

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 72**  
**102ND GENERAL ASSEMBLY**

0524H.11C

DANA RADEMAN MILLER, Chief Clerk

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**AN ACT**

To repeal sections 37.725, 43.539, 43.540, 67.145, 70.631, 115.133, 170.310, 190.091, 193.265, 208.247, 211.453, 307.175, 347.143, 435.014, 455.010, 455.035, 455.513, 475.010, 475.045, 475.050, 476.055, 485.060, 487.110, 488.426, 488.2300, 491.075, 492.304, 494.430, 494.455, 509.520, 552.020, 556.021, 558.031, 559.125, 561.026, 565.240, 566.151, 567.030, 569.010, 569.100, 570.010, 570.030, 575.095, 575.205, 579.065, 579.068, 589.401, 589.403, 589.410, 589.414, 595.045, 600.042, 610.021, 650.058, 650.320, and 650.340, RSMo, and to enact in lieu thereof one hundred new sections relating to judicial proceedings, with penalty provisions.

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

Section A. Sections 37.725, 43.539, 43.540, 67.145, 70.631, 115.133, 170.310, 190.091, 193.265, 208.247, 211.453, 307.175, 347.143, 435.014, 455.010, 455.035, 455.513, 475.010, 475.045, 475.050, 476.055, 485.060, 487.110, 488.426, 488.2300, 491.075, 492.304, 494.430, 494.455, 509.520, 552.020, 556.021, 558.031, 559.125, 561.026, 565.240, 566.151, 567.030, 569.010, 569.100, 570.010, 570.030, 575.095, 575.205, 579.065, 579.068, 589.401, 589.403, 589.410, 589.414, 595.045, 600.042, 610.021, 650.058, 650.320, and 650.340, RSMo, are repealed and one hundred new sections enacted in lieu thereof, to be known as sections 37.725, 43.539, 43.540, 67.145, 70.631, 115.133, 170.310, 190.091, 193.265, 195.817, 208.247, 211.453, 307.018, 307.175, 347.143, 431.204, 435.300, 435.303, 435.306, 435.309, 435.312, 455.010, 455.035, 455.513, 474.540, 474.542, 474.544, 474.546, 474.548, 474.550, 474.552, 474.554, 474.556, 474.558, 474.560, 474.562, 474.564, 474.600, 475.010, 475.045, 475.050, 475.063, 476.055, 476.1025,

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.

13 476.1300, 476.1302, 476.1304, 476.1306, 476.1308, 476.1310, 476.1313, 485.060, 487.110,  
14 488.426, 488.2300, 491.075, 492.304, 494.430, 494.455, 509.520, 510.500, 510.503,  
15 510.506, 510.509, 510.512, 510.515, 510.518, 510.521, 544.453, 547.500, 550.125,  
16 552.020, 556.021, 558.031, 559.125, 561.026, 565.240, 566.151, 567.030, 569.010,  
17 569.100, 570.010, 570.030, 575.095, 575.205, 578.712, 579.021, 579.022, 579.065,  
18 579.068, 589.401, 589.403, 589.410, 589.414, 595.045, 600.042, 610.021, 650.058,  
19 650.320, and 650.340, to read as follows:

37.725. 1. Any files maintained by the advocate program shall be disclosed only at  
2 the discretion of the child advocate; except that the identity of any complainant or recipient  
3 shall not be disclosed by the office unless:

4 (1) The complainant or recipient, or the complainant's or recipient's legal  
5 representative, consents in writing to such disclosure; ~~or~~

6 (2) Such disclosure is required by court order; **or**

7 **(3) The disclosure is at the request of law enforcement as part of an**  
8 **investigation.**

9 2. Any statement or communication made by the office relevant to a complaint  
10 received by, proceedings before, or activities of the office and any complaint or information  
11 made or provided in good faith by any person shall be absolutely privileged and such person  
12 shall be immune from suit.

13 3. Any representative of the office conducting or participating in any examination of a  
14 complaint who knowingly and willfully discloses to any person other than the office, or those  
15 persons authorized by the office to receive it, the name of any witness examined or any  
16 information obtained or given during such examination is guilty of a class A misdemeanor.  
17 However, the office conducting or participating in any examination of a complaint shall  
18 disclose the final result of the examination with the consent of the recipient.

19 4. The office shall not be required to testify in any court with respect to matters held  
20 to be confidential in this section except as the court may deem necessary to enforce the  
21 provisions of sections 37.700 to 37.730, or where otherwise required by court order.

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

2 (1) "Applicant", a person who:

3 (a) Is actively employed by or seeks employment with a qualified entity;

4 (b) Is actively licensed or seeks licensure with a qualified entity;

5 (c) Actively volunteers or seeks to volunteer with a qualified entity;

6 (d) Is actively contracted with or seeks to contract with a qualified entity; or

7 (e) Owns or operates a qualified entity;

8 (2) "Care", the provision of care, treatment, education, training, instruction,  
9 supervision, or recreation to children, the elderly, or disabled persons;

10 (3) "Missouri criminal record review", a review of criminal history records and sex  
11 offender registration records under sections 589.400 to 589.425 maintained by the Missouri  
12 state highway patrol in the Missouri criminal records repository;

13 (4) "Missouri Rap Back program", any type of automatic notification made by the  
14 Missouri state highway patrol to a qualified entity indicating that an applicant who is  
15 employed, licensed, or otherwise under the purview of that entity has been arrested for a  
16 reported criminal offense in Missouri as required under section 43.506;

17 (5) "National criminal record review", a review of the criminal history records  
18 maintained by the Federal Bureau of Investigation;

19 (6) "National Rap Back program", any type of automatic notification made by the  
20 Federal Bureau of Investigation through the Missouri state highway patrol to a qualified  
21 entity indicating that an applicant who is employed, licensed, or otherwise under the purview  
22 of that entity has been arrested for a reported criminal offense outside the state of Missouri  
23 and the fingerprints for that arrest were forwarded to the Federal Bureau of Investigation by  
24 the arresting agency;

25 (7) "Patient or resident", a person who by reason of age, illness, disease, or physical  
26 or mental infirmity receives or requires care or services furnished by an applicant, as defined  
27 in this section, or who resides or boards in, or is otherwise kept, cared for, treated, or  
28 accommodated in a facility as defined in section 198.006, for a period exceeding twenty-four  
29 consecutive hours;

30 (8) "Qualified entity", a person, business, or organization that provides care, care  
31 placement, or educational services for children, the elderly, or persons with disabilities as  
32 patients or residents, including a business or organization that licenses or certifies others to  
33 provide care or care placement services;

34 (9) "Youth services agency", any agency, school, or association that provides  
35 programs, care, or treatment for or exercises supervision over minors.

36 2. The central repository shall have the authority to submit applicant fingerprints to  
37 the National Rap Back program to be retained for the purpose of being searched against future  
38 submissions to the National Rap Back program, including latent fingerprint searches.  
39 Qualified entities may conduct Missouri and national criminal record reviews on applicants  
40 and participate in Missouri and National Rap Back programs for the purpose of determining  
41 suitability or fitness for a permit, license, or employment, and shall abide by the following  
42 requirements:

43 (1) The qualified entity shall register with the Missouri state highway patrol prior to  
44 submitting a request for screening under this section. As part of the registration, the qualified  
45 entity shall indicate if it chooses to enroll applicants in the Missouri and National Rap Back  
46 programs;

47 (2) Qualified entities shall notify applicants subject to a criminal record review under  
48 this section that the applicant's fingerprints shall be retained by the state central repository and  
49 the Federal Bureau of Investigation and shall be searched against other fingerprints on file,  
50 including latent fingerprints;

51 (3) Qualified entities shall notify applicants subject to enrollment in the National Rap  
52 Back program that the applicant's fingerprints, while retained, may continue to be compared  
53 against other fingerprints submitted or retained by the Federal Bureau of Investigation,  
54 including latent fingerprints;

55 (4) The criminal record review and Rap Back process described in this section shall  
56 be voluntary and conform to the requirements established in the National Child Protection  
57 Act of 1993, as amended, and other applicable state or federal law. As a part of the  
58 registration, the qualified entity shall agree to comply with state and federal law and shall  
59 indicate so by signing an agreement approved by the Missouri state highway patrol. The  
60 Missouri state highway patrol may periodically audit qualified entities to ensure compliance  
61 with federal law and this section;

62 (5) A qualified entity shall submit to the Missouri state highway patrol a request for  
63 screening on applicants covered under this section using a completed fingerprint card;

64 (6) Each request shall be accompanied by a reasonable fee, as provided in section  
65 43.530, plus the amount required, if any, by the Federal Bureau of Investigation for the  
66 national criminal record review and enrollment in the National Rap Back program in  
67 compliance with the National Child Protection Act of 1993, as amended, and other applicable  
68 state or federal laws;

69 (7) The Missouri state highway patrol shall provide, directly to the qualified entity,  
70 the applicant's state criminal history records that are not exempt from disclosure under  
71 chapter 610 or otherwise confidential under law;

72 (8) The national criminal history data shall be available to qualified entities to use  
73 only for the purpose of screening applicants as described under this section. The Missouri  
74 state highway patrol shall provide the applicant's national criminal history record information  
75 directly to the qualified entity;

76 (9) The determination whether the criminal history record shows that the applicant  
77 has been convicted of or has a pending charge for any crime that bears upon the fitness of the  
78 applicant to have responsibility for the safety and well-being of children, the elderly, or  
79 disabled persons shall be made solely by the qualified entity. This section shall not require  
80 the Missouri state highway patrol to make such a determination on behalf of any qualified  
81 entity;

82 (10) The qualified entity shall notify the applicant, in writing, of his or her right to  
83 obtain a copy of any criminal record review, including the criminal history records, if any,

84 contained in the report and of the applicant's right to challenge the accuracy and completeness  
85 of any information contained in any such report and obtain a determination as to the validity  
86 of such challenge before a final determination regarding the applicant is made by the qualified  
87 entity reviewing the criminal history information. A qualified entity that is required by law to  
88 apply screening criteria, including any right to contest or request an exemption from  
89 disqualification, shall apply such screening criteria to the state and national criminal history  
90 record information received from the Missouri state highway patrol for those applicants  
91 subject to the required screening; and

92 (11) Failure to obtain the information authorized under this section, with respect to an  
93 applicant, shall not be used as evidence in any negligence action against a qualified entity.  
94 The state, any political subdivision of the state, or any agency, officer, or employee of the  
95 state or a political subdivision shall not be liable for damages for providing the information  
96 requested under this section.

97 3. The criminal record review shall include the submission of fingerprints to the  
98 Missouri state highway patrol, who shall conduct a Missouri criminal record review,  
99 including closed record information under section 610.120. The Missouri state highway  
100 patrol shall also forward a copy of the applicant's fingerprints to the Federal Bureau of  
101 Investigation for a national criminal record review.

102 4. The applicant subject to a criminal record review shall provide the following  
103 information to the qualified entity:

104 (1) Consent to obtain the applicant's fingerprints, conduct the criminal record review,  
105 and participate in the Missouri and National Rap Back programs;

106 (2) Consent to obtain the identifying information required to conduct the criminal  
107 record review, which may include, but not be limited to:

108 (a) Name;

109 (b) Date of birth;

110 (c) Height;

111 (d) Weight;

112 (e) Eye color;

113 (f) Hair color;

114 (g) Gender;

115 (h) Race;

116 (i) Place of birth;

117 (j) Social Security number; and

118 (k) The applicant's photo.

119 5. Any information received by an authorized state agency or a qualified entity under  
120 the provisions of this section shall be used solely for internal purposes in determining the

121 suitability of an applicant. The dissemination of criminal history information from the  
122 Federal Bureau of Investigation beyond the authorized state agency or related governmental  
123 entity is prohibited. All criminal record check information shall be confidential, and any  
124 person who discloses the information beyond the scope allowed is guilty of a class A  
125 misdemeanor.

126         6. A qualified entity enrolled in either the Missouri or National Rap Back program  
127 shall be notified by the Missouri state highway patrol that a new arrest has been reported on  
128 an applicant who is employed, licensed, or otherwise under the purview of the qualified  
129 entity. Upon receiving the Rap Back notification, if the qualified entity deems that the  
130 applicant is still serving in an active capacity, the entity may request and receive the  
131 individual's updated criminal history record. This process shall only occur if:

132         (1) The entity has abided by all procedures and rules promulgated by the Missouri  
133 state highway patrol and Federal Bureau of Investigation regarding the Missouri and National  
134 Rap Back programs;

135         (2) The individual upon whom the Rap Back notification is being made has  
136 previously had a Missouri and national criminal record review completed for the qualified  
137 entity under this section [~~within the previous six years~~]; and

138         (3) The individual upon whom the Rap Back notification is being made is a current  
139 employee, licensee, or otherwise still actively under the purview of the qualified entity.

140         7. The Missouri state highway patrol shall make available or approve the necessary  
141 forms, procedures, and agreements necessary to implement the provisions of this section.

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

2         (1) "Applicant", a person who:

3             (a) Is actively employed by or seeks employment with a qualified entity;

4             (b) Is actively licensed or seeks licensure with a qualified entity;

5             (c) Actively volunteers or seeks to volunteer with a qualified entity; or

6             (d) Is actively contracted with or seeks to contract with a qualified entity;

7         (2) "Missouri criminal record review", a review of criminal history records and sex  
8 offender registration records pursuant to sections 589.400 to 589.425 maintained by the  
9 Missouri state highway patrol in the Missouri criminal records repository;

10         (3) "Missouri Rap Back program", shall include any type of automatic notification  
11 made by the Missouri state highway patrol to a qualified entity indicating that an applicant  
12 who is employed, licensed, or otherwise under the purview of that entity has been arrested for  
13 a reported criminal offense in Missouri as required under section 43.506;

14         (4) "National criminal record review", a review of the criminal history records  
15 maintained by the Federal Bureau of Investigation;

16 (5) "National Rap Back program", shall include any type of automatic notification  
17 made by the Federal Bureau of Investigation through the Missouri state highway patrol to a  
18 qualified entity indicating that an applicant who is employed, licensed, or otherwise under the  
19 purview of that entity has been arrested for a reported criminal offense outside the state of  
20 Missouri and the fingerprints for that arrest were forwarded to the Federal Bureau of  
21 Investigation by the arresting agency;

22 (6) "Qualified entity", an entity that is:

23 (a) An office or division of state, county, or municipal government, including a  
24 political subdivision or a board or commission designated by statute or approved local  
25 ordinance, to issue or renew a license, permit, certification, or registration of authority;

26 (b) An office or division of state, county, or municipal government, including a  
27 political subdivision or a board or commission designated by statute or approved local  
28 ordinance, to make fitness determinations on applications for state, county, or municipal  
29 government employment; or

30 (c) Any entity that is authorized to obtain criminal history record information under  
31 28 CFR 20.33.

32 2. The central repository shall have the authority to submit applicant fingerprints to  
33 the National Rap Back program to be retained for the purpose of being searched against future  
34 submissions to the National Rap Back program, including latent fingerprint searches.  
35 Qualified entities may conduct Missouri and national criminal record reviews on applicants  
36 and participate in Missouri and National Rap Back programs for the purpose of determining  
37 suitability or fitness for a permit, license, or employment, and shall abide by the following  
38 requirements:

39 (1) The qualified entity shall register with the Missouri state highway patrol prior to  
40 submitting a request for screening under this section. As part of such registration, the  
41 qualified entity shall indicate if it chooses to enroll their applicants in the Missouri and  
42 National Rap Back programs;

43 (2) Qualified entities shall notify applicants subject to a criminal record review under  
44 this section that the applicant's fingerprints shall be retained by the state central repository and  
45 the Federal Bureau of Investigation and shall be searched against other fingerprints on file,  
46 including latent fingerprints;

47 (3) Qualified entities shall notify applicants subject to enrollment in the National Rap  
48 Back program that the applicant's fingerprints, while retained, may continue to be compared  
49 against other fingerprints submitted or retained by the Federal Bureau of Investigation,  
50 including latent fingerprints;

51 (4) The criminal record review and Rap Back process described in this section shall  
52 be voluntary and conform to the requirements established in Pub. L. 92-544 and other

53 applicable state or federal law. As a part of the registration, the qualified entity shall agree to  
54 comply with state and federal law and shall indicate so by signing an agreement approved by  
55 the Missouri state highway patrol. The Missouri state highway patrol may periodically audit  
56 qualified entities to ensure compliance with federal law and this section;

57 (5) A qualified entity shall submit to the Missouri state highway patrol a request for  
58 screening on applicants covered under this section using a completed fingerprint card;

59 (6) Each request shall be accompanied by a reasonable fee, as provided in section  
60 43.530, plus the amount required, if any, by the Federal Bureau of Investigation for the  
61 national criminal record review and enrollment in the National Rap Back program in  
62 compliance with applicable state or federal laws;

63 (7) The Missouri state highway patrol shall provide, directly to the qualified entity,  
64 the applicant's state criminal history records that are not exempt from disclosure under  
65 chapter 610 or are otherwise confidential under law;

66 (8) The national criminal history data shall be available to qualified entities to use  
67 only for the purpose of screening applicants as described under this section. The Missouri  
68 state highway patrol shall provide the applicant's national criminal history record information  
69 directly to the qualified entity;

70 (9) This section shall not require the Missouri state highway patrol to make an  
71 eligibility determination on behalf of any qualified entity;

72 (10) The qualified entity shall notify the applicant, in writing, of his or her right to  
73 obtain a copy of any criminal record review, including the criminal history records, if any,  
74 contained in the report, and of the applicant's right to challenge the accuracy and  
75 completeness of any information contained in any such report and to obtain a determination  
76 as to the validity of such challenge before a final determination regarding the applicant is  
77 made by the qualified entity reviewing the criminal history information. A qualified entity  
78 that is required by law to apply screening criteria, including any right to contest or request an  
79 exemption from disqualification, shall apply such screening criteria to the state and national  
80 criminal history record information received from the Missouri state highway patrol for those  
81 applicants subject to the required screening; and

82 (11) Failure to obtain the information authorized under this section with respect to an  
83 applicant shall not be used as evidence in any negligence action against a qualified entity.  
84 The state, any political subdivision of the state, or any agency, officer, or employee of the  
85 state or a political subdivision shall not be liable for damages for providing the information  
86 requested under this section.

87 3. The criminal record review shall include the submission of fingerprints to the  
88 Missouri state highway patrol, who shall conduct a Missouri criminal record review,  
89 including closed record information under section 610.120. The Missouri state highway



90 patrol shall also forward a copy of the applicant's fingerprints to the Federal Bureau of  
91 Investigation for a national criminal record review.

92 4. The applicant subject to a criminal record review shall provide the following  
93 information to the qualified entity:

94 (1) Consent to obtain the applicant's fingerprints, conduct the criminal record review,  
95 and participate in the Missouri and National Rap Back programs;

96 (2) Consent to obtain the identifying information required to conduct the criminal  
97 record review, which may include, but not be limited to:

98 (a) Name;

99 (b) Date of birth;

100 (c) Height;

101 (d) Weight;

102 (e) Eye color;

103 (f) Hair color;

104 (g) Gender;

105 (h) Race;

106 (i) Place of birth;

107 (j) Social Security number; and

108 (k) The applicant's photo.

109 5. Any information received by an authorized state agency or a qualified entity  
110 pursuant to the provisions of this section shall be used solely for internal purposes in  
111 determining the suitability of an applicant. The dissemination of criminal history information  
112 from the Federal Bureau of Investigation beyond the authorized state agency or related  
113 governmental entity is prohibited. All criminal record check information shall be confidential  
114 and any person who discloses the information beyond the scope allowed is guilty of a class A  
115 misdemeanor.

116 6. A qualified entity enrolled in either the Missouri or National Rap Back programs  
117 shall be notified by the Missouri state highway patrol that a new arrest has been reported on  
118 an applicant who is employed, licensed, or otherwise under the purview of the qualified  
119 entity. Upon receiving the Rap Back notification, if the qualified entity deems that the  
120 applicant is still serving in an active capacity, the entity may request and receive the  
121 individual's updated criminal history record. This process shall only occur if:

122 (1) The agency has abided by all procedures and rules promulgated by the Missouri  
123 state highway patrol and Federal Bureau of Investigation regarding the Missouri and National  
124 Rap Back programs;

125 (2) The individual upon whom the Rap Back notification is being made has  
126 previously had a Missouri and national criminal record review completed for the qualified  
127 entity under this section [~~within the previous six years~~]; and

128 (3) The individual upon whom the Rap Back notification is being made is a current  
129 employee, licensee, or otherwise still actively under the purview of the qualified entity.

130 7. The highway patrol shall make available or approve the necessary forms,  
131 procedures, and agreements necessary to implement the provisions of this section.

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

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

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

18 2. If an employer elects to cover [~~emergency telecommunicators~~] **telecommunicator**  
19 **first responders**, jailors, and emergency medical service personnel as public safety personnel

20 members of the system, the employer's contributions shall be correspondingly changed  
21 effective the same date as the effective date of the political subdivision's election.

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

115.133. 1. Except as provided in subsection 2 of this section, any citizen of the  
2 United States who is a resident of the state of Missouri and seventeen years and six months of  
3 age or older shall be entitled to register and to vote in any election which is held on or after  
4 his eighteenth birthday.

5 2. No person who is adjudged incapacitated shall be entitled to register or vote. No  
6 person shall be entitled to vote:

7 (1) While confined ~~under a sentence of imprisonment;~~

8 ~~(2) While on probation or parole] after conviction of a felony[, until finally~~  
9 ~~discharged from such probation or parole]; or~~

10 ~~[(3)]~~ (2) After conviction of a felony or misdemeanor connected with the right of  
11 suffrage.

12 3. Except as provided in federal law or federal elections and in section 115.277, no  
13 person shall be entitled to vote if the person has not registered to vote in the jurisdiction of his  
14 or her residence prior to the deadline to register to vote.

170.310. 1. For school year 2017-18 and each school year thereafter, upon  
2 graduation from high school, pupils in public schools and charter schools shall have received  
3 thirty minutes of cardiopulmonary resuscitation instruction and training in the proper  
4 performance of the Heimlich maneuver or other first aid for choking given any time during a  
5 pupil's four years of high school.

6 2. Beginning in school year 2017-18, any public school or charter school serving  
7 grades nine through twelve shall provide enrolled students instruction in cardiopulmonary  
8 resuscitation. Students with disabilities may participate to the extent appropriate as  
9 determined by the provisions of the Individuals with Disabilities Education Act or Section  
10 504 of the Rehabilitation Act **(29 U.S.C. Section 794), as amended**. Instruction shall be  
11 included in the district's existing health or physical education curriculum. Instruction shall be  
12 based on a program established by the American Heart Association or the American Red  
13 Cross, or through a nationally recognized program based on the most current national  
14 evidence-based emergency cardiovascular care guidelines, and psychomotor skills  
15 development shall be incorporated into the instruction. For purposes of this section,  
16 "psychomotor skills" means the use of hands-on practicing and skills testing to support  
17 cognitive learning.

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

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

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

2           (1) "Bioterrorism", the intentional use of any microorganism, virus, infectious  
3 substance, or biological product that may be engineered as a result of biotechnology or any  
4 naturally occurring or bioengineered component of any microorganism, virus, infectious  
5 substance, or biological product to cause death, disease, or other biological malfunction in a  
6 human, an animal, a plant, or any other living organism to influence the conduct of  
7 government or to intimidate or coerce a civilian population;

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

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

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

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

16           2. The department shall offer a vaccination program for first responders who may be  
17 exposed to infectious diseases when deployed to disaster locations as a result of a  
18 bioterrorism event or a suspected bioterrorism event. The vaccinations shall include, but are  
19 not limited to, smallpox, anthrax, and other vaccinations when recommended by the federal

20 Centers for Disease Control and Prevention's Advisory Committee on Immunization  
21 Practices.

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

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

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

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

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

193.265. 1. For the issuance of a certification or copy of a death record, the applicant  
2 shall pay a fee of fourteen dollars for the first certification or copy and a fee of eleven dollars  
3 for each additional copy ordered at that time. For the issuance of a certification or copy of a  
4 birth, marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars.  
5 No fee shall be required or collected for a certification of birth, death, or marriage if the  
6 request for certification is made by the children's division, the division of youth services, a  
7 guardian ad litem, or a juvenile officer on behalf of a child or person under twenty-one years  
8 of age who has come under the jurisdiction of the juvenile court under section 211.031. All

9 fees collected under this subsection shall be deposited to the state department of revenue.  
10 Beginning August 28, 2004, for each vital records fee collected, the director of revenue shall  
11 credit four dollars to the general revenue fund, five dollars to the children's trust fund, one  
12 dollar shall be credited to the endowed care cemetery audit fund, one dollar for each  
13 certification or copy of death records to the Missouri state coroners' training fund established  
14 in section 58.208, and three dollars for the first copy of death records and five dollars for  
15 birth, marriage, divorce, and fetal death records shall be credited to the Missouri public health  
16 services fund established in section 192.900. Money in the endowed care cemetery audit fund  
17 shall be available by appropriation to the division of professional registration to pay its  
18 expenses in administering sections 214.270 to 214.410. All interest earned on money  
19 deposited in the endowed care cemetery audit fund shall be credited to the endowed care  
20 cemetery fund. Notwithstanding the provisions of section 33.080 to the contrary, money  
21 placed in the endowed care cemetery audit fund shall not be transferred and placed to the  
22 credit of general revenue until the amount in the fund at the end of the biennium exceeds three  
23 times the amount of the appropriation from the endowed care cemetery audit fund for the  
24 preceding fiscal year. The money deposited in the public health services fund under this  
25 section shall be deposited in a separate account in the fund, and moneys in such account, upon  
26 appropriation, shall be used to automate and improve the state vital records system, and  
27 develop and maintain an electronic birth and death registration system. For any search of the  
28 files and records, when no record is found, the state shall be entitled to a fee equal to the  
29 amount for a certification of a vital record for a five-year search to be paid by the applicant.  
30 For the processing of each legitimation, adoption, court order or recording after the  
31 registrant's twelfth birthday, the state shall be entitled to a fee equal to the amount for a  
32 certification of a vital record. Except whenever a certified copy or copies of a vital record is  
33 required to perfect any claim of any person on relief, or any dependent of any person who was  
34 on relief for any claim upon the government of the state or United States, the state registrar  
35 shall, upon request, furnish a certified copy or so many certified copies as are necessary,  
36 without any fee or compensation therefor.

37         2. For the issuance of a certification of a death record by the local registrar, the  
38 applicant shall pay a fee of fourteen dollars for the first certification or copy and a fee of  
39 eleven dollars for each additional copy ordered at that time. For each fee collected under this  
40 subsection, one dollar shall be deposited to the state department of revenue and the remainder  
41 shall be deposited to the official city or county health agency. The director of revenue shall  
42 credit all fees deposited to the state department of revenue under this subsection to the  
43 Missouri state coroners' training fund established in section 58.208.

44         3. For the issuance of a certification or copy of a birth, marriage, divorce, or fetal  
45 death record, the applicant shall pay a fee of fifteen dollars; except that, in any county with a

46 charter form of government and with more than six hundred thousand but fewer than seven  
47 hundred thousand inhabitants, a donation of one dollar may be collected by the local registrar  
48 over and above any fees required by law when a certification or copy of any marriage license  
49 or birth certificate is provided, with such donations collected to be forwarded monthly by the  
50 local registrar to the county treasurer of such county and the donations so forwarded to be  
51 deposited by the county treasurer into the housing resource commission fund to assist  
52 homeless families and provide financial assistance to organizations addressing homelessness  
53 in such county. The local registrar shall include a check-off box on the application form for  
54 such copies. All fees collected under this subsection, other than the donations collected in  
55 any county with a charter form of government and with more than six hundred thousand but  
56 fewer than seven hundred thousand inhabitants for marriage licenses and birth certificates,  
57 shall be deposited to the official city or county health agency.

58 4. A certified copy of a death record by the local registrar can only be issued within  
59 twenty-four hours of receipt of the record by the local registrar. Computer-generated  
60 certifications of death records may be issued by the local registrar after twenty-four hours of  
61 receipt of the records. The fees paid to the official county health agency shall be retained by  
62 the local agency for local public health purposes.

63 5. No fee under this section shall be required or collected from a parent or guardian of  
64 a homeless child or homeless youth, as defined in subsection 1 of section 167.020, or an  
65 unaccompanied youth, as defined in 42 U.S.C. Section 11434a(6), for the issuance of a  
66 certification, or copy of such certification, of birth of such child or youth. An unaccompanied  
67 youth shall be eligible to receive a certification or copy of his or her own birth record without  
68 the consent or signature of his or her parent or guardian; provided, that only one certificate  
69 under this provision shall be provided without cost to the unaccompanied or homeless youth.  
70 For the issuance of any additional certificates, the statutory fee shall be paid.

71 **6. No fee shall be required or collected for a certification of birth, death, or**  
72 **marriage if the request for certification is made by a prosecuting attorney, a circuit**  
73 **attorney, or the attorney general.**

**195.817. 1. The department of health and senior services shall require all**  
2 **employees, contractors, owners, and volunteers of marijuana facilities to submit**  
3 **fingerprints to the Missouri state highway patrol for the purpose of conducting a state**  
4 **and federal fingerprint-based criminal background check.**

5 **2. The department may require that such fingerprint submissions be made as**  
6 **part of a marijuana facility application, a marijuana facility renewal application, and an**  
7 **individual's application for a license or permit authorizing that individual to be an**  
8 **employee, contractor, owner, or volunteer of a marijuana facility.**

9           **3. Fingerprint cards and any required fees shall be sent to the Missouri state**  
10 **highway patrol's central repository. The fingerprints shall be used for searching the**  
11 **state criminal records repository and shall also be forwarded to the Federal Bureau of**  
12 **Investigation for a federal criminal records search under section 43.540. The Missouri**  
13 **state highway patrol shall notify the department of any criminal history record**  
14 **information or lack of criminal history record information discovered on the individual.**  
15 **Notwithstanding the provisions of section 610.120 to the contrary, all records related to**  
16 **any criminal history information discovered shall be accessible and available to the**  
17 **department.**

18           **4. As used in this section, the following terms shall mean:**

19           **(1) "Contractor", a person performing work or service of any kind for a**  
20 **marijuana facility in accordance with a contract with that facility;**

21           **(2) "Marijuana facility", an entity licensed or certified by the department of**  
22 **health and senior services to cultivate, manufacture, test, transport, dispense, or**  
23 **conduct research on marijuana or marijuana products;**

24           **(3) "Owner", an individual who has a financial interest or voting interest in ten**  
25 **percent or greater of a marijuana facility.**

208.247. ~~[1. Pursuant to the option granted the state by 21 U.S.C. Section 862a(d), an~~  
2 ~~individual who has pled guilty or nolo contendere to or is found guilty under federal or state~~  
3 ~~law of a felony involving possession or use of a controlled substance shall be exempt from the~~  
4 ~~prohibition contained in 21 U.S.C. Section 862a(a) against eligibility for food stamp program~~  
5 ~~benefits for such convictions, if such person, as determined by the department:~~

6           ~~(1) Meets one of the following criteria:~~

7           ~~(a) Is currently successfully participating in a substance abuse treatment program~~  
8 ~~approved by the division of alcohol and drug abuse within the department of mental health; or~~

9           ~~(b) Is currently accepted for treatment in and participating in a substance abuse~~  
10 ~~treatment program approved by the division of alcohol and drug abuse, but is subject to a~~  
11 ~~waiting list to receive available treatment, and the individual remains enrolled in the treatment~~  
12 ~~program and enters the treatment program at the first available opportunity; or~~

13           ~~(c) Has satisfactorily completed a substance abuse treatment program approved by~~  
14 ~~the division of alcohol and drug abuse; or~~

15           ~~(d) Is determined by a division of alcohol and drug abuse certified treatment provider~~  
16 ~~not to need substance abuse treatment; and~~

17           ~~(2) Is successfully complying with, or has already complied with, all obligations~~  
18 ~~imposed by the court, the division of alcohol and drug abuse, and the division of probation~~  
19 ~~and parole; and~~



20 ~~(3) Does not plead guilty or nolo contendere to or is not found guilty of an additional~~  
21 ~~controlled substance misdemeanor or felony offense after release from custody or, if not~~  
22 ~~committed to custody, such person does not plead guilty or nolo contendere to or is not found~~  
23 ~~guilty of an additional controlled substance misdemeanor or felony offense, within one year~~  
24 ~~after the date of conviction. Such a plea or conviction within the first year after conviction~~  
25 ~~shall immediately disqualify the person for the exemption; and~~

26 ~~(4) Has demonstrated sobriety through voluntary urinalysis testing paid for by the~~  
27 ~~participant.~~

28 ~~2. Eligibility based upon the factors in subsection 1 of this section shall be based upon~~  
29 ~~documentary or other evidence satisfactory to the department of social services, and the~~  
30 ~~applicant shall meet all other factors for program eligibility.~~

31 ~~3. The department of social services, in consultation with the division of alcohol and~~  
32 ~~drug abuse, shall promulgate rules to carry out the provisions of this section including~~  
33 ~~specifying criteria for determining active participation in and completion of a substance abuse~~  
34 ~~treatment program.~~

35 ~~4. The exemption under this section shall not apply to an individual who has pled~~  
36 ~~guilty or nolo contendere to or is found guilty of two subsequent felony offenses involving~~  
37 ~~possession or use of a controlled substance after the date of the first controlled substance~~  
38 ~~felony conviction.] Pursuant to the option granted to the state under 21 U.S.C. Section~~  
39 **862a(d)(1), an individual convicted under federal or state law of a felony offense**  
40 **involving possession, distribution, or use of a controlled substance shall be exempt from**  
41 **the prohibition contained in 21 U.S.C. Section 862a(a) against eligibility for the**  
42 **supplemental nutrition assistance program for such conviction.**

211.453. 1. Service of summons shall be made as in other civil cases in the manner  
2 prescribed in section 506.150. However, if service cannot be made as prescribed in section  
3 506.150 and it is not waived, then the service shall be made by mail or publication as  
4 provided in section 506.160.

5 2. Persons who shall be summoned and receive a copy of the petition shall include:

6 (1) The parent of the child, including a putative father who has acknowledged the  
7 child as his own by affirmatively asserting his paternity, unless the parent has filed a consent  
8 to the termination of parental rights in court;

9 (2) The guardian of the person of the child;

10 (3) The person, agency or organization having custody of the child;

11 (4) The foster parent, relative or other person with whom the child has been placed;

12 and

13 (5) Any other person whose presence the court deems necessary.

14 3. ~~[The court shall not require service in the case of a parent whose identity is~~  
15 ~~unknown and cannot be ascertained, or cannot be located.~~

16 4.] Any person required to receive summons may waive appearance or service of  
17 summons.

**307.018. Notwithstanding any other provision of law, no court shall issue a  
2 warrant of arrest for a person's failure to respond, pay the fine assessed, or appear in  
3 court with respect to a traffic citation issued for an infraction under the provisions of  
4 this chapter. In lieu of such warrant of arrest, the court shall issue a notice of failure to  
5 respond, pay the fine assessed, or appear, and the court shall schedule a second court  
6 date for the person to respond, pay the fine assessed, or appear. A copy of the court's  
7 notice with the new court date shall be sent to the driver of the vehicle. If the driver fails  
8 to respond, pay the fine assessed, or appear on the second court date, the court shall  
9 issue a second notice of failure to respond, pay the fine assessed, or appear. A copy of  
10 the court's second notice shall be sent to the driver of the vehicle and to the director of  
11 the department of revenue. Upon application by the driver for a driver's license or  
12 driver's license renewal, the department shall deny the application until all delinquent  
13 fines and fees in connection with the traffic offense have been satisfied. Upon  
14 satisfaction of the delinquent fines and fees, the department shall issue a driver's license  
15 to the driver provided such person is otherwise eligible for such license or renewal.**

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

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

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

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

15 (c) Vehicles and equipment owned or leased by a contractor or subcontractor  
16 performing work for the department of transportation, except that the red or red and blue  
17 lights shall be displayed on vehicles or equipment described in this paragraph only between  
18 dusk and dawn, when such vehicles or equipment are stationary, such vehicles or equipment

19 are located in a work zone as defined in section 304.580, highway workers as defined in  
20 section 304.580 are present, and such work zone is designated by a sign or signs. No more  
21 than two vehicles or pieces of equipment in a work zone may display fixed, flashing, or  
22 rotating lights under this subdivision;

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

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

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

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

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

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

347.143. 1. A limited liability company may be dissolved involuntarily by a decree of the circuit court for the county in which the registered office of the limited liability company is situated in an action filed by the attorney general when it is established that the limited liability company:

- (1) Has procured its articles of organization through fraud;
- (2) Has exceeded or abused the authority conferred upon it by law;
- (3) Has carried on, conducted, or transacted its business in a fraudulent or illegal manner; or
- (4) By the abuse of its powers contrary to the public policy of the state, has become liable to be dissolved.

2. On application by or for a member, the circuit court for the county in which the registered office of the limited liability company is located may decree dissolution of a limited liability company ~~whenever~~ **if the court determines:**

- (1) It is not reasonably practicable to carry on the business in conformity with the operating agreement;
- (2) **Dissolution is reasonably necessary for the protection of the rights or interests of the complaining members;**
- (3) **The business of the limited liability company has been abandoned;**
- (4) **The management of the limited liability company is deadlocked or subject to internal dissension; or**
- (5) **Those in control of the limited liability company have been found guilty of, or have knowingly countenanced, persistent and pervasive fraud, mismanagement, or abuse of authority.**

431.204. 1. **A reasonable covenant in writing promising not to solicit, recruit, hire, induce, persuade, encourage, or otherwise interfere with, directly or indirectly, the employment of one or more employees or owners of a business entity shall be presumed to be enforceable and not a restraint of trade pursuant to subsection 1 of section 416.031 if it is between a business entity and the owner of the business entity and does not continue for more than two years following the end of the owner's business relationship with the business entity.**

2. **A reasonable covenant in writing promising not to solicit, induce, direct, or otherwise interfere with, directly or indirectly, a business entity's customers, including any reduction, termination, or transfer of any customer's business, in whole or in part, for the purposes of providing any product or any service that is competitive with those provided by the business entity shall be presumed to be enforceable and not a restraint of trade pursuant to subsection 1 of section 416.031 if the covenant is limited to customers with whom the owner dealt and if the covenant is between a business entity**

15 and an owner, so long as the covenant does not continue for more than five years  
16 following the end of the owner's business relationship with the business entity.

17 3. A provision in writing by which an owner promises to provide prior notice of  
18 the owner's intent to terminate, sell, or otherwise dispose of such owner's ownership  
19 interest in the business entity shall be presumed to be enforceable and not a restraint of  
20 trade pursuant to subsection 1 of section 416.031.

21 4. If a covenant is overbroad, overlong, or otherwise not reasonably necessary to  
22 protect the protectable business interests of the business entity seeking enforcement of  
23 the covenant, a court shall modify the covenant, enforce the covenant as modified, and  
24 grant only the relief reasonably necessary to protect such interests.

25 5. Nothing in this section is intended to create or to affect the validity or  
26 enforceability of covenants not to compete, other types of covenants, or nondisclosure or  
27 confidentiality agreements, except as expressly provided in this section.

28 6. Except as provided in subsection 3 of this section, nothing in this section shall  
29 be construed to limit an owner's ability to seek or accept employment with another  
30 business entity immediately upon, or at any time subsequent to, termination of the  
31 owner's business relationship with the business entity, whether such termination was  
32 voluntary or nonvoluntary.

435.300. As used in sections 435.300 to 435.312, the following terms mean:

2 (1) "Alternative dispute resolution communication", a statement, whether  
3 communicated orally, in writing, or by nonverbal conduct, that is either:

4 (a) Related to the subject matter of the dispute and made during an alternative  
5 dispute resolution process; or

6 (b) Made as part of considering, conducting, participating in, initiating,  
7 continuing, or reconvening an alternative dispute resolution process.

8

9 The term "alternative dispute resolution communication" shall not include the  
10 notifications or reports made under subsection 2 of section 435.303 or subsection 8 of  
11 section 435.306 or a written agreement as described under section 435.312;

12 (2) "Alternative dispute resolution process", mediation, arbitration, or early  
13 neutral evaluation used in conjunction with a pending civil action, and any other  
14 alternative to trial that has been included in a local court rule applicable to a civil  
15 dispute;

16 (3) "Arbitration", a procedure in which a neutral or panel of neutrals hears and  
17 decides a dispute between two or more parties;

18 (4) "Conflict of interest", any direct or indirect financial or personal interest in  
19 the outcome of a dispute or any existing or prior financial, business, professional, family,

20 or social relationship with any participant in an alternative dispute resolution process  
21 that is likely to affect the impartiality of the neutral or that may reasonably create an  
22 appearance of partiality or bias;

23 (5) "Early neutral evaluation", a process in which a neutral provides parties to a  
24 dispute with a nonbinding assessment of their dispute;

25 (6) "In camera", a proceeding held in a judge's chambers or in a courtroom  
26 from which the public is excluded;

27 (7) "Mandated reporter", an individual who is required to report abuse or  
28 neglect under the provisions of section 192.2405, 192.2475, 198.070, 208.912, 210.115,  
29 352.400, 630.162, or 630.165;

30 (8) "Mediation", a process in which a neutral facilitates communications among  
31 the parties and assists the parties in their efforts to reach a voluntary agreement  
32 regarding the dispute;

33 (9) "Mediator", a neutral who conducts mediation;

34 (10) "Neutral", an individual who, acting independently and not as a  
35 representative, agent, or advocate of any of the parties, assists the parties in their  
36 efforts to reach a resolution of their dispute through an alternative dispute resolution  
37 process;

38 (11) "Participant", any person or entity, including any neutral or party, who  
39 participates in an alternative dispute resolution process;

40 (12) "Party", an individual or entity named as a party in a pending civil action,  
41 or in an agreement to use an alternative dispute resolution process as described under  
42 sections 435.309 and 435.312;

43 (13) "Person", an individual; a public or private corporation, business trust,  
44 estate, trust, partnership, limited liability company, or insurance company; an  
45 association; a joint venture; a governmental unit, subdivision, agency, or  
46 instrumentality of the state; or any other legal or commercial entity;

47 (14) "Proceeding", a judicial, administrative, arbitral, or other adjudicative  
48 process, including related prehearing and posthearing motions, conferences, hearings,  
49 and discovery;

50 (15) "Writing" or "written", a tangible or electronic record of a communication  
51 or representation, including handwriting, typewriting, printing, photostating,  
52 photography, audio or video recording, and electronic communication;

53 (16) "Written agreement", a writing that:

54 (a) Contains the essential terms of an agreement; and

55 (b) Is signed, executed, or adopted by the parties by any process described under  
56 subdivision (15) of this section, including electronic signatures as permitted by section

57 **432.230, with the intent to sign and be bound by the writing and attached to or logically**  
58 **associated with the writing.**

**435.303. 1. A court may refer any individual civil case or category of civil cases**  
2 **to mediation or another nonbinding alternative dispute resolution process either by rule**  
3 **or court order.**

4 **2. Within thirty days of referral by a court to a nonbinding alternative dispute**  
5 **resolution process under subsection 1 of this section, or such longer time as may be set**  
6 **by the court, or with leave of the court, the parties may:**

7 **(1) Notify the court that all of the parties have chosen to pursue an alternative**  
8 **dispute resolution process different from the nonbinding alternative dispute resolution**  
9 **process ordered by the court if such choice is evidenced in a written agreement between**  
10 **the parties;**

11 **(2) Notify the court that all of the parties have agreed to delay such process until**  
12 **a date certain, which date may be subsequently modified by the court, to allow for the**  
13 **exchange of specified information, the identification of representatives with authority,**  
14 **or another identified action or event related to the ability of the parties to participate**  
15 **effectively in that process; or**

16 **(3) File a motion for relief from the referral setting forth the reasons for not**  
17 **participating if any party, after conferring with all other parties, concludes that referral**  
18 **to a nonbinding alternative dispute resolution process has no reasonable chance of**  
19 **helping the parties to better understand or resolve one or more of the procedural or**  
20 **substantive issues in the matter or there is a compelling circumstance for not**  
21 **participating in the alternative dispute resolution process. Once a motion for relief has**  
22 **been filed, the alternative dispute resolution process ordered by the court shall not occur**  
23 **until the court has ruled on the motion. If the court grants the motion, the matter shall**  
24 **not thereafter be referred by the court to an alternative dispute resolution process**  
25 **without compelling circumstances, which shall be set out by the court in any order**  
26 **referring the matter to an alternative dispute resolution process.**

27 **3. In an action referred to a nonbinding alternative dispute resolution process,**  
28 **discovery may proceed as in any other action before, during, and after the nonbinding**  
29 **alternative dispute resolution process is held. The court may stay discovery in whole or**  
30 **in part during the pendency of an alternative dispute resolution process in order to**  
31 **promote savings in time and expense without sacrificing the quality of justice.**

32 **4. A neutral who is appointed by the court or requested by the parties to serve in**  
33 **a nonbinding alternative dispute resolution process under sections 435.300 to 435.312**  
34 **shall avoid any conflict of interest. If the neutral believes that no disqualifying conflict**  
35 **exists, the neutral shall:**

36           **(1) Make a reasonable inquiry to determine whether there are any facts that**  
37 **would cause a reasonable person to believe that the neutral has an actual or potential**  
38 **conflict of interest before agreeing to serve in a matter;**

39           **(2) Disclose to the parties, as soon as practicable, facts and information relevant**  
40 **to any actual or potential conflicts of interest that are reasonably known to the neutral;**  
41 **and**

42           **(3) If, after accepting a designation by the parties or the court, the neutral learns**  
43 **of any previously undisclosed information that could reasonably suggest a conflict of**  
44 **interest, promptly disclose the information to the parties.**

45           **5. After the neutral's disclosure of a conflict, the alternative dispute resolution**  
46 **process may proceed if either:**

47           **(1) All parties agree in writing to service by the neutral; or**

48           **(2) An organization independently administering the alternative dispute**  
49 **resolution process under rules of procedure that were adopted by a written**  
50 **agreement of the parties determines under such rules that the neutral may continue**  
51 **to serve.**

52           **6. Any party who believes a court-appointed neutral has a conflict of interest**  
53 **may request that the neutral recuse himself or herself if a conflict is disclosed or**  
54 **otherwise discovered. If the neutral declines, the party may timely file a motion with the**  
55 **court for disqualification of the neutral. Failure to file a motion waives that objection.**  
56 **On its own motion, the court may also review the choice of a neutral in any alternative**  
57 **dispute resolution process involving a party that is not represented by counsel and**  
58 **require a change of neutral if necessary to protect the rights of the unrepresented party.**

**435.306. 1. Alternative dispute resolution communications shall not be**  
2 **admissible as evidence in any proceeding or subject to discovery, except as otherwise**  
3 **provided under subsections 2, 3, and 7 of this section. Exceptions shall be narrowly**  
4 **construed and only the portion of the communication necessary for the application of**  
5 **the exception to the general rule of nonadmissibility shall be admitted.**

6           **2. Evidence or information that is otherwise admissible or subject to discovery,**  
7 **including information that would be available to the public under sections 610.010 to**  
8 **610.035, shall not become inadmissible or protected from discovery solely by reason of**  
9 **its disclosure or use in an alternative dispute resolution process.**

10           **3. A court may determine to admit an alternative dispute resolution**  
11 **communication upon motion of a party, which motion shall not reveal the substance**  
12 **of the communication, and following a hearing only if the court finds that one or more of**  
13 **the exceptions under this subsection apply and the communication is otherwise relevant**  
14 **and admissible. The party seeking admission shall ensure that timely notice is given to**



15 the neutral and parties that participated in the alternative dispute resolution process in  
16 which the alternative dispute resolution communication was made. Such hearing shall  
17 be conducted in camera if requested by a party or if the court determines on its own  
18 motion that an in camera proceeding is necessary to ensure the confidentiality of the  
19 communications that are the subject to the hearing. The only exceptions to the general  
20 rule of nonadmissibility of alternative dispute resolution communications stated under  
21 subsection 1 of this section are as follows:

22 (1) The alternative dispute resolution communication was made in the presence  
23 of a mandated reporter and pertains to abuse or neglect that such person is required by  
24 state law or regulation to report;

25 (2) The alternative dispute resolution communication is a substantial threat or  
26 statement of a plan to inflict bodily injury capable of causing death or substantial bodily  
27 harm that is reasonably certain to occur;

28 (3) The alternative dispute resolution communication is intentionally used to  
29 plan a crime, attempt to commit an offense, or to conceal an ongoing crime or ongoing  
30 criminal activity; or

31 (4) The alternative dispute resolution communication is necessary to establish or  
32 defend against a claim of professional misconduct or malpractice that is filed against or  
33 on behalf of a participant based on conduct occurring during the alternative dispute  
34 resolution process.

35 4. The admission of evidence in a proceeding under any of the exceptions stated  
36 under subsection 3 of this section shall not in itself render the evidence or any other  
37 alternative dispute resolution communication discoverable or admissible for any other  
38 purpose or proceeding.

39 5. Any participant in an alternative dispute resolution process has standing to  
40 intervene in any proceeding to object to the admissibility of an alternative dispute  
41 resolution communication made by that person during or relating to that alternative  
42 dispute resolution process. A neutral who participated in an alternative dispute  
43 resolution process also has standing to intervene in any proceeding to object to the  
44 admissibility of an alternative dispute resolution communication made by the neutral or  
45 an agent or employee of a neutral or of an organization through which the neutral  
46 provided the alternative dispute resolution services for such process, but the neutral is  
47 under no requirement to do so.

48 6. Except as provided under subsection 7 of this section, no neutral, agent or  
49 employee of that neutral, or agent or employee of an organization through which the  
50 neutral provided alternative dispute resolution services shall be subpoenaed or  
51 otherwise compelled to disclose any alternative dispute resolution communication,

52 including any alternative dispute resolution communication that would otherwise fall  
53 within the exceptions identified under subsection 3 of this section. No neutral who is a  
54 licensed attorney, or an agent or employee of such neutral or of an organization through  
55 which the neutral provided alternative dispute resolution services under sections  
56 435.300 to 435.312, shall be required to disclose any alternative dispute resolution  
57 communication to which a reporting obligation might otherwise apply under the rules  
58 regulating the professional conduct of attorneys.

59 7. A neutral, an agent or employee of that neutral, or an agent or employee of an  
60 organization through which the neutral provided the alternative dispute resolution  
61 services may be subpoenaed in an action to enforce a written agreement as described  
62 under subsection 2 of section 435.309, but only for the limited purpose of testifying that  
63 the written agreement was signed by the parties in the presence of the neutral.

64 8. The court may request that the neutral or the parties provide the court with  
65 progress reports on alternative dispute resolution processes related to pending civil  
66 actions; provided that, such reports shall be limited to a statement that the matter has  
67 been resolved in its entirety, partially resolved, or not resolved and whether future dates  
68 for an alternative dispute resolution process are scheduled. A neutral may also report to  
69 the court that a payment has not been received from one or more parties. A court shall  
70 not require the disclosure of alternative dispute resolution communication in any such  
71 report.

72 9. The court may order the party or parties seeking admission of an alternative  
73 dispute resolution communication to pay the costs and fees of the neutral or other  
74 person participating in an alternative dispute resolution process who intervenes to  
75 contest the disclosure and admission of alternative dispute resolution communication or  
76 who responds to a subpoena prohibited under subsection 6 of this section or a subpoena  
77 under subsection 7 of this section.

435.309. 1. Unless the parties have entered into a written agreement providing  
2 for entry into a binding alternative dispute resolution process, all alternative dispute  
3 resolution processes under sections 435.300 to 435.312 shall be nonbinding.

4 2. In order to be binding on the parties, a settlement agreement that is reached in  
5 an alternative dispute resolution process shall be in a written agreement.

6 3. Alternative dispute resolution processes included in consumer contracts for  
7 goods or services shall be independently administered.

435.312. 1. Except as provided under subsection 6 of this section, sections  
2 435.300 to 435.312 shall apply only when the court has referred an individual civil case  
3 or category of cases to a nonbinding alternative dispute resolution process, either by  
4 rule or court order, or when the parties enter into a written agreement to resolve their

5 **dispute through a nonbinding alternative dispute resolution process expressly providing**  
6 **that sections 435.300 to 435.312 shall apply to such alternative dispute resolution**  
7 **process.**

8 **2. The parties to a dispute may enter into a written agreement to attempt to**  
9 **resolve their differences through an alternative dispute resolution process and may**  
10 **agree that sections 435.300 to 435.312 will apply to such alternative dispute resolution**  
11 **process prior to the filing of an action or after the entry of a judgment, as well as during**  
12 **the pendency of an action. If the matter resolves and the parties file a case to present the**  
13 **settlement for approval by the court, such case shall be exempted from any local rule**  
14 **that refers a class of cases to any alternative dispute resolution process.**

15 **3. Nothing in sections 435.300 to 435.312 shall preclude any court from referring**  
16 **any individual matter to a nonbinding alternative dispute resolution process so as to**  
17 **effectuate the timely, fair, and efficient administration of justice, subject only to**  
18 **subsection 2 of section 435.303.**

19 **4. Nothing in sections 435.300 to 435.312 is intended to undermine the right of**  
20 **litigants to a jury trial in the event that a resolution satisfactory to the parties is not**  
21 **achieved through a nonbinding alternative dispute resolution process.**

22 **5. Nothing in sections 435.300 to 435.312 shall be deemed to require:**

23 **(1) Any party or party representative who appears at an alternative dispute**  
24 **resolution process in compliance with a court order to settle all or part of any claim; or**

25 **(2) Any party to attend a mediation with counsel if such party is self-**  
26 **represented.**

27 **6. If the court has not referred a case to a nonbinding dispute resolution process**  
28 **pursuant to section 435.303 and if the parties do not elect to use sections 435.300 to**  
29 **435.312, the process shall be regarded as settlement negotiations and subject to the rules**  
30 **of confidentiality that generally apply to such negotiations. If the parties to the dispute**  
31 **have agreed in writing to submit their dispute to that alternative dispute resolution**  
32 **process but have not invoked the protections of sections 435.300 to 435.312, no person**  
33 **who serves as a neutral in such process, nor any agent or employee of that person or of**  
34 **an organization through which the neutral provided the alternative dispute resolution**  
35 **process, shall be subpoenaed or otherwise compelled to disclose any matter revealed in**  
36 **the process of setting up or conducting such alternative dispute resolution process. All**  
37 **settlement agreements are required to be in writing as described under sections 435.300**  
38 **to 435.312.**

455.010. As used in this chapter, unless the context clearly indicates otherwise, the  
2 following terms shall mean:

3 (1) "Abuse", includes but is not limited to the occurrence of any of the following acts,  
4 attempts or threats against a person who may be protected pursuant to this chapter, except  
5 abuse shall not include abuse inflicted on a child by accidental means by an adult household  
6 member or discipline of a child, including spanking, in a reasonable manner:

7 (a) "Abusing a pet", purposely or knowingly causing, attempting to cause, or  
8 threatening to cause physical injury to a pet with the intent to control, punish, intimidate, or  
9 distress the petitioner;

10 (b) "Assault", purposely or knowingly placing or attempting to place another in fear  
11 of physical harm;

12 (c) "Battery", purposely or knowingly causing physical harm to another with or  
13 without a deadly weapon;

14 (d) "Coercion", compelling another by force or threat of force to engage in conduct  
15 from which the latter has a right to abstain or to abstain from conduct in which the person has  
16 a right to engage;

17 (e) "Harassment", engaging in a purposeful or knowing course of conduct involving  
18 more than one incident that alarms or causes distress to an adult or child and serves no  
19 legitimate purpose. The course of conduct must be such as would cause a reasonable adult or  
20 child to suffer substantial emotional distress and must actually cause substantial emotional  
21 distress to the petitioner or child. Such conduct might include, but is not limited to:

22 a. Following another about in a public place or places;

23 b. Peering in the window or lingering outside the residence of another; but does not  
24 include constitutionally protected activity;

25 (f) "Sexual assault", causing or attempting to cause another to engage involuntarily in  
26 any sexual act by force, threat of force, duress, or without that person's consent;

27 (g) "Unlawful imprisonment", holding, confining, detaining or abducting another  
28 person against that person's will;

29 (2) "Adult", any person [~~seventeen~~] **eighteen** years of age or older or otherwise  
30 emancipated;

31 (3) "Child", any person under [~~seventeen~~] **eighteen** years of age unless otherwise  
32 emancipated;

33 (4) "Court", the circuit or associate circuit judge or a family court commissioner;

34 (5) "Domestic violence", abuse or stalking committed by a family or household  
35 member, as such terms are defined in this section;

36 (6) "Ex parte order of protection", an order of protection issued by the court before  
37 the respondent has received notice of the petition or an opportunity to be heard on it;

38 (7) "Family" or "household member", spouses, former spouses, any person related by  
39 blood or marriage, persons who are presently residing together or have resided together in the

40 past, any person who is or has been in a continuing social relationship of a romantic or  
41 intimate nature with the victim, and anyone who has a child in common regardless of whether  
42 they have been married or have resided together at any time;

43 (8) "Full order of protection", an order of protection issued after a hearing on the  
44 record where the respondent has received notice of the proceedings and has had an  
45 opportunity to be heard;

46 (9) "Order of protection", either an ex parte order of protection or a full order of  
47 protection;

48 (10) "Pending", exists or for which a hearing date has been set;

49 (11) "Pet", a living creature maintained by a household member for companionship  
50 and not for commercial purposes;

51 (12) "Petitioner", a family or household member who has been a victim of domestic  
52 violence, or any person who has been the victim of stalking or sexual assault, or a person  
53 filing on behalf of a child pursuant to section 455.503 who has filed a verified petition  
54 pursuant to the provisions of section 455.020 or section 455.505;

55 (13) "Respondent", the family or household member alleged to have committed an act  
56 of domestic violence, or person alleged to have committed an act of stalking or sexual assault,  
57 against whom a verified petition has been filed or a person served on behalf of a child  
58 pursuant to section 455.503;

59 (14) "Sexual assault", as defined under subdivision (1) of this section;

60 (15) "Stalking", is when any person purposely engages in an unwanted course of  
61 conduct that causes alarm to another person, or a person who resides together in the same  
62 household with the person seeking the order of protection when it is reasonable in that  
63 person's situation to have been alarmed by the conduct. As used in this subdivision:

64 (a) "Alarm", to cause fear of danger of physical harm; and

65 (b) "Course of conduct", two or more acts that serve no legitimate purpose including,  
66 but not limited to, acts in which the stalker directly, indirectly, or through a third party  
67 follows, monitors, observes, surveils, threatens, or communicates to a person by any action,  
68 method, or device.

455.035. 1. Upon the filing of a verified petition pursuant to sections 455.010 to  
2 455.085 and for good cause shown in the petition, the court may immediately issue an ex  
3 parte order of protection. An immediate and present danger of domestic violence to the  
4 petitioner or the child on whose behalf the petition is filed shall constitute good cause for  
5 purposes of this section. An ex parte order of protection entered by the court shall take effect  
6 when entered and shall remain in effect until there is valid service of process and a hearing is  
7 held on the motion. The court shall deny the ex parte order and dismiss the petition if the  
8 petitioner is not authorized to seek relief pursuant to section 455.020.

9           2. Failure to serve an ex parte order of protection on the respondent shall not affect  
10 the validity or enforceability of such order. If the respondent is less than ~~seventeen~~ **eighteen**  
11 years of age, unless otherwise emancipated, service of process shall be made upon a custodial  
12 parent or guardian of the respondent, or upon a guardian ad litem appointed by the court,  
13 requiring that the person appear and bring the respondent before the court at the time and  
14 place stated.

15           3. If an ex parte order is entered and the respondent is less than ~~seventeen~~ **eighteen**  
16 years of age, the court shall transfer the case to juvenile court for a hearing on a full order of  
17 protection. The court shall appoint a guardian ad litem for any such respondent not  
18 represented by a parent or guardian.

          455.513. 1. The court may immediately issue an ex parte order of protection upon the  
2 filing of a verified petition under sections 455.500 to 455.538, for good cause shown in the  
3 petition, and upon finding that:

4           (1) No prior order regarding custody involving the respondent and the child is  
5 pending or has been made; or

6           (2) The respondent is less than ~~seventeen~~ **eighteen** years of age.

7  
8 An immediate and present danger of domestic violence, including danger to the child's pet,  
9 stalking, or sexual assault to a child shall constitute good cause for purposes of this section.  
10 An ex parte order of protection entered by the court shall be in effect until the time of the  
11 hearing. The court shall deny the ex parte order and dismiss the petition if the petitioner is not  
12 authorized to seek relief pursuant to section 455.505.

13           2. Upon the entry of the ex parte order of protection, the court shall enter its order  
14 appointing a guardian ad litem or court-appointed special advocate to represent the child  
15 victim.

16           3. If the allegations in the petition would give rise to jurisdiction under section  
17 211.031, the court may direct the children's division to conduct an investigation and to  
18 provide appropriate services. The division shall submit a written investigative report to the  
19 court and to the juvenile officer within thirty days of being ordered to do so. The report shall  
20 be made available to the parties and the guardian ad litem or court-appointed special  
21 advocate.

22           4. If the allegations in the petition would give rise to jurisdiction under section  
23 211.031 because the respondent is less than ~~seventeen~~ **eighteen** years of age, the court may  
24 issue an ex parte order and shall transfer the case to juvenile court for a hearing on a full order  
25 of protection. Service of process shall be made pursuant to section 455.035.

**474.540. Sections 474.540 to 474.564 shall be known and may be cited as the**  
2 **"Missouri Electronic Wills and Electronic Estate Planning Documents Act".**

**474.542. As used in sections 474.540 to 474.564, the following terms mean:**

- 2       **(1) "Electronic", technology having electrical, digital, magnetic, wireless,**  
3 **optical, electromagnetic, or similar capabilities;**
- 4       **(2) "Electronic presence", the relationship of two or more individuals in**  
5 **different locations in real time using technology enabling live, interactive audio-visual**  
6 **communication that allows for observation, direct interaction, and communication**  
7 **between or among the individuals;**
- 8       **(3) "Electronic will", a will executed electronically in compliance with**  
9 **subsection 1 of section 474.548;**
- 10       **(4) "Record", information that is inscribed on a tangible medium or that is**  
11 **stored in an electronic or other medium and is retrievable in perceivable form;**
- 12       **(5) "Security procedure", a procedure to verify that an electronic signature,**  
13 **record, or performance is that of a specific person or to detect a change or error in an**  
14 **electronic record, including a procedure that uses an algorithm, code, identifying word**  
15 **or number, encryption, or callback or other acknowledgment procedure;**
- 16       **(6) "Sign", with present intent to authenticate or adopt a record to:**
  - 17       **(a) Execute or adopt a tangible symbol; or**
  - 18       **(b) Affix to or logically associate with the record an electronic symbol or**  
19 **process;**
- 20       **(7) "State", a state of the United States, the District of Columbia, Puerto Rico,**  
21 **the United States Virgin Islands, a federally recognized Indian tribe, or any territory or**  
22 **insular possession subject to the jurisdiction of the United States;**
- 23       **(8) "Will", a codicil and any testamentary instrument that appoints an executor,**  
24 **revokes or revises another will, nominates a guardian, or expressly excludes or limits the**  
25 **right of an individual or class to succeed to property of the decedent passing by intestate**  
26 **succession.**

**474.544. An electronic will is a will for all purposes of the law of this state. The**  
2 **law of this state applicable to wills and principles of equity applies to an electronic will**  
3 **except as modified by sections 474.540 to 474.564.**

**474.546. A will executed electronically but not in compliance with subsection 1 of**  
2 **section 474.548 is an electronic will under sections 474.540 to 474.564 if executed in**  
3 **compliance with the law of the jurisdiction where the testator is:**

- 4       **(1) Physically located when the will is signed; or**
- 5       **(2) Domiciled, or where the testator resides, when the will is signed or when the**  
6 **testator dies.**

**474.548. 1. An electronic will shall be:**

2 (1) A record that is readable as text at the time of signing under subdivision (2)  
3 of this subsection and remains accessible as text for later reference;

4 (2) Signed by:

5 (a) The testator; or

6 (b) Another individual in the testator's name, in the testator's physical presence,  
7 and by the testator's direction; and

8 (3) Signed in the physical or electronic presence of the testator by at least two  
9 individuals after witnessing:

10 (a) The signing of the will under subdivision (2) of this subsection; or

11 (b) The testator's acknowledgment of the signing of the will under subdivision  
12 (2) of this subsection or acknowledgment of the will.

13 2. The intent of a testator that the record under subdivision (1) of subsection 1 of  
14 this section be the testator's electronic will may be established by extrinsic evidence.

15 3. In accordance with section 474.337 or 474.550, a witness to a will shall be a  
16 resident of a state and physically located in a state at the time of signing if no self-  
17 proving affidavit is signed contemporaneously with the execution of the electronic will.

474.550. At the time of its execution or at any subsequent date, an electronic will  
2 may be made self-proved in the same manner as specified in section 474.337 or, if fewer  
3 than two witnesses are physically present in the same location as the testator at the time  
4 of such acknowledgments, before a remote online notary authorized to perform a  
5 remote online notarization in this state under the law of any state or the United States,  
6 and evidenced by a remote online notarial certificate, in form and content substantially  
7 as follows, subject to the additional requirements under section 486.1165:

8 State of \_\_\_\_\_

9 County (and/or City) of \_\_\_\_\_

10 I, the undersigned notary, certify that \_\_\_\_\_, the testator, and the witnesses,  
11 whose names are signed to the attached or foregoing instrument, having  
12 personally appeared before me by remote online means, and having been first  
13 duly sworn, each then declared to me that the testator signed and executed the  
14 instrument as the testator's last will, and that the testator had willingly signed or  
15 willingly directed another to sign for the testator, and that the testator executed it  
16 as the testator's free and voluntary act for the purposes therein expressed; and  
17 that each of the witnesses, in the presence and hearing of the testator, signed the  
18 will as witness and that to the best of the witnesses' knowledge the testator was at  
19 that time eighteen or more years of age, of sound mind, and under no constraint  
20 or undue influence.



21 In witness thereof I have hereunto subscribed my name and affixed my official  
22 seal this \_\_\_\_\_ (date).

23 \_\_\_\_\_ (official signature and seal of notary)

474.552. 1. An electronic will may revoke all or part of a previous will.

2 2. All or part of an electronic will is revoked by:

3 (1) A subsequent will that revokes all or part of the electronic will expressly or  
4 by inconsistency;

5 (2) A written instrument signed by the testator declaring the revocation; or

6 (3) A physical act, if it is established by a preponderance of the evidence that the  
7 testator, with the intent of revoking all or part of the will, performed the act or directed  
8 another individual who performed the act in the testator's physical presence.

9 3. If there is evidence that a testator signed an electronic will and neither an  
10 electronic will nor a certified paper copy of the electronic will can be located after a  
11 testator's death, there is a presumption that the testator revoked the electronic will even  
12 if no instrument or later will revoking the electronic will can be located.

474.554. Without further notice, at any time during the administration of the  
2 estate or, if there is no grant of administration, upon such notice and in such manner as  
3 the court directs, the court may issue an order under sections 472.400 to 472.490 for a  
4 custodian of an account held under a terms-of-service agreement to disclose digital  
5 assets for the purposes of obtaining an electronic will from the account of a deceased  
6 user. If there is no grant of administration at the time the court issues the order, the  
7 court's order shall grant disclosure to the petitioner who is deemed a personal  
8 representative under sections 472.400 to 472.490.

474.556. 1. An individual may create a certified paper copy of an electronic will  
2 by affirming under penalty of perjury that a paper copy of the electronic will is a  
3 complete, true, and accurate copy of the electronic will. If the electronic will is made  
4 self-proving, the certified paper copy of the will shall include the self-proving affidavit  
5 under section 474.337 or 474.550.

6 2. If a rule of law or procedure requires a will to be presented or retained in its  
7 original form or provides consequences for the information not being presented or  
8 retained in its original form, that rule of law or procedure shall be satisfied by a  
9 certified paper copy of an electronic will.

474.558. In applying and construing sections 474.540 to 474.564, consideration  
2 shall be given to the need to promote uniformity of the law with respect to its subject  
3 matter among states that enact it.

474.560. 1. Any written estate planning document may be executed  
2 electronically, and no such estate planning document shall be invalid or void solely

3 because it is in electronic form or because it is signed electronically by a settlor, trustee,  
4 principal, grantor, declarant, or owner, or by a witness to any such person's signature.  
5 For purposes of this section, "estate planning document" shall include, but not be  
6 limited to:

- 7 (1) A power of attorney or durable power of attorney;
- 8 (2) A health care declaration;
- 9 (3) An advance directive;
- 10 (4) A power of attorney for health care or durable power of attorney for health  
11 care;
- 12 (5) A revocable trust or amendment thereto, or modification or revocation  
13 thereof;
- 14 (6) An irrevocable trust;
- 15 (7) A beneficiary deed;
- 16 (8) A nonprobate transfer; or
- 17 (9) A document modifying, amending, correcting, or revoking any written estate  
18 planning document.

19 2. (1) An electronic estate planning document or an electronic signature on such  
20 document shall be attributable to a person if it was the act of the person. The act of the  
21 person may be shown in any manner, including a showing of the efficacy of a security  
22 procedure applied to determine the person to which the electronic record or signature  
23 was attributable.

24 (2) The effect of attribution of a document or signature to a person under  
25 subdivision (1) of this subsection shall be determined from the context and surrounding  
26 circumstances at the time of its creation, execution, or adoption and as provided by  
27 other law.

28 3. (1) Unless otherwise provided under its terms, any electronic estate planning  
29 document may be signed in one or more counterparts, and each separate counterpart  
30 may be an electronic document or a paper document, provided that all signed  
31 counterpart pages of each document are incorporated into, or attached to, the  
32 document.

33 (2) An individual may create a certified paper copy of any such electronic estate  
34 planning document by affirming under penalty of perjury that a paper copy of the  
35 electronic estate planning document is a complete, true, and accurate copy of such  
36 document. If a rule of law or procedure requires an estate planning document to be  
37 presented or retained in its original form or provides consequences for the information  
38 not being presented or retained in its original form, such rule of law or procedure shall  
39 be satisfied by a certified paper copy of an electronic document.

40           **4. Any written estate planning document, other than a will, that requires one or**  
41 **more witnesses to the signature of a principal may be witnessed by any individual or**  
42 **individuals in the electronic presence of the principal.**

43           **5. A person who acts in reliance upon an electronically executed written estate**  
44 **planning document shall not be liable to any person for so relying and may assume**  
45 **without inquiry the valid execution of the electronically executed written estate planning**  
46 **document.**

47           **6. This section does not require a written estate planning document to be**  
48 **electronically signed.**

49           **7. The laws of this state and principles of equity applicable to any estate**  
50 **planning document shall apply to any electronic estate planning document except as**  
51 **modified by this section.**

**474.562. The provisions of sections 474.540 to 474.564 modify, limit, and**  
2 **supersede the federal Electronic Signatures in Global and National Commerce Act, 15**  
3 **U.S.C. Section 7001 et seq., but do not modify, limit, or supersede Section 101(c) of that**  
4 **act, 15 U.S.C. 7001(c), or authorize electronic delivery of any of the notices described in**  
5 **Section 103(b) of that act, 15 U.S.C. Section 7003(b).**

**474.564. The provisions of sections 474.540 to 474.564 shall apply to the will of a**  
2 **decedent who dies on or after August 28, 2023, and to each other written estate planning**  
3 **document signed or remotely witnessed on or after August 28, 2023.**

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

2           **(1) "Applicable state of emergency", the period between April 6, 2020, and**  
3 **December 31, 2021, during which a state of emergency existed due to a COVID-19**  
4 **public health threat, as proclaimed by the governor, and during which executive orders**  
5 **20-08, 20-10, 20-12, 20-14, 20-19, 21.07, and 21.09 temporarily suspended the physical**  
6 **appearance requirements under chapter 474 and authorized the use of audio-visual**  
7 **technology to the extent that any Missouri statute required the physical presence of any**  
8 **testator, settlor, principal, witness, notary, or other person necessary for the effective**  
9 **execution of any estate planning document such as a will, trust, or power of attorney, or**  
10 **a self-proving affidavit of the execution of such document, if the conditions set forth in**  
11 **the executive orders were met;**

12           **(2) "Estate planning document", includes, but is not limited to:**

13           **(a) A will;**

14           **(b) A codicil;**

15           **(c) A power of attorney or durable power of attorney;**

16           **(d) A health care declaration;**

17           **(e) An advance directive;**

18           **(f) A power of attorney for health care or a durable power of attorney for health**  
19 **care;**

20           **(g) A revocable trust or amendment thereto, or modification or revocation**  
21 **thereof;**

22           **(h) An irrevocable trust;**

23           **(i) A beneficiary deed;**

24           **(j) A nonprobate transfer; or**

25           **(k) A document modifying, amending, correcting, or revoking any written estate**  
26 **planning document;**

27           **(3) "Necessary person", any testator, settlor, grantor, principal, declarant,**  
28 **witness, notary, or other person required for the effective execution of any estate**  
29 **planning document in this state;**

30           **(4) "Physical presence requirement", includes, but is not limited to, any**  
31 **requirement of physical presence under section 404.705, 459.015, 474.320, or 474.337 or**  
32 **chapter 486.**

33           **2. With respect to the execution of an estate planning document, a necessary**  
34 **person shall be deemed to have satisfied any physical presence requirement under**  
35 **Missouri statute during the applicable state of emergency if the following requirements**  
36 **were met:**

37           **(1) The signer affirmatively represented that the signer was physically situated**  
38 **in the state of Missouri;**

39           **(2) The notary was physically located in the state of Missouri and stated in which**  
40 **county the notary was physically located for the jurisdiction on the acknowledgment;**

41           **(3) The notary identified the signers to the satisfaction of the notary and current**  
42 **law;**

43           **(4) Any person whose signature was required appeared using video conference**  
44 **software where live, interactive audio-visual communication between the principal,**  
45 **notary, and any other necessary person allowed for observation, direct interaction, and**  
46 **communication at the time of signing; and**

47           **(5) The notary recorded in the notary's journal the exact time and means used to**  
48 **perform the notarial act, along with all other required information, absent the wet**  
49 **signatures.**

50           **3. The requirements of subdivisions (1) to (5) of subsection 2 of this section shall**  
51 **be deemed satisfied if an attorney who is licensed or authorized to practice law in**  
52 **Missouri and who was present at the remote execution signs a written acknowledgment**  
53 **made before an officer authorized to administer oaths under the laws of this state, and**  
54 **evidenced by the officer's certificate, under official seal, affixed to or logically associated**

55 with the acknowledgment. The form and content of the acknowledgment shall be  
56 substantially as follows:

57 State of \_\_\_\_\_

58 County of \_\_\_\_\_

59 **AFFIDAVIT OF REMOTE EXECUTION OF DOCUMENTS**

60 I, \_\_\_\_\_, am an attorney licensed or authorized to practice law in the state  
61 of Missouri.

62 On \_\_\_\_\_ (date), I convened with the following individuals via video conference  
63 software that allowed for live, interactive audio-visual communication between  
64 the parties to the conference and that also allowed for observation, direction,  
65 interaction, and communication between:

66 \_\_\_\_\_, the (testator, settlor, grantor, principal, or declarant);

67 \_\_\_\_\_, a witness;

68 \_\_\_\_\_, a second witness; and

69 \_\_\_\_\_ a notary public.

70 During the conference, \_\_\_\_\_, the (testator, settlor, grantor, principal, or  
71 declarant) signed the following estate planning document or documents: (a will,  
72 codicil, power of attorney, durable power of attorney, health care declaration,  
73 advance directive, health care power of attorney, revocable trust, irrevocable  
74 trust, beneficiary deed, nonprobate transfer, self-proving affidavit of the  
75 execution of a will, or a document modifying, amending, correcting, or  
76 revoking one of these estate planning documents).

77 All the parties to the conference represented that they were physically located in  
78 the state of Missouri at the time of the signing.

79 I have reviewed and am familiar with the requirements of the applicable  
80 executive order or orders in effect at the time and affirm that the remote  
81 execution of the estate planning document or documents met all the requirements  
82 of the applicable executive order or orders.

83 In witness whereof I, an officer authorized to administer oaths, have hereunto  
84 subscribed my name and affixed my official seal this \_\_\_\_\_ (date).

85 (Signed)

86 \_\_\_\_\_

87 (SEAL)

88 \_\_\_\_\_

89 (Official capacity of officer)

475.010. When used in this chapter, unless otherwise apparent from the context, the  
2 following terms mean:

3 (1) "Adult", a person who has reached the age of eighteen years;

4 (2) "Claims", liabilities of the protectee arising in contract, in tort or otherwise, before  
5 or after the appointment of a conservator, and liabilities of the estate which arise at or after the  
6 adjudication of disability or after the appointment of a conservator of the estate, including  
7 expenses of the adjudication and of administration. The term does not include demands or  
8 disputes regarding title of the protectee to specific assets alleged to be included in the estate;

9 (3) "Conservator", one appointed by a court to have the care and custody of the estate  
10 of a minor or a disabled person. A "limited conservator" is one whose duties or powers are  
11 limited. The term "conservator", as used in this chapter, includes limited conservator unless  
12 otherwise specified or apparent from the context;

13 (4) "Conservator ad litem", one appointed by the court in which particular litigation is  
14 pending regarding the management of financial resources on behalf of a minor, a disabled  
15 person, or an unborn person in that particular proceeding or as otherwise specified in this  
16 chapter;

17 (5) "Custodial parent", the parent of a minor who has been awarded sole or joint  
18 physical custody of such minor, or the parent of an incapacitated person who has been  
19 appointed as guardian of such person, by an order or judgment of a court of this state or of  
20 another state or territory of the United States, or if there is no such order or judgment, the  
21 parent with whom the minor or incapacitated person primarily resides;

22 (6) "Disabled" or "disabled person", one who is:

23 (a) Unable by reason of any physical, mental, or cognitive condition to receive and  
24 evaluate information or to communicate decisions to such an extent that the person lacks  
25 ability to manage the person's financial resources; or

26 (b) The term disabled or disabled person, as used in this chapter includes the terms  
27 partially disabled or partially disabled person unless otherwise specified or apparent from the  
28 context;

29 (7) "Eligible person" or "qualified person", a natural person, social service agency,  
30 corporation or national or state banking organization qualified to act as guardian of the person  
31 or conservator of the estate pursuant to the provisions of section 475.055;

32 (8) "Guardian", one appointed by a court to have the care and custody of the person of  
33 a minor or of an incapacitated person. A "limited guardian" is one whose duties or powers are  
34 limited. A "standby guardian" is one approved by the court to temporarily assume the duties  
35 of guardian of a minor or of an incapacitated person under section 475.046. The term  
36 guardian, as used in this chapter, includes limited guardian and standby guardian unless  
37 otherwise specified or apparent from the context;

38 (9) "Guardian ad litem", one appointed by a court, in which particular litigation is  
39 pending on behalf of a minor, an incapacitated person, a disabled person, or an unborn person  
40 in that particular proceeding or as otherwise specified in this code;

41 (10) "Habilitation", a process of treatment, training, care, or specialized attention that  
42 seeks to enhance and maximize the ability of a person with an intellectual disability or a  
43 developmental disability to cope with the environment and to live as determined by the  
44 person as much as possible, as is appropriate for the person considering his or her physical  
45 and mental condition and financial means;

46 (11) "Incapacitated person", one who is unable by reason of any physical, mental, or  
47 cognitive condition to receive and evaluate information or to communicate decisions to such  
48 an extent that the person, even with appropriate services and assistive technology, lacks  
49 capacity to manage the person's essential requirements for food, clothing, shelter, safety or  
50 other care such that serious physical injury, illness, or disease is likely to occur. The term  
51 incapacitated person as used in this chapter includes the term partially incapacitated person  
52 unless otherwise specified or apparent from the context;

53 (12) "Interested persons", spouses, children, parents, **persons acting as parents**,  
54 adult members of a ward's or protectee's family, creditors or any others having a property  
55 right or claim against the estate of a protectee being administered, trustees of a trust of which  
56 the ward or protectee is a beneficiary, agents of a durable power of attorney for a ward or  
57 protectee, and children of a protectee who may have a property right or claim against or an  
58 interest in the estate of a protectee. This meaning may vary at different stages and different  
59 parts of a proceeding and shall be determined according to the particular purpose and matter  
60 involved;

61 (13) "Least restrictive alternative", with respect to the guardianship order and the  
62 exercise of power by the guardian, a course of action or an alternative that allows the  
63 incapacitated person to live, learn, and work with minimum restrictions on the person, as are  
64 appropriate for the person considering his or her physical and mental condition and financial  
65 means. Least restrictive alternative also means choosing the decision or approach that:

66 (a) Places the least possible restriction on the person's personal liberty and exercise of  
67 rights and that promotes the greatest possible inclusion of the person into his or her  
68 community, as is appropriate for the person considering his or her physical and mental  
69 condition and financial means; and

70 (b) Is consistent with meeting the person's essential requirements for health, safety,  
71 habilitation, treatment, and recovery and protecting the person from abuse, neglect, and  
72 financial exploitation;

73 (14) "Manage financial resources", either those actions necessary to obtain,  
74 administer, and dispose of real and personal property, intangible property, business property,

75 benefits, income or any assets, or those actions necessary to prevent waste, loss or dissipation  
76 of property, or those actions necessary to provide for the care and support of such person or  
77 anyone legally dependent upon such person by a person of ordinary skills and intelligence  
78 commensurate with his or her training and education;

79 (15) "Minor", any person who is under the age of eighteen years;

80 (16) "Parent", the biological or adoptive mother or father of a child whose parental  
81 rights have not been terminated under chapter 211, including:

82 (a) A person registered as the father of the child by reason of an unrevoked notice of  
83 intent to claim paternity under section 192.016;

84 (b) A person who has acknowledged paternity of the child and has not rescinded that  
85 acknowledgment under section 193.215; and

86 (c) A person presumed to be the natural father of the child under section 210.822;

87 (17) "Partially disabled person", one who is unable by reason of any physical, mental,  
88 or cognitive condition to receive and evaluate information or to communicate decisions to  
89 such an extent that such person lacks capacity to manage, in part, his or her financial  
90 resources;

91 (18) "Partially incapacitated person", one who is unable by reason of any physical,  
92 mental, or cognitive condition to receive and evaluate information or to communicate  
93 decisions to the extent that such person lacks capacity to meet, in part, essential requirements  
94 for food, clothing, shelter, safety, or other care without court-ordered assistance;

95 (19) **"Persons acting as parents" or "person acting as a parent", a person, other**  
96 **than a parent, who has physical custody of the child or has had physical custody for a**  
97 **period of six consecutive months, including any temporary absence, immediately prior**  
98 **to the commencement of the guardianship or conservatorship under this chapter;**

99 (20) **"Physical custody", the physical care and supervision of a child;**

100 (21) "Protectee", a person for whose estate a conservator or limited conservator has  
101 been appointed or with respect to whose estate a transaction has been authorized by the court  
102 under section 475.092 without appointment of a conservator or limited conservator;

103 ~~[(20)]~~ (22) "Seriously ill", a significant likelihood that a person will become  
104 incapacitated or die within twelve months;

105 ~~[(21)]~~ (23) "Social service agency", a charitable organization organized and  
106 incorporated as a not-for-profit corporation under the laws of this state and which qualifies as  
107 an exempt organization within the meaning of Section 501(c)(3), or any successor provision  
108 thereto of the federal Internal Revenue Code;

109 ~~[(22)]~~ (24) "Standby guardian", one who is authorized to have the temporary care and  
110 custody of the person of a minor or of an incapacitated person under the provisions of section  
111 475.046;



112           ~~[(23)]~~ **(25)** "Treatment", the prevention, amelioration or cure of a person's physical  
113 and mental illnesses or incapacities;

114           ~~[(24)]~~ **(26)** "Ward", a minor or an incapacitated person for whom a guardian, limited  
115 guardian, or standby guardian has been appointed.

          475.045. 1. Except in cases where they fail or refuse to give required security or are  
2 adjudged unfit for the duties of guardianship or conservatorship, or waive their rights to be  
3 appointed, the following persons, if otherwise qualified, shall be appointed as guardians or  
4 conservators of minors:

5           (1) The parent or parents of the minor, except as provided in section 475.030 **or**  
6 **475.050**;

7           (2) **A person acting as a parent for the minor entering adult guardianship or**  
8 **conservatorship**;

9           (3) If any minor over the age of fourteen years has no qualified parent living, a person  
10 nominated by the minor, unless the court finds appointment contrary to the best interests of  
11 the minor;

12           ~~[(3)]~~ (4) Where both parents of a minor are dead, any person appointed under this  
13 section or section 475.046 by the will of the last surviving parent, who has not been adjudged  
14 unfit or incompetent for the duties of guardian or conservator.

15           2. Unfitness of any of the persons mentioned in subsection 1 for the duties of  
16 guardianship or conservatorship may be adjudged by the court after due notice and hearing.

17           3. If no appointment is made under subsection 1 of this section, the court shall  
18 appoint as guardian or conservator of a minor the most suitable person who is willing to serve  
19 and whose appointment serves the best interests of the child to a stable and permanent  
20 placement.

          475.050. 1. Before appointing any other eligible person as guardian of an  
2 incapacitated person, or conservator of a disabled person, the court shall consider the  
3 suitability of appointing any of the following persons, listed in the order of priority, who  
4 appear to be willing to serve:

5           (1) If the incapacitated or disabled person is, at the time of the hearing, able to make  
6 and communicate a reasonable choice, any eligible person nominated by the person;

7           (2) Any eligible person nominated in a durable power of attorney executed by the  
8 incapacitated or disabled person, or in an instrument in writing signed by the incapacitated or  
9 disabled person and by two witnesses who signed at the incapacitated or disabled person's  
10 request, before the inception of the person's incapacity or disability;

11           (3) The spouse, parents, **persons acting as parents**, adult children, adult brothers and  
12 sisters and other close adult relatives of the incapacitated or disabled person;

13 (4) Any other eligible person or, with respect to the estate only, any eligible  
14 organization or corporation, nominated in a duly probated will of such a spouse or relative.

15 2. The court shall not appoint an unrelated third party as a guardian or conservator  
16 unless there is no relative suitable and willing to serve or if the appointment of a relative or  
17 nominee is otherwise contrary to the best interests of the incapacitated or disabled person. If  
18 the incapacitated or disabled person is a minor under the care of the children's division **or a**  
19 **person acting as a parent** and is entering adult guardianship or conservatorship, it shall be a  
20 rebuttable presumption that he or she has no relative suitable and willing to serve as guardian  
21 or conservator.

22 3. Except for good cause shown, the court shall make its appointment in accordance  
23 with the incapacitated or disabled person's most recent valid nomination of an eligible person  
24 qualified to serve as guardian of the person or conservator of the estate.

25 4. Except for those individuals specified in subdivisions (1) and (2) of this subsection,  
26 the court shall require all guardians and conservators who are seeking appointment and who  
27 have a fiduciary responsibility to a ward, an incapacitated person, or a disabled person to  
28 submit at their own expense to a background screening that shall include the disqualification  
29 lists of the departments of mental health, social services, and health and senior services; the  
30 abuse and neglect registries for adults and children; a Missouri criminal record review; and  
31 the sexual offender registry. Individuals seeking appointment as a conservator shall also  
32 submit, at their own expense, to a credit history investigation. The nominated guardian or  
33 conservator shall file the results of the reports with the court at least ten days prior to the  
34 appointment hearing date unless waived or modified by the court for good cause shown by an  
35 affidavit filed simultaneously with the petition for appointment or in the event the protected  
36 person requests an expedited hearing. The provisions of this subsection shall not apply to:

37 (1) Public administrators; or

38 (2) **Unless requested by any party**, the ward's, incapacitated person's, or disabled  
39 person's spouse, parents, **persons acting as parents**, children who have reached eighteen  
40 years of age, ~~or~~ siblings who have reached eighteen years of age, **or grandparents seeking**  
41 **guardianship or conservatorship of a minor grandchild, unless such background reports**  
42 **are requested by any other party to the proceeding, the guardian ad litem for the minor**  
43 **child, or otherwise ordered by the court on its own motion.**

44 5. **Any grandparent seeking guardianship or conservatorship of a minor**  
45 **grandchild shall not be subject to a home assessment unless the home assessment is**  
46 **requested by any other party to the proceeding, the guardian ad litem for the minor**  
47 **child, or otherwise ordered by the court on its own motion.**

48 6. Guardians certified by a national accrediting organization may file proof of  
49 certification in lieu of the requirements of subsections 4 and 6 of this section.

50 [6:] 7. An order appointing a guardian or conservator shall not be signed by the judge  
51 until such reports have been filed with the court and reviewed by the judge, who shall  
52 consider the reports in determining whether to appoint a guardian or conservator. Such  
53 reports, or lack thereof, shall be certified either by an affidavit or by obtaining a certified copy  
54 of the reports. No reports or national criminal history record check shall be required by the  
55 court upon the application of a petitioner for an emergency temporary guardianship or  
56 emergency temporary conservatorship. The court may waive the requirements of this  
57 subsection for good cause shown. If appointed, a guardian or conservator may petition the  
58 court for reimbursement of the reasonable expenses of the credit history investigation and  
59 background screenings.

**475.063. 1. A petition for emergency, temporary, and full orders regarding a  
2 minor entering adult guardianship or conservatorship shall be filed as provided under  
3 this chapter.**

**4 2. (1) A clerk of a court shall make available to a petitioner uniform forms  
5 adopted by the Missouri supreme court for a proceeding under this section.**

**6 (2) Except as otherwise provided by law, a clerk under the supervision of a  
7 circuit clerk shall provide assistance to a petitioner who is not represented by counsel  
8 with the procedures for filing all forms and pleadings necessary for the presentation of  
9 the petitioner's petition under this section. Notice of the fact that a clerk will provide  
10 such assistance shall be conspicuously posted in the clerk's office. The location of the  
11 office where a petition may be filed shall be conspicuously posted in the court building.  
12 The performance of duties prescribed in this section shall not constitute the practice of  
13 law as defined in section 484.010.**

**14 (3) All duties of the clerk prescribed in this section shall be performed without  
15 cost to the petitioner. The Missouri supreme court may promulgate rules as necessary  
16 to govern conduct of a court clerk under this chapter and provide forms for petitions  
17 and written instructions on completing all forms and pleadings necessary for the  
18 presentation of the petition to the court.**

**19 3. No filing fees or court costs shall be assessed to the petitioner in an action  
20 commenced under this section.**

**21 4. Any expenses incurred by the clerk under this section may be reimbursed  
22 from moneys deposited into a family services and justice fund under section 488.2300.**

**476.055. 1. There is hereby established in the state treasury the "Statewide Court  
2 Automation Fund". All moneys collected pursuant to section 488.027, as well as gifts,  
3 contributions, devises, bequests, and grants received relating to automation of judicial record  
4 keeping, and moneys received by the judicial system for the dissemination of information and  
5 sales of publications developed relating to automation of judicial record keeping, shall be**

6 credited to the fund. Moneys credited to this fund may only be used for the purposes set forth  
7 in this section and as appropriated by the general assembly. Any unexpended balance  
8 remaining in the statewide court automation fund at the end of each biennium shall not be  
9 subject to the provisions of section 33.080 requiring the transfer of such unexpended balance  
10 to general revenue[; ~~except that, any unexpended balance remaining in the fund on September~~  
11 ~~1, 2023, shall be transferred to general revenue].~~

12         2. The statewide court automation fund shall be administered by a court automation  
13 committee consisting of the following: the chief justice of the supreme court, a judge from  
14 the court of appeals, four circuit judges, four associate circuit judges, four employees of the  
15 circuit court, **two municipal employees who work full time in a municipal division of a**  
16 **circuit court**, the commissioner of administration, two members of the house of  
17 representatives appointed by the speaker of the house, two members of the senate  
18 appointed by the president pro tem of the senate, the executive director of the Missouri office  
19 of prosecution services, the director of the state public defender system, and two members of  
20 the Missouri Bar. The judge members and employee members shall be appointed by the chief  
21 justice. The commissioner of administration shall serve ex officio. The members of the  
22 Missouri Bar shall be appointed by the board of governors of the Missouri Bar. Any member  
23 of the committee may designate another person to serve on the committee in place of the  
24 committee member.

25         3. The committee shall develop and implement a plan for a statewide court  
26 automation system. The committee shall have the authority to hire consultants, review  
27 systems in other jurisdictions and purchase goods and services to administer the provisions of  
28 this section. The committee may implement one or more pilot projects in the state for the  
29 purposes of determining the feasibility of developing and implementing such plan. The  
30 members of the committee shall be reimbursed from the court automation fund for their actual  
31 expenses in performing their official duties on the committee.

32         4. Any purchase of computer software or computer hardware that exceeds five  
33 thousand dollars shall be made pursuant to the requirements of the office of administration for  
34 lowest and best bid. Such bids shall be subject to acceptance by the office of administration.  
35 The court automation committee shall determine the specifications for such bids.

36         5. The court automation committee shall not require any circuit court to change any  
37 operating system in such court, unless the committee provides all necessary personnel, funds  
38 and equipment necessary to effectuate the required changes. No judicial circuit or county  
39 may be reimbursed for any costs incurred pursuant to this subsection unless such judicial  
40 circuit or county has the approval of the court automation committee prior to incurring the  
41 specific cost.

42           6. Any court automation system, including any pilot project, shall be implemented,  
43 operated and maintained in accordance with strict standards for the security and privacy of  
44 confidential judicial records. Any person who knowingly releases information from a  
45 confidential judicial record is guilty of a class B misdemeanor. Any person who, knowing  
46 that a judicial record is confidential, uses information from such confidential record for  
47 financial gain is guilty of a class E felony.

48           7. On the first day of February, May, August and November of each year, the court  
49 automation committee shall file a report on the progress of the statewide automation system  
50 with:

- 51           (1) The chair of the house budget committee;
- 52           (2) The chair of the senate appropriations committee;
- 53           (3) The chair of the house judiciary committee; and
- 54           (4) The chair of the senate judiciary committee.

55           8. ~~[Section 488.027 shall expire on September 1, 2023.]~~ The court automation  
56 committee established pursuant to this section may continue to function until completion of  
57 its duties prescribed by this section~~[-but shall complete its duties prior to September 1, 2025.~~

58           9. ~~This section shall expire on September 1, 2025].~~

**476.1025. A parent, spouse, child, or personal representative of a person who  
2 was convicted of a misdemeanor offense may file a motion with the court in which the  
3 person was convicted to have the record of such offense made confidential in any  
4 automated case management system if such person has been deceased for six months or  
5 more. Upon such motion accompanied by a copy of the death certificate of the deceased  
6 person, the court shall make the case confidential. Prior to making the case  
7 confidential, the court shall determine whether any person would be unfairly prejudiced  
8 by making such record confidential in any automated case management system.**

**476.1300. 1. Sections 476.1300 to 476.1310 shall be known and may be cited as  
2 the "Judicial Privacy Act".**

**3           2. As used in sections 476.1300 to 476.1310, the following terms mean:**

**4           (1) "Government agency", all agencies, authorities, boards, commissions,  
5 departments, institutions, offices, and any other bodies politic and corporate of the state  
6 created by the constitution or statute, whether in the executive, judicial, or legislative  
7 branch; all units and corporate outgrowths created by executive order of the governor  
8 or any constitutional officer, by the supreme court, or by resolution of the general  
9 assembly; agencies, authorities, boards, commissions, departments, institutions, offices,  
10 and any other bodies politic and corporate of a political subdivision, including school  
11 districts; and any public governmental body as that term is defined in section 610.010;**

12           **(2) "Home address", a judicial officer's permanent residence and any secondary**  
13 **residences affirmatively identified by the judicial officer, but does not include a judicial**  
14 **officer's work address;**

15           **(3) "Immediate family", a judicial officer's spouse, child, adoptive child, foster**  
16 **child, parent, or any unmarried companion of the judicial officer or other familial**  
17 **relative of the judicial officer or the judicial officer's spouse who lives in the same**  
18 **residence;**

19           **(4) "Judicial officer", actively employed, formerly employed, or retired:**

20           **(a) Justices of the Supreme Court of the United States;**

21           **(b) Judges of the United States Court of Appeals;**

22           **(c) Judges and magistrate judges of the United States District Courts;**

23           **(d) Judges of the United States Bankruptcy Court;**

24           **(e) Judges of the Missouri supreme court;**

25           **(f) Judges of the Missouri court of appeals;**

26           **(g) Judges and commissioners of the Missouri circuit courts, including of the**  
27 **divisions of a circuit court; and**

28           **(h) Prosecuting or circuit attorney, or assistant prosecuting or circuit attorney;**

29           **(5) "Personal information", a home address, home telephone number, mobile**  
30 **telephone number, pager number, personal email address, Social Security number,**  
31 **federal tax identification number, checking and savings account numbers, credit card**  
32 **numbers, marital status, and identity of children under eighteen years of age;**

33           **(6) "Publicly available content", any written, printed, or electronic document or**  
34 **record that provides information or that serves as a document or record maintained,**  
35 **controlled, or in the possession of a government agency that may be obtained by any**  
36 **person or entity, from the internet, from the government agency upon request either**  
37 **free of charge or for a fee, or in response to a request pursuant to chapter 610 or the**  
38 **federal Freedom of Information Act, 5 U.S.C. Section 552, as amended;**

39           **(7) "Publicly post or display", to communicate to another or to otherwise make**  
40 **available to the general public;**

41           **(8) "Written request", written or electronic notice signed by:**

42           **(a) A state judicial officer and submitted to the clerk of the Missouri supreme**  
43 **court or the clerk's designee; or**

44           **(b) A federal judicial officer and submitted to that judicial officer's clerk of the**  
45 **court or the clerk's designee;**

46

47 **that is transmitted by the applicable clerk to a government agency, person, business, or**  
48 **association to request such government agency, person, business, or association refrain**

49 from posting or displaying publicly available content that includes the judicial officer's  
50 personal information.

476.1302. 1. A government agency shall not publicly post or display publicly  
2 available content that includes a judicial officer's personal information, provided that  
3 the government agency has received a written request that the agency refrain from  
4 disclosing the judicial officer's personal information. After a government agency has  
5 received a written request, the government agency shall remove the judicial officer's  
6 personal information from publicly available content within five business days. After  
7 the government agency has removed the judicial officer's personal information from  
8 publicly available content, the government agency shall not publicly post or display the  
9 judicial officer's personal information and the judicial officer's personal information  
10 shall be exempted from the provisions of chapter 610, unless the government agency has  
11 received written consent from the judicial officer to make the personal information  
12 available to the public.

13 2. If a government agency fails to comply with a written request to refrain from  
14 disclosing personal information, the judicial officer may bring an action seeking  
15 injunctive or declaratory relief in any court of competent jurisdiction. If the court  
16 grants injunctive or declaratory relief, the court may award costs and reasonable  
17 attorney's fees to the judicial officer.

18 3. The provisions of subsection 1 of this section shall not apply to any  
19 government agency created under section 43.020.

476.1304. 1. No person, business, or association shall publicly post or display on  
2 the internet publicly available content that includes a judicial officer's personal  
3 information, provided that the judicial officer has made a written request to the person,  
4 business, or association that it refrain from disclosing the personal information.

5 2. No person, business, or association shall solicit, sell, or trade on the internet a  
6 judicial officer's personal information for purposes of tampering with a judicial officer  
7 in violation of section 575.095 or with the intent to pose an imminent and serious threat  
8 to the health and safety of the judicial officer or the judicial officer's immediate family.

9 3. As prohibited in this section, persons, businesses, or associations posting,  
10 displaying, soliciting, selling, or trading a judicial officer's personal information on the  
11 internet includes, but is not limited to, internet phone directories, internet search  
12 engines, internet data aggregators, and internet service providers.

476.1306. 1. After a person, business, or association has received a written  
2 request from a judicial officer to protect the privacy of the officer's personal  
3 information, that person, business, or association shall have five business days to  
4 remove the personal information from the internet.

5           **2. After a person, business, or association has received a written request from a**  
6 **judicial officer, that person, business, or association shall ensure that the judicial**  
7 **officer's personal information is not made available on any website or subsidiary**  
8 **website controlled by that person, business, or association.**

9           **3. After receiving a judicial officer's written request, no person, business, or**  
10 **association shall make available the judicial officer's personal information to any other**  
11 **person, business, or association through any medium.**

**476.1308. A judicial officer whose personal information is made public as a**  
2 **result of a violation of sections 476.1304 to 476.1306 may bring an action seeking**  
3 **injunctive or declaratory relief in any court of competent jurisdiction. If the court**  
4 **grants injunctive or declaratory relief, the person, business, or association responsible**  
5 **for the violation shall be required to pay the judicial officer's costs and reasonable**  
6 **attorney's fees.**

**476.1310. 1. No government agency, person, business, or association shall be**  
2 **found to have violated any provision of sections 476.1300 to 476.1310 if the judicial**  
3 **officer fails to submit a written request calling for the protection of the judicial officer's**  
4 **personal information.**

5           **2. A written request shall be valid if:**

6           **(1) The judicial officer sends a written request directly to a government agency,**  
7 **person, business, or association; or**

8           **(2) The judicial officer complies with a Missouri supreme court rule for a state**  
9 **judicial officer to file the written request with the clerk of the Missouri supreme court or**  
10 **the clerk's designee to notify government agencies and such notice is properly delivered**  
11 **by mail or electronic format.**

12           **3. In each quarter of a calendar year, the clerk of the Missouri supreme court or**  
13 **the clerk's designee shall provide a list of all state judicial officers who have submitted a**  
14 **written request under this section to the appropriate officer with ultimate supervisory**  
15 **authority for a government agency. The officer shall promptly provide a copy of the list**  
16 **to all government agencies under his or her supervision. Receipt of the written request**  
17 **list compiled by the clerk of the Missouri supreme court or the clerk's designee by a**  
18 **government agency shall constitute a written request to that government agency for the**  
19 **purposes of sections 476.1300 to 476.1310.**

20           **4. The chief clerk or circuit clerk of the court where the judicial officer serves**  
21 **may submit a written request on the judicial officer's behalf, provided that the judicial**  
22 **officer gives written consent to the clerk and provided that the clerk agrees to furnish a**  
23 **copy of that consent when a written request is made. The chief clerk or circuit clerk**  
24 **shall submit the written request as provided by subsection 2 of this section.**



25           **5. A judicial officer's written request shall specify what personal information**  
26 **shall be maintained as private. If a judicial officer wishes to identify a secondary**  
27 **residence as a home address, the designation shall be made in the written request. A**  
28 **judicial officer shall disclose the identity of his or her immediate family and indicate**  
29 **that the personal information of those members of the immediate family shall also be**  
30 **excluded to the extent that it could reasonably be expected to reveal the personal**  
31 **information of the judicial officer. A judicial officer shall make reasonable efforts to**  
32 **identify specific publicly available content in the possession of a government agency.**

33           **6. A judicial officer's written request is valid until the judicial officer provides**  
34 **the government agency, person, business, or association with written consent to release**  
35 **the personal information. A judicial officer's written request expires on such judicial**  
36 **officer's death.**

37           **7. The provisions of sections 476.1300 to 476.1310 shall not apply to any**  
38 **disclosure of personal information of a judicial officer or a member of a judicial officer's**  
39 **immediate family as required by Article VIII, Section 23 of the Missouri Constitution,**  
40 **sections 105.470 to 105.482, section 105.498, and chapter 130.**

**476.1313. 1. Notwithstanding any other provision of law to the contrary, a**  
2 **recorder of deeds shall meet the requirements of the provisions of sections 476.1300 to**  
3 **476.1310 by complying with this section. As used in this section, the following terms**  
4 **mean:**

5           **(1) "Eligible documents", documents or instruments that are maintained by and**  
6 **located in the office of the recorder of deeds that are accessed electronically;**

7           **(2) "Immediate family", shall have the same meaning as in section 476.1300;**

8           **(3) "Indexes", indexes maintained by and located in the office of the recorder of**  
9 **deeds that are accessed electronically;**

10          **(4) "Judicial officer", shall have the same meaning as in section 476.1300;**

11          **(5) "Recorder of deeds", shall have the same meaning as in section 59.005;**

12          **(6) "Shield", "shielded", or "shielding", a prohibition against the general**  
13 **public's electronic access to eligible documents and the unique identifier and recording**  
14 **date contained in indexes for eligible documents;**

15          **(7) "Written request", written or electronic notice signed by:**

16           **(a) A state judicial officer and submitted to the clerk of the Missouri supreme**  
17 **court or the clerk's designee; or**

18           **(b) A federal judicial officer and submitted to that judicial officer's clerk of the**  
19 **court or the clerk's designee;**

20

21 that is transmitted electronically by the applicable clerk to a recorder of deeds to  
22 request that eligible documents be shielded.

23       2. Written requests transmitted to a recorder of deeds shall only include  
24 information specific to eligible documents maintained by that county. Any written  
25 request transmitted to a recorder of deeds shall include the requesting judicial officer's  
26 full legal name or legal alias and a document locator number for each eligible document  
27 for which the judicial officer is requesting shielding. If the judicial officer is not a party  
28 to the instrument but is requesting shielding for an eligible document in which an  
29 immediate family member is a party to the instrument, the full legal name or legal alias  
30 of the immediate family member shall also be provided.

31       3. Not more than five business days after the date on which the recorder of deeds  
32 receives the written request, the recorder of deeds shall shield the eligible documents  
33 listed in the written request. Within five business days of receipt, the recorder of deeds  
34 shall electronically reply to the written request with a list of any document locator  
35 numbers submitted under subsection 2 of this section not found in the records  
36 maintained by that recorder of deeds.

37       4. If the full legal name or legal alias of the judicial officer or immediate family  
38 member provided does not appear on an eligible document listed in the written request,  
39 the recorder of deeds may electronically reply to the written request with this  
40 information. The recorder of deeds may delay shielding such eligible document until  
41 electronic confirmation is received from the applicable court clerk or judicial officer.

42       5. In order to shield subsequent eligible documents, the judicial officer shall  
43 present to the recorder of deeds at the time of recording a copy of his or her written  
44 request. The recorder of deeds shall ensure that the eligible document is shielded within  
45 five business days.

46       6. Eligible documents shall remain shielded until the recorder of deeds receives a  
47 court order or notarized affidavit signed by the judicial officer directing the recorder of  
48 deeds to terminate shielding.

49       7. The provisions of this section shall not prohibit access to a shielded eligible  
50 document by an individual or entity that provides to the recorder of deeds a court order  
51 or notarized affidavit signed by the judicial officer.

52       8. No recorder of deeds shall be liable for any damages under this section,  
53 provided the recorder of deeds made a good faith effort to comply with the provisions of  
54 this section. No recorder of deeds shall be liable for the release of any eligible document  
55 or any data from any eligible document that was released or accessed prior to the  
56 eligible document being shielded pursuant to this section.

485.060. 1. Each court reporter for a circuit judge shall receive an annual salary of  
2 twenty-six thousand nine hundred dollars beginning January 1, 1985, until December 31,  
3 1985, and beginning January 1, 1986, an annual salary of thirty thousand dollars.

4 2. Such annual salary shall be modified by any salary adjustment provided by section  
5 476.405.

6 3. Beginning January 1, 2022, the annual salary, as modified under section 476.405,  
7 shall be adjusted upon meeting the minimum number of cumulative years of service as a court  
8 reporter with a circuit court of this state by the following schedule:

9 (1) For each court reporter with zero to five years of service: the annual salary shall  
10 be increased only by any salary adjustment provided by section 476.405;

11 (2) For each court reporter with six to ten years of service: the annual salary shall be  
12 increased by **the whole sum of five and one-quarter percent in addition to the increase**  
13 **provided by subdivision (1) of this subsection;**

14 (3) For each court reporter with eleven to fifteen years of service: the annual salary  
15 shall be increased by **the whole sum of eight and one-quarter percent in addition to the**  
16 **increase provided by subdivision (2) of this subsection;**

17 (4) For each court reporter with sixteen to twenty years of service: the annual salary  
18 shall be increased by **the whole sum of eight and one-half percent in addition to the**  
19 **increase provided by subdivision (3) of this subsection;** or

20 (5) For each court reporter with twenty-one or more years of service: the annual  
21 salary shall be increased by **the whole sum of eight and three-quarters percent in addition to**  
22 **the increase provided by subdivision (4) of this subsection.**

23

24 ~~[A court reporter may receive multiple adjustments under this subsection as his or her~~  
25 ~~cumulative years of service increase, but only one percentage listed in subdivisions (1) to (5)~~  
26 ~~of this subsection shall apply to the annual salary at a time.]~~

27 4. Salaries shall be payable in equal monthly installments on the certification of the  
28 judge of the court or division in whose court the reporter is employed. If paid by the state, the  
29 salaries of such court reporters shall be paid in semimonthly or monthly installments, as  
30 designated by the commissioner of administration.

487.110. The uniform child custody jurisdiction **and enforcement** act, as enacted in  
2 sections ~~[452.440 to 452.550]~~ **452.700 to 452.930**, shall apply to all **child** custody  
3 proceedings, **as defined in section 452.705**, in the family court.

488.426. 1. The judges of the circuit court, en banc, in any circuit in this state may  
2 require any party filing a civil case in the circuit court, at the time of filing the suit, to deposit  
3 with the clerk of the court a surcharge in addition to all other deposits required by law or court

4 rule. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived or  
5 are to be paid by the county or state or any city.

6         2. The surcharge in effect on August 28, 2001, shall remain in effect until changed by  
7 the circuit court. The circuit court in any circuit, except the circuit court in Jackson County,  
8 **the circuit court in the city of St. Louis**, or the circuit court in any circuit that reimburses the  
9 state for the salaries of family court commissioners under and pursuant to section 487.020,  
10 may change the fee to any amount not to exceed fifteen dollars. The circuit court in Jackson  
11 County, **the circuit court in the city of St. Louis**, or the circuit court in any circuit that  
12 reimburses the state for the salaries of family court commissioners under and pursuant to  
13 section 487.020 may change the fee to any amount not to exceed twenty dollars. A change in  
14 the fee shall become effective and remain in effect until further changed.

15         3. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived  
16 or are paid by the county or state or any city.

17         4. In addition to any fee authorized by subsection 1 of this section, any county of the  
18 first classification with more than one hundred one thousand but fewer than one hundred  
19 fifteen thousand inhabitants may impose an additional fee of ten dollars excluding cases  
20 concerning adoption and those in small claims court. The provisions of this subsection shall  
21 expire on December 31, 2019.

488.2300. 1. A "Family Services and Justice Fund" is hereby established in each  
2 county or circuit with a family court, for the purpose of aiding with the operation of the  
3 family court divisions and services provided by those divisions. In circuits or counties having  
4 a family court, the circuit clerk shall charge and collect a surcharge of thirty dollars in all  
5 proceedings falling within the jurisdiction of the family court. The surcharge shall not be  
6 charged when no court costs are otherwise required, shall not be charged against the petitioner  
7 for actions filed pursuant to the provisions of chapter 455, but may be charged to the  
8 respondent in such actions, shall not be charged to a government agency and shall not be  
9 charged in any proceeding when costs are waived or are to be paid by the state, county or  
10 municipality.

11         2. In juvenile proceedings under chapter 211, a judgment of up to thirty dollars may  
12 be assessed against the child, parent or custodian of the child, in addition to other amounts  
13 authorized by law, in informal adjustments made under the provisions of sections 211.081 and  
14 211.083, and in an order of disposition or treatment under the provisions of section 211.181.  
15 The judgment may be ordered paid to the clerk of the circuit where the assessment is  
16 imposed.

17         3. All sums collected pursuant to this section and section 487.140 shall be payable to  
18 the various county family services and justice funds.

19           4. **Nothing in this section prohibits the general assembly from appropriating**  
20 **moneys into the various county family services and justice funds to be expended for the**  
21 **purposes provided for in this section.**

22           5. Any moneys in the family services and justice fund not expended for salaries of  
23 commissioners, family court administrators and family court staff shall be used toward  
24 funding the enhanced services provided as a result of the establishment of a family court;  
25 however, it shall not replace or reduce the current and ongoing responsibilities of the counties  
26 to provide funding for the courts as required by law. Moneys collected for the family services  
27 and justice fund shall be expended for the benefit of litigants and recipients of services in the  
28 family court, with priority given to **fees incurred under subsection 5 or 7 of section 475.075**  
29 **or expenses incurred under section 475.063, and to** services such as guardians ad litem,  
30 mediation, counseling, home studies, psychological evaluation and other forms of alternative  
31 dispute-resolution services. Expenditures shall be made at the discretion of the presiding  
32 judge or family court administrative judge, as designated by the circuit and associate circuit  
33 judges en banc, for the implementation of the family court system as set forth in this section.  
34 No moneys from the family services and justice fund may be used to pay for mediation in any  
35 cause of action in which domestic violence is alleged.

36           ~~[5-]~~ 6. From the funds collected pursuant to this section and retained in the family  
37 services and justice fund, each circuit or county in which a family court commissioner in  
38 addition to those commissioners existing as juvenile court commissioners on August 28,  
39 1993, have been appointed pursuant to sections 487.020 to 487.040 shall pay to and  
40 reimburse the state for the actual costs of that portion of the salaries of family court  
41 commissioners appointed pursuant to the provisions of sections 487.020 to 487.040.

42           ~~[6-]~~ 7. No moneys deposited in the family services and justice fund may be expended  
43 for capital improvements.

491.075. 1. A statement made by a child under the age of ~~[fourteen]~~ **eighteen**, or a  
2 vulnerable person, relating to an offense under chapter 565, 566, 568 or 573, performed by  
3 another, not otherwise admissible by statute or court rule, is admissible in evidence in  
4 criminal proceedings in the courts of this state as substantive evidence to prove the truth of  
5 the matter asserted if:

- 6           (1) The court finds, in a hearing conducted outside the presence of the jury that the  
7 time, content and circumstances of the statement provide sufficient indicia of reliability; and  
8           (2) (a) The child or vulnerable person testifies at the proceedings; or  
9           (b) The child or vulnerable person is unavailable as a witness; or  
10           (c) The child or vulnerable person is otherwise physically available as a witness but  
11 the court finds that the significant emotional or psychological trauma which would result

12 from testifying in the personal presence of the defendant makes the child or vulnerable person  
13 unavailable as a witness at the time of the criminal proceeding.

14 2. Notwithstanding subsection 1 of this section or any provision of law or rule of  
15 evidence requiring corroboration of statements, admissions or confessions of the defendant,  
16 and notwithstanding any prohibition of hearsay evidence, a statement by a child when under  
17 the age of ~~fourteen~~ **eighteen**, or a vulnerable person, who is alleged to be victim of an  
18 offense under chapter 565, 566, 568 or 573 is sufficient corroboration of a statement,  
19 admission or confession regardless of whether or not the child or vulnerable person is  
20 available to testify regarding the offense.

21 3. A statement may not be admitted under this section unless the prosecuting attorney  
22 makes known to the accused or the accused's counsel his or her intention to offer the  
23 statement and the particulars of the statement sufficiently in advance of the proceedings to  
24 provide the accused or the accused's counsel with a fair opportunity to prepare to meet the  
25 statement.

26 4. Nothing in this section shall be construed to limit the admissibility of statements,  
27 admissions or confessions otherwise admissible by law.

28 5. For the purposes of this section, "vulnerable person" shall mean a person who, as a  
29 result of an inadequately developed or impaired intelligence or a psychiatric disorder that  
30 materially affects ability to function, lacks the mental capacity to consent, or whose  
31 developmental level does not exceed that of an ordinary child of ~~fourteen~~ **seventeen** years  
32 of age.

492.304. 1. In addition to the admissibility of a statement under the provisions of  
2 section 492.303, the visual and aural recording of a verbal or nonverbal statement of a child  
3 when under the age of ~~fourteen who is alleged to be a victim of~~ **eighteen or a vulnerable**  
4 **person, relating to** an offense under the provisions of chapter 565, 566 ~~or~~ , 568, **or 573 if**  
5 **performed by another**, is admissible into evidence if:

6 (1) No attorney for either party was present when the statement was made; except  
7 that, for any statement taken at a state-funded child assessment center as provided for in  
8 subsection 2 of section 210.001, an attorney representing the state of Missouri in a criminal  
9 investigation may, as a member of a multidisciplinary investigation team, observe the taking  
10 of such statement, but such attorney shall not be present in the room where the interview is  
11 being conducted;

12 (2) The recording is both visual and aural and is recorded on film or videotape or by  
13 other electronic means;

14 (3) The recording equipment was capable of making an accurate recording, the  
15 operator of the equipment was competent, and the recording is accurate and has not been  
16 altered;

17 (4) The statement was not made in response to questioning calculated to lead the child  
18 **or vulnerable person** to make a particular statement or to act in a particular way;

19 (5) Every voice on the recording is identified;

20 (6) The person conducting the interview of the child **or vulnerable person** in the  
21 recording is present at the proceeding and available to testify or be cross-examined by either  
22 party; and

23 (7) The defendant or the attorney for the defendant is afforded an opportunity to view  
24 the recording before it is offered into evidence.

25 2. If the child **or vulnerable person** does not testify at the proceeding, the visual and  
26 aural recording of a verbal or nonverbal statement of the child **or vulnerable person** shall not  
27 be admissible under this section unless the recording qualifies for admission under section  
28 491.075.

29 3. If the visual and aural recording of a verbal or nonverbal statement of a child **or**  
30 **vulnerable person** is admissible under this section and the child **or vulnerable person**  
31 testifies at the proceeding, it shall be admissible in addition to the testimony of the child **or**  
32 **vulnerable person** at the proceeding whether or not it repeats or duplicates the child's **or**  
33 **vulnerable person's** testimony.

34 4. As used in this section, a nonverbal statement shall be defined as any  
35 demonstration of the child **or vulnerable person** by his or her actions, facial expressions,  
36 demonstrations with a doll or other visual aid whether or not this demonstration is  
37 accompanied by words.

38 5. For the purposes of this section, "vulnerable person" shall mean a person  
39 who, as a result of an inadequately developed or impaired intelligence or a psychiatric  
40 disorder that materially affects the ability to function, lacks the mental capacity to  
41 consent, or whose developmental level does not exceed that of an ordinary child of  
42 seventeen years of age.

494.430. 1. Upon timely application to the court, the following persons shall be  
2 excused from service as a petit or grand juror:

3 (1) Any person who has served on a state or federal petit or grand jury within the  
4 preceding two years;

5 (2) Any nursing mother, upon her request, and with a completed written statement  
6 from her physician to the court certifying she is a nursing mother;

7 (3) Any person whose absence from his or her regular place of employment would, in  
8 the judgment of the court, tend materially and adversely to affect the public safety, health,  
9 welfare or interest;

10 (4) Any person upon whom service as a juror would in the judgment of the court  
11 impose an undue or extreme physical or financial hardship;

12 (5) Any person licensed as a health care provider as such term is defined in section  
13 538.205, but only if such person provides a written statement to the court certifying that he or  
14 she is actually providing health care services to patients, and that the person's service as a  
15 juror would be detrimental to the health of the person's patients;

16 (6) Any employee of a religious institution whose religious obligations or constraints  
17 prohibit their serving on a jury. The certification of the employment and obligation or  
18 constraint may be provided by the employee's religious supervisor;

19 (7) **When requested**, any person who is [~~seventy-five~~] **seventy** years of age or older.

20 2. A judge of the court for which the individual was called to jury service shall make  
21 undue or extreme physical or financial hardship determinations. The authority to make these  
22 determinations is delegable only to court officials or personnel who are authorized by the  
23 laws of this state to function as members of the judiciary.

24 3. A person asking to be excused based on a finding of undue or extreme physical or  
25 financial hardship must take all actions necessary to have obtained a ruling on that request by  
26 no later than the date on which the individual is scheduled to appear for jury duty.

27 4. Unless it is apparent to the court that the physical hardship would significantly  
28 impair the person's ability to serve as a juror, for purposes of sections 494.400 to 494.460  
29 undue or extreme physical or financial hardship is limited to circumstances in which an  
30 individual would:

31 (1) Be required to abandon a person under his or her personal care or supervision due  
32 to the impossibility of obtaining an appropriate substitute caregiver during the period of  
33 participation in the jury pool or on the jury; or

34 (2) Incur costs that would have a substantial adverse impact on the payment of the  
35 individual's necessary daily living expenses or on those for whom he or she provides the  
36 principal means of support; or

37 (3) Suffer physical hardship that would result in illness or disease.

38 5. Undue or extreme physical or financial hardship does not exist solely based on the  
39 fact that a prospective juror will be required to be absent from his or her place of employment.

40 6. A person asking a judge to grant an excuse based on undue or extreme physical or  
41 financial hardship shall provide the judge with documentation as required by the judge, such  
42 as, but not limited to, federal and state income tax returns, medical statements from licensed  
43 physicians, proof of dependency or guardianship, and similar documents, which the judge  
44 finds to clearly support the request to be excused. Failure to provide satisfactory  
45 documentation shall result in a denial of the request to be excused. Such documents shall be  
46 filed under seal.

47 7. After two years, a person excused from jury service shall become eligible once  
48 again for qualification as a juror unless the person was excused from service permanently. A



49 person is excused from jury service permanently only when the deciding judge determines  
50 that the underlying grounds for being excused are of a permanent nature.

494.455. 1. Each county or city not within a county may elect to compensate its  
2 jurors pursuant to subsection 2 of this section except as otherwise provided in subsection 3 of  
3 this section.

4 2. Each grand and petit juror shall receive six dollars per day, for every day he or she  
5 may actually serve as such, and seven cents for every mile he or she may necessarily travel  
6 going from his or her place of residence to the courthouse and returning, to be paid from  
7 funds of the county or a city not within a county. The governing body of each county or a city  
8 not within a county may authorize additional daily compensation and mileage allowance for  
9 jurors, which additional compensation shall be paid from the funds of the county or a city not  
10 within a county. The governing body of each county or a city not within a county may  
11 authorize additional daily compensation and mileage allowance for jurors attending a  
12 coroner's inquest. Jurors may receive the additional compensation and mileage allowance  
13 authorized by this subsection only if the governing body of the county or the city not within a  
14 county authorizes the additional compensation. The provisions of this subsection authorizing  
15 additional compensation shall terminate upon the issuance of a mandate by the Missouri  
16 supreme court which results in the state of Missouri being obligated or required to pay any  
17 such additional compensation even if such additional compensation is formally approved or  
18 authorized by the governing body of a county or a city not within a county. Provided that a  
19 county or a city not within a county authorizes daily compensation payable from county or  
20 city funds for jurors who serve in that county pursuant to this subsection in the amount of at  
21 least six dollars per day in addition to the amount required by this subsection, a person shall  
22 receive an additional six dollars per day to be reimbursed by the state of Missouri so that the  
23 total compensation payable shall be at least eighteen dollars, plus mileage for each day that  
24 the person actually serves as a petit juror in a particular case; or for each day that a person  
25 actually serves as a grand juror during a term of a grand jury. The state shall reimburse the  
26 county for six dollars of the additional juror compensation provided by this subsection.

27 3. **(1)** In any county of the first classification without a charter form of government  
28 and with a population of at least two hundred thousand inhabitants, no grand or petit juror  
29 shall receive compensation for the first two days of service, but shall receive fifty dollars per  
30 day for the third day and each subsequent day he or she may actually serve as such, and seven  
31 cents for every mile he or she may necessarily travel going from his or her place of residence  
32 to the courthouse and returning, to be paid from funds of the county.

33 **(2) In any county or city not within a county, upon adoption by the governing**  
34 **body of the county or city not within a county, no grand or petit juror shall receive**  
35 **compensation for the first two days of service, but shall receive fifty dollars per day for**

36 **the third day and each subsequent day he or she may actually serve as such, and seven**  
37 **cents for every mile he or she may necessarily travel going from his or her place of**  
38 **residence to the courthouse and returning, to be paid from funds of the county; except**  
39 **that, a county commission may authorize compensation to a grand or petit juror for the**  
40 **first two days of service not to exceed ten dollars per day.**

41 4. When each panel of jurors summoned and attending court has completed its  
42 service, the board of jury commissioners shall cause to be submitted to the governing body of  
43 the county or a city not within a county a statement of fees earned by each juror. Within thirty  
44 days of the submission of the statement of fees, the governing body shall cause payment to be  
45 made to those jurors summoned the fees earned during their service as jurors.

509.520. 1. Notwithstanding any provision of law to the contrary, beginning August  
2 28, ~~2009~~ **2023**, pleadings, attachments, or exhibits filed with the court in any case, as well as  
3 any judgments issued by the court, shall not include:

4 (1) The full Social Security number of any party or any child who is the subject to an  
5 order of custody or support;

6 (2) The full credit card number or other financial account number of any party;

7 **(3) Any personal identifying information, including name, address, and year of**  
8 **birth, of a minor and, if applicable, any next friend. Such information shall be provided**  
9 **in a confidential information filing sheet contemporaneously filed with the court or**  
10 **entered by the court, which shall not be subject to public inspection or availability.**

11 2. Contemporaneously with the filing of every petition for dissolution of marriage,  
12 legal separation, motion for modification, action to establish paternity, and petition or motion  
13 for support or custody of a minor child, the filing party shall file a confidential case filing  
14 sheet with the court which shall not be subject to public inspection and which provides:

15 (1) The name and address of the current employer and the Social Security number of  
16 the petitioner or movant, if a person;

17 (2) If known to the petitioner or movant, the name and address of the current  
18 employer and the Social Security number of the respondent; and

19 (3) The names, dates of birth, and Social Security numbers of any children subject to  
20 the action.

21 3. Contemporaneously with the filing of every responsive pleading petition for  
22 dissolution of marriage, legal separation, motion for modification, action to establish  
23 paternity, and petition or motion for support or custody of a minor child, the responding party  
24 shall file a confidential case filing sheet with the court which shall not be subject to public  
25 inspection and which provides:

26 (1) The name and address of the current employer and the Social Security number of  
27 the responding party, if a person;

28 (2) If known to the responding party, the name and address of the current employer  
29 and the Social Security number of the petitioner or movant; and

30 (3) The names, dates of birth, and Social Security numbers of any children subject to  
31 the action.

32 4. The full Social Security number of any party or child subject to an order of custody  
33 or support shall be retained by the court on the confidential case filing sheet or other  
34 confidential record maintained in conjunction with the administration of the case. The full  
35 credit card number or other financial account number of any party may be retained by the  
36 court on a confidential record if it is necessary to maintain the number in conjunction with the  
37 administration of the case.

38 5. Any document described in subsection 1 of this section shall, in lieu of the full  
39 number, include only the last four digits of any such number.

40 6. Except as provided in section 452.430, the clerk shall not be required to redact any  
41 document described in subsection 1 of this section issued or filed before August 28, 2009,  
42 prior to releasing the document to the public.

43 7. For good cause shown, the court may release information contained on the  
44 confidential case filing sheet; except that, any state agency acting under authority of chapter  
45 454 shall have access to information contained herein without court order in carrying out their  
46 official duty.

**510.500. Sections 510.500 to 510.521 shall be known and may be cited as the**  
2 **"Uniform Interstate Depositions and Discovery Act".**

**510.503. As used in sections 510.500 to 510.521, the following terms mean:**

2 (1) **"Foreign jurisdiction", a state other than this state;**

3 (2) **"Foreign subpoena", a subpoena issued under authority of a court of record**  
4 **of a foreign jurisdiction;**

5 (3) **"Person", an individual, corporation, business trust, estate, trust,**  
6 **partnership, limited liability company, association, joint venture, public corporation,**  
7 **government or political subdivision, agency or instrumentality, or any other legal or**  
8 **commercial entity;**

9 (4) **"State", a state of the United States, the District of Columbia, Puerto Rico,**  
10 **the United States Virgin Islands, a federally recognized Indian tribe, or any territory or**  
11 **insular possession subject to the jurisdiction of the United States;**

12 (5) **"Subpoena", a document, however denominated, issued under authority of a**  
13 **court of record requiring a person to:**

14 (a) **Attend and give testimony at a deposition;**

15           **(b) Produce and permit inspection and copying of designated books, documents,**  
16 **records, electronically stored information, or tangible items in the possession, custody,**  
17 **or control of the person; or**

18           **(c) Permit inspection of premises under the control of the person.**

**510.506. 1. To request issuance of a subpoena under this section, a party shall**  
2 **submit a foreign subpoena to a clerk of court in the county in which discovery is sought**  
3 **to be conducted in this state. A request for the issuance of a subpoena under sections**  
4 **510.500 to 510.521 shall not constitute an appearance in the courts of this state.**

5           **2. If a party submits a foreign subpoena to a clerk of court in this state, the clerk,**  
6 **in accordance with such court's procedure, shall promptly issue a subpoena for service**  
7 **upon the person to which the foreign subpoena is directed.**

8           **3. A subpoena under subsection 2 of this section shall:**

9           **(1) Incorporate the terms used in the foreign subpoena; and**

10           **(2) Contain or be accompanied by the names, addresses, and telephone numbers**  
11 **of all counsel of record in the proceeding to which the subpoena relates and of any party**  
12 **not represented by counsel.**

**510.509. A subpoena issued by a clerk of court under section 510.506 shall be**  
2 **served in compliance with the Missouri supreme court rules of civil procedure and laws**  
3 **of this state.**

**510.512. The Missouri supreme court rules of civil procedure and laws of this**  
2 **state, and any amendments thereto, apply to subpoenas issued under section 510.506.**

**510.515. An application to the court for a protective order or to enforce, quash,**  
2 **or modify a subpoena issued by a clerk of court under section 510.506 shall comply with**  
3 **the Missouri supreme court rules of civil procedure and statutes of this state and be**  
4 **submitted to the court in the county in which discovery is to be conducted.**

**510.518. In applying and construing sections 510.500 to 510.521, consideration**  
2 **shall be given to the need to promote uniformity of the law with respect to its subject**  
3 **matter among states that enact it.**

**510.521. Sections 510.500 to 510.521 apply to requests for discovery in cases**  
2 **pending on August 28, 2023.**

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

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

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

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

11           **(4) A defendant has failed to appear in court as a required condition of**  
12 **probation or parole for a misdemeanor involving a crime of violence or felony or a**  
13 **sexual offense within the last three years.**

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

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

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

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

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

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

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

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

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

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

35           **6. The circuit attorney, prosecuting attorney of any county, special prosecutor,**  
36 **attorney general's office if it prosecuted the case, Missouri office of prosecution services,**  
37 **or other prosecutor who prosecuted the case is not required to accept or follow the**  
38 **findings and recommendations of the conviction review unit.**

39           **7. (1) The application, investigation, reports, interviews, findings, and**  
40 **recommendations, and any documents, written, electronic, or otherwise, received or**  
41 **generated by the conviction review unit are closed records.**

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

**550.125. 1. There is hereby created in the state treasury the "Change of Venue**  
2 **for Capital Cases Fund", which shall consist of moneys appropriated to the fund by the**  
3 **general assembly. The office of state courts administrator shall administer and disburse**  
4 **moneys in the fund in accordance with subsection 2 of this section. The fund shall be a**  
5 **dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the**  
6 **administration of this section. Notwithstanding the provisions of section 33.080, any**  
7 **moneys remaining in the fund at the end of the biennium shall not revert to the credit of**  
8 **the general revenue fund. The state treasurer shall invest moneys in the fund in the**  
9 **same manner as other funds are invested. Any interest and moneys earned on such**  
10 **investments shall be credited to the fund.**

11           **2. In a capital case in which a change of venue is taken from one county to any**  
12 **other county, at the conclusion of such case the county from which the case was**  
13 **transferred may apply to the office of state courts administrator for the county to which**  
14 **the case was transferred to be reimbursed from the change of venue for capital cases**  
15 **fund any costs associated with the sequestering of jurors. The costs of reimbursement**  
16 **shall not exceed the then-approved state rates for travel reimbursement for lodging and**  
17 **meals.**

18           **3. Except as provided under subsection 4 of this section, the office of state courts**  
19 **administrator shall develop an application process and other procedures to determine if**  
20 **a county is eligible for reimbursement under this section. If a county is eligible for**  
21 **reimbursement, the office of state courts administrator shall disburse such moneys to**

22 the county as provided under subsection 4 of this section. In the event the amount  
23 disbursed is less than the county's actual costs associated with sequestering jurors, the  
24 original county shall reimburse the county to which the case was transferred for the  
25 difference. If the office of state courts administrator determines a county is not eligible  
26 for reimbursement under this section, the county in which the capital case originated  
27 shall be responsible for reimbursement.

28 **4. Applications for reimbursement shall be submitted by May first of the current**  
29 **fiscal year, and disbursements shall be made by June thirtieth of the current fiscal year.**  
30 **Applications submitted after May first of the current fiscal year shall be reimbursed in**  
31 **the following fiscal year. If the total dollar amount of the claims in a given year exceeds**  
32 **the amount of moneys in the fund in the same year, the claims shall be reimbursed on a**  
33 **pro rata basis.**

34 **5. Any rule or portion of a rule, as that term is defined in section 536.010, that is**  
35 **created under the authority delegated in this section shall become effective only if it**  
36 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**  
37 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**  
38 **vested with the general assembly pursuant to chapter 536 to review, to delay the**  
39 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**  
40 **then the grant of rulemaking authority and any rule proposed or adopted after August**  
41 **28, 2023, shall be invalid and void.**

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

5 2. Whenever any judge has reasonable cause to believe that the accused lacks mental  
6 fitness to proceed, the judge shall, upon his or her own motion or upon motion filed by the  
7 state or by or on behalf of the accused, by order of record, appoint one or more private  
8 psychiatrists or psychologists, as defined in section 632.005, or physicians with a minimum  
9 of one year training or experience in providing treatment or services to persons with an  
10 intellectual disability or developmental disability or mental illness, who are neither  
11 employees nor contractors of the department of mental health for purposes of performing  
12 the examination in question, to examine the accused; or shall direct the director to have the  
13 accused so examined by one or more psychiatrists or psychologists, as defined in section  
14 632.005, or physicians with a minimum of one year training or experience in providing  
15 treatment or services to persons with an intellectual disability, developmental disability, or  
16 mental illness. The order shall direct that a written report or reports of such examination be  
17 filed with the clerk of the court. No private physician, psychiatrist, or psychologist shall be

18 appointed by the court unless he or she has consented to act. The examinations ordered shall  
19 be made at such time and place and under such conditions as the court deems proper; except  
20 that, if the order directs the director of the department to have the accused examined, the  
21 director, or his or her designee, shall determine the time, place and conditions under which the  
22 examination shall be conducted. The order may include provisions for the interview of  
23 witnesses and may require the provision of police reports to the department for use in  
24 evaluations. The department shall establish standards and provide training for those  
25 individuals performing examinations pursuant to this section and section 552.030. No  
26 individual who is employed by or contracts with the department shall be designated to  
27 perform an examination pursuant to this chapter unless the individual meets the qualifications  
28 so established by the department. Any examination performed pursuant to this subsection  
29 shall be completed and filed with the court within sixty days of the order unless the court for  
30 good cause orders otherwise. Nothing in this section or section 552.030 shall be construed to  
31 permit psychologists to engage in any activity not authorized by chapter 337. One pretrial  
32 evaluation shall be provided at no charge to the defendant by the department. All costs of  
33 subsequent evaluations shall be assessed to the party requesting the evaluation.

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

35 (1) Detailed findings;

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

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

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

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

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

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



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

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

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

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

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

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

90           **(1) Location and degree of necessary supervision of housing;**

91 (2) Location of and responsibilities for appropriate psychiatric, rehabilitation and  
92 aftercare services, including the frequency of such services;

93 (3) Medication follow-up, including necessary testing to monitor medication  
94 compliance;

95 (4) At least monthly contact with the department's forensic case monitor;

96 (5) Any other conditions or supervision as may be warranted by the circumstances of  
97 the case.

98 ~~[5-]~~ 6. If the report contains the recommendation that the accused should be  
99 committed to or held in a suitable hospital facility pending determination of the issue of  
100 mental fitness to proceed, and if the accused is not admitted to bail or released on other  
101 conditions, the court may order that the accused be committed to or held in a suitable hospital  
102 facility pending determination of the issue of mental fitness to proceed.

103 ~~[6-]~~ 7. The clerk of the court shall deliver copies of the report to the prosecuting or  
104 circuit attorney and to the accused or his or her counsel. The report shall not be a public  
105 record or open to the public. Within ten days after the filing of the report, both the defendant  
106 and the state shall, upon written request, be entitled to an order granting them an examination  
107 of the accused by a psychiatrist or psychologist, as defined in section 632.005, or a physician  
108 with a minimum of one year training or experience in providing treatment or services to  
109 persons with an intellectual disability or developmental disability or mental illness, of their  
110 own choosing and at their own expense. An examination performed pursuant to this  
111 subsection shall be completed and a report filed with the court within sixty days of the date it  
112 is received by the department or private psychiatrist, psychologist or physician unless the  
113 court, for good cause, orders otherwise. A copy shall be furnished the opposing party.

114 ~~[7-]~~ 8. If neither the state nor the accused nor his or her counsel requests a second  
115 examination relative to fitness to proceed or contests the findings of the report referred to in  
116 subsections 2 and 3 of this section, the court ~~[may]~~ **shall** make a determination and finding on  
117 the basis of the report filed or ~~[may]~~ **shall** hold a hearing on its own motion. If any such  
118 opinion is contested, the court shall hold a hearing on the issue. The court shall determine the  
119 issue of mental fitness to proceed and may impanel a jury of six persons to assist in making  
120 the determination. The report or reports may be received in evidence at any hearing on the  
121 issue but the party contesting any opinion therein shall have the right to summon and to cross-  
122 examine the examiner who rendered such opinion and to offer evidence upon the issue.

123 ~~[8-]~~ 9. At a hearing on the issue pursuant to subsection 7 of this section, the accused is  
124 presumed to have the mental fitness to proceed. The burden of proving that the accused does  
125 not have the mental fitness to proceed is by a preponderance of the evidence and the burden  
126 of going forward with the evidence is on the party raising the issue. The burden of going  
127 forward shall be on the state if the court raises the issue.

128           ~~[9-]~~ **10.** If the court determines that the accused lacks mental fitness to proceed, the  
129 criminal proceedings shall be suspended and the court shall commit him or her to the director  
130 of the department of mental health. After the person has been committed, legal counsel for  
131 the department of mental health shall have standing to file motions and participate in hearings  
132 on the issue of involuntary medications.

133           ~~[10-]~~ **11.** Any person committed pursuant to subsection 9 of this section shall be  
134 entitled to the writ of habeas corpus upon proper petition to the court that committed him or  
135 her. The issue of the mental fitness to proceed after commitment under subsection 9 of this  
136 section may also be raised by a motion filed by the director of the department of mental health  
137 or by the state, alleging the mental fitness of the accused to proceed. A report relating to the  
138 issue of the accused's mental fitness to proceed may be attached thereto. When a motion to  
139 proceed is filed, legal counsel for the department of mental health shall have standing to  
140 participate in hearings on such motions. If the motion is not contested by the accused or his  
141 or her counsel or if after a hearing on a motion the court finds the accused mentally fit to  
142 proceed, or if he or she is ordered discharged from the director's custody upon a habeas  
143 corpus hearing, the criminal proceedings shall be resumed.

144           ~~[11-]~~ **12.** The following provisions shall apply after a commitment as provided in this  
145 section:

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

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

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

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

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

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

194 ~~[12.]~~ 13. If the question of the accused's mental fitness to proceed was raised after a  
195 jury was impaneled to try the issues raised by a plea of not guilty and the court determines  
196 that the accused lacks the mental fitness to proceed or orders the accused committed for an  
197 examination pursuant to this section, the court may declare a mistrial. Declaration of a  
198 mistrial under these circumstances, or dismissal of the charges pursuant to subsection 11 of  
199 this section, does not constitute jeopardy, nor does it prohibit the trial, sentencing or execution  
200 of the accused for the same offense after he or she has been found restored to competency.

201           ~~[13:]~~ 14. The result of any examinations made pursuant to this section shall not be a  
202 public record or open to the public.

203           ~~[14:]~~ 15. No statement made by the accused in the course of any examination or  
204 treatment pursuant to this section and no information received by any examiner or other  
205 person in the course thereof, whether such examination or treatment was made with or  
206 without the consent of the accused or upon his or her motion or upon that of others, shall be  
207 admitted in evidence against the accused on the issue of guilt in any criminal proceeding then  
208 or thereafter pending in any court, state or federal. A finding by the court that the accused is  
209 mentally fit to proceed shall in no way prejudice the accused in a defense to the crime charged  
210 on the ground that at the time thereof he or she was afflicted with a mental disease or defect  
211 excluding responsibility, nor shall such finding by the court be introduced in evidence on that  
212 issue nor otherwise be brought to the notice of the jury.

          556.021. 1. An infraction does not constitute a criminal offense and conviction of an  
2 infraction shall not give rise to any disability or legal disadvantage based on conviction of a  
3 criminal offense.

4           2. Except as otherwise provided by law, the procedure for infractions shall be the  
5 same as for a misdemeanor.

6           3. If a person fails to appear in court either solely for an infraction or for an infraction  
7 which is committed in the same course of conduct as a criminal offense for which the person  
8 is charged, or if a person fails to respond to notice of an infraction from the central violations  
9 bureau established in section 476.385, the court may issue a default judgment for court costs  
10 and fines for the infraction which shall be enforced in the same manner as other default  
11 judgments, including enforcement under sections 488.5028 and 488.5030, unless the court  
12 determines that good cause or excusable neglect exists for the person's failure to appear for  
13 the infraction. The notice of entry of default judgment and the amount of fines and costs  
14 imposed shall be sent to the person by first class mail. The default judgment may be set aside  
15 for good cause if the person files a motion to set aside the judgment within six months of the  
16 date the notice of entry of default judgment is mailed.

17           4. Notwithstanding subsection 3 of this section or any provisions of law to the  
18 contrary, a court may issue a warrant for failure to appear for any violation ~~[which]~~ **that** is  
19 classified **or charged** as an infraction; **except that, a court shall not issue a warrant for**  
20 **failure to appear for any violation that is classified or charged as an infraction under**  
21 **chapter 307.**

22           5. Judgment against the defendant for an infraction shall be in the amount of the fine  
23 authorized by law and the court costs for the offense.

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

4       2. Such person shall receive credit toward the service of a sentence of imprisonment  
5 for all time in prison, jail or custody after [~~conviction~~] **the offense occurred** and before the  
6 commencement of the sentence, when the time in custody was related to that offense[~~and~~].  
7 **This credit shall be based upon the certification of the sheriff as provided in subdivision**  
8 **(3) of subsection 2 of section 217.305 and may be supplemented by a certificate of a**  
9 **sheriff or other custodial officer from another jurisdiction having held the person on the**  
10 **charge of the offense for which the sentence of imprisonment is ordered.** The circuit  
11 court may, when pronouncing sentence, award **additional** credit for time spent in prison, jail,  
12 or custody after the offense occurred and before [~~conviction~~] **the commencement of the**  
13 **sentence** toward the service of the sentence of imprisonment **for those offenses for which**  
14 **the person was incarcerated but for whom no detainer or warrant was served**, except:

- 15       (1) Such credit shall only be applied once when sentences are consecutive;  
16       (2) Such credit shall only be applied if the person convicted was in custody in the  
17 state of Missouri, unless such custody was compelled exclusively by the state of Missouri's  
18 action; and  
19       (3) As provided in section 559.100.

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

24       4. If a person convicted of an offense escapes from custody, such escape shall  
25 interrupt the sentence. The interruption shall continue until such person is returned to the  
26 correctional center where the sentence was being served, or in the case of a person committed  
27 to the custody of the department of corrections, to any correctional center operated by the  
28 department of corrections. An escape shall also interrupt the jail time credit to be applied to a  
29 sentence which had not commenced when the escape occurred.

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

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

38 additional prison term, and the conditionally released person shall serve the remainder of the  
39 conditional release term as a prison term, unless released on parole.

40 7. Subsection 2 of this section shall be applicable to offenses occurring on or after  
41 August 28, [2021] 2023.

42 **8. The total amount of credit given shall not exceed the number of days between**  
43 **the date of offense and commencement of sentence.**

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

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

18 3. The provisions of subsection 2 of this section notwithstanding, the presentence  
19 investigation report shall be made available to the state and all information and data obtained  
20 in connection with preparation of the presentence investigation report may be made available  
21 to the state at the discretion of the court upon a showing that the receipt of the information  
22 and data is in the best interest of the state.

561.026. Notwithstanding any other provision of law except for section 610.140, a  
2 person who is convicted:

3 (1) Of [~~any offense~~] **a felony** shall be disqualified from registering and voting in any  
4 election under the laws of this state while confined [~~under a sentence of imprisonment~~];

5 (2) Of a felony or misdemeanor connected with the exercise of the right of suffrage  
6 shall be forever disqualified from registering and voting;

7 (3) Of any felony shall be forever disqualified from serving as a juror.

565.240. 1. A person commits the offense of unlawful posting of certain information  
2 over the internet if he or she knowingly posts the name, home address, Social Security

3 number, telephone number, or any other personally identifiable information of any person on  
4 the internet intending to cause great bodily harm or death, or threatening to cause great bodily  
5 harm or death to such person.

6 2. The offense of unlawful posting of certain information over the internet is a class C  
7 misdemeanor, unless the person knowingly posts on the internet the name, home address,  
8 Social Security number, telephone number, or any other personally identifiable information of  
9 any law enforcement officer, corrections officer, parole officer, judge, commissioner, or  
10 prosecuting attorney, or of any immediate family member of such law enforcement officer,  
11 corrections officer, parole officer, judge, commissioner, or prosecuting attorney, intending to  
12 cause great bodily harm or death, or threatening to cause great bodily harm or death, in which  
13 case it is a class E felony, **and if such intention or threat results in bodily harm or death**  
14 **to such person or immediate family member, the offense of unlawful posting of certain**  
15 **information over the internet is a class D felony.**

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

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

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

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

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

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

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

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



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

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

17           (1) Statutory rape in the first degree pursuant to section 566.032;

18           (2) Statutory rape in the second degree pursuant to section 566.034;

19           (3) Statutory sodomy in the first degree pursuant to section 566.062; or

20           (4) Statutory sodomy in the second degree pursuant to section 566.064.

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

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

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

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

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

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

26           ~~[(5)]~~ (6) "Utility", an enterprise which provides gas, electric, steam, water, sewage  
27 disposal, or communication, video, internet, or voice over internet protocol services, and any  
28 common carrier. It may be either publicly or privately owned or operated.

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

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

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

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

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

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

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

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

- 5           (2) "Appropriate", to take, obtain, use, transfer, conceal, retain or dispose;
- 6           (3) "Check", a check or other similar sight order or any other form of presentment  
7 involving the transmission of account information for the payment of money;
- 8           (4) "Coercion", a threat, however communicated:
- 9           (a) To commit any offense; or
- 10          (b) To inflict physical injury in the future on the person threatened or another; or
- 11          (c) To accuse any person of any offense; or
- 12          (d) To expose any person to hatred, contempt or ridicule; or
- 13          (e) To harm the credit or business reputation of any person; or
- 14          (f) To take or withhold action as a public servant, or to cause a public servant to take  
15 or withhold action; or
- 16          (g) To inflict any other harm which would not benefit the actor. A threat of  
17 accusation, lawsuit or other invocation of official action is justified and not coercion if the  
18 property sought to be obtained by virtue of such threat was honestly claimed as restitution or  
19 indemnification for harm done in the circumstances to which the accusation, exposure,  
20 lawsuit or other official action relates, or as compensation for property or lawful service. The  
21 defendant shall have the burden of injecting the issue of justification as to any threat;
- 22          (5) "Credit device", a writing, card, code, number or other device purporting to  
23 evidence an undertaking to pay for property or services delivered or rendered to or upon the  
24 order of a designated person or bearer;
- 25          (6) "Dealer", a person in the business of buying and selling goods;
- 26          (7) "Debit device", a writing, card, code, number or other device, other than a check,  
27 draft or similar paper instrument, by the use of which a person may initiate an electronic fund  
28 transfer, including but not limited to devices that enable electronic transfers of benefits to  
29 public assistance recipients;
- 30          (8) "Deceit or deceive", making a representation which is false and which the actor  
31 does not believe to be true and upon which the victim relies, as to a matter of fact, law, value,  
32 intention or other state of mind, or concealing a material fact as to the terms of a contract or  
33 agreement. The term "deceit" does not, however, include falsity as to matters having no  
34 pecuniary significance, or puffing by statements unlikely to deceive ordinary persons in the  
35 group addressed. Deception as to the actor's intention to perform a promise shall not be  
36 inferred from the fact alone that he did not subsequently perform the promise;
- 37          (9) "Deprive":
- 38          (a) To withhold property from the owner permanently; or
- 39          (b) To restore property only upon payment of reward or other compensation; or
- 40          (c) To use or dispose of property in a manner that makes recovery of the property by  
41 the owner unlikely;

42 (10) "Electronic benefits card" or "EBT card", a debit card used to access food stamps  
43 or cash benefits issued by the department of social services;

44 (11) "Financial institution", a bank, trust company, savings and loan association, or  
45 credit union;

46 (12) "Food stamps", the nutrition assistance program in Missouri that provides food  
47 and aid to low-income individuals who are in need of benefits to purchase food operated by  
48 the United States Department of Agriculture (USDA) in conjunction with the department of  
49 social services;

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

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

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

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

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

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

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

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

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

80 (20) "Public assistance benefits", anything of value, including money, food, EBT  
81 cards, food stamps, commodities, clothing, utilities, utilities payments, shelter, drugs and  
82 medicine, materials, goods, and any service including institutional care, medical care, dental  
83 care, child care, psychiatric and psychological service, rehabilitation instruction, training,  
84 transitional assistance, or counseling, received by or paid on behalf of any person under  
85 chapters 198, 205, 207, 208, 209, and 660, or benefits, programs, and services provided or  
86 administered by the Missouri department of social services or any of its divisions;

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

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

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

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

114            ~~[(24)]~~ **(25)** "Voice over internet protocol service", a service that:  
115            (a) Enables real-time, two-way voice communication;  
116            (b) Requires a broadband connection from the user's location;  
117            (c) Requires internet protocol-compatible customer premises equipment; and  
118            (d) Permits users generally to receive calls that originate on the public switched  
119 telephone network and to terminate calls to the public switched telephone network;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 (3) The property appropriated consists of:

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

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

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

47 (d) Any firearms;

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

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

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

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

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

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

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

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

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

61 (n) Ammonium nitrate;

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

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

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

70 (1) The property appropriated is an animal;

71 (2) The property is a catalytic converter; ~~[or]~~

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

75 **(4) The property appropriated is a letter, postal card, package, bag, or other**  
76 **sealed article that was delivered by a common carrier or delivery service and not yet**  
77 **received by the addressee or that had been left to be collected for shipment by a common**  
78 **carrier or delivery service.**

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

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

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

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

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

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

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

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



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

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

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

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

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

23 (1) Such officer's spouse; or

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

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

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

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

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

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

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

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

578.712. 1. A person commits the offense of tampering with an elected county  
2 **official if, with the purpose to harass, intimidate, or influence such official in the**  
3 **performance of such official's official duties, the person disseminates through any**

4 means, including by posting on the internet, the elected county official's or the elected  
5 county official's family's personal information.

6 2. The offense of tampering with an elected county official is a class D felony. If  
7 a violation of this section results in death or bodily injury to an elected county official or  
8 a member of the elected county official's family, the offense is a class B felony.

9 3. For purposes of this section, "personal information" includes a home address,  
10 Social Security number, federal tax identification number, checking or savings account  
11 number, marital status, and identity of child under eighteen years of age.

579.021. 1. A person commits the offense of delivery of a controlled substance  
2 causing serious physical injury, as defined in section 556.061, if a person delivers or  
3 distributes a controlled substance under section 579.020 and serious physical injury  
4 results from the use of such controlled substance.

5 2. It shall not be a defense that the user contributed to the user's own serious  
6 physical injury by using the controlled substance or consenting to the administration of  
7 the controlled substance by another.

8 3. The offense of delivery of a controlled substance causing serious physical  
9 injury is a class C felony.

10 4. For purposes of this section, "controlled substance" means a Schedule I or  
11 Schedule II controlled substance, as defined in section 195.017.

579.022. 1. A person commits the offense of delivery of a controlled substance  
2 causing death if a person delivers or distributes a controlled substance under section  
3 579.020 and a death results from the use of such controlled substance.

4 2. It shall not be a defense that the user contributed to the user's own death by  
5 using the controlled substance or consenting to the administration of the controlled  
6 substance by another.

7 3. The offense of delivery of a controlled substance causing death is a class A  
8 felony.

9 4. For purposes of this section, "controlled substance" means a Schedule I or  
10 Schedule II controlled substance, as defined in section 195.017.

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

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

6 (2) More than one hundred fifty grams of a mixture or substance containing a  
7 detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which  
8 cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts

9 and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their  
10 salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains  
11 any quantity of any of the foregoing substances;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

57           ~~[(9)]~~ (8) More than thirty grams of any material, compound, mixture, or preparation  
58 containing any quantity of the following substances having a stimulant effect on the central  
59 nervous system: amphetamine, its salts, optical isomers, and salts of its optical isomers;  
60 methamphetamine, its salts, optical isomers, and salts of its optical isomers; phenmetrazine  
61 and its salts; or methylphenidate, and the location of the offense was within two thousand feet  
62 of real property comprising a public or private elementary, vocational, or secondary school,  
63 college, community college, university, or any school bus, in or on the real property  
64 comprising public housing or any other governmental assisted housing, or within a motor  
65 vehicle, or in any structure or building which contains rooms furnished for the  
66 accommodation or lodging of guests, and kept, used, maintained, advertised, or held out to  
67 the public as a place where sleeping accommodations are sought for pay or compensation to  
68 transient guests or permanent guests; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27           ~~[(10)]~~ **(9)** More than ten milligrams of fentanyl or carfentanil, or any derivative  
28 thereof, or any combination thereof, or any compound, mixture, or substance containing a  
29 detectable amount of fentanyl or carfentanil, or their optical isomers or analogues.

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

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

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

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

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

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

45 ~~[(5)]~~ (4) Ninety grams or more of a mixture or substance containing a detectable  
46 amount of phencyclidine (PCP); or

47 ~~[(6)]~~ (5) Twelve grams or more of phencyclidine; or

48 ~~[(7)]~~ (6) One hundred kilograms or more of a mixture or substance containing  
49 marijuana; or

50 ~~[(8)]~~ (7) More than five hundred marijuana plants; or

51 ~~[(9)]~~ (8) Ninety grams or more but less than four hundred fifty grams of any material,  
52 compound, mixture, or preparation containing any quantity of the following substances  
53 having a stimulant effect on the central nervous system: amphetamine, its salts, optical  
54 isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts  
55 of its optical isomers; phenmetrazine and its salts; or methylphenidate; or

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

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

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

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

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

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

589.401. 1. A person on the sexual offender registry may file a petition in the  
2 division of the circuit court in the county or city not within a county in which the offense  
3 requiring registration was committed to have his or her name removed from the sexual  
4 offender registry.

5 2. A person who is required to register in this state because of an offense that was  
6 adjudicated in another jurisdiction shall file his or her petition for removal according to the  
7 laws of the state, territory, tribal, or military jurisdiction, the District of Columbia, or foreign  
8 country in which his or her offense was adjudicated. Upon the grant of the petition for  
9 removal in the jurisdiction where the offense was adjudicated, such judgment may be  
10 registered in this state by sending the information required under subsection 5 of this section  
11 as well as one authenticated copy of the order granting removal from the sexual offender  
12 registry in the jurisdiction where the offense was adjudicated to the court in the county or city  
13 not within a county in which the offender is required to register. On receipt of a request for  
14 registration removal, the registering court shall cause the order to be filed as a foreign  
15 judgment, together with one copy of the documents and information, regardless of their form.  
16 The petitioner shall be responsible for costs associated with filing the petition.

17 3. A person required to register:

18 (1) As a tier III offender;

19 (2) **Under subdivision (7) of subsection 1 of section 589.400; or**

20 (3) **As a result of an offense that is sexual in nature committed against a minor or**  
21 **against an incapacitated person as defined under section 475.010**

22

23 shall not file a petition under this section unless the requirement to register results from a  
24 juvenile adjudication.

25 4. The petition shall be dismissed without prejudice if the following time periods  
26 have not elapsed since the date the person was required to register for his or her most recent  
27 offense under sections 589.400 to 589.425:

28 (1) For a tier I offense, ten years;

29 (2) For a tier II offense, twenty-five years; or

30 (3) For a tier III offense adjudicated delinquent, twenty-five years.

31 5. The petition shall be dismissed without prejudice if it fails to include any of the  
32 following:

33 (1) The petitioner's:

34 (a) Full name, including any alias used by the individual;

- 35 (b) Sex;
- 36 (c) Race;
- 37 (d) Date of birth;
- 38 (e) Last four digits of the Social Security number;
- 39 (f) Address; and
- 40 (g) Place of employment, school, or volunteer status;
- 41 (2) The offense and tier of the offense that required the petitioner to register;
- 42 (3) The date the petitioner was adjudicated for the offense;
- 43 (4) The date the petitioner was required to register;
- 44 (5) The case number and court, including the county or city not within a county, that
- 45 entered the original order for the adjudicated sex offense;
- 46 (6) Petitioner's fingerprints on an applicant fingerprint card;
- 47 (7) If the petitioner was pardoned or an offense requiring registration was reversed,
- 48 vacated, or set aside, an authenticated copy of the order; and
- 49 (8) If the petitioner is currently registered under applicable law and has not been
- 50 adjudicated for failure to register in any jurisdiction and does not have any charges pending
- 51 for failure to register.
- 52 6. The petition shall name as respondents the Missouri state highway patrol and the
- 53 chief law enforcement official in the county or city not within a county in which the petition
- 54 is filed.
- 55 7. All proceedings under this section shall be governed under the Missouri supreme
- 56 court rules of civil procedure.
- 57 8. The person seeking removal or exemption from the registry shall provide the
- 58 prosecuting attorney in the circuit court in which the petition is filed with notice of the
- 59 petition. The prosecuting attorney may present evidence in opposition to the requested relief
- 60 or may otherwise demonstrate the reasons why the petition should be denied. Failure of the
- 61 person seeking removal or exemption from the registry to notify the prosecuting attorney of
- 62 the petition shall result in an automatic denial of such person's petition.
- 63 9. The prosecuting attorney in the circuit court in which the petition is filed shall have
- 64 access to all applicable records concerning the petitioner including, but not limited to,
- 65 criminal history records, mental health records, juvenile records, and records of the
- 66 department of corrections or probation and parole.
- 67 10. The prosecuting attorney shall make reasonable efforts to notify the victim of the
- 68 crime for which the person was required to register of the petition and the dates and times of
- 69 any hearings or other proceedings in connection with such petition.
- 70 11. The court shall not enter an order directing the removal of the petitioner's name
- 71 from the sexual offender registry unless it finds the petitioner:



72 (1) Has not been adjudicated or does not have charges pending for any additional  
73 nonsexual offense for which imprisonment for more than one year may be imposed since the  
74 date the offender was required to register for his or her current tier level;

75 (2) Has not been adjudicated or does not have charges pending for any additional sex  
76 offense that would require registration under sections 589.400 to 589.425 since the date the  
77 offender was required to register for his or her current tier level, even if the offense was  
78 punishable by less than one year imprisonment;

79 (3) Has successfully completed any required periods of supervised release, probation,  
80 or parole without revocation since the date the offender was required to register for his or her  
81 current tier level;

82 (4) Has successfully completed an appropriate sex offender treatment program as  
83 approved by a court of competent jurisdiction or the Missouri department of corrections; and

84 (5) Is not a current or potential threat to public safety.

85 12. In order to meet the criteria required by subdivisions (1) and (2) of subsection 11  
86 of this section, the fingerprints filed in the case shall be examined by the Missouri state  
87 highway patrol. The petitioner shall be responsible for all costs associated with the  
88 fingerprint-based criminal history check of both state and federal files under section 43.530.

89 13. If the petition is denied due to an adjudication in violation of subdivision (1) or  
90 (2) of subsection 11 of this section, the petitioner shall not file a new petition under this  
91 section until:

92 (1) Fifteen years have passed from the date of the adjudication resulting in the denial  
93 of relief if the petitioner is classified as a tier I offender;

94 (2) Twenty-five years have passed from the date of adjudication resulting in the  
95 denial of relief if the petitioner is classified as a tier II offender; or

96 (3) Twenty-five years have passed from the date of the adjudication resulting in the  
97 denial of relief if the petitioner is classified as a tier III offender on the basis of a juvenile  
98 adjudication.

99 14. If the petition is denied due to the petitioner having charges pending in violation  
100 of subdivision (1) or (2) of subsection 11 of this section, the petitioner shall not file a new  
101 petition under this section until:

102 (1) The pending charges resulting in the denial of relief have been finally disposed of  
103 in a manner other than adjudication; or

104 (2) If the pending charges result in an adjudication, the necessary time period has  
105 elapsed under subsection 13 of this section.

106 15. If the petition is denied for reasons other than those outlined in subsection 11 of  
107 this section, no successive petition requesting such relief shall be filed for at least five years  
108 from the date the judgment denying relief is entered.

109           16. If the court finds the petitioner is entitled to have his or her name removed from  
110 the sexual offender registry, the court shall enter judgment directing the removal of the name.  
111 A copy of the judgment shall be provided to the respondents named in the petition.

112           17. Any person subject to the judgment requiring his or her name to be removed from  
113 the sexual offender registry is not required to register under sections 589.400 to 589.425  
114 unless such person is required to register for an offense that was different from that listed on  
115 the judgment of removal.

116           18. The court shall not deny the petition unless the petition failed to comply with the  
117 provisions of sections 589.400 to 589.425 or the prosecuting attorney provided evidence  
118 demonstrating the petition should be denied.

          589.403. 1. Any person who is required to register under sections 589.400 to 589.425  
2 and who is paroled, discharged, or otherwise released from any correctional facility of the  
3 department of corrections, any mental health institution, private jail under section 221.095, or  
4 other private facility recognized by or contracted with the department of corrections or  
5 department of mental health where such person was confined shall:

6           (1) If the person plans to reside in this state, be informed by the official in charge of  
7 such correctional facility, private jail, or mental health institution of the person's possible duty  
8 to register pursuant to sections 589.400 to 589.425. If such person is required to register  
9 pursuant to sections 589.400 to 589.425, the official in charge of the correctional facility,  
10 private jail, or the mental health institution shall complete the initial registration notification  
11 at least seven days prior to release and forward the offender's registration, within three  
12 business days of release, to the Missouri state highway patrol and the chief law enforcement  
13 official of the county or city not within a county where the person expects to reside upon  
14 discharge, parole, or release; or

15           (2) If the person does not reside or plan to reside in Missouri, be informed by the  
16 official in charge of such correctional facility, private jail, or mental health institution of the  
17 person's possible duty to register under sections 589.400 to 589.425. If such person is  
18 required to register under sections 589.400 to 589.425, the official in charge of the  
19 correctional facility, private jail, or the mental health institution shall complete the initial  
20 registration notification at least seven days prior to release and forward the offender's  
21 registration, within three business days of release, to the Missouri state highway patrol and  
22 the chief law enforcement official within the county or city not within a county where the  
23 correctional facility, private jail, or mental health institution is located.

24           2. **If the person is currently a registered sex offender in Missouri, upon release of**  
25 **the offender from any correctional facility of the department of corrections, any mental**  
26 **health institution, a private jail under section 221.095, or other private facility**  
27 **recognized by or contracted with the department of corrections or department of mental**

28 **health where such person was confined, the official in charge of such correctional**  
29 **facility, mental health institution, or private jail shall inform the chief law enforcement**  
30 **official of the county or city not within a county where the offender is registered of the**  
31 **offender's release.**

32 **3.** If the offender refuses to complete and sign the registration information as outlined  
33 in this section or fails to register with the chief law enforcement official within three business  
34 days as directed, the offender commits the offense of failure to register under section 589.425  
35 within the jurisdiction where the correctional facility, private jail, or mental health institution  
36 is located.

37 **4.** When any person is incarcerated in any jail, municipal detention facility,  
38 **correctional facility of the department of corrections, private jail under section 221.095,**  
39 **or other private facility contracted with the department of corrections, or any person is**  
40 **committed to the department of mental health or a mental health institution, the official**  
41 **in charge of such jail, detention facility, correctional facility, private jail, private facility,**  
42 **or mental health institution shall complete a check to see if the person is currently a**  
43 **registered sex offender in Missouri. If the person is a registered sex offender in**  
44 **Missouri, such official in charge shall inform the chief law enforcement official of the**  
45 **county or city not within a county where the offender is registered of the incarceration.**  
46 **If the person incarcerated is a registered sex offender, the chief law enforcement official**  
47 **of the county or city not within a county where the offender is registered shall ensure the**  
48 **offender's status is properly updated in the Missouri sex offender registry.**

589.410. The chief law enforcement official of a county or city not within a county  
2 shall ~~[forward]~~ **enter** the completed offender registration ~~[form to the Missouri state highway~~  
3 ~~patrol]~~ **into the Missouri state highway patrol's sex offender registration system** within  
4 three days. ~~[The patrol]~~ **Such registration** shall ~~[enter the information]~~ **be entered** into the  
5 Missouri uniform law enforcement system (MULES). **The Missouri state highway patrol**  
6 **shall ensure the information entered into the Missouri sex offender registry is forwarded**  
7 **to the National Crime Information Center (NCIC)** where it is available to members of the  
8 criminal justice system, and other entities as provided by law, upon inquiry.

589.414. 1. Any person required by sections 589.400 to 589.425 to register shall,  
2 within three business days, appear in person to the chief law enforcement officer of the  
3 county or city not within a county if there is a change to any of the following information:

- 4 (1) Name;
- 5 (2) Residence;
- 6 (3) Employment, including status as a volunteer or intern;
- 7 (4) Student status; or
- 8 (5) A termination to any of the items listed in this subsection.

9           2. Any person required to register under sections 589.400 to 589.425 shall, within  
10 three business days, notify the chief law enforcement official of the county or city not within  
11 a county of any changes to the following information:

12           (1) Vehicle information;

13           (2) Temporary lodging information;

14           (3) Temporary residence information;

15           (4) Email addresses, instant messaging addresses, and any other designations used in  
16 internet communications, postings, or telephone communications; or

17           (5) Telephone or other cellular number, including any new forms of electronic  
18 communication.

19           3. The chief law enforcement official in the county or city not within a county shall  
20 immediately forward the registration changes described under subsections 1 and 2 of this  
21 section to the Missouri state highway patrol within three business days.

22           4. If any person required by sections 589.400 to 589.425 to register changes such  
23 person's residence or address to a different county or city not within a county, the person shall  
24 appear in person and shall inform both the chief law enforcement official with whom the  
25 person last registered and the chief law enforcement official of the county or city not within a  
26 county having jurisdiction over the new residence or address in writing within three business  
27 days of such new address and phone number, if the phone number is also changed. If any  
28 person required by sections 589.400 to 589.425 to register changes his or her state, territory,  
29 the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction of  
30 residence, the person shall appear in person and shall inform both the chief law enforcement  
31 official with whom the person was last registered and the chief law enforcement official of the  
32 area in the new state, territory, the District of Columbia, or foreign country, or federal, tribal,  
33 or military jurisdiction having jurisdiction over the new residence or address within three  
34 business days of such new address. Whenever a registrant changes residence, the chief law  
35 enforcement official of the county or city not within a county where the person was  
36 previously registered shall inform the Missouri state highway patrol of the change within  
37 three business days. When the registrant is changing the residence to a new state, territory,  
38 the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction, the  
39 Missouri state highway patrol shall inform the responsible official in the new state, territory,  
40 the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction of  
41 residence within three business days.

42           5. Tier I sexual offenders, in addition to the requirements of subsections 1 to 4 of this  
43 section, shall report in person to the chief law enforcement official annually in the month of  
44 their birth to verify the information contained in their statement made pursuant to section  
45 589.407. Tier I sexual offenders include:

- 46 (1) Any offender who has been adjudicated for the offense of:
- 47 (a) Sexual abuse in the first degree under section 566.100 if the victim is eighteen
- 48 years of age or older;
- 49 (b) ~~[Sexual misconduct involving a child under section 566.083 if it is a first offense~~
- 50 ~~and the punishment is less than one year;~~
- 51 ~~(e)~~ (c) Sexual abuse in the second degree under section 566.101 if the punishment is less
- 52 than a year;
- 53 ~~(d)~~ (c) Kidnapping in the second degree under section 565.120 with sexual
- 54 motivation;
- 55 ~~(e)~~ (d) Kidnapping in the third degree under section 565.130;
- 56 ~~(f)~~ (e) Sexual conduct with a nursing facility resident or vulnerable person in the
- 57 first degree under section 566.115 if the punishment is less than one year;
- 58 ~~(g)~~ (f) Sexual conduct under section 566.116 with a nursing facility resident or
- 59 vulnerable person;
- 60 ~~(h)~~ (g) Sexual ~~[contact with a prisoner or offender]~~ **conduct in the course of public**
- 61 **duty** under section 566.145 if the victim is eighteen years of age or older;
- 62 ~~(i)~~ (h) Sex with an animal under section 566.111;
- 63 ~~(j)~~ (i) Trafficking for the purpose of sexual exploitation under section 566.209 if the
- 64 victim is eighteen years of age or older;
- 65 ~~(k)~~ (j) Possession of child pornography under section 573.037;
- 66 ~~(l)~~ (k) Sexual misconduct in the first degree under section 566.093;
- 67 ~~(m)~~ (l) Sexual misconduct in the second degree under section 566.095;
- 68 ~~(n) Child molestation in the second degree under section 566.068 as it existed prior~~
- 69 ~~to January 1, 2017, if the punishment is less than one year;]~~ or
- 70 ~~(o)~~ (m) Invasion of privacy under section 565.252 if the victim is less than eighteen
- 71 years of age;
- 72 (2) Any offender who is or has been adjudicated in any other state, territory, the
- 73 District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction of an
- 74 offense of a sexual nature or with a sexual element that is comparable to the tier I sexual
- 75 offenses listed in this subsection or, if not comparable to those in this subsection, comparable
- 76 to those described as tier I offenses under the Sex Offender Registration and Notification Act,
- 77 Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.
- 78 6. Tier II sexual offenders, in addition to the requirements of subsections 1 to 4 of this
- 79 section, shall report semiannually in person in the month of their birth and six months
- 80 thereafter to the chief law enforcement official to verify the information contained in their
- 81 statement made pursuant to section 589.407. Tier II sexual offenders include:
- 82 (1) Any offender who has been adjudicated for the offense of[:

83 ~~(a) Statutory sodomy in the second degree under section 566.064 if the victim is~~  
84 ~~sixteen to seventeen years of age;~~

85 ~~(b) Child molestation in the third degree under section 566.069 if the victim is~~  
86 ~~between thirteen and fourteen years of age;~~

87 ~~(c) Sexual contact with a student under section 566.086 if the victim is thirteen to~~  
88 ~~seventeen years of age;~~

89 ~~(d) Enticement of a child under section 566.151;~~

90 ~~(e) Abuse of a child under section 568.060 if the offense is of a sexual nature and the~~  
91 ~~victim is thirteen to seventeen years of age;~~

92 ~~(f) Sexual exploitation of a minor under section 573.023;~~

93 ~~(g) Promoting child pornography in the first degree under section 573.025;~~

94 ~~(h) Promoting child pornography in the second degree under section 573.035;~~

95 ~~(i) patronizing prostitution under section 567.030];~~

96 ~~(j) Sexual contact with a prisoner or offender under section 566.145 if the victim is~~  
97 ~~thirteen to seventeen years of age;~~

98 ~~(k) Child molestation in the fourth degree under section 566.071 if the victim is~~  
99 ~~thirteen to seventeen years of age;~~

100 ~~(l) Sexual misconduct involving a child under section 566.083 if it is a first offense~~  
101 ~~and the penalty is a term of imprisonment of more than a year; or~~

102 ~~(m) Age misrepresentation with intent to solicit a minor under section 566.153];~~

103 (2) Any person who is adjudicated of an offense comparable to a tier I offense listed  
104 in this section or failure to register offense under section 589.425 or comparable out-of-state  
105 failure to register offense and who is already required to register as a tier I offender due to  
106 having been adjudicated of a tier I offense on a previous occasion; or

107 (3) Any person who is or has been adjudicated in any other state, territory, the District  
108 of Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense  
109 of a sexual nature or with a sexual element that is comparable to the tier II sexual offenses  
110 listed in this subsection or, if not comparable to those in this subsection, comparable to those  
111 described as tier II offenses under the Sex Offender Registration and Notification Act, Title I  
112 of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.

113 7. Tier III sexual offenders, in addition to the requirements of subsections 1 to 4 of  
114 this section, shall report in person to the chief law enforcement official every ninety days to  
115 verify the information contained in their statement made under section 589.407. Tier III  
116 sexual offenders include:

117 (1) Any offender registered as a predatory sexual offender [~~as defined in section~~  
118 ~~566.123]~~ or a persistent sexual offender as defined in section [~~566.124]~~ **566.125**;

119 (2) Any offender who has been adjudicated for the crime of:

- 120 (a) Rape in the first degree under section 566.030;
- 121 (b) Statutory rape in the first degree under section 566.032;
- 122 (c) Rape in the second degree under section 566.031;
- 123 (d) Endangering the welfare of a child in the first degree under section 568.045 if the  
124 offense is sexual in nature;
- 125 (e) Sodomy in the first degree under section 566.060;
- 126 (f) Statutory sodomy under section 566.062;
- 127 (g) Statutory sodomy under section 566.064 if the victim is under sixteen years of  
128 age;
- 129 (h) Sodomy in the second degree under section 566.061;
- 130 (i) Sexual misconduct involving a child under section 566.083 ~~if the offense is a~~  
131 ~~second or subsequent offense~~];
- 132 (j) Sexual abuse in the first degree under section 566.100 if the victim is under  
133 thirteen years of age;
- 134 (k) **Age misrepresentation with intent to solicit a minor under section 566.153;**
- 135 **(l) Enticement of a child under section 566.151;**
- 136 **(m)** Kidnapping in the first degree under section 565.110 if the victim is under  
137 eighteen years of age, excluding kidnapping by a parent or guardian;
- 138 ~~(n)~~ **(n)** Child kidnapping under section 565.115 **with sexual motivation;**
- 139 ~~(o)~~ **(o)** Sexual conduct with a nursing facility resident or vulnerable person in the  
140 first degree under section 566.115 if the punishment is greater than a year;
- 141 ~~(p)~~ **(p)** Incest under section 568.020;
- 142 ~~(q)~~ **(q)** Endangering the welfare of a child in the first degree under section 568.045  
143 with sexual intercourse or deviate sexual intercourse with a victim under eighteen years of  
144 age;
- 145 ~~(r)~~ **(r)** Child molestation in the first degree under section 566.067;
- 146 ~~(s)~~ **(s)** Child molestation in the second degree under section 566.068 **or child**  
147 **molestation in the second degree under section 566.068 as it existed prior to January 1,**  
148 **2017, if the punishment is less than one year;**
- 149 ~~(t)~~ **(t)** Child molestation in the third degree under section 566.069 if the victim is  
150 under ~~thirteen~~ **fourteen** years of age;
- 151 ~~(u)~~ **(u)** Promoting prostitution in the first degree under section 567.050 if the victim  
152 is under eighteen years of age;
- 153 ~~(v)~~ **(v)** Promoting prostitution in the second degree under section 567.060 if the  
154 victim is under eighteen years of age;
- 155 ~~(w)~~ **(w)** Promoting prostitution in the third degree under section 567.070 if the  
156 victim is under eighteen years of age;

- 157            ~~[(v)]~~ **(x)** Promoting travel for prostitution under section 567.085 if the victim is under  
158 eighteen years of age;
- 159            ~~[(w)]~~ **(y)** Trafficking for the purpose of sexual exploitation under section 566.209 if  
160 the victim is under eighteen years of age;
- 161            ~~[(x)]~~ **(z)** Sexual trafficking of a child in the first degree under section 566.210;
- 162            ~~[(y)]~~ **(aa)** Sexual trafficking of a child in the second degree under section 566.211;
- 163            ~~[(z)]~~ **(bb)** Genital mutilation of a female child under section 568.065;
- 164            ~~[(aa)]~~ **(cc)** Statutory rape in the second degree under section 566.034;
- 165            ~~[(bb)]~~ **(dd)** Child molestation in the fourth degree under section 566.071 if the victim  
166 is under ~~[thirteen]~~ **seventeen** years of age;
- 167            ~~[(cc)]~~ **(ee)** Sexual abuse in the second degree under section 566.101 if the penalty is a  
168 term of imprisonment of more than a year;
- 169            ~~[(dd)]~~ **(ff)** Patronizing prostitution under section 567.030 if the offender is a persistent  
170 offender **or if the victim is under eighteen years of age**;
- 171            ~~[(ee)]~~ **(gg)** Abuse of a child under section 568.060 if the offense is of a sexual nature  
172 and the victim is under ~~[thirteen]~~ **eighteen** years of age;
- 173            ~~[(ff)]~~ **(hh)** Sexual ~~[contact with a prisoner or offender]~~ **conduct in the course of**  
174 **public duty** under section 566.145 if the victim is under ~~[thirteen]~~ **eighteen** years of age;
- 175            ~~[(gg)]~~ ~~Sexual intercourse with a prisoner or offender under section 566.145;~~
- 176            ~~[(hh)]~~ **(ii)** Sexual contact with a student under section 566.086 if the victim is under  
177 ~~[thirteen]~~ **eighteen** years of age;
- 178            **(jj) Sexual exploitation of a minor under section 573.023;**
- 179            **(kk) Promoting child pornography in the first degree under section 573.025;**
- 180            **(ll) Promoting child pornography in the second degree under section 573.035;**
- 181            ~~[(ii)]~~ **(mm)** Use of a child in a sexual performance under section 573.200; or
- 182            ~~[(jj)]~~ **(nn)** Promoting a sexual performance by a child under section 573.205;
- 183            (3) Any offender who is adjudicated for a crime comparable to a tier I or tier II  
184 offense listed in this section or failure to register offense under section 589.425, or other  
185 comparable out-of-state failure to register offense, who has been or is already required to  
186 register as a tier II offender because of having been adjudicated for a tier II offense, two tier I  
187 offenses, or combination of a tier I offense and failure to register offense, on a previous  
188 occasion;
- 189            (4) Any offender who is adjudicated in any other state, territory, the District of  
190 Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense of  
191 a sexual nature or with a sexual element that is comparable to a tier III offense listed in this  
192 section or a tier III offense under the Sex Offender Registration and Notification Act, Title I  
193 of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248; or



194 (5) Any offender who is adjudicated in Missouri for any offense of a sexual nature  
195 requiring registration under sections 589.400 to 589.425 that is not classified as a tier I or tier  
196 II offense in this section.

197 8. In addition to the requirements of subsections 1 to 7 of this section, all Missouri  
198 registrants who work, including as a volunteer or unpaid intern, or attend any school whether  
199 public or private, including any secondary school, trade school, professional school, or  
200 institution of higher education, on a full-time or part-time basis or have a temporary residence  
201 in this state shall be required to report in person to the chief law enforcement officer in the  
202 area of the state where they work, including as a volunteer or unpaid intern, or attend any  
203 school or training and register in that state. "Part-time" in this subsection means for more  
204 than seven days in any twelve-month period.

205 9. If a person who is required to register as a sexual offender under sections 589.400  
206 to 589.425 changes or obtains a new online identifier as defined in section 43.651, the person  
207 shall report such information in the same manner as a change of residence before using such  
208 online identifier.

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

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

15 3. The director of revenue shall deposit annually the amount of two hundred fifty  
16 thousand dollars to the state forensic laboratory account administered by the department of  
17 public safety to provide financial assistance to defray expenses of crime laboratories if such  
18 analytical laboratories are registered with the federal Drug Enforcement Agency or the  
19 Missouri department of health and senior services. Subject to appropriations made therefor,  
20 such funds shall be distributed by the department of public safety to the crime laboratories  
21 serving the courts of this state making analysis of a controlled substance or analysis of blood,  
22 breath or urine in relation to a court proceeding.

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

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

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

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

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

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

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

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

57           8. In addition to the moneys collected pursuant to subsection 1 of this section, the  
58 court shall enter a judgment in favor of the state of Missouri, payable to the crime victims'  
59 compensation fund, of sixty-eight dollars upon a plea of guilty or a finding of guilt for a class

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

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

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

83 11. The state courts administrator shall include in the annual report required by  
84 section 476.350 the circuit court caseloads and the number of crime victims' compensation  
85 judgments entered.

86 12. All awards made to injured victims under sections 595.010 to 595.105 and all  
87 appropriations for administration of sections 595.010 to 595.105, except sections 595.050 and  
88 595.055, shall be made from the crime victims' compensation fund. Any unexpended balance  
89 remaining in the crime victims' compensation fund at the end of each biennium shall not be  
90 subject to the provision of section 33.080 requiring the transfer of such unexpended balance  
91 to the ordinary revenue fund of the state, but shall remain in the crime victims' compensation  
92 fund. In the event that there are insufficient funds in the crime victims' compensation fund to  
93 pay all claims in full, all claims shall be paid on a pro rata basis. If there are no funds in the  
94 crime victims' compensation fund, then no claim shall be paid until funds have again  
95 accumulated in the crime victims' compensation fund. When sufficient funds become  
96 available from the fund, awards which have not been paid shall be paid in chronological order

97 with the oldest paid first. In the event an award was to be paid in installments and some  
98 remaining installments have not been paid due to a lack of funds, then when funds do become  
99 available that award shall be paid in full. All such awards on which installments remain due  
100 shall be paid in full in chronological order before any other postdated award shall be paid.  
101 Any award pursuant to this subsection is specifically not a claim against the state, if it cannot  
102 be paid due to a lack of funds in the crime victims' compensation fund.

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

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

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

119 16. The department may receive gifts and contributions for the benefit of crime  
120 victims. Such gifts and contributions shall be credited to the crime victims' compensation  
121 fund as used solely for compensating victims under the provisions of sections 595.010 to  
122 595.075.

600.042. 1. The director shall:

2 (1) Direct and supervise the work of the deputy directors and other state public  
3 defender office personnel appointed pursuant to this chapter; and he or she and the deputy  
4 director or directors may participate in the trial and appeal of criminal actions at the request of  
5 the defender;

6 (2) Submit to the commission, between August fifteenth and September fifteenth of  
7 each year, a report which shall include all pertinent data on the operation of the state public  
8 defender system, the costs, projected needs, and recommendations for statutory changes.  
9 Prior to October fifteenth of each year, the commission shall submit such report along with  
10 such recommendations, comments, conclusions, or other pertinent information it chooses to  
11 make to the chief justice, the governor, and the general assembly. Such reports shall be a

12 public record, shall be maintained in the office of the state public defender, and shall be  
13 otherwise distributed as the commission shall direct;

14 (3) With the approval of the commission, establish such divisions, facilities and  
15 offices and select such professional, technical and other personnel, including investigators, as  
16 he deems reasonably necessary for the efficient operation and discharge of the duties of the  
17 state public defender system under this chapter;

18 (4) Administer and coordinate the operations of defender services and be responsible  
19 for the overall supervision of all personnel, offices, divisions and facilities of the state public  
20 defender system, except that the director shall have no authority to direct or control the legal  
21 defense provided by a defender to any person served by the state public defender system;

22 (5) Develop programs and administer activities to achieve the purposes of this  
23 chapter;

24 (6) Keep and maintain proper financial records with respect to the provision of all  
25 public defender services for use in the calculating of direct and indirect costs of any or all  
26 aspects of the operation of the state public defender system;

27 (7) Supervise the training of all public defenders and other personnel and establish  
28 such training courses as shall be appropriate;

29 (8) With approval of the commission, promulgate necessary rules, regulations and  
30 instructions consistent with this chapter defining the organization of the state public defender  
31 system and the responsibilities of division directors, district defenders, deputy district  
32 defenders, assistant public defenders and other personnel;

33 (9) With the approval of the commission, apply for and accept on behalf of the public  
34 defender system any funds which may be offered or which may become available from  
35 government grants, private gifts, donations or bequests or from any other source. Such  
36 moneys shall be deposited in the ~~[state general revenue]~~ **public defender-federal and other**  
37 fund;

38 (10) Contract for legal services with private attorneys on a case-by-case basis and  
39 with assigned counsel as the commission deems necessary considering the needs of the area,  
40 for fees approved and established by the commission;

41 (11) With the approval and on behalf of the commission, contract with private  
42 attorneys for the collection and enforcement of liens and other judgments owed to the state for  
43 services rendered by the state public defender system.

44 2. No rule or portion of a rule promulgated under the authority of this chapter shall  
45 become effective unless it has been promulgated pursuant to the provisions of section  
46 536.024.

47 3. The director and defenders shall, within guidelines as established by the  
48 commission and as set forth in subsection 4 of this section, accept requests for legal services

49 from eligible persons entitled to counsel under this chapter or otherwise so entitled under the  
50 constitution or laws of the United States or of the state of Missouri and provide such persons  
51 with legal services when, in the discretion of the director or the defenders, such provision of  
52 legal services is appropriate.

53 4. The director and defenders shall provide legal services to an eligible person:

54 (1) Who is detained or charged with a felony, including appeals from a conviction in  
55 such a case;

56 (2) Who is detained or charged with a misdemeanor which will probably result in  
57 confinement in the county jail upon conviction, including appeals from a conviction in such a  
58 case, unless the prosecuting or circuit attorney has waived a jail sentence;

59 (3) Who is charged with a violation of probation when it has been determined by a  
60 judge that the appointment of counsel is necessary to protect the person's due process rights  
61 under section 559.036;

62 (4) Who has been taken into custody pursuant to section 632.489, including appeals  
63 from a determination that the person is a sexually violent predator and petitions for release,  
64 notwithstanding any provisions of law to the contrary;

65 (5) For whom the federal constitution or the state constitution requires the  
66 appointment of counsel; and

67 (6) Who is charged in a case in which he or she faces a loss or deprivation of liberty,  
68 and in which the federal or the state constitution or any law of this state requires the  
69 appointment of counsel; however, the director and the defenders shall not be required to  
70 provide legal services to persons charged with violations of county or municipal ordinances,  
71 or misdemeanor offenses except as provided in this section.

72 5. The director may:

73 (1) Delegate the legal representation of an eligible person to any member of the state  
74 bar of Missouri;

75 (2) Designate persons as representatives of the director for the purpose of making  
76 indigency determinations and assigning counsel.

77 **6. There is hereby created within the state treasury the "Public Defender-**  
78 **Federal and Other Fund", which shall be funded annually by appropriation and which**  
79 **shall contain moneys received from any other funds from government grants, private**  
80 **gifts, donations, bequests, or any other source to be used for the purpose of funding local**  
81 **offices of the office of state public defender. The state treasurer shall be the custodian of**  
82 **the fund and shall approve disbursements from the fund upon the request of the**  
83 **director of the office of state public defender. Any interest or other earnings with**  
84 **respect to amounts transferred to the fund shall be credited to the fund.**  
85 **Notwithstanding the provisions of section 33.080 to the contrary, any unexpended**

86 **balances in the fund at the end of any fiscal year shall not be transferred to the general**  
87 **revenue fund or any other fund.**

610.021. Except to the extent disclosure is otherwise required by law, a public  
2 governmental body is authorized to close meetings, records and votes, to the extent they relate  
3 to the following:

4 (1) Legal actions, causes of action or litigation involving a public governmental body  
5 and any confidential or privileged communications between a public governmental body or  
6 its representatives and its attorneys. However, any minutes, vote or settlement agreement  
7 relating to legal actions, causes of action or litigation involving a public governmental body  
8 or any agent or entity representing its interests or acting on its behalf or with its authority,  
9 including any insurance company acting on behalf of a public government body as its insured,  
10 shall be made public upon final disposition of the matter voted upon or upon the signing by  
11 the parties of the settlement agreement, unless, prior to final disposition, the settlement  
12 agreement is ordered closed by a court after a written finding that the adverse impact to a  
13 plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of  
14 section 610.011, however, the amount of any moneys paid by, or on behalf of, the public  
15 governmental body shall be disclosed; provided, however, in matters involving the exercise of  
16 the power of eminent domain, the vote shall be announced or become public immediately  
17 following the action on the motion to authorize institution of such a legal action. Legal work  
18 product shall be considered a closed record;

19 (2) Leasing, purchase or sale of real estate by a public governmental body where  
20 public knowledge of the transaction might adversely affect the legal consideration therefor.  
21 However, any minutes, vote or public record approving a contract relating to the leasing,  
22 purchase or sale of real estate by a public governmental body shall be made public upon  
23 execution of the lease, purchase or sale of the real estate;

24 (3) Hiring, firing, disciplining or promoting of particular employees by a public  
25 governmental body when personal information about the employee is discussed or recorded.  
26 However, any vote on a final decision, when taken by a public governmental body, to hire,  
27 fire, promote or discipline an employee of a public governmental body shall be made  
28 available with a record of how each member voted to the public within seventy-two hours of  
29 the close of the meeting where such action occurs; provided, however, that any employee so  
30 affected shall be entitled to prompt notice of such decision during the seventy-two-hour  
31 period before such decision is made available to the public. As used in this subdivision, the  
32 term "personal information" means information relating to the performance or merit of  
33 individual employees;

34 (4) The state militia or national guard or any part thereof;

35 (5) Nonjudicial mental or physical health proceedings involving identifiable persons,  
36 including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or  
37 treatment;

38 (6) Scholastic probation, expulsion, or graduation of identifiable individuals,  
39 including records of individual test or examination scores; however, personally identifiable  
40 student records maintained by public educational institutions shall be open for inspection by  
41 the parents, guardian or other custodian of students under the age of eighteen years and by the  
42 parents, guardian or other custodian and the student if the student is over the age of eighteen  
43 years;

44 (7) Testing and examination materials, before the test or examination is given or, if it  
45 is to be given again, before so given again;

46 (8) Welfare cases of identifiable individuals;

47 (9) Preparation, including any discussions or work product, on behalf of a public  
48 governmental body or its representatives for negotiations with employee groups;

49 (10) Software codes for electronic data processing and documentation thereof;

50 (11) Specifications for competitive bidding, until either the specifications are  
51 officially approved by the public governmental body or the specifications are published for  
52 bid;

53 (12) Sealed bids and related documents, until the bids are opened; and sealed  
54 proposals and related documents or any documents related to a negotiated contract until a  
55 contract is executed, or all proposals are rejected;

56 (13) Individually identifiable personnel records, performance ratings or records  
57 pertaining to employees or applicants for employment, except that this exemption shall not  
58 apply to the names, positions, salaries and lengths of service of officers and employees of  
59 public agencies once they are employed as such, and the names of private sources donating or  
60 contributing money to the salary of a chancellor or president at all public colleges and  
61 universities in the state of Missouri and the amount of money contributed by the source;

62 (14) Records which are protected from disclosure by law;

63 (15) Meetings and public records relating to scientific and technological innovations  
64 in which the owner has a proprietary interest;

65 (16) Records relating to municipal hotlines established for the reporting of abuse and  
66 wrongdoing;

67 (17) Confidential or privileged communications between a public governmental body  
68 and its auditor, including all auditor work product; however, all final audit reports issued by  
69 the auditor are to be considered open records pursuant to this chapter;

70 (18) **(a) Security measures, global positioning system (GPS) data, investigative**  
71 **information, or investigative or surveillance techniques of any public agency responsible**



72 **for law enforcement or public safety that, if disclosed, has the potential to endanger the**  
73 **health or safety of an individual or the public.**

74 (b) **Any information or data provided to a tip line for the purpose of safety or**  
75 **security at an educational institution that, if disclosed, has the potential to endanger the**  
76 **health or safety of an individual or the public.**

77 (c) **Any information contained in any suspicious activity report provided to law**  
78 **enforcement that, if disclosed, has the potential to endanger the health or safety of an**  
79 **individual or the public.**

80 (d) Operational guidelines, policies and specific response plans developed, adopted,  
81 or maintained by any public agency responsible for law enforcement, public safety, first  
82 response, or public health for use in responding to or preventing any critical incident which is  
83 or appears to be terrorist in nature and which has the potential to endanger individual or  
84 public safety or health. Financial records related to the procurement of or expenditures  
85 relating to operational guidelines, policies or plans purchased with public funds shall be open.  
86 When seeking to close information pursuant to this exception, the public governmental body  
87 shall affirmatively state in writing that disclosure would impair the public governmental  
88 body's ability to protect the security or safety of persons or real property, and shall in the same  
89 writing state that the public interest in nondisclosure outweighs the public interest in  
90 disclosure of the records;

91 (19) Existing or proposed security systems and structural plans of real property  
92 owned or leased by a public governmental body, and information that is voluntarily submitted  
93 by a nonpublic entity owning or operating an infrastructure to any public governmental body  
94 for use by that body to devise plans for protection of that infrastructure, the public disclosure  
95 of which would threaten public safety:

96 (a) Records related to the procurement of or expenditures relating to security systems  
97 purchased with public funds shall be open;

98 (b) When seeking to close information pursuant to this exception, the public  
99 governmental body shall affirmatively state in writing that disclosure would impair the public  
100 governmental body's ability to protect the security or safety of persons or real property, and  
101 shall in the same writing state that the public interest in nondisclosure outweighs the public  
102 interest in disclosure of the records;

103 (c) Records that are voluntarily submitted by a nonpublic entity shall be reviewed by  
104 the receiving agency within ninety days of submission to determine if retention of the  
105 document is necessary in furtherance of a state security interest. If retention is not necessary,  
106 the documents shall be returned to the nonpublic governmental body or destroyed;

107 (20) The portion of a record that identifies security systems or access codes or  
108 authorization codes for security systems of real property;

109 (21) Records that identify the configuration of components or the operation of a  
110 computer, computer system, computer network, or telecommunications network, and would  
111 allow unauthorized access to or unlawful disruption of a computer, computer system,  
112 computer network, or telecommunications network of a public governmental body. This  
113 exception shall not be used to limit or deny access to otherwise public records in a file,  
114 document, data file or database containing public records. Records related to the procurement  
115 of or expenditures relating to such computer, computer system, computer network, or  
116 telecommunications network, including the amount of moneys paid by, or on behalf of, a  
117 public governmental body for such computer, computer system, computer network, or  
118 telecommunications network shall be open;

119 (22) Credit card numbers, personal identification numbers, digital certificates,  
120 physical and virtual keys, access codes or authorization codes that are used to protect the  
121 security of electronic transactions between a public governmental body and a person or entity  
122 doing business with a public governmental body. Nothing in this section shall be deemed to  
123 close the record of a person or entity using a credit card held in the name of a public  
124 governmental body or any record of a transaction made by a person using a credit card or  
125 other method of payment for which reimbursement is made by a public governmental body;

126 (23) Records submitted by an individual, corporation, or other business entity to a  
127 public institution of higher education in connection with a proposal to license intellectual  
128 property or perform sponsored research and which contains sales projections or other  
129 business plan information the disclosure of which may endanger the competitiveness of a  
130 business;

131 (24) Records relating to foster home or kinship placements of children in foster care  
132 under section 210.498; and

133 (25) Individually identifiable customer usage and billing records for customers of a  
134 municipally owned utility, unless the records are requested by the customer or authorized for  
135 release by the customer, except that a municipally owned utility shall make available to the  
136 public the customer's name, billing address, location of service, and dates of service provided  
137 for any commercial service account.

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

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

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

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

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

28

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

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

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

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

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

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

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

2           (1) "Board", the Missouri 911 service board established in section 650.325;

3           (2) "Public safety answering point", the location at which 911 calls are answered;

4           (3) "Telecommunicator **first responder**", any person employed as an emergency  
5 telephone worker, call taker or public safety dispatcher whose duties include receiving,  
6 processing or transmitting public safety information received through a 911 public safety  
7 answering point.

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

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

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

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

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

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

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

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

2           ~~[435.014. 1. If all the parties to a dispute agree in writing to submit~~  
3 ~~their dispute to any forum for arbitration, conciliation or mediation, then no~~  
4 ~~person who serves as arbitrator, conciliator or mediator, nor any agent or~~  
5 ~~employee of that person, shall be subpoenaed or otherwise compelled to~~  
6 ~~disclose any matter disclosed in the process of setting up or conducting the~~  
7 ~~arbitration, conciliation or mediation.~~

8           ~~2. Arbitration, conciliation and mediation proceedings shall be~~  
9 ~~regarded as settlement negotiations. Any communication relating to the~~  
10 ~~subject matter of such disputes made during the resolution process by any~~  
11 ~~participant, mediator, conciliator, arbitrator or any other person present at the~~  
~~dispute resolution shall be a confidential communication. No admission,~~

12 ~~representation, statement or other confidential communication made in setting~~  
13 ~~up or conducting such proceedings not otherwise discoverable or obtainable~~  
14 ~~shall be admissible as evidence or subject to discovery.]~~

✓