

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 384

95TH GENERAL ASSEMBLY

1222L.04P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 192.925, 195.202, 210.1012, 211.031, 229.110, 479.260, 488.5025, 545.050, 550.040, 550.050, 550.070, 550.080, 550.090, 565.020, 566.145, 566.226, 568.045, 570.030, 570.080, and 589.425, RSMo, and to enact in lieu thereof sixteen new sections relating to certain criminal offenses and criminal procedures, with penalty provisions.

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

Section A. Sections 192.925, 195.202, 210.1012, 211.031, 229.110, 479.260, 488.5025, 2 545.050, 550.040, 550.050, 550.070, 550.080, 550.090, 565.020, 566.145, 566.226, 568.045, 3 570.030, 570.080, and 589.425, RSMo, are repealed and sixteen new sections enacted in lieu 4 thereof, to be known as sections 192.925, 195.202, 210.1012, 211.031, 479.260, 488.5025, 5 488.5032, 545.050, 550.040, 565.020, 566.145, 566.226, 568.045, 570.030, 570.080, and 6 589.425, to read as follows:

192.925. 1. To increase public awareness of the problem of elder abuse and neglect **and** 2 **financial exploitation of the elderly**, the department of health and senior services shall 3 implement an education and awareness program. Such program shall have the goal of reducing 4 the incidences of elder abuse and neglect **and financial exploitation of the elderly**, and may 5 focus on:

- 6 (1) The education and awareness of mandatory reporters on their responsibility to report 7 elder abuse and neglect **and financial exploitation of the elderly**;
- 8 (2) Targeted education and awareness for the public on the problem, identification and 9 reporting of elder abuse and neglect **and financial exploitation of the elderly**;
- 10 (3) Publicizing the elder abuse and neglect hot line telephone number;

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.

11 (4) Education and awareness for law enforcement agencies and prosecutors on the
12 problem and identification of elder abuse and neglect **and financial exploitation of the elderly**,
13 and the importance of prosecuting cases pursuant to chapter 565, RSMo; and

14 (5) Publicizing the availability of background checks prior to hiring an individual for
15 caregiving purposes.

16 2. The department of social services and facilities licensed pursuant to chapters 197 and
17 198, RSMo, shall cooperate fully with the department of health and senior services in the
18 distribution of information pursuant to this program.

195.202. 1. Except as authorized by sections 195.005 to 195.425, it is unlawful for any
2 person to possess or have under his **or her** control a controlled substance.

3 2. **Except as provided in subsection 4 of this section**, any person who violates this
4 section with respect to any controlled substance except thirty-five grams or less of marijuana is
5 guilty of a class C felony.

6 3. Any person who violates this section with respect to not more than thirty-five grams
7 of marijuana is guilty of a class A misdemeanor **and as part of their punishment shall be**
8 **required to perform ten hours of community service for a first offense and twenty-five**
9 **hours of community service for a second or subsequent offense, except in the case of**
10 **extraordinary circumstances, in which case the judge shall detail such circumstances in the**
11 **record.**

12 4. **Any person who violates subsection 2 of this section in the presence of a person**
13 **less than seventeen years of age or in a residence where a person less than seventeen years**
14 **of age resides is guilty of a class B felony.**

210.1012. 1. There is hereby created a statewide program called the "Amber Alert
2 System" referred to in this section as the "system" to aid in the identification and location of an
3 abducted child.

4 2. For the purposes of this section, "abducted child" means a child whose whereabouts
5 are unknown and who is:

6 (1) Less than eighteen years of age and reasonably believed to be the victim of the crime
7 of kidnapping as defined by section 565.110, RSMo, as determined by local law enforcement;

8 (2) Reasonably believed to be the victim of the crime of child kidnapping as defined by
9 section 565.115, RSMo, as determined by [local] law enforcement; or

10 (3) Less than eighteen years of age and at least fourteen years of age, and who[, if under
11 the age of fourteen,] would otherwise be reasonably believed to be a victim of child kidnapping
12 as defined by section 565.115, RSMo, as determined by [local] law enforcement, **if such person**
13 **was under the age of fourteen.**

14 3. The department of public safety shall develop regions to provide the system. The
15 department of public safety shall coordinate local law enforcement agencies and public
16 commercial television and radio broadcasters to provide an effective system. In the event that
17 a local law enforcement agency opts not to set up a system and an abduction occurs within the
18 jurisdiction, it shall notify the department of public safety who will notify local media in the
19 region.

20 4. The Amber alert system shall include all state agencies capable of providing urgent
21 and timely information to the public together with broadcasters and other private entities that
22 volunteer to participate in the dissemination of urgent public information. At a minimum, the
23 Amber alert system shall include the department of public safety, highway patrol, department of
24 transportation, department of health and senior services, and Missouri lottery.

25 5. The department of public safety shall have the authority to notify other regions upon
26 verification that the criteria established by the oversight committee has been met.

27 6. Participation in an Amber alert system is entirely at the option of local law
28 enforcement agencies and federally licensed radio and television broadcasters.

29 7. Any person who knowingly makes a false report that triggers an alert pursuant to this
30 section is guilty of a class A misdemeanor.

211.031. 1. Except as otherwise provided in this chapter, the juvenile court or the family
2 court in circuits that have a family court as provided in sections 487.010 to 487.190, RSMo, shall
3 have exclusive original jurisdiction in proceedings:

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

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

12 (b) The child or person seventeen years of age is otherwise without proper care, custody
13 or support; or

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

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

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

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

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

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

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

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

36 (3) Involving any child who is alleged to have violated a state law or municipal
37 ordinance, or any person who is alleged to have violated a state law or municipal ordinance prior
38 to attaining the age of seventeen years, in which cases jurisdiction may be taken by the court of
39 the circuit in which the child or person resides or may be found or in which the violation is
40 alleged to have occurred; except that, the juvenile court shall not have jurisdiction over any child
41 fifteen [and one-half] years of age who is alleged to have violated a state or municipal traffic
42 ordinance or regulation, the violation of which does not constitute a felony, and except that the
43 juvenile court shall have concurrent jurisdiction with the municipal court over any child who is
44 alleged to have violated a municipal curfew ordinance, and except that the juvenile court shall
45 have concurrent jurisdiction with the circuit court on any child who is alleged to have violated
46 a state or municipal ordinance or regulation prohibiting possession or use of any tobacco product;

47 (4) For the adoption of a person;

48 (5) For the commitment of a child or person seventeen years of age to the guardianship
49 of the department of social services as provided by law.

50 2. Transfer of a matter, proceeding, jurisdiction or supervision for a child or person
51 seventeen years of age who resides in a county of this state shall be made as follows:

52 (1) Prior to the filing of a petition and upon request of any party or at the discretion of
53 the juvenile officer, the matter in the interest of a child or person seventeen years of age may be
54 transferred by the juvenile officer, with the prior consent of the juvenile officer of the receiving

55 court, to the county of the child's residence or the residence of the person seventeen years of age
56 for future action;

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

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

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

72 (5) Upon motion of any child or person seventeen years of age or his or her parent, the
73 court having jurisdiction shall grant one change of judge pursuant to Missouri Supreme Court
74 Rules;

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

79 3. In any proceeding involving any child or person seventeen years of age taken into
80 custody in a county other than the county of the child's residence or the residence of a person
81 seventeen years of age, the juvenile court of the county of the child's residence or the residence
82 of a person seventeen years of age shall be notified of such taking into custody within
83 seventy-two hours.

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

479.260. 1. Municipalities by ordinance may provide for fees in an amount per case to
2 be set pursuant to sections 488.010 to 488.020, RSMo, for each municipal ordinance violation
3 case filed before a municipal judge, and in the event a defendant pleads guilty or is found guilty,
4 the judge may assess costs against the defendant except in those cases where the defendant is
5 found by the judge to be indigent and unable to pay the costs. **In the event the case is dismissed
6 before the defendant pleads guilty or is found guilty, the municipal judge may assess
7 municipal court costs as determined by section 488.012, RSMo, against the defendant if the
8 defendant consents to paying the costs except in those cases where the defendant is found
9 by the judge to be indigent and unable to pay the costs.** The fees authorized in this
10 subsection are in addition to service charges, witness fees and jail costs that may otherwise be
11 authorized to be assessed, but are in lieu of other court costs. The fees provided by this
12 subsection shall be collected by the municipal division clerk in municipalities electing or
13 required to have violations of municipal ordinances tried before a municipal judge pursuant to
14 section 479.020, or to employ judicial personnel pursuant to section 479.060, and disbursed as
15 provided in subsection 1 of section 479.080. Any other court costs required in connection with
16 such cases shall be collected and disbursed as provided in sections 488.010 to 488.020, RSMo;
17 provided that, each municipal court may establish a judicial education fund in an account under
18 the control of the municipal court to retain one dollar of the fees collected on each case and to
19 use the fund only to pay for:

20 (1) The continuing education and certification required of the municipal judges by law
21 or supreme court rule; and

22 (2) Judicial education and training for the court administrator and clerks of the municipal
23 court.

24

25 Provided further, that no municipal court shall retain more than one thousand five hundred
26 dollars in the fund for each judge, administrator or clerk of the municipal court. Any excess
27 funds shall be transmitted quarterly to the general revenue fund of the county or municipal
28 treasury.

29 2. In municipal ordinance violation cases which are filed in the associate circuit division
30 of the circuit court, fees shall be assessed in each case in an amount to be set pursuant to sections
31 488.010 to 488.020, RSMo. In the event a defendant pleads guilty or is found guilty, the judge
32 shall assess costs against the defendant except in those cases where the defendant is found by the
33 judge to be indigent and unable to pay the costs. In the event a defendant is acquitted or the case
34 is dismissed, the judge shall not assess costs against the municipality. The costs authorized in
35 this subsection are in addition to service charges, witness fees and jail costs that may otherwise
36 be authorized to be assessed, but are in lieu of other court costs. The costs provided by this

37 subsection shall be collected by the municipal division clerk in municipalities electing or
38 required to have violations of municipal ordinances tried before a municipal judge pursuant to
39 section 479.020, or to employ judicial personnel pursuant to section 479.060, and disbursed as
40 provided in subsection 2 of section 479.080. Any other court costs required in connection with
41 such cases shall be collected and disbursed as provided in sections 488.010 to 488.020, RSMo.

42 3. A municipality, when filing cases before an associate circuit judge, shall not be
43 required to pay fees.

44 4. No fees for a judge, city attorney or prosecutor shall be assessed as costs in a
45 municipal ordinance violation case.

46 5. In municipal ordinance violation cases, when there is an application for a trial de
47 novo, there shall be an additional fee in an amount to be set pursuant to sections 488.010 to
48 488.020, RSMo, which shall be assessed in the same manner as provided in subsection 2 of this
49 section.

50 6. Municipalities by ordinance may provide for a schedule of costs to be paid in
51 connection with pleas of guilty which are processed in a traffic violations bureau. If a
52 municipality files its municipal ordinance violation cases before a municipal judge, such costs
53 shall not exceed the court costs authorized by subsection 1 of this section. If a municipality files
54 its municipal ordinance violations cases in the associate circuit division of the circuit court, such
55 costs shall not exceed the court costs authorized by subsection 2 of this section.

488.5025. 1. In addition to any other assessment authorized by law, a court may assess
2 a fee of twenty-five dollars on each person who pays a court-ordered judgment, penalty, fine,
3 sanction, or court costs on a time-payment basis, including restitution and juvenile monetary
4 assessments. A time-payment basis shall be any judgment, penalty, fine, sanction, or court cost
5 not paid, in full, within thirty days of the date the court imposed the judgment, penalty fine,
6 sanction, or court cost. Imposition of the time-payment fee shall be in addition to any other
7 enforcement provisions authorized by law.

8 2. Ten dollars of the time-payment fee collected pursuant to this section shall be payable
9 to the clerk of the court of the county, **or clerk of the court of the municipality**, from which
10 such fee was collected, or to such person as is designated by local circuit court rule as treasurer
11 of said fund, and said fund shall be applied and expended under the direction and order of the
12 court en banc of any such county to be utilized by the court **where such fine is collected** to
13 improve, maintain, and enhance the ability to collect and manage moneys assessed or received
14 by the courts, to improve case processing, enhance court security, preservation of the record, or
15 to improve the administration of justice. Eight dollars of the time-payment fee shall be deposited
16 in the statewide court automation fund pursuant to section 476.055, RSMo. Seven dollars of the

17 time-payment fee shall be paid to the director of revenue, to be deposited to the general revenue
18 fund.

**488.5032. In the event a criminal case is dismissed in a circuit court in this state
2 before the defendant pleads guilty or is found guilty, the circuit judge may assess costs as
3 determined by section 488.012, RSMo, against any defendant if the defendant consents to
4 paying the costs except in those cases where the defendant is found by the judge to be
5 indigent and unable to pay the costs.**

545.050. [1.] No indictment for any trespass against the person or property of another,
2 not amounting to a felony, except for petit larceny, and no indictment for the disturbance of the
3 peace of a person, or for libel or slander, shall be preferred unless the name of a prosecutor is
4 affixed thereto, thus: "A B, prosecutor", except where the same is preferred upon the
5 information and testimony of one or more grand jurors, or of some public officer in the necessary
6 discharge of his **or her** duty.

7 [2. If the defendant be acquitted or the prosecution fails, judgment shall be entered
8 against such prosecutor for the costs.]

550.040. In all capital cases, and those in which imprisonment in the penitentiary is the
2 sole punishment for the offense, if the defendant is acquitted, the costs shall be paid by the state;
3 and in all other trials on indictments or information, if the defendant is acquitted, the costs shall
4 be paid by the county in which the indictment was found or information filed[, except when the
5 prosecutor shall be adjudged to pay them or it shall be otherwise provided by law].

565.020. 1. **This section shall be known and may be cited as "Erica and Zayquon's
2 Law".**

3 **2. A person commits the crime of murder in the first degree if [he] such person:**

4 **(1) Knowingly causes the death of another person after deliberation upon the matter[.**
5 **2.] ; or**

6 **(2) Knowingly causes the death of a child and a heinous element is involved in the**
7 **commission of the crime. For purposes of this subsection, a "heinous element" includes:**

8 **(a) Torturing the victim;**

9 **(b) Intentionally inflicting great bodily harm upon the victim;**

10 **(c) Intentionally mutilating the victim;**

11 **(d) Exposing the victim to extreme inhumane conditions;**

12 **(e) Being armed with a dangerous weapon or any article used or fashioned in a**
13 **manner to lead the victim to reasonably believe it to be a dangerous weapon and such**
14 **weapon or article is used or threatened to be used to cause the victim to submit;**

15 **(f) The offense involves sexual penetration or sexual contact with the victim; or**

16 **(g) Moving the victim from one location to another.**

17 **3. As used in this section "child" means any person under eighteen years of age.**

18 **4.** Murder in the first degree is a class A felony, and the punishment shall be either death
19 or imprisonment for life without eligibility for probation or parole, or release except by act of
20 the governor; except that, if a person has not reached his **or her** sixteenth birthday at the time
21 of the commission of the crime, the punishment shall be imprisonment for life without eligibility
22 for probation or parole, or release except by act of the governor.

 566.145. 1. A person commits the crime of sexual contact with a prisoner or offender
2 if:

3 (1) Such person is an employee of, or assigned to work in, any jail, prison or correctional
4 facility and such person has sexual intercourse or deviate sexual intercourse with a prisoner or
5 **an offender who is confined in or being transported to a jail, prison, or correctional facility;**
6 or

7 (2) Such person is a probation and parole officer and has sexual intercourse or deviate
8 sexual intercourse with an offender who is under the direct supervision of the officer.

9 2. For the purposes of this section the following terms shall mean:

10 (1) "Offender", includes any person in the custody of a prison or correctional facility and
11 any person who is under the supervision of the state board of probation and parole;

12 (2) "Prisoner", includes any person who is in the custody of a jail, whether pretrial or
13 after disposition of a charge.

14 3. Sexual contact with a prisoner or offender is a class D felony.

15 4. Consent of a prisoner or offender is not an affirmative defense.

 566.226. 1. After August 28, [2007] **2009**, any information contained in any court
2 record, whether written or published on the Internet, that could be used to identify or locate any
3 victim of sexual assault, domestic assault, stalking, or forcible rape shall be closed and redacted
4 from such record prior to disclosure to the public. Identifying information shall include the
5 name, home or temporary address, telephone number, Social Security number or physical
6 characteristics. **For purposes of this section, the name of any defendant in a criminal case**
7 **shall not be considered identifying information and shall not be redacted from court**
8 **records.**

9 2. If the court determines that a person or entity who is requesting identifying
10 information of a victim has a legitimate interest in obtaining such information, the court may
11 allow access to the information, but only if the court determines that disclosure to the person or
12 entity would not compromise the welfare or safety of such victim.

 568.045. 1. A person commits the crime of endangering the welfare of a child in the first
2 degree if:

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

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

8 (3) The person knowingly encourages, aids or causes a child less than seventeen years
9 of age to engage in any conduct which violates the provisions of chapter 195, RSMo;

10 (4) Such person enlists the aid, either through payment or coercion, of a person less than
11 seventeen years of age to unlawfully manufacture, compound, produce, prepare, sell, transport,
12 test or analyze amphetamine or methamphetamine or any of their analogues, or to obtain any
13 material used to manufacture, compound, produce, prepare, test or analyze amphetamine or
14 methamphetamine or any of their analogues; or

15 (5) Such person, in the presence of a person less than seventeen years of age or in a
16 residence where a person less than seventeen years of age resides, unlawfully manufactures, or
17 attempts to manufacture compounds, **possesses**, produces, prepares, sells, transports, tests or
18 analyzes amphetamine or methamphetamine or any of their analogues.

19 2. Endangering the welfare of a child in the first degree is a class C felony unless the
20 offense is committed as part of a ritual or ceremony, or except on a second or subsequent
21 offense, in which case the crime is a class B felony.

22 **3. This section shall be known as "Hope's Law".**

568.045. 1. **This law shall be called and may be cited as "Karra's and Jocelyn's
2 Law".**

3 **2.** A person commits the crime of endangering the welfare of a child in the first degree
4 if:

5 (1) The person knowingly acts in a manner that creates a substantial risk to the life, body,
6 or health of a child less than seventeen years old; or

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

10 (3) The person knowingly encourages, aids or causes a child less than seventeen years
11 of age to engage in any conduct which violates the provisions of chapter 195, RSMo;

12 (4) Such person enlists the aid, either through payment or coercion, of a person less than
13 seventeen years of age to unlawfully manufacture, compound, produce, prepare, sell, transport,
14 test or analyze amphetamine or methamphetamine or any of their analogues, or to obtain any
15 material used to manufacture, compound, produce, prepare, test or analyze amphetamine or
16 methamphetamine or any of their analogues; or

17 (5) Such person, in the presence of a person less than seventeen years of age or in a
18 residence where a person less than seventeen years of age resides, unlawfully manufactures, or
19 attempts to manufacture compounds, produces, prepares, sells, transports, tests or analyzes
20 amphetamine or methamphetamine or any of their analogues.

21 **[2.] 3. Except as provided in subsection 4 of this section**

22 endangering the welfare of a child in the first degree is a class C felony unless the offense is
23 committed as part of a ritual or ceremony, or except on a second or subsequent offense, in which
24 case the crime is a class B felony.

25 **4. Endangering the welfare of a child in the first degree when committed under**
26 **subdivision (1) of subsection 2 of this section, and when the manner in which such person**
27 **acts to create a substantial risk to the life, body, or health of a child is by shaking a child**
28 **under the age of five by the arms, legs, chest, or shoulders, is a felony for which the**
29 **authorized term of imprisonment is any term of years but not less than fifteen years.**

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

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

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

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

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

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

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

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

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

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

23 or

- 24 (3) The property appropriated consists of:
- 25 (a) Any motor vehicle, watercraft or aircraft; or
- 26 (b) Any will or unrecorded deed affecting real property; or
- 27 (c) Any credit card or letter of credit; or
- 28 (d) Any firearms; or
- 29 (e) **Any explosive weapon as defined in section 571.010, RSMo; or**
- 30 (f) A United States national flag designed, intended and used for display on buildings
- 31 or stationary flagstaffs in the open; or
- 32 [(f)] (g) Any original copy of an act, bill or resolution, introduced or acted upon by the
- 33 legislature of the state of Missouri; or
- 34 [(g)] (h) Any pleading, notice, judgment or any other record or entry of any court of this
- 35 state, any other state or of the United States; or
- 36 [(h)] (i) Any book of registration or list of voters required by chapter 115, RSMo; or
- 37 [(i)] (j) Any animal of the species of horse, mule, ass, cattle, swine, sheep, or goat; or
- 38 [(j)] (k) Live fish raised for commercial sale with a value of seventy-five dollars; or
- 39 [(k)] (l) Any controlled substance as defined by section 195.010, RSMo; or
- 40 [(l)] (m) Anhydrous ammonia;
- 41 [(m)] (n) Ammonium nitrate; or
- 42 [(n)] (o) Any document of historical significance which has fair market value of five
- 43 hundred dollars or more.
- 44 4. If an actor appropriates any material with a value less than five hundred dollars in
- 45 violation of this section with the intent to use such material to manufacture, compound, produce,
- 46 prepare, test or analyze amphetamine or methamphetamine or any of their analogues, then such
- 47 violation is a class C felony. The theft of any amount of anhydrous ammonia or liquid nitrogen,
- 48 or any attempt to steal any amount of anhydrous ammonia or liquid nitrogen, is a class B felony.
- 49 The theft of any amount of anhydrous ammonia by appropriation of a tank truck, tank trailer, rail
- 50 tank car, bulk storage tank, field (nurse) tank or field applicator is a class A felony.
- 51 5. The theft of any item of property or services pursuant to subsection 3 of this section
- 52 which exceeds five hundred dollars may be considered a separate felony and may be charged in
- 53 separate counts.
- 54 6. Any person with a prior conviction of paragraph [(i)] (j) of subdivision (3) of
- 55 subsection 3 of this section and who violates the provisions of paragraph [(i)] (j) of subdivision
- 56 (3) of subsection 3 of this section when the value of the animal or animals stolen exceeds three
- 57 thousand dollars is guilty of a class B felony.
- 58 7. Any offense in which the value of property or services is an element is a class B felony
- 59 if the value of the property or services equals or exceeds twenty-five thousand dollars.

60 8. Any violation of this section for which no other penalty is specified in this section is
61 a class A misdemeanor.

570.080. 1. A person commits the crime of receiving stolen property if for the purpose
2 of depriving the owner of a lawful interest therein, he or she receives, retains or disposes of
3 property of another knowing that it has been stolen, or believing that it has been stolen.

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

6 (1) That he or she was found in possession or control of other property stolen on separate
7 occasions from two or more persons;

8 (2) That he or she received other stolen property in another transaction within the year
9 preceding the transaction charged;

10 (3) That he or she acquired the stolen property for a consideration which he or she knew
11 was far below its reasonable value;

12 (4) That he or she obtained control over stolen property knowing the property to have
13 been stolen or under such circumstances as would reasonably induce a person to believe the
14 property was stolen.

15 3. Receiving stolen property is a class A misdemeanor unless the property involved has
16 a value of five hundred dollars or more, or the person receiving the property is a dealer in goods
17 of the type in question, **or the property involved is a firearm or explosive weapon as those**
18 **terms are defined in section 571.010, RSMo**, in which cases receiving stolen property is a class
19 C felony.

589.425. 1. A person commits the crime of failing to register as a sex offender when the
2 person is required to register under sections 589.400 to 589.425 and fails to comply with any
3 requirement of sections 589.400 to 589.425. Failing to register as a sex offender is a class D
4 felony unless the person is required to register based on having committed an offense in chapter
5 566, RSMo, which was an unclassified felony, a class A or B felony, or a felony involving a
6 child under the age of fourteen, in which case it is a class C felony.

7 2. A person commits the crime of failing to register as a sex offender as a second offense
8 by failing to comply with any requirement of sections 589.400 to 589.425 and he or she has
9 previously pled guilty to or has previously been found guilty of failing to register as a sex
10 offender. Failing to register as a sex offender as a second offense is a class D felony unless the
11 person is required to register based on having committed an offense in chapter 566, RSMo, **or**
12 **an offense in any other state or foreign country, or under federal, tribal, or military**
13 **jurisdiction, which if committed in this state would be an offense under chapter 566,**
14 **RSMo**, which was an unclassified felony, a class A or B felony, or a felony involving a child
15 under the age of fourteen, in which case it is a class C felony.

16 3. (1) A person commits the crime of failing to register as a sex offender as a third
17 offense by failing to meet the requirements of sections 589.400 to 589.425 and he or she has, on
18 two or more occasions, previously pled guilty to or has previously been found guilty of failing
19 to register as a sex offender. Failing to register as a sex offender as a third offense is a felony
20 which shall be punished by a term of imprisonment of not less than ten years and not more than
21 thirty years.

22 [(1)] (2) No court may suspend the imposition or execution of sentence of a person who
23 pleads guilty to or is found guilty of failing to register as a sex offender as a third offense. No
24 court may sentence such person to pay a fine in lieu of a term of imprisonment.

25 [(2)] (3) A person sentenced under this subsection shall not be eligible for conditional
26 release or parole until he or she has served at least two years of imprisonment.

27 [(3)] (4) Upon release, an offender who has committed failing to register as a sex
28 offender as a third offense shall be electronically monitored as a mandatory condition of
29 supervision. Electronic monitoring may be based on a global positioning system or any other
30 technology which identifies and records the offender's location at all times.

 [229.110. 1. Every person owning a hedge fence situated along or near
2 the right-of-way of any public road shall between the first days of May and
3 August of each year cut the same down to a height of not more than five feet, and
4 any owner of such fence failing to comply with this section shall forfeit and pay
5 to the capital school fund of the county wherein such fence is situated not less
6 than fifty nor more than five hundred dollars, to be recovered in a civil action in
7 the name of the county upon the relation of the prosecuting attorney, and any
8 judgment of forfeiture obtained shall be a lien upon the real estate of the owner
9 of such fence upon which same is situated, and a special execution shall issue
10 against said real estate and no exemption shall be allowed.

11 2. Any prosecuting attorney who shall fail or refuse to institute suit as
12 herein provided within thirty days after being notified by any road overseer,
13 county or state highway engineer, that any hedge fence has not been cut down to
14 the height herein required within the time required, shall be removed from office
15 by the governor and some other person appointed to fill the vacancy thus created.
16 The cutting of any such fence after the time herein required shall not be a defense
17 to the action herein provided for.]

18

 [550.050. 1. Every person who shall institute any prosecution to recover
2 a fine, penalty or forfeiture shall be adjudged to pay all costs if the defendant is
3 acquitted although he may not be entitled to any part of the same.

4 2. When such prosecutions are commenced by a public officer whose
5 duty it is to institute the same, and the defendant is acquitted, the county shall pay
6 the costs; if he is convicted, and unable to pay the costs, the county shall pay all
7 the costs, except such as were incurred on the part of the defendant.]

2 [550.070. If a person, charged with a felony, shall be discharged by the
3 officer taking his examination, the costs shall be paid by the prosecutor or person
4 on whose oath the prosecution was instituted, and the officer taking such
5 examination shall enter judgment against such person for the same, and issue
6 execution therefor immediately; and in no such case shall the state or county pay
7 the costs.]

2 [550.080. If, upon the trial of any indictment or information, the
3 defendant shall be acquitted or discharged, and the prosecutor or prosecuting
4 witness shall be liable to pay the costs according to law, judgment shall be
5 rendered against such prosecutor for the costs in the case, and in no such case
6 shall the same be paid by either the county or state.]

2 [550.090. When the proceedings are prosecuted before any associate
3 circuit judge, at the instance of the injured party, for the disturbance of the peace
4 of a person, or for libel or slander, or for any trespass against the person or
5 property of another, not amounting to a felony, except for petit larceny, the name
6 of such injured party shall be entered by the associate circuit judge on his record
7 as a prosecutor; and if the defendant shall be discharged or acquitted, such
8 prosecutor shall be adjudged to pay the costs not otherwise adjudged; and in
9 every other case of acquittal, if the associate circuit judge or jury trying the case
10 shall state in the finding that the prosecution was malicious or without probable
11 cause, the associate circuit judge shall enter judgment for costs against the
12 prosecution or party at whose instance the information was filed, and shall issue
13 execution therefor; but in no case shall the prosecuting attorney be liable for
14 costs. In other cases of discharge or acquittal the costs shall be paid by the
15 county, except when the prosecution is commenced by complaint and the
16 prosecuting attorney declines to file information thereon, in which case the
proceedings shall be dismissed at the cost of the party filing the complaint.]

✓