

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NOS. 189, 36 & 37
102ND GENERAL ASSEMBLY

0077H.07C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 211.031, 211.071, 217.345, 217.690, 307.175, 488.650, 547.031, 552.020, 558.016, 558.019, 558.031, 559.125, 565.003, 568.045, 569.010, 569.100, 570.010, 570.030, 571.015, 571.070, 575.010, 575.150, 575.200, 575.353, 578.007, 578.022, 579.065, 579.068, 590.040, 590.080, 595.209, 610.140, and 650.058, RSMo, and to enact in lieu thereof thirty-nine new sections relating to criminal laws, with penalty provisions and an emergency clause for certain sections.

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

Section A. Sections 211.031, 211.071, 217.345, 217.690, 307.175, 488.650, 547.031, 552.020, 558.016, 558.019, 558.031, 559.125, 565.003, 568.045, 569.010, 569.100, 570.010, 570.030, 571.015, 571.070, 575.010, 575.150, 575.200, 575.353, 578.007, 578.022, 579.065, 579.068, 590.040, 590.080, 595.209, 610.140, and 650.058, RSMo, are repealed and thirty-nine new sections enacted in lieu thereof, to be known as sections 211.031, 211.071, 211.600, 217.345, 217.690, 307.175, 544.453, 547.031, 547.500, 552.020, 558.016, 558.019, 558.031, 559.125, 565.003, 565.258, 568.045, 569.010, 569.100, 570.010, 570.030, 571.015, 571.031, 571.070, 575.010, 575.150, 575.151, 575.353, 578.007, 578.022, 579.065, 579.068, 579.088, 590.033, 590.040, 590.080, 595.209, 610.140, and 650.058, to read as follows:

211.031. 1. Except as otherwise provided in this chapter, the juvenile court or the family court in circuits that have a family court as provided in chapter 487 shall have exclusive original jurisdiction in proceedings:

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

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.

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

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

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

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

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

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

23 (b) The child disobeys the reasonable and lawful directions of his or her parents or
24 other custodian and is beyond their control;

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

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

29 (e) The child is charged with an offense not classified as criminal, or with an offense
30 applicable only to children; except that, the juvenile court shall not have jurisdiction over any
31 child fifteen years of age who is alleged to have violated a state or municipal traffic ordinance
32 or regulation, the violation of which does not constitute a felony, or any child who is alleged
33 to have violated a state or municipal ordinance or regulation prohibiting possession or use of
34 any tobacco product;

35 (3) Involving any child who is alleged to have violated a state law or municipal
36 ordinance, or any person who is alleged to have violated a state law or municipal ordinance
37 prior to attaining the age of eighteen years, in which cases jurisdiction may be taken by the
38 court of the circuit in which ~~[the child or person resides or may be found or in which]~~ the
39 violation is alleged to have occurred, **except as provided in subsection 2 of this section;**
40 except that, the juvenile court shall not have jurisdiction over any child fifteen years of age
41 who is alleged to have violated a state or municipal traffic ordinance or regulation, the
42 violation of which does not constitute a felony, and except that the juvenile court shall have

43 concurrent jurisdiction with the municipal court over any child who is alleged to have
44 violated a municipal curfew ordinance, and except that the juvenile court shall have
45 concurrent jurisdiction with the circuit court on any child who is alleged to have violated a
46 state or municipal ordinance or regulation prohibiting possession or use of any tobacco
47 product;

48 (4) For the adoption of a person;

49 (5) For the commitment of a child to the guardianship of the department of social
50 services as provided by law;

51 (6) Involving an order of protection pursuant to chapter 455 when the respondent is
52 less than eighteen years of age; and

53 (7) Involving a child who has been a victim of sex trafficking or sexual exploitation.

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

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

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

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

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

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

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

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

81 4. When an investigation by a juvenile officer pursuant to this section reveals that the
82 only basis for action involves an alleged violation of section 167.031 involving a child who
83 alleges to be home schooled, the juvenile officer shall contact a parent or parents of such child
84 to verify that the child is being home schooled and not in violation of section 167.031 before
85 making a report of such a violation. Any report of a violation of section 167.031 made by a
86 juvenile officer regarding a child who is being home schooled shall be made to the
87 prosecuting attorney of the county where the child legally resides.

88 5. The disability or disease of a parent shall not constitute a basis for a determination
89 that a child is a child in need of care or for the removal of custody of a child from the parent
90 without a specific showing that there is a causal relation between the disability or disease and
91 harm to the child.

 211.071. 1. If a petition alleges that a child between the ages of ~~twelve~~ **fourteen**
2 and eighteen has committed an offense which would be considered a felony if committed by
3 an adult, the court may, upon its own motion or upon motion by the juvenile officer, the child
4 or the child's custodian, order a hearing and may, in its discretion, dismiss the petition and
5 such child may be transferred to the court of general jurisdiction and prosecuted under the
6 general law; except that if a petition alleges that ~~any~~ **a child between the ages of twelve**
7 **and eighteen** has committed an offense which would be considered first degree murder under
8 section 565.020, second degree murder under section 565.021, first degree assault under
9 section 565.050, forcible rape under section 566.030 as it existed prior to August 28, 2013,
10 rape in the first degree under section 566.030, forcible sodomy under section 566.060 as it
11 existed prior to August 28, 2013, sodomy in the first degree under section 566.060, first
12 degree robbery under section 569.020 as it existed prior to January 1, 2017, or robbery in the
13 first degree under section 570.023, distribution of drugs under section 195.211 as it existed
14 prior to January 1, 2017, or the manufacturing of a controlled substance under section
15 579.055, **a dangerous felony as defined in section 556.061**, or has committed two or more
16 prior unrelated offenses which would be felonies if committed by an adult, the court shall
17 order a hearing, and may in its discretion, dismiss the petition and transfer the child to a court
18 of general jurisdiction for prosecution under the general law.

19 2. Upon apprehension and arrest, jurisdiction over the criminal offense allegedly
20 committed by any person between eighteen and twenty-one years of age over whom the
21 juvenile court has retained continuing jurisdiction shall automatically terminate and that
22 offense shall be dealt with in the court of general jurisdiction as provided in section 211.041.

23 3. Knowing and willful age misrepresentation by a juvenile subject shall not affect
24 any action or proceeding which occurs based upon the misrepresentation. Any evidence
25 obtained during the period of time in which a child misrepresents his or her age may be used
26 against the child and will be subject only to rules of evidence applicable in adult proceedings.

27 4. Written notification of a transfer hearing shall be given to the juvenile and his or
28 her custodian in the same manner as provided in sections 211.101 and 211.111. Notice of the
29 hearing may be waived by the custodian. Notice shall contain a statement that the purpose of
30 the hearing is to determine whether the child is a proper subject to be dealt with under the
31 provisions of this chapter, and that if the court finds that the child is not a proper subject to be
32 dealt with under the provisions of this chapter, the petition will be dismissed to allow for
33 prosecution of the child under the general law.

34 5. The juvenile officer may consult with the office of prosecuting attorney concerning
35 any offense for which the child could be certified as an adult under this section. The
36 prosecuting or circuit attorney shall have access to police reports, reports of the juvenile or
37 deputy juvenile officer, statements of witnesses and all other records or reports relating to the
38 offense alleged to have been committed by the child. The prosecuting or circuit attorney shall
39 have access to the disposition records of the child when the child has been adjudicated
40 pursuant to subdivision (3) of subsection 1 of section 211.031. The prosecuting attorney shall
41 not divulge any information regarding the child and the offense until the juvenile court at a
42 judicial hearing has determined that the child is not a proper subject to be dealt with under the
43 provisions of this chapter.

44 6. A written report shall be prepared in accordance with this chapter developing fully
45 all available information relevant to the criteria which shall be considered by the court in
46 determining whether the child is a proper subject to be dealt with under the provisions of this
47 chapter and whether there are reasonable prospects of rehabilitation within the juvenile justice
48 system. These criteria shall include but not be limited to:

49 (1) The seriousness of the offense alleged and whether the protection of the
50 community requires transfer to the court of general jurisdiction;

51 (2) Whether the offense alleged involved viciousness, force and violence;

52 (3) Whether the offense alleged was against persons or property with greater weight
53 being given to the offense against persons, especially if personal injury resulted;

54 (4) Whether the offense alleged is a part of a repetitive pattern of offenses which
55 indicates that the child may be beyond rehabilitation under the juvenile code;

56 (5) The record and history of the child, including experience with the juvenile justice
57 system, other courts, supervision, commitments to juvenile institutions and other placements;

58 (6) The sophistication and maturity of the child as determined by consideration of his
59 or her home and environmental situation, emotional condition and pattern of living;

60 (7) The age of the child;

61 (8) The program and facilities available to the juvenile court in considering
62 disposition;

63 (9) Whether or not the child can benefit from the treatment or rehabilitative programs
64 available to the juvenile court; and

65 (10) Racial disparity in certification.

66 7. If the court dismisses the petition to permit the child to be prosecuted under the
67 general law, the court shall enter a dismissal order containing:

68 (1) Findings showing that the court had jurisdiction of the cause and of the parties;

69 (2) Findings showing that the child was represented by counsel;

70 (3) Findings showing that the hearing was held in the presence of the child and his or
71 her counsel; and

72 (4) Findings showing the reasons underlying the court's decision to transfer
73 jurisdiction.

74 8. A copy of the petition and order of the dismissal shall be sent to the prosecuting
75 attorney.

76 9. When a petition has been dismissed thereby permitting a child to be prosecuted
77 under the general law and the prosecution of the child results in a conviction, the jurisdiction
78 of the juvenile court over that child is forever terminated, except as provided in subsection 10
79 of this section, for an act that would be a violation of a state law or municipal ordinance.

80 10. If a petition has been dismissed thereby permitting a child to be prosecuted under
81 the general law and the child is found not guilty by a court of general jurisdiction, the juvenile
82 court shall have jurisdiction over any later offense committed by that child which would be
83 considered a misdemeanor or felony if committed by an adult, subject to the certification
84 provisions of this section.

85 11. If the court does not dismiss the petition to permit the child to be prosecuted under
86 the general law, it shall set a date for the hearing upon the petition as provided in section
87 211.171.

**211.600. 1. The office of state courts administrator shall collect information
2 related to the filing and disposition of petitions to certify juveniles pursuant to section
3 211.071.**

4 2. The data collected pursuant to this section shall include the following:

5 (1) The number of certification petitions filed annually;

6 (2) The disposition of certification petitions filed annually;

7 (3) The offenses for which certification petitions are filed annually;

**8 (4) The race of the juveniles for whom the certification petitions are filed
9 annually; and**

10 **(5) The number of juveniles who have waived their right to counsel.**

11 **3. The data collected pursuant to this section shall be made publicly available**
12 **annually.**

 217.345. 1. Correctional treatment programs for first offenders **and offenders**
2 **eighteen years of age or younger** in the department shall be established, subject to the
3 control and supervision of the director, and shall include such programs deemed necessary
4 and sufficient for the successful rehabilitation of offenders.

5 2. [~~Correctional treatment programs for offenders who are younger than eighteen~~
6 ~~years of age shall be established, subject to the control and supervision of the director. By~~
7 ~~January 1, 1998, such~~] Programs **established pursuant to this section** shall include physical
8 separation of offenders who are younger than eighteen years of age from offenders who are
9 eighteen years of age or older **and shall include educational programs that award a high**
10 **school diploma or its equivalent.**

11 3. The department shall have the authority to promulgate rules pursuant to subsection
12 2 of section 217.378 to establish correctional treatment programs for offenders under age
13 eighteen. Such rules may include:

14 (1) Establishing separate housing units for such offenders; and

15 (2) Providing housing and program space in existing housing units for such offenders
16 that is not accessible to adult offenders.

17 4. The department shall have the authority to determine the number of juvenile
18 offenders participating in any treatment program depending on available appropriations. The
19 department may contract with any private or public entity for the provision of services and
20 facilities for offenders under age eighteen. The department shall apply for and accept
21 available federal, state and local public funds including project demonstration funds as well as
22 private moneys to fund such services and facilities.

23 5. The department shall develop and implement an evaluation process for all juvenile
24 offender programs.

 217.690. 1. All releases or paroles shall issue upon order of the parole board, duly
2 adopted.

3 2. Before ordering the parole of any offender, the parole board shall conduct a
4 validated risk and needs assessment and evaluate the case under the rules governing parole
5 that are promulgated by the parole board. The parole board shall then have the offender
6 appear before a hearing panel and shall conduct a personal interview with him or her, unless
7 waived by the offender, or if the guidelines indicate the offender may be paroled without need
8 for an interview. The guidelines and rules shall not allow for the waiver of a hearing if a
9 victim requests a hearing. The appearance or presence may occur by means of a
10 videoconference at the discretion of the parole board. A parole may be ordered for the best

11 interest of society when there is a reasonable probability, based on the risk assessment and
12 indicators of release readiness, that the person can be supervised under parole supervision and
13 successfully reintegrated into the community, not as an award of clemency; it shall not be
14 considered a reduction of sentence or a pardon. Every offender while on parole shall remain
15 in the legal custody of the department but shall be subject to the orders of the parole board.

16 3. The division of probation and parole has discretionary authority to require the
17 payment of a fee, not to exceed sixty dollars per month, from every offender placed under
18 division supervision on probation, parole, or conditional release, to waive all or part of any
19 fee, to sanction offenders for willful nonpayment of fees, and to contract with a private entity
20 for fee collections services. All fees collected shall be deposited in the inmate fund
21 established in section 217.430. Fees collected may be used to pay the costs of contracted
22 collections services. The fees collected may otherwise be used to provide community
23 corrections and intervention services for offenders. Such services include substance abuse
24 assessment and treatment, mental health assessment and treatment, electronic monitoring
25 services, residential facilities services, employment placement services, and other offender
26 community corrections or intervention services designated by the division of probation and
27 parole to assist offenders to successfully complete probation, parole, or conditional release.
28 The division of probation and parole shall adopt rules not inconsistent with law, in accordance
29 with section 217.040, with respect to sanctioning offenders and with respect to establishing,
30 waiving, collecting, and using fees.

31 4. The parole board shall adopt rules not inconsistent with law, in accordance with
32 section 217.040, with respect to the eligibility of offenders for parole, the conduct of parole
33 hearings or conditions to be imposed upon paroled offenders. Whenever an order for parole
34 is issued it shall recite the conditions of such parole.

35 5. When considering parole for an offender with consecutive sentences, the minimum
36 term for eligibility for parole shall be calculated by adding the minimum terms for parole
37 eligibility for each of the consecutive sentences, except the minimum term for parole
38 eligibility shall not exceed the minimum term for parole eligibility for an ordinary life
39 sentence.

40 6. Any offender sentenced to a term of imprisonment amounting to fifteen years or
41 more or multiple terms of imprisonment that, taken together, amount to fifteen or more years
42 who was under eighteen years of age at the time of the commission of the offense or offenses
43 may be eligible for parole after serving fifteen years of incarceration, regardless of whether
44 the case is final for the purposes of appeal, and may be eligible for reconsideration hearings in
45 accordance with regulations promulgated by the parole board.

46 7. The provisions of subsection 6 of this section shall not apply to an offender found
47 guilty of ~~[murder in the first degree or]~~ capital murder, **murder in the first degree or**

48 **murder in the second degree, when murder in the second degree is committed pursuant**
49 **to subdivision (1) of subsection 1 of section 565.021**, who was under eighteen years of age
50 when the offender committed the offense or offenses who may be found ineligible for parole
51 or whose parole eligibility may be controlled by section 558.047 or 565.033.

52 8. Any offender under a sentence for first degree murder who has been denied release
53 on parole after a parole hearing shall not be eligible for another parole hearing until at least
54 three years from the month of the parole denial; however, this subsection shall not prevent a
55 release pursuant to subsection 4 of section 558.011.

56 9. A victim who has requested an opportunity to be heard shall receive notice that the
57 parole board is conducting an assessment of the offender's risk and readiness for release and
58 that the victim's input will be particularly helpful when it pertains to safety concerns and
59 specific protective measures that may be beneficial to the victim should the offender be
60 granted release.

61 10. Parole hearings shall, at a minimum, contain the following procedures:

62 (1) The victim or person representing the victim who attends a hearing may be
63 accompanied by one other person;

64 (2) The victim or person representing the victim who attends a hearing shall have the
65 option of giving testimony in the presence of the inmate or to the hearing panel without the
66 inmate being present;

67 (3) The victim or person representing the victim may call or write the parole board
68 rather than attend the hearing;

69 (4) The victim or person representing the victim may have a personal meeting with a
70 parole board member at the parole board's central office;

71 (5) The judge, prosecuting attorney or circuit attorney and a representative of the
72 local law enforcement agency investigating the crime shall be allowed to attend the hearing or
73 provide information to the hearing panel in regard to the parole consideration; and

74 (6) The parole board shall evaluate information listed in the juvenile sex offender
75 registry pursuant to section 211.425, provided the offender is between the ages of seventeen
76 and twenty-one, as it impacts the safety of the community.

77 11. The parole board shall notify any person of the results of a parole eligibility
78 hearing if the person indicates to the parole board a desire to be notified.

79 12. The parole board may, at its discretion, require any offender seeking parole to
80 meet certain conditions during the term of that parole so long as said conditions are not illegal
81 or impossible for the offender to perform. These conditions may include an amount of
82 restitution to the state for the cost of that offender's incarceration.

83 13. Special parole conditions shall be responsive to the assessed risk and needs of the
84 offender or the need for extraordinary supervision, such as electronic monitoring. The parole

85 board shall adopt rules to minimize the conditions placed on low-risk cases, to frontload
86 conditions upon release, and to require the modification and reduction of conditions based on
87 the person's continuing stability in the community. Parole board rules shall permit parole
88 conditions to be modified by parole officers with review and approval by supervisors.

89 14. Nothing contained in this section shall be construed to require the release of an
90 offender on parole nor to reduce the sentence of an offender heretofore committed.

91 15. Beginning January 1, 2001, the parole board shall not order a parole unless the
92 offender has obtained a high school diploma or its equivalent, or unless the parole board is
93 satisfied that the offender, while committed to the custody of the department, has made an
94 honest good-faith effort to obtain a high school diploma or its equivalent; provided that the
95 director may waive this requirement by certifying in writing to the parole board that the
96 offender has actively participated in mandatory education programs or is academically unable
97 to obtain a high school diploma or its equivalent.

98 16. Any rule or portion of a rule, as that term is defined in section 536.010, that is
99 created under the authority delegated in this section shall become effective only if it complies
100 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
101 This section and chapter 536 are nonseverable and if any of the powers vested with the
102 general assembly pursuant to chapter 536 to review, to delay the effective date, or to
103 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
104 rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid
105 and void.

307.175. 1. Motor vehicles and equipment which are operated by any member of an
2 organized fire department, ambulance association, or rescue squad, **including a canine**
3 **search and rescue team**, whether paid or volunteer, may be operated on streets and highways
4 in this state as an emergency vehicle under the provisions of section 304.022 while
5 responding to a fire call [~~or~~], ambulance call, **or an emergency call requiring search and**
6 **rescue operations**, or at the scene of a fire call [~~or~~], ambulance call, **or an emergency call**
7 **requiring search and rescue operations**, and while using or sounding a warning siren and
8 using or displaying thereon fixed, flashing or rotating blue lights, but sirens and blue lights
9 shall be used only in bona fide emergencies.

10 2. (1) Notwithstanding subsection 1 of this section, the following vehicles may use or
11 display fixed, flashing, or rotating red or red and blue lights:

12 (a) Emergency vehicles, as defined in section 304.022, when responding to an
13 emergency;

14 (b) Vehicles operated as described in subsection 1 of this section;

15 (c) Vehicles and equipment owned or leased by a contractor or subcontractor
16 performing work for the department of transportation, except that the red or red and blue

17 lights shall be displayed on vehicles or equipment described in this paragraph only between
18 dusk and dawn, when such vehicles or equipment are stationary, such vehicles or equipment
19 are located in a work zone as defined in section 304.580, highway workers as defined in
20 section 304.580 are present, and such work zone is designated by a sign or signs. No more
21 than two vehicles or pieces of equipment in a work zone may display fixed, flashing, or
22 rotating lights under this subdivision;

23 (d) Vehicles and equipment owned, leased, or operated by a coroner, medical
24 examiner, or forensic investigator of the county medical examiner's office or a similar entity,
25 when responding to a crime scene, motor vehicle accident, workplace accident, or any
26 location at which the services of such professionals have been requested by a law
27 enforcement officer.

28 (2) The following vehicles and equipment may use or display fixed, flashing, or
29 rotating amber or amber and white lights:

30 (a) Vehicles and equipment owned or leased by the state highways and transportation
31 commission and operated by an authorized employee of the department of transportation;

32 (b) Vehicles and equipment owned or leased by a contractor or subcontractor
33 performing work for the department of transportation, except that the amber or amber and
34 white lights shall be displayed on vehicles described in this paragraph only when such
35 vehicles or equipment are located in a work zone as defined in section 304.580, highway
36 workers as defined in section 304.580 are present, and such work zone is designated by a sign
37 or signs;

38 (c) Vehicles and equipment operated by a utility worker performing work for the
39 utility, except that the amber or amber and white lights shall be displayed on vehicles
40 described in this paragraph only when such vehicles are stationary, such vehicles or
41 equipment are located in a work zone as defined in section 304.580, a utility worker is
42 present, and such work zone is designated by a sign or signs. As used in this paragraph, the
43 term "utility worker" means any employee while in performance of his or her job duties,
44 including any person employed under contract of a utility that provides gas, heat, electricity,
45 water, steam, telecommunications or cable services, or sewer services, whether privately,
46 municipally, or cooperatively owned.

47 3. Permits for the operation of such vehicles equipped with sirens or blue lights shall
48 be in writing and shall be issued and may be revoked by the chief of an organized fire
49 department, organized ambulance association, rescue squad, or the state highways and
50 transportation commission and no person shall use or display a siren or blue lights on a motor
51 vehicle, fire, ambulance, or rescue equipment without a valid permit authorizing the use. A
52 permit to use a siren or lights as heretofore set out does not relieve the operator of the vehicle

53 so equipped with complying with all other traffic laws and regulations. Violation of this
54 section constitutes a class A misdemeanor.

**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 a crime, the community, any
6 witness 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 or a sexual offense within the
12 last three years.**

547.031. 1. A prosecuting or circuit attorney, in the jurisdiction in which [~~a person~~
2 ~~was convicted of an offense~~] **charges were filed**, may file a motion to vacate or set aside the
3 judgment at any time if he or she has information that the convicted person may be innocent
4 or may have been erroneously convicted. The circuit court in which [~~the person was~~
5 ~~convicted~~] **charges were filed** shall have jurisdiction and authority to consider, hear, and
6 decide the motion.

7 2. Upon the filing of a motion to vacate or set aside the judgment, the court shall
8 order a hearing and shall issue findings of fact and conclusions of law on all issues presented.
9 The attorney general shall be given notice of hearing of such a motion by the circuit clerk and
10 shall be permitted to appear, question witnesses, and make arguments in a hearing of such a
11 motion.

12 3. The court shall grant the motion of the prosecuting or circuit attorney to vacate or
13 set aside the judgment where the court finds that there is clear and convincing evidence of
14 actual innocence or constitutional error at the original trial or plea that undermines the
15 confidence in the judgment. In considering the motion, the court shall take into consideration
16 the evidence presented at the original trial or plea; the evidence presented at any direct appeal
17 or post-conviction proceedings, including state or federal habeas actions; and the information
18 and evidence presented at the hearing on the motion.

19 4. The prosecuting attorney or circuit attorney shall have the authority and right to file
20 and maintain an appeal of the denial or disposal of such a motion. The attorney general may
21 file a motion to intervene and, in addition to such motion, file a motion to dismiss the motion
22 to vacate or to set aside the judgment in any appeal filed by the prosecuting or circuit attorney.

2 **547.500. 1. The Missouri office of prosecution services may establish a**
3 **conviction review unit to investigate claims of actual innocence of any defendant,**
4 **including those who plead guilty.**

5 **2. The Missouri office of prosecution services shall have the power to promulgate**
6 **rules and regulations to receive and investigate claims of actual innocence.**

7 **3. The Missouri office of prosecution services shall create an application process**
8 **that at a minimum shall include that:**

9 **(1) Any application for review of a claim of actual innocence shall not have any**
10 **excessive fees and fees shall be waived in cases of indigence;**

11 **(2) No application shall be accepted if there is any pending motion, writ, appeal,**
12 **or other matter pending regarding the defendant's conviction. Any application filed**
13 **shall be considered a pleading under the Missouri rules of civil procedure and all**
14 **attorneys shall comply with supreme court rule 55.03 when signing the application and**
15 **the application shall be sworn and signed under penalty of perjury by the applicant.**
16 **Any witness statements attached shall be sworn and signed under penalty of perjury;**
17 **and**

18 **(3) Any review and investigation shall be based on newly discovered and reliable**
19 **evidence of actual innocence not presented at a trial. Such newly discovered and**
20 **reliable evidence shall establish by clear and convincing evidence the actual innocence of**
21 **the defendant.**

22 **4. The conviction review unit shall consist of two attorneys, hired by the**
23 **executive director of the Missouri office of prosecution services, who have extensive**
24 **experience prosecuting and defending criminal matters, an investigator, a paralegal, and**
25 **such administrative staff as is needed to efficiently and effectively process all**
26 **applications and claims. The executive director of the Missouri office of prosecution**
27 **services shall coordinate the activities and budget of the conviction review unit and act**
28 **as an ex officio member of the unit.**

29 **5. Once the review is complete, the conviction review unit shall present its**
30 **findings and recommendations to:**

31 **(1) The office of the prosecuting attorney or circuit attorney who prosecuted the**
32 **defendant's case, the attorney general's office if it prosecuted the case, or the special**
33 **prosecutor who prosecuted the case; or**

34 **(2) If the review was requested by a prosecuting attorney's office, the circuit**
35 **attorney's office, attorney general, or special prosecutor, the findings and**
36 **recommendation shall be presented to the office that requested the review.**

37 **6. The circuit attorney, prosecuting attorney of any county, special prosecutor,**
38 **attorney general's office if it prosecuted the case, Missouri office of prosecution services,**

38 **or other prosecutor who prosecuted the case is not required to accept or follow the**
39 **findings and recommendations of the conviction review unit.**

40 **7. (1) The application, investigation, reports, interviews, findings, and**
41 **recommendations, and any documents, written, electronic or otherwise, received or**
42 **generated by the conviction review unit are closed records.**

43 **(2) The conviction review unit's findings and recommendations submitted to the**
44 **prosecuting attorney, circuit attorney, the attorney general's office if it prosecuted the**
45 **case, or the special prosecutor who prosecuted the case, shall become open records after**
46 **the receiving entity of the submission makes a decision not to pursue a motion under**
47 **section 547.031 or, if such a motion is filed, after the finality of all proceedings under**
48 **section 547.031, including appeals authorized therein.**

552.020. 1. No person who as a result of mental disease or defect lacks capacity to
2 understand the proceedings against him or her or to assist in his or her own defense shall be
3 tried, convicted or sentenced for the commission of an offense so long as the incapacity
4 endures.

5 2. Whenever any judge has reasonable cause to believe that the accused lacks mental
6 fitness to proceed, the judge shall, upon his or her own motion or upon motion filed by the
7 state or by or on behalf of the accused, by order of record, appoint one or more private
8 psychiatrists or psychologists, as defined in section 632.005, or physicians with a minimum
9 of one year training or experience in providing treatment or services to persons with an
10 intellectual disability or developmental disability or mental illness, who are neither
11 employees nor contractors of the department of mental health for purposes of performing
12 the examination in question, to examine the accused; or shall direct the director to have the
13 accused so examined by one or more psychiatrists or psychologists, as defined in section
14 632.005, or physicians with a minimum of one year training or experience in providing
15 treatment or services to persons with an intellectual disability, developmental disability, or
16 mental illness. The order shall direct that a written report or reports of such examination be
17 filed with the clerk of the court. No private physician, psychiatrist, or psychologist shall be
18 appointed by the court unless he or she has consented to act. The examinations ordered shall
19 be made at such time and place and under such conditions as the court deems proper; except
20 that, if the order directs the director of the department to have the accused examined, the
21 director, or his or her designee, shall determine the time, place and conditions under which the
22 examination shall be conducted. The order may include provisions for the interview of
23 witnesses and may require the provision of police reports to the department for use in
24 evaluations. The department shall establish standards and provide training for those
25 individuals performing examinations pursuant to this section and section 552.030. No
26 individual who is employed by or contracts with the department shall be designated to

27 perform an examination pursuant to this chapter unless the individual meets the qualifications
28 so established by the department. Any examination performed pursuant to this subsection
29 shall be completed and filed with the court within sixty days of the order unless the court for
30 good cause orders otherwise. Nothing in this section or section 552.030 shall be construed to
31 permit psychologists to engage in any activity not authorized by chapter 337. One pretrial
32 evaluation shall be provided at no charge to the defendant by the department. All costs of
33 subsequent evaluations shall be assessed to the party requesting the evaluation.

34 3. A report of the examination made under this section shall include:

35 (1) Detailed findings;

36 (2) An opinion as to whether the accused has a mental disease or defect;

37 (3) An opinion based upon a reasonable degree of medical or psychological certainty
38 as to whether the accused, as a result of a mental disease or defect, lacks capacity to
39 understand the proceedings against him or her or to assist in his or her own defense;

40 **(4) An opinion, if the accused is found to lack capacity to understand the**
41 **proceedings against him or her or to assist in his or her own defense, as to whether there**
42 **is a substantial probability that the accused will be mentally fit to proceed in the**
43 **reasonably foreseeable future;**

44 ~~[(4)]~~ **(5) A recommendation as to whether the accused should be held in custody in a**
45 **suitable hospital facility for treatment pending determination, by the court, of mental fitness**
46 **to proceed; ~~and~~**

47 ~~(5)]~~ **(6) A recommendation as to whether the accused, if found by the court to be**
48 **mentally fit to proceed, should be detained in such hospital facility pending further**
49 **proceedings;**

50 **(7) A recommendation as to whether the accused, if found by the court to lack**
51 **the mental fitness to proceed, should be committed to a suitable hospital facility for**
52 **treatment to restore the mental fitness to proceed or if such treatments to restore the**
53 **mental fitness to proceed may be provided in a county jail or other detention facility**
54 **approved by the director or his or her designee; and**

55 **(8) A recommendation as to whether the accused, if found by the court to lack**
56 **the mental fitness to proceed, and the accused is not charged with a dangerous felony as**
57 **defined in section 556.061, or murder in the first degree pursuant to section 565.020, or**
58 **rape in the second degree pursuant to section 566.031, or the attempts thereof:**

59 **(a) Should be committed to a suitable hospital facility; or**

60 **(b) May be appropriately treated in the community; and**

61 **(c) Whether the accused can comply with bond conditions as set forth by the**
62 **court and can comply with treatment conditions and requirements as set forth by the**
63 **director of the department or his or her designee.**

64 **4. When the court determines that the accused can comply with the bond and**
65 **treatment conditions as referenced in paragraph (c) of subdivision (8) of subsection 3 of**
66 **this section, the court shall order that the accused remain on bond while receiving**
67 **treatment until the case is disposed of as set out in subsection 12 of this section. If, at**
68 **any time, the court finds that the accused has failed to comply with the bond or**
69 **treatment conditions, then the court may order that the accused be taken into law**
70 **enforcement custody until such time as a department inpatient bed is available to**
71 **provide treatment as set forth in this section.**

72 ~~[4-]~~ **5.** If the accused has pleaded lack of responsibility due to mental disease or defect
73 or has given the written notice provided in subsection 2 of section 552.030, the court shall
74 order the report of the examination conducted pursuant to this section to include, in addition
75 to the information required in subsection 3 of this section, an opinion as to whether at the time
76 of the alleged criminal conduct the accused, as a result of mental disease or defect, did not
77 know or appreciate the nature, quality, or wrongfulness of his or her conduct or as a result of
78 mental disease or defect was incapable of conforming his or her conduct to the requirements
79 of law. A plea of not guilty by reason of mental disease or defect shall not be accepted by the
80 court in the absence of any such pretrial evaluation which supports such a defense. In
81 addition, if the accused has pleaded not guilty by reason of mental disease or defect, and the
82 alleged crime is not a dangerous felony as defined in section 556.061, or those crimes set
83 forth in subsection 10 of section 552.040, or the attempts thereof, the court shall order the
84 report of the examination to include an opinion as to whether or not the accused should be
85 immediately conditionally released by the court pursuant to the provisions of section 552.040
86 or should be committed to a mental health or developmental disability facility. If such an
87 evaluation is conducted at the direction of the director of the department of mental health, the
88 court shall also order the report of the examination to include an opinion as to the conditions
89 of release which are consistent with the needs of the accused and the interest of public safety,
90 including, but not limited to, the following factors:

- 91 (1) Location and degree of necessary supervision of housing;
- 92 (2) Location of and responsibilities for appropriate psychiatric, rehabilitation and
93 aftercare services, including the frequency of such services;
- 94 (3) Medication follow-up, including necessary testing to monitor medication
95 compliance;
- 96 (4) At least monthly contact with the department's forensic case monitor;
- 97 (5) Any other conditions or supervision as may be warranted by the circumstances of
98 the case.

99 ~~[5-]~~ **6.** If the report contains the recommendation that the accused should be
100 committed to or held in a suitable hospital facility pending determination of the issue of

101 mental fitness to proceed, and if the accused is not admitted to bail or released on other
102 conditions, the court may order that the accused be committed to or held in a suitable hospital
103 facility pending determination of the issue of mental fitness to proceed.

104 ~~[6-]~~ 7. The clerk of the court shall deliver copies of the report to the prosecuting or
105 circuit attorney and to the accused or his or her counsel. The report shall not be a public
106 record or open to the public. Within ten days after the filing of the report, both the defendant
107 and the state shall, upon written request, be entitled to an order granting them an examination
108 of the accused by a psychiatrist or psychologist, as defined in section 632.005, or a physician
109 with a minimum of one year training or experience in providing treatment or services to
110 persons with an intellectual disability or developmental disability or mental illness, of their
111 own choosing and at their own expense. An examination performed pursuant to this
112 subsection shall be completed and a report filed with the court within sixty days of the date it
113 is received by the department or private psychiatrist, psychologist or physician unless the
114 court, for good cause, orders otherwise. A copy shall be furnished the opposing party.

115 ~~[7-]~~ 8. If neither the state nor the accused nor his or her counsel requests a second
116 examination relative to fitness to proceed or contests the findings of the report referred to in
117 subsections 2 and 3 of this section, the court ~~[may]~~ **shall** make a determination and finding on
118 the basis of the report filed or ~~[may]~~ hold a hearing on its own motion. If any such opinion is
119 contested, the court shall hold a hearing on the issue. The court shall determine the issue of
120 mental fitness to proceed and may impanel a jury of six persons to assist in making the
121 determination. The report or reports may be received in evidence at any hearing on the issue
122 but the party contesting any opinion therein shall have the right to summon and to cross-
123 examine the examiner who rendered such opinion and to offer evidence upon the issue.

124 ~~[8-]~~ 9. At a hearing on the issue pursuant to subsection ~~[7]~~ 8 of this section, the
125 accused is presumed to have the mental fitness to proceed. The burden of proving that the
126 accused does not have the mental fitness to proceed is by a preponderance of the evidence and
127 the burden of going forward with the evidence is on the party raising the issue. The burden of
128 going forward shall be on the state if the court raises the issue.

129 ~~[9-]~~ 10. If the court determines that the accused lacks mental fitness to proceed, the
130 criminal proceedings shall be suspended and the court shall commit him or her to the director
131 of the department of mental health. **The director of the department, or his or her designee,**
132 **shall notify the court and parties of the conditions and the secure location of treatment**
133 **unless an unsecured location has otherwise been authorized by the court.** After the
134 person has been committed, legal counsel for the department of mental health shall have
135 standing to file motions and participate in hearings on the issue of involuntary medications.

136 ~~[10-]~~ 11. Any person committed pursuant to subsection ~~[9]~~ 10 of this section shall be
137 entitled to the writ of habeas corpus upon proper petition to the court that committed him or

138 her. The issue of the mental fitness to proceed after commitment under subsection [9] 10 of
139 this section may also be raised by a motion filed by the director of the department of mental
140 health or by the state, alleging the mental fitness of the accused to proceed. A report relating
141 to the issue of the accused's mental fitness to proceed may be attached thereto. When a
142 motion to proceed is filed, legal counsel for the department of mental health shall have
143 standing to participate in hearings on such motions. If the motion is not contested by the
144 accused or his or her counsel or if after a hearing on a motion the court finds the accused
145 mentally fit to proceed, or if he or she is ordered discharged from the director's custody upon
146 a habeas corpus hearing, the criminal proceedings shall be resumed.

147 ~~[11.]~~ 12. The following provisions shall apply after a commitment as provided in this
148 section:

149 (1) Six months after such commitment, the court which ordered the accused
150 committed shall order an examination by the head of the facility in which the accused is
151 committed, or a qualified designee, to ascertain whether the accused is mentally fit to proceed
152 and if not, whether there is a substantial probability that the accused will attain the mental
153 fitness to proceed to trial in the foreseeable future. The order shall direct that written report or
154 reports of the examination be filed with the clerk of the court within thirty days and the clerk
155 shall deliver copies to the prosecuting attorney or circuit attorney and to the accused or his or
156 her counsel. The report required by this subsection shall conform to the requirements under
157 subsection 3 of this section ~~[with the additional requirement that it]~~ and shall include an
158 opinion, if the accused lacks mental fitness to proceed, as to whether there is a substantial
159 probability that the accused will attain the mental fitness to proceed in the foreseeable future;

160 (2) Within ten days after the filing of the report, both the accused and the state shall,
161 upon written request, be entitled to an order granting them an examination of the accused by a
162 psychiatrist or psychologist, as defined in section 632.005, or a physician with a minimum of
163 one year training or experience in providing treatment or services to persons with an
164 intellectual disability or developmental disability or mental illness, of their own choosing and
165 at their own expense. An examination performed pursuant to this subdivision shall be
166 completed and filed with the court within thirty days unless the court, for good cause, orders
167 otherwise. A copy shall be furnished to the opposing party;

168 (3) If neither the state nor the accused nor his or her counsel requests a second
169 examination relative to fitness to proceed or contests the findings of the report referred to in
170 subdivision (1) of this subsection, the court may make a determination and finding on the
171 basis of the report filed, or may hold a hearing on its own motion. If any such opinion is
172 contested, the court shall hold a hearing on the issue. The report or reports may be received in
173 evidence at any hearing on the issue but the party contesting any opinion therein relative to

174 fitness to proceed shall have the right to summon and to cross-examine the examiner who
175 rendered such opinion and to offer evidence upon the issue;

176 (4) If the accused is found mentally fit to proceed, the criminal proceedings shall be
177 resumed;

178 (5) If it is found that the accused lacks mental fitness to proceed but there is a
179 substantial probability the accused will be mentally fit to proceed in the reasonably
180 foreseeable future, the court shall continue such commitment for a period not longer than six
181 months, after which the court shall reinstitute the proceedings required under subdivision (1)
182 of this subsection;

183 (6) If it is found that the accused lacks mental fitness to proceed and there is no
184 substantial probability that the accused will be mentally fit to proceed in the reasonably
185 foreseeable future, the court shall dismiss the charges without prejudice and the accused shall
186 be discharged, but only if proper proceedings have been filed under chapter 632 or chapter
187 475, in which case those sections and no others will be applicable. The probate division of
188 the circuit court shall have concurrent jurisdiction over the accused upon the filing of a proper
189 pleading to determine if the accused shall be involuntarily detained under chapter 632, or to
190 determine if the accused shall be declared incapacitated under chapter 475, and approved for
191 admission by the guardian under section 632.120 or 633.120, to a mental health or
192 developmental disability facility. When such proceedings are filed, the criminal charges shall
193 be dismissed without prejudice if the court finds that the accused is mentally ill and should be
194 committed or that he or she is incapacitated and should have a guardian appointed. The
195 period of limitation on prosecuting any criminal offense shall be tolled during the period that
196 the accused lacks mental fitness to proceed.

197 ~~[12.]~~ **13.** If the question of the accused's mental fitness to proceed was raised after a
198 jury was impaneled to try the issues raised by a plea of not guilty and the court determines
199 that the accused lacks the mental fitness to proceed or orders the accused committed for an
200 examination pursuant to this section, the court may declare a mistrial. Declaration of a
201 mistrial under these circumstances, or dismissal of the charges pursuant to subsection ~~[11]~~ **12**
202 of this section, does not constitute jeopardy, nor does it prohibit the trial, sentencing or
203 execution of the accused for the same offense after he or she has been found restored to
204 competency.

205 ~~[13.]~~ **14.** The result of any examinations made pursuant to this section shall not be a
206 public record or open to the public.

207 ~~[14.]~~ **15.** No statement made by the accused in the course of any examination or
208 treatment pursuant to this section and no information received by any examiner or other
209 person in the course thereof, whether such examination or treatment was made with or
210 without the consent of the accused or upon his or her motion or upon that of others, shall be

211 admitted in evidence against the accused on the issue of guilt in any criminal proceeding then
212 or thereafter pending in any court, state or federal. A finding by the court that the accused is
213 mentally fit to proceed shall in no way prejudice the accused in a defense to the crime charged
214 on the ground that at the time thereof he or she was afflicted with a mental disease or defect
215 excluding responsibility, nor shall such finding by the court be introduced in evidence on that
216 issue nor otherwise be brought to the notice of the jury.

558.016. 1. The court may sentence a person who has been found guilty of an offense
2 to a term of imprisonment as authorized by section 558.011 or to a term of imprisonment
3 authorized by a statute governing the offense if it finds the defendant is a prior offender or a
4 persistent misdemeanor offender. The court may sentence a person to an extended term of
5 imprisonment if:

6 (1) The defendant is a persistent offender or a dangerous offender, and the person is
7 sentenced under subsection 7 of this section;

8 (2) The statute under which the person was found guilty contains a sentencing
9 enhancement provision that is based on a prior finding of guilt or a finding of prior criminal
10 conduct and the person is sentenced according to the statute; or

11 (3) A more specific sentencing enhancement provision applies that is based on a prior
12 finding of guilt or a finding of prior criminal conduct.

13 2. A "prior offender" is one who has been found guilty of one felony.

14 3. A "persistent offender" is one who has been found guilty of two or more felonies
15 committed at different times, **or one who has been previously found guilty of a dangerous**
16 **felony as defined in subdivision (19) of section 556.061.**

17 4. A "dangerous offender" is one who:

18 (1) Is being sentenced for a felony during the commission of which he knowingly
19 murdered or endangered or threatened the life of another person or knowingly inflicted or
20 attempted or threatened to inflict serious physical injury on another person; and

21 (2) Has been found guilty of a class A or B felony or a dangerous felony.

22 5. A "persistent misdemeanor offender" is one who has been found guilty of two or
23 more offenses, committed at different times that are classified as A or B misdemeanors under
24 the laws of this state.

25 6. The findings of guilt shall be prior to the date of commission of the present offense.

26 7. The court shall sentence a person, who has been found to be a persistent offender or
27 a dangerous offender, and is found guilty of a class B, C, D, or E felony to the authorized term
28 of imprisonment for the offense that is one class higher than the offense for which the person
29 is found guilty.

558.019. 1. This section shall not be construed to affect the powers of the governor
2 under Article IV, Section 7, of the Missouri Constitution. This statute shall not affect those

3 provisions of section 565.020~~[;]~~ **or** section 566.125, ~~[or section 571.015;]~~ which set minimum
4 terms of sentences, or the provisions of section 559.115, relating to probation.

5 2. The provisions of subsections 2 to 5 of this section shall only be applicable to the
6 offenses contained in sections 565.021, 565.023, 565.024, 565.027, 565.050, 565.052,
7 565.054, 565.072, 565.073, 565.074, 565.090, 565.110, 565.115, 565.120, 565.153, 565.156,
8 565.225, 565.300, 566.030, 566.031, 566.032, 566.034, 566.060, 566.061, 566.062, 566.064,
9 566.067, 566.068, 566.069, 566.071, 566.083, 566.086, 566.100, 566.101, 566.103, 566.111,
10 566.115, 566.145, 566.151, 566.153, 566.203, 566.206, 566.209, 566.210, 566.211, 566.215,
11 568.030, 568.045, 568.060, 568.065, 568.175, 569.040, 569.160, 570.023, 570.025, 570.030
12 when punished as a class A, B, or C felony, 570.145 when punished as a class A or B felony,
13 570.223 when punished as a class B or C felony, 571.020, 571.030, 571.070, 573.023,
14 573.025, 573.035, 573.037, 573.200, 573.205, 574.070, 574.080, 574.115, 575.030, 575.150,
15 **575.151**, 575.153, 575.155, 575.157, ~~[575.200 when punished as a class A felony;]~~ 575.210,
16 575.230 when punished as a class B felony, 575.240 when punished as a class B felony,
17 576.070, 576.080, 577.010, 577.013, 577.078, 577.703, 577.706, 579.065, and 579.068 when
18 punished as a class A or B felony. For the purposes of this section, "prison commitment"
19 means and is the receipt by the department of corrections of an offender after sentencing. For
20 purposes of this section, prior prison commitments to the department of corrections shall not
21 include an offender's first incarceration prior to release on probation under section 217.362 or
22 559.115. Other provisions of the law to the contrary notwithstanding, any offender who has
23 been found guilty of a felony other than a dangerous felony as defined in section 556.061 and
24 is committed to the department of corrections shall be required to serve the following
25 minimum prison terms:

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

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

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

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

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

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

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

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

54 6. An offender who was convicted of, or pled guilty to, a felony offense other than
55 those offenses listed in subsection 2 of this section prior to August 28, 2019, shall no longer
56 be subject to the minimum prison term provisions under subsection 2 of this section, and shall
57 be eligible for parole, conditional release, or other early release by the department of
58 corrections according to the rules and regulations of the department.

59 7. (1) A sentencing advisory commission is hereby created to consist of eleven
60 members. One member shall be appointed by the speaker of the house. One member shall be
61 appointed by the president pro tem of the senate. One member shall be the director of the
62 department of corrections. Six members shall be appointed by and serve at the pleasure of the
63 governor from among the following: the public defender commission; private citizens; a
64 private member of the Missouri Bar; the board of probation and parole; and a prosecutor.
65 Two members shall be appointed by the supreme court, one from a metropolitan area and one
66 from a rural area. All members shall be appointed to a four-year term. All members of the
67 sentencing commission appointed prior to August 28, 1994, shall continue to serve on the
68 sentencing advisory commission at the pleasure of the governor.

69 (2) The commission shall study sentencing practices in the circuit courts throughout
70 the state for the purpose of determining whether and to what extent disparities exist among
71 the various circuit courts with respect to the length of sentences imposed and the use of
72 probation for offenders convicted of the same or similar offenses and with similar criminal
73 histories. The commission shall also study and examine whether and to what extent
74 sentencing disparity among economic and social classes exists in relation to the sentence of
75 death and if so, the reasons therefor, if sentences are comparable to other states, if the length
76 of the sentence is appropriate, and the rate of rehabilitation based on sentence. It shall

77 compile statistics, examine cases, draw conclusions, and perform other duties relevant to the
78 research and investigation of disparities in death penalty sentencing among economic and
79 social classes.

80 (3) The commission shall study alternative sentences, prison work programs, work
81 release, home-based incarceration, probation and parole options, and any other programs and
82 report the feasibility of these options in Missouri.

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

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

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

94 8. Courts shall retain discretion to lower or exceed the sentence recommended by the
95 commission as otherwise allowable by law, and to order restorative justice methods, when
96 applicable.

97 9. If the imposition or execution of a sentence is suspended, the court may order any
98 or all of the following restorative justice methods, or any other method that the court finds
99 just or appropriate:

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

102 (2) Offender treatment programs;

103 (3) Mandatory community service;

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

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

106 10. Pursuant to subdivision (1) of subsection 9 of this section, the court may order the
107 assessment and payment of a designated amount of restitution to a county law enforcement
108 restitution fund established by the county commission pursuant to section 50.565. Such
109 contribution shall not exceed three hundred dollars for any charged offense. Any restitution
110 moneys deposited into the county law enforcement restitution fund pursuant to this section
111 shall only be expended pursuant to the provisions of section 50.565.

112 11. A judge may order payment to a restitution fund only if such fund had been
113 created by ordinance or resolution of a county of the state of Missouri prior to sentencing. A

114 judge shall not have any direct supervisory authority or administrative control over any fund
115 to which the judge is ordering a person to make payment.

116 12. A person who fails to make a payment to a county law enforcement restitution
117 fund may not have his or her probation revoked solely for failing to make such payment
118 unless the judge, after evidentiary hearing, makes a finding supported by a preponderance of
119 the evidence that the person either willfully refused to make the payment or that the person
120 willfully, intentionally, and purposefully failed to make sufficient bona fide efforts to acquire
121 the resources to pay.

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

558.031. 1. A sentence of imprisonment shall commence when a person convicted of
2 an offense in this state is received into the custody of the department of corrections or other
3 place of confinement where the offender is sentenced.

4 2. Such person shall receive credit toward the service of a sentence of imprisonment
5 for all time in prison, jail or custody after ~~[conviction]~~ **the offense occurred** and before the
6 commencement of the sentence, when the time in custody was related to that offense~~], and the~~
7 ~~circuit court may, when pronouncing sentence, award credit for time spent in prison, jail, or~~
8 ~~custody after the offense occurred and before conviction toward the service of the sentence of~~
9 ~~imprisonment, except:~~

10 ~~(1) Such credit shall only be applied once when sentences are consecutive;~~

11 ~~(2) Such credit shall only be applied if the person convicted was in custody in the~~
12 ~~state of Missouri, unless such custody was compelled exclusively by the state of Missouri's~~
13 ~~action; and~~

14 ~~(3) As provided in section 559.100].~~ **This credit shall be based upon the**
15 **certification of the sheriff as provided in subdivision (3) of subsection 2 of section**
16 **217.305 and may be supplemented by a certificate of a sheriff or other custodial officer**
17 **from another jurisdiction having held the person on the charge of the offense for which**
18 **the sentence of imprisonment is ordered.**

19 3. The officer required by law to deliver a person convicted of an offense in this state
20 to the department of corrections shall endorse upon the papers required by section 217.305
21 both the dates the offender was in custody and the period of time to be credited toward the
22 service of the sentence of imprisonment, except as endorsed by such officer.

23 4. If a person convicted of an offense escapes from custody, such escape shall
24 interrupt the sentence. The interruption shall continue until such person is returned to the
25 correctional center where the sentence was being served, or in the case of a person committed
26 to the custody of the department of corrections, to any correctional center operated by the

27 department of corrections. An escape shall also interrupt the jail time credit to be applied to a
28 sentence which had not commenced when the escape occurred.

29 5. If a sentence of imprisonment is vacated and a new sentence imposed upon the
30 offender for that offense, all time served under the vacated sentence shall be credited against
31 the new sentence, unless the time has already been credited to another sentence as provided in
32 subsection 1 of this section.

33 6. If a person released from imprisonment on parole or serving a conditional release
34 term violates any of the conditions of his or her parole or release, he or she may be treated as
35 a parole violator. If the parole board revokes the parole or conditional release, the paroled
36 person shall serve the remainder of the prison term and conditional release term, as an
37 additional prison term, and the conditionally released person shall serve the remainder of the
38 conditional release term as a prison term, unless released on parole.

39 7. Subsection 2 of this section shall be applicable to offenses ~~[occurring]~~ **for which**
40 **the offender was sentenced** on or after August 28, ~~[2024]~~ **2023**.

41 **8. The total amount of credit given shall not exceed the number of days spent in**
42 **prison, jail, or custody after the offense occurred and before the commencement of the**
43 **sentence.**

559.125. 1. The clerk of the court shall keep in a permanent file all applications for
2 probation or parole by the court, and shall keep in such manner as may be prescribed by the
3 court complete and full records of all presentence investigations requested, probations or
4 paroles granted, revoked or terminated and all discharges from probations or paroles. All
5 court orders relating to any presentence investigation requested and probation or parole
6 granted under the provisions of this chapter and sections 558.011 and 558.026 shall be kept in
7 a like manner, and, if the defendant subject to any such order is subject to an investigation or
8 is under the supervision of the division of probation and parole, a copy of the order shall be
9 sent to the division of probation and parole. In any county where a parole board ceases to
10 exist, the clerk of the court shall preserve the records of that parole board.

11 2. Information and data obtained by a probation or parole officer ~~[shall be privileged~~
12 ~~information and]~~ shall not be ~~[receivable in any court. Such information shall not be]~~
13 disclosed directly or indirectly to anyone other than the members of a parole board, **to a law**
14 **enforcement officer for the purpose of investigation and prosecution**, and **to** the judge
15 entitled to receive reports, except the court, the division of probation and parole, or the parole
16 board may in its discretion permit the inspection of the report, or parts of such report, by the
17 defendant, or offender or his or her attorney, or other person having a proper interest therein.

18 3. The provisions of subsection 2 of this section notwithstanding, the presentence
19 investigation report shall be made available to the state and all information and data obtained
20 in connection with preparation of the presentence investigation report may be made available

21 to the state at the discretion of the court upon a showing that the receipt of the information
22 and data is in the best interest of the state.

565.003. 1. (1) The culpable mental state necessary for a homicide offense may be
2 found to exist if the only difference between what actually occurred and what was the object
3 of the offender's state of mind is that a different person or persons were killed.

4 (2) **It shall not be a defense to a homicide charge that the identity of the person**
5 **the offender intended to kill cannot be established. If the state proves beyond a**
6 **reasonable doubt that the offender had the requisite mental state toward a specific**
7 **person or a general class of persons who are not identified or who are not identifiable,**
8 **such intent shall be transferred to a person who is killed by the offender while such**
9 **mental state existed.**

10 2. The length of time which transpires between conduct which results in a death and
11 is the basis of a homicide offense and the event of such death is no defense to any charge of
12 homicide.

565.258. 1. There is hereby created the "Stop Cyberstalking and Harassment
2 Task Force" to consist of the following members:

3 (1) The following four members of the general assembly:

4 (a) Two members of the senate, with one member to be appointed by the
5 president pro tempore of the senate and one member to be appointed by the minority
6 floor leader; and

7 (b) Two members of the house of representatives, with one member to be
8 appointed by the speaker of the house of representatives and one member to be
9 appointed by the minority floor leader;

10 (2) The director of the department of public safety or his or her designee;

11 (3) A representative of the Missouri highway patrol appointed by the
12 superintendent of the Missouri highway patrol;

13 (4) A representative of the Missouri Association of Prosecuting Attorneys
14 appointed by the president of the Missouri Association of Prosecuting Attorneys;

15 (5) One or more law enforcement officers with experience relating to
16 cyberstalking and harassment appointed by the governor;

17 (6) One or more representatives from a regional cyber crime task force
18 appointed by the governor;

19 (7) A person with experience in training law enforcement on issues of
20 cyberstalking or harassment appointed by the governor;

21 (8) A representative of a statewide coalition against domestic and sexual violence
22 appointed by the governor;

23 **(9) A representative of the Missouri safe at home program appointed by the**
24 **secretary of state;**

25 **(10) The clerk of the supreme court of Missouri or his or her designee;**

26 **(11) A mental health service provider with experience serving victims or**
27 **perpetrators of crime appointed by the director of the department of mental health;**

28 **(12) One representative from elementary and secondary education services with**
29 **experience educating people about cyberstalking and harassment appointed by the**
30 **director of the department of elementary and secondary education;**

31 **(13) One representative from higher education services with experience**
32 **educating people about cyberstalking and harassment appointed by the director of**
33 **higher education and workforce development; and**

34 **(14) One representative with experience in cybersecurity and technology**
35 **appointed by the director of the office of administration.**

36 **2. The task force shall appoint a chairperson who is elected by a majority vote of**
37 **the members of the task force. The task force shall have an initial meeting before**
38 **October 1, 2023. The members of the task force shall serve without compensation but**
39 **shall be entitled to necessary and actual expenses incurred in attending meetings of the**
40 **task force.**

41 **3. The task force shall collect feedback from stakeholders, which may include,**
42 **but shall not be limited to, victims, law enforcement, victim advocates, and digital**
43 **evidence and forensics experts, to inform development of best practices regarding:**

44 **(1) The treatment of victims of cyberstalking or harassment; and**

45 **(2) Actions to stop cyberstalking and harassment when it occurs.**

46 **4. The task force shall study and make recommendations, including, but not**
47 **limited to:**

48 **(1) Whether a need exists for further training for law enforcement relating to**
49 **cyberstalking and harassment and, if such a need does exist, recommendations on how**
50 **to best fill the need, whether legislatively or otherwise;**

51 **(2) Whether a need exists for increased coordination among police departments**
52 **to address instances of cyberstalking or harassment and, if such a need does exist,**
53 **recommendations on how to best fill the need, whether legislatively or otherwise;**

54 **(3) Resources and tools law enforcement may need to identify patterns and**
55 **collect evidence in cases of cyberstalking or harassment;**

56 **(4) Whether a need exists for strengthening the rights afforded to victims of**
57 **cyberstalking or harassment in Missouri law and, if such a need does exist,**
58 **recommendations on how to best fill the need;**

59 **(5) Educational and any other resources deemed necessary by the taskforce to**
60 **educate and inform victims and the public on ways to protect themselves from**
61 **cyberstalking and harassment;**

62 **(6) Whether a need exists for increased victim services and training for victim**
63 **advocates relating to cyberstalking and harassment and, if such a need does exist,**
64 **recommendations on how to best fill the need, whether legislatively or otherwise.**

65 **5. The department of public safety shall provide administrative support to the**
66 **task force.**

67 **6. On or before December thirty-first of each year, the task force shall submit a**
68 **report on its findings to the governor and the general assembly.**

69 **7. The task force shall expire on December 31, 2025, unless extended until**
70 **December 31, 2027, as determined necessary by the department of public safety.**

568.045. 1. A person commits the offense of endangering the welfare of a child in the
2 first degree if he or she:

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

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

8 (3) Knowingly encourages, aids or causes a child less than seventeen years of age to
9 engage in any conduct which violates the provisions of chapter **571 or 579**;

10 (4) In the presence of a child less than seventeen years of age or in a residence where
11 a child less than seventeen years of age resides, unlawfully manufactures[;] or attempts to
12 manufacture compounds, possesses, produces, prepares, sells, transports, tests or analyzes
13 amphetamine or methamphetamine or any of [~~their~~] **its** analogues.

14 2. The offense of endangering the welfare of a child in the first degree is a class D
15 felony unless the offense:

16 (1) Is committed as part of an act or series of acts performed by two or more persons
17 as part of an established or prescribed pattern of activity, or where physical injury to the child
18 results, or the offense is a second or subsequent offense under this section, in which case the
19 offense is a class C felony;

20 (2) Results in serious physical injury to the child, in which case the offense is a class
21 B felony; or

22 (3) Results in the death of a child, in which case the offense is a class A felony.

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

23 (5) "To tamper", to interfere with something improperly, to meddle with it, displace it,
 24 make unwarranted alterations in its existing condition, or to deprive, temporarily, the owner
 25 or possessor of that thing;

26 ~~[(5)]~~ (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; or unless committed to obtain**
 27 **the personal financial credentials of another person or committed as a second or**
 28 **subsequent violation of subdivision (4) of subsection 1 of this section in which case it is a**
 29 **class B 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) "Misabeled", 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) is a remote computer terminal owned or controlled by a financial**
98 **institution or a private business that allows individuals to obtain financial services**
99 **including obtaining cash, transferring or transmitting money or digital currencies,**
100 **payment of bills, or loading money or digital currency to a payment card or other device**
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 that it has been stolen, or believing that it
9 has been stolen.

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

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

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

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

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

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

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

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

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

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

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

43 (3) The property appropriated consists of:

- 44 (a) Any motor vehicle, watercraft or aircraft;
- 45 (b) Any will or unrecorded deed affecting real property;
- 46 (c) Any credit device, debit device or letter of credit;
- 47 (d) Any firearms;
- 48 (e) Any explosive weapon as defined in section 571.010;
- 49 (f) Any United States national flag designed, intended and used for display on
- 50 buildings or stationary flagstaffs in the open;
- 51 (g) Any original copy of an act, bill or resolution, introduced or acted upon by the
- 52 legislature of the state of Missouri;
- 53 (h) Any pleading, notice, judgment or any other record or entry of any court of this
- 54 state, any other state or of the United States;
- 55 (i) Any book of registration or list of voters required by chapter 115;
- 56 (j) Any animal considered livestock as that term is defined in section 144.010;
- 57 (k) Any live fish raised for commercial sale with a value of seventy-five dollars or
- 58 more;
- 59 (l) Any captive wildlife held under permit issued by the conservation commission;
- 60 (m) Any controlled substance as defined by section 195.010;
- 61 (n) Ammonium nitrate;
- 62 (o) Any wire, electrical transformer, or metallic wire associated with transmitting
- 63 telecommunications, video, internet, or voice over internet protocol service, or any other
- 64 device or pipe that is associated with conducting electricity or transporting natural gas or
- 65 other combustible fuels; or
- 66 (p) Any material appropriated with the intent to use such material to manufacture,
- 67 compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of
- 68 their analogues.
- 69 6. The offense of stealing is a class E felony if:
- 70 (1) The property appropriated is an animal;
- 71 (2) The property is a catalytic converter; or
- 72 (3) A person has previously been found guilty of three stealing-related offenses
- 73 committed on three separate occasions where such offenses occurred within ten years of the
- 74 date of occurrence of the present offense.
- 75 7. The offense of stealing is a class D misdemeanor if the property is not of a type
- 76 listed in subsection 2, 3, 5, or 6 of this section, the property appropriated has a value of less
- 77 than one hundred fifty dollars, and the person has no previous findings of guilt for a stealing-
- 78 related offense.
- 79 8. The offense of stealing is a class A misdemeanor if no other penalty is specified in
- 80 this section.

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

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

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

571.015. 1. Any person who commits any felony under the laws of this state by, with,
2 or through the use, assistance, or aid of a dangerous instrument or deadly weapon is also
3 guilty of the offense of armed criminal action; **the offense of armed criminal action shall be**
4 **an unclassified felony** and, upon conviction, shall be punished by imprisonment by the
5 department of corrections for a term of not less than three years and not to exceed fifteen
6 years, unless the person is unlawfully possessing a firearm, in which case the term of
7 imprisonment shall be for a term of not less than five years. The punishment imposed
8 pursuant to this subsection shall be in addition to and consecutive to any punishment provided
9 by law for the crime committed by, with, or through the use, assistance, or aid of a dangerous
10 instrument or deadly weapon. No person convicted under this subsection shall be eligible for
11 parole, probation, conditional release, or suspended imposition or execution of sentence for a
12 period of three calendar years.

13 2. Any person convicted of a second offense of armed criminal action under
14 subsection 1 of this section shall be punished by imprisonment by the department of
15 corrections for a term of not less than five years and not to exceed thirty years, unless the
16 person is unlawfully possessing a firearm, in which case the term of imprisonment shall be for
17 a term not less than fifteen years. The punishment imposed pursuant to this subsection shall
18 be in addition to and consecutive to any punishment provided by law for the crime committed
19 by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon.
20 No person convicted under this subsection shall be eligible for parole, probation, conditional
21 release, or suspended imposition or execution of sentence for a period of five calendar years.

22 3. Any person convicted of a third or subsequent offense of armed criminal action
23 under subsection 1 of this section shall be punished by imprisonment by the department of
24 corrections for a term of not less than ten years, unless the person is unlawfully possessing a
25 firearm, in which case the term of imprisonment shall be no less than fifteen years. The
26 punishment imposed pursuant to this subsection shall be in addition to and consecutive to any
27 punishment provided by law for the crime committed by, with, or through the use, assistance,

28 or aid of a dangerous instrument or deadly weapon. No person convicted under this
29 subsection shall be eligible for parole, probation, conditional release, or suspended imposition
30 or execution of sentence for a period of ten calendar years.

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 shooting range supervised by any person eighteen years of age or older;**

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 unlawful discharge of a firearm shall be**
26 **guilty of:**

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

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

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

571.070. 1. A person commits the offense of unlawful possession of a firearm if such
2 **person knowingly has any firearm in his or her possession and:**

3 **(1) Such person has been convicted of a felony under the laws of this state, or of a**
4 **crime under the laws of any state or of the United States which, if committed within this state,**
5 **would be a felony; or**

6 (2) Such person is a fugitive from justice, is habitually in an intoxicated or drugged
7 condition, or is currently adjudged mentally incompetent.

8 2. Unlawful possession of a firearm is a class [D] C felony, unless a person has been
9 convicted of a dangerous felony as defined in section 556.061, **or the person has a prior**
10 **conviction for unlawful possession of a firearm** in which case it is a class [E] B felony.

11 3. The provisions of subdivision (1) of subsection 1 of this section shall not apply to
12 the possession of an antique firearm.

575.010. The following definitions shall apply to this chapter and chapter 576:

2 (1) "Affidavit" means any written statement which is authorized or required by law to
3 be made under oath, and which is sworn to before a person authorized to administer oaths;

4 (2) "Government" means any branch or agency of the government of this state or of
5 any political subdivision thereof;

6 (3) "Highway" means any public road or thoroughfare for vehicles, including state
7 roads, county roads and public streets, avenues, boulevards, parkways or alleys in any
8 municipality;

9 (4) "Judicial proceeding" means any official proceeding in court, or any proceeding
10 authorized by or held under the supervision of a court;

11 (5) "Juror" means a grand or petit juror, including a person who has been drawn or
12 summoned to attend as a prospective juror;

13 (6) "Jury" means a grand or petit jury, including any panel which has been drawn or
14 summoned to attend as prospective jurors;

15 (7) **"Law enforcement animal" means a dog, horse, or other animal used in law**
16 **enforcement or a correctional facility, or by a municipal police department, fire**
17 **department, search and rescue unit or agency, whether the animal is on duty or not on**
18 **duty. The term shall include, but not be limited to, accelerant detection dogs, bomb**
19 **detection dogs, narcotic detection dogs, search and rescue dogs, and tracking animals;**

20 (8) "Official proceeding" means any cause, matter, or proceeding where the laws of
21 this state require that evidence considered therein be under oath or affirmation;

22 [~~(8) "Police animal" means a dog, horse or other animal used in law enforcement or a~~
23 ~~correctional facility, or by a municipal police department, fire department, search and rescue~~
24 ~~unit or agency, whether the animal is on duty or not on duty. The term shall include, but not~~
25 ~~be limited to, accelerant detection dogs, bomb detection dogs, narcotic detection dogs, search~~
26 ~~and rescue dogs and tracking animals;]~~

27 (9) "Public record" means any document which a public servant is required by law to
28 keep;

29 (10) "Testimony" means any oral statement under oath or affirmation;

30 (11) "Victim" means any natural person against whom any crime is deemed to have
31 been perpetrated or attempted;

32 (12) "Witness" means any natural person:

33 (a) Having knowledge of the existence or nonexistence of facts relating to any crime;
34 or

35 (b) Whose declaration under oath is received as evidence for any purpose; or

36 (c) Who has reported any crime to any peace officer or prosecutor; or

37 (d) Who has been served with a subpoena issued under the authority of any court of
38 this state.

575.150. 1. A person commits the offense of resisting [ø], interfering with,
2 **escaping, or attempting to escape from** arrest, detention, [ø] stop, **or custody** if he or she
3 knows or reasonably should know that a law enforcement officer is making an arrest or
4 attempting to lawfully detain or stop an individual or vehicle, and for the purpose of
5 preventing the officer from effecting the arrest, stop or detention **or maintaining custody**
6 **after such stop, detention, or arrest**, he or she:

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

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

11 **(3) While being held in custody after a stop, detention, or arrest has been made,**
12 **escapes or attempts to escape from such custody.**

13 2. This section applies to:

14 (1) Arrests, stops, or detentions, with or without warrants;

15 (2) Arrests, stops, [ø] detentions, **or custody** for any offense, infraction, or ordinance
16 violation; and

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

18 3. A person is presumed to be fleeing a vehicle stop if he or she continues to operate a
19 motor vehicle after he or she has seen or should have seen clearly visible emergency lights or
20 has heard or should have heard an audible signal emanating from the law enforcement vehicle
21 pursuing him or her. **Nothing in this section shall be construed to require the state to**
22 **prove in a prosecution against a defendant that the defendant knew why he or she was**
23 **being stopped, detained, or arrested.**

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

27 5. The offense of resisting [œɹ], interfering with [æn], or escaping or attempting to
28 **escape from a stop, detention, or arrest or from custody after such stop, detention, or**
29 **arrest** is a class ~~[E felony for an arrest for a:~~

30 ~~(1) Felony;~~

31 ~~(2) Warrant issued for failure to appear on a felony case; or~~

32 ~~(3) Warrant issued for a probation violation on a felony case.~~

33

34 ~~The offense of resisting an arrest, detention or stop in violation of subdivision (1) or (2) of~~
35 ~~subsection 1 of this section is a class] A misdemeanor, unless [the person fleeing creates a~~
36 ~~substantial risk of serious physical injury or death to any person, in which case it is a class E~~
37 ~~felony]:~~

38 **(1) The stop, detention, arrest, or custody was for a felony;**

39 **(2) The stop, detention, arrest, or custody was for a warrant issued for failure to**
40 **appear on a felony case;**

41 **(3) The stop, detention, arrest, or custody was for a warrant issued for a**
42 **probation violation on a felony case;**

43 **(4) While resisting, interfering with, or escaping or attempting to escape from a**
44 **stop, detention, or arrest or from custody, the person flees and during such flight creates**
45 **a substantial risk of serious physical injury or death to any person; or**

46 **(5) The escape or attempt to escape while in custody or under arrest was for a**
47 **felony,**

48

49 **in which case it is a class E felony; except that, if such escape or attempted escape is**
50 **committed by means of a deadly weapon or dangerous instrument or by holding any**
51 **person hostage it is a class A felony.**

575.151. 1. A person commits the offense of aggravated resisting arrest by
2 **fleeing in or on a motor vehicle if he or she resists an arrest, a stop, or a detention by**
3 **fleeing in or on a motor vehicle from a law enforcement officer and, during the course of**
4 **fleeing, drives at a speed or in a manner that demonstrates a disregard for the safety of**
5 **any person or property, including that of the pursuing officer or other occupants of the**
6 **fleeing vehicle, and that could result in serious bodily injury or death to another person,**
7 **including any officer.**

8 **2. Nothing in this section shall be construed to require the state to prove in a**
9 **prosecution against a defendant that the defendant knew why he or she was being**
10 **stopped, detained, or arrested.**

11 **3. The offense of aggravated resisting arrest by fleeing in or on a motor vehicle is**
12 **a class B felony with no possibility of parole, probation, or conditional release until the**
13 **person serves a term of imprisonment of no less than three years.**

575.353. 1. **This section shall be known and may be cited as "Max's Law".**

2 **2.** A person commits the offense of assault on a [~~police~~] **law enforcement** animal if
3 he or she knowingly attempts to kill or disable or knowingly causes or attempts to cause
4 serious physical injury to a [~~police~~] **law enforcement** animal when that animal is involved in
5 law enforcement investigation, apprehension, tracking, or search, or the animal is in the
6 custody of or under the control of a law enforcement officer, department of corrections
7 officer, municipal police department, fire department or a rescue unit or agency.

8 [~~2-~~] **3.** The offense of assault on a [~~police~~] **law enforcement** animal is a [~~class C~~
9 ~~misdemeanor, unless~~]:

10 **(1) Class A misdemeanor, if the law enforcement animal is not injured to the**
11 **point of requiring veterinary care or treatment;**

12 **(2) Class E felony if the law enforcement animal is seriously injured to the point**
13 **of requiring veterinary care or treatment; and**

14 **(3) Class D felony if the assault results in the death of such animal [~~or disables such~~**
15 **animal to the extent it is unable to be utilized as a police animal, in which case it is a class E**
16 **felony].**

578.007. The provisions of section 574.130[~~7~~] **and** sections 578.005 to 578.023 shall
2 not apply to:

3 **(1)** Care or treatment performed by a licensed veterinarian within the provisions of
4 chapter 340;

5 **(2)** Bona fide scientific experiments;

6 **(3)** Hunting, fishing, or trapping as allowed by chapter 252, including all practices
7 and privileges as allowed under the Missouri Wildlife Code;

8 **(4)** Facilities and publicly funded zoological parks currently in compliance with the
9 federal "Animal Welfare Act" as amended;

10 **(5)** Rodeo practices currently accepted by the Professional Rodeo Cowboy's
11 Association;

12 **(6)** The killing of an animal by the owner thereof, the agent of such owner, or by a
13 veterinarian at the request of the owner thereof;

14 **(7)** The lawful, humane killing of an animal by an animal control officer, the operator
15 of an animal shelter, a veterinarian, or law enforcement or health official;

16 **(8)** With respect to farm animals, normal or accepted practices of animal husbandry;

17 **(9)** The killing of an animal by any person at any time if such animal is outside of the
18 owned or rented property of the owner or custodian of such animal and the animal is injuring

19 any person or farm animal, but **this exemption** shall not include ~~[police or guard dogs]~~ **the**
20 **killing or injuring of a law enforcement animal** while working;

21 (10) The killing of house or garden pests; or

22 (11) Field trials, training and hunting practices as accepted by the Professional
23 Houndsmen of Missouri.

578.022. Any dog that is owned, or the service of which is employed, by a law
2 enforcement agency and that bites **or injures** another animal or human in the course of their
3 official duties is exempt from the provisions of sections 273.033 ~~[and]~~, 273.036 ~~[and section]~~,
4 **578.012, and 578.024.**

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

4 (1) More than thirty grams of a mixture or substance containing a detectable amount
5 of heroin;

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

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

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

16 ~~[(5)]~~ (4) More than thirty grams of a mixture or substance containing a detectable
17 amount of phencyclidine (PCP);

18 ~~[(6)]~~ (5) More than four grams of phencyclidine;

19 ~~[(7)]~~ (6) More than thirty kilograms of a mixture or substance containing marijuana;

20 ~~[(8)]~~ (7) More than thirty grams of any material, compound, mixture, or preparation
21 containing any quantity of the following substances having a stimulant effect on the central
22 nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers;
23 methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine
24 and its salts; or methylphenidate;

25 ~~[(9)]~~ (8) More than thirty grams of any material, compound, mixture, or preparation
26 which contains any quantity of 3,4-methylenedioxymethamphetamine;

27 ~~[(10)]~~ (9) One gram or more of flunitrazepam for the first offense;

28 ~~[(11)]~~ (10) Any amount of gamma-hydroxybutyric acid for the first offense; or

29 ~~[(12)]~~ **(11)** More than ten milligrams of fentanyl or carfentanil, or any derivative
30 thereof, or any combination thereof, or any compound, mixture, or substance containing a
31 detectable amount of fentanyl or carfentanil, or their optical isomers or analogues.

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

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

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

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

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

45 ~~(4)]~~ One gram or more of a mixture or substance containing a detectable amount of
46 lysergic acid diethylamide (LSD); or

47 ~~[(5)]~~ **(4)** Ninety grams or more of a mixture or substance containing a detectable
48 amount of phencyclidine (PCP); or

49 ~~[(6)]~~ **(5)** Twelve grams or more of phencyclidine; or

50 ~~[(7)]~~ **(6)** One hundred kilograms or more of a mixture or substance containing
51 marijuana; or

52 ~~[(8)]~~ **(7)** Ninety grams or more of any material, compound, mixture, or preparation
53 containing any quantity of the following substances having a stimulant effect on the central
54 nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers;
55 methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine
56 and its salts; or methylphenidate; or

57 ~~[(9)]~~ **(8)** More than thirty grams of any material, compound, mixture, or preparation
58 containing any quantity of the following substances having a stimulant effect on the central
59 nervous system: amphetamine, its salts, optical isomers, and salts of its optical isomers;
60 methamphetamine, its salts, optical isomers, and salts of its optical isomers; phenmetrazine
61 and its salts; or methylphenidate, and the location of the offense was within two thousand feet
62 of real property comprising a public or private elementary, vocational, or secondary school,
63 college, community college, university, or any school bus, in or on the real property
64 comprising public housing or any other governmental assisted housing, or within a motor
65 vehicle, or in any structure or building which contains rooms furnished for the

66 accommodation or lodging of guests, and kept, used, maintained, advertised, or held out to
67 the public as a place where sleeping accommodations are sought for pay or compensation to
68 transient guests or permanent guests; or

69 ~~[(10)]~~ **(9)** Ninety grams or more of any material, compound, mixture or preparation
70 which contains any quantity of 3,4-methylenedioxymethamphetamine; or

71 ~~[(11)]~~ **(10)** More than thirty grams of any material, compound, mixture, or
72 preparation which contains any quantity of 3,4-methylenedioxymethamphetamine and the
73 location of the offense was within two thousand feet of real property comprising a public or
74 private elementary, vocational, or secondary school, college, community college, university,
75 or any school bus, in or on the real property comprising public housing or any other
76 governmental assisted housing, within a motor vehicle, or in any structure or building which
77 contains rooms furnished for the accommodation or lodging of guests, and kept, used,
78 maintained, advertised, or held out to the public as a place where sleeping accommodations
79 are sought for pay or compensation to transient guests or permanent guests; or

80 ~~[(12)]~~ **(11)** One gram or more of flunitrazepam for a second or subsequent offense; or

81 ~~[(13)]~~ **(12)** Any amount of gamma-hydroxybutyric acid for a second or subsequent
82 offense; or

83 ~~[(14)]~~ **(13)** Twenty milligrams or more of fentanyl or carfentanil, or any derivative
84 thereof, or any combination thereof, or any compound, mixture, or substance containing a
85 detectable amount of fentanyl or carfentanil, or their optical isomers or analogues.

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

4 (1) More than thirty grams of a mixture or substance containing a detectable amount
5 of heroin;

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

12 (3) ~~More than eight grams of a mixture or substance described in subdivision (2) of~~
13 ~~this subsection which contains cocaine base;~~

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

16 ~~[(5)]~~ **(4)** More than thirty grams of a mixture or substance containing a detectable
17 amount of phencyclidine (PCP);

- 18 ~~[(6)]~~ (5) More than four grams of phencyclidine;
- 19 ~~[(7)]~~ (6) More than thirty kilograms of a mixture or substance containing marijuana;
- 20 ~~[(8)]~~ (7) More than thirty grams of any material, compound, mixture, or preparation
- 21 containing any quantity of the following substances having a stimulant effect on the central
- 22 nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers;
- 23 methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine
- 24 and its salts; or methylphenidate;
- 25 ~~[(9)]~~ (8) More than thirty grams of any material, compound, mixture, or preparation
- 26 which contains any quantity of 3,4-methylenedioxymethamphetamine; or
- 27 ~~[(10)]~~ (9) More than ten milligrams of fentanyl or carfentanil, or any derivative
- 28 thereof, or any combination thereof, or any compound, mixture, or substance containing a
- 29 detectable amount of fentanyl or carfentanil, or their optical isomers or analogues.
- 30 2. The offense of trafficking drugs in the second degree is a class C felony.
- 31 3. The offense of trafficking drugs in the second degree is a class B felony if the
- 32 quantity involved is:
- 33 (1) Ninety grams or more of a mixture or substance containing a detectable amount of
- 34 heroin; or
- 35 (2) Four hundred fifty grams or more of a mixture or substance containing a
- 36 detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which
- 37 cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts
- 38 and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their
- 39 salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains
- 40 any quantity of any of the foregoing substances; or
- 41 (3) ~~Twenty four grams or more of a mixture or substance described in subdivision~~
- 42 ~~(2) of this subsection which contains cocaine base; or~~
- 43 ~~(4)]~~ (4) One gram or more of a mixture or substance containing a detectable amount of
- 44 lysergic acid diethylamide (LSD); or
- 45 ~~[(5)]~~ (4) Ninety grams or more of a mixture or substance containing a detectable
- 46 amount of phencyclidine (PCP); or
- 47 ~~[(6)]~~ (5) Twelve grams or more of phencyclidine; or
- 48 ~~[(7)]~~ (6) One hundred kilograms or more of a mixture or substance containing
- 49 marijuana; or
- 50 ~~[(8)]~~ (7) More than five hundred marijuana plants; or
- 51 ~~[(9)]~~ (8) Ninety grams or more but less than four hundred fifty grams of any material,
- 52 compound, mixture, or preparation containing any quantity of the following substances
- 53 having a stimulant effect on the central nervous system: amphetamine, its salts, optical

54 isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts
55 of its optical isomers; phenmetrazine and its salts; or methylphenidate; or

56 ~~[(10)]~~ (9) Ninety grams or more but less than four hundred fifty grams of any
57 material, compound, mixture, or preparation which contains any quantity of 3,4-
58 methylenedioxymethamphetamine; or

59 ~~[(11)]~~ (10) Twenty milligrams or more of fentanyl or carfentanil, or any derivative
60 thereof, or any combination thereof, or any compound, mixture, or substance containing a
61 detectable amount of fentanyl or carfentanil, or their optical isomers or analogues.

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

65 (1) Any quantity of the following substances having a stimulant effect on the central
66 nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers;
67 methamphetamine, its salts, isomers and salts of its isomers; phenmetrazine and its salts; or
68 methylphenidate; or

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

70 5. The offense of drug trafficking in the second degree is a class C felony for the first
71 offense and a class B felony for any second or subsequent offense for the trafficking of less
72 than one gram of flunitrazepam.

**579.088. Notwithstanding any other provision of this chapter or chapter 195 to
2 the contrary, it shall not be unlawful to manufacture, possess, sell, deliver, or use any
3 device, equipment, or other material for the purpose of analyzing controlled substances
4 to detect the presence of fentanyl or any synthetic controlled substance fentanyl
5 analogue.**

**590.033. 1. The POST commission shall establish minimum standards for a chief
2 of police training course that shall include at least forty hours of training. All police
3 chiefs appointed after August 28, 2023, shall attend a chief of police training course
4 certified by the POST commission not later than six months after the person's
5 appointment as a chief of police.**

6 **2. A chief of police may request an exemption from the training in subsection 1
7 of this section by submitting to the POST commission proof of completion of the Federal
8 Bureau of Investigation's national academy course or any other equivalent training
9 course within the previous ten years or at least five years of experience as a police chief
10 in a Missouri law enforcement agency.**

11 **3. Any law enforcement agency who has a chief of police appointed after August
12 28, 2023, that fails to complete a chief of police training course within six months of
13 appointment shall be precluded from receiving any POST commission training funds,**

14 **state grant funds, or federal grant funds until the police chief has completed the training**
15 **course.**

16 **4. While attending a chief of police training course, the chief of police shall**
17 **receive compensation in the same manner and amount as if carrying out the powers and**
18 **duties of the chief of police. The cost of the chief of police training course may be paid**
19 **by moneys from the peace officer standards and training commission fund created in**
20 **section 590.178.**

590.040. 1. The POST commission shall set the minimum number of hours of basic
2 training for licensure as a peace officer no lower [~~than four hundred seventy and no higher~~]
3 than six hundred, with the following exceptions:

4 (1) Up to one thousand hours may be mandated for any class of license required for
5 commission by a state law enforcement agency;

6 (2) As few as one hundred twenty hours may be mandated for any class of license
7 restricted to commission as a reserve peace officer with police powers limited to the
8 commissioning political subdivision;

9 (3) Persons validly licensed on August 28, 2001, may retain licensure without
10 additional basic training;

11 (4) Persons licensed and commissioned within a county of the third classification
12 before July 1, 2002, may retain licensure with one hundred twenty hours of basic training if
13 the commissioning political subdivision has adopted an order or ordinance to that effect;

14 (5) Persons serving as a reserve officer on August 27, 2001, within a county of the
15 first classification or a county with a charter form of government and with more than one
16 million inhabitants on August 27, 2001, having previously completed a minimum of one
17 hundred sixty hours of training, shall be granted a license necessary to function as a reserve
18 peace officer only within such county. For the purposes of this subdivision, the term "reserve
19 officer" shall mean any person who serves in a less than full-time law enforcement capacity,
20 with or without pay and who, without certification, has no power of arrest and who, without
21 certification, must be under the direct and immediate accompaniment of a certified peace
22 officer of the same agency at all times while on duty; and

23 (6) The POST commission shall provide for the recognition of basic training received
24 at law enforcement training centers of other states, the military, the federal government and
25 territories of the United States regardless of the number of hours included in such training and
26 shall have authority to require supplemental training as a condition of eligibility for licensure.

27 2. The director shall have the authority to limit any exception provided in subsection
28 1 of this section to persons remaining in the same commission or transferring to a commission
29 in a similar jurisdiction.

30 3. The basic training of every peace officer, except agents of the conservation
31 commission, shall include at least thirty hours of training in the investigation and
32 management of cases involving domestic and family violence. Such training shall include
33 instruction, specific to domestic and family violence cases, regarding: report writing;
34 physical abuse, sexual abuse, child fatalities and child neglect; interviewing children and
35 alleged perpetrators; the nature, extent and causes of domestic and family violence; the safety
36 of victims, other family and household members and investigating officers; legal rights and
37 remedies available to victims, including rights to compensation and the enforcement of civil
38 and criminal remedies; services available to victims and their children; the effects of cultural,
39 racial and gender bias in law enforcement; and state statutes. Said curriculum shall be
40 developed and presented in consultation with the department of health and senior services, the
41 children's division, public and private providers of programs for victims of domestic and
42 family violence, persons who have demonstrated expertise in training and education
43 concerning domestic and family violence, and the Missouri coalition against domestic
44 violence.

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

2 (1) **"Gross misconduct", includes any willful and wanton or unlawful conduct**
3 **motivated by premeditated or intentional purpose or by purposeful indifference to the**
4 **consequences of one's acts;**

5 (2) **"Moral turpitude", the wrongful quality shared by acts of fraud, theft,**
6 **bribery, illegal drug use, sexual misconduct, and other similar acts as defined by the**
7 **common law of Missouri;**

8 (3) **"Reckless disregard", a conscious disregard of a substantial risk that**
9 **circumstances exist or that a result will follow, and such failure constitutes a gross**
10 **deviation from the standard of care that a reasonable peace officer would exercise in the**
11 **situation.**

12 2. The director shall have cause to discipline any peace officer licensee who:

13 (1) Is unable to perform the functions of a peace officer with reasonable competency
14 or reasonable safety [~~as a result of a mental condition, including alcohol or substance abuse~~];

15 (2) Has committed any criminal offense, whether or not a criminal charge has been
16 filed, **has been convicted, or has entered a plea of guilty or nolo contendere, in a criminal**
17 **prosecution under the laws of any state, or the United States, or of any country,**
18 **regardless of whether or not sentence is imposed;**

19 (3) Has committed any act [~~while on active duty or under color of law~~] that involves
20 moral turpitude or a reckless disregard for the safety of the public or any person;

21 (4) Has caused a material fact to be misrepresented for the purpose of obtaining or
22 retaining a peace officer commission or any license issued pursuant to this chapter;

23 (5) Has violated a condition of any order of probation lawfully issued by the director;
24 ~~[or]~~

25 (6) Has violated a provision of this chapter or a rule promulgated pursuant to this
26 chapter;

27 (7) **Has tested positive for a controlled substance, as defined in chapter 195,**
28 **without a valid prescription for the controlled substance;**

29 (8) **Is subject to an order of another state, territory, the federal government, or**
30 **any peace officer licensing authority suspending or revoking a peace officer license or**
31 **certification; or**

32 (9) **Has committed any act of gross misconduct indicating inability to function as**
33 **a peace officer.**

34 ~~[2-]~~ 3. When the director has knowledge of cause to discipline a peace officer license
35 pursuant to this section, the director may cause a complaint to be filed with the administrative
36 hearing commission, which shall conduct a hearing to determine whether the director has
37 cause for discipline, and which shall issue findings of fact and conclusions of law on the
38 matter. The administrative hearing commission shall not consider the relative severity of the
39 cause for discipline or any rehabilitation of the licensee or otherwise impinge upon the
40 discretion of the director to determine appropriate discipline when cause exists pursuant to
41 this section.

42 ~~[3-]~~ 4. Upon a finding by the administrative hearing commission that cause to
43 discipline exists, the director shall, within thirty days, hold a hearing to determine the form of
44 discipline to be imposed and thereafter shall probate, suspend, or permanently revoke the
45 license at issue. If the licensee fails to appear at the director's hearing, this shall constitute a
46 waiver of the right to such hearing.

47 ~~[4-]~~ 5. Notice of any hearing pursuant to this chapter or section may be made by
48 certified mail to the licensee's address of record pursuant to subdivision (2) of subsection 3 of
49 section 590.130. Proof of refusal of the licensee to accept delivery or the inability of postal
50 authorities to deliver such certified mail shall be evidence that required notice has been given.
51 Notice may be given by publication.

52 ~~[5-]~~ 6. Nothing contained in this section shall prevent a licensee from informally
53 disposing of a cause for discipline with the consent of the director by voluntarily surrendering
54 a license or by voluntarily submitting to discipline.

55 ~~[6-]~~ 7. The provisions of chapter 621 and any amendments thereto, except those
56 provisions or amendments that are in conflict with this chapter, shall apply to and govern the
57 proceedings of the administrative hearing commission and pursuant to this section the rights
58 and duties of the parties involved.

595.209. 1. The following rights shall automatically be afforded to victims of
2 dangerous felonies, as defined in section 556.061, victims of murder in the first degree, as
3 defined in section 565.020, victims of voluntary manslaughter, as defined in section 565.023,
4 victims of any offense under chapter 566, victims of an attempt to commit one of the
5 preceding crimes, as defined in section 562.012, and victims of domestic assault, as defined in
6 sections 565.072 to 565.076; and, upon written request, the following rights shall be afforded
7 to victims of all other crimes and witnesses of crimes:

8 (1) For victims, the right to be present at all criminal justice proceedings at which the
9 defendant has such right, including juvenile proceedings where the offense would have been a
10 felony if committed by an adult, even if the victim is called to testify or may be called to
11 testify as a witness in the case;

12 (2) For victims, the right to information about the crime, as provided for in
13 subdivision (5) of this subsection;

14 (3) For victims and witnesses, to be informed, in a timely manner, by the prosecutor's
15 office of the filing of charges, preliminary hearing dates, trial dates, continuances and the
16 final disposition of the case. Final disposition information shall be provided within five days;

17 (4) For victims, the right to confer with and to be informed by the prosecutor
18 regarding bail hearings, guilty pleas, pleas under chapter 552 or its successors, hearings,
19 sentencing and probation revocation hearings and the right to be heard at such hearings,
20 including juvenile proceedings, unless in the determination of the court the interests of justice
21 require otherwise;

22 (5) The right to be informed by local law enforcement agencies, the appropriate
23 juvenile authorities or the custodial authority of the following:

24 (a) The status of any case concerning a crime against the victim, including juvenile
25 offenses;

26 (b) The right to be informed by local law enforcement agencies or the appropriate
27 juvenile authorities of the availability of victim compensation assistance, assistance in
28 obtaining documentation of the victim's losses, including, but not limited to and subject to
29 existing law concerning protected information or closed records, access to copies of
30 complete, unaltered, unedited investigation reports of motor vehicle, pedestrian, and other
31 similar accidents upon request to the appropriate law enforcement agency by the victim or the
32 victim's representative, and emergency crisis intervention services available in the
33 community;

34 (c) Any release of such person on bond or for any other reason;

35 (d) Within twenty-four hours, any escape by such person from a municipal detention
36 facility, county jail, a correctional facility operated by the department of corrections, mental

37 health facility, or the division of youth services or any agency thereof, and any subsequent
38 recapture of such person;

39 (6) For victims, the right to be informed by appropriate juvenile authorities of
40 probation revocation hearings initiated by the juvenile authority and the right to be heard at
41 such hearings or to offer a written statement, video or audio tape, counsel or a representative
42 designated by the victim in lieu of a personal appearance, the right to be informed by the
43 board of probation and parole of probation revocation hearings initiated by the board and of
44 parole hearings, the right to be present at each and every phase of parole hearings, the right to
45 be heard at probation revocation and parole hearings or to offer a written statement, video or
46 audio tape, counsel or a representative designated by the victim in lieu of a personal
47 appearance, and the right to have, upon written request of the victim, a partition set up in the
48 probation or parole hearing room in such a way that the victim is shielded from the view of
49 the probationer or parolee, and the right to be informed by the custodial mental health facility
50 or agency thereof of any hearings for the release of a person committed pursuant to the
51 provisions of chapter 552, the right to be present at such hearings, the right to be heard at such
52 hearings or to offer a written statement, video or audio tape, counsel or a representative
53 designated by the victim in lieu of personal appearance;

54 (7) For victims and witnesses, upon their written request, the right to be informed by
55 the appropriate custodial authority, including any municipal detention facility, juvenile
56 detention facility, county jail, correctional facility operated by the department of corrections,
57 mental health facility, division of youth services or agency thereof if the offense would have
58 been a felony if committed by an adult, postconviction or commitment pursuant to the
59 provisions of chapter 552 of the following:

60 (a) The projected date of such person's release from confinement;

61 (b) Any release of such person on bond;

62 (c) Any release of such person on furlough, work release, trial release, electronic
63 monitoring program, or to a community correctional facility or program or release for any
64 other reason, in advance of such release;

65 (d) Any scheduled parole or release hearings, including hearings under section
66 217.362, regarding such person and any changes in the scheduling of such hearings. No such
67 hearing shall be conducted without thirty days' advance notice;

68 (e) Within twenty-four hours, any escape by such person from a municipal detention
69 facility, county jail, a correctional facility operated by the department of corrections, mental
70 health facility, or the division of youth services or any agency thereof, and any subsequent
71 recapture of such person;

72 (f) Any decision by a parole board, by a juvenile releasing authority or by a circuit
73 court presiding over releases pursuant to the provisions of chapter 552, or by a circuit court

74 presiding over releases under section 217.362, to release such person or any decision by the
75 governor to commute the sentence of such person or pardon such person;

76 (g) Notification within thirty days of the death of such person;

77 (8) For witnesses who have been summoned by the prosecuting attorney and for
78 victims, to be notified by the prosecuting attorney in a timely manner when a court
79 proceeding will not go on as scheduled;

80 (9) For victims and witnesses, the right to reasonable protection from the defendant or
81 any person acting on behalf of the defendant from harm and threats of harm arising out of
82 their cooperation with law enforcement and prosecution efforts;

83 (10) For victims and witnesses, on charged cases or submitted cases where no charge
84 decision has yet been made, to be informed by the prosecuting attorney of the status of the
85 case and of the availability of victim compensation assistance and of financial assistance and
86 emergency and crisis intervention services available within the community and information
87 relative to applying for such assistance or services, and of any final decision by the
88 prosecuting attorney not to file charges;

89 (11) For victims, to be informed by the prosecuting attorney of the right to restitution
90 which shall be enforceable in the same manner as any other cause of action as otherwise
91 provided by law;

92 (12) For victims and witnesses, to be informed by the court and the prosecuting
93 attorney of procedures to be followed in order to apply for and receive any witness fee to
94 which they are entitled;

95 (13) When a victim's property is no longer needed for evidentiary reasons or needs to
96 be retained pending an appeal, the prosecuting attorney or any law enforcement agency
97 having possession of the property shall, upon request of the victim, return such property to the
98 victim within five working days unless the property is contraband or subject to forfeiture
99 proceedings, or provide written explanation of the reason why such property shall not be
100 returned;

101 (14) An employer may not discharge or discipline any witness, victim or member of a
102 victim's immediate family for honoring a subpoena to testify in a criminal proceeding,
103 attending a criminal proceeding, or for participating in the preparation of a criminal
104 proceeding, or require any witness, victim, or member of a victim's immediate family to use
105 vacation time, personal time, or sick leave for honoring a subpoena to testify in a criminal
106 proceeding, attending a criminal proceeding, or participating in the preparation of a criminal
107 proceeding;

108 (15) For victims, to be provided with creditor intercession services by the prosecuting
109 attorney if the victim is unable, as a result of the crime, temporarily to meet financial
110 obligations;

111 (16) For victims and witnesses, the right to speedy disposition of their cases, and for
112 victims, the right to speedy appellate review of their cases, provided that nothing in this
113 subdivision shall prevent the defendant from having sufficient time to prepare such
114 defendant's defense. The attorney general shall provide victims, upon their written request,
115 case status information throughout the appellate process of their cases. The provisions of this
116 subdivision shall apply only to proceedings involving the particular case to which the person
117 is a victim or witness;

118 (17) For victims and witnesses, to be provided by the court, a secure waiting area
119 during court proceedings and to receive notification of the date, time and location of any
120 hearing conducted by the court for reconsideration of any sentence imposed, modification of
121 such sentence or recall and release of any defendant from incarceration;

122 (18) For victims, the right to receive upon request from the department of corrections
123 a photograph taken of the defendant prior to release from incarceration.

124 2. The provisions of subsection 1 of this section shall not be construed to imply any
125 victim who is incarcerated by the department of corrections or any local law enforcement
126 agency has a right to be released to attend any hearing or that the department of corrections or
127 the local law enforcement agency has any duty to transport such incarcerated victim to any
128 hearing.

129 3. Those persons entitled to notice of events pursuant to the provisions of subsection
130 1 of this section shall provide the appropriate person or agency with their current addresses,
131 **electronic mail address**, and telephone numbers or the addresses, **electronic mail address**,
132 or telephone numbers at which they wish notification to be given.

133 4. Notification by the appropriate person or agency utilizing the statewide automated
134 crime victim notification system as established in section 650.310 shall constitute compliance
135 with the victim notification requirement of this section. If notification utilizing the statewide
136 automated crime victim notification system cannot be used, then written notification shall be
137 sent by certified mail **or electronic mail** to the most current address **or electronic mail**
138 **address** provided by the victim.

139 5. Victims' rights as established in Section 32 of Article I of the Missouri Constitution
140 or the laws of this state pertaining to the rights of victims of crime shall be granted and
141 enforced regardless of the desires of a defendant and no privileges of confidentiality shall
142 exist in favor of the defendant to exclude victims or prevent their full participation in each and
143 every phase of parole hearings or probation revocation hearings. The rights of the victims
144 granted in this section are absolute and the policy of this state is that the victim's rights are
145 paramount to the defendant's rights. The victim has an absolute right to be present at any
146 hearing in which the defendant is present before a probation and parole hearing officer.

610.140. 1. **For the purposes of this section, the following terms mean:**

- 2 **(1) "Court", any Missouri municipal, associate circuit, or circuit court;**
3 **(2) "Extended course of criminal conduct", offenses, violations, or infractions**
4 **that:**
5 **(a) Occur during a period of addiction, however long, in which a person suffers**
6 **from a problematic pattern of use of one or more controlled substances leading to**
7 **significant impairment or distress that would be characterized as moderate or severe by**
8 **the most recently published Diagnostic and Statistical Manual of Mental Disorders**
9 **(DSM). A clinical diagnosis of addiction is not required to prove addiction; or**
10 **(b) Occur while a person is between the ages of sixteen to twenty-five;**
11 **(3) "Prosecutor" or "prosecuting attorney", the prosecuting attorney, circuit**
12 **attorney, or municipal prosecuting attorney;**
13 **(4) "Same course of criminal conduct", offenses, violations, or infractions that:**
14 **(a) Are charged as counts in the same indictment or information; or**
15 **(b) Occur within a time period suggesting a common connection between the**
16 **offenses, not to exceed one year.**

17 **2.** Notwithstanding any other provision of law and subject to the provisions of this
18 section, any person may apply to any court in which such person was charged or found guilty
19 of any offenses, violations, or infractions for an order to expunge records of such arrest, plea,
20 trial, or conviction.

21 **(1)** Subject to the limitations of subsection ~~[42]~~ **13** of this section, a person may apply
22 to have one or more offenses, violations, or infractions expunged if **each** such offense,
23 violation, or infraction occurred within the state of Missouri and was prosecuted under the
24 jurisdiction of a Missouri ~~[municipal, associate circuit, or circuit]~~ court, so long as such
25 person lists all the offenses, violations, and infractions he or she is seeking to have expunged
26 in the petition and so long as all such offenses, violations, and infractions are not excluded
27 under subsection ~~[2]~~ **3** of this section.

28 **(2)** If the offenses, violations, or infractions ~~[were charged as counts in the same~~
29 ~~indictment or information or]~~ **sought to be expunged** were committed as part of the same
30 course of criminal conduct, the person may include all ~~[the]~~ **such** related offenses, violations,
31 and infractions in the petition, regardless of the limits of subsection ~~[42]~~ **13** of this section,
32 and ~~[the petition]~~ **those related offenses, violations, and infractions** shall only count as ~~[a~~
33 ~~petition for expungement of]~~ the highest level ~~[violation or offense contained in the petition]~~
34 for the purpose of determining **current and** future eligibility for expungement.

35 **(3)** If the offenses, violations, or infractions **sought to be expunged** were
36 **committed as part of an extended course of criminal conduct, the person may include all**
37 **such related offenses, violations, and infractions in the petition:**

38 **(a) The person may include all offenses, violations, and infractions that were**
 39 **committed during a period of addiction as defined in subsection 1 of this section,**
 40 **regardless of the limits of subsection 13 of this section, and those offenses, violations,**
 41 **and infractions shall count only as the highest level among them for the purpose of**
 42 **determining current and future eligibility for expungement;**

43 **(b) The person may include all offenses, violations, and infractions that were**
 44 **committed while a person was between the ages of sixteen and twenty-five, regardless of**
 45 **the limits of subsection 13 of this section, and those offenses, violations, and infractions**
 46 **shall count only as the highest level among them for the purpose of determining current**
 47 **and future eligibility for expungement.**

48 ~~[2-]~~ **3.** The following offenses, violations, and infractions shall not be eligible for
 49 expungement under this section:

50 (1) Any class A felony offense;

51 (2) Any dangerous felony as that term is defined in section 556.061;

52 (3) Any offense **at the time of conviction** that requires registration as a sex offender;

53 (4) Any felony offense where death is an element of the offense;

54 (5) Any felony offense of assault; misdemeanor or felony offense of domestic assault;
 55 or felony offense of kidnapping;

56 (6) Any offense listed, ~~[or]~~ previously listed, **or is a successor to an offense** in
 57 chapter 566 or section 105.454, 105.478, 115.631, 130.028, 188.030, 188.080, 191.677,
 58 194.425, ~~[217.360,]~~ 217.385, 334.245, 375.991, 389.653, 455.085, 455.538, 557.035,
 59 ~~[565.084, 565.085, 565.086, 565.095,]~~ 565.120, 565.130, 565.156, ~~[565.200, 565.214,]~~
 60 566.093, 566.111, 566.115, **566.116**, 568.020, 568.030, 568.032, 568.045, 568.060, 568.065,
 61 ~~[568.080, 568.090,]~~ 568.175, ~~[569.030, 569.035,]~~ 569.040, 569.050, 569.055, 569.060,
 62 569.065, 569.067, 569.072, 569.160, 570.025, ~~[570.090,]~~ 570.180, 570.223, 570.224,
 63 ~~[570.310,]~~ 571.020, 571.060, 571.063, 571.070, 571.072, 571.150, **573.200, 573.205,**
 64 574.070, 574.105, 574.115, 574.120, 574.130, **574.140**, 575.040, 575.095, **575.150,**
 65 **575.151**, 575.153, 575.155, 575.157, 575.159, 575.195, ~~[575.200,]~~ 575.210, 575.220,
 66 575.230, 575.240, ~~[575.350,]~~ 575.353, 577.078, 577.703, 577.706, ~~[578.008, 578.305,~~
 67 ~~578.310,]~~ or 632.520;

68 (7) Any offense eligible for expungement under section ~~[577.054 or]~~ 610.130;

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

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

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

78 (11) Any **felony** offense of section 571.030, except any offense under subdivision (1)
79 of subsection 1 of section 571.030 where the person was convicted or found guilty prior to
80 January 1, 2017, or any offense under subdivision (4) of subsection 1 of section 571.030.

81 ~~[3-]~~ 4. The petition shall name as defendants all law enforcement agencies, courts,
82 prosecuting ~~[or circuit]~~ attorneys, ~~[municipal prosecuting attorneys,]~~ central state repositories
83 of criminal records, or others who the petitioner has reason to believe may possess the records
84 subject to expungement for each of the offenses, violations, and infractions listed in the
85 petition. The court's order of expungement shall not affect any person or entity not named as
86 a defendant in the action.

87 ~~[4-]~~ 5. The petition shall include the following information:

88 (1) The petitioner's:

89 (a) Full name;

90 (b) Sex;

91 (c) Race;

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

93 (e) Current address;

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

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

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

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

102 ~~[5-]~~ 6. The clerk of the court shall give notice of the filing of the petition to the office
103 of the prosecuting attorney~~[- circuit attorney, or municipal prosecuting attorney]~~ that
104 prosecuted the offenses, violations, or infractions listed in the petition. If the prosecuting
105 attorney~~[- circuit attorney, or municipal prosecuting attorney]~~ objects to the petition for
106 expungement, he or she shall do so in writing within thirty days after receipt of service.
107 Unless otherwise agreed upon by the parties, the court shall hold a hearing within sixty days
108 after any written objection is filed, giving reasonable notice of the hearing to the petitioner. If
109 no objection has been filed within thirty days after receipt of service, the court may set a
110 hearing on the matter and shall give reasonable notice of the hearing to each entity named in

111 the petition. At any hearing, the court may accept evidence and hear testimony on, and may
112 consider, the following criteria for each of the offenses, violations, or infractions listed in the
113 petition for expungement:

114 (1) At the time the petition is filed, it has been at least three years if the offense is a
115 felony, or at least one year if the offense is a misdemeanor, municipal ~~[offense]~~ **violation**, or
116 infraction, from the date the petitioner completed any authorized disposition imposed under
117 section 557.011 for each offense, violation, or infraction listed in the petition;

118 (2) **At the time the petition is filed, it has been at least ten years from the date on**
119 **which the authorized dispositions imposed under section 557.011 for all offenses,**
120 **violations, and infractions committed within the relevant period have been completed if**
121 **the offenses, violations, and infractions sought to be expunged were committed as part**
122 **of an extended course of criminal conduct under subdivision (3) of subsection 2 of this**
123 **section;**

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

128 ~~[(3)]~~ (4) The person has satisfied all obligations relating to any such disposition,
129 including the payment of any fines or restitution;

130 ~~[(4)]~~ (5) The person does not have charges pending;

131 ~~[(5)]~~ (6) The petitioner's habits and conduct demonstrate that the petitioner is not a
132 threat to the public safety of the state; and

133 ~~[(6)]~~ (7) The expungement is consistent with the public welfare and the interests of
134 justice warrant the expungement.

135

136 A pleading by the petitioner that such petitioner meets the requirements of subdivisions ~~[(5)]~~
137 **(6)** and ~~[(6)]~~ **(7)** of this subsection shall create a rebuttable presumption that the expungement
138 is warranted so long as the criteria contained in subdivisions (1) to ~~[(4)]~~ **(5)** of this subsection
139 are otherwise satisfied. The burden shall shift to the prosecuting attorney~~[- circuit attorney, or~~
140 ~~municipal prosecuting attorney]~~ to rebut the presumption. A victim of an offense, violation,
141 or infraction listed in the petition shall have an opportunity to be heard at any hearing held
142 under this section~~[- and the court may make a determination based solely on such victim's~~
143 ~~testimony]~~. **A court may find that the continuing impact of the offense upon the victim**
144 **rebutts the presumption that expungement is warranted.**

145 ~~[(6-)]~~ 7. A petition to expunge records related to an arrest for an eligible offense,
146 violation, or infraction may be made in accordance with the provisions of this section to a
147 court of competent jurisdiction in the county where the petitioner was arrested no earlier than

148 ~~[three years]~~ **eighteen months** from the date of arrest; provided that, during such time, the
149 petitioner has not been charged and the petitioner has not been found guilty of any
150 misdemeanor or felony offense.

151 ~~[7.]~~ **8.** If the court determines that such person meets all the criteria set forth in
152 subsection ~~[5]~~ **6** of this section for each of the offenses, violations, or infractions listed in the
153 petition for expungement, the court shall enter an order of expungement. In all cases under
154 this section, the court shall issue an order of expungement or dismissal within six months of
155 the filing of the petition. A copy of the order of expungement shall be provided to the
156 petitioner and each entity possessing records subject to the order, and, upon receipt of the
157 order, each entity shall close any record in its possession relating to any offense, violation, or
158 infraction listed in the petition, in the manner established by section 610.120. The records
159 and files maintained in any administrative or court proceeding in a ~~[municipal, associate, or~~
160 ~~circuit]~~ court for any offense, infraction, or violation ordered expunged under this section
161 shall be confidential and only available to the parties or by order of the court for good cause
162 shown. The central repository shall request the Federal Bureau of Investigation to expunge
163 the records from its files.

164 ~~[8.]~~ **9.** The order shall not limit any of the petitioner's rights that were restricted as a
165 collateral consequence of such person's criminal record, and such rights shall be restored
166 upon issuance of the order of expungement. **Except as otherwise provided under this**
167 **section, the effect of such order shall be to fully restore the civil rights of such person to**
168 **the status he or she occupied prior to such arrests, pleas, trials, or convictions as if such**
169 **events had never taken place. This includes fully restoring the civil rights of a person to**
170 **the right to vote, the right to hold public office, and to serve as a juror.** For purposes of
171 18 U.S.C. Section 921(a)(33)(B)(ii), an order ~~[of]~~ of expungement granted pursuant to this
172 section shall be considered a complete removal of all effects of the expunged conviction.
173 Except as otherwise provided under this section, the effect of such order shall be to restore
174 such person to the status he or she occupied prior to such arrests, pleas, trials, or convictions
175 as if such events had never taken place. No person as to whom such order has been entered
176 shall be held thereafter under any provision of law to be guilty of perjury or otherwise giving
177 a false statement by reason of his or her failure to recite or acknowledge such arrests, pleas,
178 trials, convictions, or expungement in response to an inquiry made of him or her and no such
179 inquiry shall be made for information relating to an expungement, except the petitioner shall
180 disclose the expunged offense, violation, or infraction to any court when asked or upon being
181 charged with any subsequent offense, violation, or infraction. The expunged offense,
182 violation, or infraction may be considered a prior offense in determining a sentence to be
183 imposed for any subsequent offense that the person is found guilty of committing.

184 ~~[9-]~~ **10.** Notwithstanding the provisions of subsection ~~[8]~~ **9** of this section to the
185 contrary, a person granted an expungement shall disclose any expunged offense, violation, or
186 infraction when the disclosure of such information is necessary to complete any application
187 for:

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

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

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

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

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

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

203

204 An employer shall notify an applicant of the requirements under subdivisions (4) to (6) of this
205 subsection. Notwithstanding any provision of law to the contrary, an expunged offense,
206 violation, or infraction shall not be grounds for automatic disqualification of an applicant, but
207 may be a factor for denying employment, or a professional license, certificate, or permit;
208 except that, an offense, violation, or infraction expunged under the provisions of this section
209 may be grounds for automatic disqualification if the application is for employment under
210 subdivisions (4) to (6) of this subsection.

211 ~~[10-]~~ **11.** A person who has been granted an expungement of records pertaining to a
212 misdemeanor or felony offense, an ordinance violation, or an infraction may answer "no" to
213 an employer's inquiry into whether the person has ever been **arrested, charged, or** convicted
214 of a crime if, after the granting of the expungement, the person has no public record of a
215 misdemeanor or felony offense, an ordinance violation, or an infraction. The person,
216 however, shall answer such an inquiry affirmatively and disclose his or her criminal
217 convictions, including any offense ~~[or violation]~~ expunged under this section or similar law, if
218 the employer is required to exclude applicants with certain criminal convictions from
219 employment due to federal or state law, including corresponding rules and regulations.

220 ~~[11.]~~ **12.** If the court determines that the petitioner has not met the criteria for any of
221 the offenses, violations, or infractions listed in the petition for expungement or the petitioner
222 has knowingly provided false information in the petition, the court shall enter an order
223 dismissing the petition. Any person whose petition for expungement has been dismissed by
224 the court for failure to meet the criteria set forth in subsection ~~[5]~~ **6** of this section may not
225 refile another petition until a year has passed since the date of filing for the previous petition.

226 ~~[12.]~~ **13.** A person may be granted more than one expungement under this section
227 provided that during his or her lifetime, the total number of offenses, violations, or infractions
228 for which orders of expungement are granted to the person shall not exceed the following
229 limits:

230 (1) Not more than ~~[two]~~ **three** misdemeanor offenses or ordinance violations that
231 have an authorized term of imprisonment; and

232 (2) Not more than ~~[one]~~ **two** felony ~~[offense]~~ **offenses**.

233

234 A person may be granted expungement under this section for any number of infractions.
235 ~~[Nothing in this section shall prevent the court from maintaining records to ensure that an~~
236 ~~individual has not exceeded the limitations of this subsection]~~ **A person may not be granted**
237 **more than one expungement under subdivision (3) of subsection 2 of this section.**

238 Nothing in this section shall be construed to limit or impair in any way the subsequent use of
239 any record expunged under this section of any arrests or findings of guilt by a law
240 enforcement agency, criminal justice agency, prosecuting attorney, ~~[circuit attorney, or~~
241 ~~municipal prosecuting attorney,]~~ including its use as a prior offense, violation, or infraction.

242 ~~[13.]~~ **14.** The court shall make available a form for pro se petitioners seeking
243 expungement, which shall include the following statement: "I declare under penalty of
244 perjury that the statements made herein are true and correct to the best of my knowledge,
245 information, and belief."

246 ~~[14.]~~ **15.** Nothing in this section shall be construed to limit or restrict the availability
247 of expungement to any person under any other law.

650.058. 1. Notwithstanding the sovereign immunity of the state, any individual who
2 was found guilty of a felony in a Missouri court and was later determined, **either in a habeas**
3 **corpus petition or a motion under section 547.031**, to be actually innocent of such crime
4 ~~[solely as a result of DNA profiling analysis]~~ may be paid restitution. The individual may
5 receive an amount of one hundred **seventy-nine** dollars per day for each day of
6 postconviction incarceration for the crime for which the individual is determined to be
7 actually innocent. The petition for the payment of said restitution shall be filed with the
8 sentencing court. For the purposes of this section, the term "actually innocent" shall mean:

9 (1) The individual was convicted of a felony for which a final order of release was
10 entered by the court;

11 (2) All appeals of the order of release have been exhausted;

12 (3) The individual was not serving any term of a sentence for any other crime
13 concurrently with the sentence for which he or she is determined to be actually innocent,
14 unless such individual was serving another concurrent sentence because his or her parole was
15 revoked by a court or the parole board in connection with the crime for which the person has
16 been exonerated. Regardless of whether any other basis may exist for the revocation of the
17 person's probation or parole at the time of conviction for the crime for which the person is
18 later determined to be actually innocent, when the court's or the parole board's sole stated
19 reason for the revocation in its order is the conviction for the crime for which the person is
20 later determined to be actually innocent, such order shall, for purposes of this section only, be
21 conclusive evidence that ~~their~~ **the person's** probation or parole was revoked in connection
22 with the crime for which the person has been exonerated; and

23 (4) Testing ordered under section 547.035, or testing by the order of any state or
24 federal court, if such person was exonerated on or before August 28, 2004, or testing ordered
25 under section 650.055, if such person was or is exonerated after August 28, 2004, **or any**
26 **other evidentiary method** demonstrates a person's innocence of the crime for which the
27 person is in custody.

28

29 Any individual who receives restitution under this section shall be prohibited from seeking
30 any civil redress from the state, its departments and agencies, or any employee thereof, or any
31 political subdivision or its employees. This section shall not be construed as a waiver of
32 sovereign immunity for any purposes other than the restitution provided for herein. The
33 department of corrections shall determine the aggregate amount of restitution owed during a
34 fiscal year. If insufficient moneys are appropriated each fiscal year to pay restitution to such
35 persons, the department shall pay each individual who has received an order awarding
36 restitution a pro rata share of the amount appropriated. Provided sufficient moneys are
37 appropriated to the department, the amounts owed to such individual shall be paid on June
38 thirtieth of each subsequent fiscal year, until such time as the restitution to the individual has
39 been paid in full. However, no individual awarded restitution under this subsection shall
40 receive more than ~~thirty-six~~ **sixty-five** thousand ~~five hundred~~ dollars during each fiscal
41 year. No interest on unpaid restitution shall be awarded to the individual. No individual who
42 has been determined by the court to be actually innocent shall be responsible for the costs of
43 care under section 217.831 **and may also be awarded other nonmonetary relief, including**
44 **counseling, housing assistance, and personal financial literary assistance.**

45 2. If a **person receives DNA testing and** the results of the DNA testing confirm the
46 person's guilt, then the person filing for DNA testing under section 547.035, shall:

47 (1) Be liable for any reasonable costs incurred when conducting the DNA test,
48 including but not limited to the cost of the test. Such costs shall be determined by the court
49 and shall be included in the findings of fact and conclusions of law made by the court; and

50 (2) Be sanctioned under the provisions of section 217.262.

51 3. A petition for payment of restitution under this section may ~~only~~ be filed **only** by
52 the individual determined to be actually innocent or the individual's legal guardian. No claim
53 or petition for restitution under this section may be filed by the individual's heirs or assigns.
54 An individual's right to receive restitution under this section is not assignable or otherwise
55 transferrable. The state's obligation to pay restitution under this section shall cease upon the
56 individual's death. Any beneficiary designation that purports to bequeath, assign, or
57 otherwise convey the right to receive such restitution shall be void and unenforceable.

58 4. An individual who is determined to be actually innocent of a crime under this
59 chapter shall automatically be granted an order of expungement from the court in which he or
60 she pled guilty or was sentenced to expunge from all official records all recordations of his or
61 her arrest, plea, trial or conviction. Upon **the court's** granting of the order of expungement,
62 the records and files maintained in any administrative or court proceeding in an associate or
63 circuit division of the court shall be confidential and ~~only~~ available **only** to the parties or by
64 order of the court for good cause shown. The effect of such order shall be to restore such
65 person to the status he or she occupied prior to such arrest, plea or conviction and as if such
66 event had never taken place. No person as to whom such order has been entered shall be held
67 thereafter under any provision of any law to be guilty of perjury or otherwise giving a false
68 statement by reason of his or her failure to recite or acknowledge such arrest, plea, trial,
69 conviction or expungement in response to any inquiry made of him or her for any purpose
70 whatsoever, and no such inquiry shall be made for information relating to an expungement
71 under this section.

2 ~~[488.650. There shall be assessed as costs a surcharge in the amount of~~
3 ~~two hundred fifty dollars on all petitions for expungement filed under the~~
4 ~~provisions of section 610.140. The judge may waive the surcharge if the~~
5 ~~petitioner is found by the judge to be indigent and unable to pay the costs.~~
6 ~~Such surcharge shall be collected and disbursed by the clerk of the court as~~
7 ~~provided by sections 488.010 to 488.020. Moneys collected from this~~
 ~~surcharge shall be payable to the general revenue fund.]~~

2 ~~[575.200. 1. A person commits the offense of escape from custody or~~
3 ~~attempted escape from custody if, while being held in custody after arrest for~~
4 ~~any offense or violation of probation or parole, he or she escapes or attempts to~~
 ~~escape from custody.~~

5 2. ~~The offense of escape or attempted escape from custody is a class A~~
6 ~~misdemeanor unless:~~
7 (1) ~~The person escaping or attempting to escape is under arrest for a~~
8 ~~felony, in which case it is a class E felony; or~~
9 (2) ~~The offense is committed by means of a deadly weapon or~~
10 ~~dangerous instrument or by holding any person as hostage, in which case it is a~~
11 ~~class A felony.]~~

Section B. Because immediate action is necessary to further equip and enhance our
2 criminal justice system to fight violent crime in Missouri and protect our citizens and
3 residents due to the recent unprecedented wave of violent crime across our nation and state,
4 the repeal and reenactment of sections 211.071, 217.345, and 568.045 and the enactment of
5 section 211.600 of this act is deemed necessary for the immediate preservation of the public
6 health, welfare, peace, and safety, and is hereby declared to be an emergency act within the
7 meaning of the constitution, and the repeal and reenactment of sections 211.071, 217.345, and
8 568.045 and the enactment of section 211.600 of this act shall be in full force and effect upon
9 its passage and approval.

✓