

JOURNAL OF THE HOUSE

First Regular Session, 91st GENERAL ASSEMBLY

FIFTY-SEVENTH DAY, TUESDAY, APRIL 17, 2001

Speaker Pro Tem Abel in the Chair.

Prayer by Father David Buescher.

Heavenly Father, for many of us, these past days have been resonant with the sounds and music of Passover or Easter. Believers and non-believers alike treasure new life, re-birth, transformations from sadness to joy, and the togetherness of family. Let attitudes like those continue to radiate from the hearts and minds of these men and women, our elected representatives, that they might glow with promise and expectation.

It is the middle of April already, and the session continues towards its close, busily, sometimes almost severely. With Your help, may this day end in the delight of a job well done, a day well spent. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Jackie Perkovic, Kelly Harbke, Emily Lagura, Deanah McClendon, Tamra Butler, Willie Penson, Caitlyn Schott, Jonathan Snow, Michael Jacobs, Erin Melton, Dana Rathert and D.J. Redmund.

The Journal of the fifty-sixth day was approved as corrected by the following vote:

AYES: 085

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|-------------|---------------|---------------|--------------|-------------|
| Abel | Barnitz | Barry 100 | Bartelsmeyer | Berkowitz |
| Bonner | Boucher | Bowman | Boykins | Bray 84 |
| Britt | Brooks | Campbell | Carnahan | Clayton |
| Coleman | Copenhaver | Crump | Curls | Davis |
| Farnen | Foley | Ford | Franklin | Fraser |
| Gambaro | George | Graham | Gratz | Green 15 |
| Green 73 | Hagan-Harrell | Hampton | Harding | Hartzler |
| Haywood | Hilgemann | Hollingsworth | Holt | Hoppe |
| Johnson 61 | Johnson 90 | Jolly | Kelly 27 | Kennedy |
| Koller | Lawson | Liese | Long | Lowe |
| Luetkenhaus | Marsh | Mays 50 | McKenna | Merideth |
| Monaco | O'Connor | O'Toole | Overschmidt | Ransdall |
| Relford | Reynolds | Rizzo | Scheve | Seigfreid |
| Selby | Shelton | Shoemyer | Skaggs | Smith |
| Surface | Thompson | Townley | Treadway | Troupe |
| Villa | Wagner | Walton | Ward | Wiggins |
| Williams | Willoughby | Wilson 25 | Wilson 42 | Mr. Speaker |

NOES: 062

| | | | | |
|--------------|-------------|-------------|----------|-----------|
| Ballard | Barnett | Bartle | Bearden | Behnen |
| Berkstresser | Black | Boatright | Burcham | Burton |
| Byrd | Champion | Cooper | Crawford | Crowell |
| Cunningham | Dempsey | Dolan | Enz | Fares |
| Froelker | Gaskill | Griesheimer | Hanaway | Hegeman |
| Henderson | Hendrickson | Hohulin | Jetton | Kelley 47 |
| Kelly 144 | King | Legan | Levin | Linton |
| Luetkemeyer | Marble | May 149 | Mayer | Miller |
| Moore | Murphy | Myers | Naeger | Nordwald |
| Ostmann | Phillips | Portwood | Purgason | Rector |
| Reinhart | Richardson | Roark | Robirds | Ross |
| Schwab | Scott | Secrest | Shields | St. Onge |
| Vogel | Wright | | | |

PRESENT: 000

ABSENT WITH LEAVE: 013

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|--------|----------|-----------|----------|----------|
| Baker | Bland | Cierpiot | Harlan | Hickey |
| Holand | Hosmer | Hunter | Kelly 36 | Lograsso |
| Reid | Ridgeway | Van Zandt | | |

VACANCIES: 003

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1246 - Representative Gratz
 House Resolution No. 1247 - Representative Luetkenhaus
 House Resolution No. 1248
 through
 House Resolution No. 1269 - Representative Crowell
 House Resolution No. 1270 - Representative Portwood
 House Resolution No. 1271 - Representative Richardson
 House Resolution No. 1272
 through
 House Resolution No. 1277 - Representative Ridgeway
 House Resolution No. 1278 - Representative Williams
 House Resolution No. 1279
 and
 House Resolution No. 1280 - Representatives Ross and Lograsso
 House Resolution No. 1281
 through
 House Resolution No. 1299 - Representatives Dempsey and Green (15)
 House Resolution No. 1300 - Representative Hampton
 House Resolution No. 1301 - Representative Selby
 House Resolution No. 1302
 through
 House Resolution No. 1306 - Representative Crowell
 House Resolution No. 1307 - Representative Cooper

House Resolution No. 1308
and
House Resolution No. 1309 - Representative Villa
House Resolution No. 1310 - Representative Townley
House Resolution No. 1311 - Representative Enz
House Resolution No. 1312 - Representative Abel

COMMITTEE REPORT

Committee on Rules, Joint Rules and Bills Perfected and Printed, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HCS HJR 7**, begs leave to report it has examined the same and finds it to be truly perfected and that the printed copies thereof furnished the members are correct.

PERFECTION OF HOUSE BILL

HCS HBs 835, 90, 707, 373, 641, 510, 516 & 572, with HS, as amended, pending, relating to omnibus crime bill, was taken up by Representative Britt.

Representative Crump offered **House Amendment No. 15**.

House Amendment No. 15

AMEND House Substitute for House Committee Substitute for House Bill Nos. 835, 90, 707, 373, 641, 510, 516 & 572, Page 83, Section 570.120, Line 12, by inserting immediately after said line the following:

- “571.030. 1. A person commits the crime of unlawful use of weapons if he or she knowingly:
- (1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; or
 - (2) Sets a spring gun; or
 - (3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, RSMo, or any building or structure used for the assembling of people; or
 - (4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or
 - (5) Possesses or discharges a firearm or projectile weapon while intoxicated; or
 - (6) Discharges a firearm within one hundred yards of any occupied schoolhouse, courthouse, or church building;
- or
- (7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or
 - (8) Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof, or into any public assemblage of persons met for any lawful purpose; or
 - (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, RSMo, while within any city, town, or village, and discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; or
 - (10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials

or the district school board.

2. Subdivisions (1), (3), (4), (6), (7), (8), (9) and (10) of subsection 1 of this section shall not apply to or affect any of the following:

(1) All state, county and municipal law enforcement officers possessing the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

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

(3) Members of the armed forces or national guard while performing their official duty;

(4) Those persons vested by article V, section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary;

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

(6) Any federal probation officer;

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

(8) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the board of police commissioners under section 84.340, RSMo.

3. Subdivisions (1), (5), (8) and (10) of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. **Ordinances of any political subdivision notwithstanding**, Subdivision (1) of subsection 1 of this section does not apply **to any person twenty-one years of age or older transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed and is not carried on the person, nor** when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his dwelling unit or upon business premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event.

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

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

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

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

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

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

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

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

On motion of Representative Crump, **House Amendment No. 15** was adopted by the following vote:

AYES: 105

| | | | | |
|------------|------------|-----------|-------------|--------------|
| Abel | Ballard | Barnett | Barnitz | Bartelsmeyer |
| Bartle | Bearden | Behnen | Berkowitz | Berkstresser |
| Black | Boatright | Bonner | Britt | Burcham |
| Burton | Champion | Cierpiot | Clayton | Cooper |
| Copenhaver | Crawford | Crowell | Crump | Davis |
| Dempsey | Dolan | Enz | Farnen | Froelker |
| Gaskill | Graham | Gratz | Green 15 | Griesheimer |
| Hampton | Hartzler | Hegeman | Henderson | Hickey |
| Hohulin | Holand | Holt | Hosmer | Hunter |
| Jetton | Johnson 90 | Kelley 47 | Kelly 144 | Kelly 27 |
| King | Koller | Lawson | Legan | Liese |
| Linton | Lograsso | Long | Luetkemeyer | Luetkenhaus |
| Marble | Marsh | May 149 | Mayer | Mays 50 |
| McKenna | Merideth | Miller | Moore | Myers |
| Naeger | Nordwald | O'Connor | Ostmann | Overschmidt |
| Phillips | Portwood | Purgason | Ransdall | Rector |
| Reid | Reinhart | Relford | Richardson | Ridgeway |
| Roark | Robirds | Ross | Schwab | Scott |
| Secrest | Seigfreid | Selby | Shields | Shoemyer |
| Smith | Surface | Townley | Treadway | Troupe |
| Vogel | Wagner | Ward | Wright | Mr. Speaker |

NOES: 047

| | | | | |
|-----------|------------|------------|----------|---------------|
| Baker | Barry 100 | Boucher | Bowman | Boykins |
| Bray 84 | Brooks | Byrd | Campbell | Carnahan |
| Coleman | Cunningham | Curls | Fares | Ford |
| Franklin | Fraser | Gambaro | George | Hagan-Harrell |
| Hanaway | Harding | Harlan | Haywood | Hendrickson |
| Hilgemann | Hoppe | Johnson 61 | Jolly | Kennedy |
| Lowe | Murphy | O'Toole | Reynolds | Rizzo |
| Scheve | Shelton | Skaggs | St. Onge | Thompson |
| Villa | Walton | Wiggins | Williams | Willoughby |
| Wilson 25 | Wilson 42 | | | |

PRESENT: 000

ABSENT WITH LEAVE: 008

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|-------|--------|-----------|---------------|----------|
| Bland | Foley | Green 73 | Hollingsworth | Kelly 36 |
| Levin | Monaco | Van Zandt | | |

VACANCIES: 003

Representative Campbell offered **House Amendment No. 16.**

House Amendment No. 16

AMEND House Substitute for House Committee Substitute for House Bill Nos. 835, 90, 707, 373, 641, 510, 516 & 572, Page 13, Section 210.001, Line 21 of said page, by inserting after all of said section the following:

"210.025. 1. To qualify for receipt of state or federal funds for providing child-care services in the home either by direct payment or through reimbursement to a child-care beneficiary, an applicant and any person over the age of eighteen who is living in the applicant's home shall be required to submit to a criminal background check pursuant to section 43.540, RSMo, and a check of the central registry for child abuse established in section 210.145. Effective January 1, 2001, the requirements of this subsection or subsection 2 of this section shall be satisfied through registration with the family care safety registry established in sections 210.900 to 210.936. Any costs associated with such checks shall be paid by the applicant.

2. Upon receipt of an application for state or federal funds for providing child-care services in the home, the division of family services shall:

(1) Determine if a probable cause finding of child abuse or neglect involving the applicant or any person over the age of eighteen who is living in the applicant's home has been recorded pursuant to section 210.221 or 210.145;

(2) Determine if the applicant or any person over the age of eighteen who is living in the applicant's home has been refused licensure or has experienced licensure suspension or revocation pursuant to section 210.221 or 210.496; and

(3) Request a criminal background check of the applicant and any person over the age of eighteen who is living in the applicant's home pursuant to section 43.540, RSMo.

3. Except as otherwise provided in subsection 4 of this section, upon completion of the background checks in subsection 2 of this section, an applicant shall be denied state or federal funds for providing child care if such applicant or any person over the age of eighteen who is living in the applicant's home:

(1) Has had a probable cause finding of child abuse or neglect pursuant to section 210.145;

(2) Has been refused licensure or has experienced licensure suspension or revocation pursuant to section 210.496;

(3) Has pled guilty or nolo contendere to or been found guilty of any felony for an offense against the person as defined by chapter 565, RSMo, **any misdemeanor offense pursuant to chapter 565, RSMo, when the victim is a child**, or any other offense against the person involving the endangerment of a child as prescribed by law; of any misdemeanor or felony for a sexual offense as defined by chapter 566, RSMo; of any misdemeanor or felony for an offense against the family as defined in chapter 568, RSMo, with the exception of the sale of fireworks, as defined in section 320.110, RSMo, to a child under the age of eighteen; of any misdemeanor or felony for pornography or related offense as defined by chapter 573, RSMo; or of any similar crime in any federal, state, municipal or other court of similar jurisdiction of which the director has knowledge or any offenses or reports which will disqualify an applicant from receiving state or federal funds; **of any offense involving stalking of a person that is considered a felony in the jurisdiction where such offense is charged; of any offense of prostitution, robbery or arson whether a misdemeanor or felony; or of any offense involving a firearm whether a misdemeanor or felony.**

4. An applicant shall be given an opportunity by the division to offer any extenuating or mitigating circumstances regarding the findings, refusals or violations against such applicant or any person over the age of eighteen who is living in the applicant's home listed in subsection 2 of this section. Such extenuating and mitigating circumstances may be considered by the division in its determination of whether to permit such applicant to receive state or federal funds for providing child care in the home.

5. An applicant who has been denied state or federal funds for providing child care in the home may appeal such denial decision in accordance with the provisions of section 208.080, RSMo.

6. If an applicant is denied state or federal funds for providing child care in the home based on the background check results for any person over the age of eighteen who is living in the applicant's home, the applicant shall not apply for such funds until such person is no longer living in the applicant's home.

7. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void."; and

Further amend said bill, by amending the title, enacting clause and intersectional references accordingly.

On motion of Representative Campbell, **House Amendment No. 16** was adopted.

Representative Richardson offered **House Amendment No. 17**.

House Amendment No. 17

AMEND House Substitute for House Committee Substitute for House Bill Nos. 835, 90, 707, 373, 641, 510, 516 & 572, Page 5, Section 150.465, Line 20 of said page, by inserting after the word “**available**” the following: “**within seventy-two hours**”; and

Further amend said bill, Page 5, Section 150.465, Line 21 of said page, by deleting the word “**receipt**” and inserting in lieu thereof the following: “**proof of purchase**”; and

Further amend said bill, Page 5, Section 150.465, Line 24 of said page, by deleting the word “**receipt**” and inserting in lieu thereof the following: “**proof of purchase**”.

On motion of Representative Richardson, **House Amendment No. 17** was adopted.

Representative Jolly offered **House Amendment No. 18**.

House Amendment No. 18

AMEND House Substitute for House Committee Substitute for House Bill Nos. 835, 90, 707, 373, 641, 510, 516 & 572, Page 6, Section 150.465, Line 2 of said page, by inserting after all of said section the following:

"195.222. 1. A person commits the crime of trafficking drugs in the first degree if, except as authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce more than thirty grams of a mixture or substance containing a detectable amount of heroin. Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than thirty grams but less than ninety grams the person shall be sentenced to the authorized term of imprisonment for a class A felony;

(2) If the quantity involved is ninety grams or more the person shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole.

2. A person commits the crime of trafficking drugs in the first degree if, except as authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce more than one hundred fifty grams of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances. Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than one hundred fifty grams but less than four hundred fifty grams the person shall be sentenced to the authorized term of imprisonment for a class A felony;

(2) If the quantity involved is four hundred fifty grams or more the person shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole.

3. A person commits the crime of trafficking drugs in the first degree if, except as authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce more than two grams of a mixture or substance described in subsection 2 of this section which contains cocaine base. Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than two grams but less than six grams the person shall be sentenced to the authorized term of imprisonment for a class A felony;

(2) If the quantity involved is six grams or more the person shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole.

4. A person commits the crime of trafficking drugs in the first degree if, except as authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce more than five hundred milligrams of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD). Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than five hundred milligrams but less than one gram the person shall be sentenced to the authorized term of imprisonment for a class A felony;

(2) If the quantity involved is one gram or more the person shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole.

5. A person commits the crime of trafficking drugs in the first degree if, except as authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce more than thirty grams of a mixture or substance containing a detectable amount of phencyclidine (PCP). Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than thirty grams but less than ninety grams the person shall be sentenced to the authorized term of imprisonment for a class A felony;

(2) If the quantity involved is ninety grams or more the person shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole.

6. A person commits the crime of trafficking drugs in the first degree if, except as authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce more than four grams of phencyclidine. Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than four grams but less than twelve grams the person shall be sentenced to the authorized term of imprisonment for a class A felony;

(2) If the quantity involved is twelve grams or more the person shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole.

7. A person commits the crime of trafficking drugs in the first degree if, except as authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce more than thirty kilograms of a mixture or substance containing marijuana. Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than thirty kilograms but less than one hundred kilograms the person shall be sentenced to the authorized term of imprisonment for a class A felony;

(2) If the quantity involved is one hundred kilograms or more the person shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole.

8. A person commits the crime of trafficking drugs in the first degree if, except as authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce more than thirty grams of any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate. Violations of this subsection or attempts to violate this subsection shall be punished as follows:

(1) If the quantity involved is more than thirty grams but less than ninety grams the person shall be sentenced to the authorized term of imprisonment for a class A felony;

(2) If the quantity involved is ninety grams or more, or if the quantity involved was thirty grams or more and the location of the offense was within two thousand feet of a school or public housing as defined in section 195.214 or section 195.218 or within a motor vehicle, or any structure or building which contains rooms furnished for the accommodation or lodging of guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping accommodations are sought for pay or compensation to transient guests or permanent guests, the person shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole.

9. A person commits the crime of trafficking drugs in the first degree if, except as authorized by sections 195.005 to 195.425, he or she distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce more than thirty grams of any material, compound, mixture or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine. Violations of this subsection or attempts to violate this subsection shall be punished as follows:

(1) If the quantity involved is more than thirty grams but less than ninety grams the person shall be sentenced to the authorized term of imprisonment for a class A felony;

(2) If the quantity involved is ninety grams or more, or if the quantity involved was thirty grams or more and the location of the offense was within two thousand feet of a school or public housing as defined in section 195.214 or section 195.218 or within a motor vehicle, or any structure or building which contains rooms furnished for the accommodation or lodging of guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping accommodations are sought for pay or compensation to transient guests or permanent guests, the person shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole.

195.223. 1. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than thirty grams of a mixture or substance containing a detectable amount of heroin. Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than thirty grams but less than ninety grams the person shall be guilty of a class B felony;

(2) If the quantity involved is ninety grams or more the person shall be guilty of a class A felony.

2. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than one hundred fifty grams of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances. Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than one hundred fifty grams but less than four hundred fifty grams the person shall be guilty of a class B felony;

(2) If the quantity involved is four hundred fifty grams or more the person shall be guilty of a class A felony.

3. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than two grams of a mixture or substance described in subsection 2 of this section which contains cocaine base. Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than two grams but less than six grams the person shall be guilty of a class B felony;

(2) If the quantity involved is six grams or more the person shall be guilty of a class A felony.

4. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than five hundred milligrams of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD). Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than five hundred milligrams but less than one gram the person shall be guilty of a class B felony;

(2) If the quantity involved is one gram or more the person shall be guilty of a class A felony.

5. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than thirty grams of a mixture or substance containing a detectable amount of phencyclidine (PCP). Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than thirty grams but less than ninety grams the person shall be guilty of a class B felony;

(2) If the quantity involved is ninety grams or more the person shall be guilty of a class A felony.

6. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than four grams of phencyclidine. Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than four grams but less than twelve grams the person shall be guilty of a class B felony;

(2) If the quantity involved is twelve grams or more the person shall be guilty of a class A felony.

7. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than thirty kilograms or more of a mixture or substance containing marijuana. Violations of this subsection shall

be punished as follows:

(1) If the quantity involved is more than thirty kilograms but less than one hundred kilograms the person shall be guilty of a class B felony;

(2) If the quantity involved is one hundred kilograms or more the person shall be guilty of a class A felony.

8. A person commits the class A felony of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than five hundred marijuana plants.

9. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than thirty grams of any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, isomers and salts of its isomers; phenmetrazine and its salts; or methylphenidate. Violations of this subsection or attempts to violate this subsection shall be punished as follows:

(1) If the quantity involved is more than thirty grams but less than ninety grams the person shall be guilty of a class B felony;

(2) If the quantity involved is ninety grams or more but less than four hundred fifty grams, the person shall be guilty of a class A felony;

(3) If the quantity involved is four hundred fifty grams or more, the person shall be guilty of a class A felony and the term of imprisonment shall be served without probation or parole.

10. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he or she possesses or has under his or her control, purchases or attempts to purchase, or brings into this state more than thirty grams of any material, compound, mixture or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine. Violations of this subsection or attempts to violate this subsection shall be punished as follows:

(1) If the quantity involved is more than thirty grams but less than ninety grams the person shall be guilty of a class B felony;

(2) If the quantity involved is ninety grams or more but less than four hundred fifty grams, the person shall be guilty of a class A felony;

(3) If the quantity involved is four hundred fifty grams or more, the person shall be guilty of a class A felony and the term of imprisonment shall be served without probation or parole."; and

Further amend said bill, by amending the title, enacting clause and intersectional references accordingly.

On motion of Representative Jolly, **House Amendment No. 18** was adopted.

Representative Thompson offered **House Amendment No. 19**.

House Amendment No. 19

AMEND House Substitute for House Committee Substitute for House Bill Nos. 835, 90, 707, 373, 641, 510, 516 & 572, Page 90, Section 578.610, Line 9 of said page, by inserting after all of said section the following:

"590.650. 1. As used in this section "minority group" means individuals of African, Hispanic, Native American or Asian descent.

2. Each time a peace officer stops a driver of a motor vehicle [for a violation of any motor vehicle statute or ordinance], that officer shall report the following information to the law enforcement agency that employs the officer:

(1) The age, gender and race or minority group of the individual stopped;

(2) The traffic violation or violations alleged to have been committed that led to the stop;

(3) Whether a search was conducted as a result of the stop;

(4) If a search was conducted, whether the individual consented to the search, the probable cause for the search, whether the person was searched, whether the person's property was searched, and the duration of the search;

(5) Whether any contraband was discovered in the course of the search and the type of any contraband discovered;

- (6) Whether any warning or citation was issued as a result of the stop;
- (7) If a warning or citation was issued, the violation charged or warning provided;
- (8) Whether an arrest was made as a result of either the stop or the search;
- (9) If an arrest was made, the crime charged; and
- (10) The location of the stop.

Such information may be reported using a format determined by the department of public safety which uses existing citation and report forms.

3. (1) Each law enforcement agency shall compile the data described in subsection 2 of this section for the calendar year into a report to the attorney general.

(2) Each law enforcement agency shall submit the report to the attorney general no later than March first of the following calendar year.

(3) The attorney general shall determine the format that all law enforcement agencies shall use to submit the report.

4. (1) The attorney general shall analyze the annual reports of law enforcement agencies required by this section and submit a report of the findings to the governor, the general assembly and each law enforcement agency no later than June first of each year.

(2) The report of the attorney general shall include at least the following information for each agency:

(a) The total number of vehicles stopped by peace officers during the previous calendar year;

(b) The number and percentage of stopped motor vehicles that were driven by members of each particular minority group;

(c) A comparison of the percentage of stopped motor vehicles driven by each minority group and the percentage of the state's population that each minority group comprises; and

(d) A compilation of the information reported by law enforcement agencies pursuant to subsection 2 of this section.

5. Each law enforcement agency shall adopt a policy on race-based traffic stops that:

(1) Prohibits the practice of routinely stopping members of minority groups for violations of vehicle laws as a pretext for investigating other violations of criminal law;

(2) Provides for periodic reviews by the law enforcement agency of the annual report of the attorney general required by subsection 4 of this section that:

(a) Determine whether any peace officers of the law enforcement agency have a pattern of stopping members of minority groups for violations of vehicle laws in a number disproportionate to the population of minority groups residing or traveling within the jurisdiction of the law enforcement agency; and

(b) If the review reveals a pattern, require an investigation to determine whether any peace officers of the law enforcement agency routinely stop members of minority groups for violations of vehicle laws as a pretext for investigating other violations of criminal law;

(3) Provides for appropriate counseling and training of any peace officer found to have engaged in race-based traffic stops within ninety days of the review; and

(4) Provides for annual sensitivity training for any employees who may conduct stops of motor vehicles regarding the prohibition against racial profiling.

The course or courses of instruction and the guidelines shall stress understanding and respect for racial and cultural differences, and development of effective, noncombative methods of carrying out law enforcement duties in a racially and culturally diverse environment.

6. If a law enforcement agency fails to comply with the provisions of this section, the governor may withhold any state funds appropriated to the noncompliant law enforcement agency.

7. Each law enforcement agency in this state may utilize federal funds from community-oriented policing services grants or any other federal sources to equip each vehicle used for traffic stops with a video camera and voice-activated microphone."; and

Further amend said bill, by amending the title, enacting clause and intersectional references accordingly.

On motion of Representative Thompson, **House Amendment No. 19** was adopted.

Representative Ross offered **House Amendment No. 20**.

AMEND House Substitute for House Committee Substitute for House Bill Nos. 835, 90, 707, 373, 641, 510, 516 & 572, Page 28, Section 304.012, Line 14 of said page, by inserting after all of said section the following:

"374.695. Sections 374.695 to 374.775 may be known and shall be cited as the "Professional Bail Bondsman Licensing Act".

[374.700. As used in sections 374.700 to 374.775, the following terms shall mean:

(1) "Bail bond agent", a surety agent or an agent of a property bail bondsman who is duly licensed under the provisions of sections 374.700 to 374.775, is employed by and is working under the authority of a licensed general bail bond agent;

(2) "Department", the department of insurance of the state of Missouri;

(3) "Director", the director of the department of insurance;

(4) "General bail bond agent", a surety agent or a property bail bondsman, as defined in sections 374.700 to 374.775, who is licensed in accordance with sections 374.700 to 374.775 and who devotes at least fifty percent of his working time to the bail bond business in this state;

(5) "Property bail bondsman", a person who pledges United States currency, United States postal money orders or cashier's checks or other property as security for a bail bond in connection with a judicial proceeding, and who receives or is promised therefor money or other things of value;

(6) "Surety bail bond agent", any person appointed by an insurer by power of attorney to execute or countersign bail bonds in connection with judicial proceedings, and who receives or is promised money or other things of value therefor.]

374.700. For the purposes of sections 374.700 to 374.775, the following terms mean:

(1) "Admission to bail", an order from a competent court that the defendant be discharged from actual custody on bail and fixing the amount of the bail;

(2) "Bail bond agent", a surety agent or an agent of a property bail bondsman who is duly licensed pursuant to the provisions of sections 374.700 to 374.775, is employed by or is working under the authority of a licensed general bail bond agent;

(3) "Bail bond or appearance bond", a bond for a specified monetary amount which is executed by the defendant and a qualified licensee pursuant to sections 374.700 to 374.775 and which is issued to a court or authorized officer as security for the subsequent court appearance of the defendant upon the defendant's release from actual custody pending the appearance;

(4) "Department", the department of insurance of the state of Missouri;

(5) "General bail bond agent", a surety agent or a property bail bondsman who is licensed in accordance with sections 374.700 to 374.775 and who devotes at least fifty percent of his or her working time to the bail bond business in this state;

(6) "Insurer", any surety insurance company which is qualified by the department to transact surety business in Missouri;

(7) "Licensee", a bail bond agent or a general bail bond agent;

(8) "Property bail bondsman", a person who pledges United States currency, United States postal money orders or cashier's checks or other property as security for a bail bond in connection with a judicial proceeding, and who receives or is promised therefor money or other things of value;

(9) "Surety", a bail bond agent acting through a general bail bond agent, or a resident of the state and an owner of visible property, over and above that exempt from execution to the value of the sum in which bail is required which shall be worth that amount after the payment of debts and liabilities;

(10) "Surety bail bond agent", any person appointed by an insurer by power of attorney to execute or countersign bail bonds in connection with judicial proceedings, and who receives or is promised money or other

things of value therefor;

(11) "Taking of bail" or "take bail", the acceptance by a person authorized to take bail of the undertaking of a sufficient surety for the appearance of the defendant according to the terms of the undertaking or that the surety will pay to the court the sum specified. Taking of bail or take bail does not include the fixing of the amount of bail and no person other than a competent court shall fix the amount of bail.

374.702. 1. No person shall engage in the bail bond business without being licensed as provided in sections 374.700 to 374.775.

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

3. A bail bond agent shall not execute or issue an appearance bond in this state without holding a valid appointment from a general bail bond agent and without attaching to the appearance bond an executed and prenumbered power of attorney referencing the general bail bond agent or insurer. A person licensed as a bail bond agent shall hold the license for at least one year prior to owning or being an officer of a licensed general bail bond agent.

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

(1) Without having been licensed as a general bail bond agent pursuant to sections 374.700 to 374.775;

(2) Except through an agent licensed as a bail bond agent pursuant to sections 374.700 to 374.775.

5. A general bail bond agent shall not permit any unlicensed person to solicit or engage in the bail bond business in the general bail bond agent's behalf, except for individuals who are employed solely for the performance of clerical, stenographic, investigative or other administrative duties which do not require a license pursuant to sections 374.700 to 374.775.

6. Any person who is convicted of a provision of this section is guilty of a class A misdemeanor. For any subsequent convictions, a person who is convicted of a provision of this section is guilty of a class D felony.

374.704. 1. Every applicant for a bail bond agent license or a general bail bond agent license shall apply on forms furnished by the department.

2. The application of a bail bond agent shall be accompanied by a duly executed general power of attorney issued by the general bail bond agent or insurer for whom the bail bond agent will be acting. Upon issuance of the license, a bail bond agent shall not issue an appearance bond exceeding the monetary amount for each recognizance which is specified in and authorized by the general power of attorney filed with the department until the department receives a duly executed qualifying power of attorney from the general bail bond agent or insurer evidencing or authorizing increased monetary limits or amounts for the recognizance.

3. An application for a general bail bond agent license shall be accompanied by proof that the applicant is a Missouri partnership, firm or corporation, or an individual who is a resident of the state. A corporation shall file proof that its most recent annual franchise tax has been paid to the department of revenue as provided in chapter 147, RSMo.

4. No license shall be granted without a showing that the applicant or applicant's insurer has proof of a three hundred thousand dollar bond or liability policy insuring against any damage to persons or property caused by the applicant.

374.715. Applications for examination and licensure as a bail bond agent or general bail bond agent shall be in writing and on forms prescribed and furnished by the department, and shall contain such information as the department requires. Each application shall be accompanied by proof satisfactory to the department that the applicant is a citizen of the United States, is at least twenty-one years of age, is of good moral character, and meets the qualifications for surety on bail bonds as provided by supreme court rule. Each application shall be accompanied by the examination and application fee set by the department. In addition, each applicant for licensure as a general bail bond agent shall furnish proof satisfactory to the department that the applicant, or, if the applicant is a corporation or partnership, that each officer or partner thereof has completed at least two years as a bail bond agent, as defined in sections 374.700 to 374.775, and that the applicant possesses liquid assets [of at least ten thousand dollars] **according to the following schedule**, along with a duly executed assignment [of ten thousand dollars] to the state of Missouri[, which] **in the same amount:**

(a) If the general bail bond agent employs three or less bail bond agents, at least fifteen thousand dollars;

(b) If the general bail bond agent employs four to ten bail bond agents, at least twenty-five thousand dollars;

(c) If the general bail bond agent employs eleven to fifteen bail bond agents, at least forty-five thousand dollars;

(d) If the general bail bond agent employs sixteen to twenty bail bond agents, at least sixty-five thousand dollars;

(e) If the general bail bond agent employs twenty-one to twenty-five bail bond agents, at least eighty-five thousand dollars;

(f) If the general bail bond agent employs twenty-six to fifty bail bond agents, at least one hundred thousand dollars;

(g) If the general bail bond agent employs over fifty bail bond agents, at least two hundred thousand dollars.

The assignment shall become effective upon the applicant's violating any provision of sections 374.700 to 374.775. The assignment required by this section shall be in the form, and executed in the manner, prescribed by the department.

374.717. No insurer or licensee, court or law enforcement officer shall:

(1) Pay a fee or rebate or give or promise anything of value in order to secure a settlement, compromise, remission or reduction of the amount of any bail bond to:

(a) A jailer, policeman, peace officer, committing judge or any other person who has power to arrest or to hold in custody any person; or

(b) Any public official or public employee;

(2) Pay a fee or rebate or give anything of value to an attorney in bail bond matters, except in defense of any action on a bond;

(3) Pay a fee or rebate or give promise of anything of value to the principal or anyone in the principal's behalf;

(4) Accept anything of value from a principal except the premium and expenses incurred; provided that, the licensee shall be permitted to accept collateral security or other indemnity from the principal which shall be returned upon final termination of liability on the bond. If a forfeiture has occurred, the collateral security or other indemnity from the principal may be used to reimburse the licensee for any costs and expenses incurred associated with the forfeiture. The collateral security or other indemnity required by the licensee shall be reasonable in relation to the amount of the bond. Collateral may not be sold or otherwise transferred until the termination of liability on the bond. When a licensee accepts collateral, the licensee shall provide a prenumbered written receipt, which shall include in detail a full account of the collateral received by the licensee.

374.755. 1. The department may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any license required by sections 374.700 to 374.775 or any person who has failed to renew or has surrendered his license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of the profession licensed under sections 374.700 to 374.775;

(2) Having entered a plea of guilty or having been found guilty of a felony or crime involving moral turpitude;

(3) Use of fraud, deception, misrepresentation or bribery in securing any license [issued pursuant to sections 374.700 to 374.775] or in obtaining permission to take any examination [given or] required pursuant to sections 374.700 to 374.775;

(4) Obtaining or attempting to obtain any compensation as a member of the profession licensed by sections 374.700 to 374.775 by means of fraud, deception or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of the profession licensed or regulated by sections 374.700 to 374.775;

(6) Violation of[, or assisting or enabling any other person to violate, any provision of sections 374.700 to 374.775 or of any lawful rule or regulation promulgated pursuant to sections 374.700 to 374.775] **any provisions of, or any obligations imposed by, the laws of this state, department of insurance rules and regulations or aiding or abetting other persons to violate such laws, orders, rules or regulations;**

(7) Transferring a license or permitting another person to use a license of the licensee;

(8) Disciplinary action against the holder of a license or other right to practice the profession regulated by sections 374.700 to 374.775 granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) Being finally adjudged insane or incompetent by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice the profession licensed or regulated by sections 374.700 to 374.775 who is not currently licensed and eligible to practice [under] **pursuant to** sections 374.700

to 374.775;

(11) [Paying a fee or rebate, or giving or promising anything of value, to a jailer, policeman, peace officer, judge or any other person who has the power to arrest or to hold another person in custody, or to any public official or employee, in order to secure a settlement, compromise, remission or reduction of the amount of any bail bond or estreatment thereof;

(12) Paying a fee or rebate, or giving anything of value to an attorney in bail bond matters, except in defense of any action on a bond;

(13) Paying a fee or rebate, or giving or promising anything of value, to the principal or anyone in his behalf;

(14)] Participating in the capacity of an attorney at a trial or hearing of one on whose bond he is surety.

2. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that one or more of the causes stated in subsection 1 of this section have been met, the department may [do any or all of the following:

(1) Censure the person involved;

(2) Place the person involved on probation on such terms and conditions as the department deems appropriate for a period not to exceed ten years;

(3) Suspend, for a period not to exceed three years, the license of the person involved;

(4) Revoke the license of the person involved.] **admonish or censure a licensee, or suspend or revoke the license or enter into an agreement for a monetary or other penalty pursuant to section 374.280.**

3. In lieu of filing a complaint at the administrative hearing commission, the department and the bail bond agent or general bail bond agent may enter into an agreement for a monetary or other penalty pursuant to section 374.280.

4. In addition to any other remedies available, the department may issue a cease and desist order or may seek an injunction in a court of law pursuant to the provisions of section 374.046 whenever it appears that any person is acting as a bail bond agent or general bail bond agent without a license.

374.757. 1. Any agent licensed by sections 374.700 to 374.775 who intends to apprehend any person in this state shall inform law enforcement authorities in the city or county in which such agent intends such apprehension, before attempting such apprehension. Such agent shall present to the local law enforcement authorities a certified copy of the bond and all other appropriate paperwork identifying the principal and the person to be apprehended. Local law enforcement may accompany the agent. Failure of any agent to whom this section applies to comply with the provisions of this section shall be a class A misdemeanor for the first violation and a class D felony for subsequent violations; and shall also be a violation of section 374.755 and may in addition be punished pursuant to that section.

2. Any agent licensed by sections 374.700 to 374.775 who wrongfully causes damages to any person or property, including but not limited to trespass, unlawful arrest, unlawful detainment or assault, shall be liable for such damages and may be liable for punitive damages.

374.764. 1. The director shall examine and inquire into all violations of the bail bond law of the state, and inquire into and investigate the bail bond business transacted in this state by any bail bond agent, general bail bond agent or surety recovery agent.

2. The director or any of his duly appointed agents may compel the attendance before him, and may examine, under oath, the directors, officers, bail bond agents, general bail bond agents, surety recovery agents, employees or any other person, in reference to the condition, affairs, management of the bail bond or surety recovery business or any matters relating thereto. He may administer oaths or affirmations and shall have power to summon and compel the attendance of witnesses and to require and compel the production of records, books, papers, contracts or other documents, if necessary.

3. The director may make and conduct the investigation in person, or he may appoint one or more persons to make and conduct the same for him. If made by a person other than the director, the person duly appointed by the director shall have the same powers as granted to the director pursuant to this section. A certificate of appointment, under the official seal of the director, shall be sufficient authority and evidence thereof for the person to act. For the purpose of making the investigations, or having the same made, the director may employ the necessary clerical, actuarial and other assistance.

374.782. 1. Sections 374.782 to 374.789 shall be known as "The Surety Recovery Agent Licensure Act".

2. As used in sections 374.782 to 374.789, the following terms mean:

(1) "Department", the department of insurance of the state of Missouri;

(2) "Fugitive recovery", the tracking down, recapturing and surrendering to the custody of a court a

fugitive who has violated a bail bond agreement;

(3) "Surety recovery agent", a person not performing the duties of a sworn peace officer who tracks down, captures and surrenders to the custody of a court a fugitive who has violated a bail bond agreement, excluding a bail bond agent or general bail bond agent.

374.783. 1. No person shall hold himself or herself out as being a surety recovery agent in this state, unless such person is licensed in accordance with the provisions of sections 374.782 to 374.789.

2. The department shall have authority to license all surety recovery agents in this state. The department shall have control and supervision over the licensing of such agents and the enforcement of the terms and provisions of sections 374.782 to 374.789.

3. The department shall have power to:

(1) Set and determine the amount of the fees which sections 374.782 to 374.789 authorize and require. The fees shall be set at a level sufficient to produce revenue which shall not substantially exceed the cost and expense of administering sections 374.782 to 374.789; and

(2) Determine the sufficiency of the qualifications of applicants for licensure.

4. The department shall license all surety recovery agents in this state who meet the requirements of sections 374.782 to 374.789.

374.784. 1. A candidate for a surety recovery agent's license shall be at least twenty-one years of age. A candidate shall furnish evidence of such person's qualifications by completing an approved licensed surety recovery agent course with at least forty hours of minimum training at an institution of higher education or any institution approved by the department.

2. The basic course of training shall consist of at least forty hours of training, be taught by personnel with qualifications approved by the department and may include instruction in:

(1) The following areas of the law:

(a) Constitutional law;

(b) Procedures for arresting defendants and surrendering defendants into custody;

(c) Civil liability;

(d) The civil rights of persons who are detained in custody;

(e) The use of force;

(2) Procedures for field operations, including, without limitation:

(a) Safety and survival techniques;

(b) Searching buildings;

(c) Handling persons who are mentally ill or under the influence of alcohol or a controlled substance; and

(d) The care and custody of prisoners;

(3) The skills required regarding:

(a) Writing reports, completing forms and procedures for exoneration;

(b) Methods of arrest;

(c) Nonlethal weapons;

(d) The retention of weapons;

(e) Qualifications for the use of firearms;

(f) Defensive tactics; and

(g) Principles of investigation, including, without limitation, the basic principles of locating defendants who have not complied with the terms and conditions established by a court for their release from custody or the terms and conditions of a contract entered into with a surety;

(4) The following subjects:

(a) Demeanor in a courtroom;

(b) First aid used in emergencies; and

(c) Cardiopulmonary resuscitation.

3. No license shall be granted unless the candidate has proof of a one million dollar bond or liability policy insuring against any damages to persons or property caused by the candidate.

374.785. 1. The department shall issue a license to any surety recovery agent who is licensed in another jurisdiction and who has had no violations, suspensions or revocations of a license to engage in fugitive recovery in any jurisdiction, provided that such person is licensed in a jurisdiction whose requirements are substantially equal to, or greater than, the requirements for licensure of surety recovery agents in Missouri at the time the applicant applies for licensure, the applicant has proof of a one million dollar bond or liability policy and such

general bail bond agent employs a surety recovery agent holding a valid Missouri surety recovery license.

2. For the purpose of surrender of the defendant, a surety may apprehend the defendant, anywhere within the state of Missouri, before or after the forfeiture of the undertaking without personal liability for false imprisonment or may empower any recovery agent to make apprehension by providing written authority endorsed on a certified copy of the undertaking and paying the lawful fees.

3. The surety or recovery agent shall inform the local law enforcement in the county or city where such agent is planning to enter a residence. Such agent shall have a certified copy of the bond and all appropriate paperwork to identify the principal. Local law enforcement, when notified, may accompany the surety or recovery agent to that location to keep the peace if an active warrant is effective for a felony or misdemeanor. If a warrant is not active, the local law enforcement officers may accompany the surety or recovery agent to such location. Failure to report to the local law enforcement agency is a class A misdemeanor. For any subsequent violations, failure to report to the local law enforcement agency is a class D felony.

4. Every applicant for a license pursuant to this section, upon making application and showing the necessary qualifications as provided in this section, shall be required to pay the same fee as the fee required to be paid by resident applicants. Within the limits provided in this section, the department may negotiate reciprocal compacts with licensing entities of other states for the admission of licensed surety recovery agents from Missouri in other states.

374.786. 1. Every person licensed pursuant to sections 374.782 to 374.789 shall, on or before the license renewal date, apply to the department for a licensure renewal for the ensuing licensing period. The application shall be made on a form furnished to the applicant and shall state the applicant's full name, the applicant's business address, the address at which the applicant resides, the date the applicant first received a license and the applicant's surety recovery agent identification number, if any.

2. A blank form for the application for licensure renewal shall be mailed to each person licensed in this state at the person's last known address. The failure to mail the form of application or the failure of a person to receive it does not, however, relieve any person of the duty to be licensed and to pay the license fee required nor exempt such person from the penalties provided for failure to be licensed.

3. Each applicant for licensure renewal shall accompany such application with a licensure renewal fee to be paid to the department for the licensing period for which licensure renewal is sought.

4. The department may refuse to issue or renew any license required pursuant to sections 374.782 to 374.789 for any one or any combination of causes stated in section 374.787. The department shall notify the applicant in writing of the reasons for refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

374.787. 1. The department may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any surety recovery agent or any person who has failed to renew or has surrendered his or her license for any one or any combinations of the following causes:

(1) Violation of any provisions of, or any obligations imposed by, the laws of this state, department of insurance rules and regulations, or aiding or abetting other persons to violate such laws, orders, rules or regulations;

(2) Having been convicted of a felony or crime involving moral turpitude;

(3) Using fraud, deception, misrepresentation or bribery in securing a license or in obtaining permission to take any examination required by sections 374.782 to 374.789;

(4) Obtaining or attempting to obtain any compensation as a surety recovery agent by means of fraud, deception or misrepresentation;

(5) Acting as a surety recovery agent or aiding or abetting another in acting as a surety recovery agent without a license;

(6) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions of duties of a surety recovery agent;

(7) Having revoked or suspended any license by another state.

2. After the filing of the complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that one or more of the causes stated in subsection 1 of this section have been met, the department may suspend or revoke the license or enter into an agreement for a monetary or other penalty pursuant to section 374.280.

3. In lieu of filing a complaint with the administrative hearing commission, the department and the surety recovery agent may enter into an agreement for a monetary or other penalty pursuant to section 374.280.

4. In addition to any other remedies available, the department may issue a cease and desist order or may seek an injunction in a court of law pursuant to section 374.046 whenever it appears that any person is acting as a surety recovery agent without a license.

374.788. A surety recovery agent having probable grounds to believe a subject, free on his or her bond, has failed to appear as directed by a court, has breached the terms of the subject's surety agreement or has taken a substantial step toward absconding, may utilize all lawful means to arrest the subject. To surrender a subject to a court a licensed surety recovery agent, having probable grounds to believe the subject is free on their bond, may:

- (1) Detain a subject in a reasonable manner, for a reasonable time not to exceed seventy-two hours;**
- (2) Transport a subject in a reasonable manner from state to state and county to county to a place of authorized surrender; and**
- (3) Enter upon private or public property in a reasonable manner to execute an arrest of a subject.**

374.789. 1. A person is guilty of a class D felony if he or she does not hold a valid surety recovery agent's license or a bail bondsman's license and commits any of the following acts:

- (1) Holds himself or herself out to be a licensed surety recovery agent within this state;**
- (2) Claims that he or she can render surety recovery agent services; or**
- (3) Engages in fugitive recovery in this state.**

2. Any person who engages in fugitive recovery in this state and wrongfully causes damage to any person or property, including, but not limited to, trespass, unlawful arrest, unlawful detainment or assault, shall be liable for such damages and may be liable for punitive damages."; and

Further amend said bill, Page 90, Section 578.610, Line 9 of said page, by inserting after all of said section the following:

"590.132. No person shall be commissioned or employed as a peace officer unless he or she is a resident of Missouri."; and

Further amend said bill, by amending the title, enacting clause and intersectional references accordingly.

Representative Monaco assumed the Chair.

On motion of Representative Ross, **House Amendment No. 20** was adopted.

Representative Kelly (27) offered **House Amendment No. 21**.

House Amendment No. 21

AMEND House Substitute for House Committee Substitute for House Bill Nos. 835, 90, 707, 373, 641, 510, 516 & 572, Page 90, Section 578.610, Line 9 of said page, by inserting after all of said section the following:

"595.030. 1. No compensation shall be paid unless the claimant has incurred an out-of-pocket loss of at least fifty dollars or has lost two continuous weeks of earnings or support from gainful employment. "Out-of-pocket loss" shall mean unreimbursed or unreimbursable expenses or indebtedness reasonably incurred for medical care or other services, including psychiatric, psychological or counseling expenses, necessary as a result of the crime upon which the claim is based, except that the amount paid for psychiatric, psychological or counseling expenses per eligible claim shall not exceed two thousand five hundred dollars. [Fifty dollars shall be deducted from any award granted under sections 595.010 to 595.075, except that an award to a person sixty-five years of age or older is not subject to any deduction.]

2. No compensation shall be paid unless the division of workers' compensation finds that a crime was committed, that such crime directly resulted in personal physical injury to, or the death of, the victim, and that police records show that such crime was promptly reported to the proper authorities. In no case may compensation be paid if the police records show that such report was made more than forty-eight hours after the occurrence of such crime, unless the division of workers' compensation finds that the report to the police was delayed for good cause. If the victim is under eighteen years of age such report may be made by the victim's parent, guardian or custodian; by a physician, a nurse,

or hospital emergency room personnel; by the division of family services personnel; or by any other member of the victim's family.

3. No compensation shall be paid for medical care if the service provider is not a medical provider as that term is defined in section 595.027, and the individual providing the medical care is not licensed by the state of Missouri or the state in which the medical care is provided.

4. No compensation shall be paid for psychiatric treatment or other counseling services, including psychotherapy, unless the service provider is a:

(1) Physician licensed pursuant to chapter 334, RSMo, or licensed to practice medicine in the state in which the service is provided;

(2) Psychologist licensed pursuant to chapter 337, RSMo, or licensed to practice psychology in the state in which the service is provided;

(3) Clinical social worker licensed pursuant to chapter 337, RSMo; or

(4) Professional counselor licensed pursuant to chapter 337, RSMo.

5. Any compensation paid [under] **pursuant to** sections 595.010 to 595.075 for death or personal injury shall be in an amount not exceeding out-of-pocket loss, together with loss of earnings or support from gainful employment, not to exceed two hundred dollars per week, resulting from such injury or death. In the event of death of the victim, an award may be made for reasonable and necessary expenses actually incurred for preparation and burial not to exceed five thousand dollars.

6. Any compensation for loss of earnings or support from gainful employment shall be in an amount equal to the actual loss sustained not to exceed two hundred dollars per week; provided, however, that no award [under] **pursuant to** sections 595.010 to 595.075 shall exceed [fifteen] **twenty-five** thousand dollars. If two or more persons are entitled to compensation as a result of the death of a person which is the direct result of a crime or in the case of a sexual assault, the compensation shall be apportioned by the division of workers' compensation among the claimants in proportion to their loss.

7. The method and timing of the payment of any compensation [under] **pursuant to** sections 595.010 to 595.075 shall be determined by the division.

595.035. 1. For the purpose of determining the amount of compensation payable pursuant to sections 595.010 to 595.075, the division of workers' compensation shall, insofar as practicable, formulate standards for the uniform application of sections 595.010 to 595.075, taking into consideration the provisions of sections 595.010 to 595.075, the rates and amounts of compensation payable for injuries and death [under] **pursuant to** other laws of this state and of the United States, excluding pain and suffering, and the availability of funds appropriated for the purpose of sections 595.010 to 595.075. All decisions of the division of workers' compensation on claims heard [under] **pursuant to** sections 595.010 to 595.075 shall be in writing, setting forth the name of the claimant, the amount of compensation and the reasons for the decision. The division of workers' compensation shall immediately notify the claimant in writing of the decision and shall forward to the state treasurer a certified copy of the decision and a warrant for the amount of the claim. The state treasurer, upon certification by the commissioner of administration, shall, if there are sufficient funds in the crime victims' compensation fund, pay to or on behalf of the claimant the amount determined by the division.

2. The crime victims' compensation fund is not a state health program and is not intended to be used as a primary payor to other health care assistance programs, but is a public, quasi-charitable fund whose fundamental purpose is to assist victims of violent crimes through a period of financial hardship, as a payor of last resort. Accordingly, any compensation paid pursuant to sections 595.010 to 595.075 shall be reduced by the amount of any payments, benefits or awards received or to be received as a result of the injury or death:

(1) From or on behalf of the offender;

(2) Under private or public insurance programs, including champus, Medicare, Medicaid and other state or federal programs, **but not including any life insurance proceeds**; or

(3) From any other public or private funds, including an award payable [under] **pursuant to** the workers' compensation laws of this state.

3. In determining the amount of compensation payable, the division of workers' compensation shall determine whether, because of the victim's consent, provocation, incitement or negligence, the victim contributed to the infliction of the victim's injury or death, and shall reduce the amount of the compensation or deny the claim altogether, in accordance with such determination; provided, however, that the division of workers' compensation may disregard the responsibility of the victim for his **or her** own injury where such responsibility was attributable to efforts by the victim to aid a victim, or to prevent a crime or an attempted crime from occurring in his **or her** presence, or to apprehend a person who had committed a crime in his **or her** presence or had in fact committed a felony.

4. In determining the amount of compensation payable pursuant to sections 595.010 to 595.070, monthly Social Security disability or retirement benefits received by the victim shall not be considered by the division as a factor for reduction of benefits.

5. The division shall not be liable for payment of compensation for any out-of-pocket expenses incurred more than three years following the date of the occurrence of the crime upon which the claim is based.”; and

Further amend said bill, by amending the title, enacting clause and intersectional references accordingly.

On motion of Representative Kelly (27), **House Amendment No. 21** was adopted.

Representative Naeger offered **House Amendment No. 22**.

House Amendment No. 22

AMEND House Substitute for House Committee Substitute for House Bill Nos. 835, 90, 707, 373, 641, 510, 516 & 572, Page 8, Section 195.524, Line 24, by deleting the words “**ninety-six**” and inserting in lieu thereof the words “**one-hundred**”.

Speaker Pro Tem Abel resumed the Chair.

On motion of Representative Naeger, **House Amendment No. 22** was adopted.

Representative O'Toole offered **House Amendment No. 23**.

Representative Burcham raised a point of order that **House Amendment No. 23** goes beyond the scope of the house substitute.

The Chair ruled the point of order well taken.

Representative Hosmer offered **House Amendment No. 23**.

House Amendment No. 23

AMEND House Substitute for House Committee Substitute for House Bill Nos. 835, 90, 707, 373, 641, 510, 516 & 572, Page 29, Section 491.707, Line 18 of said page, by inserting after all of said section the following:

“494.425. The following persons shall be disqualified from serving as a petit or grand juror:

- (1) Any person who is less than [twenty-one] **eighteen** years of age;
- (2) Any person not a citizen of the United States;
- (3) Any person not a resident of the county or city not within a county served by the court issuing the summons;
- (4) Any person who has been convicted of a felony, unless such person has been restored to [his] **such person's** civil rights;
- (5) Any person unable to read, speak and understand the English language;
- (6) Any person on active duty in the armed forces of the United States or any member of the organized militia on active duty under order of the governor;
- (7) Any licensed attorney at law;
- (8) Any judge of a court of record;
- (9) Any person who, in the judgment of the court or the board of jury commissioners, is incapable of performing the duties of a juror because of mental or physical illness or infirmity.

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

- (1) Any person actually performing the duties of a clergyman;
- (2) Any person who has served on a state or federal petit or grand jury within the preceding year;
- (3) Any person whose absence from [his] **such person's** regular place of employment would, in the judgment of the court, tend materially and adversely to affect the public safety, health, welfare or interest;
- (4) Any person upon whom service as a juror would in the judgment of the court impose an extreme hardship;
- (5) Any person licensed to engage in and actively engaged in the practice of medicine, osteopathy, chiropractic, dentistry or pharmacy[.];
- (6) **Any person who is enrolled as a full-time student and is not residing within twenty miles of the city or county where the jury summons is issued.**"; and

Further amend said bill, by amending the title, enacting clause and intersectional references accordingly.

On motion of Representative Hosmer, **House Amendment No. 23** was adopted.

Representative Crawford offered **House Amendment No. 24**.

House Amendment No. 24

AMEND House Substitute for House Committee Substitute for House Bill Nos. 835, 90, 707, 373, 641, 510, 516 & 572, Page 68, Section 566.141, Line 7 of said page, by inserting after all of said section the following:

"568.176. 1. Any person who sells or attempts to sell any person less than eighteen years of age to another or receives money or anything of value in consideration of placing any person less than eighteen years of age in the custody or under the power or control of another, or who buys or attempts to buy any person less than eighteen years of age, or pays money or delivers anything of value to another in consideration of having any person less than eighteen years of age placed in his or her custody or under his or her power or control is guilty of a class B felony.

2. The provisions of this section shall not apply to legitimate adoptions, to legitimate actions by department of corrections officials or county jailers, or to any negotiations or legal proceedings of any kind between parents, guardians, grandparents or other similar concerned parties that relate to the legal custody of minor children."; and

Further amend said bill, by amending the title, enacting clause and intersectional references accordingly.

On motion of Representative Crawford, **House Amendment No. 24** was adopted.

Representative Jetton offered **House Amendment No. 25**.

House Amendment No. 25

AMEND House Substitute for House Committee Substitute for House Bill Nos. 835, 90, 707, 373, 641, 510, 516 & 572, Page 90, Section 578.610, Line 9, by inserting after all of said line the following:

"589.320. 1. The department of public safety shall establish a law enforcement grants program, to be known as "The Drug Detection Program", which shall, subject to appropriations, make funds available to municipal or county law enforcement agencies for the purpose of purchasing drug dogs to aid in the detection of illegal drugs.

2. Appropriations for such grants shall be made to the department of public safety who shall administer such grants for transmission to municipal or county law enforcement agencies to which grants are made.

3. An application for a grant hereunder may be made to and processed by the department of public safety. The department of public safety shall make the necessary rules and regulations for the consideration and processing of all grant requests.

4. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.”; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Jetton, **House Amendment No. 25** was adopted.

Representative Clayton offered **House Amendment No. 26**.

House Amendment No. 26

AMEND House Substitute for House Committee Substitute for House Bill Nos. 835, 90, 707, 373, 641, 510, 516 & 572, Page 60, Section 565.070, Line 4 of said page, by inserting after said line the following:

“565.084. 1. A person commits the crime of tampering with a judicial officer if, with the purpose to harass, intimidate or influence a judicial officer in the performance of such officer's official duties, [he] **the actor**:

- (1) Threatens or causes harm to such judicial officer or members of such judicial officer's family;
- (2) Uses force, threats, or deception against or toward such judicial officer or members of such judicial officer's family;
- (3) Offers, conveys or agrees to convey any benefit direct or indirect upon such judicial officer or such judicial officer's family;
- (4) Engages in conduct reasonably calculated to harass or alarm such judicial officer or such judicial officer's family, including stalking pursuant to section 565.225.

2. A judicial officer for purposes of this section shall be a judge, arbitrator, special master, juvenile court commissioner, state probation or parole officer, **juvenile court officer** or referee.

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

- (1) [His] **The officer** spouse; or
- (2) [His or his] **The officer's or the officer's** spouse's ancestor or descendant by blood or adoption; or
- (3) [His] **The officer's** stepchild, while the marriage creating that relationship exists.

4. Tampering with a judicial officer is a class C felony.”.

On motion of Representative Clayton, **House Amendment No. 26** was adopted.

Representative Kelley (47) offered **House Amendment No. 27**.

House Amendment No. 27

AMEND House Substitute for House Committee Substitute for House Bill Nos. 835, 90, 707, 373, 641, 510, 516 & 572, Page 13, Section 210.001, Line 21, by inserting immediately after said line the following:

“210.140. Any legally recognized privileged communication, except that between attorney and client **or involving communications made to a minister or clergyperson**, shall not apply to situations involving known or suspected child abuse or neglect and shall not constitute grounds for failure to report as required or permitted by sections 210.110 to 210.165, or to give or accept evidence in any judicial proceeding relating to child abuse or neglect.”; and

Further amend the title and enacting clause of said bill accordingly.

On motion of Representative Kelley (47), **House Amendment No. 27** was adopted.

Representative Black offered **House Amendment No. 28**.

House Amendment No. 28

AMEND House Substitute for House Committee Substitute for House Bill Nos. 835, 90, 707, 373, 641, 510, 516 & 572, Page 83, Section 570.120, Line 12 of said page, by inserting after all of said line the following:

"571.030. 1. A person commits the crime of unlawful use of weapons if he or she knowingly:

(1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; or

(2) Sets a spring gun; or

(3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, RSMo, or any building or structure used for the assembling of people; or

(4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or

(5) Possesses or discharges a firearm or projectile weapon while intoxicated; or

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

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

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

(9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, RSMo, while within any city, town, or village, and discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; or

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

2. Subdivisions (1), (3), (4), (6), (7), (8), (9) and (10) of subsection 1 of this section shall not apply to or affect any of the following:

(1) All state, county and municipal law enforcement officers possessing the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

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

(3) Members of the armed forces or national guard while performing their official duty;

(4) Those persons vested by article V, section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary;

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

(6) Any federal probation officer;

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

(8) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the board of police commissioners under section 84.340, RSMo; **and**

(9) Any juvenile officer while performing duties incident to his or her office who has fulfilled the requirements of section 590.105, RSMo.

3. Subdivisions (1), (5), (8) and (10) of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his dwelling unit or upon business premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not apply if the firearm is otherwise

lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event.

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

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

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

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

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

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

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

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

Further amend said title, enacting clause and intersectional references accordingly.

Representative Monaco resumed the Chair.

Representative Ballard offered **House Substitute Amendment No. 1 for House Amendment No. 28**.

House Substitute Amendment No. 1 for House Amendment No. 28 was withdrawn.

On motion of Representative Black, **House Amendment No. 28** was adopted by the following vote:

AYES: 088

| | | | | |
|-------------|--------------|-----------|--------------|-------------|
| Ballard | Barnett | Barnitz | Bartelsmeyer | Bartle |
| Behnen | Berkstresser | Black | Boatright | Bonner |
| Boucher | Britt | Burcham | Burton | Byrd |
| Champion | Cierpiot | Cooper | Copenhaver | Crowell |
| Davis | Dempsey | Dolan | Enz | Fares |
| Farnen | Franklin | Fraser | Gaskill | Graham |
| Griesheimer | Hegeman | Henderson | Hendrickson | Hohulin |
| Holand | Hoppe | Hosmer | Hunter | Jetton |
| Jolly | Kelley 47 | Kennedy | King | Koller |
| Levin | Linton | Long | Lowe | Luetkemeyer |
| Marble | Marsh | May 149 | Mayer | Merideth |
| Miller | Moore | Murphy | Myers | Naeger |
| Ostmann | Phillips | Portwood | Purgason | Ransdall |

| | | | | |
|----------|-----------|-------------|------------|-----------|
| Rector | Reid | Reinhart | Richardson | Rizzo |
| Roark | Robirds | Scott | Secret | Seigfreid |
| Selby | Skaggs | St. Onge | Surface | Townley |
| Treadway | Vogel | Wagner | Ward | Wiggins |
| Williams | Wilson 25 | Mr. Speaker | | |

NOES: 057

| | | | | |
|------------|------------|---------------|-----------|-----------|
| Barry 100 | Bearden | Berkowitz | Bowman | Boykins |
| Bray 84 | Brooks | Campbell | Carnahan | Clayton |
| Coleman | Crawford | Crump | Curls | Foley |
| Ford | Froelker | Gambaro | George | Gratz |
| Green 15 | Green 73 | Hagan-Harrell | Hampton | Hanaway |
| Harding | Hartzler | Haywood | Hickey | Hilgemann |
| Holt | Johnson 61 | Johnson 90 | Kelly 144 | Kelly 27 |
| Legan | Liese | Lograsso | Mays 50 | McKenna |
| O'Connor | O'Toole | Overschmidt | Relford | Reynolds |
| Ridgeway | Ross | Schwab | Shelton | Shoemyer |
| Smith | Thompson | Troupe | Villa | Walton |
| Willoughby | Wilson 42 | | | |

PRESENT: 000

ABSENT WITH LEAVE: 015

| | | | | |
|---------------|----------|---------|-------------|--------|
| Abel | Baker | Bland | Cunningham | Harlan |
| Hollingsworth | Kelly 36 | Lawson | Luetkenhaus | Monaco |
| Nordwald | Scheve | Shields | Van Zandt | Wright |

VACANCIES: 003

Representative Hosmer offered **House Amendment No. 29.**

House Amendment No. 29

AMEND House Substitute for House Committee Substitute for House Bill Nos. 835, 90, 707, 373, 641, 510, 516 & 572, Page 83, Line 12, by adding after said line the following:

“570.135. 1. No person shall knowingly make or cause to be made, directly or indirectly, a false statement regarding another person for the purpose of fraudulently procuring the issuance of a credit card or debit card. **No person shall knowingly use the credit card or debit card of another person without the consent of such person.**

2. No person shall willfully obtain personal identifying information of another person without the authorization of that person and use that information fraudulently to obtain, or attempt to obtain, credit, goods or services in the name of the other person without the consent of that person.

3. Any person who violates the provisions of subsection 1 or 2 of this section is guilty of a [class A misdemeanor] **D felony, unless ten thousand dollars or more in goods or services are procured as a result of such violation in which case it is a class C felony. Any second or subsequent violation of subsection 1 or 2 of this section is a class C felony.**

4. As used in this section, "personal identifying information" means the name, address, telephone number, driver's license number, Social Security number, [place of employment,] employee identification number, [mother's maiden name,] demand deposit account number, savings account number or credit card number of a person.

5. Notwithstanding subsections 1 to 4 of this section, no corporation, proprietorship, partnership, limited liability company, limited liability partnership or other business entity shall be liable under this section for accepting applications for credit cards or debit cards or for the credit cards or debit cards in any credit or debit transaction, absent clear and convincing evidence that such business entity conspired with or was a part of the fraudulent procuring of the issuance of a credit card or debit card.”; and

Further amend the title and enacting clause accordingly.

On motion of Representative Hosmer, **House Amendment No. 29** was adopted.

Representative Portwood offered **House Amendment No. 30**.

House Amendment No. 30

AMEND House Substitute for House Committee Substitute for House Bill Nos. 835, 90, 707, 373, 641, 510, 516 & 572, Page 52, Section 558.019, Line 18 of said page, by inserting after all of said section the following:

- "565.024. 1. A person commits the crime of involuntary manslaughter in the first degree if [he] **the person:**
- (1) Recklessly causes the death of another person; or
 - (2) While in an intoxicated condition operates a motor vehicle in this state and, when so operating, acts with criminal negligence to cause the death of any person; **or**
 - (3) **While in the process of committing any crime pursuant to chapter 195, RSMo, or while in the process of committing any other crime wherein the possession, sale, distribution, trafficking, use or other activity involving any controlled substance is an element of such crime, knowingly fails to summon aid when a reasonable person in the same circumstance would have done so, for a person whose death could have been avoided had aid been summoned, or prevents others from summoning such aid.**
2. Involuntary manslaughter in the first degree is a class C felony.
 3. A person commits the crime of involuntary manslaughter in the second degree if he acts with criminal negligence to cause the death of any person.
 4. Involuntary manslaughter in the second degree is a class D felony."; and

Further amend said bill, by amending the title, enacting clause and intersectional references accordingly.

HCS HBs 835, 90, 707, 373, 641, 510, 516 & 572, with House Amendment No. 30 and HS, as amended, pending, was laid over.

REFERRAL OF HOUSE JOINT RESOLUTION

The following House Joint Resolution was referred to the Committee indicated:

HCS HJR 7 - Fiscal Review and Government Reform (Fiscal Note)

REFERRAL OF SENATE CONCURRENT RESOLUTION

The following Senate Concurrent Resolution was referred to the Committee indicated:

SCR 28 - Environment and Energy

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

SCS SBs 5 & 21 - Miscellaneous Bills & Resolutions
SCS SB 60 - Social Services, Medicaid and the Elderly
SS SCS SBs 214, 124, 209 & 322 - Criminal Law
SS SB 220 - Banks and Financial Institutions
SS SCS SBs 323 & 230 - Tourism, Recreation and Cultural Affairs
SS SCS SB 351 - Public Safety, Law Enforcement and Veteran Affairs
SB 385 - Professional Registration and Licensing
SB 428 - Labor
SS SCS SBs 433 & 248 - Local Government and Related Matters
SB 462 - Agriculture

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS#2 SCS SBs 22 & 106**, entitled:

An act to repeal section 135.095, RSMo 2000, relating to prescription drugs for the elderly and to enact in lieu thereof twelve new sections relating to the same subject, with an emergency clause for certain sections and a contingent termination date for a certain section.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SBs 89 & 37**, entitled:

An act to repeal section 570.030, RSMo 2000, and to enact in lieu thereof nine new sections relating to the manufacture of methamphetamine, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SBs 347 & 487**, entitled:

An act to repeal section 137.100, RSMo 2000, relating to assessment and levy of property taxes, and to enact in lieu thereof four new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

LETTER OF OBJECTION

April 17, 2001

Ted Wedel
Chief Clerk
State Capitol Building, Room 306 C
Jefferson City, MO 65101-6806

Dear Chief Clerk:

Comes now the undersigned members of the Missouri House of Representatives, 91st General Assembly, pursuant to Rule 48, and to object to **HCS SCS SB 591** as a consent bill.

Sincerely,

/s/ John Bowman
/s/ Maida Coleman
/s/ Connie Johnson
/s/ Dr. Charles Portwood
/s/ Gary Burton

REFERRAL OF SENATE BILL

The following Senate Bill was referred to the Committee indicated pursuant to Rule 48:

HCS SCS SB 591 - Rules, Joint Rules and Bills Perfected and Printed

The following member's presence was noted: Bland.

ADJOURNMENT

On motion of Representative Crump, the House adjourned until 10:00 a.m., Wednesday, April 18, 2001.

CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Fifty-sixth Day, Thursday, April 12, 2001, pages 1113 and 1114, roll call, by showing Representative Fraser voting "aye" rather than "absent with leave".

Pages 1115 and 1116, roll call, by showing Representatives Miller and Robirds voting "aye" rather than "absent with leave".

Pages 1118 and 1119, roll call, by showing Representative Hanaway voting "no" rather than "absent with leave".

Pages 1121 and 1122, roll call, by showing Representative Surface voting "no" rather than "absent with leave".

Pages 1122 and 1123, roll call, by showing Representative Surface voting "yes" rather than "absent with leave".

Pages 1125 and 1126, roll call, by showing Representative Surface voting "no" rather than "absent with leave".

Pages 1126 and 1127, roll call, by showing Representative Surface voting "no" rather than "absent with leave".

Pages 1127 and 1128, roll call, by showing Representative Surface voting "no" rather than "absent with leave".

COMMITTEE MEETINGS

BUDGET

Wednesday, April 18, 2001. Hearing Room 3 upon morning adjournment.
Executive Session.
To be considered - HB 14

CHILDREN, FAMILIES, AND HEALTH

Thursday, April 19, 2001, 8:00 am. Hearing Room 3.
Possible Executive Session.
To be considered - HB 722, HB 964, SB 44, SB 46

CIVIL AND ADMINISTRATIVE LAW

Wednesday, April 18, 2001. Hearing Room 1 upon morning adjournment.
Executive Session may follow.
To be considered - HB 965

CRIMINAL LAW

Wednesday, April 18, 2001. Hearing Room 7 upon evening adjournment.
Executive Session may follow.
To be considered - SB 214

EDUCATION - ELEMENTARY AND SECONDARY

Thursday, April 19, 2001, 9:00 am. Side gallery.
To be considered - SB 32, SB 319, SCR 3, SCR 26,
Executive Session -HB 860, Executive Session - HB 948

EDUCATION - HIGHER

Wednesday, April 18, 2001, 12:30 pm. Hearing Room 5.
Committee will meet at 12:30 pm or upon noon adjournment, whichever is later.
To be considered - Executive Session - SB 284

FISCAL REVIEW AND GOVERNMENT REFORM

Wednesday, April 18, 2001, 8:30 am. Hearing Room 5.

HS HB 349 (Fiscal Note).

To be considered - HB 787, SB 50, SCR 22

JOINT COMMITTEE ON CAPITAL IMPROVEMENTS AND LEASING

Thursday, April 19, 2001, 8:30 am. Hearing Room 1.

Re-appropriations, pending FY01 capital budget, prison construction, proposed revenue bonding projects, etc.

LABOR

Wednesday, April 18, 2001. Hearing Room 3 upon evening adjournment.

CORRECTED NOTICE.

To be considered - SB 381, SB 500

LOCAL GOVERNMENT AND RELATED MATTERS

Wednesday, April 18, 2001. Hearing Room 6 upon morning adjournment.

Executive Session may follow.

To be considered - SB 14, SB 125, SB 486

MISCELLANEOUS BILLS AND RESOLUTIONS

Wednesday, April 18, 2001, 8:45 am. Hearing Room 6.

Executive Session.

To be considered - SCR 14, SJR 9

SUBCOMMITTEE ON HIGHER EDUCATION

Wednesday, April 18, 2001, 9:00 am. Side gallery.

Purpose--Course Credit for American Sign Language.

SUBCOMMITTEE ON REDISTRICTING FOR CONGRESSIONAL DISTRICTS 1, 2 AND 3

Friday, April 20, 2001, 9:00 am.

Mini Auditorium, Room 311, Harris Stowe College, 3028 Laclede Ave., St. Louis, MO.

Public Hearing.

UTILITIES REGULATION

Thursday, April 19, 2001, 8:15 am. Hearing Room 6. Study session.

Panel on Electric Transmission.

Executive Session may follow.

HOUSE CALENDAR

FIFTY-EIGHTH DAY, WEDNESDAY, APRIL 18, 2001

HOUSE JOINT RESOLUTION FOR PERFECTION

HCS HJR 15 & 13 - Crawford

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 457, HA 2, as amended, tabled - Kreider
- 2 HCS HB 835, 90, 707, 373, 641, 510, 516 & 572, HA 30 and HS, as amended, pending - Britt
- 3 HB 286, HCA 1 & HCA 2 - Smith
- 4 HCS HB 280, 69, 497 & 689 - Hoppe
- 5 HB 527 - Luetkenhaus
- 6 HB 736 - Liese
- 7 HB 366 - Champion
- 8 HB 678 - Seigfreid
- 9 HB 436 - Merideth
- 10 HCS HB 472 - Burton
- 11 HCS HB 488 - Koller
- 12 HB 592, HCA 1 - Williams
- 13 HCS HB 660 - Hagan-Harrell
- 14 HB 555 - Foley
- 15 HCS HB 426 - O'Toole
- 16 HCS HB 831 - Carnahan
- 17 HCS HB 428 - Kelly (36)
- 18 HCS HB 593 - Riback Wilson (25)
- 19 HCS HB 170 - Froelker
- 20 HCS HB 239 - Smith
- 21 HB 715 - Foley
- 22 HCS HB 981 & 665 - Willoughby
- 23 HB 802 - Ransdall
- 24 HCS HB 374 - Fraser
- 25 HCS HB 780 - Scheve
- 26 HCS HB 853 & 258 - Crump
- 27 HCS HB 186 & 172 - Troupe
- 28 HCS HB 635 - Barry
- 29 HCS HB 868 - Merideth
- 30 HCS HB 253 - Ross
- 31 HCS HB 888, 942 & 943 - Scheve
- 32 HCS HB 293 - Kennedy
- 33 HB 809, HCA 1 - Carnahan
- 34 HCS HB 340, 303 & 316 - Graham
- 35 HB 640 - Johnson (90)

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- 36 HCS HB 723 - Mays (50)
- 37 HCS HB 117 - Riback Wilson (25)
- 38 HCS HB 307 - Wiggins
- 39 HCS HB 663 & 375 - Kennedy
- 40 HCS HB 921 - Curls

HOUSE BILL FOR PERFECTION - INFORMAL

HCS HB 113 - Hickey

HOUSE CONCURRENT RESOLUTIONS FOR ADOPTION AND THIRD READING

- 1 HCR 12, (3-29-01, page 894) - Haywood
- 2 HCR 25, (4-5-01, pages 1006 & 1007) - Graham

HOUSE JOINT RESOLUTION FOR THIRD READING

HCS HJR 7, (Fiscal Review 4-17-01) - Koller

HOUSE BILLS FOR THIRD READING

- 1 HS HB 349, (Fiscal Review 4-12-01) - Hosmer
- 2 HS HB 882 - Crump

HOUSE BILL FOR THIRD READING - CONSENT - INFORMAL

HB 402 - Boucher

SENATE BILLS FOR SECOND READING

- 1 SS#2 SCS SB 22 & 106
- 2 SS SCS SB 89 & 37
- 3 SS SCS SB 347 & 487

SENATE BILLS FOR THIRD READING - CONSENT

(April 17, 2001)

- 1 SB 25 - Farnen
- 2 HCS SB 321 - Crump
- 3 HCS SB 441 - Williams
- 4 HCS SB 521 - Luetkenhaus
- 5 SCS SB 301 - Hegeman
- 6 SB 295 - McKenna
- 7 SB 394 - Hosmer

- 8 SB 442 - O'Connor
- 9 SB 203 - O'Toole
- 10 HCS SCS SB 151 - Gaskill
- 11 HCS SB 191 - George
- 12 HCS SB 130 - Barry
- 13 SCS SB 234 - Kennedy
- 14 SB 553 - Barnett
- 15 SCS SB 270 - Monaco
- 16 SCS SB 341 - Britt
- 17 SB 87 - Smith
- 18 SCS SB 431, E.C. - Shoemyer
- 19 SB 142 - Robirds
- 20 SCS SB 383 - Harding
- 21 SB 436 - Koller
- 22 SB 606 - Clayton
- 23 SB 605 - Luetkenhaus
- 24 SB 111 - Ostmann
- 25 HCS SB 544 - Relford
- 26 SB 200 -
- 27 SB 316 - Hagan-Harrell
- 28 SCS SB 357, E.C. -
- 29 SB 207 - Kennedy
- 30 SB 252 - Surface
- 31 SB 443, E.C. - Hosmer
- 32 SCS SB 384 - Johnson (90)
- 33 SCS SB 241 - Ward
- 34 HCS SCS SB 382, E.C. - Liese
- 35 SB 224, E.C. - Luetkemeyer
- 36 SB 179 - Wagner
- 37 HCS SCS SB 617 - Rizzo
- 38 SB 435 - Koller
- 39 SB 223 - Hosmer
- 40 HCS SCS SB 520 - Myers
- 41 HCS SB 227 - Burton
- 42 SB 110 - Ladd Baker
- 43 SCS SB 514 - Hosmer
- 44 SB 353, HCA 1 - Shields
- 45 HCS SB 274 - Harlan
- 46 HCS SCS SB 568 -
- 47 SB 451 - Mays (50)
- 48 SCS SB 352 - Lawson
- 49 HCS SCS SB 178 - Hoppe
- 50 HCS SB 345 - Holt
- 51 HCS SCS SB 515 - Kennedy
- 52 SCS SB 407 - Hilgemann

- 53 SB 540 - Levin
- 54 HCS SCS SB 619, E.C. - Hoppe
- 55 SB 201 - Farnen
- 56 SB 58 - Wagner
- 57 SB 303 - Relford
- 58 HCS SB 610 - Hoppe
- 59 SCS SB 13 - Ross
- 60 HCS SB 543 - Britt
- 61 SB 556 - Hoppe
- 62 SB 575 - Davis
- 63 HCS SB 304 - Monaco
- 64 SB 406 - Scott
- 65 SCS SB 197 - Luetkenhaus
- 66 SB 148 -
- 67 HCS SB 307 - Froelker
- 68 HCS SB 348 -
- 69 HCS SB 538 - Luetkemeyer

BILL IN CONFERENCE

CCR SCS HCS HB 15 - Green (73)