property appropriated consists of:

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

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

47 (c) Any credit device, debit device or letter of credit;

48 (d) Any firearms;

49 (e) Any explosive weapon as defined in section 571.010;

50 (f) Any United States national flag designed, intended and used for display on
51 buildings or stationary flagstaffs in the open;

52 (g) Any original copy of an act, bill or resolution, introduced or acted upon by the
53 legislature of the state of Missouri;

54 (h) Any pleading, notice, judgment or any other record or entry of any court of this
55 state, any other state or of the United States;

56 (i) Any book of registration or list of voters required by chapter 115;

57 (j) Any animal considered livestock as that term is defined in section 144.010;

58 (k) Any live fish raised for commercial sale with a value of seventy-five dollars or
59 more;

60 (l) Any captive wildlife held under permit issued by the conservation commission;

61 (m) Any controlled substance as defined by section 195.010;

62 (n) Ammonium nitrate;

63 (o) Any wire, electrical transformer, or metallic wire associated with transmitting
64 telecommunications, video, internet, or voice over internet protocol service, or any other
65 device or pipe that is associated with conducting electricity or transporting natural gas or
66 other combustible fuels; or

67 (p) Any material appropriated with the intent to use such material to manufacture,
68 compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of
69 their analogues.

70 6. The offense of stealing is a class E felony if:

71 (1) The property appropriated is an animal;

72 (2) The property is a **detached** catalytic converter; or

73 (3) A person has previously been found guilty of three stealing-related offenses
74 committed on three separate occasions where such offenses occurred within ten years of the
75 date of occurrence of the present offense.

76 7. The offense of stealing is a class D misdemeanor if the property is not of a type
77 listed in subsection 2, 3, 5, or 6 of this section, the property appropriated has a value of less
78 than one hundred fifty dollars, and the person has no previous findings of guilt for a stealing-
79 related offense.

80 8. The offense of stealing is a class A misdemeanor if no other penalty is specified in
81 this section.

82 9. If a violation of this section is subject to enhanced punishment based on prior
83 findings of guilt, such findings of guilt shall be pleaded and proven in the same manner as
84 required by section 558.021.

85 10. The appropriation of any property or services of a type listed in subsection 2, 3, 5,
86 or 6 of this section or of a value of seven hundred fifty dollars or more may be considered a
87 separate felony and may be charged in separate counts.

88 11. The value of property or services appropriated pursuant to one scheme or course
89 of conduct, whether from the same or several owners and whether at the same or different
90 times, constitutes a single criminal episode and may be aggregated in determining the grade
91 of the offense, except as set forth in subsection 10 of this section.

**570.212. 1. As used in this section, "mail" means a letter, postal card, package,
2 bag, or other sealed article that:**

3 **(1) Is delivered by a common carrier or delivery service and not yet received by**
4 **the addressee; or**

5 **(2) Has been left to be collected for delivery by a common carrier or delivery**
6 **service.**

7 **2. A person commits the offense of mail theft if the person purposefully**
8 **appropriates mail from another person's mailbox or premises without consent of the**
9 **addressee and with intent to deprive such addressee of the mail.**

10 **3. The offense of mail theft is a class A misdemeanor for a first offense and a**
11 **class E felony for any second or subsequent offense.**

571.031. 1. This section shall be known and may be cited as "Blair's Law".

2 **2. A person commits the offense of unlawful discharge of a firearm if, with**
3 **criminal negligence, he or she discharges a firearm within or into the limits of any**
4 **municipality.**

5 **3. This section shall not apply if the firearm is discharged:**

6 **(1) As allowed by a defense of justification under chapter 563;**

7 **(2) On a properly supervised shooting range;**

8 **(3) To lawfully take wildlife during an open season established by the**
9 **department of conservation. Nothing in this subdivision shall prevent a municipality**
10 **from adopting an ordinance restricting the discharge of a firearm within one-quarter**
11 **mile of an occupied structure;**

12 **(4) For the control of nuisance wildlife as permitted by the department of**
13 **conservation or the United States Fish and Wildlife Service;**

14 **(5) By special permit of the chief of police of the municipality;**

15 **(6) As required by an animal control officer in the performance of his or her**
16 **duties;**

17 **(7) Using blanks;**

18 **(8) More than one mile from any occupied structure;**

19 **(9) In self-defense or defense of another person against an animal attack if a**
20 **reasonable person would believe that deadly physical force against the animal is**
21 **immediately necessary and reasonable under the circumstances to protect oneself or the**
22 **other person; or**

23 **(10) By law enforcement personnel, as defined in section 590.1040, or a member**
24 **of the United States Armed Forces if acting in an official capacity.**

25 **4. A person who commits the offense of discharge of a firearm shall be guilty of:**

26 **(1) For a first offense, a class A misdemeanor;**

27 **(2) For a second offense, a class E felony; and**

28 **(3) For a third or subsequent offense, a class D felony.**

571.069. Any business electing to allow invitees, employees, or other guests to
2 **lawfully possess firearms or other lawful weapons on its premises as authorized under**
3 **section 571.107, or other provisions of chapter 571, shall not be held liable for any bodily**
4 **injury or death, economic loss or expense, property damage, emotional distress, or other**
5 **injury any person suffers while such person is on the premises of the business unless the**
6 **business, or an owner or agent thereof, acted purposely, with consent or knowledge by**
7 **the business, in committing or assisting in committing the act that caused such injury.**

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

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

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

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

10 (4) Engages in conduct reasonably calculated to harass or alarm such judicial officer
11 or such judicial officer's family, including stalking pursuant to section 565.225 or 565.227;

12 **(5) Disseminates through any means, including by posting on the internet, the**
13 **judicial officer's or the judicial officer's family's personal information. For purposes of**
14 **this section, "personal information" includes a home address, home or mobile telephone**
15 **number, personal email address, Social Security number, federal tax identification**
16 **number, checking or savings account numbers, marital status, and identity of a child**
17 **under eighteen years of age.**

18 2. A judicial officer for purposes of this section shall be a judge **or commissioner of**
19 **a state or federal court**, arbitrator, special master, juvenile officer, deputy juvenile officer,
20 state prosecuting or circuit attorney, state assistant prosecuting or circuit attorney, juvenile
21 court commissioner, state probation or parole officer, or referee.

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

23 (1) Such officer's spouse; or

24 (2) Such officer or such officer's spouse's ancestor or descendant by blood or
25 adoption; or

26 (3) Such officer's stepchild, while the marriage creating that relationship exists.

27 4. The offense of tampering with a judicial officer is a class D felony.

28 **5. If a violation of this section results in death or bodily injury to a judicial**
29 **officer or a member of the judicial officer's family, the offense is a class B felony.**

575.205. 1. A person commits the offense of tampering with electronic monitoring
2 equipment if he or she intentionally removes, alters, tampers with, damages, ~~or~~ destroys,
3 **fails to charge, or otherwise disables** electronic monitoring equipment which a court, the
4 division of probation and parole or the parole board has required such person to wear.

5 2. This section does not apply to the owner of the equipment or an agent of the owner
6 who is performing ordinary maintenance or repairs on the equipment.

7 3. The offense of tampering with electronic monitoring equipment is a class D felony.

8 **4. The offense of tampering with electronic monitoring equipment if a person**
9 **fails to charge or otherwise disables electronic monitoring equipment is a class E felony,**
10 **unless the offense for which the person was placed on electronic monitoring was a**
11 **misdemeanor, in which case it is a class A misdemeanor.**

589.437. 1. For purposes of this section and section 43.650, the following persons
2 **shall be known as violent offenders:**

3 **(1) Any person who is on probation or parole for:**
4 **(a) The offense of murder in the first degree under section 565.020;**
5 **(b) The offense of murder in the second degree under section 565.021; or**
6 **(c) An offense in a jurisdiction outside of this state that would qualify under**
7 **paragraph (a) or (b) of this subdivision if the offense were to have been committed in**
8 **this state; and**

9 **(2) Any person who was found not guilty by reason of mental disease or defect of**
10 **an offense listed under subdivision (1) of this subsection.**

11 **2. The division of probation and parole of the department of corrections, or the**
12 **department of mental health if the person qualifies as a violent offender under**
13 **subdivision (2) of subsection 1 of this section, shall notify the Missouri state highway**
14 **patrol if a violent offender is placed on probation or parole, is placed on conditional**
15 **release, is removed from probation or parole, or relocates to this state under the**
16 **interstate compact for adult offender supervision, sections 589.500 to 589.569, so that**
17 **the Missouri state highway patrol can update the offender registry under section 43.650.**

610.120. 1. Except as otherwise provided under section 610.124, records required to
2 be closed shall ~~not~~ be destroyed; ~~they~~ **however, the record of arrest shall be closed and**
3 **shall be inaccessible to the general public and to all persons other than the defendant except as**
4 **provided in this section and chapter 43. Closed records shall be available to: criminal justice**
5 **agencies for the administration of criminal justice pursuant to section 43.500, criminal justice**
6 **employment, screening persons with access to criminal justice facilities, procedures, and**
7 **sensitive information; to law enforcement agencies for issuance or renewal of a license,**
8 **permit, certification, or registration of authority from such agency including but not limited to**
9 **watchmen, security personnel, and private investigators; those agencies authorized by chapter**
10 **43 and applicable state law when submitting fingerprints to the central repository; the**
11 **sentencing advisory commission created in section 558.019 for the purpose of studying**
12 **sentencing practices in accordance with chapter 43; to qualified entities for the purpose of**
13 **screening providers defined in chapter 43; the department of revenue for driver license**
14 **administration; the department of public safety for the purposes of determining eligibility for**
15 **crime victims' compensation pursuant to sections 595.010 to 595.075, department of health**
16 **and senior services for the purpose of licensing and regulating facilities and regulating in-**
17 **home services provider agencies and federal agencies for purposes of criminal justice**
18 **administration, criminal justice employment, child, elderly, or disabled care, and for such**
19 **investigative purposes as authorized by law or presidential executive order.**

20 **2. These records shall be made available only for the purposes and to the entities**
21 **listed in this section. A criminal justice agency receiving a request for criminal history**
22 **information under its control may require positive identification, to include fingerprints of the**

23 subject of the record search, prior to releasing closed record information. Dissemination of
24 closed and open records from the Missouri criminal records repository shall be in accordance
25 with section 43.509. All records which are closed records shall be removed from the records
26 of the courts, administrative agencies, and law enforcement agencies which are available to
27 the public and shall be kept in separate records which are to be held confidential and, where
28 possible, pages of the public record shall be retyped or rewritten omitting those portions of
29 the record which deal with the defendant's case. If retyping or rewriting is not feasible
30 because of the permanent nature of the record books, such record entries shall be blacked out
31 and recopied in a confidential book.

610.130. 1. After a period of not less than ten years, an individual who has pleaded
2 guilty or has been convicted for a first intoxication-related traffic offense or intoxication-
3 related boating offense [~~which~~] **that** is a misdemeanor or a county or city ordinance violation,
4 **or for an intoxication-related traffic offense that is a class D felony under subdivision (4)**
5 **of subsection 2 of section 577.010 or an intoxication-related boating offense that is a**
6 **class D felony under subdivision (4) of subsection 2 of section 577.013**, and [~~which~~] that is
7 not a conviction for driving a commercial motor vehicle while under the influence of alcohol
8 and who since such date has not been convicted of any intoxication-related traffic offense or
9 intoxication-related boating offense may apply to the court in which he or she pled guilty or
10 was sentenced for an order to expunge from all official records all recordations of his or her
11 arrest, plea, trial or conviction.

12 2. If the court determines, after hearing, that such person has not been convicted of
13 any subsequent intoxication-related traffic offense or intoxication-related boating offense, has
14 no other subsequent alcohol-related enforcement contacts as defined in section 302.525, and
15 has no other intoxication-related traffic offense or intoxication-related boating offenses or
16 alcohol-related enforcement actions pending at the time of the hearing on the application, the
17 court shall enter an order of expungement.

18 3. Upon granting of the order of expungement, the records and files maintained in any
19 administrative or court proceeding in an associate or circuit division of the circuit court under
20 this section shall be confidential and only available to the parties or by order of the court for
21 good cause shown. The effect of such order shall be to restore such person to the status he or
22 she occupied prior to such arrest, plea or conviction and as if such event had never taken
23 place. No person as to whom such order has been entered shall be held thereafter under any
24 provision of any law to be guilty of perjury or otherwise giving a false statement by reason of
25 his or her failure to recite or acknowledge such arrest, plea, trial, conviction or expungement
26 in response to any inquiry made of him or her for any purpose whatsoever and no such
27 inquiry shall be made for information relating to an expungement under this section. A
28 person shall only be entitled to one expungement pursuant to this section. Nothing contained

29 in this section shall prevent the director from maintaining such records as to ensure that an
30 individual receives only one expungement pursuant to this section for the purpose of
31 informing the proper authorities of the contents of any record maintained pursuant to this
32 section.

33 4. The provisions of this section shall not apply to any individual who has been issued
34 a commercial driver's license or is required to possess a commercial driver's license issued by
35 this state or any other state.

610.140. 1. Notwithstanding any other provision of law and subject to the provisions
2 of this section, any person may apply to any court in which such person was charged or found
3 guilty of any offenses, violations, or infractions for an order to expunge records of such arrest,
4 plea, trial, or conviction. Subject to the limitations of subsection 12 of this section, a person
5 may apply to have one or more offenses, violations, or infractions expunged if such offense,
6 violation, or infraction occurred within the state of Missouri and was prosecuted under the
7 jurisdiction of a Missouri municipal, associate circuit, or circuit court, so long as such person
8 lists all the offenses, violations, and infractions he or she is seeking to have expunged in the
9 petition and so long as all such offenses, violations, and infractions are not excluded under
10 subsection 2 of this section. If the offenses, violations, or infractions were charged as counts
11 in the same indictment or information or were committed as part of the same course of
12 criminal conduct, the person may include all the related offenses, violations, and infractions
13 in the petition, regardless of the limits of subsection 12 of this section, and the petition shall
14 only count as a petition for expungement of the highest level violation or offense contained in
15 the petition for the purpose of determining future eligibility for expungement.

16 2. The following offenses, violations, and infractions shall not be eligible for
17 expungement under this section:

- 18 (1) Any class A felony offense;
- 19 (2) Any dangerous felony as that term is defined in section 556.061;
- 20 (3) Any offense that requires registration as a sex offender;
- 21 (4) Any felony offense where death is an element of the offense;
- 22 (5) Any felony offense of assault; misdemeanor or felony offense of domestic assault;
23 or felony offense of kidnapping;
- 24 (6) Any offense listed, or previously listed, in chapter 566 or section 105.454,
25 105.478, 115.631, 130.028, 188.030, 188.080, 191.677, 194.425, 217.360, 217.385, 334.245,
26 375.991, 389.653, 455.085, 455.538, 557.035, 565.084, 565.085, 565.086, 565.095, 565.120,
27 565.130, 565.156, 565.200, 565.214, 566.093, 566.111, 566.115, 568.020, 568.030, 568.032,
28 568.045, 568.060, 568.065, 568.080, 568.090, 568.175, 569.030, 569.035, 569.040, 569.050,
29 569.055, 569.060, 569.065, 569.067, 569.072, 569.160, 570.025, 570.090, 570.180, 570.223,
30 570.224, 570.310, 571.020, 571.060, 571.063, 571.070, 571.072, 571.150, 574.070, 574.105,

31 574.115, 574.120, 574.130, 575.040, 575.095, 575.153, 575.155, 575.157, 575.159, 575.195,
32 575.200, 575.210, 575.220, 575.230, 575.240, 575.350, 575.353, 577.078, 577.703, 577.706,
33 578.008, 578.305, 578.310, or 632.520;

34 (7) Any offense eligible for expungement under section 577.054 or 610.130;

35 (8) Any intoxication-related traffic or boating offense as defined in section 577.001,
36 or any offense of operating an aircraft with an excessive blood alcohol content or while in an
37 intoxicated condition;

38 (9) Any ordinance violation that is the substantial equivalent of any offense that is not
39 eligible for expungement under this section;

40 (10) Any violation of any state law or county or municipal ordinance regulating the
41 operation of motor vehicles when committed by an individual who has been issued a
42 commercial driver's license or is required to possess a commercial driver's license issued by
43 this state or any other state; and

44 (11) Any offense of section 571.030, except any offense under subdivision (1) of
45 subsection 1 of section 571.030 where the person was convicted or found guilty prior to
46 January 1, 2017, or any offense under subdivision (4) of subsection 1 of section 571.030.

47 3. The petition shall name as defendants all law enforcement agencies, courts,
48 prosecuting or circuit attorneys, municipal prosecuting attorneys, central state repositories of
49 criminal records, or others who the petitioner has reason to believe may possess the records
50 subject to expungement for each of the offenses, violations, and infractions listed in the
51 petition. The court's order of expungement shall not affect any person or entity not named as
52 a defendant in the action.

53 4. The petition shall include the following information:

54 (1) The petitioner's:

55 (a) Full name;

56 (b) Sex;

57 (c) Race;

58 (d) Driver's license number, if applicable; and

59 (e) Current address;

60 (2) Each offense, violation, or infraction for which the petitioner is requesting
61 expungement;

62 (3) The approximate date the petitioner was charged for each offense, violation, or
63 infraction; and

64 (4) The name of the county where the petitioner was charged for each offense,
65 violation, or infraction and if any of the offenses, violations, or infractions occurred in a
66 municipality, the name of the municipality for each offense, violation, or infraction; and

67 (5) The case number and name of the court for each offense.

68 5. The clerk of the court shall give notice of the filing of the petition to the office of
69 the prosecuting attorney, circuit attorney, or municipal prosecuting attorney that prosecuted
70 the offenses, violations, or infractions listed in the petition. If the prosecuting attorney, circuit
71 attorney, or municipal prosecuting attorney objects to the petition for expungement, he or she
72 shall do so in writing within thirty days after receipt of service. Unless otherwise agreed upon
73 by the parties, the court shall hold a hearing within sixty days after any written objection is
74 filed, giving reasonable notice of the hearing to the petitioner. If no objection has been filed
75 within thirty days after receipt of service, the court may set a hearing on the matter and shall
76 give reasonable notice of the hearing to each entity named in the petition. At any hearing, the
77 court may accept evidence and hear testimony on, and may consider, the following criteria for
78 each of the offenses, violations, or infractions listed in the petition for expungement:

79 (1) At the time the petition is filed, it has been at least three years if the offense is a
80 felony, or at least one year if the offense is a misdemeanor, municipal offense, or infraction,
81 from the date the petitioner completed any authorized disposition imposed under section
82 557.011 for each offense, violation, or infraction listed in the petition;

83 (2) At the time the petition is filed, the person has not been found guilty of any other
84 misdemeanor or felony, not including violations of the traffic regulations provided under
85 chapters 301, 302, 303, 304, and 307, during the time period specified for the underlying
86 offense, violation, or infraction in subdivision (1) of this subsection;

87 (3) The person has satisfied all obligations relating to any such disposition, including
88 the payment of any fines or restitution;

89 (4) The person does not have charges pending;

90 (5) The petitioner's habits and conduct demonstrate that the petitioner is not a threat
91 to the public safety of the state; and

92 (6) The expungement is consistent with the public welfare and the interests of justice
93 warrant the expungement.

94

95 A pleading by the petitioner that such petitioner meets the requirements of subdivisions (5)
96 and (6) of this subsection shall create a rebuttable presumption that the expungement is
97 warranted so long as the criteria contained in subdivisions (1) to (4) of this subsection are
98 otherwise satisfied. The burden shall shift to the prosecuting attorney, circuit attorney, or
99 municipal prosecuting attorney to rebut the presumption. A victim of an offense, violation, or
100 infraction listed in the petition shall have an opportunity to be heard at any hearing held under
101 this section, and the court may make a determination based solely on such victim's testimony.

102 6. A petition to expunge records related to an arrest for an eligible offense, violation,
103 or infraction may be made in accordance with the provisions of this section to a court of
104 competent jurisdiction in the county where the petitioner was arrested no earlier than three

105 years from the date of arrest; provided that, during such time, the petitioner has not been
106 charged and the petitioner has not been found guilty of any misdemeanor or felony offense.

107 7. If the court determines that such person meets all the criteria set forth in subsection
108 5 of this section for each of the offenses, violations, or infractions listed in the petition for
109 expungement, the court shall enter an order of expungement. In all cases under this section,
110 the court shall issue an order of expungement or dismissal within six months of the filing of
111 the petition. A copy of the order of expungement shall be provided to the petitioner and each
112 entity possessing records subject to the order, and, upon receipt of the order, each entity shall
113 ~~delete~~ **destroy** any record, **except a record of arrest**, in its possession relating to any
114 offense, violation, or infraction listed in the petition, in the manner established by section
115 610.120. The records and files maintained in any administrative or court proceeding in a
116 municipal, associate, or circuit court for any offense, infraction, or violation ordered
117 expunged under this section shall be confidential and only available to the parties or by order
118 of the court for good cause shown. The central repository shall request the Federal Bureau of
119 Investigation to expunge the records from its files.

120 8. The order shall not limit any of the petitioner's rights that were restricted as a
121 collateral consequence of such person's criminal record, and such rights shall be restored
122 upon issuance of the order of expungement. For purposes of 18 U.S.C. Section 921(a)(33)(B)
123 (ii), an order or expungement granted pursuant to this section shall be considered a complete
124 removal of all effects of the expunged conviction. Except as otherwise provided under this
125 section, the effect of such order shall be to restore such person to the status he or she occupied
126 prior to such arrests, pleas, trials, or convictions as if such events had never taken place. No
127 person as to whom such order has been entered shall be held thereafter under any provision of
128 law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure
129 to recite or acknowledge such arrests, pleas, trials, convictions, or expungement in response
130 to an inquiry made of him or her and no such inquiry shall be made for information relating to
131 an expungement, except the petitioner shall disclose the expunged offense, violation, or
132 infraction to any court when asked or upon being charged with any subsequent offense,
133 violation, or infraction. The expunged offense, violation, or infraction may be considered a
134 prior offense in determining a sentence to be imposed for any subsequent offense that the
135 person is found guilty of committing.

136 9. Notwithstanding the provisions of subsection 8 of this section to the contrary, a
137 person granted an expungement shall disclose any expunged offense, violation, or infraction
138 when the disclosure of such information is necessary to complete any application for:

139 (1) A license, certificate, or permit issued by this state to practice such individual's
140 profession;

141 (2) Any license issued under chapter 313 or permit issued under chapter 571;

142 (3) Paid or unpaid employment with an entity licensed under chapter 313, any state-
143 operated lottery, or any emergency services provider, including any law enforcement agency;

144 (4) Employment with any federally insured bank or savings institution or credit union
145 or an affiliate of such institution or credit union for the purposes of compliance with 12
146 U.S.C. Section 1829 and 12 U.S.C. Section 1785;

147 (5) Employment with any entity engaged in the business of insurance or any insurer
148 for the purpose of complying with 18 U.S.C. Section 1033, 18 U.S.C. Section 1034, or other
149 similar law which requires an employer engaged in the business of insurance to exclude
150 applicants with certain criminal convictions from employment; or

151 (6) Employment with any employer that is required to exclude applicants with certain
152 criminal convictions from employment due to federal or state law, including corresponding
153 rules and regulations.

154

155 An employer shall notify an applicant of the requirements under subdivisions (4) to (6) of this
156 subsection. Notwithstanding any provision of law to the contrary, an expunged offense,
157 violation, or infraction shall not be grounds for automatic disqualification of an applicant, but
158 may be a factor for denying employment, or a professional license, certificate, or permit;
159 except that, an offense, violation, or infraction expunged under the provisions of this section
160 may be grounds for automatic disqualification if the application is for employment under
161 subdivisions (4) to (6) of this subsection.

162 10. A person who has been granted an expungement of records pertaining to a
163 misdemeanor or felony offense, an ordinance violation, or an infraction may answer "no" to
164 an employer's inquiry into whether the person has ever been convicted of a crime if, after the
165 granting of the expungement, the person has no public record of a misdemeanor or felony
166 offense, an ordinance violation, or an infraction. The person, however, shall answer such an
167 inquiry affirmatively and disclose his or her criminal convictions, including any offense or
168 violation expunged under this section or similar law, if the employer is required to exclude
169 applicants with certain criminal convictions from employment due to federal or state law,
170 including corresponding rules and regulations.

171 11. If the court determines that the petitioner has not met the criteria for any of the
172 offenses, violations, or infractions listed in the petition for expungement or the petitioner has
173 knowingly provided false information in the petition, the court shall enter an order dismissing
174 the petition. Any person whose petition for expungement has been dismissed by the court for
175 failure to meet the criteria set forth in subsection 5 of this section may not refile another
176 petition until a year has passed since the date of filing for the previous petition.

177 12. A person may be granted more than one expungement under this section provided
178 that during his or her lifetime, the total number of offenses, violations, or infractions for
179 which orders of expungement are granted to the person shall not exceed the following limits:

180 (1) Not more than two misdemeanor offenses or ordinance violations that have an
181 authorized term of imprisonment; and

182 (2) Not more than one felony offense.

183

184 A person may be granted expungement under this section for any number of infractions.
185 Nothing in this section shall prevent the court from maintaining records to ensure that an
186 individual has not exceeded the limitations of this subsection. Nothing in this section shall be
187 construed to limit or impair in any way the subsequent use of any record expunged under this
188 section of any arrests or findings of guilt by a law enforcement agency, criminal justice
189 agency, prosecuting attorney, circuit attorney, or municipal prosecuting attorney, including its
190 use as a prior offense, violation, or infraction.

191 13. The court shall make available a form for pro se petitioners seeking expungement,
192 which shall include the following statement: "I declare under penalty of perjury that the
193 statements made herein are true and correct to the best of my knowledge, information, and
194 belief."

195 14. Nothing in this section shall be construed to limit or restrict the availability of
196 expungement to any person under any other law.

630.155. 1. A person commits the offense of patient, resident or client abuse or
2 neglect against any person admitted on a voluntary or involuntary basis to any mental health
3 facility or mental health program in which people may be civilly detained pursuant to chapter
4 632, or any patient, resident or client of any residential facility, day program or specialized
5 service operated, funded or licensed by the department if he knowingly does any of the
6 following:

7 (1) Beats, strikes or injures any person, patient, resident or client;

8 (2) Mistreats or maltreats, handles or treats any such person, patient, resident or client
9 in a brutal or inhuman manner;

10 (3) Uses any more force than is reasonably necessary for the proper control, treatment
11 or management of such person, patient, resident or client;

12 (4) Fails to provide services which are reasonable and necessary to maintain the
13 physical and mental health of any person, patient, resident or client when such failure presents
14 either an imminent danger to the health, safety or welfare of the person, patient, resident or
15 client, or a substantial probability that death or serious physical harm will result.

16 2. Patient, resident or client abuse or neglect is a class A misdemeanor unless
17 committed under subdivision (2) or (4) of subsection 1 of this section in which case such
18 abuse or neglect shall be a class ~~E~~ **D** felony.

650.320. For the purposes of sections 650.320 to 650.340, the following terms mean:

- 2 (1) "Board", the Missouri 911 service board established in section 650.325;
- 3 (2) "Public safety answering point", the location at which 911 calls are answered;
- 4 (3) "Telecommunicator **first responder**", any person employed as an emergency
5 telephone worker, call taker or public safety dispatcher whose duties include receiving,
6 processing or transmitting public safety information received through a 911 public safety
7 answering point.

650.340. 1. The provisions of this section may be cited and shall be known as the
2 "911 Training and Standards Act".

3 2. Initial training requirements for ~~telecommunicators~~ **telecommunicator first**
4 **responders** who answer 911 calls that come to public safety answering points shall be as
5 follows:

- 6 (1) Police telecommunicator **first responder**, 16 hours;
- 7 (2) Fire telecommunicator **first responder**, 16 hours;
- 8 (3) Emergency medical services telecommunicator **first responder**, 16 hours;
- 9 (4) Joint communication center telecommunicator **first responder**, 40 hours.

10 3. All persons employed as a telecommunicator **first responder** in this state shall be
11 required to complete ongoing training so long as such person engages in the occupation as a
12 telecommunicator **first responder**. Such persons shall complete at least twenty-four hours of
13 ongoing training every three years by such persons or organizations as provided in subsection
14 6 of this section.

15 4. Any person employed as a telecommunicator on August 28, 1999, shall not be
16 required to complete the training requirement as provided in subsection 2 of this section. Any
17 person hired as a telecommunicator **or a telecommunicator first responder** after August 28,
18 1999, shall complete the training requirements as provided in subsection 2 of this section
19 within twelve months of the date such person is employed as a telecommunicator **or**
20 **telecommunicator first responder**.

21 5. The training requirements as provided in subsection 2 of this section shall be
22 waived for any person who furnishes proof to the committee that such person has completed
23 training in another state which is at least as stringent as the training requirements of
24 subsection 2 of this section.

25 6. The board shall determine by administrative rule the persons or organizations
26 authorized to conduct the training as required by subsection 2 of this section.

27 7. This section shall not apply to an emergency medical dispatcher or **dispatch**
28 agency as defined in section 190.100, or a person trained by an entity accredited or certified
29 under section 190.131, or a person who provides prearrival medical instructions who works
30 for an agency which meets the requirements set forth in section 190.134.

Section 1. A person commits the offense of tampering with a public official if,
2 **with the purpose to harass, intimidate, or influence a public official in the performance**
3 **of such official's official duties, such person disseminates through any means, including**
4 **by posting on the internet, the public official's family's personal information. For**
5 **purposes of this section, "personal information" includes a home address, Social**
6 **Security number, federal tax identification number, checking or savings account**
7 **numbers, marital status, and identity of a child under eighteen years of age. For the**
8 **purposes of this section, the term "public official" includes members of the general**
9 **assembly, statewide elected officials, first responders, children's division employees, and**
10 **employees of the department of corrections. The offense of tampering with a public**
11 **official is a class D felony. If a violation of this section results in death or bodily injury to**
12 **a public official or a member of the public official's family, the offense is a class B felony.**

✓