

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1765

98TH GENERAL ASSEMBLY

5163H.02P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 192.2260, 192.2405, 217.360, 217.670, 217.690, 301.559, 339.100, 400.9-501, 513.430, 562.014, 570.135, 571.020, 571.030, 571.060, 571.063, 571.070, 571.072, 578.005, 578.007, 578.011, 578.022, and 632.520 RSMo, sections 192.2410 and 192.2475 as enacted by house revision bill no. 1299 merged with senate bill no. 491, ninety-seventh general assembly, second regular session, section 192.2475 as enacted by house revision bill no. 1299, ninety-seventh general assembly, second regular session, sections 198.070, 221.111, 557.021, 565.188, 568.040, 569.090, 569.140, 570.030, and 577.060 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, sections 198.070 and 565.188 as enacted by senate bills nos. 556 & 311, ninety-second general assembly, first regular session, section 570.010 as enacted by house bill no. 1888, ninety-first general assembly, second regular session, section 570.030 as enacted by senate bill no. 9, ninety-seventh general assembly, first regular session, and section 577.001 as enacted by senate bill no. 254, ninety-eighth general assembly, first regular session, and to enact in lieu thereof thirty-five new sections relating to judicial proceedings, with penalty provisions.

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

Section A. Sections 192.2260, 192.2405, 217.360, 217.670, 217.690, 301.559, 339.100,
2 400.9-501, 513.430, 562.014, 570.135, 571.020, 571.030, 571.060, 571.063, 571.070, 571.072,
3 578.005, 578.007, 578.011, 578.022, and 632.520 RSMo, sections 192.2410 and 192.2475 as
4 enacted by house revision bill no. 1299 merged with senate bill no. 491, ninety-seventh general
5 assembly, second regular session, section 192.2475 as enacted by house revision bill no. 1299,
6 ninety-seventh general assembly, second regular session, sections 198.070, 221.111, 557.021,

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

7 565.188, 568.040, 569.090, 569.140, 570.030, and 577.060 as enacted by senate bill no. 491,
8 ninety-seventh general assembly, second regular session, sections 198.070 and 565.188 as
9 enacted by senate bills nos. 556 & 311, ninety-second general assembly, first regular session,
10 section 570.010 as enacted by house bill no. 1888, ninety-first general assembly, second regular
11 session, section 570.030 as enacted by senate bill no. 9, ninety-seventh general assembly, first
12 regular session, and section 577.001 as enacted by senate bill no. 254, ninety-eighth general
13 assembly, first regular session, are repealed and thirty-five new sections enacted in lieu thereof,
14 to be known as sections 192.2260, 192.2405, 192.2410, 192.2475, 198.070, 217.360, 217.670,
15 217.690, 221.111, 301.559, 339.100, 400.9-501, 513.430, 557.021, 562.014, 565.188, 568.040,
16 569.090, 569.140, 570.010, 570.030, 570.135, 571.020, 571.030, 571.060, 571.063, 571.070,
17 571.072, 577.001, 577.060, 578.005, 578.007, 578.022, 578.040, and 632.520, to read as
18 follows:

192.2260. 1. Any person who violates any provision of sections 192.2200 to 192.2260,
2 or who, for himself or for any other person, makes materially false statements in order to obtain
3 a certificate or license, or the renewal thereof, issued pursuant to sections 192.2200 to 192.2260,
4 shall be guilty of a class A misdemeanor. Any person violating this subsection wherein abuse
5 or neglect of a participant of the program has occurred is guilty of a class [D] E felony.

6 2. Any person who is convicted pursuant to this section shall, in addition to all other
7 penalties provided by law, have any license issued to him under sections 192.2200 to 192.2260
8 revoked, and shall not operate, nor hold any license to operate, any adult day care program, or
9 other entity governed by the provisions of sections 192.2200 to 192.2260 for a period of three
10 years after such conviction.

192.2405. 1. The following persons shall be required to immediately report or cause a
2 report to be made to the department under sections 192.2400 to 192.2470:

3 (1) Any person having reasonable cause to suspect that an eligible adult presents a
4 likelihood of suffering serious physical harm and is in need of protective services; and

5 (2) Any adult day care worker, chiropractor, Christian Science practitioner, coroner,
6 dentist, embalmer, employee of the departments of social services, mental health, or health and
7 senior services, employee of a local area agency on aging or an organized area agency on aging
8 program, **emergency medical technician, firefighter, first responder**, funeral director, home
9 health agency, home health agency employee, hospital and clinic personnel engaged in the care
10 or treatment of others, in-home services owner or provider, in-home services operator or
11 employee, law enforcement officer, long-term care facility administrator or employee, medical
12 examiner, medical resident or intern, mental health professional, minister, nurse, nurse
13 practitioner, optometrist, other health practitioner, peace officer, pharmacist, physical therapist,
14 physician, physician's assistant, podiatrist, probation or parole officer, psychologist, social

15 worker, or other person with the responsibility for the care of [a person sixty years of age or
16 older] **an eligible adult** who has reasonable cause to suspect that [such a person] **the eligible**
17 **adult** has been subjected to abuse or neglect or observes [such a person] **the eligible adult** being
18 subjected to conditions or circumstances which would reasonably result in abuse or neglect.
19 Notwithstanding any other provision of this section, a duly ordained minister, clergy, religious
20 worker, or Christian Science practitioner while functioning in his or her ministerial capacity shall
21 not be required to report concerning a privileged communication made to him or her in his or her
22 professional capacity.

23 2. Any other person who becomes aware of circumstances that may reasonably be
24 expected to be the result of, or result in, abuse or neglect of [a person sixty years of age or older]
25 **an eligible adult** may report to the department.

26 3. The penalty for failing to report as required under subdivision (2) of subsection 1 of
27 this section is provided under section 565.188.

192.2410. 1. A report made under section 192.2405 shall be made orally or in writing.
2 It shall include, if known:

3 (1) The name, age, and address of the eligible adult [or person subjected to abuse or
4 neglect];

5 (2) The name and address of any person responsible for care of the eligible adult [or
6 person subjected to abuse or neglect];

7 (3) The nature and extent of the condition of the eligible adult [or person subjected to
8 abuse or neglect]; and

9 (4) Other relevant information.

10 2. Reports regarding persons determined not to be eligible adults as defined in section
11 192.2400 shall be referred to the appropriate state or local authorities.

12 3. The department shall maintain a statewide toll-free phone number for receipt of
13 reports.

192.2475. 1. When any adult day care worker; chiropractor; Christian Science
2 practitioner; coroner; dentist; embalmer; **emergency medical technician**; employee of the
3 departments of social services, mental health, or health and senior services; employee of a local
4 area agency on aging or an organized area agency on aging program; **firefighter**; **first**
5 **responder**; funeral director; home health agency or home health agency employee; hospital and
6 clinic personnel engaged in examination, care, or treatment of persons; in-home services owner,
7 provider, operator, or employee; law enforcement officer; long-term care facility administrator
8 or employee; medical examiner; medical resident or intern; mental health professional; minister;
9 nurse; nurse practitioner; optometrist; other health practitioner; peace officer; pharmacist;
10 physical therapist; physician; physician's assistant; podiatrist; probation or parole officer;

11 psychologist; or social worker has reasonable cause to believe that an in-home services client has
12 been abused or neglected, as a result of in-home services, he or she shall immediately report or
13 cause a report to be made to the department. If the report is made by a physician of the in-home
14 services client, the department shall maintain contact with the physician regarding the progress
15 of the investigation.

16 2. [When a report of deteriorating physical condition resulting in possible abuse or
17 neglect of an in-home services client is received by the department, the client's case manager and
18 the department nurse shall be notified. The client's case manager shall investigate and
19 immediately report the results of the investigation to the department nurse. The department may
20 authorize the in-home services provider nurse to assist the case manager with the investigation.

21 3. If requested, local area agencies on aging shall provide volunteer training to those
22 persons listed in subsection 1 of this section regarding the detection and report of abuse and
23 neglect pursuant to this section.

24 4.] Any person required in subsection 1 of this section to report or cause a report to be
25 made to the department who fails to do so within a reasonable time after the act of abuse or
26 neglect is guilty of a class A misdemeanor.

27 [5.] 3. The report shall contain the names and addresses of the in-home services provider
28 agency, the in-home services employee, the in-home services client, the home health agency, the
29 home health agency employee, information regarding the nature of the abuse or neglect, the name
30 of the complainant, and any other information which might be helpful in an investigation.

31 [6.] 4. In addition to those persons required to report under subsection 1 of this section,
32 any other person having reasonable cause to believe that an in-home services client or home
33 health patient has been abused or neglected by an in-home services employee or home health
34 agency employee may report such information to the department.

35 [7.] 5. If the investigation indicates possible abuse or neglect of an in-home services
36 client or home health patient, the investigator shall refer the complaint together with his or her
37 report to the department director or his or her designee for appropriate action. If, during the
38 investigation or at its completion, the department has reasonable cause to believe that immediate
39 action is necessary to protect the in-home services client or home health patient from abuse or
40 neglect, the department or the local prosecuting attorney may, or the attorney general upon
41 request of the department shall, file a petition for temporary care and protection of the in-home
42 services client or home health patient in a circuit court of competent jurisdiction. The circuit
43 court in which the petition is filed shall have equitable jurisdiction to issue an ex parte order
44 granting the department authority for the temporary care and protection of the in-home services
45 client or home health patient, for a period not to exceed thirty days.

46 [8.] 6. Reports shall be confidential, as provided under section 192.2500.

47 [9.] 7. Anyone, except any person who has abused or neglected an in-home services
48 client or home health patient, who makes a report pursuant to this section or who testifies in any
49 administrative or judicial proceeding arising from the report shall be immune from any civil or
50 criminal liability for making such a report or for testifying except for liability for perjury, unless
51 such person acted negligently, recklessly, in bad faith, or with malicious purpose.

52 [10.] 8. Within five working days after a report required to be made under this section
53 is received, the person making the report shall be notified in writing of its receipt and of the
54 initiation of the investigation.

55 [11.] 9. No person who directs or exercises any authority in an in-home services provider
56 agency or home health agency shall harass, dismiss or retaliate against an in-home services client
57 or home health patient, or an in-home services employee or a home health agency employee
58 because he or she or any member of his or her family has made a report of any violation or
59 suspected violation of laws, standards or regulations applying to the in-home services provider
60 agency or home health agency or any in-home services employee or home health agency
61 employee which he or she has reasonable cause to believe has been committed or has occurred.

62 [12.] 10. Any person who abuses or neglects an in-home services client or home health
63 patient is subject to criminal prosecution under section 565.184. If such person is an in-home
64 services employee and has been found guilty by a court, and if the supervising in-home services
65 provider willfully and knowingly failed to report known abuse by such employee to the
66 department, the supervising in-home services provider may be subject to administrative penalties
67 of one thousand dollars per violation to be collected by the department and the money received
68 therefor shall be paid to the director of revenue and deposited in the state treasury to the credit
69 of the general revenue fund. Any in-home services provider which has had administrative
70 penalties imposed by the department or which has had its contract terminated may seek an
71 administrative review of the department's action pursuant to chapter 621. Any decision of the
72 administrative hearing commission may be appealed to the circuit court in the county where the
73 violation occurred for a trial de novo. For purposes of this subsection, the term "violation"
74 means a determination of guilt by a court.

75 [13.] 11. The department shall establish a quality assurance and supervision process for
76 clients that requires an in-home services provider agency to conduct random visits to verify
77 compliance with program standards and verify the accuracy of records kept by an in-home
78 services employee.

79 [14.] 12. The department shall maintain the employee disqualification list and place on
80 the employee disqualification list the names of any persons who have been finally determined
81 by the department, pursuant to section 192.2490, to have recklessly, knowingly or purposely
82 abused or neglected an in-home services client or home health patient while employed by an

83 in-home services provider agency or home health agency. For purposes of this section only,
84 "knowingly" and "recklessly" shall have the meanings that are ascribed to them in this section.
85 A person acts "knowingly" with respect to the person's conduct when a reasonable person should
86 be aware of the result caused by his or her conduct. A person acts "recklessly" when the person
87 consciously disregards a substantial and unjustifiable risk that the person's conduct will result
88 in serious physical injury and such disregard constitutes a gross deviation from the standard of
89 care that a reasonable person would exercise in the situation.

90 [15.] 13. At the time a client has been assessed to determine the level of care as required
91 by rule and is eligible for in-home services, the department shall conduct a "Safe at Home
92 Evaluation" to determine the client's physical, mental, and environmental capacity. The
93 department shall develop the safe at home evaluation tool by rule in accordance with chapter
94 536. The purpose of the safe at home evaluation is to assure that each client has the appropriate
95 level of services and professionals involved in the client's care. The plan of service or care for
96 each in-home services client shall be authorized by a nurse. The department may authorize the
97 licensed in-home services nurse, in lieu of the department nurse, to conduct the assessment of
98 the client's condition and to establish a plan of services or care. The department may use the
99 expertise, services, or programs of other departments and agencies on a case-by-case basis to
100 establish the plan of service or care. The department may, as indicated by the safe at home
101 evaluation, refer any client to a mental health professional, as defined in 9 CSR 30-4.030, for
102 evaluation and treatment as necessary.

103 [16.] 14. Authorized nurse visits shall occur at least twice annually to assess the client
104 and the client's plan of services. The provider nurse shall report the results of his or her visits
105 to the client's case manager. If the provider nurse believes that the plan of service requires
106 alteration, the department shall be notified and the department shall make a client evaluation.
107 All authorized nurse visits shall be reimbursed to the in-home services provider. All authorized
108 nurse visits shall be reimbursed outside of the nursing home cap for in-home services clients
109 whose services have reached one hundred percent of the average statewide charge for care and
110 treatment in an intermediate care facility, provided that the services have been preauthorized by
111 the department.

112 [17.] 15. All in-home services clients shall be advised of their rights by the department
113 or the department's designee at the initial evaluation. The rights shall include, but not be limited
114 to, the right to call the department for any reason, including dissatisfaction with the provider or
115 services. The department may contract for services relating to receiving such complaints. The
116 department shall establish a process to receive such nonabuse and neglect calls other than the
117 elder abuse and neglect hotline.

118 [18.] 16. Subject to appropriations, all nurse visits authorized in sections 192.2400 to
119 192.2475 shall be reimbursed to the in-home services provider agency.

192.2475. 1. When any adult day care worker; chiropractor; Christian Science
2 practitioner; coroner; dentist; embalmer; **emergency medical technician**; employee of the
3 departments of social services, mental health, or health and senior services; employee of a local
4 area agency on aging or an organized area agency on aging program; **firefighter**; **first**
5 **responder**; funeral director; home health agency or home health agency employee; hospital and
6 clinic personnel engaged in examination, care, or treatment of persons; in-home services owner,
7 provider, operator, or employee; law enforcement officer; long-term care facility administrator
8 or employee; medical examiner; medical resident or intern; mental health professional; minister;
9 nurse; nurse practitioner; optometrist; other health practitioner; peace officer; pharmacist;
10 physical therapist; physician; physician's assistant; podiatrist; probation or parole officer;
11 psychologist; or social worker has reasonable cause to believe that an in-home services client has
12 been abused or neglected, as a result of in-home services, he or she shall immediately report or
13 cause a report to be made to the department. If the report is made by a physician of the in-home
14 services client, the department shall maintain contact with the physician regarding the progress
15 of the investigation.

16 2. [When a report of deteriorating physical condition resulting in possible abuse or
17 neglect of an in-home services client is received by the department, the client's case manager and
18 the department nurse shall be notified. The client's case manager shall investigate and
19 immediately report the results of the investigation to the department nurse. The department may
20 authorize the in-home services provider nurse to assist the case manager with the investigation.

21 3. If requested, local area agencies on aging shall provide volunteer training to those
22 persons listed in subsection 1 of this section regarding the detection and report of abuse and
23 neglect pursuant to this section.

24 4.] Any person required in subsection 1 of this section to report or cause a report to be
25 made to the department who fails to do so within a reasonable time after the act of abuse or
26 neglect is guilty of a class A misdemeanor.

27 [5.] 3. The report shall contain the names and addresses of the in-home services provider
28 agency, the in-home services employee, the in-home services client, the home health agency, the
29 home health agency employee, information regarding the nature of the abuse or neglect, the name
30 of the complainant, and any other information which might be helpful in an investigation.

31 [6.] 4. In addition to those persons required to report under subsection 1 of this section,
32 any other person having reasonable cause to believe that an in-home services client or home
33 health patient has been abused or neglected by an in-home services employee or home health
34 agency employee may report such information to the department.

35 [7.] 5. If the investigation indicates possible abuse or neglect of an in-home services
36 client or home health patient, the investigator shall refer the complaint together with his or her
37 report to the department director or his or her designee for appropriate action. If, during the
38 investigation or at its completion, the department has reasonable cause to believe that immediate
39 action is necessary to protect the in-home services client or home health patient from abuse or
40 neglect, the department or the local prosecuting attorney may, or the attorney general upon
41 request of the department shall, file a petition for temporary care and protection of the in-home
42 services client or home health patient in a circuit court of competent jurisdiction. The circuit
43 court in which the petition is filed shall have equitable jurisdiction to issue an ex parte order
44 granting the department authority for the temporary care and protection of the in-home services
45 client or home health patient, for a period not to exceed thirty days.

46 [8.] 6. Reports shall be confidential, as provided under section 192.2500.

47 [9.] 7. Anyone, except any person who has abused or neglected an in-home services
48 client or home health patient, who makes a report pursuant to this section or who testifies in any
49 administrative or judicial proceeding arising from the report shall be immune from any civil or
50 criminal liability for making such a report or for testifying except for liability for perjury, unless
51 such person acted negligently, recklessly, in bad faith, or with malicious purpose.

52 [10.] 8. Within five working days after a report required to be made under this section
53 is received, the person making the report shall be notified in writing of its receipt and of the
54 initiation of the investigation.

55 [11.] 9. No person who directs or exercises any authority in an in-home services provider
56 agency or home health agency shall harass, dismiss or retaliate against an in-home services client
57 or home health patient, or an in-home services employee or a home health agency employee
58 because he or she or any member of his or her family has made a report of any violation or
59 suspected violation of laws, standards or regulations applying to the in-home services provider
60 agency or home health agency or any in-home services employee or home health agency
61 employee which he or she has reasonable cause to believe has been committed or has occurred.

62 [12.] 10. Any person who abuses or neglects an in-home services client or home health
63 patient is subject to criminal prosecution under section 565.180, 565.182, or 565.184. If such
64 person is an in-home services employee and has been found guilty by a court, and if the
65 supervising in-home services provider willfully and knowingly failed to report known abuse by
66 such employee to the department, the supervising in-home services provider may be subject to
67 administrative penalties of one thousand dollars per violation to be collected by the department
68 and the money received therefor shall be paid to the director of revenue and deposited in the state
69 treasury to the credit of the general revenue fund. Any in-home services provider which has had
70 administrative penalties imposed by the department or which has had its contract terminated may

71 seek an administrative review of the department's action pursuant to chapter 621. Any decision
72 of the administrative hearing commission may be appealed to the circuit court in the county
73 where the violation occurred for a trial de novo. For purposes of this subsection, the term
74 "violation" means a determination of guilt by a court.

75 [13.] 11. The department shall establish a quality assurance and supervision process for
76 clients that requires an in-home services provider agency to conduct random visits to verify
77 compliance with program standards and verify the accuracy of records kept by an in-home
78 services employee.

79 [14.] 12. The department shall maintain the employee disqualification list and place on
80 the employee disqualification list the names of any persons who have been finally determined
81 by the department, pursuant to section 192.2490, to have recklessly, knowingly or purposely
82 abused or neglected an in-home services client or home health patient while employed by an
83 in-home services provider agency or home health agency. For purposes of this section only,
84 "knowingly" and "recklessly" shall have the meanings that are ascribed to them in this section.
85 A person acts "knowingly" with respect to the person's conduct when a reasonable person should
86 be aware of the result caused by his or her conduct. A person acts "recklessly" when the person
87 consciously disregards a substantial and unjustifiable risk that the person's conduct will result
88 in serious physical injury and such disregard constitutes a gross deviation from the standard of
89 care that a reasonable person would exercise in the situation.

90 [15.] 13. At the time a client has been assessed to determine the level of care as required
91 by rule and is eligible for in-home services, the department shall conduct a "Safe at Home
92 Evaluation" to determine the client's physical, mental, and environmental capacity. The
93 department shall develop the safe at home evaluation tool by rule in accordance with chapter
94 536. The purpose of the safe at home evaluation is to assure that each client has the appropriate
95 level of services and professionals involved in the client's care. The plan of service or care for
96 each in-home services client shall be authorized by a nurse. The department may authorize the
97 licensed in-home services nurse, in lieu of the department nurse, to conduct the assessment of
98 the client's condition and to establish a plan of services or care. The department may use the
99 expertise, services, or programs of other departments and agencies on a case-by-case basis to
100 establish the plan of service or care. The department may, as indicated by the safe at home
101 evaluation, refer any client to a mental health professional, as defined in 9 CSR 30-4.030, for
102 evaluation and treatment as necessary.

103 [16.] 14. Authorized nurse visits shall occur at least twice annually to assess the client
104 and the client's plan of services. The provider nurse shall report the results of his or her visits
105 to the client's case manager. If the provider nurse believes that the plan of service requires
106 alteration, the department shall be notified and the department shall make a client evaluation.

107 All authorized nurse visits shall be reimbursed to the in-home services provider. All authorized
108 nurse visits shall be reimbursed outside of the nursing home cap for in-home services clients
109 whose services have reached one hundred percent of the average statewide charge for care and
110 treatment in an intermediate care facility, provided that the services have been preauthorized by
111 the department.

112 [17.] 15. All in-home services clients shall be advised of their rights by the department
113 or the department's designee at the initial evaluation. The rights shall include, but not be limited
114 to, the right to call the department for any reason, including dissatisfaction with the provider or
115 services. The department may contract for services relating to receiving such complaints. The
116 department shall establish a process to receive such nonabuse and neglect calls other than the
117 elder abuse and neglect hotline.

118 [18.] 16. Subject to appropriations, all nurse visits authorized in sections 192.2400 to
119 192.2475 shall be reimbursed to the in-home services provider agency.

198.070. 1. When any adult day care worker; chiropractor; Christian Science
2 practitioner; coroner; dentist; embalmer; employee of the departments of social services, mental
3 health, or health and senior services; employee of a local area agency on aging or an organized
4 area agency on aging program; funeral director; home health agency or home health agency
5 employee; hospital and clinic personnel engaged in examination, care, or treatment of persons;
6 in-home services owner, provider, operator, or employee; law enforcement officer; long-term
7 care facility administrator or employee; medical examiner; medical resident or intern; mental
8 health professional; minister; nurse; nurse practitioner; optometrist; other health practitioner;
9 peace officer; pharmacist; physical therapist; physician; physician's assistant; podiatrist;
10 probation or parole officer; psychologist; social worker; or other person with the care of a person
11 sixty years of age or older or an eligible adult has reasonable cause to believe that a resident of
12 a facility has been abused or neglected, he or she shall immediately report or cause a report to
13 be made to the department.

14 2. (1) The report shall contain the name and address of the facility, the name of the
15 resident, information regarding the nature of the abuse or neglect, the name of the complainant,
16 and any other information which might be helpful in an investigation.

17 (2) **In the event of suspected sexual assault of the resident, in addition to the report**
18 **to be made to the department, a report shall be made to local law enforcement in**
19 **accordance with federal law under the provisions of 42 U.S.C. 1320b-25.**

20 3. Any person required in subsection 1 of this section to report or cause a report to be
21 made to the department who knowingly fails to make a report within a reasonable time after the
22 act of abuse or neglect as required in this subsection is guilty of a class A misdemeanor.

23 4. In addition to the penalties imposed by this section, any administrator who knowingly
24 conceals any act of abuse or neglect resulting in death or serious physical injury, as defined in
25 section 556.061, is guilty of a class E felony.

26 5. In addition to those persons required to report pursuant to subsection 1 of this section,
27 any other person having reasonable cause to believe that a resident has been abused or neglected
28 may report such information to the department.

29 6. Upon receipt of a report, the department shall initiate an investigation within
30 twenty-four hours and, as soon as possible during the course of the investigation, shall notify the
31 resident's next of kin or responsible party of the report and the investigation and further notify
32 them whether the report was substantiated or unsubstantiated unless such person is the alleged
33 perpetrator of the abuse or neglect. As provided in section 192.2425, substantiated reports of
34 elder abuse shall be promptly reported by the department to the appropriate law enforcement
35 agency and prosecutor.

36 7. If the investigation indicates possible abuse or neglect of a resident, the investigator
37 shall refer the complaint together with the investigator's report to the department director or the
38 director's designee for appropriate action. If, during the investigation or at its completion, the
39 department has reasonable cause to believe that immediate removal is necessary to protect the
40 resident from abuse or neglect, the department or the local prosecuting attorney may, or the
41 attorney general upon request of the department shall, file a petition for temporary care and
42 protection of the resident in a circuit court of competent jurisdiction. The circuit court in which
43 the petition is filed shall have equitable jurisdiction to issue an ex parte order granting the
44 department authority for the temporary care and protection of the resident, for a period not to
45 exceed thirty days.

46 8. Reports shall be confidential, as provided pursuant to section 192.2500.

47 9. Anyone, except any person who has abused or neglected a resident in a facility, who
48 makes a report pursuant to this section or who testifies in any administrative or judicial
49 proceeding arising from the report shall be immune from any civil or criminal liability for
50 making such a report or for testifying except for liability for perjury, unless such person acted
51 negligently, recklessly, in bad faith or with malicious purpose. It is a crime under section
52 565.189 for any person to knowingly file a false report of elder abuse or neglect.

53 10. Within five working days after a report required to be made pursuant to this section
54 is received, the person making the report shall be notified in writing of its receipt and of the
55 initiation of the investigation.

56 11. No person who directs or exercises any authority in a facility shall evict, harass,
57 dismiss or retaliate against a resident or employee because such resident or employee or any
58 member of such resident's or employee's family has made a report of any violation or suspected

59 violation of laws, ordinances or regulations applying to the facility which the resident, the
60 resident's family or an employee has reasonable cause to believe has been committed or has
61 occurred. Through the existing department information and referral telephone contact line,
62 residents, their families and employees of a facility shall be able to obtain information about their
63 rights, protections and options in cases of eviction, harassment, dismissal or retaliation due to
64 a report being made pursuant to this section.

65 12. Any person who abuses or neglects a resident of a facility is subject to criminal
66 prosecution under section 565.184.

67 13. The department shall maintain the employee disqualification list and place on the
68 employee disqualification list the names of any persons who are or have been employed in any
69 facility and who have been finally determined by the department pursuant to section 192.2490
70 to have knowingly or recklessly abused or neglected a resident. For purposes of this section
71 only, "knowingly" and "recklessly" shall have the meanings that are ascribed to them in this
72 section. A person acts "knowingly" with respect to the person's conduct when a reasonable
73 person should be aware of the result caused by his or her conduct. A person acts "recklessly"
74 when the person consciously disregards a substantial and unjustifiable risk that the person's
75 conduct will result in serious physical injury and such disregard constitutes a gross deviation
76 from the standard of care that a reasonable person would exercise in the situation.

77 14. The timely self-reporting of incidents to the central registry by a facility shall
78 continue to be investigated in accordance with department policy, and shall not be counted or
79 reported by the department as a hot-line call but rather a self-reported incident. If the
80 self-reported incident results in a regulatory violation, such incident shall be reported as a
81 substantiated report.

198.070. 1. When any adult day care worker; chiropractor; Christian Science
2 practitioner; coroner; dentist; embalmer; employee of the departments of social services, mental
3 health, or health and senior services; employee of a local area agency on aging or an organized
4 area agency on aging program; funeral director; home health agency or home health agency
5 employee; hospital and clinic personnel engaged in examination, care, or treatment of persons;
6 in-home services owner, provider, operator, or employee; law enforcement officer; long-term
7 care facility administrator or employee; medical examiner; medical resident or intern; mental
8 health professional; minister; nurse; nurse practitioner; optometrist; other health practitioner;
9 peace officer; pharmacist; physical therapist; physician; physician's assistant; podiatrist;
10 probation or parole officer; psychologist; social worker; or other person with the care of a person
11 sixty years of age or older or an eligible adult has reasonable cause to believe that a resident of
12 a facility has been abused or neglected, he or she shall immediately report or cause a report to
13 be made to the department.

14 2. **(1)** The report shall contain the name and address of the facility, the name of the
15 resident, information regarding the nature of the abuse or neglect, the name of the complainant,
16 and any other information which might be helpful in an investigation.

17 **(2) In the event of suspected sexual assault of the resident, in addition to the report**
18 **to be made to the department, a report shall be made to local law enforcement in**
19 **accordance with federal law under the provisions of 42 U.S.C. 1320b-25.**

20 3. Any person required in subsection 1 of this section to report or cause a report to be
21 made to the department who knowingly fails to make a report within a reasonable time after the
22 act of abuse or neglect as required in this subsection is guilty of a class A misdemeanor.

23 4. In addition to the penalties imposed by this section, any administrator who knowingly
24 conceals any act of abuse or neglect resulting in death or serious physical injury, as defined in
25 section 565.002, is guilty of a class D felony.

26 5. In addition to those persons required to report pursuant to subsection 1 of this section,
27 any other person having reasonable cause to believe that a resident has been abused or neglected
28 may report such information to the department.

29 6. Upon receipt of a report, the department shall initiate an investigation within
30 twenty-four hours and, as soon as possible during the course of the investigation, shall notify the
31 resident's next of kin or responsible party of the report and the investigation and further notify
32 them whether the report was substantiated or unsubstantiated unless such person is the alleged
33 perpetrator of the abuse or neglect. As provided in section 565.186, substantiated reports of
34 elder abuse shall be promptly reported by the department to the appropriate law enforcement
35 agency and prosecutor.

36 7. If the investigation indicates possible abuse or neglect of a resident, the investigator
37 shall refer the complaint together with the investigator's report to the department director or the
38 director's designee for appropriate action. If, during the investigation or at its completion, the
39 department has reasonable cause to believe that immediate removal is necessary to protect the
40 resident from abuse or neglect, the department or the local prosecuting attorney may, or the
41 attorney general upon request of the department shall, file a petition for temporary care and
42 protection of the resident in a circuit court of competent jurisdiction. The circuit court in which
43 the petition is filed shall have equitable jurisdiction to issue an ex parte order granting the
44 department authority for the temporary care and protection of the resident, for a period not to
45 exceed thirty days.

46 8. Reports shall be confidential, as provided pursuant to section 660.320.

47 9. Anyone, except any person who has abused or neglected a resident in a facility, who
48 makes a report pursuant to this section or who testifies in any administrative or judicial
49 proceeding arising from the report shall be immune from any civil or criminal liability for

50 making such a report or for testifying except for liability for perjury, unless such person acted
51 negligently, recklessly, in bad faith or with malicious purpose. It is a crime pursuant to section
52 565.186 and 565.188 for any person to purposely file a false report of elder abuse or neglect.

53 10. Within five working days after a report required to be made pursuant to this section
54 is received, the person making the report shall be notified in writing of its receipt and of the
55 initiation of the investigation.

56 11. No person who directs or exercises any authority in a facility shall evict, harass,
57 dismiss or retaliate against a resident or employee because such resident or employee or any
58 member of such resident's or employee's family has made a report of any violation or suspected
59 violation of laws, ordinances or regulations applying to the facility which the resident, the
60 resident's family or an employee has reasonable cause to believe has been committed or has
61 occurred. Through the existing department information and referral telephone contact line,
62 residents, their families and employees of a facility shall be able to obtain information about their
63 rights, protections and options in cases of eviction, harassment, dismissal or retaliation due to
64 a report being made pursuant to this section.

65 12. Any person who abuses or neglects a resident of a facility is subject to criminal
66 prosecution under section 565.180, 565.182, or 565.184.

67 13. The department shall maintain the employee disqualification list and place on the
68 employee disqualification list the names of any persons who are or have been employed in any
69 facility and who have been finally determined by the department pursuant to section 660.315 to
70 have knowingly or recklessly abused or neglected a resident. For purposes of this section only,
71 "knowingly" and "recklessly" shall have the meanings that are ascribed to them in this section.
72 A person acts "knowingly" with respect to the person's conduct when a reasonable person should
73 be aware of the result caused by his or her conduct. A person acts "recklessly" when the person
74 consciously disregards a substantial and unjustifiable risk that the person's conduct will result
75 in serious physical injury and such disregard constitutes a gross deviation from the standard of
76 care that a reasonable person would exercise in the situation.

77 14. The timely self-reporting of incidents to the central registry by a facility shall
78 continue to be investigated in accordance with department policy, and shall not be counted or
79 reported by the department as a hot-line call but rather a self-reported incident. If the
80 self-reported incident results in a regulatory violation, such incident shall be reported as a
81 substantiated report.

217.360. 1. It shall be an offense for any person to knowingly deliver, attempt to deliver,
2 have in his possession, deposit or conceal in or about the premises of any correctional center, or
3 city or county jail, or private prison or jail:

4 (1) Any controlled substance as that term is defined by law, except upon the written
5 prescription of a licensed physician, dentist, or veterinarian;

6 (2) Any other alkaloid of any controlled substance, any spirituous or malt liquor, or any
7 intoxicating liquor as defined in section 311.020;

8 (3) Any article or item of personal property which an offender is prohibited by law or
9 by rule and regulation of the division from receiving or possessing;

10 (4) Any gun, knife, weapon, or other article or item of personal property that may be
11 used in such manner as to endanger the safety or security of the correctional center, or city or
12 county jail, or private prison or jail or as to endanger the life or limb of any offender or employee
13 of such a center;

14 **(5) Any two-way telecommunications device or its component parts.**

15 2. The violation of subdivision (1) of subsection 1 of this section shall be a class C
16 felony; the violation of subdivision (2) **or (5)** of subsection 1 of this section shall be a class D
17 felony; the violation of subdivision (3) of subsection 1 of this section shall be a class A
18 misdemeanor; and the violation of subdivision (4) of subsection 1 of this section shall be a class
19 B felony.

20 3. Any person who has been found guilty of or has pled guilty to a violation of
21 subdivision (2) of subsection 1 of this section involving any alkaloid shall be entitled to
22 expungement of the record of the violation. The procedure to expunge the record shall be
23 pursuant to section 610.123. The record of any person shall not be expunged if such person has
24 been found guilty of or has pled guilty to knowingly delivering, attempting to deliver, having in
25 his possession, or depositing or concealing any alkaloid of any controlled substance in or about
26 the premises of any correctional center, or city or county jail, or private prison or jail.

27 **4. Subdivision (5) of subsection 1 of this section shall not apply to:**

28 **(1) Any law enforcement officer employed by a state, federal agency, or political**
29 **subdivision lawfully engaged in his or her duties as a law enforcement officer; or**

30 **(2) Any other person who is authorized by the correctional center, city or county**
31 **jail, or private prison to possess or use a two-way telecommunications device in the**
32 **correctional center, or city or county jail, or private prison or jail.**

217.670. 1. The board shall adopt an official seal of which the courts shall take official
2 notice.

3 2. Decisions of the board regarding granting of paroles, extensions of a conditional
4 release date or revocations of a parole or conditional release shall be by a majority vote of the
5 hearing panel members. The hearing panel shall consist of one member of the board and two
6 hearing officers appointed by the board. A member of the board may remove the case from the
7 jurisdiction of the hearing panel and refer it to the full board for a decision. Within thirty days

8 of entry of the decision of the hearing panel to deny parole or to revoke a parole or conditional
9 release, the offender may appeal the decision of the hearing panel to the board. The board shall
10 consider the appeal within thirty days of receipt of the appeal. The decision of the board shall
11 be by majority vote of the board members and shall be final.

12 3. The orders of the board shall not be reviewable except as to compliance with the terms
13 of sections 217.650 to 217.810 or any rules promulgated pursuant to such section.

14 4. The board shall keep a record of its acts and shall notify each correctional center of
15 its decisions relating to persons who are or have been confined in such correctional center.

16 5. Notwithstanding any other provision of law, any meeting, record, or vote, of
17 proceedings involving probation, parole, or pardon, may be a closed meeting, closed record, or
18 closed vote.

19 6. Notwithstanding any other provision of law, when the appearance or presence of an
20 offender before the board or a hearing panel is required for the purpose of deciding whether to
21 grant conditional release or parole, extend the date of conditional release, revoke parole or
22 conditional release, or for any other purpose, such appearance or presence may occur by means
23 of a videoconference at the discretion of the board. Victims having a right to attend parole
24 hearings may testify either at the site where the board is conducting the videoconference or at the
25 institution where the offender is located. The use of videoconferencing in this section shall be
26 at the discretion of the board, and shall not be utilized if [either the offender,] the victim or the
27 victim's family objects to it.

217.690. 1. When in its opinion there is reasonable probability that an offender of a
2 correctional center can be released without detriment to the community or to himself, the board
3 may in its discretion release or parole such person except as otherwise prohibited by law. All
4 paroles shall issue upon order of the board, duly adopted.

5 2. Before ordering the parole of any offender, the board shall have the offender appear
6 before a hearing panel and shall conduct [a personal] **an** interview with him, unless waived by
7 the offender. A parole shall be ordered only for the best interest of society, not as an award of
8 clemency; it shall not be considered a reduction of sentence or a pardon. An offender shall be
9 placed on parole only when the board believes that he is able and willing to fulfill the obligations
10 of a law-abiding citizen. Every offender while on parole shall remain in the legal custody of the
11 department but shall be subject to the orders of the board.

12 3. The board has discretionary authority to require the payment of a fee, not to exceed
13 sixty dollars per month, from every offender placed under board supervision on probation,
14 parole, or conditional release, to waive all or part of any fee, to sanction offenders for willful
15 nonpayment of fees, and to contract with a private entity for fee collections services. All fees
16 collected shall be deposited in the inmate fund established in section 217.430. Fees collected

17 may be used to pay the costs of contracted collections services. The fees collected may otherwise
18 be used to provide community corrections and intervention services for offenders. Such services
19 include substance abuse assessment and treatment, mental health assessment and treatment,
20 electronic monitoring services, residential facilities services, employment placement services,
21 and other offender community corrections or intervention services designated by the board to
22 assist offenders to successfully complete probation, parole, or conditional release. The board
23 shall adopt rules not inconsistent with law, in accordance with section 217.040, with respect to
24 sanctioning offenders and with respect to establishing, waiving, collecting, and using fees.

25 4. The board shall adopt rules not inconsistent with law, in accordance with section
26 217.040, with respect to the eligibility of offenders for parole, the conduct of parole hearings or
27 conditions to be imposed upon paroled offenders. Whenever an order for parole is issued it shall
28 recite the conditions of such parole.

29 5. When considering parole for an offender with consecutive sentences, the minimum
30 term for eligibility for parole shall be calculated by adding the minimum terms for parole
31 eligibility for each of the consecutive sentences, except the minimum term for parole eligibility
32 shall not exceed the minimum term for parole eligibility for an ordinary life sentence.

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

37 7. Parole hearings shall, at a minimum, contain the following procedures:

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

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

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

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

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

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

53 8. The board shall notify any person of the results of a parole eligibility hearing if the
54 person indicates to the board a desire to be notified.

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

59 10. Nothing contained in this section shall be construed to require the release of an
60 offender on parole nor to reduce the sentence of an offender heretofore committed.

61 11. Beginning January 1, 2001, the board shall not order a parole unless the offender has
62 obtained a high school diploma or its equivalent, or unless the board is satisfied that the offender,
63 while committed to the custody of the department, has made an honest good-faith effort to obtain
64 a high school diploma or its equivalent; provided that the director may waive this requirement
65 by certifying in writing to the board that the offender has actively participated in mandatory
66 education programs or is academically unable to obtain a high school diploma or its equivalent.

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

221.111. 1. A person commits the offense of possession of unlawful items in a prison
2 or jail if such person knowingly delivers, attempts to deliver, possesses, deposits, or conceals in
3 or about the premises of any correctional center as the term "correctional center" is defined under
4 section 217.010, or any city, county, or private jail:

5 (1) Any controlled substance as that term is defined by law, except upon the written
6 prescription of a licensed physician, dentist, or veterinarian;

7 (2) Any other alkaloid of any kind or any intoxicating liquor as the term intoxicating
8 liquor is defined in section 311.020;

9 (3) Any article or item of personal property which a prisoner is prohibited by law, by rule
10 made pursuant to section 221.060, or by regulation of the department of corrections from
11 receiving or possessing, except as herein provided;

12 (4) Any gun, knife, weapon, or other article or item of personal property that may be
13 used in such manner as to endanger the safety or security of the institution or as to endanger the
14 life or limb of any prisoner or employee thereof;

15 (5) **Any two-way telecommunications device or its component parts.**

16 2. The violation of subdivision (1) of subsection 1 of this section shall be a class D
17 felony; the violation of subdivision (2) **or (5) of subsection 1** of this section shall be a class E
18 felony; the violation of subdivision (3) **of subsection 1** of this section shall be a class A
19 misdemeanor; and the violation of subdivision (4) **of subsection 1** of this section shall be a class
20 B felony.

21 3. The chief operating officer of a county or city jail or other correctional facility or the
22 administrator of a private jail may deny visitation privileges to or refer to the county prosecuting
23 attorney for prosecution any person who knowingly delivers, attempts to deliver, possesses,
24 deposits, or conceals in or about the premises of such jail or facility any personal item which is
25 prohibited by rule or regulation of such jail or facility. Such rules or regulations, including a list
26 of personal items allowed in the jail or facility, shall be prominently posted for viewing both
27 inside and outside such jail or facility in an area accessible to any visitor, and shall be made
28 available to any person requesting such rule or regulation. Violation of this subsection shall be
29 an infraction if not covered by other statutes.

30 4. Any person who has been found guilty of a violation of subdivision (2) of subsection
31 1 of this section involving any alkaloid shall be entitled to expungement of the record of the
32 violation. The procedure to expunge the record shall be pursuant to section 610.123. The record
33 of any person shall not be expunged if such person has been found guilty of knowingly
34 delivering, attempting to deliver, possessing, depositing, or concealing any alkaloid of any
35 controlled substance in or about the premises of any correctional center, or city or county jail,
36 or private prison or jail.

37 **5. Subdivision (5) of subsection 1 of this section shall not apply to:**

38 **(1) Any law enforcement officer employed by a state, federal agency, or political**
39 **subdivision lawfully engaged in his or her duties as a law enforcement officer; or**

40 **(2) Any other person who is authorized by the correctional center, or city, county,**
41 **or private jail to possess or use a two-way telecommunications device in the correctional**
42 **center, or city, county, or private jail.**

301.559. 1. It shall be unlawful for any person to engage in business as or act as a motor
2 vehicle dealer, boat dealer, manufacturer, boat manufacturer, public motor vehicle auction,
3 wholesale motor vehicle auction or wholesale motor vehicle dealer without first obtaining a
4 license from the department as required in sections 301.550 to 301.573. Any person who
5 maintains or operates any business wherein a license is required pursuant to the provisions of
6 sections 301.550 to 301.573, without such license, is guilty of a class A misdemeanor. Any
7 person committing a second violation of sections 301.550 to 301.573 shall be guilty of a class
8 [D] E felony.

9 2. All dealer licenses shall expire on December thirty-first of the designated license
10 period. The department shall notify each person licensed under sections 301.550 to 301.573 of
11 the date of license expiration and the amount of the fee required for renewal. The notice shall
12 be mailed at least ninety days before the date of license expiration to the licensee's last known
13 business address. The director shall have the authority to issue licenses valid for a period of up
14 to two years and to stagger the license periods for administrative efficiency and equalization of
15 workload, at the sole discretion of the director.

16 3. Every manufacturer, boat manufacturer, motor vehicle dealer, wholesale motor vehicle
17 dealer, wholesale motor vehicle auction, boat dealer or public motor vehicle auction shall make
18 application to the department for issuance of a license. The application shall be on forms
19 prescribed by the department and shall be issued under the terms and provisions of sections
20 301.550 to 301.573 and require all applicants, as a condition precedent to the issuance of a
21 license, to provide such information as the department may deem necessary to determine that the
22 applicant is bona fide and of good moral character, except that every application for a license
23 shall contain, in addition to such information as the department may require, a statement to the
24 following facts:

25 (1) The name and business address, not a post office box, of the applicant and the
26 fictitious name, if any, under which he intends to conduct his business; and if the applicant be
27 a partnership, the name and residence address of each partner, an indication of whether the
28 partner is a limited or general partner and the name under which the partnership business is to
29 be conducted. In the event that the applicant is a corporation, the application shall list the names
30 of the principal officers of the corporation and the state in which it is incorporated. Each
31 application shall be verified by the oath or affirmation of the applicant, if an individual, or in the
32 event an applicant is a partnership or corporation, then by a partner or officer;

33 (2) Whether the application is being made for registration as a manufacturer, boat
34 manufacturer, new motor vehicle franchise dealer, used motor vehicle dealer, wholesale motor
35 vehicle dealer, boat dealer, wholesale motor vehicle auction or a public motor vehicle auction;

36 (3) When the application is for a new motor vehicle franchise dealer, the application
37 shall be accompanied by a copy of the franchise agreement in the registered name of the
38 dealership setting out the appointment of the applicant as a franchise holder and it shall be signed
39 by the manufacturer, or his authorized agent, or the distributor, or his authorized agent, and shall
40 include a description of the make of all motor vehicles covered by the franchise. The department
41 shall not require a copy of the franchise agreement to be submitted with each renewal application
42 unless the applicant is now the holder of a franchise from a different manufacturer or distributor
43 from that previously filed, or unless a new term of agreement has been entered into;

44 (4) When the application is for a public motor vehicle auction, that the public motor
45 vehicle auction has met the requirements of section 301.561.

46 4. No insurance company, finance company, credit union, savings and loan association,
47 bank or trust company shall be required to obtain a license from the department in order to sell
48 any motor vehicle, trailer or vessel repossessed or purchased by the company on the basis of total
49 destruction or theft thereof when the sale of the motor vehicle, trailer or vessel is in conformance
50 with applicable title and registration laws of this state.

51 5. No person shall be issued a license to conduct a public motor vehicle auction or
52 wholesale motor vehicle auction if such person has a violation of sections 301.550 to 301.573
53 or other violations of chapter 301, sections 407.511 to 407.556, or section 578.120 which
54 resulted in a felony conviction or finding of guilt or a violation of any federal motor vehicle laws
55 which resulted in a felony conviction or finding of guilt.

339.100. 1. The commission may, upon its own motion, and shall upon receipt of a
2 written complaint filed by any person, investigate any real estate-related activity of a licensee
3 licensed under sections 339.010 to 339.180 and sections 339.710 to 339.860 or an individual or
4 entity acting as or representing themselves as a real estate licensee. In conducting such
5 investigation, if the questioned activity or written complaint involves an affiliated licensee, the
6 commission may forward a copy of the information received to the affiliated licensee's
7 designated broker. The commission shall have the power to hold an investigatory hearing to
8 determine whether there is a probability of a violation of sections 339.010 to 339.180 and
9 sections 339.710 to 339.860. The commission shall have the power to issue a subpoena to
10 compel the production of records and papers bearing on the complaint. The commission shall
11 have the power to issue a subpoena and to compel any person in this state to come before the
12 commission to offer testimony or any material specified in the subpoena. Subpoenas and
13 subpoenas duces tecum issued pursuant to this section shall be served in the same manner as
14 subpoenas in a criminal case. The fees and mileage of witnesses shall be the same as that
15 allowed in the circuit court in civil cases.

16 2. The commission may cause a complaint to be filed with the administrative hearing
17 commission as provided by the provisions of chapter 621 against any person or entity licensed
18 under this chapter or any licensee who has failed to renew or has surrendered his or her
19 individual or entity license for any one or any combination of the following acts:

20 (1) Failure to maintain and deposit in a special account, separate and apart from his or
21 her personal or other business accounts, all moneys belonging to others entrusted to him or her
22 while acting as a real estate broker or as the temporary custodian of the funds of others, until the
23 transaction involved is consummated or terminated, unless all parties having an interest in the
24 funds have agreed otherwise in writing;

25 (2) Making substantial misrepresentations or false promises or suppression, concealment
26 or omission of material facts in the conduct of his or her business or pursuing a flagrant and
27 continued course of misrepresentation through agents, salespersons, advertising or otherwise in
28 any transaction;

29 (3) Failing within a reasonable time to account for or to remit any moneys, valuable
30 documents or other property, coming into his or her possession, which belongs to others;

31 (4) Representing to any lender, guaranteeing agency, or any other interested party, either
32 verbally or through the preparation of false documents, an amount in excess of the true and
33 actual sale price of the real estate or terms differing from those actually agreed upon;

34 (5) Failure to timely deliver a duplicate original of any and all instruments to any party
35 or parties executing the same where the instruments have been prepared by the licensee or under
36 his or her supervision or are within his or her control, including, but not limited to, the
37 instruments relating to the employment of the licensee or to any matter pertaining to the
38 consummation of a lease, listing agreement or the purchase, sale, exchange or lease of property,
39 or any type of real estate transaction in which he or she may participate as a licensee;

40 (6) Acting for more than one party in a transaction without the knowledge of all parties
41 for whom he or she acts, or accepting a commission or valuable consideration for services from
42 more than one party in a real estate transaction without the knowledge of all parties to the
43 transaction;

44 (7) Paying a commission or valuable consideration to any person for acts or services
45 performed in violation of sections 339.010 to 339.180 and sections 339.710 to 339.860;

46 (8) Guaranteeing or having authorized or permitted any licensee to guarantee future
47 profits which may result from the resale of real property;

48 (9) Having been finally adjudicated and been found guilty of the violation of any state
49 or federal statute which governs the sale or rental of real property or the conduct of the real estate
50 business as defined in subsection 1 of section 339.010;

51 (10) Obtaining a certificate or registration of authority, permit or license for himself or
52 herself or anyone else by false or fraudulent representation, fraud or deceit;

53 (11) Representing a real estate broker other than the broker with whom associated
54 without the express written consent of the broker with whom associated;

55 (12) Accepting a commission or valuable consideration for the performance of any of
56 the acts referred to in section 339.010 from any person except the broker with whom associated
57 at the time the commission or valuable consideration was earned;

58 (13) Using prizes, money, gifts or other valuable consideration as inducement to secure
59 customers or clients to purchase, lease, sell or list property when the awarding of such prizes,
60 money, gifts or other valuable consideration is conditioned upon the purchase, lease, sale or

61 listing; or soliciting, selling or offering for sale real property by offering free lots, or conducting
62 lotteries or contests, or offering prizes for the purpose of influencing a purchaser or prospective
63 purchaser of real property;

64 (14) Placing a sign on or advertising any property offering it for sale or rent without the
65 written consent of the owner or his or her duly authorized agent;

66 (15) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling
67 any person to violate, any provision of sections 339.010 to 339.180 and sections 339.710 to
68 339.860, or of any lawful rule adopted pursuant to sections 339.010 to 339.180 and sections
69 339.710 to 339.860;

70 (16) Committing any act which would otherwise be grounds for the commission to
71 refuse to issue a license under section 339.040;

72 (17) Failure to timely inform seller of all written offers unless otherwise instructed in
73 writing by the seller;

74 (18) Been finally adjudicated and found guilty, or entered a plea of guilty or nolo
75 contendere, in a criminal prosecution under the laws of this state or any other state or of the
76 United States, for any offense reasonably related to the qualifications, functions or duties of any
77 profession licensed or regulated under this chapter, for any offense an essential element of which
78 is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether
79 or not sentence is imposed;

80 (19) Any other conduct which constitutes untrustworthy, improper or fraudulent business
81 dealings, demonstrates bad faith or incompetence, misconduct, or gross negligence;

82 (20) Disciplinary action against the holder of a license or other right to practice any
83 profession regulated under sections 339.010 to 339.180 and sections 339.710 to 339.860 granted
84 by another state, territory, federal agency, or country upon grounds for which revocation,
85 suspension, or probation is authorized in this state;

86 (21) Been found by a court of competent jurisdiction of having used any controlled
87 substance, as defined in chapter 195, to the extent that such use impairs a person's ability to
88 perform the work of any profession licensed or regulated by sections 339.010 to 339.180 and
89 sections 339.710 to 339.860;

90 (22) Been finally adjudged insane or incompetent by a court of competent jurisdiction;

91 (23) Assisting or enabling any person to practice or offer to practice any profession
92 licensed or regulated under sections 339.010 to 339.180 and sections 339.710 to 339.860 who
93 is not registered and currently eligible to practice under sections 339.010 to 339.180 and sections
94 339.710 to 339.860;

95 (24) Use of any advertisement or solicitation which is knowingly false, misleading or
96 deceptive to the general public or persons to whom the advertisement or solicitation is primarily
97 directed;

98 (25) Making any material misstatement, misrepresentation, or omission with regard to
99 any application for licensure or license renewal. As used in this section, "material" means
100 important information about which the commission should be informed and which may influence
101 a licensing decision;

102 (26) Engaging in, committing, or assisting any person in engaging in or committing
103 mortgage fraud, as defined in section 443.930.

104 3. After the filing of such complaint, the proceedings will be conducted in accordance
105 with the provisions of law relating to the administrative hearing commission. A finding of the
106 administrative hearing commissioner that the licensee has performed or attempted to perform one
107 or more of the foregoing acts shall be grounds for the suspension or revocation of his license by
108 the commission, or the placing of the licensee on probation on such terms and conditions as the
109 real estate commission shall deem appropriate, or the imposition of a civil penalty by the
110 commission not to exceed two thousand five hundred dollars for each offense. Each day of a
111 continued violation shall constitute a separate offense.

112 4. The commission may prepare a digest of the decisions of the administrative hearing
113 commission which concern complaints against licensed brokers or salespersons and cause such
114 digests to be mailed to all licensees periodically. Such digests may also contain reports as to new
115 or changed rules adopted by the commission and other information of significance to licensees.

116 5. Notwithstanding other provisions of this section, a broker or salesperson's license shall
117 be revoked, or in the case of an applicant, shall not be issued, if the licensee or applicant has
118 pleaded guilty to, entered a plea of nolo contendere to, or been found guilty of any of the
119 following offenses or offenses of a similar nature established under the laws of this, any other
120 state, the United States, or any other country, notwithstanding whether sentence is imposed:

121 (1) Any dangerous felony as defined under section 556.061 or murder in the first degree;

122 (2) Any of the following sexual offenses: rape in the first degree, forcible rape, rape,
123 statutory rape in the first degree, statutory rape in the second degree, rape in the second degree,
124 sexual assault, sodomy in the first degree, forcible sodomy, statutory sodomy in the first degree,
125 statutory sodomy in the second degree, child molestation in the first degree, child molestation
126 in the second degree, sodomy in the second degree, deviate sexual assault, sexual misconduct
127 involving a child, sexual misconduct in the first degree under section 566.090 as it existed prior
128 to August 28, 2013, sexual abuse under section 566.100 as it existed prior to August 28, 2013,
129 sexual abuse in the first or second degree, enticement of a child, or attempting to entice a child;

130 (3) Any of the following offenses against the family and related offenses: incest,
131 abandonment of a child in the first degree, abandonment of a child in the second degree,
132 endangering the welfare of a child in the first degree, abuse of a child, using a child in a sexual
133 performance, promoting sexual performance by a child, or trafficking in children;

134 (4) Any of the following offenses involving child pornography and related offenses:
135 promoting obscenity in the first degree, promoting obscenity in the second degree when the
136 penalty is enhanced to a class [D] E felony, promoting child pornography in the first degree,
137 promoting child pornography in the second degree, possession of child pornography in the first
138 degree, possession of child pornography in the second degree, furnishing child pornography to
139 a minor, furnishing pornographic materials to minors, or coercing acceptance of obscene
140 material; and

141 (5) Mortgage fraud as defined in section 570.310.

142 6. A person whose license was revoked under subsection 5 of this section may appeal
143 such revocation to the administrative hearing commission. Notice of such appeal must be
144 received by the administrative hearing commission within ninety days of mailing, by certified
145 mail, the notice of revocation. Failure of a person whose license was revoked to notify the
146 administrative hearing commission of his or her intent to appeal waives all rights to appeal the
147 revocation. Upon notice of such person's intent to appeal, a hearing shall be held before the
148 administrative hearing commission.

400.9-501. (a) Except as otherwise provided in subsection (b), if the local law of this
2 state governs perfection of a security interest or agricultural lien, the office in which to file a
3 financing statement to perfect the security interest or agricultural lien is:

4 (1) The office designated for the filing or recording of a record of a mortgage on the
5 related real property, if:

6 (A) The collateral is as-extracted collateral or timber to be cut; or

7 (B) The financing statement is filed as a fixture filing and the collateral is goods that are
8 or are to become fixtures; or

9 (2) The office of the secretary of state in all other cases, including a case in which the
10 collateral is goods that are or are to become fixtures and the financing statement is not filed as
11 a fixture filing.

12 (b) The office in which to file a financing statement to perfect a security interest in
13 collateral, including fixtures, of a transmitting utility is the office of the secretary of state. The
14 financing statement also constitutes a fixture filing as to the collateral indicated in the financing
15 statement which is or is to become fixtures.

16 (c) A person shall not knowingly or intentionally file, attempt to file, or record any
17 document related to real property with a recorder of deeds under chapter 59 or a financing

18 statement with the secretary of state under subdivision (2) of subsection (a) or subsection (b) of
19 this section, with the intent that such document or statement be used to harass or defraud any
20 other person or knowingly or intentionally file, attempt to file, or record such a document or
21 statement that is materially false or fraudulent.

22 (1) A person who violates this subsection shall be guilty of a class [D] E felony.

23 (2) If a person is convicted of a violation under this subsection, the court may order
24 restitution.

25 (d) In the alternative to the provisions of sections 428.105 through 428.135, if a person
26 files a false or fraudulent financing statement with the secretary of state under subdivision (2)
27 of subsection (a) or subsection (b) of this section, a debtor named in that financing statement may
28 file an action against the person that filed the financing statement seeking appropriate equitable
29 relief, actual damages, or punitive damages, including, but not limited to, reasonable attorney
30 fees.

513.430. 1. The following property shall be exempt from attachment and execution to
2 the extent of any person's interest therein:

3 (1) Household furnishings, household goods, wearing apparel, appliances, books,
4 animals, crops or musical instruments that are held primarily for personal, family or household
5 use of such person or a dependent of such person, not to exceed three thousand dollars in value
6 in the aggregate;

7 (2) A wedding ring not to exceed one thousand five hundred dollars in value and other
8 jewelry held primarily for the personal, family or household use of such person or a dependent
9 of such person, not to exceed five hundred dollars in value in the aggregate;

10 (3) Any other property of any kind, not to exceed in value six hundred dollars in the
11 aggregate;

12 (4) Any implements or professional books or tools of the trade of such person or the
13 trade of a dependent of such person not to exceed three thousand dollars in value in the
14 aggregate;

15 (5) Any motor vehicles, not to exceed three thousand dollars in value in the aggregate;

16 (6) Any mobile home used as the principal residence but not attached to real property
17 in which the debtor has a fee interest, not to exceed five thousand dollars in value;

18 (7) Any one or more unmaturred life insurance contracts owned by such person, other
19 than a credit life insurance contract, and up to fifteen thousand dollars of any matured life
20 insurance proceeds for actual funeral, cremation, or burial expenses where the deceased is the
21 spouse, child, or parent of the beneficiary;

22 (8) The amount of any accrued dividend or interest under, or loan value of, any one or
23 more unmaturred life insurance contracts owned by such person under which the insured is such

24 person or an individual of whom such person is a dependent; provided, however, that if
25 proceedings under Title 11 of the United States Code are commenced by or against such person,
26 the amount exempt in such proceedings shall not exceed in value one hundred fifty thousand
27 dollars in the aggregate less any amount of property of such person transferred by the life
28 insurance company or fraternal benefit society to itself in good faith if such transfer is to pay a
29 premium or to carry out a nonforfeiture insurance option and is required to be so transferred
30 automatically under a life insurance contract with such company or society that was entered into
31 before commencement of such proceedings. No amount of any accrued dividend or interest
32 under, or loan value of, any such life insurance contracts shall be exempt from any claim for
33 child support. Notwithstanding anything to the contrary, no such amount shall be exempt in such
34 proceedings under any such insurance contract which was purchased by such person within one
35 year prior to the commencement of such proceedings;

36 (9) Professionally prescribed health aids for such person or a dependent of such person;

37 (10) Such person's right to receive:

38 (a) A Social Security benefit, unemployment compensation or a public assistance
39 benefit;

40 (b) A veteran's benefit;

41 (c) A disability, illness or unemployment benefit;

42 (d) Alimony, support or separate maintenance, not to exceed seven hundred fifty dollars
43 a month;

44 (e) Any payment under a stock bonus plan, pension plan, disability or death benefit plan,
45 profit-sharing plan, nonpublic retirement plan or any plan described, defined, or established
46 pursuant to section 456.014, the person's right to a participant account in any deferred
47 compensation program offered by the state of Missouri or any of its political subdivisions, or
48 annuity or similar plan or contract on account of illness, disability, death, age or length of
49 service, to the extent reasonably necessary for the support of such person and any dependent of
50 such person unless:

51 a. Such plan or contract was established by or under the auspices of an insider that
52 employed such person at the time such person's rights under such plan or contract arose;

53 b. Such payment is on account of age or length of service; and

54 c. Such plan or contract does not qualify under Section 401(a), 403(a), 403(b), 408, 408A
55 or 409 of the Internal Revenue Code of 1986, as amended, (26 U.S.C. Section 401(a), 403(a),
56 403(b), 408, 408A or 409);

57

58 except that any such payment to any person shall be subject to attachment or execution pursuant
59 to a qualified domestic relations order, as defined by Section 414(p) of the Internal Revenue

60 Code of 1986, as amended, issued by a court in any proceeding for dissolution of marriage or
61 legal separation or a proceeding for disposition of property following dissolution of marriage by
62 a court which lacked personal jurisdiction over the absent spouse or lacked jurisdiction to
63 dispose of marital property at the time of the original judgment of dissolution;

64 (f) Any money or assets, payable to a participant or beneficiary from, or any interest of
65 any participant or beneficiary in, a retirement plan, profit-sharing plan, health savings plan, or
66 similar plan, including an inherited account or plan, that is qualified under Section 401(a),
67 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, whether
68 such participant's or beneficiary's interest arises by inheritance, designation, appointment, or
69 otherwise, except as provided in this paragraph. Any plan or arrangement described in this
70 paragraph shall not be exempt from the claim of an alternate payee under a qualified domestic
71 relations order; however, the interest of any and all alternate payees under a qualified domestic
72 relations order shall be exempt from any and all claims of any creditor, other than the state of
73 Missouri through its department of social services. As used in this paragraph, the terms
74 "alternate payee" and "qualified domestic relations order" have the meaning given to them in
75 Section 414(p) of the Internal Revenue Code of 1986, as amended. If proceedings under Title
76 11 of the United States Code are commenced by or against such person, no amount of funds shall
77 be exempt in such proceedings under any such plan, contract, or trust which is fraudulent as
78 defined in subsection 2 of section 428.024 and for the period such person participated within
79 three years prior to the commencement of such proceedings. For the purposes of this section,
80 when the fraudulently conveyed funds are recovered and after, such funds shall be deducted and
81 then treated as though the funds had never been contributed to the plan, contract, or trust;

82 (11) The debtor's right to receive, or property that is traceable to, a payment on account
83 of the wrongful death of an individual of whom the debtor was a dependent, to the extent
84 reasonably necessary for the support of the debtor and any dependent of the debtor;

85 **(12) Firearms, firearm accessories, and ammunition, not to exceed one thousand**
86 **five hundred dollars in value in the aggregate.**

87 2. Nothing in this section shall be interpreted to exempt from attachment or execution
88 for a valid judicial or administrative order for the payment of child support or maintenance any
89 money or assets, payable to a participant or beneficiary from, or any interest of any participant
90 or beneficiary in, a retirement plan which is qualified pursuant to Section 408A of the Internal
91 Revenue Code of 1986, as amended.

557.021. 1. Any offense defined outside this code which is declared to be a
2 misdemeanor without specification of the penalty therefor is a class A misdemeanor.

3 2. Any offense defined outside this code which is declared to be a felony without
4 specification of the penalty therefor is a class E felony.

5 3. For the purpose of applying the extended term provisions of section 558.016 and the
6 minimum prison term provisions of section 558.019 and for determining the penalty for attempts
7 and conspiracies, offenses defined outside of this code shall be classified as follows:

8 (1) If the offense is a felony:

9 (a) It is a class A felony if the authorized penalty includes death, life imprisonment or
10 imprisonment for a term of twenty years or more;

11 (b) It is a class B felony if the maximum term of imprisonment authorized exceeds ten
12 years but is less than twenty years;

13 (c) It is a class C felony if the maximum term of imprisonment authorized is ten years;

14 (d) It is a class D felony if the maximum term of imprisonment **exceeds four years but**
15 is less than ten years;

16 (e) It is a class E felony if the maximum term of imprisonment is four years **or less**;

17 (2) If the offense is a misdemeanor:

18 (a) It is a class A misdemeanor if the authorized imprisonment exceeds six months in
19 jail;

20 (b) It is a class B misdemeanor if the authorized imprisonment exceeds thirty days but
21 is not more than six months;

22 (c) It is a class C misdemeanor if the authorized imprisonment is thirty days or less;

23 (d) It is a class D misdemeanor if it includes a mental state as an element of the offense
24 and there is no authorized imprisonment;

25 (e) It is an infraction if there is no authorized imprisonment.

562.014. 1. Guilt for an offense may be based upon a conspiracy to commit an offense
2 when a person, with the purpose of promoting or facilitating the commission of an offense,
3 agrees with another person or persons that they or one or more of them will engage in conduct
4 which constitutes such offense.

5 2. It is no defense to a prosecution for conspiring to commit an offense that a person,
6 who knows that a person with whom he or she conspires to commit an offense has conspired
7 with another person or persons to commit the same offense, does not know the identity of such
8 other person or persons.

9 3. If a person conspires to commit a number of offenses, he or she can be found guilty
10 of only one offense **of conspiracy** so long as such multiple offenses are the object of the same
11 agreement.

12 4. No person may be convicted of an offense based upon a conspiracy to commit an
13 offense unless an overt act in pursuance of such conspiracy is alleged and proved to have been
14 done by him or her or by a person with whom he or she conspired.

15 5. (1) No person shall be convicted of an offense based upon a conspiracy to commit
16 an offense if, after conspiring to commit the offense, he or she prevented the accomplishment
17 of the objectives of the conspiracy under circumstances manifesting a renunciation of his or her
18 criminal purpose.

19 (2) The defendant shall have the burden of injecting the issue of renunciation of criminal
20 purpose under subdivision (1) of this subsection.

21 6. For the purpose of time limitations on prosecutions:

22 (1) A conspiracy to commit an offense is a continuing course of conduct which
23 terminates when the offense or offenses which are its object are committed or the agreement that
24 they be committed is abandoned by the defendant and by those with whom he or she conspired;

25 (2) If an individual abandons the agreement, the conspiracy is terminated as to him or
26 her only if he or she advises those with whom he or she has conspired of his or her abandonment
27 or he or she informs the law enforcement authorities of the existence of the conspiracy and of
28 his or her participation in it.

29 7. A person shall not be charged, convicted or sentenced on the basis of the same course
30 of conduct of both the actual commission of an offense and a conspiracy to commit that offense.

31 8. Unless otherwise set forth in the statute creating the offense, when guilt for a felony
32 or misdemeanor is based upon a conspiracy to commit that offense, the felony or misdemeanor
33 shall be classified one step lower than the class provided for the felony or misdemeanor in the
34 statute creating the offense.

565.188. 1. When any adult day care worker; chiropractor; Christian Science
2 practitioner; coroner; dentist; embalmer; employee of the departments of social services, mental
3 health, or health and senior services; employee of a local area agency on aging or an organized
4 area agency on aging program; **emergency medical technician, firefighter, first responder**;
5 funeral director; home health agency or home health agency employee; hospital and clinic
6 personnel engaged in examination, care, or treatment of persons; in-home services owner,
7 provider, operator, or employee; law enforcement officer; long-term care facility administrator
8 or employee; medical examiner; medical resident or intern; mental health professional; minister;
9 nurse; nurse practitioner; optometrist; other health practitioner; peace officer; pharmacist;
10 physical therapist; physician; physician's assistant; podiatrist; probation or parole officer;
11 psychologist; social worker; or other person with responsibility for the care of [a person sixty
12 years of age or older] **an eligible adult as defined under section 192.2400** has reasonable cause
13 to suspect that [such a person] **the eligible adult** has been subjected to abuse or neglect or
14 observes [such a person] **the eligible adult** being subjected to conditions or circumstances which
15 would reasonably result in abuse or neglect, he or she shall immediately report or cause a report
16 to be made to the department in accordance with the provisions of sections 192.2400 to

17 192.2470. Any other person who becomes aware of circumstances which may reasonably be
18 expected to be the result of or result in abuse or neglect may report to the department.

19 2. Any person who knowingly fails to make a report as required in subsection 1 of this
20 section is guilty of a class A misdemeanor.

21 3. Any person who purposely files a false report of elder abuse or neglect is guilty of a
22 class A misdemeanor.

23 4. Every person who has been previously convicted of or pled guilty to making a false
24 report to the department and who is subsequently convicted of making a false report under
25 subsection 3 of this section is guilty of a class D felony.

26 5. Evidence of prior convictions of false reporting shall be heard by the court, out of the
27 hearing of the jury, prior to the submission of the case to the jury, and the court shall determine
28 the existence of the prior convictions.

565.188. 1. A person commits the offense of failure to report elder abuse or neglect if
2 he or she is required to make a report as required under subdivision (2) of subsection 1 of section
3 [197.1002] **192.2405**, and knowingly fails to make a report.

4 2. The offense of failure to report elder abuse or neglect is a class A misdemeanor.

568.040. 1. A person commits the offense of nonsupport if he or she knowingly fails to
2 provide adequate support for his or her spouse; a parent commits the offense of nonsupport if
3 such parent knowingly fails to provide adequate support which such parent is legally obligated
4 to provide for his or her child or stepchild who is not otherwise emancipated by operation of law.

5 2. For purposes of this section:

6 (1) "Child" means any biological or adoptive child, or any child whose paternity has been
7 established under chapter 454, or chapter 210, or any child whose relationship to the defendant
8 has been determined, by a court of law in a proceeding for dissolution or legal separation, to be
9 that of child to parent;

10 (2) "Good cause" means any substantial reason why the defendant is unable to provide
11 adequate support. Good cause does not exist if the defendant purposely maintains his inability
12 to support;

13 (3) "Support" means food, clothing, lodging, and medical or surgical attention;

14 (4) It shall not constitute a failure to provide medical and surgical attention, if
15 nonmedical remedial treatment recognized and permitted under the laws of this state is provided.

16 3. Inability to provide support for good cause shall be an affirmative defense under this
17 section. A defendant who raises such affirmative defense has the burden of proving the defense
18 by a preponderance of the evidence.

19 4. The defendant shall have the burden of injecting the issues raised by subdivision (4)
20 of subsection 2 [and subsection 3] of this section.

21 5. The offense of criminal nonsupport is a class A misdemeanor, unless the total
22 arrearage is in excess of an aggregate of twelve monthly payments due under any order of
23 support issued by any court of competent jurisdiction or any authorized administrative agency,
24 in which case it is a class E felony.

25 6. If at any time an offender convicted of criminal nonsupport is placed on probation or
26 parole, there may be ordered as a condition of probation or parole that the offender commence
27 payment of current support as well as satisfy the arrearages. Arrearages may be satisfied first by
28 making such lump sum payment as the offender is capable of paying, if any, as may be shown
29 after examination of the offender's financial resources or assets, both real, personal, and mixed,
30 and second by making periodic payments. Periodic payments toward satisfaction of arrears when
31 added to current payments due may be in such aggregate sums as is not greater than fifty percent
32 of the offender's adjusted gross income after deduction of payroll taxes, medical insurance that
33 also covers a dependent spouse or children, and any other court- or administrative-ordered
34 support, only. If the offender fails to pay the current support and arrearages as ordered, the court
35 may revoke probation or parole and then impose an appropriate sentence within the range for the
36 class of offense that the offender was convicted of as provided by law, unless the offender proves
37 good cause for the failure to pay as required under subsection 3 of this section.

38 7. During any period that a nonviolent offender is incarcerated for criminal nonsupport,
39 if the offender is ready, willing, and able to be gainfully employed during said period of
40 incarceration, the offender, if he or she meets the criteria established by the department of
41 corrections, may be placed on work release to allow the offender to satisfy his or her obligation
42 to pay support. Arrearages shall be satisfied as outlined in the collection agreement.

43 8. Beginning August 28, 2009, every nonviolent first- and second-time offender then
44 incarcerated for criminal nonsupport, who has not been previously placed on probation or parole
45 for conviction of criminal nonsupport, may be considered for parole, under the conditions set
46 forth in subsection 6 of this section, or work release, under the conditions set forth in subsection
47 7 of this section.

48 9. Beginning January 1, 1991, every prosecuting attorney in any county which has
49 entered into a cooperative agreement with the child support enforcement service of the family
50 support division of the department of social services shall report to the division on a quarterly
51 basis the number of charges filed and the number of convictions obtained under this section by
52 the prosecuting attorney's office on all IV-D cases. The division shall consolidate the reported
53 information into a statewide report by county and make the report available to the general public.

54 10. Persons accused of committing the offense of nonsupport of the child shall be
55 prosecuted:

56 (1) In any county in which the child resided during the period of time for which the
57 defendant is charged; or

58 (2) In any county in which the defendant resided during the period of time for which the
59 defendant is charged.

569.090. 1. A person commits the offense of tampering in the second degree if he or
2 she:

3 (1) Tamper with property of another for the purpose of causing substantial
4 inconvenience to that person or to another; or

5 (2) Unlawfully rides in or upon another's automobile, airplane, motorcycle, motorboat
6 or other motor-propelled vehicle; or

7 (3) Tamper or makes connection with property of a utility; or

8 (4) Tamper with, or causes to be tampered with, any meter or other property of an
9 electric, gas, steam or water utility, the effect of which tampering is either:

10 (a) To prevent the proper measuring of electric, gas, steam or water service; or

11 (b) To permit the diversion of any electric, gas, steam or water service.

12 2. In any prosecution under subdivision (4) of subsection 1, proof that a meter or any
13 other property of a utility has been tampered with, and the person or persons accused received
14 the use or direct benefit of the electric, gas, steam or water service, with one or more of the
15 effects described in subdivision (4) of subsection 1, shall be sufficient to support an inference
16 which the trial court may submit to the trier of fact, from which the trier of fact may conclude
17 that there has been a violation of such subdivision by the person or persons who use or receive
18 the direct benefit of the electric, gas, steam or water service.

19 3. Tampering in the second degree is a class A misdemeanor unless:

20 (1) Committed as a second or subsequent violation of subdivision (4) of subsection 1,
21 in which case it is a class E felony; or

22 (2) The defendant has a prior conviction or has previously been found guilty pursuant
23 to paragraph (a) of subdivision (3) of subsection [3] 5 of section 570.030, or subdivision (2) of
24 subsection 1 of this section, in which case it is a class D felony.

569.140. 1. A person commits the offense of trespass in the first degree if he or she
2 knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable
3 structure [or], upon real property, **or upon a temporary or permanent privately owned**
4 **structure attached to the building, structure, or property.**

5 2. A person does not commit the offense of trespass in the first degree by entering or
6 remaining upon real property **or attached structures as described under subsection 1 of this**
7 **section** unless the real property **or attached structure** is fenced or otherwise enclosed in a
8 manner designed to exclude intruders or as to which notice against trespass is given by:

- 9 (1) Actual communication to the actor; or
10 (2) Posting in a manner reasonably likely to come to the attention of intruders.
11 3. The offense of trespass in the first degree is a class B misdemeanor.
570.010. As used in this chapter:
- 2 (1) "Adulterated" means varying from the standard of composition or quality prescribed
3 by statute or lawfully promulgated administrative regulations of this state lawfully filed, or if
4 none, as set by commercial usage;
- 5 (2) "Appropriate" means to take, obtain, use, transfer, conceal or retain possession of;
6 (3) "Coercion" means a threat, however communicated:
- 7 (a) To commit any crime; or
8 (b) To inflict physical injury in the future on the person threatened or another; or
9 (c) To accuse any person of any crime; or
10 (d) To expose any person to hatred, contempt or ridicule; or
11 (e) To harm the credit or business repute of any person; or
12 (f) To take or withhold action as a public servant, or to cause a public servant to take or
13 withhold action; or
14 (g) To inflict any other harm which would not benefit the actor. A threat of accusation,
15 lawsuit or other invocation of official action is not coercion if the property sought to be obtained
16 by virtue of such threat was honestly claimed as restitution or indemnification for harm done in
17 the circumstances to which the accusation, exposure, lawsuit or other official action relates, or
18 as compensation for property or lawful service. The defendant shall have the burden of injecting
19 the issue of justification as to any threat;
- 20 (4) "Credit device" means a writing, number or other device purporting to evidence an
21 undertaking to pay for property or services delivered or rendered to or upon the order of a
22 designated person or bearer;
- 23 (5) "Dealer" means a person in the business of buying and selling goods;
- 24 (6) "Debit device" means a card, code, number or other device, other than a check, draft
25 or similar paper instrument, by the use of which a person may initiate an electronic fund transfer,
26 including but not limited to devices that enable electronic transfers of benefits to public
27 assistance recipients;
- 28 (7) "Deceit" means purposely making a representation which is false and which the actor
29 does not believe to be true and upon which the victim relies, as to a matter of fact, law, value,
30 intention or other state of mind. The term "deceit" does not, however, include falsity as to
31 matters having no pecuniary significance, or puffing by statements unlikely to deceive ordinary
32 persons in the group addressed. Deception as to the actor's intention to perform a promise shall
33 not be inferred from the fact alone that he did not subsequently perform the promise;

34 (8) "Deprive" means:

35 (a) To withhold property from the owner permanently; or

36 (b) To restore property only upon payment of reward or other compensation; or

37 (c) To use or dispose of property in a manner that makes recovery of the property by the
38 owner unlikely;

39 (9) **"Financial institution" means a bank, trust company, savings and loan
40 association, or credit union;**

41 (10) "Misabeled" means varying from the standard of truth or disclosure in labeling
42 prescribed by statute or lawfully promulgated administrative regulations of this state lawfully
43 filed, or if none, as set by commercial usage; or represented as being another person's product,
44 though otherwise accurately labeled as to quality and quantity;

45 [(10)] (11) "New and unused property" means tangible personal property that has never
46 been used since its production or manufacture and is in its original unopened package or
47 container if such property was packaged;

48 [(11)] (12) "Of another" property or services is that "of another" if any natural person,
49 corporation, partnership, association, governmental subdivision or instrumentality, other than
50 the actor, has a possessory or proprietary interest therein, except that property shall not be
51 deemed property of another who has only a security interest therein, even if legal title is in the
52 creditor pursuant to a conditional sales contract or other security arrangement;

53 [(12)] (13) "Property" means anything of value, whether real or personal, tangible or
54 intangible, in possession or in action, and shall include but not be limited to the evidence of a
55 debt actually executed but not delivered or issued as a valid instrument;

56 [(13)] (14) "Receiving" means acquiring possession, control or title or lending on the
57 security of the property;

58 [(14)] (15) "Services" includes transportation, telephone, electricity, gas, water, or other
59 public service, accommodation in hotels, restaurants or elsewhere, admission to exhibitions and
60 use of vehicles;

61 [(15)] (16) "Writing" includes printing, any other method of recording information,
62 money, coins, negotiable instruments, tokens, stamps, seals, credit cards, badges, trademarks and
63 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 her
3 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 or
6 coercion; or

7 (3) For the purpose of depriving the owner of a lawful interest therein, receives, retains
8 or disposes of property of another knowing that it has been stolen, or believing that it has been
9 stolen.

10 2. The offense of stealing is a class A felony if the property appropriated consists of any
11 of the following containing any amount of anhydrous ammonia: a tank truck, tank trailer, rail
12 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 conservation
18 commission, and the value of the animal or animals appropriated exceeds three thousand dollars
19 and that person has previously been found guilty of appropriating any animal considered
20 livestock or captive wildlife held under permit issued by the conservation commission.
21 Notwithstanding any provision of law to the contrary, such person shall serve a minimum prison
22 term of not less than eighty percent of his or her sentence before he or she is eligible for
23 probation, parole, conditional release, or other early release by the department of corrections;

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

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

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

34 4. The offense of stealing is a class C felony if the value of the property or services
35 appropriated is twenty-five thousand dollars or more.

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

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

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

41 (3) The property appropriated consists of:

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

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

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

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

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

 570.030. 1. A person commits the crime of stealing if he or she appropriates property
2 or services of another with the purpose to deprive him or her thereof, either without his or her
3 consent or by means of deceit or coercion.

4 2. Evidence of the following is admissible in any criminal prosecution pursuant to this
5 section on the issue of the requisite knowledge or belief of the alleged stealer:

6 (1) That he or she failed or refused to pay for property or services of a hotel, restaurant,
7 inn or boardinghouse;

8 (2) That he or she gave in payment for property or services of a hotel, restaurant, inn or
9 boardinghouse a check or negotiable paper on which payment was refused;

10 (3) That he or she left the hotel, restaurant, inn or boardinghouse with the intent to not
11 pay for property or services;

12 (4) That he or she surreptitiously removed or attempted to remove his or her baggage
13 from a hotel, inn or boardinghouse;

14 (5) That he or she, with intent to cheat or defraud a retailer, possesses, uses, utters,
15 transfers, makes, alters, counterfeits, or reproduces a retail sales receipt, price tag, or universal
16 price code label, or possesses with intent to cheat or defraud, the device that manufactures
17 fraudulent receipts or universal price code labels.

18 3. Notwithstanding any other provision of law, any offense in which the value of
19 property or services is an element is a class C felony if:

20 (1) The value of the property or services appropriated is five hundred dollars or more but
21 less than twenty-five thousand dollars; or

22 (2) The actor physically takes the property appropriated from the person of the victim;
23 or

24 (3) The property appropriated consists of:

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

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

- 27 (c) Any credit card or letter of credit; or
28 (d) Any firearms; or
29 (e) Any explosive weapon as defined in section 571.010; or
30 (f) A United States national flag designed, intended and used for display on buildings
31 or stationary flagstaffs in the open; or
32 (g) Any original copy of an act, bill or resolution, introduced or acted upon by the
33 legislature of the state of Missouri; or
34 (h) Any pleading, notice, judgment or any other record or entry of any court of this state,
35 any other state or of the United States; or
36 (i) Any book of registration or list of voters required by chapter 115; or
37 (j) Any animal considered livestock as that term is defined in section 144.010; or
38 (k) Live fish raised for commercial sale with a value of seventy-five dollars; or
39 (l) Captive wildlife held under permit issued by the conservation commission; or
40 (m) Any controlled substance as defined by section 195.010; or
41 (n) Anhydrous ammonia;
42 (o) Ammonium nitrate; or
43 (p) Any document of historical significance which has fair market value of five hundred
44 dollars or more.
- 45 4. Notwithstanding any other provision of law, stealing of any animal considered
46 livestock, as that term is defined in section 144.010, is a class B felony if the value of the
47 livestock exceeds ten thousand dollars.
- 48 5. If an actor appropriates any material with a value less than five hundred dollars in
49 violation of this section with the intent to use such material to manufacture, compound, produce,
50 prepare, test or analyze amphetamine or methamphetamine or any of their analogues, then such
51 violation is a class C felony. The theft of any amount of anhydrous ammonia or liquid nitrogen,
52 or any attempt to steal any amount of anhydrous ammonia or liquid nitrogen, is a class B felony.
53 The theft of any amount of anhydrous ammonia by appropriation of a tank truck, tank trailer, rail
54 tank car, bulk storage tank, field (nurse) tank or field applicator is a class A felony.
- 55 6. **If the actor appropriates or attempts to appropriate property that is owned by**
56 **or in the custody of a financial institution and the property is taken or attempted to be**
57 **taken physically from an individual person to deprive the owner or custodian of the**
58 **property, the theft is a class B felony.**
- 59 7. The theft of any item of property or services pursuant to subsection 3 of this section
60 which exceeds five hundred dollars may be considered a separate felony and may be charged in
61 separate counts.

62 [7.] 8. Any person with a prior conviction of paragraph (j) or (l) of subdivision (3) of
63 subsection 3 of this section and who violates the provisions of paragraph (j) or (l) of subdivision
64 (3) of subsection 3 of this section when the value of the animal or animals stolen exceeds three
65 thousand dollars is guilty of a class B felony. Notwithstanding any provision of law to the
66 contrary, such person shall serve a minimum prison term of not less than eighty percent of his
67 or her sentence before he or she is eligible for probation, parole, conditional release, or other
68 early release by the department of corrections.

69 [8.] 9. Any offense in which the value of property or services is an element is a class B
70 felony if the value of the property or services equals or exceeds twenty-five thousand dollars.

71 [9.] 10. Any violation of this section for which no other penalty is specified in this
72 section is a class A misdemeanor.

570.135. 1. A person commits the offense of fraudulent procurement of a credit or debit
2 device if he or she:

3 (1) Knowingly makes or causes to be made, directly or indirectly, a false statement
4 regarding another person for the purpose of fraudulently procuring the issuance of a credit or
5 debit device; [or]

6 (2) Knowingly obtains a means of identification of another person without the
7 authorization of that person and uses that means of identification fraudulently to obtain, or
8 attempt to obtain, credit, goods or services in the name of the other person without the consent
9 of that person; **or**

10 (3) **Knowingly possesses a fraudulently obtained credit or debit device.**

11 2. The offense of fraudulent procurement of a credit or debit device is a class A
12 misdemeanor.

13 3. Notwithstanding any other provision of this section, no corporation, proprietorship,
14 partnership, limited liability company, limited liability partnership or other business entity shall
15 be **criminally** liable under this section for accepting applications for credit or debit devices or
16 for the use of a credit or debit device in any transaction, absent clear and convincing evidence
17 that such business entity conspired with or was a part of the fraudulent procuring of the issuance
18 of a credit or debit device.

571.020. 1. A person commits [a crime] **an offense** if such person knowingly possesses,
2 manufactures, transports, repairs, or sells:

3 (1) An explosive weapon;

4 (2) An explosive, incendiary or poison substance or material with the purpose to possess,
5 manufacture or sell an explosive weapon;

6 (3) A gas gun;

- 7 (4) A bullet or projectile which explodes or detonates upon impact because of an
8 independent explosive charge after having been shot from a firearm; or
- 9 (5) Knuckles; or
- 10 (6) Any of the following in violation of federal law:
- 11 (a) A machine gun;
- 12 (b) A short-barreled rifle or shotgun;
- 13 (c) A firearm silencer; or
- 14 (d) A switchblade knife.
- 15 2. A person does not commit [a crime] **an offense** pursuant to this section if his **or her**
16 conduct involved any of the items in subdivisions (1) to (5) of subsection 1, the item was
17 possessed in conformity with any applicable federal law, and the conduct:
- 18 (1) Was incident to the performance of official duty by the Armed Forces, National
19 Guard, a governmental law enforcement agency, or a penal institution; or
- 20 (2) Was incident to engaging in a lawful commercial or business transaction with an
21 organization enumerated in subdivision (1) of this section; or
- 22 (3) Was incident to using an explosive weapon in a manner reasonably related to a lawful
23 industrial or commercial enterprise; or
- 24 (4) Was incident to displaying the weapon in a public museum or exhibition; or
- 25 (5) Was incident to using the weapon in a manner reasonably related to a lawful dramatic
26 performance.
- 27 3. [A crime] **An offense** pursuant to subdivision (1), (2), (3) or (6) of subsection 1 of this
28 section is a class [C] **D** felony; a crime pursuant to subdivision (4) or (5) of subsection 1 of this
29 section is a class A misdemeanor.
- 571.030. 1. A person commits the [crime] **offense** of unlawful use of weapons if he or
2 she knowingly:
- 3 (1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or
4 any other weapon readily capable of lethal use; or
- 5 (2) Sets a spring gun; or
- 6 (3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft,
7 or motor vehicle as defined in section 302.010, or any building or structure used for the
8 assembling of people; or
- 9 (4) Exhibits, in the presence of one or more persons, any weapon readily capable of
10 lethal use in an angry or threatening manner; or
- 11 (5) Has a firearm or projectile weapon readily capable of lethal use on his or her person,
12 while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon

13 in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless
14 acting in self-defense; or

15 (6) Discharges a firearm within one hundred yards of any occupied schoolhouse,
16 courthouse, or church building; or

17 (7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or
18 across a public highway or discharges or shoots a firearm into any outbuilding; or

19 (8) Carries a firearm or any other weapon readily capable of lethal use into any church
20 or place where people have assembled for worship, or into any election precinct on any election
21 day, or into any building owned or occupied by any agency of the federal government, state
22 government, or political subdivision thereof; or

23 (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section
24 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any
25 building or habitable structure, unless the person was lawfully acting in self-defense; or

26 (10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable
27 of lethal use into any school, onto any school bus, or onto the premises of any function or activity
28 sponsored or sanctioned by school officials or the district school board; or

29 (11) Possesses a firearm while also knowingly in possession of a controlled substance
30 that is sufficient for a felony violation of section 195.202.

31 2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to the
32 persons described in this subsection, regardless of whether such uses are reasonably associated
33 with or are necessary to the fulfillment of such person's official duties except as otherwise
34 provided in this subsection. Subdivisions (3), (4), (6), (7), and (9) of subsection 1 of this section
35 shall not apply to or affect any of the following persons, when such uses are reasonably
36 associated with or are necessary to the fulfillment of such person's official duties, except as
37 otherwise provided in this subsection:

38 (1) All state, county and municipal peace officers who have completed the training
39 required by the police officer standards and training commission pursuant to sections 590.030
40 to 590.050 and who possess the duty and power of arrest for violation of the general criminal
41 laws of the state or for violation of ordinances of counties or municipalities of the state, whether
42 such officers are on or off duty, and whether such officers are within or outside of the law
43 enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection
44 12 of this section, and who carry the identification defined in subsection 13 of this section, or
45 any person summoned by such officers to assist in making arrests or preserving the peace while
46 actually engaged in assisting such officer;

47 (2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other
48 institutions for the detention of persons accused or convicted of crime;

49 (3) Members of the Armed Forces or National Guard while performing their official
50 duty;

51 (4) Those persons vested by Article V, Section 1 of the Constitution of Missouri with
52 the judicial power of the state and those persons vested by Article III of the Constitution of the
53 United States with the judicial power of the United States, the members of the federal judiciary;

54 (5) Any person whose bona fide duty is to execute process, civil or criminal;

55 (6) Any federal probation officer or federal flight deck officer as defined under the
56 federal flight deck officer program, 49 U.S.C. Section 44921 regardless of whether such officers
57 are on duty, or within the law enforcement agency's jurisdiction;

58 (7) Any state probation or parole officer, including supervisors and members of the
59 board of probation and parole;

60 (8) Any corporate security advisor meeting the definition and fulfilling the requirements
61 of the regulations established by the department of public safety under section 590.750;

62 (9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner;

63 (10) Any prosecuting attorney or assistant prosecuting attorney, circuit attorney or
64 assistant circuit attorney, or any person appointed by a court to be a special prosecutor who has
65 completed the firearms safety training course required under subsection 2 of section 571.111;

66 (11) Any member of a fire department or fire protection district who is employed on a
67 full-time basis as a fire investigator and who has a valid concealed carry endorsement issued
68 prior to August 28, 2013, or a valid concealed carry permit under section 571.111 when such
69 uses are reasonably associated with or are necessary to the fulfillment of such person's official
70 duties; and

71 (12) Upon the written approval of the governing body of a fire department or fire
72 protection district, any paid fire department or fire protection district chief who is employed on
73 a full-time basis and who has a valid concealed carry endorsement issued prior to August 28,
74 2013, or a valid concealed carry permit, when such uses are reasonably associated with or are
75 necessary to the fulfillment of such person's official duties.

76 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when
77 the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when
78 ammunition is not readily accessible or when such weapons are not readily accessible.
79 Subdivision (1) of subsection 1 of this section does not apply to any person nineteen years of age
80 or older or eighteen years of age or older and a member of the United States Armed Forces, or
81 honorably discharged from the United States Armed Forces, transporting a concealable firearm
82 in the passenger compartment of a motor vehicle, so long as such concealable firearm is
83 otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or
84 projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon

85 premises over which the actor has possession, authority or control, or is traveling in a continuous
86 journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not
87 apply if the firearm is otherwise lawfully possessed by a person while traversing school premises
88 for the purposes of transporting a student to or from school, or possessed by an adult for the
89 purposes of facilitation of a school-sanctioned firearm-related event or club event.

90 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any
91 person who has a valid concealed carry permit issued pursuant to sections 571.101 to 571.121,
92 a valid concealed carry endorsement issued before August 28, 2013, or a valid permit or
93 endorsement to carry concealed firearms issued by another state or political subdivision of
94 another state.

95 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall
96 not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031.

97 6. Notwithstanding any provision of this section to the contrary, the state shall not
98 prohibit any state employee from having a firearm in the employee's vehicle on the state's
99 property provided that the vehicle is locked and the firearm is not visible. This subsection shall
100 only apply to the state as an employer when the state employee's vehicle is on property owned
101 or leased by the state and the state employee is conducting activities within the scope of his or
102 her employment. For the purposes of this subsection, "state employee" means an employee of
103 the executive, legislative, or judicial branch of the government of the state of Missouri.

104 7. Nothing in this section shall make it unlawful for a student to actually participate in
105 school-sanctioned gun safety courses, student military or ROTC courses, or other
106 school-sponsored or club-sponsored firearm-related events, provided the student does not carry
107 a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or
108 onto the premises of any other function or activity sponsored or sanctioned by school officials
109 or the district school board.

110 8. Unlawful use of weapons is a class [D] E felony unless committed pursuant to
111 subdivision (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B
112 misdemeanor, or subdivision (5) or (10) of subsection 1 of this section, in which case it is a class
113 A misdemeanor if the firearm is unloaded and a class [D] E felony if the firearm is loaded, or
114 subdivision (9) of subsection 1 of this section, in which case it is a class B felony, except that
115 if the violation of subdivision (9) of subsection 1 of this section results in injury or death to
116 another person, it is a class A felony.

117 9. Violations of subdivision (9) of subsection 1 of this section shall be punished as
118 follows:

119 (1) For the first violation a person shall be sentenced to the maximum authorized term
120 of imprisonment for a class B felony;

121 (2) For any violation by a prior offender as defined in section 558.016, a person shall be
122 sentenced to the maximum authorized term of imprisonment for a class B felony without the
123 possibility of parole, probation or conditional release for a term of ten years;

124 (3) For any violation by a persistent offender as defined in section 558.016, a person
125 shall be sentenced to the maximum authorized term of imprisonment for a class B felony without
126 the possibility of parole, probation, or conditional release;

127 (4) For any violation which results in injury or death to another person, a person shall
128 be sentenced to an authorized disposition for a class A felony.

129 10. Any person knowingly aiding or abetting any other person in the violation of
130 subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that
131 prescribed by this section for violations by other persons.

132 11. Notwithstanding any other provision of law, no person who pleads guilty to or is
133 found guilty of a felony violation of subsection 1 of this section shall receive a suspended
134 imposition of sentence if such person has previously received a suspended imposition of sentence
135 for any other firearms- or weapons-related felony offense.

136 12. As used in this section "qualified retired peace officer" means an individual who:

137 (1) Retired in good standing from service with a public agency as a peace officer, other
138 than for reasons of mental instability;

139 (2) Before such retirement, was authorized by law to engage in or supervise the
140 prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any
141 violation of law, and had statutory powers of arrest;

142 (3) Before such retirement, was regularly employed as a peace officer for an aggregate
143 of fifteen years or more, or retired from service with such agency, after completing any
144 applicable probationary period of such service, due to a service-connected disability, as
145 determined by such agency;

146 (4) Has a nonforfeitable right to benefits under the retirement plan of the agency if such
147 a plan is available;

148 (5) During the most recent twelve-month period, has met, at the expense of the
149 individual, the standards for training and qualification for active peace officers to carry firearms;

150 (6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or
151 substance; and

152 (7) Is not prohibited by federal law from receiving a firearm.

153 13. The identification required by subdivision (1) of subsection 2 of this section is:

154 (1) A photographic identification issued by the agency from which the individual retired
155 from service as a peace officer that indicates that the individual has, not less recently than one
156 year before the date the individual is carrying the concealed firearm, been tested or otherwise

157 found by the agency to meet the standards established by the agency for training and qualification
158 for active peace officers to carry a firearm of the same type as the concealed firearm; or

159 (2) A photographic identification issued by the agency from which the individual retired
160 from service as a peace officer; and

161 (3) A certification issued by the state in which the individual resides that indicates that
162 the individual has, not less recently than one year before the date the individual is carrying the
163 concealed firearm, been tested or otherwise found by the state to meet the standards established
164 by the state for training and qualification for active peace officers to carry a firearm of the same
165 type as the concealed firearm.

571.060. 1. A person commits the [crime] **offense** of unlawful transfer of weapons if
2 he:

3 (1) Knowingly sells, leases, loans, gives away or delivers a firearm or ammunition for
4 a firearm to any person who, under the provisions of section 571.070, is not lawfully entitled to
5 possess such;

6 (2) Knowingly sells, leases, loans, gives away or delivers a blackjack to a person less
7 than eighteen years old without the consent of the child's custodial parent or guardian, or
8 recklessly, as defined in section 562.016, sells, leases, loans, gives away or delivers any firearm
9 to a person less than eighteen years old without the consent of the child's custodial parent or
10 guardian; provided, that this does not prohibit the delivery of such weapons to any peace officer
11 or member of the Armed Forces or National Guard while performing his official duty; or

12 (3) Recklessly, as defined in section 562.016, sells, leases, loans, gives away or delivers
13 a firearm or ammunition for a firearm to a person who is intoxicated.

14 2. Unlawful transfer of weapons under subdivision (1) of subsection 1 of this section is
15 a class [D] E felony; unlawful transfer of weapons under subdivisions (2) and (3) of subsection
16 1 of this section is a class A misdemeanor.

571.063. 1. As used in this section the following terms shall mean:

2 (1) "Ammunition", any cartridge, shell, or projectile designed for use in a firearm;

3 (2) "Licensed dealer", a person who is licensed under 18 U.S.C. Section 923 to engage
4 in the business of dealing in firearms;

5 (3) "Materially false information", any information that portrays an illegal transaction
6 as legal or a legal transaction as illegal;

7 (4) "Private seller", a person who sells or offers for sale any firearm, as defined in section
8 571.010, or ammunition.

9 2. A person commits the crime of fraudulent purchase of a firearm if such person:

10 (1) Knowingly solicits, persuades, encourages or entices a licensed dealer or private
11 seller of firearms or ammunition to transfer a firearm or ammunition under circumstances which
12 the person knows would violate the laws of this state or the United States; or

13 (2) Provides to a licensed dealer or private seller of firearms or ammunition what the
14 person knows to be materially false information with intent to deceive the dealer or seller about
15 the legality of a transfer of a firearm or ammunition; or

16 (3) Willfully procures another to violate the provisions of subdivision (1) or (2) of this
17 subsection.

18 3. Fraudulent purchase of a firearm is a class [D] E felony.

19 4. This section shall not apply to criminal investigations conducted by the United States
20 Bureau of Alcohol, Tobacco, Firearms and Explosives, authorized agents of such investigations,
21 or to a peace officer, as defined in section 542.261, acting at the explicit direction of the United
22 States Bureau of Alcohol, Tobacco, Firearms and Explosives.

571.070. 1. A person commits the [crime] **offense** of unlawful possession of a firearm
2 if such 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 crime
4 under the laws of any state or of the United States which, if committed within this state, would
5 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 [C] D felony.

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

571.072. 1. A person commits the [crime] **offense** of unlawful possession of an
2 explosive weapon if he or she has any explosive weapon in his or her possession and:

3 (1) He or she has pled guilty to or has been convicted of a dangerous felony, as defined
4 in section 556.061, or of an attempt to commit a dangerous felony, or of [a crime] **an offense**
5 under the laws of any state or of the United States which, if committed within this state, would
6 be a dangerous felony, or confined therefor in this state or elsewhere during the five-year period
7 immediately preceding the date of such possession; or

8 (2) He or she is a fugitive from justice, is habitually in an intoxicated or drugged
9 condition, or is currently adjudged mentally incompetent.

10 2. Unlawful possession of an explosive weapon is a class [C] D felony.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

71 (d) While driving while intoxicated, the defendant acted with criminal negligence to:

- 72 a. Cause the death of any person not a passenger in the vehicle operated by the
73 defendant, including the death of an individual that results from the defendant's vehicle leaving
74 a highway, as defined by section 301.010, or the highway's right-of-way; or
75 b. Cause the death of two or more persons; or
76 c. Cause the death of any person while he or she has a blood alcohol content of at least
77 eighteen-hundredths of one percent by weight of alcohol in such person's blood;
- 78 (12) "Habitual boating offender", a person who has been found guilty of:
79 (a) Five or more intoxication-related boating offenses; or
80 (b) Four or more intoxication-related boating offenses committed on separate occasions
81 where at least one of the intoxication-related boating offenses is an offense committed in
82 violation of any state law, county or municipal ordinance, any federal offense, or any military
83 offense in which the defendant was operating a vessel while intoxicated and another person was
84 injured or killed; or
85 (c) Three or more intoxication-related boating offenses committed on separate occasions
86 where at least two of the intoxication-related boating offenses were offenses committed in
87 violation of any state law, county or municipal ordinance, any federal offense, or any military
88 offense in which the defendant was operating a vessel while intoxicated and another person was
89 injured or killed; or
90 (d) While boating while intoxicated, the defendant acted with criminal negligence to:
91 a. Cause the death of any person not a passenger in the vessel operated by the defendant,
92 including the death of an individual that results from the defendant's vessel leaving the water;
93 or
94 b. Cause the death of two or more persons; or
95 c. Cause the death of any person while he or she has a blood alcohol content of at least
96 eighteen-hundredths of one percent by weight of alcohol in such person's blood;
- 97 (13) "Intoxicated" or "intoxicated condition", when a person is under the influence of
98 alcohol, a controlled substance, or drug, or any combination thereof;
99 (14) "Intoxication-related boating offense", operating a vessel while intoxicated; boating
100 while intoxicated; operating a vessel with excessive blood alcohol content or an offense in which
101 the defendant was operating a vessel while intoxicated and another person was injured or killed
102 in violation of any state law, county or municipal ordinance, any federal offense, or any military
103 offense;
- 104 (15) "Intoxication-related traffic offense", driving while intoxicated, driving with
105 excessive blood alcohol content, **driving under the influence of alcohol or drugs in violation**
106 **of a county or municipal ordinance**, or an offense in which the defendant was operating a

107 vehicle while intoxicated and another person was injured or killed in violation of any state law,
108 county or municipal ordinance, any federal offense, or any military offense;

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

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

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

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

116 **or**

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

120 (19) "Persistent boating offender", a person who has been found guilty of:

121 (a) Two or more intoxication-related boating offenses committed on separate occasions;

122 **or**

123 (b) **One intoxication-related boating offense committed in violation of any state law,**
124 **county or municipal ordinance, federal offense, or military offense in which the defendant**
125 **was operating a vessel while intoxicated and another person was injured or killed;**

126 (20) "Prior offender", a person who has been found guilty of one intoxication-related
127 traffic offense, where such prior offense occurred within five years of the occurrence of the
128 intoxication-related traffic offense for which the person is charged;

129 (21) "Prior boating offender", a person who has been found guilty of one
130 intoxication-related boating offense, where such prior offense occurred within five years of the
131 occurrence of the intoxication-related boating offense for which the person is charged.

577.060. 1. A person commits the offense of leaving the scene of an accident when:

2 (1) Being the operator of a vehicle or a vessel involved in an accident resulting in injury
3 or death or damage to property of another person; and

4 (2) Having knowledge of such accident he or she leaves the place of the injury, damage
5 or accident without stopping and giving the following information to the other party or to a law
6 enforcement officer, or if no law enforcement officer is in the vicinity, then to the nearest law
7 enforcement agency:

8 (a) His or her name;

9 (b) His or her residence, including city and street number;

10 (c) The registration or license number for his or her vehicle or vessel; and

11 (d) His or her operator's license number, if any.

12 2. For the purposes of this section, all law enforcement officers shall have jurisdiction,
13 when invited by an injured person, to enter the premises of any privately owned property for the
14 purpose of investigating an accident and performing all necessary duties regarding such accident.

15 3. The offense of leaving the scene of an accident is:

16 (1) A class A misdemeanor; or

17 (2) A class E felony if:

18 (a) Physical injury was caused to another party; or

19 (b) Damage in excess of one thousand dollars was caused to the property of another
20 person; or

21 (c) The defendant has previously been found guilty of any offense **in violation of this**
22 **section; or** committed in another jurisdiction which, if committed in this state, would be a
23 violation of an offense in this section.

24 4. A law enforcement officer who investigates or receives information of an accident
25 involving an all-terrain vehicle and also involving the loss of life or serious physical injury shall
26 make a written report of the investigation or information received and such additional facts
27 relating to the accident as may come to his or her knowledge, mail the information to the
28 department of public safety, and keep a record thereof in his or her office.

29 5. The provisions of this section shall not apply to the operation of all-terrain vehicles
30 when property damage is sustained in sanctioned all-terrain vehicle races, derbies and rallies.

578.005. As used in sections 578.005 to 578.023, the following terms shall mean:

2 (1) "Adequate care", normal and prudent attention to the needs of an animal, including
3 wholesome food, clean water, shelter and health care as necessary to maintain good health in a
4 specific species of animal;

5 (2) ["Adequate control", to reasonably restrain or govern an animal so that the animal
6 does not injure itself, any person, any other animal, or property;

7 (3)] "Animal", every living vertebrate except a human being;

8 [(4)] (3) "Animal shelter", a facility which is used to house or contain animals and
9 which is owned, operated, or maintained by a duly incorporated humane society, animal welfare
10 society, society for the prevention of cruelty to animals, or other not-for-profit organization
11 devoted to the welfare, protection, and humane treatment of animals;

12 [(5)] (4) "Farm animal", an animal raised on a farm or ranch and used or intended for
13 use in farm or ranch production, or as food or fiber;

14 [(6)] (5) "Farm animal professional", any individual employed at a location where farm
15 animals are harbored;

16 [(7)] (6) "Harbor", to feed or shelter an animal at the same location for three or more
17 consecutive days;

18 [(8)] (7) "Humane killing", the destruction of an animal accomplished by a method
 19 approved by the American Veterinary Medical Association's Panel on Euthanasia (JAVMA 173:
 20 59-72, 1978); or more recent editions, but animals killed during the feeding of pet carnivores
 21 shall be considered humanely killed;

22 [(9)] (8) "Owner", in addition to its ordinary meaning, any person who keeps or harbors
 23 an animal or professes to be owning, keeping, or harboring an animal;

24 [(10)] (9) "Person", any individual, partnership, firm, joint stock company, corporation,
 25 association, trust, estate, or other legal entity;

26 [(11)] (10) "Pests", birds, rabbits, or rodents which damage property or have an adverse
 27 effect on the public health, but shall not include any endangered species listed by the United
 28 States Department of the Interior nor any endangered species listed in the Wildlife Code of
 29 Missouri.

 578.007. The provisions of **section 574.130**, sections 578.005 to 578.023 **and section**
 2 **578.040** shall 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 and
 7 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 Association;

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

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

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

16 (9) The killing of an animal by any person at any time if such animal is outside of the
 17 owned or rented property of the owner or custodian of such animal and the animal is injuring any
 18 person or farm animal but **this exemption** shall not include [police or guard dogs] **the killing**
 19 **or injuring of a law enforcement officer dog** while working;

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

21 (11) Field trials, training and hunting practices as accepted by the Professional
 22 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, **578.012**, and
4 section 578.024.

[578.011.] **578.040.** 1. For purposes of this section, the following terms shall mean:

2 (1) "Adequate control", to reasonably restrain or govern an animal so that the
3 animal does not injure itself, any person, any other animal, or property;

4 (2) "Animal", any living vertebrate except a human being or livestock as the term
5 "livestock" is defined under section 265.300.

6 2. A person [is guilty] **commits the offense** of animal or livestock trespass if a person:

7 (1) Having ownership or custody of an animal knowingly fails to provide adequate
8 control [for a period equal to or exceeding twelve hours] **and the animal trespasses onto**
9 **another person's property; or**

10 (2) **Having ownership or custody of livestock as the term "livestock" is defined**
11 **under section 265.300 knowingly fails to provide adequate control of the livestock for a**
12 **period of twelve hours or more and the livestock trespasses onto another person's property.**

13 [2.] 3. The offense of animal or livestock trespass is an infraction [upon first conviction
14 and for each offense punishable by a fine not to exceed two hundred dollars, and], **unless the**
15 **person has previously been found guilty of a violation of this section in which case it is a**
16 class C misdemeanor [punishable by imprisonment or a fine not to exceed five hundred dollars,
17 or both, upon the second and all subsequent convictions]. All fines for a first [conviction of
18 animal trespass] **finding of guilt under this section** may be waived by the court provided that
19 the person found guilty of animal or livestock trespass shows that adequate, permanent remedies
20 for **the** trespass have been made. [Reasonable costs incurred for the care and maintenance of
21 trespassing animals may not be waived.] This section shall not apply to the provisions of section
22 578.007 or sections 272.010 to 272.370.

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

2 (1) "Employee of the department of mental health", a person who is an employee of the
3 department of mental health, an employee or contracted employee of a subcontractor of the
4 department of mental health, or an employee or contracted employee of a subcontractor of an
5 entity responsible for confining offenders as authorized by section 632.495;

6 (2) "Offender", a person ordered to the department of mental health after a determination
7 by the court that the person meets the definition of a sexually violent predator, a person ordered
8 to the department of mental health after a finding of probable cause under section 632.489, or
9 a person committed for control, care, and treatment by the department of mental health under
10 sections 632.480 to 632.513;

11 (3) "Secure facility", a facility operated by the department of mental health or an entity
12 responsible for confining offenders as authorized by section 632.495.

13 2. No offender shall knowingly commit violence to an employee of the department of
14 mental health or to another offender housed in a secure facility. Violation of this subsection shall
15 be a class B felony.

16 3. No offender shall knowingly damage any building or other property owned or operated
17 by the department of mental health. Violation of this subsection shall be a class [C] **D** felony.

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