

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1316
93RD GENERAL ASSEMBLY

Reported from the Committee on Crime Prevention and Public Safety March 30, 2006 with recommendation that House Committee Substitute for House Bill No. 1316 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

3590L.03C

AN ACT

To repeal sections 43.530, 50.565, 56.085, 192.925, 195.017, 210.482, 217.690, 221.040, 311.310, 311.325, 311.326, 313.805, 409.5-508, 409.6-604, 479.260, 488.5050, 545.050, 550.040, 550.050, 550.070, 550.080, 556.036, 561.031, 565.081, 565.182, 565.082, 565.083, 565.188, 566.151, 570.040, 570.223, 575.080, 577.023, 577.500, 578.255, 595.020, 595.030, 595.209, 610.105, 650.050, 650.055, 650.056, 650.057, 650.100, and 650.457, RSMo, and to enact in lieu thereof fifty-four new sections relating to crime, with penalty provisions.

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

Section A. Sections 43.530, 50.565, 56.085, 192.925, 195.017, 210.482, 217.690, 221.040, 311.310, 311.325, 311.326, 313.805, 409.5-508, 409.6-604, 479.260, 488.5050, 545.050, 550.040, 550.050, 550.070, 550.080, 556.036, 561.031, 565.081, 565.182, 565.082, 565.083, 565.188, 566.151, 570.040, 570.223, 575.080, 577.023, 577.500, 578.255, 595.020, 595.030, 595.209, 610.105, 650.050, 650.055, 650.056, 650.057, 650.100, and 650.457, RSMo, are repealed and fifty-four new sections enacted in lieu thereof, to be known as sections 43.530, 43.546, 43.547, 50.565, 56.085, 56.087, 192.925, 195.017, 195.217, 210.482, 217.439, 217.690, 221.040, 311.310, 311.325, 311.326, 313.805, 409.5-508, 409.6-604, 476.185, 479.260, 488.5050, 542.283, 545.050, 550.040, 556.036, 561.031, 565.081, 565.082, 565.083, 565.182, 565.188, 566.151, 570.040, 570.223, 575.080, 575.153, 577.023, 577.500, 578.255, 590.035,

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

11 595.020, 595.030, 595.209, 610.105, 650.050, 650.055, 650.056, 650.057, 650.058, 650.100,
12 650.457, 1, and 2, to read as follows:

43.530. **1.** For each request requiring the payment of a fee received by the central
2 repository, the requesting entity shall pay a fee of not more than [five] **nine** dollars per request
3 for criminal history record information not based on a fingerprint [search when the requesting
4 entity is required to obtain such information by any provision of state or federal law and pay a
5 fee of not more than fourteen dollars per request for criminal history record information based
6 on a fingerprint search when the requesting entity is required to obtain such information by any
7 provision of state or federal law; provided that, when the requesting entity is not required to
8 obtain such information by law, the requesting entity shall pay a fee of not more than ten dollars
9 per request for criminal history record information not based on a fingerprint search and]. **In**
10 **each year beginning on or after January 1, 2007, the central repository, in its discretion,**
11 **may increase the fee paid by requesting entities by an amount not to exceed one dollar per**
12 **annum, however, under no circumstances shall the fee paid by requesting entities exceed**
13 **fifteen dollars per request.**

14 **2.** For each request requiring the payment of a fee received by the central
15 **repository, the requesting entity shall** pay a fee of not more than [twenty] **fifteen** dollars per
16 request for criminal history record information based on a fingerprint search. [Each such
17 request]

18 **3.** Such request, as set forth in subsections 1 and 2 of this section, shall be limited
19 to check and search on one individual. Each request shall be accompanied by a check, warrant,
20 voucher, money order, or electronic payment payable to the state of Missouri-criminal record
21 system or payment shall be made in a manner approved by the highway patrol. The highway
22 patrol may establish procedures for receiving requests for criminal history record information
23 for classification and search for fingerprints, from courts and other entities, and for the payment
24 of such requests. There is hereby established by the treasurer of the state of Missouri a fund to
25 be entitled as the "Criminal Record System Fund". Notwithstanding the provisions of section
26 33.080, RSMo, to the contrary, if the moneys collected and deposited into this fund are not
27 totally expended annually for the purposes set forth in sections 43.500 to 43.543, the unexpended
28 moneys in such fund shall remain in the fund and the balance shall be kept in the fund to
29 accumulate from year to year.

43.546. 1. Any state agency may require the fingerprinting of applicants in
2 specified occupations for the purpose of positive identification and receiving criminal
3 history record information in rendering a fitness determination which bears upon the
4 applicant's ability or fitness to serve in that capacity.

5 **2. In order to facilitate the criminal background check on any person employed by**
6 **a state agency and under section 43.543, the applicant or employee shall submit a set of**
7 **fingerprints collected under the standards determined by the Missouri highway patrol.**
8 **The fingerprints along with the accompanied fees, unless alternately arranged, shall be**
9 **forwarded to the patrol to be used to search the state criminal history repository and the**
10 **fingerprints shall be forwarded to the Federal Bureau of Investigation for a national**
11 **criminal background check. Notwithstanding the provisions of section 610.120, RSMo, all**
12 **records related to any criminal history information discovered shall be accessible and**
13 **available to the state agency making the request.**

43.547. 1. The Missouri state highway patrol, at the discretion of the governor,
2 **shall conduct background investigations of gubernatorial appointees who are subject to**
3 **senate confirmation.**

4 **2. In order to facilitate the background investigation and under section 43.543, the**
5 **appointee shall submit a set of fingerprints collected under the standards determined by**
6 **the patrol. The fingerprints along with the accompanied fees, unless alternately arranged,**
7 **shall be forwarded to the patrol to be used to search the state criminal history repository**
8 **and the fingerprints shall be forwarded to the Federal Bureau of Investigation for a**
9 **national criminal background check. The background investigation may include criminal**
10 **history record information and other source information obtained by the patrol.**
11 **Information received by the patrol under this subsection shall be confidential and shall not**
12 **be disclosed except to the governor or members of the governor's staff as necessary to**
13 **determine the appointee's qualifications.**

 50.565. 1. A county commission may establish by ordinance or order a fund whose
2 proceeds may be expended only for the purposes provided for in subsection 3 of this section.
3 The fund shall be designated as a county law enforcement restitution fund and shall be under the
4 supervision of a board of trustees consisting of two citizens of the county appointed by the
5 presiding commissioner of the county, two citizens of the county appointed by the sheriff of the
6 county, and one citizen of the county appointed by the county coroner or medical examiner. The
7 citizens so appointed shall not be **current or former county elected officials**, current or former
8 employees of the sheriff's department, the office of the prosecuting attorney for the county, **office**
9 **of the county commissioners**, or the county treasurer's office. If a county does not have a
10 coroner or medical examiner, the county treasurer shall appoint one citizen to the board of
11 trustees.

12 **2. Money from the county law enforcement restitution fund shall only be expended upon**
13 **the approval of a majority of the members of the county law enforcement restitution fund's board**
14 **of trustees and only for the purposes provided for by subsection 3 of this section.**

15 3. Money from the county law enforcement restitution fund shall only be expended for
16 the following purposes:

17 (1) Narcotics investigation, prevention, and intervention;

18 (2) Purchase of law enforcement-related equipment and supplies for the sheriff's office;

19 (3) Matching funds for federal or state law enforcement grants;

20 (4) Funding for the reporting of all state and federal crime statistics or information; and

21 (5) Any **county** law enforcement-related expense, including those of the prosecuting
22 attorney, approved by the board of trustees for the county law enforcement restitution fund that
23 is reasonably related to investigation, charging, preparation, trial, and disposition of criminal
24 cases before the courts of the state of Missouri.

25 4. The county commission may not reduce any law enforcement agency's budget as a
26 result of funds the law enforcement agency receives from the county law enforcement restitution
27 fund. The restitution fund is to be used only as a supplement to the law enforcement agency's
28 funding received from other county, state, or federal funds.

29 5. County law enforcement restitution funds shall be audited as are all other county
30 funds.

31 6. No court may order the assessment and payment authorized by this section if the plea
32 of guilty or the finding of guilt is to [the charge of speeding, careless and imprudent driving, any
33 charge of violating a traffic control signal or sign, or] any charge which is a class C misdemeanor
34 or an infraction, **unless such charge is a moving violation, as defined by section 302.010,**
35 **RSMo.** No assessment and payment ordered pursuant to this section may exceed three hundred
36 dollars for any charged offense.

56.085. In the course of a criminal investigation, the prosecuting or circuit attorney may
2 request the circuit or associate circuit judge to issue a subpoena to any witness who may have
3 information for the purpose of oral examination under oath **and** to require the production of
4 books, papers, records, or other material of any evidentiary nature at the office of the prosecuting
5 or circuit attorney requesting the subpoena.

**56.087. 1. The prosecuting or circuit attorney has the power, in his or her
2 discretion, to dismiss a complaint, information, or indictment, or any count or counts
3 thereof, and in order to exercise that power it is not necessary for the prosecutor or circuit
4 attorney to obtain the consent of the court. The dismissal may be made orally by the
5 prosecuting or circuit attorney in open court, or by a written statement of the dismissal
6 signed by the prosecuting or circuit attorney and filed with the clerk of court.**

7 **2. A dismissal filed by the prosecuting or circuit attorney prior to the time double
8 jeopardy has attached is without prejudice. A dismissal filed by the prosecuting or circuit**

9 **attorney after double jeopardy has attached is with prejudice, unless the criminal**
10 **defendant has consented to having the case dismissed without prejudice.**

11 **3. A dismissal without prejudice means that the prosecutor or circuit attorney has**
12 **complete discretion to refile the case, as long as it is refiled within the time specified by the**
13 **applicable statute of limitations. A dismissal with prejudice means that the prosecutor or**
14 **circuit attorney cannot refile the case.**

15 **4. For the purposes of this section, double jeopardy attaches in a jury trial when**
16 **the jury has been impaneled and sworn. It attaches in a court-tried case when the court**
17 **begins to hear evidence.**

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

6 (1) The education and awareness of mandatory reporters on their responsibility to report
7 elder abuse and neglect **and financial exploitation of the elderly**;

8 (2) Targeted education and awareness for the public on the problem, identification and
9 reporting of elder abuse and neglect **and financial exploitation of the elderly**;

10 (3) Publicizing the elder abuse and neglect hot line telephone number;

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

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

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

195.017. 1. The department of health and senior services shall place a substance in
2 Schedule I if it finds that the substance:

3 (1) Has high potential for abuse; and

4 (2) Has no accepted medical use in treatment in the United States or lacks accepted
5 safety for use in treatment under medical supervision.

6 2. Schedule I:

7 (1) The controlled substances listed in this subsection are included in Schedule I;

8 (2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts
9 of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these
10 isomers, esters, ethers and salts is possible within the specific chemical designation:

- 11 (a) Acetyl-alpha-methylfentanyl;
- 12 (b) Acetylmethadol;
- 13 (c) Allylprodine;
- 14 (d) Alphacetylmethadol;
- 15 (e) Alphameprodine;
- 16 (f) Alphamethadol;
- 17 (g) Alpha-methylfentanyl;
- 18 (h) Alpha-methylthiofentanyl;
- 19 (i) Benzethidine;
- 20 (j) Betacetylmethadol;
- 21 (k) Beta-hydroxyfentanyl;
- 22 (l) Beta-hydroxy-3-methylfentanyl;
- 23 (m) Betameprodine;
- 24 (n) Betamethadol;
- 25 (o) Betaprodine;
- 26 (p) Clonitazene;
- 27 (q) Dextromoramide;
- 28 (r) Diampromide;
- 29 (s) Diethylthiambutene;
- 30 (t) Difenoxyin;
- 31 (u) Dimenoxadol;
- 32 (v) Dimepheptanol;
- 33 (w) Dimethylthiambutene;
- 34 (x) Dioxaphetyl butyrate;
- 35 (y) Dipipanone;
- 36 (z) Ethylmethylthiambutene;
- 37 (aa) Etonitazene;
- 38 (bb) Etoxeridine;
- 39 (cc) Furethidine;
- 40 (dd) Hydroxypethidine;
- 41 (ee) Ketobemidone;
- 42 (ff) Levomoramide;
- 43 (gg) Levophenacetylmorphan;

- 44 (hh) 3-Methylfentanyl;
- 45 (ii) 3-Methylthiofentanyl;
- 46 (jj) Morpheridine;
- 47 (kk) MPPP;
- 48 (ll) Noracymethadol;
- 49 (mm) Norlevorphanol;
- 50 (nn) Normethadone;
- 51 (oo) Norpipanone;
- 52 (pp) Para-fluorofentanyl;
- 53 (qq) PEPAP;
- 54 (rr) Phenadoxone;
- 55 (ss) Phenampromide;
- 56 (tt) Phenomorphan;
- 57 (uu) Phenoperidine;
- 58 (vv) Piritramide;
- 59 (ww) Proheptazine;
- 60 (xx) Properidine;
- 61 (yy) Propiram;
- 62 (zz) Racemoramide;
- 63 (aaa) Thiofentanyl;
- 64 (bbb) Tilidine;
- 65 (ccc) Trimeperidine;
- 66 (3) Any of the following opium derivatives, their salts, isomers and salts of isomers
- 67 unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers
- 68 is possible within the specific chemical designation:
 - 69 (a) Acetorphine;
 - 70 (b) Acetyldihydrocodeine;
 - 71 (c) Benzylmorphine;
 - 72 (d) Codeine methylbromide;
 - 73 (e) Codeine-N-Oxide;
 - 74 (f) Cyprenorphine;
 - 75 (g) Desomorphine;
 - 76 (h) Dihydromorphine;
 - 77 (i) Drotebanol;
 - 78 (j) Etorphine; (except Hydrochloride Salt);
 - 79 (k) Heroin;

- 80 (l) Hydromorphenol;
- 81 (m) Methyldesorphine;
- 82 (n) Methyldihydromorphine;
- 83 (o) Morphine methylbromide;
- 84 (p) Morphine methyl sulfonate;
- 85 (q) Morphine-N-Oxide;
- 86 (r) [Morphine] **Myrophine**;
- 87 (s) Nicocodeine;
- 88 (t) Nicomorphine;
- 89 (u) Normorphine;
- 90 (v) Pholcodine;
- 91 (w) Thebacon;

92 (4) Any material, compound, mixture or preparation which contains any quantity of the
93 following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically
94 excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within
95 the specific chemical designation:

- 96 (a) 4-bromo-2,5-dimethoxyamphetamine;
- 97 (b) 4-bromo-2, 5-dimethoxyphenethylamine;
- 98 (c) 2,5-dimethoxyamphetamine;
- 99 (d) 2,5-dimethoxy-4-ethylamphetamine;
- 100 (e) 2,5-dimethoxy-4-(n)-propylthiophenethylamine;
- 101 (f) 4-methoxyamphetamine;
- 102 (g) 5-methoxy-3,4-methylenedioxyamphetamine;
- 103 (h) 4-methyl-2,5-dimethoxy amphetamine;
- 104 (i) 3,4-methylenedioxyamphetamine;
- 105 (j) 3,4-methylenedioxymethamphetamine;
- 106 (k) 3,4-methylenedioxy-N-ethylamphetamine;
- 107 (l) N-nydroxy-3, 4-methylenedioxyamphetamine;
- 108 (m) 3,4,5-trimethoxyamphetamine;
- 109 (n) Alpha-ethyltryptamine;
- 110 (o) Benzylpiperazine or B.P.;
- 111 (p) Bufotenine;
- 112 (q) Diethyltryptamine;
- 113 (r) Dimethyltryptamine;
- 114 (s) Ibogaine;
- 115 (t) Lysergic acid diethylamide;

- 116 (u) Marijuana; (Marihuana);
117 (v) Mescaline;
118 (w) Parahexyl;
119 (x) Peyote, to include all parts of the plant presently classified botanically as *Lophophora*
120 *Williamsii* Lemaire, whether growing or not; the seeds thereof; any extract from any part of such
121 plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant,
122 its seed or extracts;
123 (y) N-ethyl-3-piperidyl benzilate;
124 (z) N-methyl-3-piperidyl benzilate;
125 (aa) Psilocybin;
126 (bb) Psilocyn;
127 (cc) Tetrahydrocannabinols;
128 (dd) Ethylamine analog of phencyclidine;
129 (ee) Pyrrolidine analog of phencyclidine;
130 (ff) Thiophene analog of phencyclidine;
131 (gg) 1-(3-Trifluoromethylphenyl)piperazine or TFMPP;
132 (hh) 1-(1-(2-thienyl)cyclohexyl) pyrrolidine;
133 (ii) *Salvia divinorum*;
134 (jj) Salvinorin A;
135 (5) Any material, compound, mixture or preparation containing any quantity of the
136 following substances having a depressant effect on the central nervous system, including their
137 salts, isomers and salts of isomers whenever the existence of these salts, isomers and salts of
138 isomers is possible within the specific chemical designation:
139 (a) Gamma hydroxybutyric acid;
140 (b) Mecloqualone;
141 (c) Methaqualone;
142 (6) Any material, compound, mixture or preparation containing any quantity of the
143 following substances having a stimulant effect on the central nervous system, including their
144 salts, isomers and salts of isomers:
145 (a) Aminorex;
146 (b) Cathinone;
147 (c) Fenethylamine;
148 (d) Methcathinone;
149 (e) (+)cis-4-methylaminorex ((+)-cis-4,5-dihydro- 4-methyl-5-phenyl-2-oxazolamine);
150 (f) N-ethylamphetamine;
151 (g) N,N-dimethylamphetamine;

152 (7) A temporary listing of substances subject to emergency scheduling under federal law
153 shall include any material, compound, mixture or preparation which contains any quantity of the
154 following substances:

155 (a) N-(1-benzyl-4-piperidyl)-N-phenyl-propanamide (benzylfentanyl), its optical isomers,
156 salts and salts of isomers;

157 (b) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide (thenylfentanyl), its
158 optical isomers, salts and salts of isomers;

159 (c) Alpha-Methyltryptamine, or (AMT);

160 (d) 5-Methoxy-N,N-Diisopropyltryptamine, or(5-MeO-DIPT);

161 (8) Khat, to include all parts of the plant presently classified botanically as *catha edulis*,
162 whether growing or not; the seeds thereof; any extract from any part of such plant; and every
163 compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seed or extracts.

164 3. The department of health and senior services shall place a substance in Schedule II
165 if it finds that:

166 (1) The substance has high potential for abuse;

167 (2) The substance has currently accepted medical use in treatment in the United States,
168 or currently accepted medical use with severe restrictions; and

169 (3) The abuse of the substance may lead to severe psychic or physical dependence.

170 4. The controlled substances listed in this subsection are included in Schedule II:

171 (1) Any of the following substances whether produced directly or indirectly by extraction
172 from substances of vegetable origin, or independently by means of chemical synthesis, or by
173 combination of extraction and chemical synthesis:

174 (a) Opium and opiate and any salt, compound, derivative or preparation of opium or
175 opiate, excluding apomorphine, thebaine-derived butorphanol, dextrophan, nalbuphine,
176 nalmefene, naloxone and naltrexone, and their respective salts but including the following:

177 a. Raw opium;

178 b. Opium extracts;

179 c. Opium fluid;

180 d. Powdered opium;

181 e. Granulated opium;

182 f. Tincture of opium;

183 g. Codeine;

184 h. Ethylmorphine;

185 i. Etorphine hydrochloride;

186 j. Hydrocodone;

187 k. Hydromorphone;

- 188 l. Metopon;
189 m. Morphine;
190 n. Oxycodone;
191 o. Oxymorphone;
192 p. Thebaine;
193 (b) Any salt, compound, derivative, or preparation thereof which is chemically
194 equivalent or identical with any of the substances referred to in this subdivision, but not
195 including the isoquinoline alkaloids of opium;
196 (c) Opium poppy and poppy straw;
197 (d) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and
198 any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical
199 with any of these substances, but not including decocainized coca leaves or extractions which
200 do not contain cocaine or ecgonine;
201 (e) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid
202 or powder form which contains the phenanthrene alkaloids of the opium poppy);
203 (2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts
204 of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within
205 the specific chemical designation, dextrorphan and levopropoxyphene excepted:
206 (a) Alfentanil;
207 (b) Alphaprodine;
208 (c) Anileridine;
209 (d) Bezitramide;
210 (e) Bulk Dextropropoxyphene;
211 (f) Carfentanil;
212 (g) Butyl nitrite;
213 (h) Dihydrocodeine;
214 (i) Diphenoxylate;
215 (j) Fentanyl;
216 (k) Isomethadone;
217 (l) Levo-alphaacetylmethadol;
218 (m) Levomethorphan;
219 (n) Levorphanol;
220 (o) Metazocine;
221 (p) Methadone;
222 (q) Meperidine;
223 (r) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;

- 224 (s) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane--carboxylic
225 acid;
- 226 (t) Pethidine;
- 227 (u) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
- 228 (v) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
- 229 (w) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- 230 (x) Phenazocine;
- 231 (y) Piminodine;
- 232 (z) Racemethorphan;
- 233 (aa) Racemorphan;
- 234 (bb) Sufentanil;
- 235 (3) Any material, compound, mixture, or preparation which contains any quantity of the
236 following substances having a stimulant effect on the central nervous system:
- 237 (a) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
- 238 (b) Methamphetamine, its salts, isomers, and salts of its isomers;
- 239 (c) Phenmetrazine and its salts;
- 240 (d) Methylphenidate;
- 241 (4) Any material, compound, mixture, or preparation which contains any quantity of the
242 following substances having a depressant effect on the central nervous system, including its salts,
243 isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers
244 is possible within the specific chemical designation:
- 245 (a) Amobarbital;
- 246 (b) Glutethimide;
- 247 (c) Pentobarbital;
- 248 (d) Phencyclidine;
- 249 (e) Secobarbital;
- 250 (5) Any material, compound or compound which contains any quantity of nabilone;
- 251 (6) Any material, compound, mixture, or preparation which contains any quantity of the
252 following substances:
- 253 (a) Immediate precursor to amphetamine and methamphetamine: Phenylacetone;
- 254 (b) Immediate precursors to phencyclidine (PCP):
- 255 a. 1-phenylcyclohexylamine;
- 256 b. 1-piperidinocyclohexanecarbonitrile (PCC).
- 257 5. The department of health and senior services shall place a substance in Schedule III
258 if it finds that:

- 259 (1) The substance has a potential for abuse less than the substances listed in Schedules
260 I and II;
- 261 (2) The substance has currently accepted medical use in treatment in the United States;
262 and
- 263 (3) Abuse of the substance may lead to moderate or low physical dependence or high
264 psychological dependence.
- 265 6. The controlled substances listed in this subsection are included in Schedule III:
- 266 (1) Any material, compound, mixture, or preparation which contains any quantity of the
267 following substances having a potential for abuse associated with a stimulant effect on the
268 central nervous system:
- 269 (a) Benzphetamine;
- 270 (b) Chlorphentermine;
- 271 (c) Clortermine;
- 272 (d) Phendimetrazine;
- 273 (2) Any material, compound, mixture or preparation which contains any quantity or salt
274 of the following substances or salts having a depressant effect on the central nervous system:
- 275 (a) Any material, compound, mixture or preparation which contains any quantity or salt
276 of the following substances combined with one or more active medicinal ingredients:
- 277 a. Amobarbital;
- 278 b. Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers contained in
279 a drug product for which an application has been approved under Section 505 of the Federal
280 Food, Drug, and Cosmetic Act;
- 281 c. Secobarbital;
- 282 d. Pentobarbital;
- 283 (b) Any suppository dosage form containing any quantity or salt of the following:
- 284 a. Amobarbital;
- 285 b. Secobarbital;
- 286 c. Pentobarbital;
- 287 (c) Any substance which contains any quantity of a derivative of barbituric acid or its
288 salt;
- 289 (d) Chlorhexadol;
- 290 (e) Ketamine, its salts, isomers, and salts of isomers;
- 291 (f) Lysergic acid;
- 292 (g) Lysergic acid amide;
- 293 (h) Methyprylon;
- 294 (i) Sulfondiethylmethane;

- 295 (j) Sulfonethylmethane;
- 296 (k) Sulfonmethane;
- 297 (l) Tiletamine and zolazepam or any salt thereof;
- 298 (3) Nalorphine;
- 299 (4) Any material, compound, mixture, or preparation containing limited quantities of any
- 300 of the following narcotic drugs or their salts:
- 301 (a) Not more than 1.8 grams of codeine per one hundred milliliters or not more than
- 302 ninety milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid
- 303 of opium;
- 304 (b) Not more than 1.8 grams of codeine per one hundred milliliters or not more than
- 305 ninety milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized
- 306 therapeutic amounts;
- 307 (c) Not more than three hundred milligrams of hydrocodone per one hundred milliliters
- 308 or not more than fifteen milligrams per dosage unit, with a fourfold or greater quantity of an
- 309 isoquinoline alkaloid of opium;
- 310 (d) Not more than three hundred milligrams of hydrocodone per one hundred milliliters
- 311 or not more than fifteen milligrams per dosage unit, with one or more active nonnarcotic
- 312 ingredients in recognized therapeutic amounts;
- 313 (e) Not more than 1.8 grams of dihydrocodeine per one hundred milliliters or more than
- 314 ninety milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized
- 315 therapeutic amounts;
- 316 (f) Not more than three hundred milligrams of ethylmorphine per one hundred milliliters
- 317 or not more than fifteen milligrams per dosage unit, with one or more active, nonnarcotic
- 318 ingredients in recognized therapeutic amounts;
- 319 (g) Not more than five hundred milligrams of opium per one hundred milliliters or per
- 320 one hundred grams or not more than twenty-five milligrams per dosage unit, with one or more
- 321 active nonnarcotic ingredients in recognized therapeutic amounts;
- 322 (h) Not more than fifty milligrams of morphine per one hundred milliliters or per one
- 323 hundred grams, with one or more active, nonnarcotic ingredients in recognized therapeutic
- 324 amounts;
- 325 (5) Any material, compound, mixture, or preparation containing any of the following
- 326 narcotic drugs or their salts, as set forth in subdivision (6) of this subsection; buprenorphine;
- 327 (6) Anabolic steroids. Any drug or hormonal substance, chemically and
- 328 pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids)
- 329 that promotes muscle growth, except an anabolic steroid which is expressly intended for
- 330 administration through implants to cattle or other nonhuman species and which has been

331 approved by the Secretary of Health and Human Services for that administration. If any person
332 prescribes, dispenses, or distributes such steroid for human use, such person shall be considered
333 to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of this
334 paragraph. Unless specifically excepted or unless listed in another schedule, any material,
335 compound, mixture or preparation containing any quantity of the following substances, including
336 its salts, isomers and salts of isomers whenever the existence of such salts of isomers is possible
337 within the specific chemical designation:

- 338 (a) Boldenone;
- 339 (b) Chlorotestosterone (4-Chlortestosterone);
- 340 (c) Clostebol;
- 341 (d) Dehydrochlormethyltestosterone;
- 342 (e) Dihydrotestosterone (4-Dihydro-testosterone);
- 343 (f) Drostanolone;
- 344 (g) Ethylestrenol;
- 345 (h) Fluoxymesterone;
- 346 (i) Formebolone (Formebolone);
- 347 (j) Mesterolone;
- 348 (k) Methandienone;
- 349 (l) Methandranone;
- 350 (m) Methandriol;
- 351 (n) Methandrostenolone;
- 352 (o) Methenolone;
- 353 (p) Methyltestosterone;
- 354 (q) Mibolerone;
- 355 (r) Nandrolone;
- 356 (s) Norethandrolone;
- 357 (t) Oxandrolone;
- 358 (u) Oxymesterone;
- 359 (v) Oxymetholone;
- 360 (w) Stanolone;
- 361 (x) Stanozolol;
- 362 (y) Testolactone;
- 363 (z) Testosterone;
- 364 (aa) Trenbolone;
- 365 (bb) Any salt, ester, or isomer of a drug or substance described or listed in this
366 subdivision, if that salt, ester or isomer promotes muscle growth except an anabolic steroid

367 which is expressly intended for administration through implants to cattle or other nonhuman
368 species and which has been approved by the Secretary of Health and Human Services for that
369 administration;

370 (7) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a
371 United States Food and Drug Administration approved drug product. Some other names for
372 dronabinol: (6aR-trans)-6a,7,8,10a- tetrahydro-6.6.9-trimethyl-3-pentyl-6H-dibenzo (b,d)
373 pyran-1-ol, or (-)- delta-9-(trans)-tetrahydracannabinol);

374 (8) The department of health and senior services may except by rule any compound,
375 mixture, or preparation containing any stimulant or depressant substance listed in subdivisions
376 (1) and (2) of this subsection from the application of all or any part of sections 195.010 to
377 195.320 if the compound, mixture, or preparation contains one or more active medicinal
378 ingredients not having a stimulant or depressant effect on the central nervous system, and if the
379 admixtures are included therein in combinations, quantity, proportion, or concentration that
380 vitiate the potential for abuse of the substances which have a stimulant or depressant effect on
381 the central nervous system.

382 7. The department of health and senior services shall place a substance in Schedule IV
383 if it finds that:

384 (1) The substance has a low potential for abuse relative to substances in Schedule III;

385 (2) The substance has currently accepted medical use in treatment in the United States;
386 and

387 (3) Abuse of the substance may lead to limited physical dependence or psychological
388 dependence relative to the substances in Schedule III.

389 8. The controlled substances listed in this subsection are included in Schedule IV:

390 (1) Any material, compound, mixture, or preparation containing any of the following
391 narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities
392 as set forth below:

393 (a) Not more than one milligram of difenoxin and not less than twenty-five micrograms
394 of atropine sulfate per dosage unit;

395 (b) Dextropropoxyphene (alpha-(+)-4-dimethyl-amino-1, 2-diphenyl-3-methyl-2-
396 propionoxybutane);

397 (c) Any of the following limited quantities of narcotic drugs or their salts, which shall
398 include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer
399 upon the compound, mixture or preparation valuable medicinal qualities other than those
400 possessed by the narcotic drug alone:

401 a. Not more than two hundred milligrams of codeine per one hundred milliliters or per
402 one hundred grams;

403 b. Not more than one hundred milligrams of dihydrocodeine per one hundred milliliters
404 or per one hundred grams;

405 c. Not more than one hundred milligrams of ethylmorphine per one hundred milliliters
406 or per one hundred grams;

407 (2) Any material, compound, mixture or preparation containing any quantity of the
408 following substances, including their salts, isomers, and salts of isomers whenever the existence
409 of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

410 (a) Alprazolam;

411 (b) Barbitol;

412 (c) Bromazepam;

413 (d) Camazepam;

414 (e) Chloral betaine;

415 (f) Chloral hydrate;

416 (g) Chlordiazepoxide;

417 (h) Clobazam;

418 (i) Clonazepam;

419 (j) Clorazepate;

420 (k) Clotiazepam;

421 (l) Cloxazolam;

422 (m) Delorazepam;

423 (n) Diazepam;

424 (o) Dichloralphenazone;

425 (p) Estazolam;

426 (q) Ethchlorvynol;

427 (r) Ethinamate;

428 (s) Ethyl loflazepate;

429 (t) Fludiazepam;

430 (u) Flunitrazepam;

431 (v) Flurazepam;

432 (w) Halazepam;

433 (x) Haloxazolam;

434 (y) Ketazolam;

435 (z) Loprazolam;

436 (aa) Lorazepam;

437 (bb) Lormetazepam;

438 (cc) Mebutamate;

- 439 (dd) Medazepam;
440 (ee) Meprobamate;
441 (ff) Methohexital;
442 (gg) Methylphenobarbital;
443 (hh) Midazolam;
444 (ii) Nimetazepam;
445 (jj) Nitrazepam;
446 (kk) Nordiazepam;
447 (ll) Oxazepam;
448 (mm) Oxazolam;
449 (nn) Paraldehyde;
450 (oo) Petrichloral;
451 (pp) Phenobarbital;
452 (qq) Pinazepam;
453 (rr) Prazepam;
454 (ss) Quazepam;
455 (tt) Temazepam;
456 (uu) Tetrazepam;
457 (vv) Triazolam;
458 (ww) Zaleplon;
459 (xx) Zolpidem;
460 **(yy) Zopiclone, including its salts, isomers, and salts of isomers;**
461 (3) Any material, compound, mixture, or preparation which contains any quantity of the
462 following substance including its salts, isomers and salts of isomers whenever the existence of
463 such salts, isomers and salts of isomers is possible: fenfluramine;
464 (4) Any material, compound, mixture or preparation containing any quantity of the
465 following substances having a stimulant effect on the central nervous system, including their
466 salts, isomers and salts of isomers:
467 (a) Cathine ((+)-norpseudoephedrine);
468 (b) Diethylpropion;
469 (c) Fencamfamin;
470 (d) Fenproporex;
471 (e) Mazindol;
472 (f) Mefenorex;
473 (g) Modafinil;
474 (h) Pemoline, including organometallic complexes and chelates thereof;

- 475 (i) Phentermine;
476 (j) Pipradrol;
477 (k) Sibutramine;
478 (l) SPA ((-)-1-dimethylamino-1,2-diphenylethane);
479 (5) Any material, compound, mixture or preparation containing any quantity of the
480 following substance, including its salts:
481 (a) butorphanol;
482 (b) pentazocine;
483 (6) Ephedrine, its salts, optical isomers and salts of optical isomers, when the substance
484 is the only active medicinal ingredient;
485 (7) The department of health and senior services may except by rule any compound,
486 mixture, or preparation containing any depressant substance listed in subdivision (1) of this
487 subsection from the application of all or any part of sections 195.010 to 195.320 if the
488 compound, mixture, or preparation contains one or more active medicinal ingredients not having
489 a depressant effect on the central nervous system, and if the admixtures are included therein in
490 combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the
491 substances which have a depressant effect on the central nervous system.
- 492 9. The department of health and senior services shall place a substance in Schedule V
493 if it finds that:
- 494 (1) The substance has low potential for abuse relative to the controlled substances listed
495 in Schedule IV;
496 (2) The substance has currently accepted medical use in treatment in the United States;
497 and
498 (3) The substance has limited physical dependence or psychological dependence liability
499 relative to the controlled substances listed in Schedule IV.
- 500 10. The controlled substances listed in this subsection are included in Schedule V:
- 501 (1) Any compound, mixture or preparation containing any of the following narcotic
502 drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set
503 forth below, which also contains one or more nonnarcotic active medicinal ingredients in
504 sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal
505 qualities other than those possessed by the narcotic drug alone:
506 (a) Not more than two and five-tenths milligrams of diphenoxylate and not less than
507 twenty-five micrograms of atropine sulfate per dosage unit;
508 (b) Not more than one hundred milligrams of opium per one hundred milliliters or per
509 one hundred grams;

510 (c) Not more than five-tenths milligram of difenoxin and not less than twenty-five
511 micrograms of atropine sulfate per dosage unit;

512 (2) Any material, compound, mixture or preparation which contains any quantity of the
513 following substance having a stimulant effect on the central nervous system including its salts,
514 isomers and salts of isomers: pyrovalerone;

515 (3) Any compound, mixture, or preparation containing any detectable quantity of
516 pseudoephedrine or its salts or optical isomers, or salts of optical isomers or any compound,
517 mixture, or preparation containing any detectable quantity of ephedrine or its salts or optical
518 isomers, or salts of optical isomers;

519 **(4) Depressants. Unless specifically exempted or excluded or unless listed in**
520 **another schedule, any material, compound, mixture, or preparation which contains any**
521 **quantity of the following substances having a depressant effect on the central nervous**
522 **system, including its salts:**

523 **(a) Pregabalin ((S)-3 (aminomethyl) - 5 - methylhexanoic acid).**

524 11. If any compound, mixture, or preparation as specified in subdivision (3) of
525 subsection 10 of this section is dispensed, sold, or distributed in a pharmacy without a
526 prescription:

527 (1) All packages of any compound, mixture, or preparation containing any detectable
528 quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers or ephedrine,
529 its salts or optical isomers, or salts of optical isomers, shall be offered for sale only from behind
530 a pharmacy counter where the public is not permitted, and only by a registered pharmacist or
531 registered pharmacy technician; and

532 (2) Any person purchasing, receiving or otherwise acquiring any compound, mixture,
533 or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers,
534 or salts of optical isomers or ephedrine, its salts or optical isomers, or salts of optical isomers
535 shall be at least eighteen years of age; and

536 (3) The pharmacist or registered pharmacy technician shall require any person
537 purchasing, receiving or otherwise acquiring such compound, mixture, or preparation, who is not
538 known to the pharmacist or registered pharmacy technician, to furnish suitable photo
539 identification showing the date of birth of the person.

540 12. Within ninety days of the enactment of this section, pharmacists and registered
541 pharmacy technicians shall implement and maintain a written or electronic log of each
542 transaction. Such log shall include the following information:

543 (1) The name and address of the purchaser;

544 (2) The amount of the compound, mixture, or preparation purchased;

545 (3) The date of each purchase; and

546 (4) The name or initials of the pharmacist or registered pharmacy technician who
547 dispensed the compound, mixture, or preparation to the purchaser.

548 13. No person shall dispense, sell, purchase, receive, or otherwise acquire quantities
549 greater than those specified in this chapter.

550 14. Within thirty days of the enactment of this section, all persons who dispense or offer
551 for sale pseudoephedrine and ephedrine products in a pharmacy shall ensure that all such
552 products are located only behind a pharmacy counter where the public is not permitted.

553 15. Within thirty days of the enactment of this section, any business entity which sells
554 ephedrine or pseudoephedrine products in the course of legitimate business which is in the
555 possession of pseudoephedrine and ephedrine products, and which does not have a state and
556 federal controlled substances registration, shall return these products to a manufacturer or
557 distributor or transfer them to an authorized controlled substances registrant.

558 16. Any person who knowingly or recklessly violates the provisions of subsections 11
559 to 15 of this section is guilty of a class A misdemeanor.

560 17. The scheduling of substances specified in subdivision (3) of subsection 10 of this
561 section and subsections 11, 12, 14, and 15 of this section shall not apply to any compounds,
562 mixtures, or preparations that are in liquid or liquid-filled gel capsule form.

563 18. The manufacturer of a drug product or another interested party may apply with the
564 department of health and senior services for an exemption from this section. The department of
565 health and senior services may grant an exemption by rule from this section if the department
566 finds the drug product is not used in the illegal manufacture of methamphetamine or other
567 controlled or dangerous substances. The department of health and senior services shall rely on
568 reports from law enforcement and law enforcement evidentiary laboratories in determining if the
569 proposed product can be used to manufacture illicit controlled substances.

570 19. The department of health and senior services shall revise and republish the schedules
571 annually.

572 20. The department of health and senior services shall promulgate rules under chapter
573 536, RSMo, regarding the security and storage of Schedule V controlled substances, as described
574 in subdivision (3) of subsection 10 of this section, for distributors as registered by the department
575 of health and senior services.

**195.217. 1. A person commits the offense of distribution of a controlled substance
2 near a park if such person violates section 195.211 by unlawfully distributing or delivering
3 any controlled substance to a person in or on, or within one thousand feet of, the real
4 property comprising a public or private park, state park, county park, or municipal park.**

5 2. Distribution of a controlled substance near a park is a class A felony.

210.482. 1. If the emergency placement of a child in a private home is necessary due to the unexpected absence of the child's parents, legal guardian, or custodian, the juvenile court or children's division:

(1) May request that a local or state law enforcement agency or juvenile officer, subject to any required federal authorization, immediately conduct a name-based criminal history record check to include full orders of protection and outstanding warrants of each person over the age of seventeen residing in the home by using the Missouri uniform law enforcement system (MULES) and the National Crime Information Center to access the Interstate Identification Index maintained by the Federal Bureau of Investigation; and

(2) Shall determine or, in the case of the juvenile court, shall request the division to determine whether any person over the age of seventeen years residing in the home is listed on the child abuse and neglect registry.

For any children less than seventeen years of age residing in the home, the children's division shall inquire of the person with whom an emergency placement of a child will be made whether any children less than seventeen years of age residing in the home have ever been certified as an adult and convicted of or pled guilty or nolo contendere to any crime.

2. If a name-based search has been conducted pursuant to subsection 1 of this section, within fifteen [business] days after the emergency placement of the child in the private home, and if the private home has not previously been approved as a foster or adoptive home, all persons over the age of seventeen residing in the home and all children less than seventeen residing in the home who the division has determined have been certified as an adult for the commission of a crime[, other than persons within the second degree of consanguinity and affinity to the child,] shall report to a local law enforcement agency for the purpose of providing two sets of fingerprints each and accompanying fees, pursuant to section 43.530, RSMo. One set of fingerprints shall be used by the highway patrol to search the criminal history repository and the second set shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files. Results of the checks will be provided to the juvenile court or children's division office requesting such information. Any child placed in emergency placement in a private home shall be removed immediately if any person residing in the home fails to provide fingerprints after being requested to do so, unless the person refusing to provide fingerprints ceases to reside in the private home.

3. If the placement of a child is denied as a result of a name-based criminal history check and the denial is contested, all persons over the age of seventeen residing in the home and all children less than seventeen years of age residing in the home who the division has determined have been certified as an adult for the commission of a crime shall, within fifteen [business]

37 days, submit to the juvenile court or the children's division two sets of fingerprints in the same
38 manner described in subsection 2 of this section, accompanying fees, and written permission
39 authorizing the juvenile court or the children's division to forward the fingerprints to the state
40 criminal record repository for submission to the Federal Bureau of Investigation. One set of
41 fingerprints shall be used by the highway patrol to search the criminal history repository and the
42 second set shall be forwarded to the Federal Bureau of Investigation for searching the federal
43 criminal history files.

44 4. Subject to appropriation, the total cost of fingerprinting required by this section may
45 be paid by the state, including reimbursement of persons incurring fingerprinting costs under this
46 section.

47 5. For the purposes of this section, "emergency placement" refers to those limited
48 instances when the juvenile court or children's division is placing a child in the home of private
49 individuals, including neighbors, friends, or relatives, as a result of a sudden unavailability of
50 the child's primary caretaker.

**217.439. Upon the victim's request, a photograph shall be taken of the incarcerated
2 individual prior to release from incarceration and a copy of the photograph shall be
3 provided to the crime victim.**

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

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

12 3. The board has discretionary authority to require the payment of a fee, not to exceed
13 sixty dollars per month, from every offender placed under board supervision on probation,
14 parole, or conditional release, to waive all or part of any fee, to sanction offenders for willful
15 nonpayment of fees, and to contract with a private entity for fee collections services. All fees
16 collected shall be deposited in the inmate fund established in section 217.430. Fees collected
17 may be used to pay the costs of contracted collections services. The fees collected may otherwise
18 be used to provide community corrections and intervention services for offenders. Such services
19 include substance abuse assessment and treatment, mental health assessment and treatment,

20 electronic monitoring services, residential facilities services, employment placement services,
21 and other offender community corrections or intervention services designated by the board to
22 assist offenders to successfully complete probation, parole, or conditional release. The board
23 shall adopt rules not inconsistent with law, in accordance with section 217.040, with respect to
24 sanctioning offenders and with respect to establishing, waiving, collecting, and using fees.

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

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

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

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

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

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

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

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

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

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

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

55 9. The board may, at its discretion, require any offender seeking parole to meet certain
56 conditions during the term of that parole so long as said conditions are not illegal or impossible
57 for the offender to perform. These conditions may include an amount of restitution to the state
58 for the cost of that offender's incarceration. **These conditions may also include the**
59 **performance of a designated amount of free work for a public or charitable purpose as**
60 **determined by the board.**

61 (1) **An offender may refuse parole that is conditioned on the performance of free**
62 **work. In such cases, the board shall take that fact into account when exercising its**
63 **discretion to release the offender.**

64 (2) **Any county, city, person, organization, or agency, or any employee of a county,**
65 **city, organization, or agency charged with the supervision of such free work or who**
66 **benefits from its performance shall be immune from any suit by the offender or any person**
67 **deriving a cause of action from him or her if such cause of action arises from such**
68 **supervision of performance, except for an intentional tort or gross negligence. The services**
69 **performed by the offender shall not be deemed employment within the meaning of the**
70 **provisions of chapter 288, RSMo. An offender performing service under this section shall**
71 **not be deemed an employee within the meaning of the provisions of chapter 287, RSMo.**

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

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

80 12. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
81 is created under the authority delegated in this section shall become effective only if it complies
82 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
83 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
84 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
85 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
86 grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be
87 invalid and void.

221.040. It shall be the duty of the sheriff and jailer to receive, from constables and other
2 officers, all persons who shall be apprehended by such constable or other officers, for offenses
3 against this state, or who shall be committed to such jail by any competent authority; and if any

4 sheriff or jailer shall refuse to receive any such person or persons, he shall be adjudged guilty of
5 a misdemeanor, and on conviction shall be fined in the discretion of the court. **Any sheriff or**
6 **jailer may refuse to accept or incarcerate any prisoner from other officers or constables**
7 **if the prisoner is deemed medically unfit for confinement.**

311.310. 1. Any licensee under this chapter, or his employee, who shall sell, vend, give
2 away or otherwise supply any intoxicating liquor, **or any nonintoxicating beer as defined in**
3 **section 312.010, RSMo**, in any quantity whatsoever to any person under the age of twenty-one
4 years, or to any person intoxicated or appearing to be in a state of intoxication, or to a habitual
5 drunkard, and any person whomsoever except his parent or guardian who shall procure for, sell,
6 give away or otherwise supply intoxicating liquor to any person under the age of twenty-one
7 years, or to any intoxicated person or any person appearing to be in a state of intoxication, or to
8 a habitual drunkard, shall be deemed guilty of a misdemeanor, except that this section shall not
9 apply to the supplying of intoxicating liquor to a person under the age of twenty-one years for
10 medical purposes only, or to the administering of such intoxicating liquor to any person by a duly
11 licensed physician. No person shall be denied a license or renewal of a license issued under this
12 chapter solely due to a conviction for unlawful sale or supply to a minor when serving in the
13 capacity as an employee of a licensed establishment.

14 2. Any owner, occupant, or other person or legal entity with a lawful right to the
15 exclusive use and enjoyment of any property who knowingly allows a person under the age of
16 twenty-one to drink or possess intoxicating liquor or knowingly fails to stop a person under the
17 age of twenty-one from drinking or possessing intoxicating liquor on such property, unless such
18 person allowing the person under the age of twenty-one to drink or possess intoxicating liquor
19 is his or her parent or guardian, is guilty of a class B misdemeanor. Any second or subsequent
20 violation of this subsection is a class A misdemeanor.

21 3. It shall be a defense to prosecution under this section if:

22 (1) The defendant is a licensed retailer, club, drinking establishment, or caterer or holds
23 a temporary permit, or an employee thereof;

24 (2) The defendant sold the intoxicating liquor to the minor with reasonable cause to
25 believe that the minor was twenty-one or more years of age; and

26 (3) To purchase the intoxicating liquor, the person exhibited to the defendant a driver's
27 license, Missouri nondriver's identification card, or other official or apparently official document,
28 containing a photograph of the minor and purporting to establish that such minor was twenty-one
29 years of age and of the legal age for consumption of intoxicating liquor.

311.325. 1. Any person under the age of twenty-one years, who purchases or attempts
2 to purchase, or has in his or her possession, any intoxicating liquor as defined in section
3 311.020, **any nonintoxicating beer as defined in section 312.010, RSMo**, or who is visibly

4 intoxicated as defined in section 577.001, RSMo, or has a detectable blood alcohol content of
5 more than two-hundredths of one percent or more by weight of alcohol in such person's blood
6 is guilty of a misdemeanor. For purposes of prosecution under this section or any other provision
7 of this chapter involving an alleged illegal sale or transfer of intoxicating liquor to a person under
8 twenty-one years of age, a manufacturer-sealed container describing that there is intoxicating
9 liquor therein need not be opened or the contents therein tested to verify that there is intoxicating
10 liquor in such container. The alleged violator may allege that there was not intoxicating liquor
11 in such container, but the burden of proof of such allegation is on such person, as it shall be
12 presumed that such a sealed container describing that there is intoxicating liquor therein contains
13 intoxicating liquor.

14 2. For purposes of determining violations of any provision of this chapter, or of any rule
15 or regulation of the supervisor of alcohol and tobacco control, a manufacturer-sealed container
16 describing that there is intoxicating liquor therein need not be opened or the contents therein
17 tested to verify that there is intoxicating liquor in such container. The alleged violator may allege
18 that there was not intoxicating liquor in such container, but the burden of proof of such allegation
19 is on such person, as it shall be presumed that such a sealed container describing that there is
20 intoxicating liquor therein contains intoxicating liquor.

311.326. After a period of not less than one year[, or upon] **after** reaching the age of
2 twenty-one[, whichever occurs first,] a person who has pleaded guilty to or has been found guilty
3 of violating section 311.325 for the first time, and who since such conviction has not been
4 convicted of any other alcohol-related offense, may apply to the court in which he or she was
5 sentenced for an order to expunge all official records of his or her arrest, plea, trial and
6 conviction. If the court determines, upon review, that such person has not been convicted of any
7 other alcohol-related offense at the time of the application for expungement, and the person has
8 had no other alcohol-related enforcement contacts, as defined in section 302.525, RSMo, the
9 court shall enter an order of expungement. The effect of such an order shall be to restore such
10 person to the status he or she occupied prior to such arrest, plea or conviction, as if such event
11 had never happened. No person as to whom such order has been entered shall be held thereafter
12 under any provision of any law to be guilty of perjury or otherwise giving a false statement by
13 reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction or
14 expungement in response to any inquiry made of him or her for any purpose whatsoever. A
15 person shall be entitled to only one expungement pursuant to this section. Nothing contained in
16 this section shall prevent courts or other state officials from maintaining such records as are
17 necessary to ensure that an individual receives only one expungement pursuant to this section.

313.805. The commission shall have full jurisdiction over and shall supervise all
2 gambling operations governed by sections 313.800 to 313.850. The commission shall have the

3 following powers and shall promulgate rules and regulations to implement sections 313.800 to
4 313.850:

5 (1) To investigate applicants and determine the priority and eligibility of applicants for
6 a license and to select among competing applicants for a license the applicant which best serves
7 the interests of the citizens of Missouri;

8 (2) To license the operators of excursion gambling boats and operators of gambling
9 games within such boats, to identify occupations within the excursion gambling boat operations
10 which require licensing, and adopt standards for licensing the occupations including establishing
11 fees for the occupational licenses and to license suppliers;

12 (3) To adopt standards under which all excursion gambling boat operations shall be held
13 and standards for the facilities within which the gambling operations are to be held.
14 Notwithstanding the provisions of chapter 311, RSMo, to the contrary, the commission may
15 authorize the operation of gambling games on an excursion gambling boat which is also licensed
16 to sell or serve alcoholic beverages, wine, or beer. The commission shall regulate the wagering
17 structure for gambling excursions including providing a maximum loss of five hundred dollars
18 per individual player per gambling excursion;

19 (4) To enter the premises of excursion gambling boats, facilities, or other places of
20 business of a licensee within this state to determine compliance with sections 313.800 to
21 313.850;

22 (5) To investigate alleged violations of sections 313.800 to 313.850 or the commission
23 rules, orders, or final decisions;

24 (6) To assess any appropriate administrative penalty against a licensee, including, but
25 not limited to, suspension, revocation, and penalties of an amount as determined by the
26 commission up to three times the highest daily amount of gross receipts derived from wagering
27 on the gambling games, whether unauthorized or authorized, conducted during the previous
28 twelve months as well as confiscation and forfeiture of all gambling game equipment used in the
29 conduct of unauthorized gambling games. Forfeitures pursuant to this section shall be enforced
30 as provided in sections 513.600 to 513.645, RSMo;

31 (7) To require a licensee, an employee of a licensee or holder of an occupational license
32 to remove a person violating a provision of sections 313.800 to 313.850 or the commission rules,
33 orders, or final orders, or other person deemed to be undesirable from the excursion gambling
34 boat or adjacent facilities;

35 (8) To require the removal from the premises of a licensee, an employee of a licensee,
36 or a holder of an occupational license for a violation of sections 313.800 to 313.850 or a
37 commission rule or engaging in a fraudulent practice;

38 (9) To require all licensees to file all financial reports required by rules and regulations
39 of the commission;

40 (10) To issue subpoenas for the attendance of witnesses and subpoenas duces tecum for
41 the production of books, records, and other pertinent documents, and to administer oaths and
42 affirmations to the witnesses, when, in the judgment of the commission, it is necessary to enforce
43 sections 313.800 to 313.850 or the commission rules;

44 (11) To keep accurate and complete records of its proceedings and to certify the records
45 as may be appropriate;

46 (12) To ensure that the gambling games are conducted fairly. No gambling device shall
47 be set to pay out less than eighty percent of all wagers;

48 (13) To require all licensees of gambling game operations to use a cashless wagering
49 system whereby all players' money is converted to physical or electronic tokens, electronic cards,
50 or chips which only can be used for wagering on the excursion gambling boat;

51 (14) To require excursion gambling boat licensees to develop a system, approved by the
52 commission, that allows patrons the option to prohibit the excursion gambling boat licensee from
53 using identifying information for marketing purposes. The provisions of this subdivision shall
54 apply only to patrons giving identifying information for the first time. Such system shall be
55 submitted to the commission by October 1, 2000, and approved by the commission by January
56 1, 2001. The excursion gambling boat licensee shall use identifying information obtained from
57 patrons who have elected to have marketing blocked under the provisions of this section only for
58 the purposes of enforcing the requirements contained in sections 313.800 to 313.850. This
59 section shall not prohibit the commission from accessing identifying information for the
60 purposes of enforcing section 313.004 and sections 313.800 to 313.850;

61 (15) To determine which of the authorized gambling games will be permitted on any
62 licensed excursion gambling boat;

63 (16) Excursion gambling boats shall cruise, unless the commission finds that the best
64 interest of Missouri and the safety of the public indicate the need for continuous docking of the
65 excursion gambling boat in any city or county authorized pursuant to subsection 10 of section
66 313.812. The commission shall base its decision to allow continuously docked excursion
67 gambling boats on any of the following criteria: the docking location or the excursion cruise
68 could cause danger to the boat's passengers, violate federal law or the law of another state, or
69 cause disruption of interstate commerce or possible interference with railway or barge
70 transportation. In addition, the commission shall consider economic feasibility or impact that
71 would benefit land-based development and permanent job creation. The commission shall not
72 discriminate among applicants for continuous-docking excursion gambling that are similarly
73 situated with respect to the criteria set forth in this section;

74 (17) The commission shall render a finding concerning the possibility of continuous
75 docking, as described in subdivision (15) of this section, within thirty days after a hearing on any
76 request from an applicant or licensee. Such hearing may be held prior to any final action on
77 licensing to assist an applicant and any city or county in the finalizing of their economic
78 development plan;

79 (18) To require any applicant for a license or renewal of a license to operate an excursion
80 gambling boat to provide an affirmative action plan which has as its goal the use of best efforts
81 to achieve maximum employment of African-Americans and other minorities and maximum
82 participation in the procurement of contractual purchases of goods and services. This provision
83 shall be administered in accordance with all federal and state employment laws, including Title
84 VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991. At license
85 renewal, the licensee will report on the effectiveness of the plan. The commission shall include
86 the licensee's reported information in its annual report to the joint committee on gaming and
87 wagering;

88 (19) To take any other action as may be reasonable or appropriate to enforce sections
89 313.800 to 313.850 and the commission rules;

90 **(20) To request that the Missouri state highway patrol investigate or participate in**
91 **such matters as it deems necessary. Whether or not requested, the Missouri state highway**
92 **patrol shall have authority to investigate any suspected criminal activity relative to the**
93 **commission's operation and administration of sections 313.800 to 313.850, and to report**
94 **suspected violations of state law or federal law by the commission to the proper**
95 **prosecuting authorities.**

409.5-508. (a) A person [that] **commits the crime of criminal securities fraud when**
2 **such person** willfully violates **section 409.5-501.**

3 **(b) A person commits a criminal securities violation when such person willfully**
4 **violates any other provision of** this act, or a rule adopted or order issued under this act, except
5 Section 409.5-504 or the notice filing requirements of section 409.3-302 or 409.4-405, or that
6 willfully violates section 409.5-505 knowing the statement made to be false or misleading in a
7 material respect[, upon conviction, shall be fined not more than one million dollars or imprisoned
8 not more than ten years, or both].

9 **(c) A person convicted of criminal securities fraud or any other criminal violation**
10 **shall be fined not more than one million dollars or imprisoned not more than ten years, or**
11 **both, unless the violation was committed against an elderly or disabled person, in which**
12 **case the person shall be fined not less than fifty thousand dollars and imprisoned not less**
13 **than five years. For purposes of this section, the following terms mean:**

14 (1) **"Disabled person", a person with a physical or mental impairment that**
15 **substantially limits one or more of the major life activities of such individual, a record of**
16 **such impairment, or being regarded as having such an impairment;**

17 (2) **"Elderly person", a person sixty years of age or older.**

18 (d) An individual convicted of violating a rule or order under this act may be fined, but
19 may not be imprisoned, if the individual did not have knowledge of the rule or order.

20 [(b)] (e) The attorney general or the proper prosecuting attorney with or without a
21 reference from the commissioner may institute criminal proceedings under this act.

22 [(c)] (f) This act does not limit the power of this state to punish a person for conduct that
23 constitutes a crime under other laws of this state.

 409.6-604. (a) If the commissioner determines that a person has engaged, is engaging,
2 or is about to engage in an act, practice, or course of business constituting a violation of this act
3 or a rule adopted or order issued under this act or that a person has materially aided, is materially
4 aiding, or is about to materially aid an act, practice, or course of business constituting a violation
5 of this act or a rule adopted or order issued under this act, the commissioner may:

6 (1) Issue an order directing the person to cease and desist from engaging in the act,
7 practice, or course of business or to take other action necessary or appropriate to comply with
8 this act;

9 (2) Issue an order denying, suspending, revoking, or conditioning the exemptions for a
10 broker-dealer under section 409.4-401(b)(1)(D) or (F) or an investment adviser under section
11 409.4-403(b)(1)(C); or

12 (3) Issue an order under section 409.2-204.

13 (b) An order under subsection (a) is effective on the date of issuance. Upon issuance of
14 the order, the commissioner shall promptly serve each person subject to the order with a copy
15 of the order and a notice that the order has been entered. The order must include a statement
16 whether the commissioner will seek a civil penalty or costs of the investigation, a statement of
17 the reasons for the order, and notice that, within fifteen days after receipt of a request in a record
18 from the person, the matter will be scheduled for a hearing. If a person subject to the order does
19 not request a hearing and none is ordered by the commissioner within thirty days after the date
20 of service of the order, the order becomes final as to that person by operation of law. If a hearing
21 is requested or ordered, the commissioner, after notice of and opportunity for hearing to each
22 person subject to the order, may modify or vacate the order or extend it until final determination.

23 (c) If a hearing is requested or ordered pursuant to subsection (b), a hearing before the
24 commissioner must be provided. A final order may not be issued unless the commissioner
25 makes findings of fact and conclusions of law in a record in accordance with the provisions of

26 chapter 536, RSMo, and procedural rules promulgated by the commissioner. The final order may
27 make final, vacate, or modify the order issued under subsection (a).

28 (d) In a final order under subsection (c), the commissioner may;

29 (1) Impose a civil penalty up to one thousand dollars for a single violation or up to ten
30 thousand dollars for more than one violation;

31 (2) **Order a person subject to the order to pay restitution for any loss, including the**
32 **amount of any actual damages that may have been caused by the conduct and interest at**
33 **the rate of eight percent per year from the date of the violation causing the loss or disgorge**
34 **any profits arising from the violation;**

35 (3) **In addition to any civil penalty otherwise provided by law, impose an additional**
36 **civil penalty not to exceed five thousand dollars for each such violation if the commissioner**
37 **finds that a person subject to the order has violated any provision of this act and that such**
38 **violation was committed against an elderly or disabled person. For purposes of this**
39 **section, the following terms mean:**

40 (A) **"Disabled person", a person with a physical or mental impairment that**
41 **substantially limits one or more of the major life activities of such individual, a record of**
42 **such impairment, or being regarded as having such an impairment;**

43 (B) **"Elderly person", a person sixty years of age or older.**

44 (e) In a final order, the commissioner may charge the actual cost of an investigation or
45 proceeding for a violation of this act or a rule adopted or order issued under this act. These funds
46 may be paid into the investor education and protection fund.

47 (f) If a petition for judicial review of a final order is not filed in accordance with section
48 409.6-609, the commissioner may file a certified copy of the final order with the clerk of a court
49 of competent jurisdiction. The order so filed has the same effect as a judgment of the court and
50 may be recorded, enforced, or satisfied in the same manner as a judgment of the court.

51 (g) If a person does not comply with an order under this section, the commissioner may
52 petition a court of competent jurisdiction to enforce the order. The court may not require the
53 commissioner to post a bond in an action or proceeding under this section. If the court finds,
54 after service and opportunity for hearing, that the person was not in compliance with the order,
55 the court may adjudge the person in civil contempt of the order. The court may impose a further
56 civil penalty against the person for contempt in an amount not less than five thousand dollars but
57 not greater than one hundred thousand dollars for each violation and may grant any other relief
58 the court determines is just and proper in the circumstances.

59 (h) The commissioner is authorized to issue administrative consent orders in the
60 settlement of any proceeding in the public interest under this act.

2 **476.185. 1. Missouri supreme court rules 32 and 51 notwithstanding, upon proper**
3 **motion, as set forth in this section, a judge shall be disqualified from an action only where**
4 **the judge's impartiality might reasonably be questioned in accordance with the principals**
5 **set forth in canon 3(E)(1) of the code of judicial conduct as set forth in Missouri supreme**
6 **court rule 2.03.**

7 **2. In an action, any party may file a written motion for disqualification of a judge**
8 **within ten days after discovering the ground for disqualification. The motion shall be**
9 **addressed to the judge whose disqualification is sought and shall:**

10 **(1) State the facts and reasons for disqualification, including the specific provision**
11 **of canon 3(E)(1) of the code of judicial conduct asserted to be applicable;**

12 **(2) Be accompanied by a verified affidavit of counsel of record or unrepresented**
13 **party that they have read the motion; that after reasonable inquiry, to the best of their**
14 **knowledge, information, and belief, it is well grounded in fact and is warranted by either**
15 **existing law or a good faith argument for the extension, modification, or reversal of existing**
16 **law; that there is evidence sufficient to support disqualification; and that it is not**
17 **interposed for any improper purpose, such as to harass or to cause unnecessary delay or**
18 **needless increase in the cost of litigation; and**

19 **(3) Be submitted by copy directly to the judge who is sought to be disqualified, and**
20 **served upon counsel of record or unrepresented party.**

21 **3. The judge sought to be disqualified shall expeditiously determine whether the**
22 **motion is substantively sufficient. If the motion is determined to be substantively**
23 **insufficient, the judge shall deny the motion. If the motion is determined to be**
24 **substantively sufficient, the judge may sustain the motion or immediately forward the**
25 **motion to the presiding judge or designant who shall expeditiously set the motion for a**
26 **hearing and decide the matter. The judge sought to be disqualified shall proceed no**
27 **further in the action pending the outcome of the hearing.**

28 **4. A judge is presumptively qualified and the moving party shall have the burden**
29 **of proving by a preponderance of the evidence that the judge is not qualified. Previous**
30 **rulings in the case or related cases by the judge on legal issues or concerning the legal**
31 **sufficiency of any prior affidavits filed under this section, or on a demonstrated tendency**
32 **to rule in any particular manner or on a particular judicial leaning or attitude derived**
33 **from experience on the bench shall not be deemed to be legally sufficient for**
34 **disqualification.**

35 **5. If the motion for disqualification is sustained, another judge shall be assigned to**
36 **the action, as otherwise provided by law. If the motion is denied, the judge sought to be**
disqualified shall proceed with the action.

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

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

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

23

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

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

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

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

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

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

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

488.5050. 1. In addition to any other surcharges authorized by statute, the clerk of each
2 court of this state shall collect the surcharges provided for in subsection 2 of this section.

3 2. A surcharge of thirty dollars shall be assessed as costs in each circuit court proceeding
4 filed within this state in all criminal cases in which the defendant pleads guilty or nolo
5 contendere to or is convicted of a felony. A surcharge of fifteen dollars shall be assessed as costs
6 in each court proceeding filed within this state in all criminal cases, except for traffic violations
7 cases in which the defendant pleads guilty or nolo contendere to or is convicted of a
8 misdemeanor.

9 3. Notwithstanding any other provisions of law, the moneys collected by clerks of the
10 courts pursuant to the provisions of subsection 1 of this section shall be collected and disbursed
11 in accordance with sections 488.010 to 488.020, and shall be payable to the state treasurer.

12 4. The state treasurer shall deposit such moneys or other gifts, grants, or moneys received
13 on a monthly basis into the "DNA Profiling Analysis Fund", which is hereby created in the state
14 treasury. The fund shall be administered by the department of public safety. The moneys
15 deposited into the DNA profiling analysis fund shall be used only for DNA profiling analysis of
16 convicted offender samples performed to fulfill the purposes of the DNA profiling system
17 pursuant to section 650.052, RSMo.

18 5. The provisions of subsections 1 and 2 of this section shall expire on August 28, [2006]
19 **2013.**

542.283. 1. For the purposes of this section the following terms shall mean:

2 (1) "Adverse result", occurs when notification of the existence of a search warrant
3 **results in:**

4 (a) **Danger to the life or physical safety of an individual;**

5 (b) **A flight from prosecution;**

6 (c) **The destruction of or tampering with evidence;**

7 (d) **The intimidation of potential witnesses;**

8 (e) **Serious jeopardy to an investigation or undue delay of a trial;**

9 (2) "Applicant", the peace officer to whom a search warrant is issued;

10 (3) "Electronic communications services", any service which provides to users
11 **thereof the ability to receive wire or electronic communications;**

12 (4) "Foreign corporation", a corporation for profit organized under laws other
13 **than the laws of this state;**

14 (5) "Missouri corporation", all corporations organized under chapter 351, RSMo;

15 (6) "Remote computing services", the provision to the public of computer storage;

16 (7) "Search warrant", any warrant issued allowing a search for records that are
17 **in the actual or constructive possession of a foreign corporation that provides electronic**
18 **communication services or remote computing services to the general public in connection**
19 **with any communications sent to or received by customers or recipients located in**
20 **Missouri, where those records would reveal the identity of the customers using those**
21 **services, data stored by, or on behalf of the customer, the customer's usage of those**
22 **services, the recipient or destination of communications sent to or from those customers,**
23 **or the content of those customers.**

24 **2. When properly served with a search warrant issued by the proper Missouri**
25 **court, a foreign corporation subject to this section shall provide the applicant all records**
26 **sought under that warrant within five business days of receipt, including those records**
27 **maintained or located outside this state.**

28 **3. Where the applicant makes a showing and the judge finds that failure to produce**
29 **records within less than five business days would cause an adverse result, the warrant may**
30 **require production of records upon finding that the foreign corporation has shown good**
31 **cause for that extension and that an extension of time would not cause an adverse result.**

32 **4. A foreign corporation seeking to quash the warrant must seek relief from the**
33 **court that issued the warrant within the time required for production of records under this**

34 **section. The issuing court shall hear and decide that motion no later than five court days**
35 **after the motion is filed.**

36 **5. The foreign corporation shall verify the authenticity of the records it produces**
37 **under section 490.692, RSMo.**

38 **6. A Missouri corporation that provides electronic communication services or**
39 **remote computing services to the general public, when served with a warrant issued by**
40 **another state to produce records that would reveal the identity of the customers using those**
41 **services, data stored by, or on behalf of, the customer, the customer's usage of those**
42 **services, the recipient or destination of communications sent to or from those customers,**
43 **or the content of those communications, shall produce those records as if that warrant had**
44 **been issued by a Missouri court.**

45 **7. No cause of action shall lie against any foreign or Missouri corporation subject**
46 **to this section, its officers, employees, agents, or other specified persons for providing**
47 **records, information, facilities, or assistance in accordance with the terms of a warrant**
48 **issued under this section.**

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

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

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

556.036. 1. A prosecution for murder, forcible rape, attempted forcible rape, forcible
2 sodomy, attempted forcible sodomy, or any class A felony may be commenced at any time.

3 2. Except as otherwise provided in this section, prosecutions for other offenses must be
4 commenced within the following periods of limitation:

5 (1) For any felony, three years;

6 (2) For any misdemeanor, one year;

7 (3) For any infraction, six months.

8 3. If the period prescribed in subsection 2 of this section has expired, a prosecution may
9 nevertheless be commenced for:

10 (1) Any offense a material element of which is either fraud or a breach of fiduciary
11 obligation within one year after discovery of the offense by an aggrieved party or by a person
12 who has a legal duty to represent an aggrieved party and who is himself or herself not a party to
13 the offense, but in no case shall this provision extend the period of limitation by more than three
14 years. As used in this subdivision, the term "person who has a legal duty to represent an
15 aggrieved party" shall mean the attorney general or the prosecuting or circuit attorney having
16 jurisdiction pursuant to section 407.553, RSMo, for purposes of offenses committed pursuant
17 to sections 407.511 to 407.556, RSMo; and

18 (2) Any offense based upon misconduct in office by a public officer or employee at any
19 time when the defendant is in public office or employment or within two years thereafter, but in
20 no case shall this provision extend the period of limitation by more than three years; and

21 (3) Any offense based upon an intentional and willful fraudulent claim of child support
22 arrearage to a public servant in the performance of his or her duties within one year after
23 discovery of the offense, but in no case shall this provision extend the period of limitation by
24 more than three years.

25 4. An offense is committed either when every element occurs, or, if a legislative purpose
26 to prohibit a continuing course of conduct plainly appears, at the time when the course of
27 conduct or the defendant's complicity therein is terminated. Time starts to run on the day after
28 the offense is committed.

29 5. A prosecution is commenced [either when an indictment is found or an information
30 filed] **for a misdemeanor or infraction when the information is filed and for a felony when**
31 **the complaint or indictment is filed.**

32 6. The period of limitation does not run:

33 (1) During any time when the accused is absent from the state, but in no case shall this
34 provision extend the period of limitation otherwise applicable by more than three years; or

35 (2) During any time when the accused is concealing himself from justice either within
36 or without this state; or

37 (3) During any time when a prosecution against the accused for the offense is pending
38 in this state; or

39 (4) During any time when the accused is found to lack mental fitness to proceed pursuant
40 to section 552.020, RSMo.

561.031. 1. In the following proceedings, the provisions of section 544.250, 544.270,
2 544.275, RSMo, 546.030, RSMo, or of any other statute, or the provisions of supreme court rules
3 21.10, 22.07, 24.01, 24.02, 27.01, 29.07, 31.02, 31.03, 36.01, 37.16, 37.47, 37.48, 37.50, 37.57,

4 37.58, 37.59, and 37.64 to the contrary notwithstanding, when the physical appearance in person
5 in court is required of any person held in a place of custody or confinement, such personal
6 appearance may be made by means of two-way audio-visual communication, including but not
7 limited to, closed circuit television or computerized video conferencing; provided that such
8 audio-visual communication facilities provide two-way audio-visual communication between
9 the court and the place of custody or confinement [and that a full record of such proceedings be
10 made by split-screen imaging and recording of the proceedings in the courtroom and the place
11 of confinement or custody in addition to such other record as may be required]:

- 12 (1) First appearance before an associate circuit judge on a criminal complaint;
- 13 (2) Waiver of preliminary hearing;
- 14 (3) Arraignment on an information or indictment where a plea of not guilty is entered;
- 15 (4) Arraignment on an information or indictment where a plea of guilty is entered upon
16 waiver of any right such person might have to be physically present;
- 17 (5) Any pretrial or posttrial criminal proceeding not allowing the cross-examination of
18 witnesses;
- 19 (6) Sentencing after conviction at trial upon waiver of any right such person might have
20 to be physically present;
- 21 (7) Sentencing after entry of a plea of guilty; and
- 22 (8) Any civil proceeding other than trial by jury.

23 2. This section shall not prohibit other appearances via closed circuit television upon
24 waiver of any right such person held in custody or confinement might have to be physically
25 present.

26 3. Nothing contained in this section shall be construed as establishing a right for any
27 person held in custody to appear on television or as requiring that any governmental entity or
28 place of custody or confinement provide a two-way audio-visual communication system.

565.081. 1. A person commits the crime of assault of a law enforcement officer,
2 **corrections officer**, emergency personnel, or probation and parole officer in the first degree if
3 such person attempts to kill or knowingly causes or attempts to cause serious physical injury to
4 a law enforcement officer [or], **corrections officer**, emergency personnel, **or probation and**
5 **parole officer**.

6 2. As used in this section, ["emergency personnel" means] **the following terms shall**
7 **mean:**

- 8 (1) "**Corrections officer**", includes any jailer or corrections officer of the state or
9 any political subdivision of the state;

10 (2) "**Emergency personnel**", any paid or volunteer firefighter, emergency room or
11 trauma center personnel, or emergency medical technician as defined in subdivisions (15), (16),
12 [and] (17) **and (18)** of section 190.100, RSMo.

13 3. Assault of a law enforcement officer, **corrections officer**, emergency personnel, or
14 probation and parole officer in the first degree is a class A felony.

 565.082. 1. A person commits the crime of assault of a law enforcement officer,
2 **corrections officer**, emergency personnel, or probation and parole officer in the second degree
3 if such person:

4 (1) Knowingly causes or attempts to cause physical injury to a law enforcement officer,
5 **corrections officer**, emergency personnel, or probation and parole officer by means of a deadly
6 weapon or dangerous instrument;

7 (2) Knowingly causes or attempts to cause physical injury to a law enforcement officer,
8 **corrections officer**, emergency personnel, or probation and parole officer by means other than
9 a deadly weapon or dangerous instrument;

10 (3) Recklessly causes serious physical injury to a law enforcement officer, **corrections**
11 **officer**, emergency personnel, or probation and parole officer; or

12 (4) While in an intoxicated condition or under the influence of controlled substances or
13 drugs, operates a motor vehicle in this state and when so operating, acts with criminal negligence
14 to cause physical injury to a law enforcement officer, **corrections officer**, emergency personnel,
15 or probation and parole officer;

16 (5) Acts with criminal negligence to cause physical injury to a law enforcement officer,
17 **corrections officer**, emergency personnel, or probation and parole officer by means of a deadly
18 weapon or dangerous instrument;

19 (6) Purposely or recklessly places a law enforcement officer, **corrections officer**,
20 emergency personnel, or probation and parole officer in apprehension of immediate serious
21 physical injury; or

22 (7) Acts with criminal negligence to create a substantial risk of death or serious physical
23 injury to a law enforcement officer, **corrections officer**, emergency personnel, or probation and
24 parole officer.

25 2. As used in this section, ["emergency personnel" means] **the following terms shall**
26 **mean:**

27 (1) "**Corrections officer, includes any jailer or corrections officer of the state or any**
28 **political subdivision of the state;**

29 (2) "**Emergency personnel**", any paid or volunteer firefighter, emergency room or
30 trauma center personnel, or emergency medical technician as defined in subdivisions (15), (16),
31 [and] (17) **and (18)** of section 190.100, RSMo.

32 3. Assault of a law enforcement officer, **corrections officer**, emergency personnel, or
33 probation and parole officer in the second degree is a class B felony unless committed pursuant
34 to subdivision (2), (5), (6), or (7) of subsection 1 of this section in which case it is a class C
35 felony.

 565.083. 1. A person commits the crime of assault of a law enforcement officer,
2 **corrections officer**, emergency personnel, or probation and parole officer in the third degree if:

3 (1) Such person recklessly causes physical injury to a law enforcement officer,
4 **corrections officer**, emergency personnel, or probation and parole officer;

5 (2) Such person purposely places a law enforcement officer, **corrections officer**,
6 emergency personnel, or probation and parole officer in apprehension of immediate physical
7 injury;

8 (3) Such person knowingly causes or attempts to cause physical contact with a law
9 enforcement officer, **corrections officer**, emergency personnel, or probation and parole officer
10 without the consent of the law enforcement officer [or], **corrections officer**, emergency
11 personnel, or **probation and parole officer**.

12 2. As used in this section, ["emergency personnel" means] **the following terms shall**
13 **mean:**

14 (1) **"Corrections officer", includes any jailor or corrections officer of the state or**
15 **any political subdivision of the state;**

16 (2) **"Emergency personnel"**, any paid or volunteer firefighter, emergency room or
17 trauma center personnel, or emergency medical technician as defined in subdivisions (15), (16),
18 [and] (17) **and (18)** of section 190.100, RSMo.

19 3. Assault of a law enforcement officer, **corrections officer**, emergency personnel, or
20 probation and parole officer in the third degree is a class A misdemeanor.

 565.182. 1. A person commits the crime of elder abuse in the second degree if he:

2 (1) Knowingly causes, attempts to cause physical injury to any person sixty years of age
3 or older or an eligible adult, as defined in section 660.250, RSMo, by means of a deadly weapon
4 or dangerous instrument; or

5 (2) Recklessly [and] **or** purposely causes serious physical injury, as defined in section
6 565.002, to a person sixty years of age or older or an eligible adult as defined in section 660.250,
7 RSMo.

8 2. Elder abuse in the second degree is a class B felony.

 565.188. 1. When any adult day care worker; chiropractor; Christian Science
2 practitioner; coroner; dentist; embalmer; employee of the departments of social services, mental
3 health, or health and senior services; employee of a local area agency on aging or an organized
4 area agency on aging program; funeral director; home health agency or home health agency

5 employee; hospital and clinic personnel engaged in examination, care, or treatment of persons;
6 in-home services owner, provider, operator, or employee; law enforcement officer; long-term
7 care facility administrator or employee; medical examiner; medical resident or intern; mental
8 health professional; minister; nurse; nurse practitioner; optometrist; other health practitioner;
9 peace officer; pharmacist; physical therapist; physician; physician's assistant; podiatrist;
10 probation or parole officer; psychologist; social worker; or other person with responsibility for
11 the care of a person sixty years of age or older has reasonable cause to suspect that such a person
12 has been subjected to abuse or neglect, **or financial exploitation**, or observes such a person
13 being subjected to conditions or circumstances which would reasonably result in abuse or
14 neglect, **or financial exploitation**, he or she shall immediately report or cause a report to be
15 made to the department in accordance with the provisions of sections 660.250 to 660.295,
16 RSMo. Any other person who becomes aware of circumstances which may reasonably be
17 expected to be the result of or result in abuse or neglect, **or financial exploitation** may report
18 to the department.

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

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

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

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

566.151. 1. A person at least twenty-one years of age or older commits the crime of
2 enticement of a child if that person persuades, solicits, coaxes, entices, or lures whether by
3 words, actions or through communication via the Internet or any electronic communication, any
4 person who is less than fifteen years of age for the purpose of engaging in sexual conduct with
5 a child.

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

8 3. [Attempting to entice a child is a class D felony.

9 4.] Enticement of a child **or an attempt to commit enticement of a child** is a [class C
10 felony unless the person has previously pled guilty to or been found guilty of violating the
11 provisions of this section, section 568.045, 568.050, or 568.060, RSMo, or this chapter, in which
12 case it is a class B felony] **felony for which the authorized term of imprisonment shall be not**

13 **less than five years and not more than thirty years. No person convicted under this section**
14 **shall be eligible for parole, probation, conditional release, or suspended imposition or**
15 **execution of sentence for a period of five years.**

570.040. 1. Every person who has previously pled guilty or been found guilty [on two
2 separate occasions of a stealing-related offense where such offenses occurred within ten years
3 of the date of occurrence of the present offense and where the person received a sentence of ten
4 days or more on such previous offense] **of two or more stealing-related offenses committed**
5 **at different times** and who subsequently pleads guilty or is found guilty of a stealing-related
6 offense is guilty of a class [D] C felony, unless the subsequent plea or guilty verdict is pursuant
7 to paragraph (a) of subdivision (3) of subsection 3 of section 570.030, in which case the person
8 shall be guilty of a class B felony, and shall be punished accordingly.

9 2. As used in this section, the term "stealing-related offense" shall include federal and
10 state violations of criminal statutes against stealing, **robbery**, or buying or receiving stolen
11 property and shall also include municipal ordinances against same if the defendant was either
12 represented by counsel or knowingly waived counsel in writing and the judge accepting the plea
13 or making the findings was a licensed attorney at the time of the court proceedings.

14 3. Evidence of prior guilty pleas or findings of guilt shall be heard by the court, out of
15 the hearing of the jury, prior to the submission of the case to the jury, and the court shall
16 determine the existence of the prior guilty pleas or findings of guilt.

570.223. 1. A person commits the crime of identity theft if he or she knowingly and with
2 the intent to deceive or defraud obtains, possesses, transfers, uses, or attempts to obtain, transfer
3 or use, one or more means of identification not lawfully issued for his or her use.

4 2. The term "means of identification" as used in this section includes, but is not limited
5 to, the following:

- 6 (1) Social Security numbers;
- 7 (2) Drivers license numbers;
- 8 (3) Checking account numbers;
- 9 (4) Savings account numbers;
- 10 (5) Credit card numbers;
- 11 (6) Debit card numbers;
- 12 (7) Personal identification (PIN) code;
- 13 (8) Electronic identification numbers;
- 14 (9) Digital signatures;
- 15 (10) Any other numbers or information that can be used to access a person's financial
16 resources;
- 17 (11) Biometric data;

- 18 (12) Fingerprints;
19 (13) Passwords;
20 (14) Parent's legal surname prior to marriage;
21 (15) Passports; or
22 (16) Birth certificates.

23 3. A person found guilty of identity theft shall be punished as follows:

24 (1) Identity theft or attempted identity theft which does not result in the theft or
25 appropriation of credit, money, goods, services, or other property is a class B misdemeanor
26 **unless such person has previously pleaded guilty to or been found guilty of a violation of**
27 **this section, in which case it is a class A misdemeanor;**

28 (2) Identity theft which results in the theft or appropriation of credit, money, goods,
29 services, or other property not exceeding five hundred dollars in value is a class A misdemeanor
30 **unless such person has previously pleaded guilty to or been found guilty of a violation of**
31 **this section, in which case it is a class D felony;**

32 (3) Identity theft which results in the theft or appropriation of credit, money, goods,
33 services, or other property exceeding five hundred dollars and not exceeding five thousand
34 dollars in value is a class C felony **unless such person has previously pleaded guilty to or**
35 **been found guilty of a violation of this section, in which case it is a class B felony;**

36 (4) Identity theft which results in the theft or appropriation of credit, money, goods,
37 services, or other property exceeding five thousand dollars and not exceeding fifty thousand
38 dollars in value is a class B felony **unless such person has previously pleaded guilty to or**
39 **been found guilty of a violation of this section, in which case it is a class A felony;**

40 (5) Identity theft which results in the theft or appropriation of credit, money, goods,
41 services, or other property exceeding fifty thousand dollars in value is a class A felony **unless**
42 **such person has previously pleaded guilty to or been found guilty of a violation of this**
43 **section, in which case it is a felony for which the authorized punishment is imprisonment**
44 **for a term of years not less than twenty-five years.**

45 4. In addition to the provisions of subsection 3 of this section, the court may order that
46 the defendant make restitution to any victim of the offense. Restitution may include payment
47 for any costs, including attorney fees, incurred by the victim:

48 (1) In clearing the credit history or credit rating of the victim; and

49 (2) In connection with any civil or administrative proceeding to satisfy any debt, lien,
50 or other obligation of the victim arising from the actions of the defendant.

51 5. In addition to the criminal penalties in subsections 3 and 4 of this section, any person
52 who commits an act made unlawful by subsection 1 of this section shall be liable to the person
53 to whom the identifying information belonged for civil damages of up to five thousand dollars

54 for each incident, or three times the amount of actual damages, whichever amount is greater. A
55 person damaged as set forth in subsection 1 of this section may also institute a civil action to
56 enjoin and restrain future acts that would constitute a violation of subsection 1 of this section.
57 The court, in an action brought under this subsection, may award reasonable attorneys' fees to
58 the plaintiff.

59 6. If the identifying information of a deceased person is used in a manner made unlawful
60 by subsection 1 of this section, the deceased person's estate shall have the right to recover
61 damages pursuant to subsection 5 of this section.

62 7. Civil actions under this section must be brought within five years from the date on
63 which the identity of the wrongdoer was discovered or reasonably should have been discovered.

64 8. Civil action pursuant to this section does not depend on whether a criminal
65 prosecution has been or will be instituted for the acts that are the subject of the civil action. The
66 rights and remedies provided by this section are in addition to any other rights and remedies
67 provided by law.

68 9. This section and section 570.224 shall not apply to the following activities:

69 (1) A person obtains the identity of another person to misrepresent his or her age for the
70 sole purpose of obtaining alcoholic beverages, tobacco, going to a gaming establishment, or
71 another privilege denied to minors. Nothing in this subdivision shall affect the provisions of
72 subsection 10 of this section;

73 (2) A person obtains means of identification or information in the course of a bona fide
74 consumer or commercial transaction;

75 (3) A person exercises, in good faith, a security interest or right of offset by a creditor
76 or financial institution;

77 (4) A person complies, in good faith, with any warrant, court order, levy, garnishment,
78 attachment, or other judicial or administrative order, decree, or directive, when any party is
79 required to do so;

80 (5) A person is otherwise authorized by law to engage in the conduct that is the subject
81 of the prosecution.

82 10. Any person who obtains, transfers, or uses any means of identification for the
83 purpose of manufacturing and providing or selling a false identification card to a person under
84 the age of twenty-one for the purpose of purchasing or obtaining alcohol shall be guilty of a class
85 A misdemeanor.

86 11. Notwithstanding the provisions of subdivision (1) or (2) of subsection 3 of this
87 section, every person who has previously pled guilty to or been found guilty of identity theft or
88 attempted identity theft, and who subsequently pleads guilty to or is found guilty of identity theft

89 or attempted identity theft of credit, money, goods, services, or other property not exceeding five
90 hundred dollars in value is guilty of a class D felony and shall be punished accordingly.

91 12. The value of property or services is its highest value by any reasonable standard at
92 the time the identity theft is committed. Any reasonable standard includes, but is not limited to,
93 market value within the community, actual value, or replacement value.

94 13. If credit, property, or services are obtained by two or more acts from the same person
95 or location, or from different persons by two or more acts which occur in approximately the same
96 location or time period so that the identity thefts are attributable to a single scheme, plan, or
97 conspiracy, the acts may be considered as a single identity theft and the value may be the total
98 value of all credit, property, and services involved.

575.080. 1. A person commits the crime of making a false report if [he] **such person**
2 knowingly:

3 (1) Gives false information to any person for the purpose of implicating another person
4 in a crime; or

5 (2) Makes a false report to a law enforcement officer that a crime has occurred or is
6 about to occur; or

7 (3) Makes a false report or causes a false report to be made to a law enforcement officer,
8 security officer, fire department or other organization, official or volunteer, which deals with
9 emergencies involving danger to life or property that a fire or other incident calling for an
10 emergency response has occurred or is about to occur.

11 2. It is a defense to a prosecution under subsection 1 of this section that the actor
12 retracted the false statement or report before the law enforcement officer or any other person took
13 substantial action in reliance thereon.

14 3. The defendant shall have the burden of injecting the issue of retraction under
15 subsection 2 of this section.

16 4. Making a false report is a class [B] A misdemeanor.

575.153. 1. A person commits the crime of disarming a peace officer, as defined in
2 **section 590.100, RSMo, or a correctional officer if such person intentionally:**

3 **(1) Removes a firearm or other deadly weapon from the person of a peace officer**
4 **or correctional officer while such officer is acting within the scope of his or her official**
5 **duties; or**

6 **(2) Deprives a peace officer or correctional officer of such officer's use of a firearm**
7 **or deadly weapon while the officer is acting within the scope of his or her official duties.**

8 **2. The provisions of this section shall not apply when:**

9 **(1) The defendant does not know or could not reasonably have known that the**
10 **person he or she disarmed was a peace officer or correctional officer; or**

11 **(2) The peace officer or correctional officer was engaged in an incident involving**
12 **felonious conduct by the peace officer or correctional officer at the time the defendant**
13 **disarmed such officer.**

14 **3. Disarming a peace officer or correctional officer is a class C felony.**

577.023. 1. For purposes of this section, unless the context clearly indicates otherwise:

2 (1) An "aggravated offender" is a person who:

3 (a) Has pleaded guilty to or has been found guilty of three or more intoxication-related
4 traffic offenses; or

5 (b) Has pleaded guilty to or has been found guilty of one or more intoxication-related
6 traffic offense and, in addition, any of the following:

7 **a. Involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section**
8 **565.024, RSMo; murder in the second degree under section 565.021, RSMo, where the**
9 **underlying felony is an intoxication-related traffic offense; or assault in the second degree under**
10 **subdivision (4) of subsection 1 of section 565.060, RSMo; or assault of a law enforcement**
11 **officer in the second degree under subdivision (4) of subsection 1 of section 565.082, RSMo; or**

12 **b. Any offense committed in another state, or any federal offense, or any military**
13 **offense which, if committed in this state, would be a violation of any offense listed in**
14 **subparagraph a. of paragraph (b) of this subdivision;**

15 (2) A "chronic offender" is:

16 (a) A person who has pleaded guilty to or has been found guilty of four or more
17 intoxication-related traffic offenses; or

18 (b) A person who has pleaded guilty to or has been found guilty of, on two or more
19 separate occasions, any combination of the following:

20 **a. Involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section**
21 **565.024, RSMo; murder in the second degree under section 565.021, RSMo, where the**
22 **underlying felony is an intoxication-related traffic offense; assault in the second degree under**
23 **subdivision (4) of subsection 1 of section 565.060, RSMo; or assault of a law enforcement**
24 **officer in the second degree under subdivision (4) of subsection 1 of section 565.082, RSMo; [or]**

25 **b. Any offense committed in another state, or any federal offense, or any military**
26 **offense which, if committed in this state, would be a violation of any offense listed in**
27 **subparagraph a. of paragraph (b) of this subdivision; or**

28 (c) A person who has pleaded guilty to or has been found guilty of two or more
29 intoxication-related traffic offenses and, in addition, any of the following:

30 **a. Involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section**
31 **565.024, RSMo; murder in the second degree under section 565.021, RSMo, where the**
32 **underlying felony is an intoxication-related traffic offense; assault in the second degree under**

33 subdivision (4) of subsection 1 of section 565.060, RSMo; or assault of a law enforcement
34 officer in the second degree under subdivision (4) of subsection 1 of section 565.082, RSMo; or

35 **b. Any offense committed in another state, or any federal offense, or any military**
36 **offense which, if committed in this state, would be a violation of any offense listed in**
37 **subparagraph a. of paragraph (c) of this subdivision;**

38 (3) An "intoxication-related traffic offense" is:

39 (a) Driving while intoxicated, driving with excessive blood alcohol content, involuntary
40 manslaughter pursuant to subdivision (2) or (3) of subsection 1 of section 565.024, RSMo,
41 murder in the second degree under section 565.021, RSMo, where the underlying felony is an
42 intoxication-related traffic offense, assault in the second degree pursuant to subdivision (4) of
43 subsection 1 of section 565.060, RSMo, assault of a law enforcement officer in the second
44 degree pursuant to subdivision (4) of subsection 1 of section 565.082, RSMo, or driving under
45 the influence of alcohol or drugs in violation of state law or a county or municipal ordinance,
46 where the defendant was represented by or waived the right to an attorney in writing; or

47 (b) **Any offense committed in another state, or any federal offense, or any military**
48 **offense which, if committed in this state, would be a violation of any offense listed in**
49 **paragraph (a) of this subdivision;**

50 (4) A "persistent offender" is one of the following:

51 (a) A person who has pleaded guilty to or has been found guilty of two or more
52 intoxication-related traffic offenses;

53 (b) A person who has pleaded guilty to or has been found guilty of:

54 a. Involuntary manslaughter pursuant to subdivision (2) or (3) of subsection 1 of section
55 565.024, RSMo, assault in the second degree pursuant to subdivision (4) of subsection 1 of
56 section 565.060, RSMo, assault of a law enforcement officer in the second degree pursuant to
57 subdivision (4) of subsection 1 of section 565.082, RSMo; [and] or

58 **b. Any offense committed in another state, or any federal offense, or any military**
59 **offense which, if committed in this state, would be a violation of any offense listed in**
60 **subparagraph a. of paragraph (b) of this subdivision; and**

61 (5) A "prior offender" is a person who has pleaded guilty to or has been found guilty of
62 one intoxication-related traffic offense, where such prior offense occurred within five years of
63 the occurrence of the intoxication-related traffic offense for which the person is charged.

64 2. Any person who pleads guilty to or is found guilty of a violation of section 577.010
65 or 577.012 who is alleged and proved to be a prior offender shall be guilty of a class A
66 misdemeanor.

67 3. Any person who pleads guilty to or is found guilty of a violation of section 577.010
68 or 577.012 who is alleged and proved to be a persistent offender shall be guilty of a class D
69 felony.

70 4. Any person who pleads guilty to or is found guilty of a violation of section 577.010
71 or section 577.012 who is alleged and proved to be an aggravated offender shall be guilty of a
72 class C felony.

73 5. Any person who pleads guilty to or is found guilty of a violation of section 577.010
74 or section 577.012 who is alleged and proved to be a chronic offender shall be guilty of a class
75 B felony.

76 6. No state, county, or municipal court shall suspend the imposition of sentence as to a
77 prior offender, persistent offender, aggravated offender, or chronic offender under this section
78 nor sentence such person to pay a fine in lieu of a term of imprisonment, section 557.011, RSMo,
79 to the contrary notwithstanding. No prior offender shall be eligible for parole or probation until
80 he or she has served a minimum of five days imprisonment, unless as a condition of such parole
81 or probation such person performs at least thirty days of community service under the
82 supervision of the court in those jurisdictions which have a recognized program for community
83 service. No persistent offender shall be eligible for parole or probation until he or she has served
84 a minimum of ten days imprisonment, unless as a condition of such parole or probation such
85 person performs at least sixty days of community service under the supervision of the court. No
86 aggravated offender shall be eligible for parole or probation until he or she has served a
87 minimum of sixty days imprisonment. No chronic offender shall be eligible for parole or
88 probation until he or she has served a minimum of two years imprisonment.

89 7. The state, county, or municipal court shall find the defendant to be a prior offender,
90 persistent offender, aggravated offender, or chronic offender if:

91 (1) The indictment or information, original or amended, or the information in lieu of an
92 indictment pleads all essential facts warranting a finding that the defendant is a prior offender
93 or persistent offender; and

94 (2) Evidence is introduced that establishes sufficient facts pleaded to warrant a finding
95 beyond a reasonable doubt the defendant is a prior offender, persistent offender, aggravated
96 offender, or chronic offender; and

97 (3) The court makes findings of fact that warrant a finding beyond a reasonable doubt
98 by the court that the defendant is a prior offender, persistent offender, aggravated offender, or
99 chronic offender.

100 8. In a jury trial, the facts shall be pleaded, established and found prior to submission to
101 the jury outside of its hearing.

102 9. In a trial without a jury or upon a plea of guilty, the court may defer the proof in
103 findings of such facts to a later time, but prior to sentencing.

104 10. The defendant shall be accorded full rights of confrontation and cross-examination,
105 with the opportunity to present evidence, at such hearings.

106 11. The defendant may waive proof of the facts alleged.

107 12. Nothing in this section shall prevent the use of presentence investigations or
108 commitments.

109 13. At the sentencing hearing both the state, county, or municipality and the defendant
110 shall be permitted to present additional information bearing on the issue of sentence.

111 14. The pleas or findings of guilty shall be prior to the date of commission of the present
112 offense.

113 15. The court shall not instruct the jury as to the range of punishment or allow the jury,
114 upon a finding of guilty, to assess and declare the punishment as part of its verdict in cases of
115 prior offenders, persistent offenders, aggravated offenders, or chronic offenders.

116 16. Evidence of prior convictions shall be heard and determined by the trial court out of
117 the hearing of the jury prior to the submission of the case to the jury, and shall include but not
118 be limited to evidence of convictions received by a search of the records of the Missouri uniform
119 law enforcement system maintained by the Missouri state highway patrol. After hearing the
120 evidence, the court shall enter its findings thereon. A conviction of a violation of a municipal
121 or county ordinance in a county or municipal court for [driving while intoxicated] **any**
122 **intoxication-related traffic offense** or a conviction or a plea of guilty or a finding of guilty
123 followed by a suspended imposition of sentence, suspended execution of sentence, probation or
124 parole or any combination thereof in a state court shall be treated as a prior conviction.

577.500. 1. A court of competent jurisdiction shall, upon a plea of guilty, conviction or
2 finding of guilt, or, if the court is a juvenile court, upon a finding of fact that the offense was
3 committed by a juvenile, enter an order suspending or revoking the driving privileges of any
4 person determined to have committed one of the following offenses and who, at the time said
5 offense was committed, was under twenty-one years of age:

6 (1) Any alcohol-related traffic offense in violation of state law or a county or, beginning
7 July 1, 1992, municipal ordinance, where the defendant was represented by or waived the right
8 to an attorney in writing;

9 (2) Any offense in violation of state law or, beginning July 1, 1992, a county or
10 municipal ordinance, where the defendant was represented by or waived the right to an attorney
11 in writing, involving the possession or use of alcohol, committed while operating a motor
12 vehicle;

13 (3) Any offense involving the possession or use of a controlled substance as defined in
14 chapter 195, RSMo, in violation of the state law or, beginning July 1, 1992, a county or
15 municipal ordinance, where the defendant was represented by or waived the right to an attorney
16 in writing;

17 (4) Any offense involving the alteration, modification or misrepresentation of a license
18 to operate a motor vehicle in violation of section 311.328, RSMo;

19 (5) Any offense in violation of state law or, beginning July 1, 1992, a county or
20 municipal ordinance, where the defendant was represented by or waived the right to an attorney
21 in writing, involving the possession or use of alcohol for a second time; except that a
22 determination of guilt or its equivalent shall have been made for the first offense and both
23 offenses shall have been committed by the person when the person was under eighteen years of
24 age.

25 2. A court of competent jurisdiction shall, upon a plea of guilty or nolo contendere,
26 conviction or finding of guilt, or, if the court is a juvenile court, upon a finding of fact that the
27 offense was committed by a juvenile, enter an order suspending or revoking the driving
28 privileges of any person determined to have committed a crime or violation of section 311.325,
29 RSMo, **or, beginning July 1, 1992, a county or municipal ordinance, where the defendant**
30 **was represented by or waived the right to an attorney in writing;** and who, at the time said
31 crime or violation was committed, was more than fifteen years of age and under twenty-one years
32 of age.

33 3. The court shall require the surrender to it of any license to operate a motor vehicle,
34 temporary instruction permit, intermediate driver's license or any other driving privilege then
35 held by any person against whom a court has entered an order suspending or revoking driving
36 privileges under subsections 1 and 2 of this section.

37 4. The court, if other than a juvenile court, shall forward to the director of revenue the
38 order of suspension or revocation of driving privileges and any licenses, temporary instruction
39 permits, intermediate driver's licenses, or any other driving privilege acquired under subsection
40 3 of this section.

41 5. (1) The court, if a juvenile court, shall forward to the director of revenue the order
42 of suspension or revocation of driving privileges and any licenses, temporary instruction permits,
43 intermediate driver's licenses, or any other driving privilege acquired under subsection 3 of this
44 section for any person sixteen years of age or older, the provision of chapter 211, RSMo, to the
45 contrary notwithstanding.

46 (2) The court, if a juvenile court, shall hold the order of suspension or revocation of
47 driving privileges for any person less than sixteen years of age until thirty days before the
48 person's sixteenth birthday, at which time the juvenile court shall forward to the director of

49 revenue the order of suspension or revocation of driving privileges, the provision of chapter 211,
50 RSMo, to the contrary notwithstanding.

51 6. The period of suspension for a first offense under subsection 1 of this section shall be
52 ninety days. Any second or subsequent offense under subsection 1 of this section shall result in
53 revocation of the offender's driving privileges for one year. The period of suspension for a first
54 offense under subsection 2 of this section shall be thirty days. The period of suspension for a
55 second offense under subsection 2 of this section shall be ninety days. Any third or subsequent
56 offense under subsection 2 of this section shall result in revocation of the offender's driving
57 privileges for one year.

578.255. 1. **As used in this section "alcohol beverage vaporizer" means any device
2 which, by means of heat, a vibrating element, or any method, is capable of producing a
3 breathable mixture containing one or more alcoholic beverages to be dispensed for
4 inhalation into the lungs via the nose or mouth or both.**

5 2. No person shall intentionally or willfully induce the symptoms of intoxication, elation,
6 euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or
7 dulling of the senses or nervous system, distortion of audio, visual or mental processes by the
8 use **or abuse** of any [solvent, particularly toluol.] **of the following substances:**

9 **(1) Solvents, particularly toluol;**

10 **(2) Ethyl alcohol.**

11 **3. This statute shall not apply to substances that have been approved by the United
12 States Food and Drug Administration as therapeutic drug products or are contained in
13 approved over-the-counter drug products or administered lawfully pursuant to the order
14 of an authorized medical practitioner.**

15 [2.] **4. No person shall intentionally possess any solvent, particularly toluol, for the
16 purpose of using it in the manner prohibited by section 578.250 and this section.**

17 **5. No person shall possess or use an alcoholic beverage vaporizer.**

**590.035. The POST commission shall make training available to peace officers that
2 provides instruction on the investigation of crimes involving the use of computers, the
3 Internet, or both, including but not limited to the crimes of sexual exploitation of a minor,
4 possession of child pornography, or enticement of a child.**

595.020. 1. Except as hereinafter provided, the following persons shall be eligible for
2 compensation pursuant to sections 595.010 to 595.075:

3 (1) A victim of a crime;

4 (2) In the case of a sexual assault victim:

5 (a) A relative of the victim requiring counseling in order to better assist the victim in his
6 recovery; and

7 (3) In the case of the death of the victim as a direct result of the crime:

8 (a) A dependent of the victim;

9 (b) Any member of the family who legally assumes the obligation, or who pays the
10 medical or burial expenses incurred as a direct result thereof; and

11 (c) A survivor of the victim requiring counseling as a direct result of the death of the
12 victim.

13 2. An offender or an accomplice of an offender shall in no case be eligible to receive
14 compensation with respect to a crime committed by the offender. No victim or dependent shall
15 be denied compensation solely because he is a relative of the offender or was living with the
16 offender as a family or household member at the time of the injury or death. However, the
17 division may award compensation to a victim or dependent who is a relative, family or household
18 member of the offender only if the division can reasonably determine the offender will receive
19 no substantial economic benefit or unjust enrichment from the compensation.

20 3. No compensation of any kind may be made to a victim or intervenor injured while
21 confined in any federal, state, county, or municipal jail, prison or other correctional facility,
22 including house arrest.

23 4. No compensation of any kind may be made to a victim who has been finally
24 adjudicated and found guilty, in a criminal prosecution under the laws of this state, of two
25 felonies within the past ten years, of which one or both involves illegal drugs or violence **or of**
26 **a violation under section 577.023, RSMo.** The division may waive this restriction if it
27 determines that the interest of justice would be served otherwise.

28 5. In the case of a claimant who is not otherwise ineligible pursuant to subsection 4 of
29 this section, who is incarcerated as a result of a conviction of a crime not related to the incident
30 upon which the claim is based at the time of application, or at any time following the filing of
31 the application:

32 (1) The division shall suspend all proceedings and payments until such time as the
33 claimant is released from incarceration;

34 (2) The division shall notify the applicant at the time the proceedings are suspended of
35 the right to reactivate the claim within six months of release from incarceration. The notice shall
36 be deemed sufficient if mailed to the applicant at the applicant's last known address;

37 (3) The claimant shall file an application to request that the case be reactivated not later
38 than six months after the date the claimant is released from incarceration. Failure to file such
39 request within the six-month period shall serve as a bar to any recovery.

40 6. Victims of crime who are not residents of the state of Missouri may be compensated
41 only when federal funds are available for that purpose. Compensation for nonresident victims
42 shall terminate when federal funds for that purpose are no longer available.

43 7. A Missouri resident who suffers personal physical injury or, in the case of death, a
44 dependent of the victim or any member of the family who legally assumes the obligation, or who
45 pays the medical or burial expenses incurred as a direct result thereof, in another state,
46 possession or territory of the United States may make application for compensation in Missouri
47 if:

48 (1) The victim of the crime would be compensated if the crime had occurred in the state
49 of Missouri;

50 (2) The place that the crime occurred is a state, possession or territory of the United
51 States, or location outside of the United States that is covered and defined in 18 U.S.C. section
52 2331, that does not have a crime victims' compensation program for which the victim is eligible
53 and which provides at least the same compensation that the victim would have received if he had
54 been injured in Missouri.

595.030. 1. No compensation shall be paid unless the claimant has incurred an
2 out-of-pocket loss of at least fifty dollars or has lost two continuous weeks of earnings or support
3 from gainful employment. "Out-of-pocket loss" shall mean unreimbursed or unreimbursable
4 expenses or indebtedness reasonably incurred for medical care or other services, including
5 psychiatric, psychological or counseling expenses, necessary as a result of the crime upon which
6 the claim is based, except that the amount paid for psychiatric, psychological or counseling
7 expenses per eligible claim shall not exceed two thousand five hundred dollars.

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

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

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

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

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

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

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

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

34 **6. Compensation shall be paid under sections 595.010 to 595.075 for replacement**
35 **of clothing, bedding, or other personal items of the victim that are seized by law**
36 **enforcement as evidence of the crime and shall be in an amount equal to the loss sustained**
37 **and not to exceed two hundred fifty dollars.**

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

45 [7.] **8.** The method and timing of the payment of any compensation pursuant to sections
46 595.010 to 595.075 shall be determined by the division.

595.209. 1. The following rights shall automatically be afforded to victims of dangerous
2 felonies, as defined in section 556.061, RSMo, victims of murder in the first degree, as defined
3 in section 565.020, RSMo, victims of voluntary manslaughter, as defined in section 565.023,
4 RSMo, and victims of an attempt to commit one of the preceding crimes, as defined in section
5 564.011, RSMo; and, upon written request, the following rights shall be afforded to victims of
6 all other crimes and witnesses of crimes:

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

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

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

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

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

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

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

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

32 (d) Within twenty-four hours, any escape by such person from a municipal detention
33 facility, county jail, a correctional facility operated by the department of corrections, mental
34 health facility, or the division of youth services or any agency thereof, and any subsequent
35 recapture of such person;

36 (6) For victims, the right to be informed by appropriate juvenile authorities of probation
37 revocation hearings initiated by the juvenile authority and the right to be heard at such hearings
38 or to offer a written statement, video or audio tape, **counsel or a representative designated by**
39 **the victim** in lieu of a personal appearance, the right to be informed by the board of probation
40 and parole of probation revocation hearings initiated by the board and of parole hearings, the
41 right to be present at each and every phase of parole hearings and the right to be heard at
42 probation revocation and parole hearings or to offer a written statement, video or audio tape,
43 **counsel or a representative designated by the victim** in lieu of a personal appearance, and the
44 right to be informed by the custodial mental health facility or agency thereof of any hearings for
45 the release of a person committed pursuant to the provisions of chapter 552, RSMo, the right to
46 be present at such hearings, the right to be heard at such hearings or to offer a written statement,
47 video or audio tape, **counsel or a representative designated by the victim** in lieu of personal
48 appearance;

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

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

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

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

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

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

67 (f) Any decision by a parole board, by a juvenile releasing authority or by a circuit court
68 presiding over releases pursuant to the provisions of chapter 552, RSMo, or by a circuit court
69 presiding over releases under section 217.362, RSMo, to release such person or any decision by
70 the governor to commute the sentence of such person or pardon such person;

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

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

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

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

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

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

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

95 (14) An employer may not discharge or discipline any witness, victim or member of a
96 victim's immediate family for honoring a subpoena to testify in a criminal proceeding, **attending**
97 **a criminal proceeding**, or for participating in the preparation of a criminal proceeding, **or**
98 **require any witness, victim, or member of a victim's immediate family to use vacation time,**
99 **personal time, or sick leave for honoring a subpoena to testify in a criminal proceeding,**
100 **attending a criminal proceeding, or participating in the preparation of a criminal**
101 **proceeding;**

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

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

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

115 (18) **For victims, the right to receive upon request a photograph taken of the**
116 **defendant prior to release from incarceration.**

117 2. The provisions of subsection 1 of this section shall not be construed to imply any
118 victim who is incarcerated by the department of corrections or any local law enforcement agency

119 has a right to be released to attend any hearing or that the department of corrections or the local
120 law enforcement agency has any duty to transport such incarcerated victim to any hearing.

121 3. Those persons entitled to notice of events pursuant to the provisions of subsection 1
122 of this section shall provide the appropriate person or agency with their current addresses and
123 telephone numbers or the addresses or telephone numbers at which they wish notification to be
124 given.

125 4. Notification by the appropriate person or agency utilizing the statewide automated
126 crime victim notification system as established in section 650.310, RSMo, shall constitute
127 compliance with the victim notification requirement of this section. If notification utilizing the
128 statewide automated crime victim notification system cannot be used, then written notification
129 shall be sent by certified mail to the most current address provided by the victim.

130 5. Victims' rights as established in section 32 of article I of the Missouri Constitution or
131 the laws of this state pertaining to the rights of victims of crime shall be granted and enforced
132 regardless of the desires of a defendant and no privileges of confidentiality shall exist in favor
133 of the defendant to exclude victims or prevent their full participation in each and every phase of
134 parole hearings or probation revocation hearings. The rights of the victims granted in this section
135 are absolute and the policy of this state is that the victim's rights are paramount to the defendant's
136 rights. The victim has an absolute right to be present at any hearing in which the defendant is
137 present before a probation and parole hearing officer.

610.105. 1. If the person arrested is charged but the case is subsequently nolle prossed,
2 dismissed, or the accused is found not guilty or imposition of sentence is suspended in the court
3 in which the action is prosecuted, official records pertaining to the case shall thereafter be closed
4 records when such case is finally terminated except as provided in **subsection 2 of this section**
5 **and** section 610.120 and except that the court's judgment or order or the final action taken by the
6 prosecutor in such matters may be accessed. If the accused is found not guilty due to mental
7 disease or defect pursuant to section 552.030, RSMo, official records pertaining to the case shall
8 thereafter be closed records upon such findings, except that the disposition may be accessed only
9 by law enforcement agencies, child-care agencies, facilities as defined in section 198.006, RSMo,
10 and in-home services provider agencies as defined in section 660.250, RSMo, in the manner
11 established by section 610.120.

12 2. **If the person arrested is charged with an offense found in chapter 566, RSMo,**
13 **section 568.045, 568.050, 568.060, 568.065, 568.080, 568.090, or 568.175, RSMo, and an**
14 **imposition of sentence is suspended in the court in which the action is prosecuted, the**
15 **official records pertaining to the case shall be made available to the victim, for the purpose**
16 **of using the records in his or her own judicial proceedings, or if the victim is a minor to the**
17 **victim's parents or guardian, upon request.**

650.050. 1. The Missouri department of public safety shall develop and establish a "DNA Profiling System", referred to in sections 650.050 to 650.100 as the system to assist federal, state, and local criminal justice and law enforcement agencies in the identification, investigation, and prosecution of individuals as well as the identification of missing or unidentified persons.

2. This DNA profiling system shall consist of qualified Missouri forensic laboratories approved by the Federal Bureau of Investigation.

3. The Missouri state highway patrol crime laboratory shall be the administrator of the state's DNA index system.

[2.] 4. The DNA profiling system as established in this section shall be compatible with that used by the Federal Bureau of Investigation to ensure that DNA records are fully exchangeable between DNA laboratories and that quality assurance standards issued by the director of the Federal Bureau of Investigation are applied and performed.

650.055. 1. Every individual, **in a Missouri circuit court**, who pleads guilty to or [nolo contendere to or is convicted in a Missouri circuit court,] **is found guilty** of a felony or any offense under chapter 566, RSMo, or has been determined beyond a reasonable doubt to be a sexually violent predator pursuant to sections 632.480 to 632.513, RSMo, shall have a blood or scientifically accepted biological sample collected for purposes of DNA profiling analysis:

(1) Upon entering or before release from the department of corrections reception and diagnostic centers; or

(2) Upon entering or before release from a county jail or detention facility, state correctional facility, or any other detention facility or institution, whether operated by private, local, or state agency, or any mental health facility if committed as a sexually violent predator pursuant to sections 632.480 to 632.513, RSMo; or

(3) When the state accepts a person from another state under any interstate compact, or under any other reciprocal agreement with any county, state, or federal agency, or any other provision of law, whether or not the person is confined or released, the acceptance is conditional on the person providing a DNA sample if the person was convicted of, pleaded guilty to, or pleaded nolo contendere to an offense in any other jurisdiction which would be considered a qualifying offense as defined in this section if committed in this state, or if the person was convicted of, pleaded guilty to, or pleaded nolo contendere to any equivalent offense in any other jurisdiction; or

(4) If such individual is under the jurisdiction of the department of corrections. Such jurisdiction includes persons currently incarcerated, persons on probation, as defined in section 217.650, RSMo, and on parole, as also defined in section 217.650, RSMo.

23 2. The Missouri state highway patrol and department of corrections shall be responsible
24 for ensuring adherence to the law. Any person required to provide a DNA sample pursuant to
25 this section shall be required to provide such sample, without the right of refusal, at a collection
26 site designated by the Missouri state highway patrol and the department of corrections.
27 Authorized personnel collecting or assisting in the collection of samples shall not be liable in any
28 civil or criminal action when the act is performed in a reasonable manner. Such force may be
29 used as necessary to the effectual carrying out and application of such processes and operations.
30 The enforcement of these provisions by the authorities in charge of state correctional institutions
31 and others having custody or jurisdiction over those who have been convicted of, pleaded guilty
32 to, or pleaded nolo contendere to felony offenses which shall not be set aside or reversed is
33 hereby made mandatory. The board of probation or parole shall recommend that an individual
34 who refuses to provide a DNA sample have his or her probation or parole revoked. In the event
35 that a person's DNA sample is not adequate for any reason, the person shall provide another
36 sample for analysis.

37 3. The procedure and rules for the collection, analysis, storage, expungement, use of
38 DNA database records and privacy concerns shall not conflict with procedures and rules
39 applicable to the Missouri DNA profiling system and the Federal Bureau of Investigation's DNA
40 data bank system.

41 4. Unauthorized uses or dissemination of individually identifiable DNA information in
42 a database for purposes other than criminal justice or law enforcement is a class A misdemeanor.

43 5. Implementation of sections 650.050 to 650.100 shall be subject to future
44 appropriations to keep Missouri's DNA system compatible with the Federal Bureau of
45 Investigation's DNA data bank system.

46 6. All DNA records and biological materials retained in the DNA profiling system are
47 considered closed records pursuant to chapter 610, RSMo. All records containing any
48 information held or maintained by any person or by any agency, department, or political
49 subdivision of the state concerning an individual's DNA profile shall be strictly confidential and
50 shall not be disclosed, except to:

51 (1) Peace officers, as defined in section 590.010, RSMo, and other employees of law
52 enforcement agencies who need to obtain such records to perform their public duties;

53 (2) The attorney general or any assistant attorneys general acting on his or her behalf, as
54 defined in chapter 27, RSMo;

55 (3) Prosecuting attorneys or circuit attorneys as defined in chapter 56, RSMo, and their
56 employees who need to obtain such records to perform their public duties; or

57 (4) Associate circuit judges, circuit judges, judges of the courts of appeals, supreme court
58 judges, and their employees who need to obtain such records to perform their public duties.

59 7. Any person who obtains records pursuant to the provisions of this section shall use
60 such records only for investigative and prosecutorial purposes, including but not limited to use
61 at any criminal trial, hearing, or proceeding; or for law enforcement identification purposes,
62 including identification of human remains. Such records shall be considered strictly confidential
63 and shall only be released as authorized by this section.

64 8. An individual may request expungement of his or her DNA sample and DNA profile
65 through the court issuing the reversal or dismissal. A certified copy of the court order
66 establishing that such conviction has been reversed or guilty plea or plea of nolo contendere has
67 been set aside shall be sent to the Missouri state highway patrol crime laboratory. Upon receipt
68 of the court order, the laboratory will determine that the requesting individual has no other
69 qualifying offense as a result of any separate plea or conviction prior to expungement.

70 (1) A person whose DNA record or DNA profile has been included in the state DNA
71 database in accordance with this section, section 488.5050, RSMo, and sections 650.050,
72 650.052, and 650.100 may request expungement on the grounds that the conviction has been
73 reversed, or the guilty plea or plea of nolo contendere on which the authority for including that
74 person's DNA record or DNA profile was based has been set aside.

75 (2) Upon receipt of a written request for expungement, a certified copy of the final court
76 order reversing the conviction or setting aside the plea and any other information necessary to
77 ascertain the validity of the request, the Missouri state highway patrol crime laboratory shall
78 expunge all DNA records and identifiable information in the database pertaining to the person
79 and destroy the DNA sample of the person, unless the Missouri state highway patrol determines
80 that the person is otherwise obligated to submit a DNA sample. Within thirty days after the
81 receipt of the court order, the Missouri state highway patrol shall notify the individual that it has
82 expunged his or her DNA sample and DNA profile, or the basis for its determination that the
83 person is otherwise obligated to submit a DNA sample.

84 (3) The Missouri state highway patrol is not required to destroy any item of physical
85 evidence obtained from a DNA sample if evidence relating to another person would thereby be
86 destroyed.

87 (4) Any identification, warrant, arrest, or evidentiary use of a DNA match derived from
88 the database shall not be excluded or suppressed from evidence, nor shall any conviction be
89 invalidated or reversed or plea set aside due to the failure to expunge or a delay in expunging
90 DNA records.

91 [9. Notwithstanding the sovereign immunity of the state, an individual who is determined
92 to be "actually innocent" of a crime may be paid restitution in accordance with this subsection.
93 The individual may receive an amount of fifty dollars per day for each day of postconviction
94 incarceration for the crime for which the individual is determined to be actually innocent. The

95 petition for the payment of said restitution shall be filed with the sentencing court within one
96 year of the release from confinement after August 28, 2003. For the purposes of this subsection
97 the term "actually innocent" shall mean:

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

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

101 (3) The individual was not serving any term of a sentence for any other crime
102 concurrently with the sentence for which they are determined to be actually innocent; and

103 (4) Testing ordered pursuant to section 547.035, RSMo, demonstrates a person's
104 innocence of the crime for which the person is in custody.

105

106 An individual who receives restitution pursuant to this subsection shall be prohibited from
107 seeking any civil redress from the state, its departments and agencies, or any employee thereof,
108 or any political subdivision or its employees. This subsection shall not be construed as a waiver
109 of sovereign immunity for any purposes other than the restitution provided for herein. All
110 restitution paid pursuant to this subsection shall be paid from moneys in the DNA profiling
111 analysis fund. The department shall determine the aggregate amount of restitution owed during
112 a fiscal year. If moneys remain in the fund on June thirtieth of each fiscal year, the remaining
113 moneys shall be used to pay restitution to those individuals who have received an order awarding
114 restitution under this subsection during the past fiscal year. If insufficient moneys remain in the
115 fund on June thirtieth of each fiscal year to pay restitution to such persons, the department shall
116 pay each individual who has received an order awarding restitution a pro rata share of the amount
117 such person is owed. The remaining amounts owed to such individual shall be paid from the
118 fund on June thirtieth of each subsequent fiscal year, provided moneys remain in the fund on
119 June thirtieth, until such time as the restitution to the individual has been paid in full. However,
120 no individual awarded restitution under this subsection shall receive more than thirty-six
121 thousand five hundred dollars during each fiscal year. No interest on unpaid restitution shall be
122 awarded to the individual. If there are no moneys remaining in the DNA profiling analysis fund,
123 then no payments shall be made under this subsection. No individual who has been determined
124 by the court to be actually innocent shall be responsible for the costs of care under section
125 217.831, RSMo.

126 10. If the results of the DNA testing confirm the person's guilt, then the person filing for
127 DNA testing under section 547.035, RSMo, shall:

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

131 (2) Be sanctioned under the provisions of section 217.262, RSMo.]

650.056. Any evidence leading to a conviction of a felony described in subsection 1 of
2 section 650.055 which has been or can be tested for DNA shall be preserved by the [Missouri
3 state highway patrol] **investigating law enforcement agency.**

650.057. 1. Except as provided in subsection 3 of this section, no local law enforcement
2 agency may establish or operate a system [before January 15, 1992, and] unless:

3 (1) The equipment of the local system is compatible with that of the state system; and

4 (2) The local system is equipped to receive and answer inquiries from the Missouri DNA
5 profiling system or FBI databank and transmit data to the Missouri DNA profiling system and
6 FBI databank; and

7 (3) The procedure and rules for the collection, analysis, storage, expungement and use
8 of DNA profiling data do not conflict with procedures and rules applicable to the Missouri
9 system and the FBI DNA databank.

10 2. The Missouri department of public safety shall adopt rules to implement this section.

11 3. Nothing in subdivisions (1) and (2) of this section shall prohibit a local law
12 enforcement agency from performing DNA profiling analysis in individual cases to assist law
13 enforcement officials and prosecutors in the preparation and use of DNA evidence for
14 presentation in court. Implementation of sections 650.050 to 650.057 shall be subject to future
15 appropriations except for section 650.050.

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

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

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

12 (3) **The individual was not serving any term of a sentence for any other crime
13 concurrently with the sentence for which he or she is determined to be actually innocent,
14 unless such individual was serving another concurrent sentence because his or her parole
15 was revoked by a court or the board of probation and parole in connection with the crime
16 for which the person has been exonerated; and**

17 (4) Testing ordered under section 547.035, RSMo, or testing by the order of any
18 state or federal court, if such person was exonerated on or before August 28, 2004, or
19 testing ordered under section 650.055, if such person was or is exonerated after August 28,
20 2004, demonstrates a person's innocence of the crime for which the person is in custody.

21

22 Any individual who receives restitution under this section shall be prohibited from seeking
23 any civil redress from the state, its departments and agencies, or any employee thereof, or
24 any political subdivision or its employees. This section shall not be construed as a waiver
25 of sovereign immunity for any purposes other than the restitution provided for herein.
26 The department of corrections shall determine the aggregate amount of restitution owed
27 during a fiscal year. If insufficient moneys are appropriated each fiscal year to pay
28 restitution to such persons, the department shall pay each individual who has received an
29 order awarding restitution a pro rata share of the amount appropriated. Provided
30 sufficient moneys are appropriated to the department, the amounts owed to such
31 individual shall be paid on June thirtieth of each subsequent fiscal year, until such time as
32 the restitution to the individual has been paid in full. However, no individual awarded
33 restitution under this subsection shall receive more than thirty-six thousand five hundred
34 dollars during each fiscal year. No interest on unpaid restitution shall be awarded to the
35 individual. No individual who has been determined by the court to be actually innocent
36 shall be responsible for the costs of care under section 217.831, RSMo.

37 2. If the results of the DNA testing confirm the person's guilt, then the person filing
38 for DNA testing under section 547.035, RSMo, shall:

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

42 (2) Be sanctioned under the provisions of section 217.262, RSMo.

43 3. A petition for payment of restitution under this section may only be filed by the
44 individual determined to be actually innocent or the individual's legal guardian. No claim
45 or petition for restitution under this section may be filed by the individual's heirs or
46 assigns. An individual's right to receive restitution under this section is not assignable or
47 otherwise transferrable. The state's obligation to pay restitution under this section shall
48 cease upon the individual's death. Any beneficiary designation that purports to bequeath,
49 assign, or otherwise convey the right to receive such restitution shall be void and
50 unenforceable.

51 4. An individual who is determined to be "actually innocent" of a crime under this
52 chapter shall automatically be granted an order of expungement from the court in which

53 he or she pled guilty or was sentenced to expunge from all official records all recordations
54 of his or her arrest, plea, trial or conviction. Upon granting of the order of expungement,
55 the records and files maintained in any administrative or court proceeding in an associate
56 or circuit division of the court shall be confidential and only available to the parties or by
57 order of the court for good cause shown. The effect of such order shall be to restore such
58 person to the status he or she occupied prior to such arrest, plea or conviction and as if
59 such event had never taken place. No person as to whom such order has been entered shall
60 be held thereafter under any provision of any law to be guilty of perjury or otherwise
61 giving a false statement by response to any inquiry made of him or her for any purpose
62 whatsoever and no such inquiry shall be made for information relating to an expungement
63 under this section.

650.100. The following words shall have the following meanings unless a different
2 meaning clearly appears from the context:

3 (1) "Central repository", is the location where all DNA samples collected from
4 individuals defined in section 650.055, will be maintained and analyzed; where all
5 authorized DNA profiles uploaded to the state's database will be maintained; and from
6 where all authorized DNA profiles will be uploaded to the national DNA database;

7 (2) "CODIS", the Federal Bureau of Investigation's Combined DNA Index System that
8 allows the storage and exchange of DNA records submitted by federal, state, and local DNA
9 crime laboratories. The term "CODIS" includes the National DNA Index System administered
10 and operated by the Federal Bureau of Investigation;

11 [(2)] (3) "Crime laboratories", those crime laboratories existing on September 28, 1979,
12 in certain cities in this state and which have at least once prior to September 28, 1979, received
13 funding through the Missouri council on criminal justice, and such other crime laboratories that
14 may be created to serve specified regions of the state as determined by the director of the
15 department of public safety;

16 [(3)] (4) "Department", the Missouri department of public safety;

17 [(4)] (5) "DNA", deoxyribonucleic acid. DNA is located in the cells and provides an
18 individual's personal genetic blueprint. DNA encodes genetic information that is the basis of
19 human heredity and forensic identification;

20 [(5)] (6) "DNA profile" refers to the collective results of all DNA identification analyses
21 on an individual's DNA sample;

22 [(6)] (7) "DNA record", the DNA identification information stored in the state DNA
23 database or CODIS. The DNA record is the result obtained from the DNA analysis. The DNA
24 record is comprised of the characteristics of a DNA sample, which are of value in establishing

25 the identity of individuals, **the DNA profile as well as data required to manage and operate**
26 **the state's DNA database, to include the specimen identification number;**

27 [(7)] (8) "DNA sample", a biological sample provided by any person with respect to
28 offenses covered by section 650.055 or submitted to the Missouri state highway patrol crime
29 laboratory pursuant to sections 650.050 to 650.100 for analysis or storage or both;

30 (9) **"Forensic DNA analysis", the identification and evaluation of biological**
31 **evidence in criminal matters using DNA technologies;**

32 [(8)] (10) "Local funds", any funds not provided by the federal government.

650.457. 1. There is established a "Missouri Medal of Valor Review Board", the
2 members of which shall be individuals with knowledge or expertise, whether by experience or
3 training, in the field of public safety, which shall conduct its business in accordance with sections
4 650.450 to 650.460, and be composed of eleven members, all residents of Missouri, and
5 appointed in the following manner:

6 (1) One member shall be either the director of the department of public safety or a
7 designee appointed by the director;

8 (2) One member shall be a police chief;

9 (3) One member shall be a fire chief;

10 (4) One member shall be an elected county sheriff;

11 (5) One member shall be the director of an ambulance district;

12 (6) One member shall be a citizen with experience in law enforcement;

13 (7) One member shall be a citizen with experience in corrections;

14 (8) One member shall be a citizen with experience in fire fighting;

15 (9) One member shall be a citizen with experience in emergency medical services; and

16 (10) Two members shall be appointed at the governor's discretion.

17 2. [The term of a board member shall be four years.] **Members of the Missouri medal**
18 **of valor board shall be appointed by the governor from a list of qualified candidates**
19 **submitted to the governor by the director of the department of public safety. The**
20 **appointments would be for a term of four years; except that, of those members first**
21 **appointed, three members shall be appointed to serve for two years, four members shall**
22 **be appointed for three years, and four members shall be appointed for four years.**
23 **Members of the board may serve multiple terms.**

24 3. Any vacancy in the membership of the board shall not affect the powers of the board
25 and shall be filled in the same manner as the original appointment.

26 4. (1) The chairman of the board shall be elected by the members of the board from
27 among the members of the board.

28 (2) The board shall conduct its first meeting not later than ninety days after the
29 appointment of the last member appointed of the initial group of members appointed to the
30 board. Thereafter, the board shall meet at the call of the chairman of the board. The board shall
31 meet not less often than once each year and not more than three times a year.

32 (3) A majority of the members shall constitute a quorum to conduct business, but the
33 board may establish a lesser quorum for conducting hearings scheduled by the board. The board
34 may establish by majority vote any other rules for the conduct of the board's business, if such
35 rules are not inconsistent with sections 650.450 to 650.460 or other applicable law.

36 (4) The board shall select candidates as recipients of the medal from among those
37 applications received by the board. Not more often than once each year, the board shall present
38 to the governor the name or names of those it recommends as medal recipients. In a given year,
39 the board shall not be required to select any recipients but may not select more than seven
40 recipients. The governor may in extraordinary cases increase the number of recipients in a given
41 year. The board shall set an annual timetable for fulfilling its duties under sections 650.450 to
42 650.460.

43 (5) The board may secure directly from any department or agency such information as
44 the board considers necessary to carry out its duties. Upon the request of the board, the head of
45 such department or agency may furnish such information to the board.

46 (6) The board shall not disclose any information which may compromise an ongoing law
47 enforcement investigation or is otherwise required by law to be kept confidential.

48 (7) The members of the board shall serve without compensation, except that the
49 members may be reimbursed for reasonable and necessary expenses arising from board activities
50 or business. Such expenses shall be paid by the department of public safety from the fund
51 created pursuant to section 650.460.

**Section 1. The court may require as a condition of probation for a defendant to be
2 vaccinated for hepatitis A and B at any qualified health department or facility, with costs
3 to be paid by the defendant.**

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

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

5 2. When such prosecutions are commenced by a public officer whose
duty it is to institute the same, and the defendant is acquitted, the county shall pay

6 the costs; if he is convicted, and unable to pay the costs, the county shall pay all
7 the costs, except such as were incurred on the part of the defendant.]

8

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

7

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

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